



## Football coach prayer case captures public schooling's basic equality problem

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Today, the U.S. Supreme Court heard the case of a high school football coach whose prayers at the end of games launched a years-long legal battle over religion in public schools. It continues the battle between religion and public schooling we have seen since public schooling Day One, and illustrates the impossibility of truly neutral public schooling.

Kennedy v. Bremerton School District is about Joseph Kennedy, an assistant coach for the Bremerton High School football team in Washington state, who started praying by himself on the 50-yard line at the conclusion of games and was eventually joined by players. Kennedy did not require students to pray with him, but at least one player said he felt pressure to join because Kennedy was in a position of authority, and he feared losing playing time. In 2015, the school district asked Kennedy to cease praying and did not rehire him when he refused. He eventually sued, and the case has been in litigation ever since.

Of course, the main question is who has the law on their side, but that is not the root problem in this case. That is public schooling itself: no matter how the case is resolved in court, some group of people will either see government—which is what public schools are—allow something they dislike, or prohibit something they believe is important, in the schools for which they all must pay.

If Kennedy wins, it potentially opens the door for any public-school employee, including principals and superintendents, to engage in prayer immediately after the conclusion of school events. That could send a message to district residents that if you are not of their religion, you do not fully belong. But prohibiting such expression specifically because it is religious, which is what the case targets, is discrimination against religion. Of course, government schools should not be religious under the establishment clause and because that would render non-religious residents second-class, but that does not change the fact that singling out religious expression as unacceptable discriminates against religion.

The solution to the problem of diverse people having to all fund, and in many cases de facto attend, assigned government schools is to move from public schooling to public education. Let funds follow children to schools their families choose, and every family and educator will be able to freely seek what they think is right without having to impose it on those who disagree. In particular, people desiring overtly religious education will be able to attain it without having to either sacrifice their tax dollars or impose it on others.

Freedom saves everyone from government discrimination.

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