

## Video of *Barnette* 75th Anniversary Symposium, Florida International University

*John Q. Barrett\**

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On October 4, 2018, I had the opportunity to participate in an excellent symposium, “*Barnette* at 75: The Past, Present, and Future of the ‘Fixed Star in Our Constitutional Constellation,’” at Florida International University College of Law in Miami.

The symposium considered, from many angles, the United States Supreme Court’s 1943 decision, *West Virginia State Board of Education v. Barnette*,<sup>1</sup> including its historical context, meanings, flaws, and legacies.

In *Barnette*, the Supreme Court invalidated a state requirement that public school teachers and students participate in a salute to the American flag and recitation of the Pledge of Allegiance. The Court held, 6-3, that these requirements violated the constitutional rights of Jehovah’s Witnesses schoolchildren. In his opinion for the Court, Justice Robert H. Jackson wrote that “[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.”<sup>2</sup>

Video of the symposium proceedings is online here:  
<https://lawmediasite.fiu.edu/Mediasite/Play/27a74d007718451491014865286f52e21d>.

To view any (or every) speaker, here are the respective video time-counter readings:

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\* Professor of Law, St. John’s University School of Law, New York City, and Elizabeth S. Lenna Fellow, Robert H. Jackson Center, Jamestown, New York ([www.roberthjackson.org](http://www.roberthjackson.org)). I emailed an earlier version of this essay to The Jackson List on October 10, 2018.

For an archive of selected Jackson List posts, many of which include document images or photographs, visit <http://thejacksonlist.com>. This essay is posted there as a PDF file with “live” hyperlinks.

To subscribe to The Jackson List, which does not display recipient identities or distribute their email addresses, send “subscribe” to [barrettj@stjohns.edu](mailto:barrettj@stjohns.edu).

<sup>1</sup> 319 U.S. 624 (1943), available at <https://www.law.cornell.edu/supremecourt/text/319/624>.

<sup>2</sup> *Id.* at 642.

**0:20:26**

Welcome and Introduction, Prof. Howard Wasserman,  
*Faculty Symposium Organizer*

**0:25:00**

Welcome remarks, Dean Antony Page, *Florida International University College of Law*

**First Panel: *Barnette* in Historical Context**

**0:32:13**

Ronald K. L. Collins, *Harold S. Shefelman Scholar, University of Washington School of Law*

- *Thoughts on Hayden C. Covington and the Paucity of Litigation Scholarship*

**0:57:07**

John Inazu, *Sally D. Danforth Distinguished Professor of Law & Religion, Washington University School of Law*

- *Barnette and the Four Freedoms*

**1:13:20**

Genevieve Lakier, *Professor of Law, University of Chicago School of Law*

- *Barnette, Compelled Speech, and the Regulatory State*

**1:32:00**

Brad Snyder, *Professor of Law, Georgetown University Law Center*

- *Frankfurter and the Flag Salute Cases*

**Second Panel: Reading *Barnette***

**2:39:15**

Aaron Saiger, *Professor of Law, Fordham University School of Law*

- *The Pedagogy of Barnette*

**3:00:49**

Steven Smith, *Warren Distinguished Professor of Law, University of San Diego School of Law*

- “Fixed Star” or “Twin Star”? *The Ambiguity of Barnette*

**3:20:58**

Paul Horwitz, *Gordon Rosen Professor of Law, University of Alabama School of Law*

- *Barnette: A Close Reading (for Vince Blasi)*

**Keynote Address**

**4:31:55**

John Q. Barrett, *Professor of Law, St. John’s University School of Law*

- *Justice Jackson & Jehovah’s Witnesses: Barnette in its Context, and in Jackson’s Life and Work*

**Third Panel: Barnette in Modern Context**

**5:30:05**

Erica Goldberg, *Professor of Law, University of Dayton School of Law*

- “Good Orthodoxy” and the Legacy of Barnette

**5:52:12**

Abner S. Greene, *Leonard F. Manning Professor of Law, Fordham University School of Law*

- *Barnette and Masterpiece Cakeshop: Some Unanswered Questions*

**6:12:19**

Leslie Kendrick, *Vice Dean and David H. Ibbeken ’71 Research Professor of Law, University of Virginia School of Law*

- *A Fixed Star in New Skies: The Evolution of Barnette*

Articles based on these lectures will be published in a symposium issue of the FIU LAW REVIEW.