

# The Becket-Jackson-Barnette-Kaepernick-Trump Line?

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On December 28, 2020, President Trump signed a proclamation commemorating the next day's 850<sup>th</sup> anniversary of the murder of Archbishop Thomas Becket in Canterbury Cathedral. On December 29, 1170, knights of Henry II, the King of England, murdered Becket for resisting the king's assertions of power over church affairs.



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President Trump’s proclamation, which you can [read in full here](#), is an interesting, if not an especially developed or careful, document. Its issuance was a political gesture toward some of the president’s supporters, especially the Becket Fund for Religious Liberty law firm, designed to show the president’s support for “religious liberty.” The proclamation also might have been an effort to suggest that President Trump’s political opponents, including some or all of the more than 81,000,000 people who voted against him in 2020 ([click here for national popular vote numbers](#)), somehow oppose religious liberty.

President Trump did not, of course, draft this proclamation. But it seems that at least one of his ghostwriters has memorized some of Justice Robert H. Jackson’s most revered writing. Or maybe a presidential staffer was studying Justice Jackson’s 1943 opinion for the United States Supreme Court in *West Virginia State Board of Education v. Barnette*—the decision invalidating a government requirement that public school teachers and students salute the U.S. flag and recite the Pledge of Allegiance—while drafting this proclamation.



Note these similar passages:

- From Trump’s proclamation:  
“If we are to continue to be the land of the free, no government official, no governor, no bureaucrat, no judge, and no legislator must be allowed to decree what is orthodox in matters of religion or to require religious believers to violate their consciences.”

- From Jackson’s opinion for the Court in *Barnette*:  
“If 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. If there are any circumstances which permit an exception, they do not now occur to us.”

This alignment seems ironic when one recalls President Trump’s 2017 demagogic attacks on then-NFL quarterback Colin Kaepernick for his decision to kneel, in protest against police brutality, during pregame playing of the national anthem. (Here, just as reminder, is [a story on Kaepernick](#), and here is [a story on Trump criticism of him and other football players](#).)



Or does the proclamation suggest presidential rethinking?

To my knowledge, Justice Jackson never wrote or said anything about Thomas Becket. But *Barnette* and other opinions, plus his work as chief U.S. prosecutor of Nazi war criminals—monstrous persecutors of religion, among other crimes—at Nuremberg, show his views. Jackson’s thinking on government,

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religion, their separate spheres, individual conscience, and space for one to be unorthodox in religious observance without being persecuted, all were in the line that connects Becket and Kaepernick ... and now President Trump?

For general background, here is [a Jackson essay on religion, "The Faith of My Fathers,"](#) unknown before last year, that he wrote in the final year or so of his life.