

History of the anthem

Francis Scott Key was born in 1779. He served in the War of 1812, despite his religious opposition to war in general and a personal belief that diplomacy was a more effective response to the issues that triggered the war. Key was an attorney sent to negotiate with the British for release of a prisoner, physician William Beanes. His negotiations were successful, but he and Beanes were held until after the failed British attack on Fort McHenry. Thus, Key witnessed the battle he made famous from aboard a British warship.

He wrote a poem about it, using the tune for a then-familiar song called "To Anacreon in Heaven," which was written by John Stafford Smith for a London gentlemen's club. In the midst of wartime patriotism, the poem became instantly popular. Over the next hundred years, it was one of several songs including "Hail Columbia!" and "Yankee Doodle" frequently played at civic and military events.

A century later, with the country once again at war, an executive order by President Woodrow Wilson named "The Star Spangled Banner" as the national anthem in 1916. When the band at the 1918 World Series struck up "The Star Spangled Banner" during the seventh inning stretch, the crowd spontaneously took up the song, instantly establishing the tradition of playing the anthem at sporting events.

Controversy begins

Congress formally adopted the song as the national anthem in 1931 and immediately met with resistance. Many found the "Anacreon" melody, which spans two octaves, too difficult to sing. Some had problems with the foreign origin of the melody, believing that the American national anthem should not be a British song. With Prohibition still in effect, there was even disapproval of the melody on the grounds that "Anacreon" was a celebration of carousing. Key's lyrics were not above reproach, either. Many believed the official anthem of land of the free should be one that celebrated peace and prosperity, not military might.

A history of dissent

As an act of protest, there is an element of civil disobedience in refusing to stand for the anthem. Federal law states that all civilians present during the playing of the anthem while the U.S. flag is displayed "should stand at attention facing the flag with the right hand over the heart." Like the related U.S. Flag Code, which forbids flying the flag at night, using the flag for advertising purposes, or wearing the flag as clothing, there is no penalty for breaking this law. Moreover, however unpopular they are, protests involving the flag or the anthem are protected expressions of free speech.

As early as the 1950s, crowds had abandoned respectful attention during the anthem, but it continues to be a lightning rod for protest. Musicians have used their performance of the anthem as protest, and athletes especially have protested in a number of ways:

1968: American runners Tommie Smith and John Carlos stood on the Olympic podium in the Black Panthers' salute during the National Anthem, while the Australian silver medalist wore a badge supporting equal rights.

1972: Jackie Robinson wrote in his autobiography, "I cannot stand and sing the anthem. I cannot salute the flag. I know that I am a black man in a white world."

1996: Mahmoud Abdul-Rauf of the Denver Nuggets was suspended for refusing to acknowledge the flag. A compromise allowed him to pray during the anthem, but it is widely believed his protest cost his career.

Kaepernick takes a knee

In August, Kaepernick refused to stand for the anthem, and like Abdul-Rauf before him, his protest was not noticed at first. Kaepernick explained himself to NFL media, referencing ongoing allegations of racism in law enforcement: "I am not going to stand up to show pride in a flag for a country that oppresses black people and people of color. To me, this is bigger than football and it would be selfish on my part to look the other way. There are bodies in the street and people getting paid leave and getting away with murder."

Like protests before his, Kaepernick's has been met with great ire. But Kaepernick's coach and many of his teammates have publicly supported Kaepernick's right to protest. The 49ers have pledged to match Kaepernick's \$1 million donation to charities that focus on racial inequality. The NFL has declined to take action against him.

Kaepernick's protest has spread to other teams and even cheerleading squads and honor bands. Athletes of other races and in other sports are sitting out, taking a knee, and even raising fists during the national anthem. In Seattle, Washington, the entire football team of Garfield High School (where minority students make up the majority) chose to kneel during the anthem before their games. The Seattle School Board told reporters the gesture was not about the anthem or about football, but was "part of a bigger conversation we need to have as a nation."

Kareem Abdul-Jabbar writing in The Washington Post also reminded people not to focus on the song: "What should horrify Americans is not Kaepernick's choice to remain seated during the national anthem, but that nearly 50 years after [Muhammad] Ali was banned from boxing for his stance and Tommie Smith and John Carlos' raised fists caused public ostracization and numerous death threats, we still need to call attention to the same racial inequities. Failure to fix this problem is what's really un-American here."

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