

The National Anthem & the NFL

Is the national anthem a proper symbol of America or a symbol of its racist past?

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- Francis Scott Key wrote “The Star-Spangled Banner” on September 14, 1814
- On March 3, 1931, “The Star-Spangled Banner” was instituted as the US national anthem by President Herbert Hoover
- NFL player Colin Kaepernick’s 2016 protest during the national anthem put the song lyrics under scrutiny
- Part of the controversy comes about from the little-known third stanza of the national anthem
- Legislation has been proposed to adopt a new national anthem since 1931, and as recently as 2014

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I. Executive Summary

Professional sports in the United States often play the national anthem, “The Star-Spangled Banner,” at the start of an event. On September 1, 2016, San Francisco 49ers quarterback Colin Kaepernick inspired a national debate over social justice issues, police brutality, and patriotism when he knelt during the national anthem before a football game. Players and fans typically stand with their right hands over their hearts.

He told the media, “I am not going to stand up to show pride in a flag for a country that oppresses black people and people of color... There are bodies in the street and people getting paid leave and getting away with murder.”^[1]

Other players in the National Football League (“NFL”) and in other sports also began to kneel during the national anthem. A debate over the propriety of protesting during the national anthem at sporting events erupted nationwide.^[2]

Amid the discussion over kneeling, “The Star-Spangled Banner” received heightened scrutiny and questions were raised as to the nature of the song.^[3] Part of the controversy comes from the little-known third stanza: **“No refuge could save the hireling and slave / From the terror of flight or the gloom of the grave.”**

Some people say the national anthem glorifies America’s racist past, and note that protests are political speech protected by the First Amendment to our Constitution. Those opposed to protesting say dissenters don’t support our country, are un-American, and that athletes should keep their politics out of sports.

These issues are emotional and political for many, business for others, and the differing views of the national anthem have created a lot of anger and dissension among players, fans, teams and others.

II. The Origin and a Little History About the National Anthem and its Author

August 1, 1779: The writer of the national anthem, Francis Scott Key, was raised by a family who owned slaves at a time and place in America where and when slavery was legal.^[4] Born in Frederick County, Maryland, on August 1, 1779, Key became a lawyer, a US attorney for the District of Columbia^[5] and poet who passed away on January 11, 1843.^[6]

During his lifetime, Key owned slaves and set some of them free,^[7] and opposed the abolitionist movement^[8] but also represented freedom-seeking slaves in court^[9] Key reportedly believed in freeing slaves only if they were immediately sent back to Africa. His public record made adopting “The Star-Spangled Banner” too controversial a choice for the national anthem prior to his death in 1843.^[10]

War of 1812: During the War of 1812, the British invited thousands of American slaves to join them in the war against the United States. In order to receive freedom for themselves and their families, the men enlisted in the British Colonial Marines.^[11]

September 7, 1814: A week before Francis Scott Key wrote what is now known as “The Star-Spangled Banner” (now also known as the national anthem), he was detained on a vessel by the British while negotiating the release of US prisoners in British custody during the War of 1812.^[12]

September 13, 1814: The British “barrage of Fort M’Henry began eight miles away”^[13] while Key watched from that vessel.

September 14, 1814: Key wrote about the event to the tune of “Anacreon in Heaven”^[14] (a popular British drinking song) and took it to his brother-in-law Judge Joseph Hopper Nicholson, who “had it printed and distributed around the city.”^[15]

September 21, 1814: “Defence of Fort M’Henry” is published in *The Baltimore [Maryland] Patriot* on September 21, 1814^[16]

October 19, 1814: The song^[17] “Defence of Fort M’Henry” was renamed “The Star-Spangled Banner” and printed in music sheet form by Thomas Carr of Baltimore a short time after its publication as “Defence of Fort M’Henry.”^[18] It is performed for the first time at the theater on Holliday Street also in Baltimore, Maryland.^[19]

The 1800s: Before “The Star-Spangled Banner” became the national anthem in 1931, Key’s song was the de facto anthem for many, in addition to many other patriotic songs during that time period before and after the Civil War.

According to History.com, “During the Civil War, ‘The Star-Spangled Banner’ was an anthem for Union troops.”^[20] Marc Ferris, author of *Star-Spangled Banner: The Unlikely Story of America’s National Anthem*, told USA Today.com for an article on September 26, 2017:

“The North won the tug of war,” Ferris says. “The irony is that the South’s anthem, Dixie, was written by an anti-slavery Northerner whereas the Star-Spangled Banner, the anthem of the North, was written by a slave-holding Southerner whose family supported the Confederacy” long after Key died in 1843.”^[21]

July 26, 1889: The Secretary of the Navy “designated” that “The Star-Spangled Banner” be played “at the raising of the flag,” according to the Library of Congress.^[22]

September 5, 1918: Key’s song first came into prominence at a sports game during the 1918 World Series.^[23]

April 15, 1929: Rep. John Linthicum of Maryland on April 15, 1929,^[24] introduced the legislation calling for Key's song to be the national anthem. The final law was titled: "CHAP. 436. An Act To make The Star-Spangled Banner the national anthem of the United States of America."

March 3, 1931: "The Star-Spangled Banner" was instituted as the National Anthem by President Herbert Hoover on March 3, 1931. On March 3, 1931, President Herbert Hoover signed H.R. 14, from the 71st Congress (1929–1931).^[25]

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the composition consisting of the words and music known as The Star-Spangled Banner is designated the national anthem of the United States of America."^[26]

1940s: According to the book *Pigskin: The Early Years of Pro Football* by Robert W. Peterson:

"During the war [WWII], playing the national anthem had become a ceremonial prelude to NFL games. [NFL] Commissioner Elmer Layden announced that the anthem would continue to be played."^[27]

August 12, 1998: According to U.S. Code "Title 36 – Patriotic and National Observances, Ceremonies and Organizations,"^[28] the following is the suggested code of conduct for non-military individuals observing the National Anthem when a flag is displayed:

"(A) all present except those in uniform should stand at attention facing the flag with the right hand over the heart; (B) men not in uniform should remove their headdress with their right hand and hold the headdress at the left shoulder, the hand being over the heart; and ... (2) when the flag is not displayed, all present should face toward the music and act in the same manner they would if the flag were displayed."

December 16, 2014: There has been legislation proposed since 1931 making other songs, such as "America the Beautiful," the national anthem. A more recent one came in 2014, introduced by Sen. Thomas Harkin (D-IA): "S. 3020 (113th): A bill to establish the composition known as America the Beautiful as the national anthem."

September 13, 2017: The reference to slaves in the national anthem may be a reason for someone reportedly spray painting "Racist Anthem" on the base of Key's statue in Baltimore, Maryland, on September 13, 2017. In response to the vandalism, Eric Holcomb, executive director of the city's Commission for Historical and Architectural Preservation said:

"It's so counterproductive, what they're doing," he said. "History's messy. It's nuanced. It's something to talk about, not something to erase."^[29]

June 20, 2020: Protestors brought down a statue of Francis Scott Key in San Francisco's Golden Gate Park. This action was accompanied by renewed calls to choose a new national anthem.^[30]

January 13, 2021: U.S. Representative James Clyburn (D-S.C.) introduced a bill to make "Lift Every Voice and Sing," also known as the Black National Anthem, the new national hymn of the United States. Clyburn noted that affording "Lift Every Voice and Sing" a special place as a national hymn alongside the existing national anthem, "would be an act of bringing the country together ... You aren't singing a separate national anthem, you are singling the nation's national hymn."^[31]

III. The National Anthem and Athlete Protests

1967: In his memoir titled *I Never Had It Made*, 1962 National Baseball Hall of Fame inductee Jackie Robinson (1919-1972), wrote: "As I write this twenty years later, [from 1947 World Series, around 1967] I cannot stand and sing the anthem."^[32] Cornel West wrote the following in the introduction to Robinson's memoir:

"And yet, his disillusionment with America is real. Robinson cannot stand and sing the national anthem or salute the flag. His deep patriotism and his hatred of white supremacy will not allow him to engage in such empty gestures of country-worship. He knows that 'money is America's God' and that he is 'a black man in a white world.'"

1968: Other athletes who openly protested the national anthem include Olympic medalists Tommie Smith and John Carlos in 1968.^[33] According to SmithsonianMag.com, in an article titled "Olympic Athletes Who Took a Stand" from August 2008:

"Smith and Carlos, winners of the gold and bronze medals, respectively, in the event, had come to the ceremony dressed to protest: wearing black socks and no shoes to symbolize African-American poverty, a black glove to express African-American strength and unity. (Smith also wore a scarf, and Carlos beads, in memory of lynching victims.) As the national anthem played and an international TV audience watched, each man bowed his head and raised a fist. After the two were banished, images of their gesture entered the iconography of athletic protest."^[34]

March 12, 1996: National Basketball Association (NBA) Denver Nuggets player Mahmoud Abdul-Rauf^[35] was suspended for protesting the national anthem. The NBA, unlike the NFL, has a rule that players stand for the performance of the national anthem.^[36] Like Kaepernick, a reporter first noticed that Abdul-Rauf was not traditionally observing the performance of the national anthem:

"Like Kaepernick, Abdul-Rauf said he viewed the American flag as a symbol of oppression and racism. Abdul-Rauf also said standing for the anthem would conflict with his Muslim faith. 'You can't be for God and for oppression. It's clear in the Quran, Islam is the only way,' he said at the time.

"I don't criticize those who stand, so don't criticize me for sitting."

November 4, 2015: It was discovered that patriotism was being manufactured through the use of the anthem and other military displays at sports games. In 2015, Sens. Jeff Flake (R-AZ) and John McCain (R-AZ) released a report that exposed the Department of Defense's practice of paying sports teams to promote patriotism:

"Certain contracts show that DOD paid for specific activities including on-field color guard performances, enlistment and re-enlistment ceremonies, performances of the national anthem, full-field flag details, and ceremonial first pitches and puck drops."^[37] (underlining added)

August 26, 2016: A San Francisco 49ers NFL quarterback, Colin Kaepernick, who was spotted *sitting* for the anthem during the third preseason home game on August 26, 2016, although he had sat for the anthem previously while out of uniform. The next game, he "took a knee," kneeling on one knee on the sideline while the national anthem was played.

After he was spotted sitting at the third preseason game, Kaepernick said he was protesting a country that "oppresses black people and people of color."^[38]

August 27, 2016: In response to Kaepernick's decision to protest during the National Anthem, the San Francisco 49ers issued a statement on August 27, 2016:

"The national anthem is and always will be a special part of the pre-game ceremony. It is an opportunity to honor our country and reflect on the great liberties we are afforded as its citizens. In respecting such American principles as freedom of religion and freedom of expression, we recognize the right of an individual to choose and participate, or not, in our celebration of the national anthem."^[39]

August 27, 2016: In response to Kaepernick's decision to protest during the National Anthem, The NFL also issued a statement on August 27, 2016:

"Players are encouraged but not required to stand during the playing of the national anthem."^[40]

August 28, 2016: Although sports players protesting the national anthem is not a new phenomenon, Kaepernick's protest comes at a time when many in the United States are debating the future of statues and documents, from the Constitution of the United States to statues of Robert E. Lee, that were created in or commemorate an era in history that condoned slavery.

On August 28, 2016, Kaepernick spoke about his reason for protesting during the performance of the national anthem:

"Yes. I'll continue to sit....I'm going to continue to stand with the people that are being oppressed. To me this is something that has to change. When there's significant change and I feel like that flag represents what it's supposed to represent, this country is representing people the way that it's supposed to, I'll stand."^[41]

August 28, 2016: In the article, "Colin Kaepernick is Righter Than You Know: The National Anthem is a Celebration of Slavery," written by Jon Schwartz^[42] two days after Kaepernick was spotted sitting during the national anthem, there is a breakdown of the origin of the national anthem and the writer's interpretation of the lines in the third stanza about the "hiring and slave" lines:

"So when Key penned 'No refuge could save the hiring and slave / From the terror of flight or the gloom of the grave,' he was taking great satisfaction in the death of slaves who'd freed themselves. His perspective may have been affected by the fact he owned several slaves himself."

Jon Schwartz notes that he had gained some insight from an even earlier article by Andrew Cockburn in the September 2014 issue of *Harper's Magazine* online at Harpers.org.

August 28, 2016: The same day, Radley Balko, an opinion blogger for *The Washington Post's* "The Watch," re-Tweeted TheIntercept.com article on Kaepernick's protest, stating:

"Damn. Did not know this. The third verse of the U.S. national anthem literally celebrates the deaths of slaves."

August 30, 2016: Nate Boyer, both an ex-Green Beret and former NFL player, penned an "open letter"^[43] to Kaepernick on August 30, 2016, after Kaepernick was spotted sitting for the anthem. Nate Boyer is among those credited for Kaepernick choosing to "take a knee" instead of sitting while the national anthem was performed:

"We sorta came to a middle ground where he would take a knee alongside his teammates,' Boyer says. 'Soldiers take a knee in front of a fallen brother's grave, you know, to show respect. When we're on a patrol, you know, and we go into a security halt, we take a knee, and we pull security.'"

September 1, 2016: On September 1, 2016, San Francisco 49ers quarterback Colin Kaepernick inspired a national debate over social justice issues, police brutality, and patriotism when he knelt during the national anthem before a football game.^[44] Players and fans typically stand with their right hands over their hearts.

IV. Response to the Protests and Ensuing Events

March 3, 2017: It is reported that Kaepernick opted out of his contract with the San Francisco 49ers, making him a free agent player who could sign with any team that wanted to hire him.^[45] Within three months, news emerged that the team had told Kaepernick they did not plan to keep him. The 49ers General Manager John Lynch stated that the team planned to change its offensive strategy in a way that necessitated a different quarterback.^[46] No team ended up signing Kaepernick.

September 22, 2017: During a September 22, 2017, campaign rally for Senate-candidate Luther Strange in Huntsville, Alabama, President Donald Trump said:

"Wouldn't you love to see one of these NFL owners when somebody disrespects our flag, to say 'Get that son of a bitch off the field right now, out, he's fired?'"^[47]

September 24, 2017: Players or teams that observe the performance of the national anthem or protests during the national anthem are not necessarily showing solidarity to any player or political issue. On September 24, 2017, the NFL team the Pittsburgh Steelers stayed in the locker room:

"We're not going to play politics. We're football players, we're football coaches,' Tomlin said. 'We're not participating in the anthem today – not to be disrespectful to the anthem, but to remove ourselves from the circumstance.'"^[48]

September 24, 2017: Only one player, a former Army Ranger, was not in the locker room and stood alone for the performance of the national anthem, a decision Alejandro Villanueva says he regrets because he didn't support the team's decision:

"Villanueva said his presence on the field was a mistake, and only went out ahead of the National Anthem because he wanted to see the flag. When the anthem began, he did not want to move."^[49]

September 24, 2017: A World War II vet "took a knee" to support the player protest.^[50]

September 25, 2017: Some veterans disagree with the protests,^[51] while others believe they served to protect the right to protest. The American Legion and The Veterans of Foreign Wars^[52] condemned the September 23-24, 2017, player protests as "disrespectful."

September 26, 2017: In a Twitter message, President Trump made a suggestion to the NFL about player protocol for the national anthem:

"The NFL has all sorts of rules and regulations. The only way out for them is to set a rule that you can't kneel during our National Anthem!"

October 1, 2017: Some networks decided to stop showing the performance of the national anthem at football games:

"Fox's statement also said, however, that 'our cameras are always rolling and we will document the response of players and coaches on the field.' As of early Sunday afternoon, it was unclear how the network will 'document' the protests without airing the anthem."^[53]

October 11, 2017: According to an NFL.com league spokesman on October 11, 2017:

"The NFL has no plans to mandate players stand for the national anthem."^[54]

October 11, 2017: Sports columnist Christine Brennan, on October 11, 2017, had suggested this option for NFL policy in a USA Today.com article:

"So, what to do? There's a very simple answer: Go back to the days before 2009 when teams were not required to come out of the locker room for some games until after the anthem was played (except for the Super Bowl and after 9/11)."^[55]

October 15, 2017: Colin Kaepernick filed a lawsuit against the NFL, claiming that the teams in the league colluded to prevent him from continuing to play professional football. After he left the 49ers in March 2017, no other team signed him to play. The *New York Times* noted that "nearly two dozen other quarterbacks have been signed, many of them with lesser résumés."^[56]

October 17, 2017: On October 17, 2017, NFL leaders decided to continue the policy of not enacting any rule requiring players to stand and not protest during the performance of the national anthem.^[57]

According to the "2017 Official Playing Rules of the National Football League" on the NFL Operations website, a search does not turn up anything for "anthem" in the online PDF as of October 12, 2017.^[58] Under Section 4 – "Equipment, Uniforms, Player Appearance," in addition to what is acceptable to wear on the field, including the towel rules – "Players are prohibited

from adding to these towels personal messages” – and penalties for when rules are broken during the game, there is a passage on “Personal Messages” under Rule 5:

“ARTICLE 8. PERSONAL MESSAGES. Throughout the period on game-day that a player is visible to the stadium and television audience ... players are prohibited from wearing, displaying, or otherwise conveying personal messages either in writing or illustration, unless such message has been approved in advance by the League office. ... The League will not grant permission for any club or player to wear, display, or otherwise convey messages, ... which relate to political activities or causes, ...”

October 17, 2017: President Trump criticized the NFL’s decision not to make a rule forcing players to stand during the anthem on Twitter:

“The NFL has decided that it will not force players to stand for the playing of our National Anthem. Total disrespect for our great country!”

May 2, 2018: Eric Reid, a former teammate of Kaepernick who also knelt during the anthem, also filed a collusion lawsuit against the NFL. He had continued to kneel after Kaepernick stopped playing, then was unable to sign with a new team after becoming a free agent.^[59]

May 23, 2018: The NFL announced a new policy that requires everyone standing on the sidelines to stand during the national anthem, but allowing players to remain in the locker room during that time.^[60] The new policy enacted fines for teams whose players were on the field but failed to “stand and show respect for the flag and the anthem.”

NFL commissioner Roger Goodell said:

“It was unfortunate that on-field protests created a false perception among many that thousands of NFL players were unpatriotic. This is not and was never the case.

This season, all league and team personnel shall stand and show respect for the flag and the anthem. Personnel who choose not to stand for the anthem may stay in the locker room until after the anthem has been performed.”

February 15, 2019: The NFL reached a settlement with Colin Kaepernick and Eric Reid in their legal claim alleging that teams colluded to keep them out of the league in response to their protests during the national anthem. The settlement remained confidential but was reportedly “considerably less than \$10 million.”^[61]

June 5, 2020: In response to the May 25, 2020, death of George Floyd while in police custody, the NFL released a statement featuring Commissioner Goodell.^[62] He said:

“We, the National Football League, condemn racism and the systematic oppression of Black People. We, the National Football League, admit we were wrong for not listening to NFL players earlier and encourage all to speak out and peacefully protest.”

September 10, 2020: A poll released on the first day of the 2020 NFL season found that 56% of Americans supported athletes kneeling in protest during the national anthem, while 42% opposed it. The same poll found that 62% of Americans believed it was appropriate for athletes to use their platforms to express their thoughts on national issues.^[63]

September 12, 2021: The NFL announced plans to play the Black National Anthem, “Lift Every Voice and Sing,” ahead of “The Star-Spangled Banner” at every game in the 2021 season. The league pledged to spend \$250 million over 10 years combating racism.^[64]

February 13, 2022: Rapper Eminem knelt during his performance at the the Super Bowl LVI halftime show. Viewers equated his action with the form of protest initiated by Kaepernick, but there was no confirmation of Eminem’s intentions at the time.^[65]

February 12, 2023: “Lift Every Voice and Sing” was performed alongside the “Star Spangled Banner” during the Super Bowl LVII pre-game ceremony. Sung by actress and singer Sheryl Lee Ralph, this performance was the first time “Lift Every Voice and Sing” has been performed in an official capacity on-field during the Super Bowl. In 2021, the song was performed by Alicia Keys during a pre-recorded Super Bowl broadcast, and in 2022, Mary Mary performed the song outside the Super Bowl stadium.^[66]

In response to the performance of the song in 2023, U.S. Representative Lauren Boebert (R-Colo.) tweeted:

“America only has ONE NATIONAL ANTHEM. Why is the NFL trying to divide us by playing multiple? Do football, not wokeness.”^[67]

Luke Zaleski, legal affairs editor at Condé Nast, commented on Boebert’s tweet:

“There is nothing you can say or do to confront MAGA gaslighting that won’t be met with more MAGA gaslighting ... she’s using the concept of unity to divide. She’s doing what she’s accusing the NFL of. It’s a fake grievance contrived to irk and produce the effect of further fracturing society.”^[68]

V. The National Anthem Interpretation and Lyrics

A. A Few Interpretations of the Third Stanza of the National Anthem: “No refuge could save the hireling and slave...”

There have been many critiques on having “The Star-Spangled Banner” as the national anthem. They range from the tune being too hard for average people to sing^[69] to the song it too militaristic^[70] and offends the British^[71] to the lyrics of the third stanza being racist.

August 30, 2016: ConservativeReview.com interpretation on August 30, 2016:

“There’s just one problem: These lyrics are describing slaves, who were, as King conveniently points out, hired by the British. This song is not about killing black slaves. It’s about fighting the enemy, be he a decorated British officer or the escaped slave hired to do his dirty work.”^[72]

September 14, 2017: “For his time, he ought to be perceived as progressive,” Robert Devaney wrote in a Georgetown.com article on September 14, 2017, in defense of Key after his statue was vandalized in Baltimore, Maryland. Devaney says Key was “conflicted about slavery”:

“The accusation that the poem itself is racist is off the mark and lacks historical context. How is Key’s use of the word, ‘slaves,’ who were part of the enemy force, offensive? How many texts contain the word ‘slaves’? In such excluding minds, what’s next? The sculpture in Francis Scott Key Park on M Street in Georgetown, next to Key Bridge? What about the equestrian statue of liberator Simón Bolívar, a slave owner, at 18th Street and Virginia Avenue, across from the Organization of American States?”^[73]

September 15, 2017: Walter Olson in NationalReview.com questioned whether Key’s song is racist in a September 15, 2017, article subtitled “Its third verse uses the word ‘slave,’ but it may not have referred to chattel slavery in the South”:

“Was Key pursuing a grudge by describing, or misdescribing, the Corps of Colonial Marines as slaves? Or did he have the (predominantly white) conscripts in mind? Or was he just reaching for a common word pairing, familiar to his listeners, that provided him with a rhyme? There’s no record of him ever explaining why he chose those words. When we decide whether to give his words a reading that is charitable or otherwise, we make a choice too.”^[74]

September 27, 2017: Zahara Hill in Ebony.com wrote:

“Some interpret the verse as a celebration of the slaves’ deaths. Others say the song is simply a reflection of the era in which it was written. We say no matter Key’s intention, anything normalizing slavery is essentially racist and, consequently, unappealing.”^[75]

October 2, 2017: Associate Professor Jason Johnson of Morgan State University, as quoted by HuffingtonPost.com contributor Gyasi Ross in an article titled "Maybe It's Time For A New National Anthem (Or None At All): #TakeAKnee is not about the national anthem. But maybe it should be.":

July 14, 2020: An article in the Los Angeles Times noted that scholars did not agree on what the controversial line was intended to convey:

"Historian Jason Johnson has called 'The Star-Spangled Banner' 'a diss track to Black people who had the audacity to fight for their freedom.' Marc Ferris, the author of 'Star-Spangled Banner: The Unlikely Story of America's National Anthem,' has written that Key was likely using the term 'slave' more loosely, to describe 'all of the monarch's loyal subjects, including British troops — as contrasted with free patriot Americans.'^[76]

June 28, 2021: Olympic track and field athlete Gwen Berry stated in an interview with the Black News Channel:

"If you know your history, you know the full song of the national anthem, the third paragraph speaks to slaves in America, our blood being slain... all over the floor. It's disrespectful and it does not speak for black Americans. It's obvious. There's no question."^[77]

B. The Lyrics to the National Anthem

"The Star-Spangled Banner" ^[78]

*"O say can you see, by the dawn's early light,
What so proudly we hail'd at the twilight's last gleaming,
Whose broad stripes and bright stars through the perilous fight
O'er the ramparts we watch'd were so gallantly streaming?
And the rocket's red glare, the bombs bursting in air,
Gave proof through the night that our flag was still there,
O say does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?"*

*On the shore dimly seen through the mists of the deep
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows, half conceals, half discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected now shines in the stream,
'Tis the star-spangled banner – O long may it wave
O'er the land of the free and the home of the brave!*

*And where is that band who so vauntingly swore,
That the havoc of war and the battle's confusion
A home and a Country should leave us no more?
Their blood has wash'd out their foul footsteps' pollution.
No refuge could save the hireling and slave
From the terror of flight or the gloom of the grave,
And the star-spangled banner in triumph doth wave
O'er the land of the free and the home of the brave.*

*O thus be it ever when freemen shall stand
Between their lov'd home and the war's desolation!
Blest with vict'ry and peace may the heav'n rescued land
Praise the power that hath made and preserv'd us a nation!
Then conquer we must, when our cause it is just,
And this be our motto – "In God is our trust,"
And the star-spangled banner in triumph shall wave
O'er the land of the free and the home of the brave."^(underlining added)*

VI. Some Questions About This Controversy to Consider

1. Is the national anthem racist?
2. Are the non-violent protests to the national anthem by NFL and other players protected by the First Amendment, or do the sports teams have the right to treat the protestors punitively for their protests as long as the players are otherwise doing their jobs?
3. Should there be a NFL rule that players must stand without protest for the performance of the national anthem in the NFL?
4. Why is the national anthem played before sports games but not before performances of many other entertainment venues?
5. Has our government in any way promoted the performance of the national anthem at sports events, and if so, how and why?

Many other questions have arisen or will surely arise from these issues, and as is often the case on such controversies, what may initially seem black and white to some might look grayer on closer inspection.

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