

MORE PROOF THE U.S. NATIONAL ANTHEM HAS ALWAYS BEEN TAINTED WITH RACISM

Jefferson Morley, Jon Schwarz

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Photo: Mario Tama/Getty Images

THE DECISION OF San Francisco 49ers quarterback Colin Kaepernick to sit during the pregame playing of the national anthem has had a larger impact than anyone could have foreseen.

President Obama has [weighed in](#), endorsing Kaepernick's "constitutional right to make a statement." When Kaepernick changed his protest to kneeling instead of sitting, teammate Eric Reid [joined him](#). Brandon Marshall of the Denver Broncos followed suit [and lost an endorsement deal](#). Marcus Peters of the Kansas City Chiefs [raised a fist](#) during the anthem, [a la John Carlos and Tommy Smith](#) at the 1968 Olympics. An unidentified Navy sailor who [took a seat](#) in solidarity with Kaepernick may face disciplinary action. The protest has even [spread to high school players](#) across the country.



San Francisco 49ers quarterback Colin Kaepernick kneels during the national anthem before the team's preseason game against the San Diego Chargers on Sept. 1, 2016, in San Diego. Photo: Denis Poroy/AP

Much of the debate generated by Kaepernick has been on subjects

directly connected to his actions: police brutality, free speech, and the rights and obligations of professional athletes.

But it's also sparked [nationwide discussion](#) of something more tangential that no one saw coming – the meaning and history of “The Star-Spangled Banner” itself, including whether it should be [rewritten](#) or [replaced entirely](#).

The very fact this controversy was surprising may be the most significant thing about it. It's the clearest demonstration possible that even in 2016, the U.S. has barely begun dragging the unflattering aspects of its past out into the light. Part of that means facing the reality that everything about “The Star-Spangled Banner” – its lyrics, its author, and the path it took to becoming the national anthem – is inextricably bound up with America's gruesome history of racism.

The Meaning of “The Hireling and Slave”

It took 117 years from the time “The Star-Spangled Banner” was written in 1814 until it was legally enshrined as the American national anthem in 1931.

Francis Scott Key wrote the poem that became the song's lyrics on Sept. 14, 1814, after witnessing the British bombardment of Fort McHenry in Baltimore during the (poorly named) War of 1812. As [The Intercept recently noted](#), Key's little-known third stanza includes these lines:

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.

By the time Key wrote these words, the British military included a regiment of former slaves called the Colonial Marines, whom the British had encouraged to escape and then trained and armed.

In fact, just weeks before, on Aug. 24, 1814, the Colonial Marines had participated in the Battle of Bladensburg outside Washington, D.C. The Bladensburg fight was a quick, embarrassing defeat for American troops – something Key knew because he'd [witnessed it up close](#) as a volunteer aide to a U.S. general. The British forces, including the Colonial Marines, had then continued to Washington the same day, infamously occupying and torching the White House.

The Intercept stated that “slave” referred to these Colonial Marines. However, an enormous number of readers argued that this identification was incorrect, and that Key did not literally mean escaped slaves.



A painting titled “By Dawn’s Early Light” depicts Francis Scott Key standing on a boat with his arm outstretched toward the United States flag flying over Fort McHenry in Baltimore, Maryland. Photo: Edward Percy Moran/Library of Congress

Many such commenters cited an obscure website that [describes itself](#) as “history for kids” and states that “slave” [refers](#) to U.S. sailors who had been seized and press-ganged into the British navy. (The impressment of Americans was a central grievance cited by the U.S in the lead-up to war.) Others [suggested](#) that small-r republican rhetoric from the era often referred to any subjects of a monarch as slaves, and hence the word simply signified all the British.

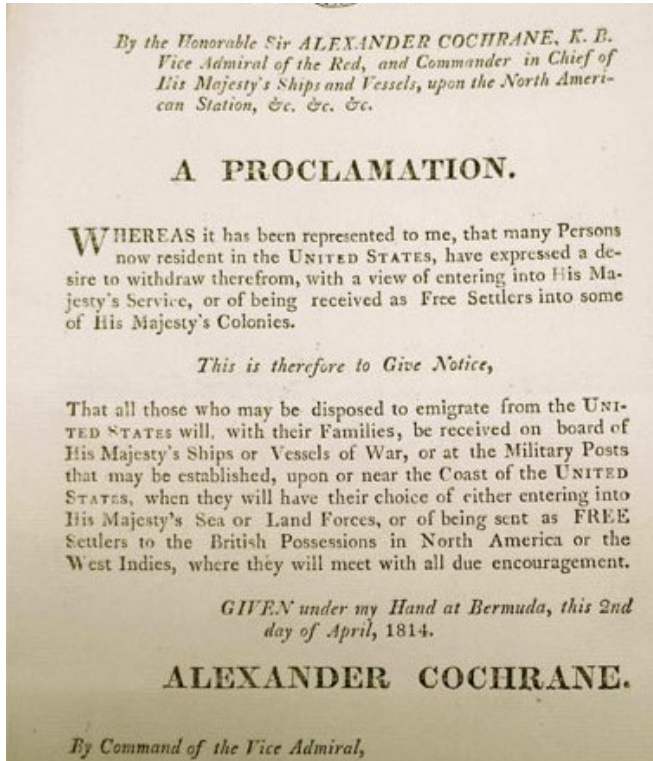
Key himself never explained precisely what he meant by the third stanza. According to [Marc Leepson](#), author of a [recent biography](#) of Key, Key spoke about “The Star-Spangled Banner” in public just once and did not mention this issue. Key did not write about the song in his surviving letters.

That said, Leepson explains, while researching his book he “did not find any historians who interpreted the ‘hireling and slave’ line as anything but a reference to the enslaved people who escaped their bonds and went over to the British side.” Leepson himself also believes it is “clear” this is the correct way to interpret the stanza.

Among the academic experts with this perspective is Alan Taylor, a University of Virginia professor and one of the [foremost contemporary scholars](#) of early U.S. history. Two of Taylor’s books have won the Pulitzer Prize; one of these, “The Internal Enemy,” addresses the song’s third stanza, [calling it](#) “Key’s dig at the British for employing Colonial Marines.”

In response to questions, Taylor pointed out that it “makes no sense” to believe that Key was referring to impressed U.S. sailors: “American rhetoric of the time cast the impressed sailors as defiant and unbroken by British might – as the exact opposite of

the slave.” Moreover, Key certainly would not be celebrating the deaths of Americans held by the British.



A proclamation by British Adm. Alexander Cochrane during the War of 1812, offering emancipation to “Persons” able to make it to British ships or military outposts. Photo: Maryland State Archives

Other academic historians with this view include [Gene Allen Smith](#), a specialist in early American and American naval history and author of “The Slaves’ Gamble: Choosing Sides in the War of 1812”; [David Reedier](#); [Marc Wayne Kruman](#); and [John Belohlavek](#). Even Marc Clague, a musicologist and co-founder of the Star Spangled Music Foundation, who strongly defends the song overall, [agrees](#) that by “slave” Key meant the Colonial Marines.

By the mid-1800s, the phrase “hireling and slave” [could be found](#) in the writing of slavery’s supporters to differentiate between wage laborers and those in actual bondage. Whether this usage was adopted from “The Star-Spangled Banner” or the other way around is unclear, but William Grayson, a U.S. representative from South Carolina, even titled a famed 1855 pro-slavery [poem](#) “The Hireling and the Slave.” Grayson contended that slavery had been a “blessing” for Africans and was morally superior to a system of wage work. Grayson also described whites using a new term [he had coined](#): a “master race.”

“I Bought an Old Woman and a Little Girl”

Francis Scott Key could be called the most unknown famous person in U.S. history. A look at his rarely examined life makes clear how difficult it is to separate the national anthem’s meaning from its author, and his gross hypocrisy on the meaning of freedom.

Key was born in 1779 on his wealthy family’s Maryland plantation, known as Terra Rubra. After childhood he left to study law and eventually moved to Washington, D.C., where he kept one or two slaves as servants. In 1813, the year before the British attack on Fort McHenry, Key [wrote to his father](#) to inform him that he had just purchased “an old woman and a little girl about 12 or 18 years old.” Key offered to send them to his parents to work on their plantation and apparently did so; in a subsequent letter he asked his mother “how you like the old woman and the girl.”

Upon his father’s death, Key inherited Terra Rubra and its coerced workforce. Key was not physically cruel as a master and during his lifetime freed seven of his household’s slaves. (One, Clem Johnson, had been the plantation’s assistant estate manager. Johnson subsequently stayed at Terra Rubra to help oversee Key’s property, both land and humans.)

Moreover, as Key’s biographer Leepson explains, Key “strongly opposed international slave trafficking on humanitarian grounds, and defended enslaved people and free blacks without charge in the D.C. courts. If you cherry-picked his words on slavery, you might think he was an abolitionist.”

That, however, would be almost 180 degrees from the truth.

In his work, Key was the prototypical Washington lobbyist. In the 1820s, he parlayed his celebrity as patriotic poet into a lucrative law practice helping clients with business before the federal government. During this period, Key also represented slaveholders attempting to retrieve their escaped “property.” In time, Key became a confidant to President Andrew Jackson. He was, in today’s parlance, a Washington insider.

When Jackson appointed Key to serve as district attorney for Washington in 1833, it was not least to enforce the law controlling African-Americans, both those enslaved and the city’s growing population of free blacks. During Key’s seven years in office he proved an energetic and moralistic prosecutor, taking on the dangers of fornication and abolitionism with equal fervor.

In 1833, Key tried to shut down the capital’s “bawdy houses,” the popular female-run brothels that served both white and black customers. (A glance at 20-plus pages of “escort” advertisements in today’s D.C. Yellow Pages indicates that Key failed to stamp out sex work in Washington.) The same year, Key indicted John Prout, a free, black school teacher who had forged papers for a young enslaved couple attempting to escape to freedom. Prout was convicted and was forced to leave town.

The next year, Key ignored the First Amendment to persecute Ben Lundy, a courageous editor who published an anti-slavery newspaper in the capital. Lundy and his assistant editor, the young but soon-to-be famous William Lloyd Garrison, also had to flee Washington, lest they be assaulted by slavers.

Key, like many U.S. politicians after him, was a stickler for “law and order.” Blacks who encountered the constables serving Key often ended up **robbed** or **dead**. When a white riot swept the city in August 1835, Key sought to quell fears of a slave rebellion by seeking the death penalty for Arthur Bowen, a young black man accused of attempted murder. When doubts arose about Bowen’s guilt, District Attorney Key was implacable in seeking to hang him. (This perilous battle is recounted in more detail in the book “**Snow-Storm in August**” by this article’s co-author.)

Key next prosecuted a New York doctor who had moved to Washington with a trunk of anti-slavery literature. The trial attracted attention across the nation. In the courtroom, Key emotionally denounced the abolitionists who wanted to free all enslaved people.

They “declare that every law which sanctions slavery is null and void, and that obedience to it is a sin,” Key **declaimed**. “That we have no more rights over our slaves than they have over us. Does not this bring the Constitution and the laws under which we live into contempt? Is it not a plain invitation to resist them?”

SLAVE MARKET OF AMERICA.

THE WORD OF GOD.

"ALL THINGS WHATSOEVER YE WOULD THAT MEN SHOULD DO TO YOU, DO YE EVEN SO TO THEM, FOR THIS IS THE LAW AND THE PROPHETS."
"AND THEY SHALL BE BLESSED WHO SOWETH SEED, AND THEY SHALL REAP ABUNDANTLY BY BEING OF THE BEREAVED, AND WHO SHALL REAP THEIR OWN SEED."
"THEY SAID UNTO THE LORD, EXCUSEST THOU INQUIRY IN THE SCIENCE, AND BELIEVETH HE THAT IS SPOILED-OUT OF THE HANDS OF THE OPPRESSOR, LEFT BY PART TO GO OUT LIKE FIRE, AND BURN THAT NAME CAN QUENCH IT, BECAUSE OF THE FURY OF THY WRATH?"

THE DECLARATION OF AMERICAN INDEPENDENCE.

"WE HOLD THESE TRUTHS TO BE SELF-EVIDENT... THAT ALL MEN ARE CREATED EQUAL, THAT THEY ARE ENDOUED BY THEIR CREATOR WITH CERTAIN UNALIENABLE RIGHTS, THAT AMONG THESE ARE LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS."

THE CONSTITUTION OF THE UNITED STATES.

"THE CONSTITUTION OF THE UNITED STATES OF AMERICA... WE, THE PEOPLE, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, secure the Blessings of Liberty to ourselves and our Posterity, do hereby constitute and ordain these United States to be one People, and do hereby adopt and ratify this Constitution of the United States of America."

CONSTITUTIONS OF THE STATES.

"THESE STATES MAY FORM THEIR OWN GOVERNMENTS... AND MAY ALTER, OR AMEND, OR REPEAL THEM AT ANY TIME BY SUCH LEGAL PROCEDURE AS THEY MAY ESTABLISH."
"THE STATES SHALL HAVE THE SAME RIGHTS OF TERRITORY AND JURISDICTION AS TO THE PUBLIC LANDS AS THEY SHALL HAVE."
"THE STATES SHALL HAVE THE SAME RIGHTS OF TERRITORY AND JURISDICTION AS TO THE PUBLIC LANDS AS THEY SHALL HAVE."

DISTRICT OF COLUMBIA.

"THE LAND OF THE FREE."



SEAT OF THE LEGISLATURE OF THE UNITED STATES.

"The Capitol building is the seat of the Legislature of the United States... It is a grand and imposing structure, and is the pride of the city of Washington."

THE RESIDENCE OF TWO SLAVES.



RESIDENCE OF TWO SLAVES.

"The residence of two slaves is a small and simple structure... It is a stark contrast to the grandeur of the Capitol building, highlighting the inequality of the system."

"THE HOME OF THE OPPRESSED."



SEAT OF THE SUPREME COURT.

"The Supreme Court building is the seat of the highest court in the land... It is a symbol of the power and authority of the federal government."

RIGHT TO INTERFERE.

"The right to interfere is a fundamental principle of justice... It is the duty of every citizen to stand up for the rights of the oppressed."

PUBLIC PRISONS IN THE DISTRICT.

"Public prisons in the District are a source of public revenue... They are a necessary part of the government's infrastructure."



VIEW OF THE PRISON OF THE CITY OF WASHINGTON.

"The prison of the city of Washington is a large and imposing structure... It is a place of confinement for those who have broken the law."



VIEW OF THE PRISON OF THE CITY OF WASHINGTON.

"The scene at the prison of the city of Washington is a somber and depressing one... It is a place where the lives of many are ruined."



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U.S. capital under the headline “Land of the Free/Home of the Oppressed.” If Twitter had existed in the 1830s, that likely would have become a trending hashtag: #HomeOfTheOppressed.

Seen through the prism of Key’s life, then, the significance of his words about the “land of the free” comes into focus. For Key, freedom was never a promise available to everyone; white freedom and white lives were what mattered.

“A Monstrous Perversion”

The popularity of “The Star-Spangled Banner” grew continuously in the decades after Key wrote the lyrics. By the time of the Civil War, some on both sides tried to claim it as their own.

Tellingly, Oliver Wendell Holmes Sr. felt that if the song were to belong to the North, it would need a [new stanza](#) – one he provided, invoking “the millions unchained who our birthright have gained.” By contrast, supporters in the South did not believe it required any changes. “Let us never surrender to the North the noble song, the ‘Star-Spangled Banner,’” the Richmond Examiner [editorialized in 1861](#) in the capital of the Confederacy. “It is Southern in origin, in sentiments, in poetry, and song. In its association with chivalrous deeds, it is ours.”

In the subsequent decades, “The Star-Spangled Banner” continued to be contested territory and the subject of what we’d now term a culture war. By the early 1900s, versions of the song that included Holmes’s words were [found in schoolbooks](#) in New York, Indiana, Louisiana, and elsewhere.

When Confederate veterans realized this, they quickly organized to force state governments, including that of New York, to withdraw the textbooks. The New York Times **declared** that Holmes's words were a "monstrous perversion" and Holmes himself was a "presumptuous ass." (The extra stanza has since largely evaporated and is not part of the anthem's **official lyrics**.)

The skirmishing continued after the carnage of World War I, as momentum grew for the U.S. to adopt a formal national anthem. Pacifists denounced "The Star-Spangled Banner" as a war-mongering, anti-British jingle. A progressive heiress took out an anti-Banner ad in several newspapers, and several Columbia University professors announced a contest for a more suitable replacement.

On the other side, Maryland Rep. John Linthicum, the Daughters of the Confederacy, and other Southern civic organizations declared that the song was the essence of American patriotism.

By the 1920s, the battle lines were clear. Those who wanted to celebrate the post-Civil War unity of North and South without reference to the abolition of slavery favored "The Star-Spangled Banner." Many Northerners preferred the emancipationist spirit of "Battle Hymn of the Republic," or the stately grandeur of "America the

**Veterans And Auxiliary
Refuse To March With
Confederate Emblem**

**LINTHICUM GIVES
HISTORY OF BILL**

**Presents Pen Hoover Used
To Sign Star-Spangled
Banner Measure**

Beautiful.” African-Americans had their own ideas, and in 1926 adopted “Lift Every Voice” by Florida poet James

An article printed in the Baltimore Sun on June 15, 1931, recounts a parade clash between two color guards. Photo: The Baltimore Sun



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In 1931 there was finally a clear winner: Congress approved, and President Herbert Hoover signed, Rep. Linthicum’s bill making “The Star-Spangled Banner” America’s one and only national anthem.

Controversy ensued within 48 hours. Partisans of the Banner held a parade in Linthicum’s Baltimore district, led by two color guards: one hoisting the American flag, the other carrying the Confederate flag.

The Union Army veterans marching in the parade dropped out and denounced the damned rebels for hijacking the proceedings. In response, one neo-Confederate woman – in what sounds like an indignant Facebook post from this year – accused the offended Union veterans of being un-American and “divisive.”

“History Could Be Swallowed Up So Completely”

The suppression of history embodied by “The Star-Spangled Banner” is by no means unique to the U.S. On the contrary, it’s universal: The most important and painful realities of any society’s past tend to be forgotten unless constant efforts are made to remember them.

Intriguingly, one of the most eloquent descriptions of this phenomenon is found in Barack Obama's autobiography, "Dreams From My Father."

In 1967, when Obama was 6, he and his mother joined his stepfather, Lolo Soetoro, in Indonesia – just two years after one of the most astonishing bloodbaths of the 20th century had taken place there. Suharto, an Indonesian general, had seized power in 1965 and with U.S. support massacred at least 500,000 leftists and communists over just a few months.

Yet on the surface, Obama writes, there was little sign of this. His stepfather refused to speak of the past, and his mother learned of it only from "innuendo" and "half-whispered asides" from Americans when she went to work at the U.S. Embassy. [According to Obama](#), this is the lesson she took from this:

The idea frightened her, the notion that history could be swallowed up so completely, the same way the rich and loamy earth could soak up the rivers of blood that had once coursed through the streets; the way people could continue about their business ... as if nothing had happened. ...

Power. The word fixed in my mother's mind like a curse. In America, it had generally remained hidden from view until you dug beneath the surface of things; until you visited an Indian reservation or spoke to a black person whose trust you had earned. But here power was undisguised, indiscriminate, naked. ... And so Lolo had made his peace with power, learned the wisdom of forgetting.

Americans today are fortunate that the penalties for remembering

our past, while real, are much less severe than in many other times and places. If we truly aspire to be the land of the free and the home of the brave, we should be able to examine the real history of “The Star-Spangled Banner” – and most importantly, the degree to which that history is still alive today. Our current difficulty in facing our past honestly and soberly strongly suggests that we are still a long way from laying it to rest.

Top photo: A rare first edition of the sheet music of “The Star-Spangled Banner” is displayed at a press preview for a sale at Christie’s on Nov. 30, 2010, in New York.

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