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The Rusher Who Wouldn't Take the Knee

Abstract

No law requires the playing of the National Anthem at the outset of professional sporting events. Also, no law requires people to stand when the anthem is played, or that people to sing along—although federal law does mandate that we “should face the flag and stand at attention . . . right hand over the heart,” and that “men not in uniform . . . should remove their headdress with their right hand” (36 U.S. Code § 301).

But there is nothing in the statute which says that one cannot use posture as a means for what ESPN called “demonstrating for social justice.” So it is not clear what daring thing the owners, coaches, and players of the National Football League thought they were doing Sunday when they collectively took a knee or raised clenched fists while the “The Star Spangled Banner” was played. (*excerpt*)

Keywords

National Anthem, NFL, National Football League, ESPN, American flag

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By [Allen C. Guelzo](#) September 25, 2017



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But there is nothing in the statute which says that one cannot use posture as a means for what ESPN called “demonstrating for social justice.” So it is not clear what daring thing [the owners, coaches, and players](#) of the National Football League thought they were doing Sunday when they collectively took a knee or raised clenched fists while the “The Star Spangled Banner” was played.

Except, of course, generating the comprehensive fury of the American public.

The full-throated choruses of roaring, angry boos, and shouts of “Stand up!” which wrapped themselves around the Detroit Lions, the Indianapolis Colts, Kansas City Chiefs, and other teams that took part in this neatly orchestrated protest melodrama have no precedent in professional

football history. Boo dropped passes, yes. Boo botched field goals, yes. [Boo Roger Goodell and Tom Brady](#), yes—oh, *my*, yes. But boo the players before the game even begins?

Not that the NFL's players are really in the best position to pass social-justice judgment on President Trump's exhortation to "one of these NFL owners" to fire any "son of a bitch" who "disrespects our flag." [Since 2000](#), there have been [855 player arrests](#), including 215 charges for driving under the influence of alcohol or drugs; 99 drug busts; 96 domestic violence incidents; 71 felony assaults; and two murders.

Baltimore Ravens linebacker Terrell Suggs, who took the knee during the anthem to affirm that "nonviolent protest is as American as it gets," was charged last year with leaving the scene of an accident and driving with a suspended license in Arizona. Adrian Peterson of the New Orleans Saints, who sat on a bench for the anthem, pleaded no contest to a felony child abuse indictment in 2014. Marcus Johnson of the Philadelphia Eagles has been a prominent demonstrator for social justice, but he also has a DUI from 2009 and a disorderly conduct charge in 2004. Justice and social justice do not seem to be terribly well-connected here.

I do not understand the deference I am supposed to show to the opinions of people who batter other people senseless for a living. I don't follow the NFL. I'm not even a football fan. When I was in high school, our football team was so bad, I was voted "Best Moves on the Football Field" for my senior year—because I was the drum major of the marching band.

I do, however, have a nominee for all-time down-field rushing. Just bear in mind that football had not yet been invented when he broke for the end zone.

His name was William Harvey Carney, and he was born a slave in Norfolk, Virginia, on a leap year day in February 1840. His father had escaped from slavery to Massachusetts, where he earned enough money to buy the freedom of his wife and child. When the Civil War broke out, young Carney enlisted in one of the first all-black Union Army regiments, the famous 54th Massachusetts, and rose quickly to the rank of sergeant. (Carney would become the model on which Morgan Freeman's character, Sergeant Rollins, was based in the 1989 movie "Glory," which tells the story of the 54th Massachusetts).

The 54th Massachusetts' first great test of combat came when it was detailed to lead the assault on Battery Wagner, the Confederate fort that guarded the approaches to Charleston Harbor, in July 1863. Led by their youthful white colonel, Robert Gould Shaw, the 54th dashed heroically for the walls of the fort. Carney saw the regimental color-sergeant, bearing the regiment's Stars-and-Stripes, stumble and fall. "As quick as a thought," he scooped up the flag and rushed alongside Col. Shaw over the wall. Shaw was struck down, sword in hand. Carney was hit in the leg and the chest, and the 54th began a grudging retreat.

But rather than allow the flag to be captured, Carney "wrapped the precious colors around the staff" and "cautiously picked my way among the dead and dying." He finally made it to safety, staggering on his last strength to a field hospital where he collapsed—but not before handing over the shot-torn flag. "Boys, I did but my duty," Carney gasped, and "the dear old flag never touched the ground."

Carney was awarded the Medal of Honor, and in the years after the war, he worked as a mail carrier in New Bedford, Massachusetts, still limping from his wounds. Until seven months before Battery Wagner, Carney didn't even have a flag to call his own, since the Supreme Court's infamous *Dred Scott* decision in 1857 had decided that no black man could even be a citizen. But the Civil War and the Emancipation Proclamation in January 1863 changed that, and Carney got his flag and his medal—and a country.

William Carney's injuries guaranteed that he would never have been able to play football. But I don't think he would have had any trouble standing up for "The Star-Spangled Banner." In his hands, that banner "never touched the ground." Unless the millionaires of the NFL think they're better or wiser than Sergeant Carney, they might begin to study his style.

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