

Tough Enough!

DEX1028

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Our national anthem¹ is a symbol of our veterans' sacrifice, but also of shared rights that motivated those brave warriors to defend us and our democracy at great cost. So why is it a target of protest?

What started as a quarterback refusing to stand snowballed into a fashionable protest with NFL teammates, youth teams and even a school orchestra that played on its knees.² Standing on the field as a Saint Ignatius athlete, I worried when I heard the anthem this year that teammates would judge me for not kneeling like Colin Kaepernick. One teammate who explained on social media why he stood was bombarded with negative mail. But I won't kneel. I know how fortunate I am, and how afraid: as an immigrant from a Muslim country I can't leave home without a copy of my U.S. passport in case I'm stopped by Immigration. I don't want my loyalty questioned. I tell myself I'm like our flag, I'm tough enough. That's America's anthem: after a battle in which a few rebels fought the British navy, the sun rose over Ft. McHenry, Md., "and our flag was still there." Now as world leaders lean into nationalism, Americans need to be tough enough to protect our greatest resource: freedom.

While it does not show up as part of GDP, America continues to lead the world in one very specific product: freedom. Governments are increasing penalties for protest directed at their flag or anthem. I surveyed 195 countries³ asking how they would respond to a citizen refusing to stand for their anthem. Most impose penalties for disrespecting anthem, flag or national symbols. Frequently that penalty is prison and sometimes it is death.

¹The Star Spangled Banner Annotated, accessed online at <https://genius.com/Francis-scott-key-star-spangled-banner-annotated> 27 Feb. 2017

² Sandritter, Mark, SB Nation, "A Timeline of Colin Kaepernick's national anthem protest and the athletes who joined him," Nov. 6, 2016. Accessed online Feb. 27, 2017 at <http://www.sbnation.com/2016/9/11/12869726/colin-kaepernick-national-anthem-protest-seahawks-brandon-marshall-nfl>

³ U.S. Department of State List of Countries, accessed online at <https://www.state.gov/misc/list/> 27 Feb. 2017.

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Country	Offense	Punishment	Date enacted	Source
Saudi Arabia	Disrespect flag	Fatwa (death)		Religious authority
Iran	Disrespect flag or national symbols	Fatwa (death)		Religious authority
South Korea	Damage, remove or disgrace flag or anthem	10 years prison		Natl govt
South Africa	Show “contempt” for flag or national symbols	5 years prison, \$3,700 fine	1983	Constitution Act
Argentina	Defiling flag, coat of arms, ntl anthem	4 years prison, fine	2014	Penal code 222
India	Disrespect flag, anthem, symbols	3 years – death (sedition)	1971; 2014 penal code	Ntl Preventn of Insults to Ntl Honour Act
China	Desecration, disrespect of natl symbols	3 years prison, criminal detention, public surveillance, deprivation of political rights		Penal code
Israel	Disrespect or desecrate the flag or nat'l symbols	3 years prison, six years ineligibility for health care, scholarships, \$15,000 fine	2014	Criminal code
Italy	Public insult of flag or symbols	Up to two years prison	2010	Criminal code
Japan	Harm other country's flag; failure to stand for anthem	2 years hard labor in prison; \$1750 fine; re education class	2003	Prefecture of Tokyo law – target teachers who don't stand for anthem
France	Public insult to anthem or flag	6 months prison, 7,500e fine	2003, 2010	Art. 2 Constitution; Crim. Code 239; 433-5-1

More than 100 countries admit to punishing those who insult their anthem or flag.^{4 5} Now President Donald Trump wants to join this list.⁶ On Nov. 29, 2016 at 3:55 a.m., Trump tweeted “Nobody should be allowed to burn the American flag – if they do, there must be consequences – perhaps loss of citizenship or year in jail!”

⁴ Griffen, Scott, Ed., “Defamation and Insult Laws in the OSCE Region: A Comparative Study.” March 2017. Organization for Security and Cooperation in Europe.

⁵ McClure, James, Civilized Life, Dec. 1, 2016, “Countries Where You Can't Burn the Flag,” accessed online Feb. 28, 2017 at <https://www.civilized.life/articles/countries-where-you-cant-burn-the-flag/>

⁶ Trump, Donald (@realDonaldTrump). 29 Nov. 2016, 3:55 a.m. Tweet. “Nobody should be allowed to burn the American flag – if they do, there must be consequences – perhaps loss of citizenship or year in jail!” <https://twitter.com/realDonaldTrump/status/803567993036754944>

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This is not a club we want to join.

The common law based governments of Britain, Canada and the U.S. insist on tolerating criticism of national symbols. Johnny Rotten of the British punk band the Sex Pistols used the opening line of the British national anthem singing “God save the Queen – she is not a human being.”⁷ In the U.S. the First Amendment protects symbolic speech such as kneeling at the anthem or even burning the flag as in *U.S. v. Johnson*, 491 U.S. 397 (1989).⁸ Our laws protect the freedom to think for ourselves. “If there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought — not free thought for those who agree with us but freedom for the thought that we hate,” wrote Supreme Court Justice Oliver Wendell Holmes Jr.⁹

While ugly speech is legal, one must ask whether it is ethical to use a celebrity platform to disrespect our national symbol.

Many families attend or watch football with their children who look up to sports stars as heroes. The Greek philosopher Plato wrote that sports teach youth character and citizenship.¹⁰ Disrespecting the anthem in front of children, while on the job, seems an abuse of moral responsibility. In the Bible at Matthew 22:21, Jesus said "Render to Caesar the things that are Caesar's; and to God the things that are God's." When someone hires you to do a job whether it's playing football or fixing their car they expect you to do what you were hired for -- not to use their position to promote your beliefs. And while Kaepernick's foundation donated \$1 million to

⁷ Rotten, Johnny (John Lyndon) and the Sex Pistols, May 1977, “God Save the Queen,” accessed online 28 Feb. 2017 at <http://www.songfacts.com/detail.php?id=1621>

⁸ United States Courts, Facts and Case Summary, *Texas v. Johnson*, accessed Mar. 6, 2017 at <http://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-texas-v-johnson>

⁹ Greenberg, Paul, “The Thought We Hate,” *The Patriot Post*, Mar. 16, 2011. Accessed Feb. 28, 2017 online at <https://patriotpost.us/opinion/9290>

¹⁰ Reid, Heather, “Sport and Moral Education in Plato’s *Republic*,” *Journal of the Philosophy of Sport*, Vol. 34, Issue 2, accessed online April 10, 2017, at <http://www.tandfonline.com/doi/abs/10.1080/00948705.2007.9714719>

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youth programs, that is less than 1/14th of his annual contract with the 49ers.¹¹ According to the “The Blueprint for Social Justice,”¹² the prophet Micah explained that social justice requires us to “act justly, love tenderly and walk humbly with your God,”¹³ giving not just from comfortable excess. Kaepernick’s devotion became suspicious when he announced¹⁴ that he would quit kneeling the day he became a free agent, though it would seem the inequalities he criticized continue.

In conclusion, despite the offensiveness of this or any protest, we should recall how rare it is to have that right. Americans! We must be tough enough to tolerate free thought and speech so that we can live in a country governed more by tolerance than by 3 a.m. tweets that threaten jail.

¹¹ Ley, Tom, “Colin Kaepernick’s Contract Just Went from Bad to Worse,” Deadspin, Oct. 13, 2016, accessed Mar. 30, 2017 online at <http://deadspin.com/colin-kaepernicks-contract-just-went-from-bad-to-worse-1787746979>

¹² Quigley, Bill, Ed., *The Blueprint for Social Justice*, Vol. LVIII, No. 1, Sept. 2004, “Social Justice Spirituality: A Meditation on Micah 6:8.” Loyola University, New Orleans, LA.

¹³ *The Holy Bible*, New International Version. Grand Rapids: Zondervan House, 1984. Print. Micah 6:8.

¹⁴ Moffitt, Mike, “Kaepernick Ends Protest, Will Stand During National Anthem Next Season,” SFGate, Mar. 2, 2017, accessed Feb. 27, 2017 at <http://www.sfgate.com/49ers/article/Kaepernick-ends-protest-will-stand-during-10972029.php>

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