



The original
"Star-Spangled Banner"
from Fort McHenry,
Baltimore, Maryland.
(From the U.S. National Museum.)

The Star-Spangled Banner

A DAR PROGRAM FOR GREATER APPRECIATION OF OUR NATIONAL ANTHEM

THE FREDERICK CHAPTER, Daughters of the American Revolution, has launched at Frederick, Md., a nationwide movement designed to obtain greater appreciation of our *National Anthem* and greater honor for its author, Francis Scott Key.

Henry Watterson, the distinguished Kentucky editor, who delivered the oration at the dedication

of the Francis Scott Key Monument in Frederick in 1898, extolled "the Homers who relate in heroic measure, the Shakespeares who sing in strains of heavenly music." He then declared: "Among the progeny of these was Francis Scott Key."

On March 28, 1963, the Frederick Chapter sponsored a meeting to consider a program looking toward the 150th Anniversary of the

writing of our *National Anthem*. The meeting was held in the lovely home of the Frederick County Historical Society in historic Frederick. We had as our featured speaker for the occasion a former Associate Judge of the Court of Appeals of Maryland, Judge Edward S. Delaplaine, Key's biographer.

Among the guests attending the meeting were Mrs. Eliot C. Lovett,

O say, can you see by the dawn's early light
What so proudly we hailed at the twilight's last gleaming?—
Whose broad stripes and bright stars through the perilous fight,
O'er the ramparts we watched 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?

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On that 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, now conceals, now discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected, now shines on 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!

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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 washed out their foul footsteps' pollution
No refuge could save the hireling and slave

employees and a budget of about \$10 billion⁵ were never contemplated by those who wrote our Constitution. It would appear that the Congress has become irresponsible. This offends the philosophy upon which the Constitution is founded. To nullify the Constitution is not within the power of the Congress.

The Executive powers were exactly defined. In order to keep the Executive Office within the proper power, the Founding Fathers wrote the following oath of office into the Constitution.

I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, protect and defend the Constitution of the United States.

Eight basic principles were written into the Constitution:

First, separation of powers; second, dual government; third, limited powers; fourth, supremacy of national law; fifth, judicial supremacy; sixth, the amending process; seventh, individual and political liberty; and eighth, republican government.

Thus the Founding Fathers formed "a more perfect union", established "justice", insured "domestic tranquility", provided for the "common defense", promoted "the general welfare", and secured "the blessings of liberty" to themselves and their posterity.

On September 17, 1787, the Convention completed its work, and the document was signed. It was then submitted for ratification by conventions in the several States. After long and bitter fighting the Constitution was ratified by nine States and went into operation in 1789.

Because many States distrusted power in the National Government, the friends of the Constitution, under the leadership of James Madison, pledged to submit a series of constitutional amendments to the first Congress of the United States.

The 10 ratified amendments comprising the Bill of Rights were declared in operation December 1791. These amendments limit the National Government, not the States. Since the adoption of the 14th Amendment, by court interpretation the so-called Bill of Rights applies to the States also. It is a vital factor in preserving the individual rights under common law.

When it was suggested in the Convention that half measures would be far more likely to find favor with

the people than thorough reform, Washington, rising from his President's chair, exclaimed in solemn tones,

It is too probable that no plan we propose will be adopted. If to please the people we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God.

Truly our Founding Fathers were divinely inspired.

Daniel Webster, a great patriot and defender of the Federal Constitution, said:

I shall exert every faculty I possess in aiding to prevent the Constitution from being nullified, destroyed, or impaired, and if I should see it fall, I would still, with a voice feeble perhaps, but earnest as ever issued from human lips, call on the people to come to its rescue.

Is the Congress Obligating Its Authority?

The people at the grass roots are beginning to study the Constitution and to insist that the public schools teach it as it was written. They are becoming alarmed that bureaucracies are considering it as outdated and are trying to modernize it.

Could it be that the Congress, the law-making body, is permitting the Executive and Judicial Branches to usurp the authority that belongs to the Congress, the representatives of the people? They wonder whether the Congress, primarily composed of men whose greatest encomium is to be considered "great constitutional lawyers", will permit the President to make laws that the Congress has repeatedly refused to pass by "Executive order"? Why are Executive Agreements frequently replacing treaties that must be made with the advice and consent of the Senate?

Why does the prescribed judicial oath (U. S. Code 453, Title 26) not specify that the justices and judges of the United States shall "support and defend the Constitution of the United States," particularly when the Federal and Supreme Court Judges are politically appointed for life? Why should the Supreme Court concentrate on the term "promote general welfare" (Section 8 of Article I)?⁽⁶⁾

Is the term "general welfare," apparently being used for special welfare by the Supreme Court in its most recent decisions, based on the philosophies of Gunnar Myrdal⁽⁶⁾ (*An American Dilemma*, Harper Brothers

1944), the Swedish socialist, and his followers to be embalmed in our Constitutional Law?

Will our Government become a government by men rather than law?



Notes

⁽¹⁾ New Hampshire was settled in 1629, Maryland in 1632, Connecticut in 1635, Rhode Island in 1636, New York in 1662, North and South Carolina in 1663, New Jersey in 1664, Pennsylvania in 1681, Delaware in 1682, and Georgia in 1732.—From *A Familiar Exposition of the Constitution of the United States*, by Joseph Story, LL.D.

⁽²⁾ *Emigrant*—One who emigrates or quits one country or region to settle in another.

Emigrant and *Emigration* have reference to the country from which the migration is made; the correlative words *Immigrant* and *Immigration* have reference to the country into which migration is made, the former marking the *going out* from a country, the latter the *coming into it*.—Webster's *Revised Unabridged Dictionary of the English Language*—Copyright by Merriam Co., 1913.

⁽³⁾ From *A Familiar Exposition of the Constitution of the United States*, by Joseph Story, LL.D.

⁽⁴⁾ From *Constitutionism*, by James Mussatti, A.M.

⁽⁵⁾ *Readers Digest*, August, 1962. Condensed from *Freeman*, by John E. Swearingen, President of Standard Oil Company of Indiana.

⁽⁶⁾ The statute prescribing the judicial oath was placed in the law by Act of June 25, 1948 (Chap. 646). On January 31, 1961, Senator Strom Thurmond introduced a bill (S.735) into Congress, the purpose of which was to prescribe the oath of the justices and judges of the United States. Senator Thurmond's bill was not passed—was not even reported out of committee.

⁽⁷⁾ *Oaths of Justices and Judges of the United States*, National Defense Committee, NSDAR.

⁽⁸⁾ Cases cited in footnote 11 of the opinion written by Chief Justice Warren in *Brown v. Board of Education* (1954), 347 U.S. 483, 494. And see generally Myrdal, *An American Dilemma*.

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