

TO AMEND TITLE 36, UNITED STATES CODE, TO ESTABLISH THE COMPOSITION KNOWN AS “LIFT EVERY VOICE AND SING” AS THE NATIONAL HYMN OF THE UNITED STATES

JUNE 7, 2022.—Referred to the House Calendar and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 301]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 301) to amend title 36, United States Code, to establish the composition known as “Lift Every Voice and Sing” as the national hymn of the United States, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all that follows after the enacting clause and insert the following:

SECTION 1. FINDINGS.

Congress finds the following:

- (1) “Lift Every Voice and Sing” is a beloved hymn that is currently produced and distributed by approximately 40 religious publishing houses throughout the United States.
- (2) “Lift Every Voice and Sing” is regularly sung at various religious services and choir performances at community and cultural events to commemorate the struggles that have accompanied our Nation’s “pursuit of a more perfect Union”.
- (3) James Weldon Johnson wrote the poem “Lift Every Voice and Sing” in 1899 to celebrate the anniversary of President Abraham Lincoln’s birthday, and his brother, J. Rosamond Johnson, set the poem to music.
- (4) “Lift Every Voice and Sing” was first performed on February 12, 1900, by a choir of 500 school children from the Stanton School in the Johnsons’ hometown of Jacksonville, Florida, where James Weldon Johnson served as the principal.
- (5) In 1905, Booker T. Washington’s recognition of “Lift Every Voice and Sing” helped to make it a very popular song in Black communities throughout the United States.
- (6) In 1906, President Theodore Roosevelt named James Weldon Johnson to diplomatic positions in Venezuela and Nicaragua, and when he returned to the United States, he became affiliated with the NAACP.
- (7) In the 1920s, the NAACP chose “Lift Every Voice and Sing” as its official song and it was dubbed the “Black National anthem”.
- (8) In 1934, James Weldon Johnson, a graduate of Clark Atlanta University, became the first African-American professor at New York University, and later served in a similar capacity at Fisk University in Nashville, Tennessee.
- (9) The lyrics of “Lift Every Voice and Sing” inspired the 16 foot sculpture, “The Harp” created by the renowned artist Augusta Savage and commissioned by the 1939 New York World’s Fair.
- (10) “Lift Every Voice and Sing” is sung at gatherings of the Faith and Politics Institute, whose bipartisan programs and pilgrimages include participation by Members of Congress, and was co-chaired for many years by the late Congressmen, Democrat John Lewis and Republican Amo Houghton, both of whom transitioned in 2020.

SEC. 2. NATIONAL HYMN.

(a) IN GENERAL.—Chapter 3 of title 36, United States Code, is amended by adding at the end the following:

“§ 306. National hymn

“The composition consisting of the words and music known as ‘Lift Every Voice and Sing’ is designated as the national hymn of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 36, United States Code, is amended by adding at the end the following:

“306. National hymn.”.

Purpose and Summary

H.R. 301 would amend title 36 of the United States Code to designate “Lift Every Voice and Sing” as the national hymn of the United States.

Background and Need for the Legislation

“Lift Every Voice and Sing,” which was first sung by school children in 1900 to commemorate Abraham Lincoln’s birthday, has persisted in influence over the past 120 years. The brothers James Weldon Johnson and J. Rosamond Johnson wrote “Lift Every Voice and Sing” at the turn of the 20th century, a tumultuous time in American history when the vestiges of slavery permeated the life of African Americans.¹ Only 35 years before, the states ratified the 13th Amendment, eradicating slavery. Although ratification of the

¹Burton W. Peretti, “‘Lift Ev’ry Voice and Sing’ —Manhattan Harmony Four (1923); Melba Moore and Friends (1990),” National Recording Preservation Board, <https://www.loc.gov/static/programs/national-recording-preservation-board/documents/LiftEveryVoiceAndSing.pdf>.

14th and 15th Amendments came shortly thereafter, the glimmer of hope that these amendments provided to African Americans soon vanished.

During the years following Reconstruction, previous advances towards equality were being dismantled as white southerners, and their northern allies, “opposed all efforts to extend human rights to [African Americans].”² By 1877, white southerners who wanted African Americans “re-enslaved” had prevailed through the passage of state-imposed Jim Crow laws that enforced segregation based on race and imposed voting restrictions to prevent African Americans from exercising their right to vote.³ Matters only worsened in 1896 after the Supreme Court upheld Jim Crow laws in *Plessy v. Ferguson*.⁴ All the while, the Ku Klux Klan wreaked havoc against African Americans, initiating a campaign of racist terror, violence, and murder.⁵ Hundreds of African Americans were the victims of lynching, while many more were murdered in undocumented racist killings.⁶ African American neighborhoods were ransacked by mobs of white residents, some of whom had been “deputized and given weapons by civil officials.”⁷ Through all this, African Americans never ceased in their struggle for freedom.

In writing the lyrics to “Lift Every Voice and Sing,” James Weldon Johnson was inspired by thoughts of the African American experience, describing a history of oppression and perseverance.⁸ “Lift Every Voice and Sing” is a song about transcending those difficulties and maintaining hope for the future. And, although “Lift Every Voice and Sing” is a song that recognizes and is rooted in the history and progress of African Americans, its influence and appeal extends beyond the boundaries of race. From its inception to today, “Lift Every Voice and Sing,” has and continues to unify individuals of all cultures. It has been sung by congregations around the world, associating the song with global struggles of persevering through adversity.⁹ Dr. Timothy Askew, professor at Clark Atlanta University and author of “*Cultural Hegemony and African American Patriotism: An Analysis of the Song, ‘Lift Every Voice and Sing,’*” describes the song as an “anthem of universal uplift.”¹⁰

The sermonic quality of “Lift Every Voice and Sing,” coupled with its powerful lyrics of hope and perseverance, has resonated at key gatherings such as inaugurations of presidents of both political parties, civil rights demonstrations, and national sporting and music events. It was endorsed by Booker T. Washington in 1905 and later adopted by the NAACP, becoming a rallying cry during

²Ferris State University, *Jim Crow Museum Timeline, Part 3 (1863–1877)*, <https://www.ferris.edu/HTMLS/news/jimcrow/timeline/reconstruction.htm>.

³See Freedom Riders: Jim Crow Laws, PBS, <https://www.pbs.org/wgbh/americanexperience/features/freedom-riders-jim-crow-laws/>.

⁴*Plessy v. Ferguson*, 163 U.S. 537 (1896).

⁵See *African American Heritage: Jim Crow & Reconstruction*, NPS Reconstruction Era, <https://www.nps.gov/subjects/africanamericanheritage/reconstruction.htm>.

⁶See NAACP, *History of Lynching In America*, <https://naacp.org/find-resources/history-explained/history-lynching-america>.

⁷Yuliya Parshina-Kottas, et al., *What The Tulsa Race Massacre Destroyed*, NY Times (May 24, 2021), <https://www.nytimes.com/interactive/2021/05/24/us/tulsa-race-massacre.html>.

⁸See Charles Johnson, *MUSIC: An Ever-Lifting Song of Black America*, NY Times (Feb. 14, 1999), <https://www.nytimes.com/1999/02/14/arts/music-an-everlifting-song-of-black-america.html>.

⁹Janelle Harris Dixon, *Why The Black National Anthem Is Lifting Every Voice to Sing*, The Smithsonian (Aug. 10, 2020), <https://www.smithsonianmag.com/smithsonian-institution/why-black-national-anthem-lifting-every-voice-sing-180975519/>.

¹⁰*Id.*

the Civil Rights Movement of the 1950s and 1960s.¹¹ In 2018, Beyoncé brought the song to the attention of a new generation and a worldwide audience when she performed it during her Coachella set.¹² And in 2022, Mary Mary and the Youth Orchestra performed the song during the 2022 Super Bowl.¹³

H.R. 301 is intended to foster national unity. Representative James Clyburn introduced H.R. 301 on January 13, 2021, to serve as a “form of healing” in response to the national racial reckoning following the police killing of George Floyd, an unarmed African American man.¹⁴ Representative Clyburn explained that “the struggles and hopes [“Lift Every Voice and Sing”] describes also reflect the experiences of many groups in America.”¹⁵ As emphasized by Dr. Naomi André, a professor of Afroamerican and African Studies at the University of Michigan, “‘Lift Every Voice and Sing’ engages familiar audiences while welcoming new communities.”¹⁶ Importantly, H.R. 301 *does not* propose to replace the Star-Spangled Banner as the national anthem. It merely adds an additional song to the country’s repertoire of nationally recognized music and allows “Lift Every Voice and Sing” to remain permanently and formally incorporated into the American musical canon.

Hearings

For the purposes of clause 3(c)(6) of House Rule XIII, the following hearing was used to consider H.R. 301: “Examining the History and Importance of ‘Lift Every Voice and Sing,’” held on February 4, 2022, before the Subcommittee on the Constitution, Civil Rights, and Civil Liberties. The Subcommittee heard testimony from two witness panels. Testifying on the first panel was:

- Representative James E. Clyburn, House Majority Whip and Sponsor of H.R. 301.

Testifying on the second panel were:

- Mr. Leon W. Russell, Board Chairman, National Association for the Advancement of Colored People;
- Dr. Dwandalyn Reece, Associate Director for Curatorial Affairs at the Smithsonian Institution’s National Museum of African American History and Culture;
- Dr. Naomi André, Professor of Women’s Studies, the Department of Afroamerican and African Studies, and the Residential College Arts and Ideas in the Humanities program, University of Michigan;

¹¹H.R. 301, 117th Cong. (2021); *See also* DeNeen L. Brown, *The History of ‘Lift Every Voice and Sing,’ The Black Anthem Being Played at NFL Games*, Washington Post (Sept. 10, 2020), <https://www.washingtonpost.com/history/2020/09/10/nfl-lift-every-voice-black-national-anthem/>.

¹²Samantha Schmidt, *‘Lift Every Voice and Sing’: The Story Behind the ‘Black National Anthem’ That Beyoncé Sang*, Washington Post (April 16, 2018), <https://www.washingtonpost.com/news/morning-mix/wp/2018/04/16/lift-every-voice-and-sing-the-story-behind-the-black-national-anthem-that-beyonce-sang/>.

¹³National Football League, *Mary Mary and Youth Orchestra perform Lift Every Voice and Sing during Super Bowl LVI*, <https://www.nfl.com/videos/mary-mary-and-youth-orchestra-perform-lift-every-voice-and-sing-during-super-bow>.

¹⁴Deena Zaru, *In ‘act of healing,’ Rep. James Clyburn calls for making ‘Black national anthem’ a national hymn*, ABCNews (Jan. 14, 2021), <https://abcnews.go.com/Politics/act-healing-rep-james-clyburn-calls-making-black/story?id=75221927>.

¹⁵Eryn Mathewson and Zoë Saunders, *Why Rep. James Clyburn is pushing to make ‘Lift Every Voice and Sing’ the US national hymn*, CNN (Feb. 11, 2021), <https://www.cnn.com/2021/02/11/us/lift-every-voice-and-sing-james-clyburn/index.html>.

¹⁶U.S. House Committee on the Judiciary, *Examining the History and Importance of ‘Lift Every Voice and Sing,’* Hearing Before the Subcomm. on the Constitution, Civil Rights, and Civil Liberties, 117 Cong. 5(2022) (Statement of by Dr. Naomi André).

- Dr. Shana L. Redmond, Professor of English and Comparative Literature, Columbia University;
- Mr. Lloyd Washington, Historian and President of Durkeeville Historical Society of Jacksonville, Florida;
- Ms. Melanie Edwards, Grandniece of James Weldon Johnson (author of the lyrics to “Lift Every Voice and Sing”) and granddaughter of J. Rosamond Johnson (composer); and
- Mr. Clarence Henderson, President, Frederick Douglass Foundation of North Carolina.

The hearing considered the history and the continuing social and cultural relevance of “Lift Every Voice and Sing” and also assessed the merits of H.R. 301.

Committee Consideration

On April 6, 2022, the Committee met in open session and ordered the bill, H.R. 301, favorably reported with an amendment in the nature of a substitute, by a rollcall vote of 26 to 11, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House Rule XIII, the following rollcall votes occurred during the Committee’s consideration of H.R. 301:

1. The motion to report H.R. 301, as amended, favorably was agreed to by a rollcall vote of 26 to 11. The vote was as follows:

Roll Call No. 7

Date: 4/6/22

COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Final Passage on: HR 301

 PASSED
 FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)	✓		
Zoe Lofgren (CA-19)	✓		
Sheila Jackson Lee (TX-18)	✓		
Steve Cohen (TN-09)	✓		
Hank Johnson (GA-04)	✓		
Ted Deutch (FL-22)			
Karen Bass (CA-37)	✓		
Hakeem Jeffries (NY-08)	✓		
David Cicilline (RI-01)	✓		
Eric Swalwell (CA-15)	✓		
Ted Lieu (CA-33)	✓		
Jamie Raskin (MD-08)	✓		
Pramila Jayapal (WA-07)	✓		
Val Demings (FL-10)	✓		
Lou Correa (CA-46)	✓		
Mary Gay Scanlon (PA-05)	✓		
Sylvia Garcia (TX-29)	✓		
Joseph Neguse (CO-02)	✓		
Lucy McBath (GA-06)	✓		
Greg Stanton (AZ-09)	✓		
Madeleine Dean (PA-04)	✓		
Veronica Escobar (TX-16)	✓		
Mondaire Jones (NY-17)	✓		
Deborah Ross (NC-02)	✓		
Cori Bush (MO-01)	✓		
	AYES	NOS	PRES.
Jim Jordan (OH-04)		✓	
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)		✓	
Darrell Issa (CA-50)			
Ken Buck (CO-04)		✓	
Matt Gaetz (FL-01)		✓	
Mike Johnson (LA-04)			
Andy Biggs (AZ-05)			
Tom McClintock (CA-04)		✓	
Greg Steube (FL-17)			
Tom Tiffany (WI-07)		✓	
Thomas Massie (KY-04)			
Chip Roy (TX-21)		✓	
Dan Bishop (NC-09)		✓	
Michelle Fischbach (MN-07)		✓	
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)		✓	
Cliff Bentz (OR-02)		✓	
Burgess Owens (UT-04)	✓		
	AYES	NOS	PRES.
TOTAL	26	11	

Committee Oversight Findings

In compliance with clause 3(c)(1) of House Rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of House Rule X, are incorporated in the descriptive portions of this report.

Committee Estimate of Budgetary Effects

Pursuant to clause 3(d)(1) of House Rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

New Budget Authority and Congressional Budget Office Cost Estimate

Pursuant to clause 3(c)(2) of House Rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House Rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee sets forth, with respect to the bill, H.R. 301, the following analysis and estimate prepared by the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 17, 2022.

Hon. JERROLD NADLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 301, a bill to amend title 36, United States Code, to establish the composition known as “Lift Every Voice and Sing” as the national hymn of the United States.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 301, A bill to amend title 36, United States Code, to establish the composition known as “Lift Every Voice and Sing” as the national hymn of the United States			
As ordered reported by the House Committee on the Judiciary on April 6, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 301 would designate the composition consisting of the words and music known as “Lift Every Voice and Sing” as the national hymn of the United States.

CBO estimates that implementing H.R. 301 would have no effect on the federal budget.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House Rule XIII, no provision of H.R. 301 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House Rule XIII, H.R. 301 would foster national unity by amending title 36 of the United States Code to designate “Lift Every Voice and Sing” as the national hymn of the United States.

Advisory on Earmarks

In accordance with clause 9 of House Rule XXI, H.R. 301 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of House Rule XXI.

Section-by-Section Analysis

Section 1. Findings. Section 1 sets forth various findings concerning the history and significance of “Lift Every Voice and Sing.”

Section 2. National Hymn. Section 2(a) amends chapter 3 of title 36 of the United States Code by adding at the end the following: “§ 306. National hymn—The composition consisting of the words and music known as ‘Lift Every Voice and Sing’ is designated as

the national hymn of the United States.” Section 2(b) amends the table of sections for chapter 3 of title 36 of the United States Code to include at the end the following: “306. National hymn.”

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

TITLE 36, UNITED STATES CODE

* * * * *

SUBTITLE I—PATRIOTIC AND NATIONAL OBSERVANCES AND CEREMONIES

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PART A—OBSERVANCES AND CEREMONIES

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CHAPTER 3—NATIONAL ANTHEM, MOTTO, FLORAL EMBLEM, MARCH, AND TREE

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Sec.

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306. *National hymn.*

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§ 306. *National hymn*

The composition consisting of the words and music known as “Lift Every Voice and Sing” is designated as the national hymn of the United States.

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Minority Views

As a highly diverse and geographically large republic, the United States has long eschewed traditional sources of national unity—such as race and faith—in favor of a commitment to a common set of ideals—like a belief that all men are created equal and that America is a land of opportunity.¹ The American system of government “includes a commitment to the very systems that enable vastly different people to debate, dissent, negotiate, exercise freedom, and protect particularism so we are able not just to coexist but also to collaborate for the common good.”² These principles are best served when our national symbols and observances reflect our shared ideals.

The patriotic observances currently enshrined in law, such as “The Star-Spangled Banner” and “Stars and Stripes Forever,” are not designed for a specific community or a certain segment of the American population. They are meant to recognize that Americans are one people committed to shared American ideals. “Lift Every Voice and Sing” does not fit this mold. While a beautiful composition, it is a symbol of a segment of the American population. In 1920, the NAACP proclaimed the song to be the African American national anthem, “reflect[ing] the song’s popularity in African American schools, organizations, and churches.”³ Burton Peretti, a scholar of American music, has described “Lift Every Voice and Sing” as being “an anthem for African Americans” and a song that is “permeated with the legacy of slavery . . . and haunted by the continued violent oppression of African Americans.”⁴

Over the past several years, radical Democrats have advanced the notion that America is fundamentally and inherently a racist country. Some have argued that our institutions and our symbols are racist and cannot be redeemed. During the Committee’s consideration of H.R. 301 at markup, Rep. Steve Cohen argued that the Committee should favorably report H.R. 301 because “we have racism in our past. We had slavery, slavery, S-L-A-V-E-R-Y. The opposite of freedom”⁵ Similarly, after introducing H.R. 301, Rep. James Clyburn argued in *USA Today* that the bill was necessary because “it is clear that Mr. Key’s ‘land of the free’ [in ‘The Star-Spangled Banner’] didn’t include those held in bondage” and that “[o]ur nation is at an inflection point as we continue to struggle with issues of race.”⁶

¹ See, e.g., Andy Smarick, *A Nationalism of Community*, THE BULWARK (Dec. 29, 2021).

² *Id.*

³ Burton W. Peretti, “Lift Ev’ry Voice and Sing”—*Manhattan Harmony Four (1923); Melba Moore and Fiends (1990)*, LIBRARY OF CONG. (2016);

⁴ *Id.*

⁵ *Business Meeting, H. Comm. on the Judiciary*, 116ths Cong. (Apr. 6, 2022).

⁶ James E. Clyburn, *Rep. James Clyburn: ‘Lift Every Voice and Sing’ would be both symbolic and substantive as our national hymn*, U.S.A. TODAY (Feb. 8, 2021).

While not perfect, America is the best country in the history of the world. Across the country, Americans in their communities and in elected office strive to fulfill the Constitution's promise of a more perfect union. This cannot be done by focusing on our differences instead of what unites us.

JIM JORDAN,
Ranking Member.

