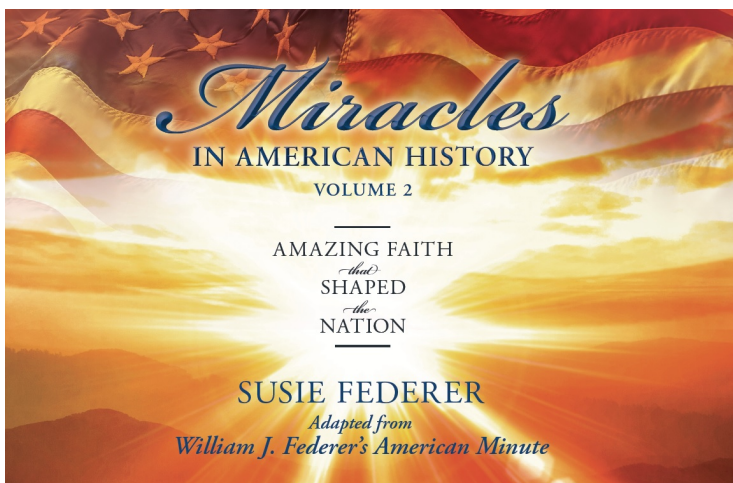


American Minute with Bill Federer  
"Old Ironsides" *USS Constitution* - Oliver Wendell  
Holmes, Sr., & his dissenting son

**"Old Ironsides"** is the nickname of the three-masted frigate **USS Constitution**.

[Read as PDF ...](#)



[Prayers and Presidents - Inspiring Faith from Leaders of the Past](#)

**Muslim Barbary Pirates of North Africa** had captured many American ships:

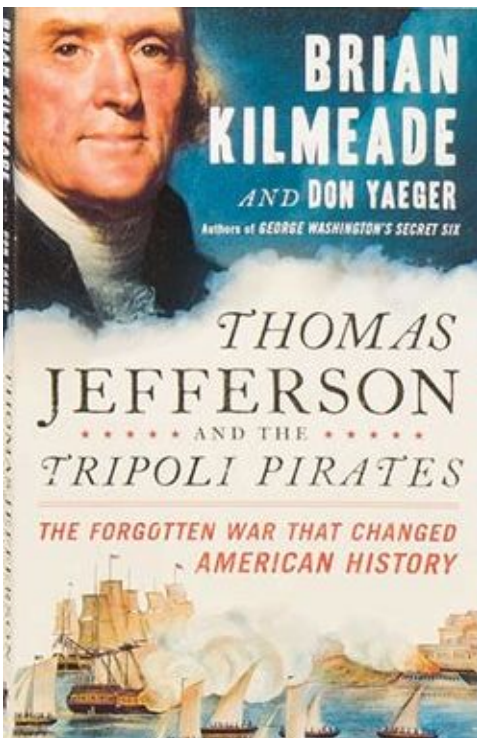
**Betsey, Dauphin, Dispatch, Hope, Jane, Jay, Maria, Mary, Minerva, Olive Branch, Oswego, Philadelphia, Polly, President, Sophia, and Thomas, among others.**



The captured crews were stripped, chained, paraded through the streets, and **sold into slavery.**

When the American ship **Polly** was captured in 1793, the **Barbary captain** chided the crew and imprisoning them:

“... for your history and superstition in believing in a man who was crucified by the Jews and disregarding the true doctrine of God’s last and greatest prophet, Mohammed.”



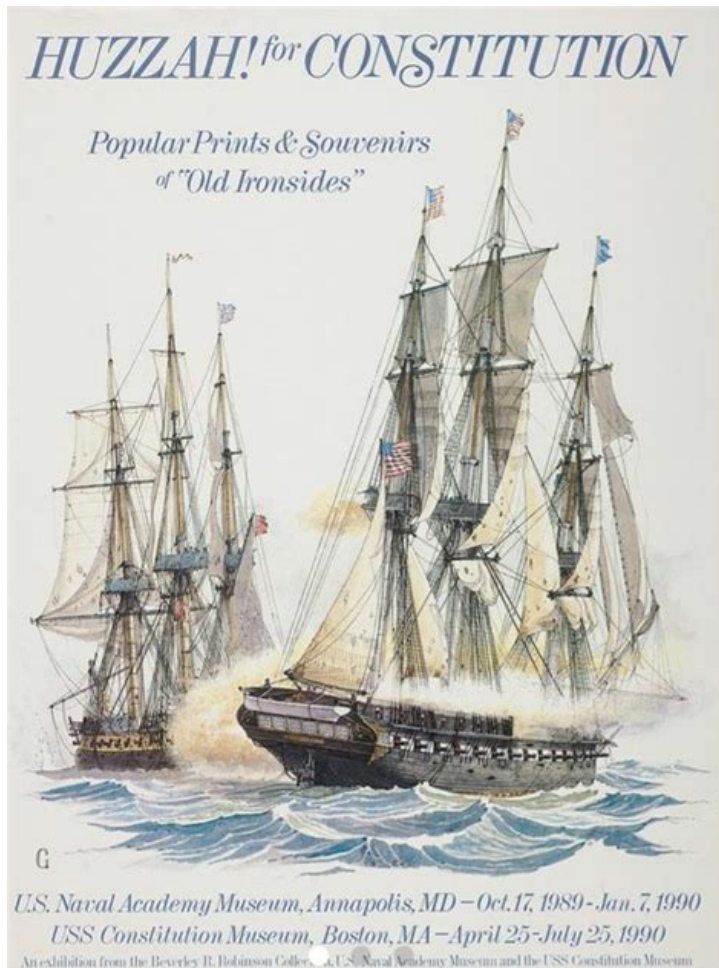
Immediately after **Jefferson** became President in 1801, **Muslim Barbary Pirates** demanded \$225,000, plus an annual tribute of \$25,000.

When **Jefferson** refused, the **Pasha (Lord) of Tripoli** declared war – **the first war the U.S. was in after becoming a nation.**

The **USS Constitution** was sent to fight the

Islamist pirates in:

- **First Barbary War, 1803;**
- **Battle of Tripoli Harbor, 1804;** and
- **Battle of Derne, 1805.**



When the **USS Constitution** returned, **Francis Scott Key** wrote the poem "**When the Warrior Returns from the Battle Afar,**" published in *Boston's Independent Chronicle*, December 30, 1805.

**Key** wrote it to the same tune which nine years later he used for the **Star-Spangled Banner:**

In conflict resistless  
each toil they  
endur'd

Till their foes shrunk  
dismay'd from the  
war's desolation:

And pale beamed  
the **Crescent**, its  
splendor obscur'd

By the light of the  
**Star-Bangled Flag**  
of our nation.

Where each flaming  
star gleamed a  
meteor of war,

And the **turban'd**  
**head** bowed to the  
terrible glare.



**Fighting the Barbary Pirates**

Then mixt with the olive the laurel shall wave

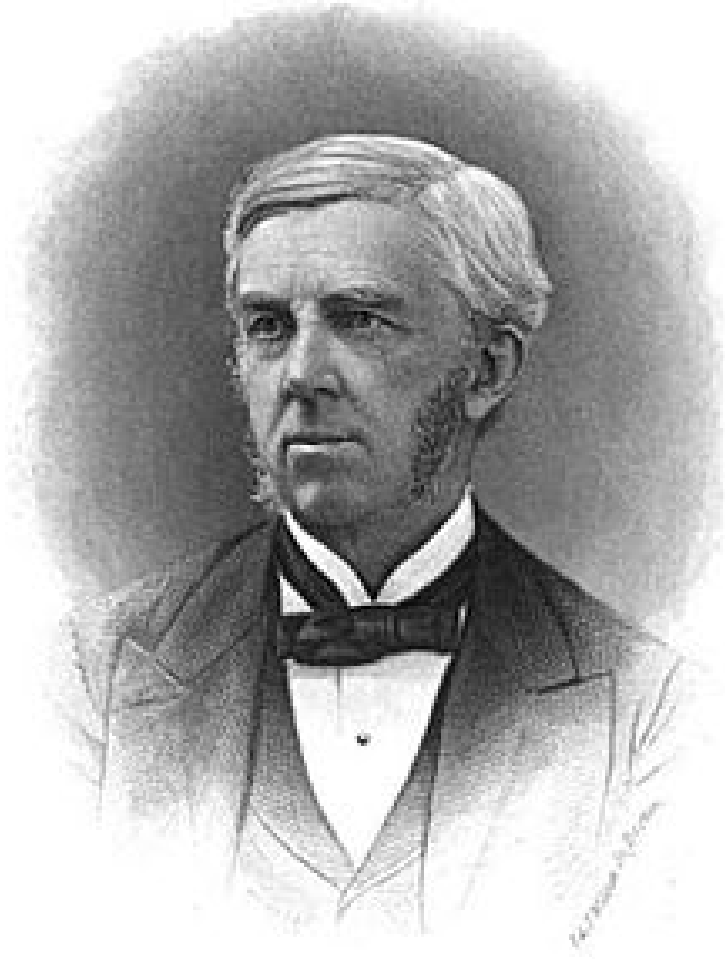
And form a bright wreath for the brow of the brave.



The **USS**  
**Constitution**  
sailed against the  
British in the **War**  
**of 1812** and  
**caught slave**  
**traders** off the  
**coast of Africa** in  
the 1850's.

The **USS**  
**Constitution** was  
about to be  
decommissioned  
and broken into

scrap when it was saved by a poem titled "**Old Ironsides**," written by poet, **Dr. Oliver Wendell Holmes, Sr.:**



Ay, tear her tattered ensign down!

Long has it waved on high,

And many an eye has danced to see

That banner in the sky;

Beneath it rung the battle shout,

And burst the cannon's roar;—

The meteor of the ocean air

Shall sweep the clouds no more!



Her deck, once red  
with heroes' blood

Where knelt the  
vanquished foe,

When winds were  
hurrying o'er the  
flood

And waves were  
white below,

No more shall feel  
the victor's tread,

Or know the  
conquered knee;—

The harpies of the shore shall pluck

The eagle of the sea!

O, better that her  
shattered hulk

Should sink  
beneath the wave;

Her thunders  
shook the mighty  
deep,

And there should  
be her grave;

Nail to the mast her holy flag,

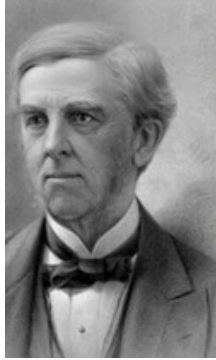
Set every thread-bare sail,



And give her to the god of storms,—

The lightning and the gale!

The poem stirred the nation to save the **USS Constitution** and as a result, it is the **oldest commissioned ship in the world still afloat.**



Her deck, once red with heroes' blood,  
Where knelt the vanquished foe,  
When winds were hurrying o'er the  
flood,  
And waves were white below,  
No more shall feel the victor's tread,  
Or know the conquered knee;--  
The harpies of the shore shall pluck  
The eagle of the sea!



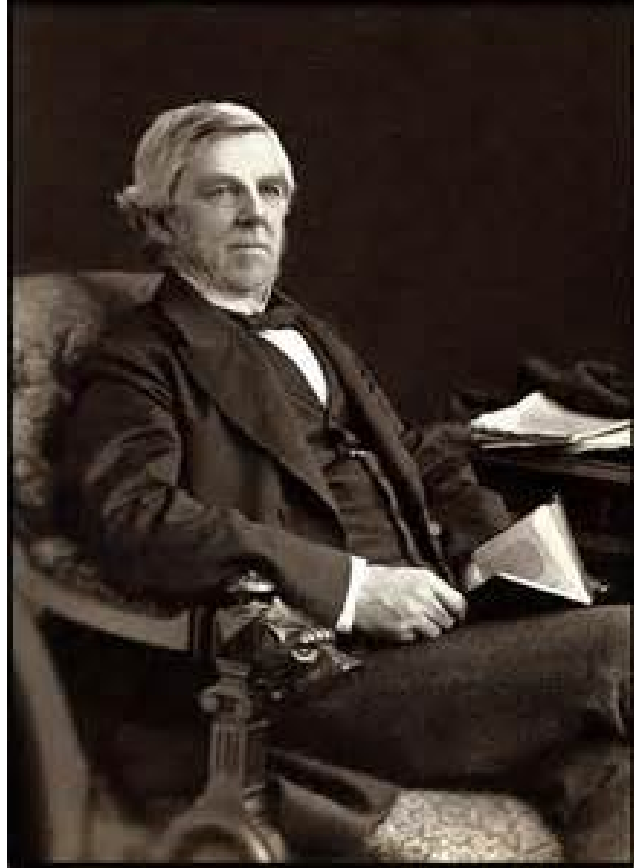
**Oliver Wendell Holmes, Sr.**, was born in **Cambridge, Massachusetts**, August 29, 1809, just north of **Harvard Yard** in the house where

patriots planned the **Battle of Bunker Hill.**

His father was Abiel Holmes, minister of the **First Congregational Church n Cambridge.**

**Dr. Oliver Wendell Holmes, Sr.**, was dean of **Harvard Medical School**, where he taught Anatomy, Pathology, and Physiology for 35 years.

He introduced the use of the **microscope** in medical education.



He invented the "**American stereoscope,**" which was a 19th century hand held device to **view 3-D pictures.**

Before the discovery of "germs," **Holmes** was ridiculed by academia for promoting the novel practice of **doctors washing their hands and surgical instruments** to prevent the spread of diseases, a conclusion which **Dr. Ignaz Semmelweis** also reached in **Vienna, Austria.**

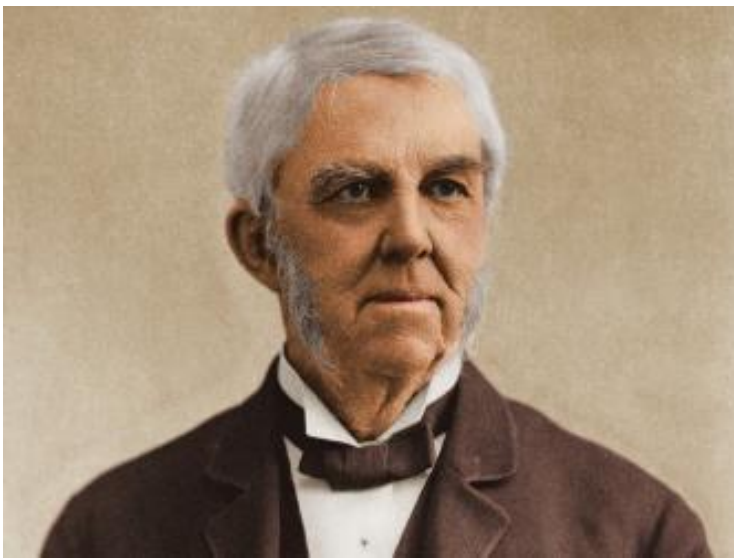
## Hand Hygiene History



Dr. Oliver Wendell Holmes

Dr. Oliver Wendell Holmes advocated hand washing to prevent childbed fever. He was horrified by the prevalence in American hospitals of this fever which he believed to be an infectious disease passed to pregnant women by the hands of doctors. His ideas were met with disdain.

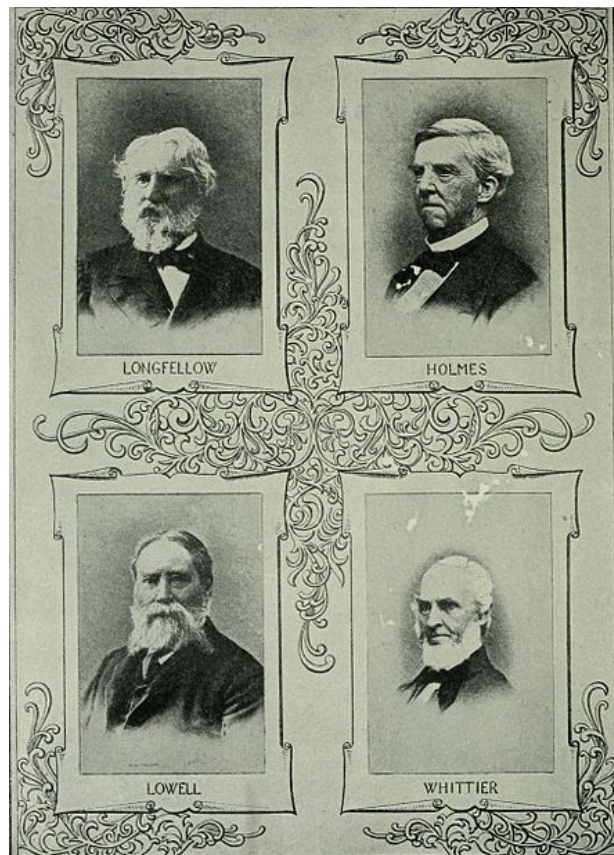




**Dr. Holmes** caused a controversy by trying to admit the **first woman** and the **first African-Americans** to Harvard Medical School.

**Oliver Wendell Holmes, Sr.**, was one of the popular America's **Fireside Poets**, along with

- **Henry Wadsworth Longfellow,**
- **William Cullen Bryant,**
- **John Greenleaf Whittier,**
- **James Russell Lowell, and**
- **Ralph Waldo Emerson.**



The **Fireside Poets** were described by Horace Scudder wrote in *Literature in School*, 1888:

"They were born on American soil;  
they have breathed American air;  
they were nurtured

on American ideas.

They are Americans  
of Americans.

They are as truly  
the issue of our  
national life as are  
the common  
schools in which we  
glory.

During the fifty  
years in which our  
common-school  
system has been  
growing to maturity,  
these six have lived  
and sung;



and I dare to say that the lives and songs of **Bryant, Emerson, Longfellow, Whittier, Holmes, and Lowell** have an imperishable value regarded as exponents of national life."

**Holmes** wrote:

"Where we love is home. Home that our feet may leave but not our hearts."

**Where we love is home.  
Home that our feet may  
leave, but not our hearts.**

**- Oliver Wendell Holmes, Sr.**

"The sound of a kiss is not so loud as that of a cannon, but its echo lasts a great deal longer."

"The Amen of nature is always a flower."

"Some people are so heavenly minded that they are no earthly good."

"Most people are willing to take the Sermon on the Mount as a flag to sail under, but few will use it as a rudder by which to steer."

"I find the great thing in this world is not so much where we stand, as in what direction we are moving:

To reach the port of Heaven, we much sail sometimes with the wind and sometimes against it - but we must sail, and not drift, nor lie at anchor."

**Oliver Wendell Holmes, Sr.**, wrote a poem about Pilgrim pastor John Robinson of Leyden, published in "**The Professor at the Breakfast Table**," 1860:



"Before the Speedwell's anchor swung,  
Ere yet the Mayflower's sail was spread,

While round his feet the Pilgrims clung,  
The pastor spake, and thus he said:--

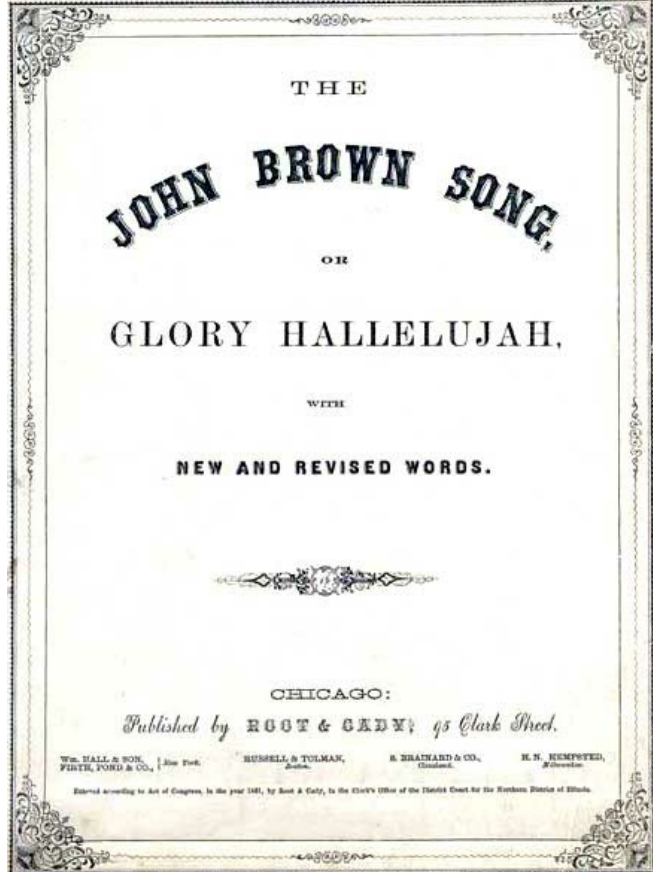
'Ye go to bear the saving Word  
To tribes unnamed and shores untrod:

Heed well the lessons ye have heard  
From those old teachers taught of **God.**"

In the Spring of 1861,  
at the start of the Civil  
War, the **2nd Infantry  
Battalion of the  
Massachusetts militia**

composed the words of the Union marching song "**John Brown's Body.**"

Later that year, to the same tune, **Julia Ward Howe** wrote the words to "**The Battle Hymn of the Republic.**"

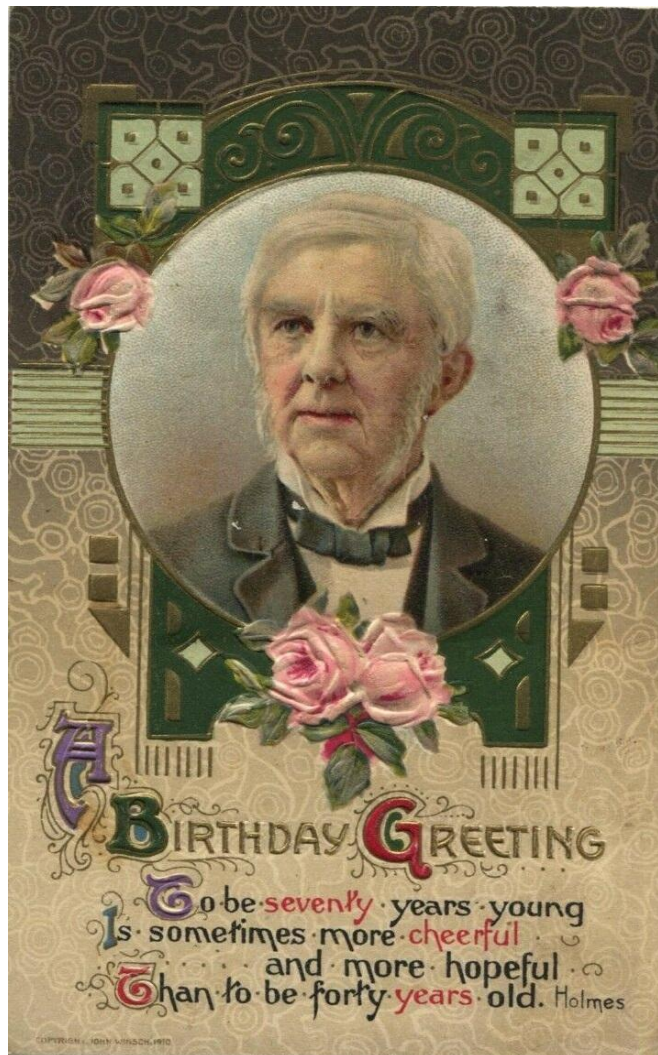


At the same time, **Oliver Wendell Holmes, Sr.**, wrote a poem titled "**To Canaan-A Puritan War Song**" (published April 12, 1862, in *Boston's Evening Transcript*):

Where are you going,  
soldiers,  
With banner, gun, and  
sword?

We're marching South  
to Canaan  
To battle for the **Lord!**

What Captain leads  
your armies  
Along the rebel coasts?



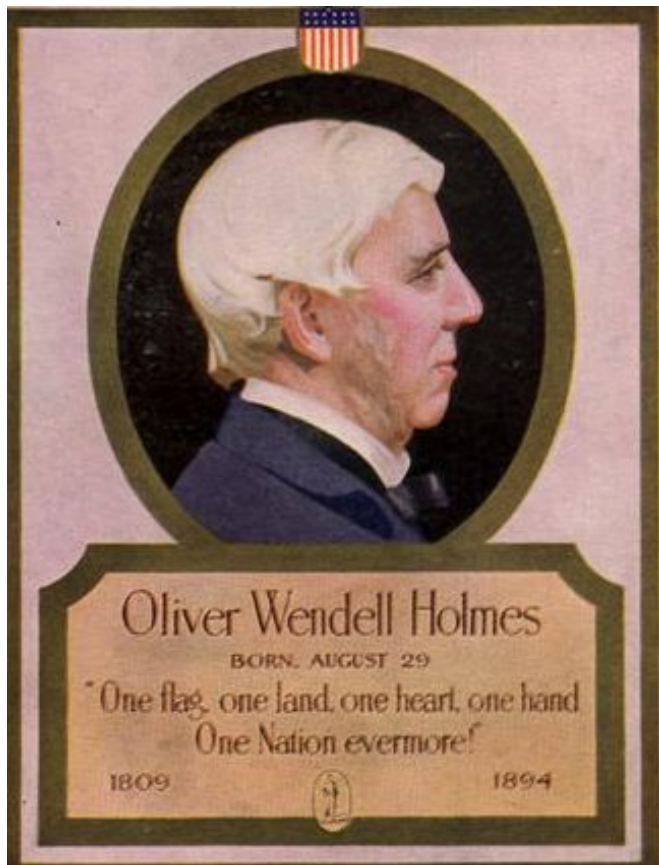
The **Mighty One of Israel**,  
His name is **Lord of Hosts!**

To Canaan, to Canaan  
The **Lord** has led us forth,

To blow before the heathen walls  
The trumpets of the North! ...

What song is this you're singing?  
The same that **Israel** sung

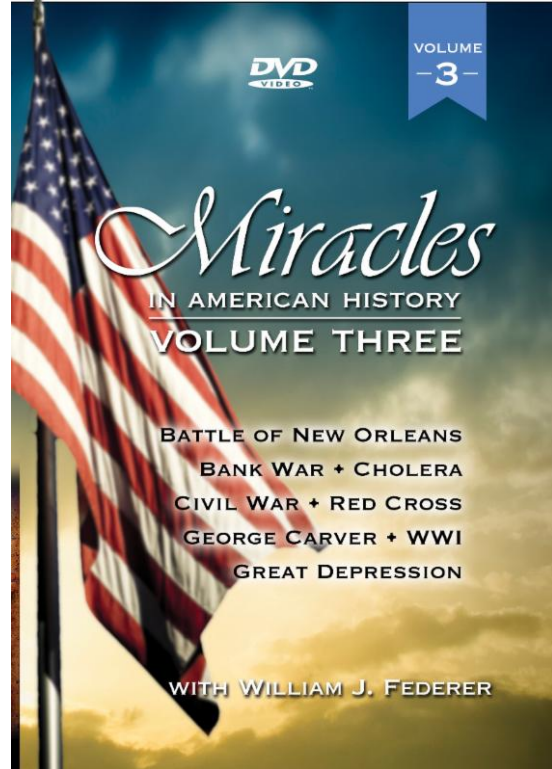
When Moses led the mighty choir,  
And Miriam's timbrel rung!



**Oliver Wendell  
Holmes, Sr.**, stated:

“One flag, one land,  
one heart, one hand,  
one nation  
forevermore!”

[DVD Miracles in American  
History](#)



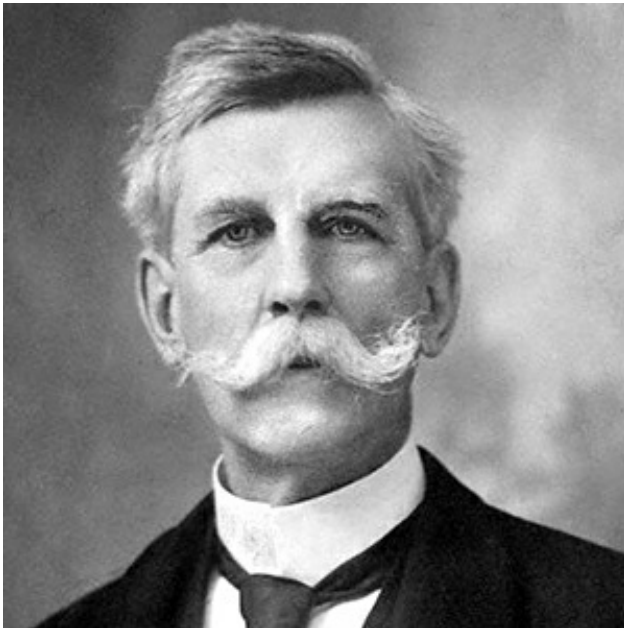
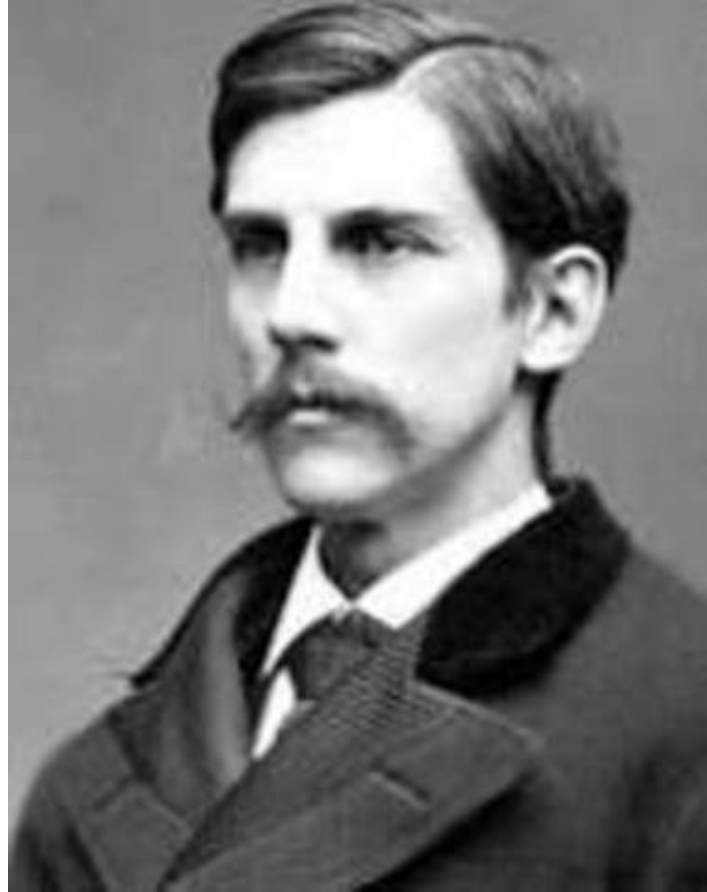
**Dr. Holmes' son, Oliver Wendell Holmes, Jr.,** was born MARCH 8, 1841.

**Holmes, Jr.,** graduated from Harvard and enlisted in the Army against his father's wishes.

He was injured in the Civil War three times, including a gunshot wound to the chest at the **Battle of Ball's Bluff**, October 1861.

**Holmes, Jr.,** edited the *American Law Review*, was a **Harvard Law professor,** and

**Chief Justice of the  
Massachusetts  
Supreme Court.**



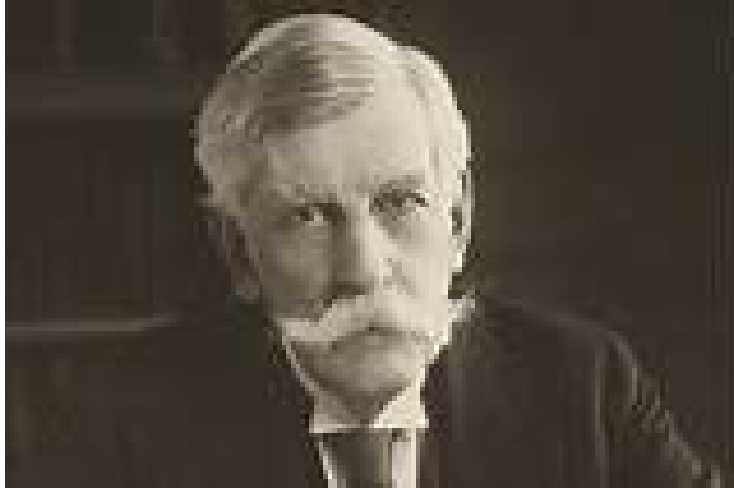
**Holmes, Jr.**, was assumed to have the same Biblical values of his famous father.

In 1902, **Theodore Roosevelt** appointed **Oliver Wendell Holmes, Jr.**, to the **U.S. Supreme Court**, but almost immediately regretted it, remarking:

"Out of a banana I could carve a firmer backbone."

**Holmes'** unpredictable decisions utilizing fatalistic, tortured logic, earned him the moniker of being "**The Great**

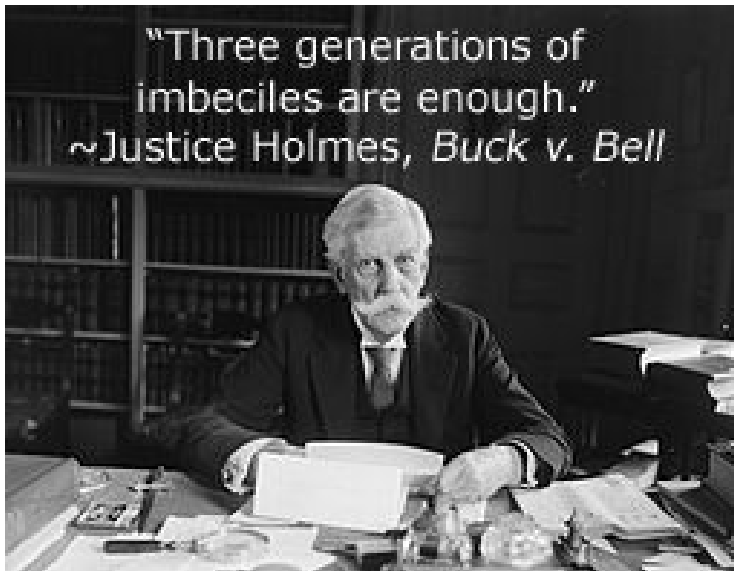
Dissenter."



Unfortunately, like the Old Testament accounts that the **sons of High Priest Eli did not follow in his steps**, or that the **sons of Prophet Samuel did not follow in his steps**, **Oliver**

**Wendell Holmes, Jr., did not follow** in the steps of his **patriotic father.**

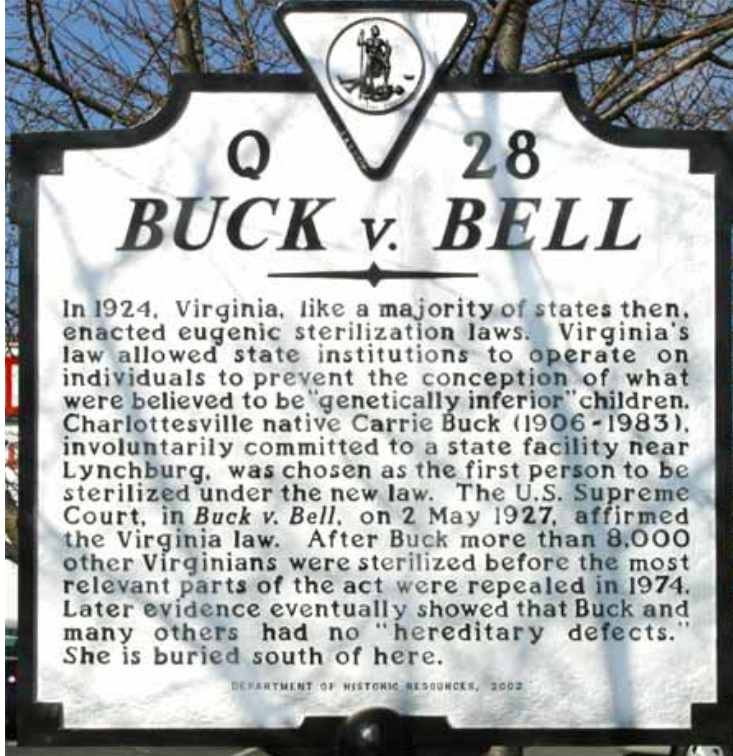
One of **Justice Holmes'** worst decisions was upholding Virginia's **mandatory sterilization of a woman** in the case of *Buck v. Bell*, 1927, writing "Three generations of imbeciles are enough."



generations of imbeciles are enough."

Ross Pomeroy wrote in "**One of the Supreme**





**Court's Worst Decisions Was About Science"** (*Real Clear Science*, April 10, 2017):

"The majority opinion, penned by the legendary justice **Oliver Wendell Holmes**, seems like it originated from a **dystopian work**

**of science fiction ...**

Unfortunately, **Holmes' opinion** was very real and far-reaching.

Not only did it **result** in the sterilization of Buck, it also led to **the sterilization of as many as 70,000 people over the next fifty years ...**

**The decision's warped sense of justice** came during the Nuremberg Trials after World War II, when **Nazi war criminals utilized it for their defense."**

Instead of maintaining the **original intent** of the Constitution, **Oliver Wendell Holmes, Jr.**, was influenced by **Social Darwinism** and **Progressivism** to **evolve** the words

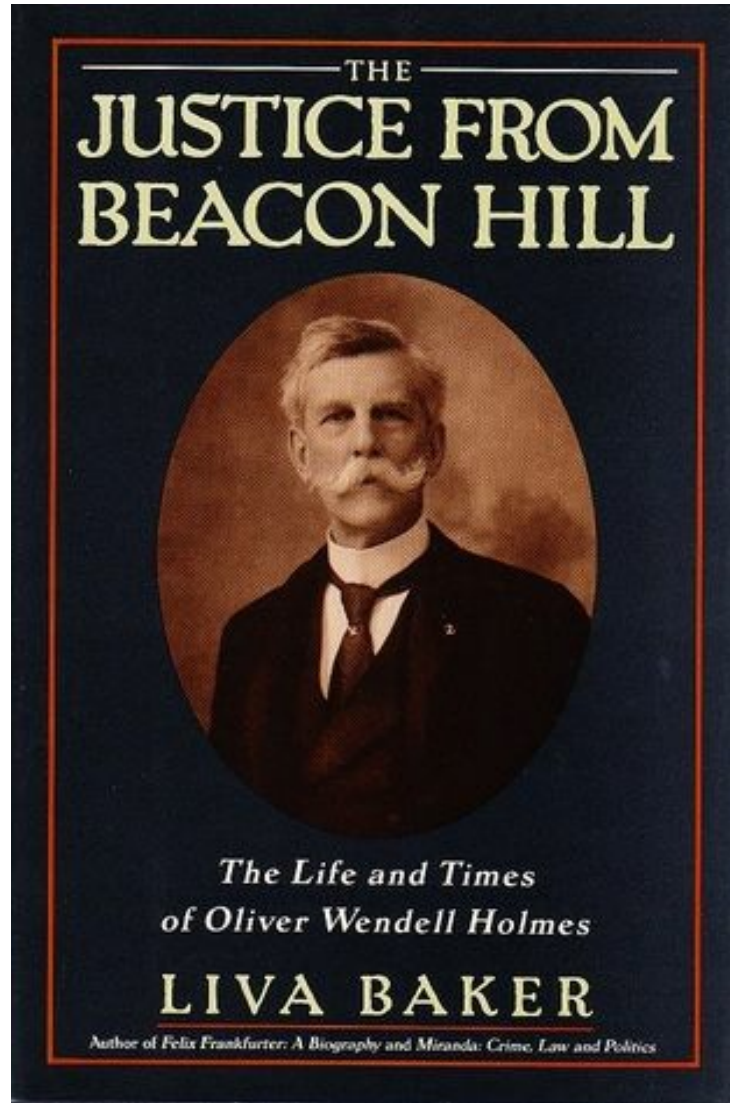
### **Legal Realism**

- There really are no legal rules. Appeals to rules are mere rationalizations of the decisions of judges made on extra-legal grounds.
- The discipline of law consists simply in predicting what judges will do. Law is a branch of sociology: studying patterns of behavior.

in the Constitution to have meanings unimagined by the writers of the Constitution, through a disingenuous process he called "**legal realism.**"

His biographer described in *The Justice from Beacon Hill: The Life and Times of Oliver Wendell Holmes* (1991), that **Holmes'** theory of "**legal realism**":

"... **shook the little world of lawyers and judges** who had been raised on **Blackstone's theory** that the **law, given by God Himself**, was immutable and eternal and **judges had only to discover its contents.**

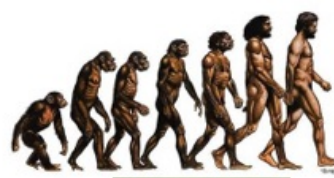


It took some years for them to **come around to the view** that the **law was flexible**, responsive to **changing social and economic climates ...**

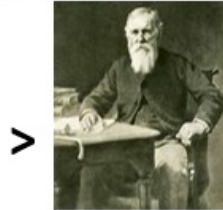
**Holmes** had ... broken new intellectual trails ... demonstrating that the corpus of the **law was neither ukase (an edict) from God nor derived from Nature**, but ... was a **constantly evolving thing**, a response to the **continually developing social and economic environment.**"

Serving on the bench for over 30

years, **Holmes, Jr.**, contributed to the development of two distinct views held by Supreme Court Justices:



**Herbert  
Spencer**



**Christopher  
Columbus  
Langdell**



**Oliver  
Wendell  
Holmes, Jr.**

- the **first view** generally attempts to **hold to the intent of the founders**; and
- the **second view** cares little for the founders, opting to **evolve the law** so as to **advance a political agenda**.

Bradley C.S. Watson wrote in the article "**The Curious Constitution of Oliver Wendell Holmes Jr.**" (*National Review*, December 17, 2009):

- **Natural Law Theory**
  - What God Says It Is
  - Based on Morals
- **Legal Realism**
  - What the Court Says It Is
  - Social Moral Values

**"Following in Holmes's footsteps, a long line of progressive jurists have broken with the founders' Constitution** — and with it, the very notion that human beings are creatures ... with transcendent purposes that do not change over time.

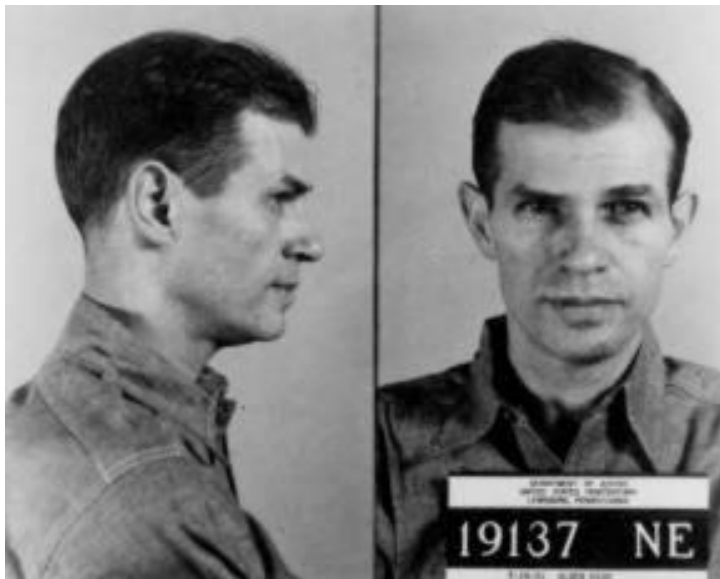
**In his rejection** of natural law and natural rights — and thus of a classical liberal constitutionalism with limited state power — **Holmes laid the groundwork for the contemporary era of jurisprudence**, in which **judges look to their visions of the future more than to the documents and doctrines of the past**, and take on a

new and far more active role in the constitutional order."

After decades of issuing opinions which usurped the authority of God, **Oliver Wendell Holmes, Jr.**, gave the self-incriminating reply to a reporter on his 90th birthday, **MARCH 8, 1931:**



"Young man, the secret of my success is that at an early age I discovered I was not God."

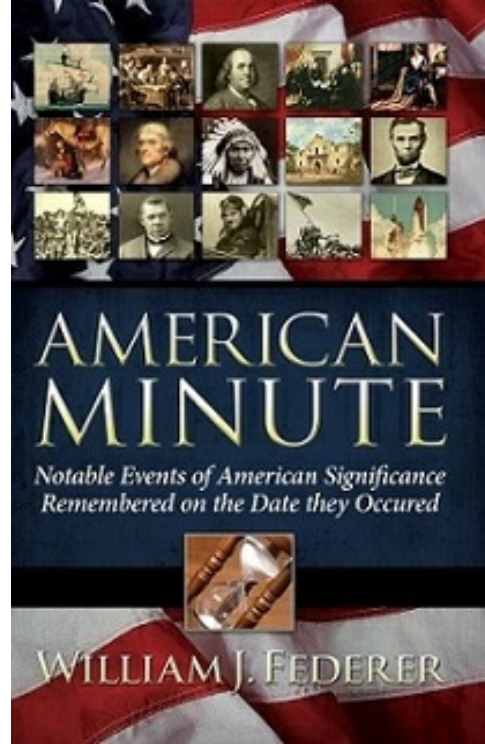


**Alger Hiss** clerked for **Justice Holmes** before he worked at the **State Department** and helped establish the **United Nations**.

**Alger Hiss** was convicted on

charges related to being a **Soviet Russian spy**.

[American Minute-Notable Events of American Significance Remembered on the Date They Occurred](#)



Justice Holmes' father, **Dr. Oliver Wendell, Sr.**, had written a poem on the eve of the Civil War, when

**President James Buchanan** declared a **National Day of Fasting.**

**Dr. Holmes, Sr.**, wrote "**A Voice of the Loyal North,**" National Fast, January 4, 1861:

WE sing "Our Country's"  
song to-night  
With saddened voice and  
eye;

Her banner droops in  
clouded light  
Beneath the wintry sky ...

'T were vain to sigh o'er  
errors past,



The fault of sires or sons;

Our soldier heard the threatening blast,  
And spiked his useless guns ...

Enough of speech! the trumpet rings;  
Be silent, patient, calm,-

**God help them if the tempest swings**  
The pine against the palm! ...

Our toilsome years have made us tame;  
Our strength has slept unfelt;

The furnace-fire is slow to flame  
That bids our ploughshares melt ...

But harder still for those who learn  
The truth forgot so long;

**When once their slumbering passions burn,**  
**The peaceful are the strong! ...**

The Lord have mercy on the weak,  
And calm their frenzied ire,

And save our brothers ere they shriek,  
"We played with Northern fire!"

**The eagle hold his mountain height,—**  
**The tiger pace his den!**

**Give all their country, each his right!**  
**God keep us all! Amen!**

--

**[Read as PDF ... "Old Ironsides" USS Constitution -  
Oliver Wendell Holmes, Sr., & his dissenting son](#)**

# Read as American Minute blog post

Follow on:

[Telegram](#)

[USA.Life](#)

[Linkedin](#)

[Twitter](#)

[MeWe](#)

[Parler](#)

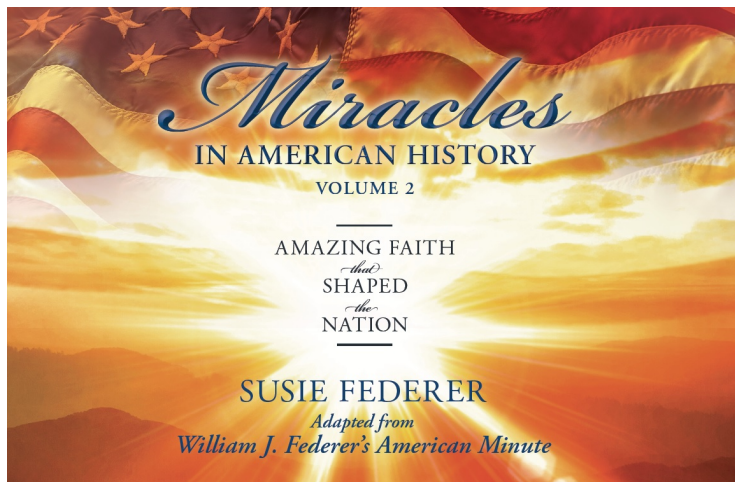
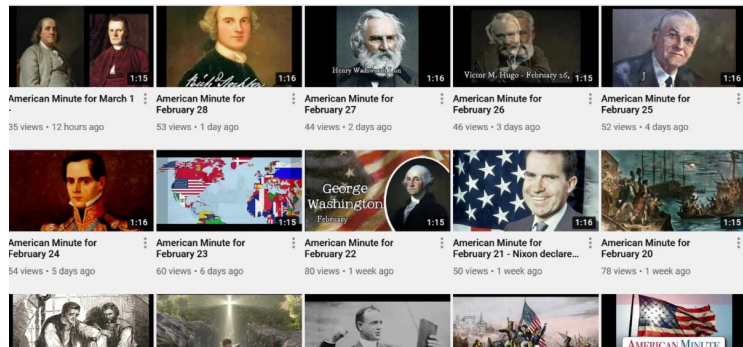
[Gab](#)

[FB](#)

William J. Federer  
videos

[Rumble](#)

[YouTube](#)



[Prayers and Presidents - Inspiring Faith from Leaders of the Past](#)

Schedule Bill Federer for informative interviews & captivating PowerPoint presentations: 314-502-8924

[wjfederer@gmail.com](mailto:wjfederer@gmail.com)

American Minute is a registered trademark of William J. Federer. Permission is granted to forward, reprint, or duplicate, with acknowledgment.

[www.AmericanMinute.com](http://www.AmericanMinute.com)

[Click to shop AMERICAN MINUTE store](#)

[Donate to American Priorities. Thank you!](#)

[700 Club - Socialism \(episode 1\)](#)

700 Club - Socialism (episode 2)

700 Club - Miracles in History (episode 1)

(episode 2)

(episode 3)

Miracles in American History-Volume TWO (D.James  
Kennedy Ministry)

***Faith in History TCT***

Archives

***CBN "Liberty" Special***

***Today's Bible reading***

