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*Rosa Parks, Constitutional Theory and the Role of Government
by Congressperson Jesse L. Jackson, Jr.*

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Rosa Parks will be honored with a statue in the National Statuary Hall of the U.S Capitol. Rep. Jackson was instrumental in passing the enabling legislation.

Today some might consider it a stretch to argue that Rosa Parks single handedly dealt a blow to Jeffersonian Democracy and the ideology of states rights. While most people consider Rosa Parks a simple woman whose act of courage initiated the civil rights movement, a more comprehensive interpretation of Parks' act redefined constitutional theory and the role of the central government in building a more perfect union for its citizens.

Under Thomas Jefferson's and James Madison's limited views of democracy, which was based on the ideology of local control, each state was co-equal with the federal government with the same power and authority to act and decide as the national government in their state "sphere" of "reserved powers" – that is, those powers not specifically given away to the federal government by the Constitution.

James Madison developed the theory of "interposition" in the Virginia Resolution of 1798, the idea that when, in the eyes of a state, the federal government exceeded its constitutional authority, the states "have the right and are duty bound to interpose for arresting the progress of the evil. In short, a state could stop the effectiveness of a federal law's execution, administration or interpretation by interposing itself between the people of the state and the federal government.

Thomas Jefferson developed the theory of "nullification" in the Kentucky Resolution of 1799. Building on the conservative compact constitutional theory of government, he argued that states had the right to nullify all laws that they considered unconstitutional.

Both resolutions denied the Supreme Court's authority to determine whether laws passed by Congress were constitutional.

The 1954 Brown v. Board of Education case provided even greater context for Parks' actions when one considers the massive resistance by the southern states to desegregation. In a shot heard around the world,

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Rosa Parks' action served notice to all states that any further attempts to oppose a broad interpretation of the 14th Amendment using Madison's and Jefferson's theories would be met with equal resistance.

Thus, Rosa Parks actions in 1955, one year after Brown, led directly to Dr. King's immortal words at the Lincoln Memorial on April 28, 1963, eight years later: "I have a dream that one day down in Alabama, with its vicious racists, with its governor having his lips dripping with the words of interposition and nullification – one day right there in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers." Liberals ignore the first part of that statement and conservatives only quote the second.

As we dedicate this statue, it is important to note that these battles are the same but many of the names have been changed. Instead of interposition and nullification, congress uses unfunded mandates and "302(b) allocations" as a way to describe and support a states struggle for dominance over the federal government.

What is Rosa Parks' legacy? Yes, her legacy will look back on a life lived. But it will also look ahead to the unfinished business of ending discrimination in all of its forms, and toward building a common law and a more perfect Union for all Americans.

Rosa Parks continues as a living legacy with ongoing implications for the federal officials we elect, Supreme Court candidates we nominate and constitutional interpretations that are rendered. Do we want "strict constructionists" on the Court who will interpret the Constitution narrowly and limit the role of the federal government in the name of "states' rights" and local control? Or do we want courts that reflect a broader interpretation of common law for all Americans?

The right to vote, to a public education and health care of equal high quality, to a safe, clean and sustainable environment, to affordable housing, to equal rights for women, to fair taxation and to employment are all not explicitly guaranteed in the Constitution and thus are subject to 10th Amendment limitations – as was most clearly demonstrated in the Bush v Gore decision of 2000 where Florida's laws took precedence over an individual American's constitutional right to have their vote counted.

The bill that President Bush signed into law says that the Rosa Parks statue will be completed and placed in Statuary Hall within two years, in 2007, which happens to be the same year that the 1965 Voting Rights Act must be strengthened and extended.

So wrapped up in the Rosa Parks statue and legacy is an end to any form of discrimination and a commitment to a common law over states' rights and local control for major issues of social and economic justice that allows all Americans to be treated equally and with dignity.

Parks paved the way, but we still have unfinished business to complete as a nation. We can still have a new birth of freedom if "we the people" become reengaged in the struggle to build a more perfect Union and a government of the people, by the people and for the people. And if we do, it "shall not perish from the earth" until the earth itself perishes.

*Rep. Jesse L. Jackson, Jr. (D-IL) is author of the remarkable book, [A More Perfect Union: Advancing New American Rights](#). We at **BC** gladly endorse it.*