

2005

The True Legacy of Rosa Parks: Beyond the Civil Rights Movement

Patricia A. Broussard

FAMU College of Law, patricia.broussard@famu.edu

Follow this and additional works at: <https://commons.law.famu.edu/faculty-research>



Part of the [Civil Rights and Discrimination Commons](#), and the [Constitutional Law Commons](#)

Recommended Citation

Broussard, Patricia A., "The True Legacy of Rosa Parks: Beyond the Civil Rights Movement" (2005). *Journal Publications*. 261.
<https://commons.law.famu.edu/faculty-research/261>

This Article is brought to you for free and open access by the Faculty Works at Scholarly Commons @ FAMU Law. It has been accepted for inclusion in Journal Publications by an authorized administrator of Scholarly Commons @ FAMU Law. For more information, please contact paul.mclaughlin@famu.edu.

(<https://lp.findlaw.com/>).

[Cases & Codes \(https://caselaw.findlaw.com/\)](https://caselaw.findlaw.com/) [Practice Management \(https://practice.findlaw.com/\)](https://practice.findlaw.com/) [Legal Technology \(https://technology.findlaw.com/\)](https://technology.findlaw.com/) [Corporate Counsel \(https://corporate.findlaw.com/\)](https://corporate.findlaw.com/)

[FINDLAW \(https://lp.findlaw.com/\)](https://lp.findlaw.com/) / [US SUPREME COURT CENTER \(https://supreme.findlaw.com/\)](https://supreme.findlaw.com/) / [LEGAL COMMENTARY \(https://supreme.findlaw.com/legal-commentary.html\)](https://supreme.findlaw.com/legal-commentary.html) / THE TRUE LEGACY OF ROSA PARKS BEYOND THE CIVIL RIGHTS MOVEMENT



The True Legacy of Rosa Parks: Beyond the Civil Rights Movement

By **PATRICIA BROUSSARD**

Wednesday, Nov. 02, 2005

Rosa Parks died on October 24; her funeral was today. No doubt, there will be a flurry of well-deserved posthumous tributes and honors bestowed upon her. And no doubt, some will feel shame over the manner in which her sacrifices were depicted in later years - for instance, by the group OutKast. (Parks sued the group's record company, in *Rosa Parks v. Laface Records*, over the unauthorized use of her name in a song title).

The story of Mrs. Parks's key role in the "modern-day" civil rights movement has been told and will be retold innumerable times. She has already been referred to, for many years, as the "mother" of the movement. We know well how, on December 1, 1955, in a brave act of civil disobedience, she violated the invidious Alabama Code ch. 1 § 8, which forbade all "colored" people from sitting in the front of the bus. And we know well, too, how her act served as the catalyst for a bus boycott, for the movement itself, and for the subsequent rise of a young minister named Dr. Martin Luther King, Jr.

But by casting Rosa Parks in the role of the "mother" of the civil rights movement, historians place a limit on her real role in shaping America into what it is today, both nationally and internationally. No wonder, then, that, as the Associated Press reported, at a memorial service for Mrs. Parks in Alabama, Condoleezza Rice commented, "I can honestly say that without Mrs. Parks, I probably would not be standing here today as Secretary of State."

The larger story is that of how Rosa Parks's simple act of refusing to give up her seat in the "colored" section of the bus to a white man changed the world.

The Larger Context of Rosa Parks's Simple, Brave Act

Rosa Parks's act - a mix of tiredness, resistance, and calling the bus driver's bluff -- changed America forever because the subsequent legislation, court cases, and paradigm shifts that resulted gave America the moral authority to promote democracy around the world.

America could not have touted itself as the leader of the free world without Rosa Parks. America could not have imposed sanctions for violations of human rights around the globe without Rosa Parks. America could not have interceded on behalf of Nelson Mandela without Rosa Parks. And, America could never have countenanced bringing freedom to the citizens of Iraq without Rosa Parks.

In sum, Rosa Parks was an American hero - one who forced America to begin to clean its own house, so that it could then aspire to be a moral beacon in the world.

America as It Was, Before Rosa Parks Resisted Segregation

To fully understand the importance of the role Rosa Parks played in changing the world, we must look closely at what America had become in 1955, and how it had gotten there.

In 1857, almost one hundred years earlier - and after nearly two-hundred years of slavery -- United States Supreme Court Chief Justice Roger B. Taney declared in the *Dred Scott* decision (<https://laws.findlaw.com/us/60/393.html>) that "all blacks were not and could not be citizens." This decision outraged many northerners and ultimately led to the election of Abraham Lincoln, the Civil War, and the signing of the Emancipation Proclamation.

But the irony of the Emancipation Proclamation is that it took many years for some slaves to realize that they were free. Slavery had resulted in the political, psychological, and social decimation of generations of Black Americans. An entire segment of the American population was "freed" from centuries of slavery - but left with little or no education, no land, and no personal property. The idea that they could "pull themselves up by their boot straps" was absurd; they had none.

Moreover, the hope that blacks had, as result of Reconstruction and the enactment of the Thirteenth, Fourteenth, and Fifteenth Amendments, faded with the rise of Jim Crow laws, the evisceration of the Fourteenth Amendment in the Slaughterhouse Cases, and the infamous decision in *Plessy v. Ferguson* (<https://laws.findlaw.com/us/163/537.html>) in 1896, which gave the ugly Jim Crow system a legal blessing.

No wonder W.E.B. Dubois remarked, "The problem of the Twentieth century is the color line." In the early 1900s, lynching of blacks became the national pastime. In the midst of this shameful period, the country witnessed a glimmer of hope with the birth of the National Association for the Advancement of Colored People (NAACP) and the National Urban League. And, for sure there were small victories, including legal victories, along the way - such as the Supreme Court's holdings in *Guinn v. United States* (<https://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=238&invol=347>), which struck down Oklahoma "grandfather clauses" that had made voter registration in part dependent upon whether the applicant was descended from men enfranchised before enactment of the Fifteenth Amendment; and *Buchanan v. Warley* (<https://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=245&invol=60>), which struck down a Louisville, Kentucky housing covenant that forced blacks and whites to live in separate areas.

However, the Great Depression exacted a horrific toll on blacks. Poverty and inequality placed an undue burden on a people who had only been "up from slavery" for a mere fifty-four years. And, it was not until almost twenty years later, in 1948, that President Harry S. Truman signed Executive Order 9981, which brought about the desegregation of the armed services.

In 1954, *Brown v. Board of Education* (<https://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=347&invol=483>) was decided and although it was met with immediate resistance, it had the legal, if not actual, effect of overturning *Plessy*. Once again, ninety-one years after the signing of the Emancipation Proclamation, blacks had reason to hope. And that brings us to Rosa Parks - and her bravery and the hope to which it gave birth.

Beyond Brown: The Brutal But Hopeful Climate in Which Rosa Parks Acted

Think of this history: Centuries of slavery, followed by Jim Crow, enhanced when *Plessy* became the law of the land, followed by mistreatment, maltreatment, hostility or sheer indifference. And think, in particular, of the careful, invidious design of the Montgomery segregation rules. All this provided the backdrop for Rosa Parks's America, circa 1955.

The Montgomery Jim Crow rule with respect to riding the bus was quite intricate. Blacks would go to the front of the bus to pay the driver, then get off the bus and go to the back door to enter. But the "back" of the bus was a fluid concept, since it moved further to the rear depending on how many whites got on. Rosa Parks was initially sitting at the back of the bus, but the entrance of the white man, for whom she refused to move, shifted the back, back.

In actuality, Rosa Parks not only stood up to a white bus driver and Alabama, she stood up to all of 1955 America - and by standing up, she forced it to change.

America's treatment of blacks had made it a lesser democracy - one that deeply betrayed its own promises of equality. It was, in fact, a society imbued with hypocrisy and hatred and guilty of crimes against humanity. Rosa Parks's bravery gave America an opportunity to redeem itself. She forced America to clean up its act and gave it credibility and authority that resounds around the world today.

There have been serious setbacks: Within a mere twenty-four years of deciding *Brown*, the Court decided *Regents of the University of California v. Bakke* (<https://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=438&invol=265>), and held that race could be used only as a "plus" factor in admission, and that was all; setting aside a few seats for black students was too much.

In so doing, the Court interpreted, ironically, the same Fourteenth Amendment that was enacted to ensure the full inclusion of blacks into the American fabric. After four hundred years of disenfranchisement, the Court, in effect, decided that all debts had been settled.

Living Up To Rosa Parks's Legacy

If America is to maintain the international prestige it has gained on the back of Rosa Parks, it must monitor itself and it must seek the higher ground whenever and wherever possible.

In all honesty, it's not looking good. One ugly recent development is the State of Georgia's Voter ID Law - which will predictably harm poor voters, who tend disproportionately to be black. Could the voter qualification question of 'How many bubbles are in a bar of soap' be far behind?

I am not hopeful and quite frankly, I don't see very many new Rosa Parkses on the horizon. Rest in peace, Rosa Parks, you helped to make America better, and you allowed it to be the leader of the "free" world. The rest is up to America.

Patricia A. Broussard is a Professor of Law at the Florida A&M University College of Law in Orlando. She has had an extensive legal career, including work as a contract attorney for the United States Postal Service and the U.S. Department of Justice. She taught at Howard Law School and was acting director of Howard's Legal Writing Program. In February 2003, Professor Broussard, along with Professors Gregory Berry and Gwendolyn Roberts Majette, submitted an amicus brief to the United States Supreme Court on behalf of Howard University law students in the landmark affirmative action case of *Grutter v. Bollinger* (<https://laws.findlaw.com/us/000/02-241.html>), which upheld the University of Michigan Law School's affirmative action admission policies. That same year, the Howard University School of Law honored her by presenting her with the Warren Rosmarin Award for outstanding teaching and service to the law school. Professor Broussard's most recent article is entitled *Brown Did Not Fail America, America Failed Brown*.

BACK TO TOP

Research

Cases & Codes (<https://caselaw.findlaw.com/>)
Opinion Summaries (<https://caselaw.findlaw.com/summary.html>)
Sample Business Contracts (<https://corporate.findlaw.com/contracts/>)
Research An Attorney or Law Firm (<https://lawyers.findlaw.com/>)
Forms (<https://forms.lp.findlaw.com/>)
Reference (<https://reference.findlaw.com/>)
Legal Commentary (<https://supreme.findlaw.com/legal-commentary.html>)

Practice

Law Technology (<https://technology.findlaw.com/>)
Law Practice Management (<https://practice.findlaw.com/>)
Law Firm Marketing Services (<https://www.lawyermarketing.com>)
Corporate Counsel (<https://corporate.findlaw.com/>)
JusticeMail (<http://www.justice.com>)
Jobs & Careers (<https://careers.findlaw.com/>)

About Us

Company History (<https://company.findlaw.com/company-history/findlaw-corporate-information-press-company-background.html>)
Media (<https://company.findlaw.com/press-center/findlaw-corporate-information-press-media-relations.html>)
About FindLaw.com (<https://company.findlaw.com/company-history/findlaw-com-about-us.html>)
Privacy (<https://www.thomsonreuters.com/en/privacy-statement.html>)
Cookies
Terms (<https://company.findlaw.com/findlaw-terms-of-service.html>)
Disclaimer (<https://company.findlaw.com/disclaimer.html>)
Advertising (<https://company.findlaw.com/media-kit.html>)
Jobs (<https://company.findlaw.com/employment/employment.html>)

Social

Facebook (<https://www.facebook.com/FindLawConsumers>)
YouTube (<https://www.youtube.com/watch?v=WQInbzazOhw>)
Twitter (<https://twitter.com/findlawconsumer>)
Pinterest (<https://pinterest.com/findlawconsumer/>)
Newsletters (<https://newsletters.findlaw.com/>)

Law Firm Marketing

Attorney Websites (https://www.lawyermarketing.com/services/mobile-friendly-websites/?ct_primary_campaign_source=701130000027LuU&ct_source=Website&ct_source_type=Referral)
Online Advertising (https://www.lawyermarketing.com/services/integrated-marketing-solutions/?ct_primary_campaign_source=701130000027LuU&ct_source=Website&ct_source_type=Referral)
Buy a Directory Profile (<https://store.lawyermarketing.com>)

Marketing Resources

On-Demand Webcasts (https://www.lawyermarketing.com/webcasts/?ct_primary_campaign_source=701130000027LuU&ct_source=Website&ct_source_type=Referral)
White Papers (https://www.lawyermarketing.com/white-papers/?ct_primary_campaign_source=701130000027LuU&ct_source=Website&ct_source_type=Referral)