

Fulfilling America's "Single Proposition"

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NAACP Address

Philadelphia, Pennsylvania

July, 14, 2004

What has made America appealing and respected around the world? Is it our \$12 trillion Gross Domestic Product and general affluence - the richest nation in history? That has great appeal, but it's not the essence of what makes America great.

Is it our military might? After-all, we're the only superpower in the world. Certainly the world is aware of our might, but our military is not so much respected as feared.

Is it our diversity, the fact that people from many different nations, religions and races live together in relative peace? That's important, but not our central idea.

The Democratic Party Platform - in the "A Strong, Respected America" section - says: "Alone among nations, America was born in pursuit of an idea - that a free people with diverse beliefs could govern themselves in peace. For more than a century, America has spared no effort to defend and promote that idea around the world."

Well there's a kernel of truth in there, but, using their words, "just over a century ago" all Americans were not free. The Democratic Party held our grandparents in slavery. So that's selective memory and revisionist history.

The "single proposition" that makes America great and appealing around the world was written by Thomas Jefferson on July 4, 1776, in the Declaration of Independence - the rationale for the founding of our nation - that "all men (and women) are created equal." Even though Thomas Jefferson, a slave holder, did not practice or live up to his own words, it's his "single proposition" that America has sought to fulfill ever since.

In drafting the Constitution in 1787 - and the states ratifying it in 1789 - our Founders tried to say that we can achieve such "equality" through (1) establishing a nation based on the rule of law (not men), and (2) by dividing power among the executive, legislative and judicial branches of government. But the Constitution did not achieve equality in its writing. It was an imperfect document that left out white men without property, women and Native Americans - and counted African Americans as three-fifths of a person.

Thomas Jefferson also insisted on adding amendments to the new Constitution. So in 1791, the nation added ten of them - known as the Bill of Rights - which included Jefferson's 10th Amendment. The 10th Amendment led to a form of government called "Dual Federalism," which had the states ceding limited power to the federal government,

but it essentially gave the states equal power to the federal government unless the federal powers were specifically included in the Constitution. This was called "states' rights."

So, in our founding document, the federal government was structured as a "separate and unequal" system of government. We had thirteen separate and unequal states that were given legal protection in the Constitution's 10th Amendment, with the impossible mandate to fulfill a "single proposition" - that all men (and women) are created equal and should be treated as such before the law.

The word "slavery" never appeared in the Constitution. Slavery was protected by the 10th Amendment - states' rights. The slave states didn't want the "Big Federal Government" coming into their states telling them how to run their economy - which was built on slavery.

Thus, we have African Americans treated as three-fifths in the Constitution, and the institution of slavery protected by "states' rights" in the Bill of Rights.

The Constitution - an imperfect document built on a "separate and unequal" legal foundation - nevertheless was given the mission to build a more perfect Union around the single proposition that all men (and women) are created equal.

Using the combination of Christianity's belief that we are all God's children, and Jefferson's Declaration that we are all created equal, slaves resisted and rebelled against a system that practiced neither. As a result, the country faced the most extensive black insurrection in American history, planned by the Reverend Denmark Vesey for July, 1822. The country also experienced Nat Turner's rebellion in 1831 and John Brown attempted to lead a slave rebellion in 1858 - all because America was failing to fulfill its "single proposition" that all men (and women) are created equal and are treated equal before the law.

While blacks were discriminated against in the North, in terms of the economy, the institution of slavery was in place in the South, while the North had an economic system of free labor. Even though the economic systems North and South were set, the country was expanding westward, and the question was whether the west would be "slave" or "free."

Abraham Lincoln was a political moderate who developed a core conviction of how to gradually end slavery. Lincoln's calculation was, in time, free northern and western states would outnumber southern slave states in Congress and together they would vote to end slavery. Lincoln had many imperfections and compromised on lots of things, but on one central belief he would not budge - he would not permit the expansion of slavery westward.

When Lincoln was elected in 1860, rather than accept his gradualist position with respect to slavery, eleven southern states - in the name of states' rights - left the Union to protect the institution of slavery, and in 1861 provoked a Civil War that cost 620,000 American

lives North and South. In 1865, Lincoln won the war and saved the Union. All of this was an attempt to save the Union in order fulfill the "single proposition" that all men (and women) are created equal.

Lincoln's Emancipation Proclamation, issued on January 1, 1863, in the middle of the war, did not have the power to free the slaves. Only by adding the 13th Amendment to the Constitution in 1865 did Congress have the power to overcome the limitations of states' rights - that is, a states' right to own slaves as permitted under the 10th Amendment.

The 13th Amendment legally ended slavery, but it left two other questions unanswered. There were 9 million people in the South, 4 million of them were former slaves - the new freedmen. The two unanswered questions relative to the freedmen were: (1) how do we bring them into the economic mainstream? And, (2) how do we politically enfranchise them? The answer to the first question was the 14th Amendment - equal protection under the law and due process - added in 1868. The answer to the second question was the 15th Amendment - non-discrimination in voting on the basis of race - added in 1870. And remember, all of this is still an attempt by the country to fulfill the "single proposition" that all men (and women) are created equal.

These three post-Civil War amendments were the basis of America's First Reconstruction. Reconstruction was resisted by the Democratic Party; undermined by the Tilden-Hayes Compromise in 1877, as Northern troops protecting the freedmen were pulled out of the South; and a nail was driven into the heart of the 14th Amendment when the Supreme Court narrowly interpreted it as "separate but equal" in Plessy v. Ferguson in 1896 - bringing the legal legacy of Jim Crow into existence for 58 years.

Jim Crow segregation lasted until the Warren Court overturned Plessy with Brown in 1954 - a new, broad interpretation of the 14th Amendment - still attempting to fulfill the "single proposition." With the precedent of Brown, Roy Wilkins, Whitney Young, Dr. Martin Luther King, Jr., and the broader civil rights community could now fight for legislation to implement the 14th and 15th Amendments.

Thus, the 1964 Civil Rights Act, the 1968 Open Housing Act, affirmative action, economic set-asides and all similar efforts - following Brown - should be seen as attempts to implement the 14th Amendment, and to complete the unfinished work of the American Civil War - which was specifically designed to bring the former slaves into the economic mainstream.

The 1965 Voting Rights Act, majority-minority districts, Motor Voter, and HAVA (the Help America Vote Act) and all similar efforts - following Brown - should be seen as attempts to implement the 15th Amendment, and complete the unfinished work of the American Civil War, which was specifically designed to politically enfranchise the former slaves.

But this is the genius of the African American experience and contribution to America.

While all of these amendments were specifically designed for us, they were done in such a way as to benefit all Americans. Labor should be happy with the 13th Amendment because it outlawed slavery for everyone. The 14th Amendment provides "equal protection" and "due process" for all Americans. The 15th Amendment provides the basis for outlawing voter discrimination against anyone.

Today, however, in many other areas of our lives, we are still stuck with the limitations of the 10th Amendment - states' rights - the old slave amendment.

The Right To Vote: There is a legal debate within the civil rights community as to whether a combination of the 14th and 15th Amendments, and current legal precedents, provides an adequate framework to guarantee a fundamental, individual, and equal "right to vote" for every American citizen; or whether a new voting rights amendment should be added to the Constitution to overcome the limitations of the 10th Amendment and guarantee every citizen the individual right to vote. Congressman Jesse Jackson, Jr., has introduced House Joint Resolution 28 - which the NAACP has already endorsed - which would add a voting rights amendment to the Constitution.

However, there should be no debate among us that the number one agenda item for the civil rights community in a Kerry-Edwards Administration, beginning in 2005, should be strong, full, federal voting rights legislation that guarantees every single American the fundamental right to vote - OR a new voting rights constitutional amendment. We must insist on it, because voting rights are protective of all other rights. WE MUST SAY IN THE LAW - FLORIDA, NEVER AGAIN!

The civil rights community must continue to protect our civil rights gains, strengthen civil rights laws, and insist on civil rights enforcement, but we must now begin to fight for new human rights and fight to put them in the Constitution as new amendments. We must not settle for federal legislation alone with respect to our rights, we must fight for new amendments to the Constitution.

EDUCATION: While there is a debate about voting rights and the Constitution, there is no debate about education. Education is not mentioned in the Constitution, therefore, education exists under the old slave amendment - the 10th Amendment. Education is a "state right" and subject to "local control," with no high constitutional standard. Local control should remain, but every school must be mandated to meet a high constitutional standard. Currently, there are 50 states, 3,067 counties, 20,000 cities, 53 million children, in 93,000 schools, administered by 15,000 school districts - all "separate and unequal"! How can children truly be given an "equal educational opportunity" under such a legal arrangement? It can't! But remember, we are still a nation committed to a "single proposition" - that all men (and women) are created equal.

Thus, in the area of education, we must fight for House Joint Resolution 29 - which, again, the NAACP is already on record as supporting. It provides for a public education of equal high quality for every American.

HEALTH CARE: The word health care is not in the Constitution either, so health care is subject to the limitations of the old slave amendment as well. Health care too is a "state right." There are 44 million Americans who have no health insurance - they only have access to the most expensive health care, that given in an emergency room. Those without health care have no legal recourse, because health care is not an American right guaranteed in the Constitution. We must fight for House Joint Resolution 30 - the right to health care of equal high quality.

When we fight for human rights and constitutional amendments, we are fighting on solid moral and political ground. Human rights and constitutional amendments are, by definition, non-partisan - they are not Republican or Democratic. Human rights and constitutional amendments are non-ideological - they are neither liberal nor conservative. Human rights and constitutional amendments have the advantage of being non-programmatic - they don't tell you how to reach the right. If Republicans think Medical Savings Accounts can achieve the right - fine. If Democrats believe singlepayer can reach the right - fine. But if either fails to achieve the right for every American, they don't have to wait for the next President or the next Congress to promise them health care. They can take their right, go to federal court, and get their right to health care enforced. Finally, human rights and constitutional rights are, by definition, not a "special interest." They are for all Americans!

Attorney General John Ashcroft believes the Second Amendment gives to individual Americans the right to keep and bear firearms. President George Bush and the Republican Congress wants to add an amendment to the Constitution defining marriage - they're voting on it in the Senate today. We should have those debates, but let's not limit the constitutional debate to gay rights and gun rights. Let's talk about voting rights, education rights and health care rights. Let's talk about putting them in the Constitution too and see which rights Americans most want in their Constitution.

Indeed, it would make for an interesting political contrast and debate if President Bush was offering an anti-gay rights amendment that discriminates against some Americans, and campaigning against Democrats on guns rights; while Senator Kerry was saying, "I'm against your anti-gay rights amendment on principle. I believe in human rights for all human beings, and in equal protection under the law for all Americans. I'm not against anyones' legitimate guns rights, I just want to give gun-owners a new constitutional right to education and health care of equal high quality - rights that would not exclude, but include more Americans!

Our challenge, as a civil rights community, is to continue the struggle to fulfill the American dream - within the law; and fulfill the "single proposition" that all men (and women) are created equal!

Thank you and God bless you.