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Rosa Parks Won a Fight, but Left a Licensing Rift

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IN the gift shop of the Henry Ford Museum, just steps away from the brightly painted city bus that [Rosa Parks](#) defiantly rode into history books 51 years ago, there are tributes of a very different sort to the woman who helped tear down the walls of racial segregation in America.

A T-shirt bearing an image of Bus 2857 from Montgomery, Ala., will set you back \$24. For a mere \$4.99, you can buy a refrigerator magnet with a picture of the bus. A poster of the famous, albeit staged, 1956 photo by United Press International of Mrs. Parks sitting in front of a white man on a different bus goes for \$16. The word “Destiny” is written above the photo.

There are no fewer than five biographies of Mrs. Parks on sale in the gift shop, including a glossy hardcover picture book and a small paperback, “Don’t Know Much About Rosa Parks.”

And as far as Rosa Parks memorabilia goes, this is the tasteful stuff.

On [eBay](#), one seller recently offered commemorative dog tags with her picture for \$5.99, not including shipping. Also for sale online were a dishwasher-safe coffee cup bearing a likeness of Mrs. Parks — \$11.21, shipping included — and an 8-by-10-inch photo of her in an open coffin after her death in October last year. “The rarest photograph of all,” boasted the caption on this \$10 snapshot. The cemetery in Detroit where Mrs. Parks is buried recently raised prices for crypts near her grave to \$60,000 from about \$45,000.

Rosa Parks — civil rights symbol in life, marketing phenomenon in death — has become the centerpiece of the kind of posthumous peddling usually associated with athletes and Hollywood stars. While licensing experts estimate the current value of selling Mrs. Parks’s image at only six figures a year, they say that over time millions of dollars will be made by those who control her likeness. Mrs. Parks’s courage and standing have also made her one of the few recent African-American political figures, along with the Rev. Dr. [Martin Luther King Jr.](#) and [Malcolm X](#), whose image can generate handsome profits.

While the likenesses of historical and political figures, from George Washington to [Ronald Reagan](#), are commonly plastered on all sorts of knickknacks, milking the image of Mrs. Parks offers a particularly resonant example of the fine line between good taste and bad, between memorialization and exploitation and between the positive and negative uses of hard-core business marketing.

Indeed, profiting from Mrs. Parks's image has long drawn the ire of those who watch over her legacy. But faced with limited resources, her estate has found it impossible to stop everyone who sees dollar signs when they hear the name Rosa Parks.

Anita Peek, executive director of the Rosa and Raymond Parks Institute for Self Development, the organization that Mrs. Parks charged with safeguarding her image, said that all of the jockeying around the civil rights hero has largely left her resigned to accept a time-worn truism.

"It's America," Ms. Peek says. "And if you can make a buck, someone's going to try to do something."

THE Parks Institute has decided that if it cannot beat the marketing pack, it might as well join it. In April, it hired CMG Worldwide, a company in Indianapolis that is a powerhouse in the world of celebrity licensing and merchandising. The company handles rights to such luminaries as Marilyn Monroe, James Dean and [Mark Twain](#). Type "CMG Worldwide" into [Google](#), and a Who's Who of celebrity Web sites pops up: Jean Harlow, Babe Ruth, Duke Ellington, Vince Lombardi and more, all carrying virtual warning labels bearing the CMG name.

[RosaParks.com](#) is next on CMG's acquisition list. A cybersquatter currently controls the domain, and CMG is trying to gain the legal rights to it — without filing a lawsuit. "We're in the process of getting it back," said Mark Roesler, the chairman and chief executive of CMG. "We anticipate it being an amicable transfer."

Mr. Roesler, a 25-year veteran of the licensing business, is accustomed to legal battles involving the Web. Nearly all of the celebrity estates that CMG represents have been engaged in disputes over domain names. "Typically, with a famous personality, someone who doesn't have the legitimate right to it is hoping to gain something from it," he said.

Corporate America is also hoping to capitalize on Mrs. Parks's aura, and CMG recently negotiated an estimated six-figure deal with [General Motors](#) on behalf of the Parks estate. In a new 60-second Chevrolet commercial, the 1956 U.P.I. photo appears amid a blizzard of Americana images, including Hula Hoop dancers, Vietnam War demonstrators, [Richard M. Nixon](#) and Joe Louis.

Advertisers, after all, have become fond of exhuming dead celebrities to appear in commercials, and Mrs. Parks offers the added oomph of having been something more. She is revered and widely known for doing the right thing — giving her special cachet in the marketing business. Her likeness has already appeared in a well-known [Apple Computer](#) ad that affixed the label "Think Different" to the bus

passenger photo.

Whether Mrs. Parks would have participated in any of this — or even condoned it — is, of course, a moot question.

“The great thing about dead celebrities is that they don’t show up and get in trouble any more,” said Jeff Lotman, the chief executive of Global Icons, a licensing agency in Los Angeles.

Decisions about how Mrs. Parks’s image is used and who profits from it are the subject of a legal dispute between her surviving family members and the executors of her estate. Twelve of Mrs. Parks’s 13 nieces and nephews, her closest surviving relatives, have challenged her will in a probate court in Detroit. Their aunt’s will leaves them out of the decision-making process and out of nearly all of the money when it comes to licensing her name and image. The two sides were unable to settle, and their lawyers are now taking depositions in preparation for a trial.

William McCauley, 47, one of Mrs. Parks’s nephews, is leading the family’s legal battle against her estate’s executors. Mr. McCauley said he began seeing his aunt’s image pop up in advertisements all over Detroit shortly after her death. One of those ads, which ran in The Detroit Free Press, showed his aunt’s smiling face, along with the dates of her birth and death, next to a logo for the Greektown Casino, a local gambling establishment. “What a ride,” the ad said in bold type.

“We were never approached,” said Mr. McCauley, a soft-spoken and reserved man. “I thought that was inappropriate. Especially without involving any family members to let them know what’s going on.”

Mr. McCauley said he and his siblings were challenging the will so they could gain control over marketing and licensing decisions involving their aunt’s image. “We can’t do anything about it right now,” he said. “We’re in court right now for that very reason.”

Uncertainty about the control of Mrs. Parks’s image has been heightened by the fact that she was surrounded by counselors of varying visions for her legacy, both political and business, from almost the moment that she became famous. “Over the years, Mrs. Parks has had a lot of advisers,” said Jon B. Gandelot, one of her former lawyers.

When Mrs. Parks was alive, decisions about using her name fell to her Parks Institute in Detroit, which she founded in 1987 with her longtime friend Elaine Eason Steele. Mrs. Parks herself was involved in deciding exactly when and where her likeness could appear until late in her life, when she suffered from dementia.

“She would approve and say, ‘Yes, that’s fine,’ or, ‘No, I won’t allow that,’ say, if it was her picture on a keychain or something,” said Shirley Kaigler, who was Mrs. Parks’s personal lawyer and advised the Parks Institute on licensing issues.

When Mrs. Parks died, control of her image — and over the cash generated by marketing it — fell to her estate. In 1998, seven years before her death, she appointed Mrs. Steele and Gregory J. Reed, a lawyer in Detroit, as her executors. In 2003, Mrs. Parks replaced Mr. Reed with a retired judge in Detroit, Adam Shakoor. After Mrs. Parks's death, Mrs. Steele agreed to be replaced by Mr. McCauley, a move that Mrs. Parks's circle of lawyers and advisers hoped would avoid a legal challenge from the McCauley family.

But the McCauley family and the estate were unable to agree on how to divvy up her property, and a court battle ensued. A judge recently removed Mr. Shakoor and Mr. McCauley as executors, replacing them with two local lawyers, John M. Chase and Melvin D. Jefferson. Both of those lawyers declined repeated requests for interviews.

Previously, the most notable struggle over Mrs. Parks's affairs was a lawsuit that her advisers filed against LaFace Records, producers for OutKast, the hip-hop duo. OutKast recorded a song, "Rosa Parks," ("Ah ha, hush that fuss/Everybody move to the back of the bus") which appeared on its 1998 album, "Aquemini." Mrs. Parks sued LaFace and various record distributors for \$5 billion, contending that the song defamed her.

LaFace Records, and its parent company, [Sony](#) BMG Music, settled the case a few months before Mrs. Parks died, for an undisclosed amount.

During the OutKast litigation, Mr. McCauley's family was vocal in its opposition, saying that Mrs. Parks was far too modest to have ever consented to a \$5 billion lawsuit. They also said they doubted that she was aware the case was even going on.

At the time, Mrs. Parks's relatives described her as feeble and apparently unaware of her surroundings. But even in instances when there may be consensus about exploitation of Mrs. Parks's legacy, her family and the executors of her estate cannot agree on how aggressively to pursue those who make unauthorized use of the Parks name.

"It's hard to police unless you have the financial wherewithal," Ms. Kaigler said. "What do you do if they're somebody down in Texas and you're in Michigan?"

In fact, for those in charge of protecting and managing Mrs. Parks's legacy, there are few clear examples for them to follow. The family of Dr. King has been famously aggressive and litigious when it comes to his image, likeness and properties — and it has made handsome sums along the way. Despite the disrepair of the King Center in recent years, Dr. King's two sons have continued to collect six-figure salaries from the center — a situation that many in Atlanta viewed with distaste. The King Center did not respond to requests for comment.

BEFORE he died, Dr. King donated 80,000 pages of his papers to [Boston University](#), where he received his doctorate, suggesting that he wanted his private papers to be freely available to researchers. His wife,

Coretta, later tried to get them back but was unsuccessful. Then last June, the King family sold a separate 10,000-item collection from his archives for \$32 million to a company that was hastily formed by a nonprofit organization to keep the papers in Atlanta, Dr. King's birthplace. At the time, critics of the family accused it of appearing greedy.

The King family's previous efforts to assert control over Dr. King's image provoked even more scorn. In a lawsuit in 1996, the estate accused [CBS](#) of copyright infringement after the television network began promoting a video that contained clips of Dr. King's "I Have a Dream" speech. (The family later dropped the lawsuit in exchange for an undisclosed cash payment.) When USA Today published the same speech in 1993, the King family filed a lawsuit, which was later settled, contending copyright infringement.

The King family has always defended its strict management of Dr. King's image and likeness, an approach that some marketing experts applaud.

"The more you say no, the better it is for the brand," said Allen Adamson, the managing director of Landor Associates, a branding agency that is a unit of the [WPP Group](#). The Parks family, Mr. Adamson, said, "has to be very careful because what you do not want to do is take someone whose image is as pristine and untouched as hers, and overuse it."

The danger in overusing Mrs. Parks's image, Mr. Adamson added, is that people could start to say, "How dare you commercialize what she did and how she did it?"

For the Parks estate, the scramble for a piece of the action began almost immediately after Mrs. Parks's death, when entrepreneurs found out just how lucrative her name could be. Copies of the program from her funeral quickly appeared on eBay, selling for up to \$200 each, according to a news report at the time. Even the cemetery where Mrs. Parks is buried drew accusations from her relatives that it was ghoulishly trying to cash in on her death.

The Rosa L. Parks Freedom Chapel, renamed shortly after Ms. Parks was interred there last November, is a small gray stone building that looks more like a one-room schoolhouse than a mausoleum. More than 100 years old, it is near the main gate of the Woodlawn Cemetery on Woodward Avenue, Detroit's noisy and blighted north-south artery. Towering pine and oak trees ring the chapel, isolating it from the car dealerships and strip joints that line nearby streets.

Inside, past the shiny black granite headstone that marks the entrance to the mausoleum, Mrs. Parks's crypt stands about 10 feet off the ground next to a stained glass window in the chapel's main hall. It is an elegant and demure resting place. It is also quite expensive.

Woodlawn, owned by the national cemetery operator Mikocem, started charging a hefty premium for the crypts in the Parks chapel not long after the funeral. For the seven crypts nearest to Mrs. Parks, which fetched \$45,000 to \$50,000 last year, prices were raised to \$60,000. More than three dozen other crypts

in the outer hall of the chapel were repriced at \$24,275 each as of last April; they had been \$17,000 to \$20,000 before Mrs. Parks's interment.

THE cemetery has said it raised the prices to help defray the cost of renovating the chapel and donating Mrs. Parks's crypt. One of the hallway crypts now belongs to Proof, the rap artist who was killed in a gunfight last spring.

"You get to be buried with Auntie Rosa for a price," said her nephew, Mr. McCauley, as his voice rose in disgust and frustration. "We feel like her name is cheapened."

So it is that the Parks Institute has allied itself with CMG, which has decided to pursue aggressively Internet interlopers, like cybersquatters, through the courts. Not everyone has fought for domain names successfully: cybersquatters control BruceSpringsteen.com and AlbertEinstein.com. But Mr. Roesler said he hopes that RosaParks.com will soon belong to people who have a claim to Mrs. Parks's legacy.

The Rosa Park trinkets on eBay — photographs, pins stamped with her image, the dog tags — are all unauthorized, Mr. Roesler said. Still, blocking every Parks item on the Internet is neither feasible nor economical. So, sometimes, Mr. Roesler said, you have to let things slide.

"Our typical action would be to investigate the use and understand what the use was, and let them know they are infringing on the rights of our client," Mr. Roesler said. "Does that mean we would file a lawsuit? We could."

He went on: "It could be somebody who had very good intentions; it could be somebody who's operating out of their home," he said. "It doesn't do anybody any good to kill a gnat with a sledgehammer."

Mr. Roesler said future decisions about the appropriate use of Mrs. Parks's image would take into account whether she is depicted in an appropriate historical context. "She is a symbol that stands for something," Mr. Roesler said. "We will carefully scrutinize those and see that her intellectual property rights are protected. There will be selected uses that will be allowed."

At the Henry Ford Museum, Bus 2857 (which the museum bought from a family in Alabama for about \$500,000 in 2001) sits restored and repainted to look much as it did on the day when Mrs. Parks, by refusing to give her seat to a white man, helped set the course of the modern civil rights movement. Visitors pass by seemingly unaware of the lawsuits or the commercial enterprises that are increasingly intertwined with her legacy.

Nate Hollis, a 58-year-old from Alabama who runs a second-hand store in Highland Park, Mich., stood next to the bus on a recent afternoon. He said he knew little about infighting between Mrs. Parks's relatives and the overseers of her estate, and said he vaguely knew of the controversies over the use of her name. He said it bothered him, but it did not change who Mrs. Parks was or what she stood for.

“She’s a national treasure,” he said. “And she should be treated like one.”

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