

117TH CONGRESS
2D SESSION

S. 5229

To direct the Joint Committee of Congress on the Library to remove the bust of Roger Brooke Taney in the Old Supreme Court Chamber of the Capitol and to obtain a bust of Thurgood Marshall for installation in the Capitol or on the Capitol Grounds, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2022

Mr. CARDIN (for himself, Mr. VAN HOLLEN, Ms. KLOBUCHAR, and Mr. BOOKER) introduced the following bill; which was read twice, considered, read the third time, and passed

A BILL

To direct the Joint Committee of Congress on the Library to remove the bust of Roger Brooke Taney in the Old Supreme Court Chamber of the Capitol and to obtain a bust of Thurgood Marshall for installation in the Capitol or on the Capitol Grounds, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REPLACEMENT OF BUST OF ROGER BROOKE**

4 **TANEY WITH BUST OF THURGOOD MAR-**

5 **SHALL.**

6 (a) FINDINGS.—Congress finds the following:

1 (1) While sitting in the Capitol, the Supreme
2 Court issued the infamous *Dred Scott v. Sandford*
3 decision on March 6, 1857. Written by Chief Justice
4 Roger Brooke Taney, whose bust sits inside the en-
5 trance to the Old Supreme Court Chamber in the
6 Capitol, this opinion declared that African Ameri-
7 cans were not citizens of the United States and
8 could not sue in Federal courts. This decision fur-
9 ther declared that Congress did not have the author-
10 ity to prohibit slavery in the territories.

11 (2) Chief Justice Roger Brooke Taney’s author-
12 ship of *Dred Scott v. Sandford*, the effects of which
13 would only be overturned years later by the ratifica-
14 tion of the 13th, 14th, and 15th Amendments to the
15 Constitution of the United States, renders a bust of
16 his likeness unsuitable for the honor of display to
17 the many visitors to the Capitol.

18 (3) As Frederick Douglass said of this decision
19 in May 1857, “This infamous decision of the Slave-
20 holding wing of the Supreme Court maintains that
21 slaves are within the contemplation of the Constitu-
22 tion of the United States, property; that slaves are
23 property in the same sense that horses, sheep, and
24 swine are property; that the old doctrine that slavery
25 is a creature of local law is false; that the right of

1 the slaveholder to his slave does not depend upon
2 the local law, but is secured wherever the Constitu-
3 tion of the United States extends; that Congress has
4 no right to prohibit slavery anywhere; that slavery
5 may go in safety anywhere under the star-spangled
6 banner; that colored persons of African descent have
7 no rights that White men are bound to respect; that
8 colored men of African descent are not and cannot
9 be citizens of the United States.”.

10 (4) While the removal of Chief Justice Roger
11 Brooke Taney’s bust from the Capitol does not re-
12 lieve the Congress of the historical wrongs it com-
13 mitted to protect the institution of slavery, it ex-
14 presses Congress’s recognition of one of the most no-
15 torious wrongs to have ever taken place in one of its
16 rooms, that of Chief Justice Roger Brooke Taney’s
17 *Dred Scott v. Sandford* decision.

18 (b) REMOVAL OF BUST OF ROGER BROOKE
19 TANEY.—Not later than 45 days after the date of enact-
20 ment of this Act, the Joint Committee of Congress on the
21 Library (referred to in this Act as the “Joint Committee”)
22 shall remove from public display the bust of Roger Brooke
23 Taney in the Old Supreme Court Chamber of the Capitol
24 and the plinth upon which the bust is placed. The bust

1 and plinth shall remain in the custody of the Senate Cura-
2 tor.

3 (c) BUST OF THURGOOD MARSHALL.—

4 (1) OBTAINING BUST.—Not later than 2 years
5 after the date of enactment of this Act, the Joint
6 Committee shall enter into an agreement to obtain
7 a bust of Thurgood Marshall, under such terms and
8 conditions as the Joint Committee considers appro-
9 priate and consistent with applicable law.

10 (2) PLACEMENT.—

11 (A) IN GENERAL.—The Architect of the
12 Capitol, under the direction of the Joint Com-
13 mittee, shall permanently install the bust ob-
14 tained under paragraph (1) in a prominent lo-
15 cation in the Capitol or on the United States
16 Capitol Grounds, as described in section 5102
17 of title 40, United States Code.

18 (B) PRIORITY FOR LOCATION.—In deter-
19 mining the location for the permanent installa-
20 tion of the bust obtained under paragraph (1),
21 the Joint Committee shall give priority to iden-
22 tifying an appropriate location near the Old Su-
23 preme Court Chamber of the Capitol.

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