

116TH CONGRESS
2D SESSION

S. 3863

To direct the Architect of the Capitol to replace the bust of Roger Brooke Taney in the Old Supreme Court Chamber of the United States Capitol with a bust of Thurgood Marshall to be obtained by the Joint Committee on the Library, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 2, 2020

Mr. CARDIN (for himself and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To direct the Architect of the Capitol to replace the bust of Roger Brooke Taney in the Old Supreme Court Chamber of the United States Capitol with a bust of Thurgood Marshall to be obtained by the Joint Committee on the Library, 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. FINDINGS.**

4 Congress finds the following:

5 (1) While sitting in the United States Capitol,
6 the Supreme Court issued the infamous Dred Scott
7 v. Sandford decision on March 6, 1857. Written by

1 Chief Justice Roger Brooke Taney, whose bust sits
2 inside the entrance to the Old Supreme Court
3 Chamber in the United States Capitol, this opinion
4 declared that African Americans were not citizens of
5 the United States and could not sue in Federal
6 courts. This decision further declared that Congress
7 did not have the authority to prohibit slavery in the
8 territories.

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

16 (3) As Frederick Douglass said of this decision
17 in May 1857, "This infamous decision of the Slave-
18 holding wing of the Supreme Court maintains that
19 slaves are within the contemplation of the Constitu-
20 tion of the United States, property; that slaves are
21 property in the same sense that horses, sheep, and
22 swine are property; that the old doctrine that slavery
23 is a creature of local law is false; that the right of
24 the slaveholder to his slave does not depend upon
25 the local law, but is secured wherever the Constitu-

1 tion of the United States extends; that Congress has
2 no right to prohibit slavery anywhere; that slavery
3 may go in safety anywhere under the star-spangled
4 banner; that colored persons of African descent have
5 no rights that white men are bound to respect; that
6 colored men of African descent are not and cannot
7 be citizens of the United States.”.

8 (4) While the removal of Chief Justice Roger
9 Brooke Taney’s bust from the United States Capitol
10 does not relieve the Congress of the historical
11 wrongs it committed to protect the institution of
12 slavery, it expresses Congress’s recognition of one of
13 the most notorious wrongs to have ever taken place
14 in one of its rooms, that of Chief Justice Roger
15 Brooke Taney’s *Dred Scott v. Sandford* decision.

16 **SEC. 2. REPLACEMENT OF BUST OF ROGER BROOKE TANEY**
17 **WITH BUST OF THURGOOD MARSHALL.**

18 (a) REMOVAL OF BUST OF ROGER BROOKE
19 TANEY.—Not later than 30 days after the date of enact-
20 ment of this Act, the Architect of the Capitol shall remove
21 the bust of Roger Brooke Taney from the Old Supreme
22 Court Chamber of the United States Capitol.

23 (b) REPLACEMENT WITH BUST OF THURGOOD MAR-
24 SHALL.—

1 (1) OBTAINING BUST.—Not later than 2 years
2 after the date of enactment of this Act, the Joint
3 Committee on the Library shall enter into an agree-
4 ment to obtain a bust of Thurgood Marshall, under
5 such terms and conditions as the Joint Committee
6 considers appropriate, consistent with applicable law.

7 (2) PLACEMENT.—The Architect of the Capitol,
8 under the direction of the Joint Committee on the
9 Library, shall place the bust obtained under para-
10 graph (1) in the location in the Old Supreme Court
11 Chamber of the United States Capitol where the
12 bust of Roger Brooke Taney was located prior to re-
13 moval by the Architect of the Capitol under sub-
14 section (a).

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated such sums as may be
17 necessary to carry out this Act, and any amounts so ap-
18 propriated shall remain available until expended.

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