

116TH CONGRESS
2D SESSION

H. R. 6131

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 HOUSE OF REPRESENTATIVES

MARCH 9, 2020

Mr. HOYER (for himself, Mr. BROWN of Maryland, Mr. TRONE, Mr. RASKIN, Mr. SARBANES, Mr. RUPPERSBERGER, Mr. MCGOVERN, Ms. BASS, and Ms. NORTON) introduced the following bill; which was referred to the Committee on House 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

1 v. Sandford decision on March 6, 1857. Written by
2 Chief Justice Roger Brooke Taney, whose bust sits
3 inside the entrance to the Old Supreme Court
4 Chamber in the United States Capitol, this opinion
5 declared that African Americans were not citizens of
6 the United States and could not sue in Federal
7 courts. This decision further declared that Congress
8 did not have the authority to prohibit slavery in the
9 territories.

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

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

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

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

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

19 (a) REMOVAL OF BUST OF ROGER BROOKE
20 TANEY.—Not later than 30 days after the date of the en-
21 actment of this Act, the Architect of the Capitol shall re-
22 move the bust of Roger Brooke Taney in the Old Supreme
23 Court Chamber of the United States Capitol.

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

1 (1) OBTAINING BUST.—Not later than 2 years
2 after the date of the 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 Joint Committee on the
8 Library shall place the bust obtained under para-
9 graph (1) in the location in the Old Supreme Court
10 Chamber of the United States Capitol where the
11 bust of Roger Brooke Taney was located prior to re-
12 moval by the Architect of the Capitol under sub-
13 section (a).

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

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