

117TH CONGRESS
2D SESSION

S. 5229

AN ACT

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,*

1 **SECTION 1. REPLACEMENT OF BUST OF ROGER BROOKE**
2 **TANEY WITH BUST OF THURGOOD MAR-**
3 **SHALL.**

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

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

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

22 (3) As Frederick Douglass said of this decision
23 in May 1857, “This infamous decision of the Slave-
24 holding wing of the Supreme Court maintains that
25 slaves are within the contemplation of the Constitu-
26 tion of the United States, property; that slaves are

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

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

21 (b) REMOVAL OF BUST OF ROGER BROOKE
22 TANNEY.—Not later than 45 days after the date of enact-
23 ment of this Act, the Joint Committee of Congress on the
24 Library (referred to in this Act as the “Joint Committee”)
25 shall remove from public display the bust of Roger Brooke

1 Taney in the Old Supreme Court Chamber of the Capitol
2 and the plinth upon which the bust is placed. The bust
3 and plinth shall remain in the custody of the Senate Cura-
4 tor.

5 (c) BUST OF THURGOOD MARSHALL.—

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

12 (2) PLACEMENT.—

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

20 (B) PRIORITY FOR LOCATION.—In deter-
21 mining the location for the permanent installa-
22 tion of the bust obtained under paragraph (1),
23 the Joint Committee shall give priority to iden-

1 tifying an appropriate location near the Old Su-
2 preme Court Chamber of the Capitol.

Passed the Senate December 8, 2022.

Attest:

Secretary.

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