

109TH CONGRESS
2D SESSION

S. 2235

To posthumously award a congressional gold medal to Constance Baker
Motley.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2006

Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. BAYH, Ms. MIKULSKI, Mr. OBAMA, Mr. WYDEN, Mr. SALAZAR, Mr. DURBIN, Mrs. FEINSTEIN, Mr. DEWINE, Ms. STABENOW, Mr. KERRY, Mr. PRYOR, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, and Mr. DAYTON) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To posthumously award a congressional gold medal to
Constance Baker Motley.

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. SHORT TITLE.**

4 This Act may be cited as the “Congressional Tribute
5 to Constance Baker Motley Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) Constance Baker Motley was born in 1921,
2 in New Haven, Connecticut, the daughter of immi-
3 grants from the Caribbean island of Nevis.

4 (2) In 1943, Constance Baker Motley grad-
5 uated from New York University with a Bachelor of
6 Arts degree in economics.

7 (3) Upon receiving a law degree from Columbia
8 University in 1946, Constance Baker Motley became
9 a staff attorney at the National Association for the
10 Advancement of Colored People Legal Defense and
11 Educational Fund, Inc., and fought tirelessly for 2
12 decades alongside Thurgood Marshall and other
13 leading civil rights lawyers to dismantle segregation
14 throughout the country.

15 (4) Constance Baker Motley was the only fe-
16 male attorney on the legal team that won the land-
17 mark desegregation case, *Brown v. Board of Edu-*
18 cation.

19 (5) Constance Baker Motley argued 10 major
20 civil rights cases before the Supreme Court, winning
21 all but one, including the case brought on behalf of
22 James Meredith challenging the University of Mis-
23 sissippi's refusal to admit him.

24 (6) Constance Baker Motley's only loss before
25 the United States Supreme Court was in *Swain v.*

1 Alabama, a case in which the Court refused to pro-
2 scribe race-based peremptory challenges in cases in-
3 volving African-American defendants, and which was
4 later reversed in *Batson v. Kentucky* on grounds
5 that had been largely asserted by Constance Baker
6 Motley in the Swain case.

7 (7) In 1964, Constance Baker Motley became
8 the first African-American woman elected to the
9 New York State Senate.

10 (8) In 1965, Constance Baker Motley became
11 the first African-American woman, and the first
12 woman, to serve as president of the Borough of
13 Manhattan.

14 (9) Constance Baker Motley, in her capacity as
15 an elected public official in New York, continued to
16 fight for civil rights, dedicating herself to the revital-
17 ization of the inner city and improvement of urban
18 public schools and housing.

19 (10) In 1966, Constance Baker Motley was ap-
20 pointed by President Johnson as a United States
21 District Court Judge for the Southern District of
22 New York.

23 (11) The appointment of Constance Baker Mot-
24 ley made her the first African-American woman, and

1 only the fifth woman, appointed and confirmed for
2 a Federal judgeship.

3 (12) In 1982, Constance Baker Motley was ele-
4 vated to Chief Judge of the United States District
5 Court for the Southern District of New York, the
6 largest Federal trial court in the United States.

7 (13) Constance Baker Motley assumed senior
8 status in 1986, and continued serving with distinc-
9 tion for nearly 2 decades.

10 (14) Constance Baker Motley passed away on
11 September 28, 2005, and is survived by her husband
12 Joel Wilson Motley Jr., their son, Joel Motley III,
13 her 3 grandchildren, her brother, Edmund Baker of
14 Florida, and her sisters Edna Carnegie, Eunice
15 Royster, and Marian Green, of New Haven, Con-
16 necticut.

17 **SEC. 3. CONGRESSIONAL GOLD MEDAL.**

18 (a) PRESENTATION AUTHORIZED.—The President
19 Pro Tempore of the Senate and the Speaker of the House
20 of Representatives are authorized to make appropriate ar-
21 rangements for the posthumous presentation, on behalf of
22 Congress, of a gold medal of appropriate design in com-
23 memoration of Constance Baker Motley, in recognition of
24 her enduring contributions and service to the United
25 States.

1 (b) DESIGN AND STRIKING.—For the purpose of the
2 presentation referred to in subsection (a), the Secretary
3 of the Treasury (in this Act referred to as the “Sec-
4 retary”) shall strike a gold medal with suitable emblems,
5 devices, and inscriptions, to be determined by the Sec-
6 retary.

7 **SEC. 4. DUPLICATE MEDALS.**

8 Under such regulations as the Secretary may pre-
9 scribe, the Secretary may strike and sell duplicates in
10 bronze of the gold medal struck under section 3 at a price
11 sufficient to cover the cost thereof, including labor, mate-
12 rials, dies, use of machinery, and overhead expenses, and
13 the cost of the gold medal.

14 **SEC. 5. STATUS AS NATIONAL MEDALS.**

15 (a) NATIONAL MEDAL.—The medal struck under this
16 Act is a national medal for purposes of chapter 51 of title
17 31, United States Code.

18 (b) NUMISMATIC ITEMS.—For purposes of section
19 5134 of title 31, United States Code, all duplicate medals
20 struck under this Act shall be considered to be numismatic
21 items.

22 **SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF**
23 **SALE.**

24 (a) AUTHORITY TO USE FUND AMOUNTS.—There
25 are authorized to be charged against the United States

1 Mint Public Enterprise Fund, such sums as may be nec-
2 essary to pay for the cost of the medals struck under this
3 Act.

4 (b) PROCEEDS OF SALE.—Amounts received from the
5 sale of duplicate bronze medals under section 4 shall be
6 deposited in the United States Mint Public Enterprise
7 Fund.

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