

REPLACEMENT OF BUST OF  
ROGER BROOKE TANEY WITH  
BUST OF THURGOOD MARSHALL

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 29, 2021

Ms. JACKSON LEE. Madam Speaker, as a senior member of the Judiciary Committee, I rise in strong support of H.R. 3005, which directs the Joint Committee on the Library to replace the bust of former Supreme Court Chief Justice Roger Brooke Taney in the Old Supreme Court Chamber of the Capitol with a bust of civil rights legend and former Supreme Court Associate Justice Thurgood Marshall.

The legislation also directs the Joint Committee on the Library to remove statues of individuals who served voluntarily at any time as a member of the Armed Forces of the Confederate States of America or of the military of a State while the State was in open rebellion against the United States, and any individual who served as an official of the Government of the Confederate States of America or as an official of a State while the State was in open rebellion against the United States, is deserving of a place of honor in the Capitol of the United States.

Madam Speaker, it is long past time that Congress take this fitting and appropriate action.

Hallowed places in the Capitol should be reserved for persons recognized for their contributions to the defense, protection, and advancement of the American experiment in democracy—what President Lincoln called the ‘testing of the proposition’ whether a nation conceived and dedicated to the principle of equality can long endure.

Simply put, Roger Brooke Taney does not meet this test; Thurgood Marshall easily exceeds it.

At a moment of crisis in challenge for our young nation, Chief Justice Roger Taney faced a critical decision and he chose poorly and to his everlasting shame.

The decision in *Dred Scott v. Sandford*, 60 U.S. 393 (1856), which he authored is perhaps the most offensive, pessimistic, and racist decision ever handed down by the U.S. Supreme Court, far worse than the infamous decisions in *Plessy v. Ferguson*, 163 U.S. 537 (1896), and *Korematsu v. United States*, 323 U.S. 214 (1944), and *Shelby County v. Holder*, 570 U.S. 529 (2013).

Dred Scott was a slave in Missouri, who from 1833 to 1843, resided in Illinois (a free state) and in the Louisiana Territory, where slavery was forbidden by the Missouri Compromise of 1820.

After returning to Missouri, Dred Scott filed suit in Missouri court for his freedom, claiming that his residence in free territory made him a free man.

Dred Scott’s master maintained that no “negro” or descendant of slaves could be a citizen in the sense of Article III of the Constitution.

In ruling for the slave master, Roger Taney wrote to his eternal shame: “The [negroes] had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race either in social or political relations, and so far

inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit.”

According to Chief Justice Taney, black persons were not, and could not be made to be, citizens of the United States under the Constitution.

The decision in *Dred Scott* was a major factor leading to the Civil War because Chief Justice Taney’s opinion also held, obiter dicta, that Congress lacked the power under the Constitution to prohibit slavery in territorial areas of the United States, which vitiated the Missouri Compromise of 1820.

Madam Speaker, to anyone who professes to doubt the existence of white supremacy or claims not to understand what it means, I would recommend they actually read Chief Justice Taney’s opinion in *Dred Scott*; they will be disabused of any pretension that the danger of white supremacy is a figment of the imagination.

In contrast to Roger Taney, Thurgood Marshall represents everything that is good and decent and optimistic about our country.

Madam Speaker, in this nation’s new birth of freedom that was prophesied by President Abraham Lincoln, Thurgood Marshall was perhaps the principal architect of equality, working through the judicial system to eradicate the legacy of slavery and destroy the segregation system of Jim Crow.

Before Thurgood Marshall ascended to the federal bench as a Circuit Judge in 1961 and later to the Supreme Court as the nation’s first African American Associate Justice, he was Solicitor General of the United States and would argue 32 cases before the Supreme Court, winning 29 victories, more than any other individual in history.

For more than a half century, Thurgood Marshall championed the cause of justice and equality in America, fighting valiantly and tirelessly on behalf of African-Americans and others to secure their civil rights and liberties and the full measure of justice and equality for all.

At a time when African-Americans were treated as second-class citizens and the scourge of slavery was still rampant, Thurgood Marshall worked against overwhelming odds to ensure that the rights, interests and voices of African-Americans did not go unheard.

Thurgood Marshall is perhaps best known for the practice he pioneered with the legendary Charles Hamilton Houston of “impact litigation,” the strategy of bringing carefully selected cases to court to establish legal precedents of beneficially affecting thousands, and frequently millions, of persons beyond the immediate parties to the case.

Among the historic victories won by Thurgood Marshall and his lawyer colleagues at the NAACP were:

1. *Chambers v. Florida*, 309 U.S. 227 (1940), which established that confessions obtained as the result of police coercion are inadmissible at trial;

2. *Smith v. Allwright*, 321 U.S. 649 (1944), which outlawed the South’s “white primary”;

3. *Shelley v. Kraemer*, 334 U.S. 1 (1948), which ruled racially restrictive covenants and unconstitutional and legally enforceable;

4. *Sweatt v. Painter* 339 U.S. 629 (1950), and *McLaurin v. Oklahoma State Regents*, 309 U.S. 637 (1950), which held that separate law and graduate schools are inherently unequal and thus constitutional;

5. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), the landmark case overruling separate but equal doctrine of *Plessy v. Ferguson*; and

6. *Browder v. Gayle*, 352 U.S. 903 (1956), which outlawed the practice of racial segregation on buses and led to the end of the Montgomery Bus Boycott.

As Chair for the Congressional Children’s Caucus, I am especially concerned with fair access to quality education for today’s youth and am personally grateful to Thurgood Marshall and the NAACP for its leadership in winning the greatest legal victory for civil rights in American history, the 1954 landmark decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), in which the Supreme Court struck down de jure segregation in elementary schools.

NAACP General Counsel Thurgood Marshall, who would later become the first African American Solicitor General and Associate Justice of the Supreme Court, forcefully argued and persuaded the Court to rule unanimously that in the field of public education, “separate but equal” was inherently unequal.

That decision gave hope to millions of Americans that their children might enjoy the full promise of America that had been denied their forebears for more than three centuries.

There is still a need for justice and equal treatment for African Americans and other vulnerable populations in our country, and thankfully, we still have leaders following in the footsteps of Thurgood Marshall as we make our way on the path to a more perfect union.

It is therefore fitting that the bust of the great Thurgood Marshall adorns the Old Supreme Court Chambers in the U.S. Capitol as a rebuke to Roger Taney and a symbol of the commitment of the Constitution and of American democracy that in this country all persons are equal before the law and entitled to equal justice.

Madam Speaker, Thurgood Marshall famously said: “I wish I could say that racism and prejudice were only distant memories. We must dissent from the indifference. We must dissent from the apathy. We must dissent from the fear, the hatred and the mistrust . . . We must dissent because America can do better, because America has no choice but to do better.”

The refusal to tolerate injustice is what led millions of persons of goodwill across the nation to take to the streets in peaceful protest to demand equal justice for all and an active, engaged commitment to making the promise of America real for all Americans.

Equality requires unity of purpose and unity requires reconciliation, which requires accountability which requires truth.

Thurgood Marshall recognized, as President Lincoln recognized, the truth is that slavery is America’s Original Sin, a crime against nature and humanity so horrific and understood that the Almighty gave to both North and South this terrible war and may will it continue “until all the wealth piled by the bondsman’s two hundred and fifty years of unrequited toil shall be sunk and until every drop of blood drawn with the lash shall be paid by another drawn with the sword.”

And if that happened Lincoln told his countrymen that “as was said three thousand years ago so still it must be said ‘the judgments of the Lord are true and righteous altogether.’”

That debt remains to be paid, which is why African Americans have always peacefully petitioned the government for the redress of its grievances.

Madam Speaker, Juneteenth celebrates African American freedom while encouraging self-development and respect for all cultures.

But it must always remain a reminder to us all that liberty and freedom are precious birthrights of all Americans, which must be jealously guarded and preserved for future generations.

In 1852, Frederick Douglass famously asked: "What to the slave is the 4th of July?"

In 2021, we can reply that it is the beginning of the American Promise that would be fulfilled and made real for all Americans, including the descendants of slaves, on June 19, 1865, 'Juneteenth Day.'

The Bible teaches that "To every thing there is a season," and to every generation there comes a day of reckoning for the original sin of American slavery.

That is why I have introduced H.R. 40, which establishes a national commission to examine slavery and discrimination in the colonies and the United States from 1619 to the present and recommend appropriate remedies.

Among other requirements, the commission shall identify (1) the role of federal and state governments in supporting the institution of slavery; (2) forms of discrimination in the public and private sectors against freed slaves and their descendants; and (3) lingering negative effects of slavery on living African-Americans and society.

"Official slavery ended with the Civil War and ratification of the Thirteenth Amendment. But unofficial slavery was continued with the new institution of share-crop farming, a criminal justice system that would press convicts into work once done by slaves, and labor policies that dictated income for work done based upon skin color.

And, of course, all of this was reinforced by the systematic disenfranchisement of black Americans, the "discrete and insular minority" excluded from "those political processes ordinarily to be relied upon to protect" them, to quote Chief Justice Hughes' famous Footnote 4 in *United States v. Carolene Products*, 304 U.S. 144 (1938).

The history of the United States is intertwined with the history of enslaved Africans in the Americas.

There is blood and there are tears, but there is also redemption and reconciliation.

But to get there, we must have the complete truth and lay our history bare.

It is the light that sheds the way to the more perfect union all Americans want.

Thurgood Marshall would want us to pass H.R. 40 and create the Commission it empowers as a necessary first step in that effort to get to truth and reconciliation about the 'Original Sin of American Slavery' that is necessary to light the way to the beloved community we all seek.

Madam Speaker, I also support H.R. 3005 because it puts Congress squarely on record behind the principle that no individual who served voluntarily at any time as a member of the Armed Forces of the Confederate States of America or of the military of a State while the State was in open rebellion against the United States, and no individual who served as an official of the Government of the Con-

federate States of America or as an official of a State while the State was in open rebellion against the United States, is deserving of a place of honor in the Capitol of the United States.

I urge all Members to join me in voting for H.R. 3005, which replaces the bust of Chief Justice Roger Brooke Taney, a symbol of the dark days of the nation's past, with a bust of Thurgood Marshall, the personification of our nation's belief in a bright and shining future.

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HONORING WALTER RADCLIFFE'S  
100TH BIRTHDAY

HON. ANDY KIM

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 30, 2021*

Mr. KIM of New Jersey. Madam Speaker, I rise today to honor Walter Radcliffe's 100th birthday.

Mr. Radcliffe embodies the resilience, fortitude, and can-do-spirit of the "Greatest Generation." In a time of crisis, he courageously volunteered to serve in the U.S. Navy during World War II, despite having a civilian job exemption. Mr. Radcliffe fought in the Pacific Theatre aboard the U.S.S. *Isherwood*. We owe him a debt of gratitude for his combat record in the Battles of Leyte Gulf and serving at Subic Bay, as well as for the valor he demonstrated during the Invasion of Lingayen Gulf and the Battle of Okinawa.

Mr. Radcliffe is beloved by his family, including his wife Dorothy of more than 38 years, his children, and grandchildren, and by his community where he's still an active member of VFW Post 10092. It is clear to everyone who knows Mr. Radcliffe that he has made the most of each of his one-hundred years.

I wish him the best on achieving this milestone and hope he enjoys a wonderful celebration.

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IG INDEPENDENCE AND  
EMPOWERMENT ACT

SPEECH OF

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 29, 2021*

Mr. CASE. Madam Speaker, I rise today in strong support of H.R. 2662, the IG Independence and Empowerment Act, of which I am a cosponsor.

The work of our Inspectors General throughout government in providing an independent, objective and professional review and assessment of legal compliance and waste, fraud and abuse is critical to the overall functioning of government and to ensuring public trust and confidence in government. Equally, efforts to weaken, politicize, influence and cow our Inspectors Generals are direct threats to smooth government functioning, efficient and effective use of taxpayer dollars and the public trust and cannot be tolerated.

Chair MALONEY's bill takes some of the best recommendations from the Council of the Inspectors General on Integrity and Efficiency to ensure Inspectors General independence, increase transparency and improve the effec-

tiveness of one of our government's major checks mechanisms. This much-needed bill will improve the work of our Inspectors General community, which is even more critical now as we expend literally trillions of dollars in emergency COVID-19 relief.

I especially appreciate that this bill includes elements of Congressman COOPER's Inspectors General Independence Act, which I also cosponsored and which was endorsed by my Blue Dog Coalition last Congress because of its focus on issues related to fiscal responsibility, good governance and national security.

I also appreciate the Committee's support of the amendment submitted by Congresswoman BOURDEAUX, Chair of the Blue Dogs Task Force on Fiscal Responsibility and Government Reform, which ensures that Inspectors General and their staffs receive sufficient training on the remedies available to them, specifically suspension or debarment, to fully address identified private sector government contracting waste, fraud or abuse.

This is a solid and much-needed improvement for one of our federal government's most valuable communities, and I urge its passage.

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HONORING THE CAREER OF DAVID  
POMAVILLE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 30, 2021*

Mr. COSTA. Madam Speaker, I rise today to recognize my dear friend, David Pomaville, on the occasion of his retirement from the position of Director of Public Health for Fresno County. David has been a staple across the county and will be greatly missed.

David is a 1986 public health alumnus of Fresno State. When David received his bachelor's degree in Health Science with an emphasis in Environmental Health 36 years ago, he did not imagine where his profession would take him. He ended up leading the way for our county during these unprecedented times. He led a team of 380 employees in seven divisions including emergency medical services, public health nursing, children's services, health and wellness, environmental health, community health, and planning and communication.

Along with his committed career, David has found time to give back to his community; especially to current Fresno State students. Many have interned at the Department of Public Health and go on to have distinguished careers in the field. Some of the current health education interns have stayed on to work throughout the COVID-19 pandemic. His work has contributed to giving students an understanding of how to care for people and the extra needed attention during the pandemic.

His ties to Fresno State have remained strong. His wife, Dr. Fran Pomaville, is a professor of speech language pathology at Fresno State. David and Fran have a strong influence on their son, Matt, who also graduated from the University and is pursuing a Ph.D. in the health sciences field.

David's passion to help others in public health is evident and I greatly appreciate his endless hard work, our conversations pertaining to the well-being of Fresno County, and his selfless compassion that has helped many.