

Public Law 117–326
117th Congress

An Act

Dec. 27, 2022
[S. 5229]

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.

2 USC 2133 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Deadlines.

**SECTION 1. REPLACEMENT OF BUST OF ROGER BROOKE TANEY WITH
BUST OF THURGOOD MARSHALL.**

(a) FINDINGS.—Congress finds the following:

(1) While sitting in the Capitol, the Supreme Court issued the infamous *Dred Scott v. Sandford* decision on March 6, 1857. Written by Chief Justice Roger Brooke Taney, whose bust sits inside the entrance to the Old Supreme Court Chamber in the Capitol, this opinion declared that African Americans were not citizens of the United States and could not sue in Federal courts. This decision further declared that Congress did not have the authority to prohibit slavery in the territories.

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

(3) As Frederick Douglass said of this decision in May 1857, “This infamous decision of the Slaveholding wing of the Supreme Court maintains that slaves are within the contemplation of the Constitution of the United States, property; that slaves are property in the same sense that horses, sheep, and swine are property; that the old doctrine that slavery is a creature of local law is false; that the right of the slaveholder to his slave does not depend upon the local law, but is secured wherever the Constitution of the United States extends; that Congress has no right to prohibit slavery anywhere; that slavery may go in safety anywhere under the star-spangled banner; that colored persons of African descent have no rights that white men are bound to respect; that colored men of African descent are not and cannot be citizens of the United States.”.

(4) While the removal of Chief Justice Roger Brooke Taney’s bust from the Capitol does not relieve the Congress of the historical wrongs it committed to protect the institution of slavery, it expresses Congress’s recognition of one of the most notorious wrongs to have ever taken place in one of its rooms,

that of Chief Justice Roger Brooke Taney’s *Dred Scott v. Sandford* decision.

(b) REMOVAL OF BUST OF ROGER BROOKE TANEY.—Not later than 45 days after the date of enactment of this Act, the Joint Committee of Congress on the Library (referred to in this Act as the “Joint Committee”) shall remove from public display the bust of Roger Brooke Taney in the Old Supreme Court Chamber of the Capitol and the plinth upon which the bust is placed. The bust and plinth shall remain in the custody of the Senate Curator.

(c) BUST OF THURGOOD MARSHALL.—

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

(2) PLACEMENT.—

(A) IN GENERAL.—The Architect of the Capitol, under the direction of the Joint Committee, shall permanently install the bust obtained under paragraph (1) in a prominent location in the Capitol or on the United States Capitol Grounds, as described in section 5102 of title 40, United States Code.

(B) PRIORITY FOR LOCATION.—In determining the location for the permanent installation of the bust obtained under paragraph (1), the Joint Committee shall give priority to identifying an appropriate location near the Old Supreme Court Chamber of the Capitol.

Approved December 27, 2022.

LEGISLATIVE HISTORY—S. 5229:

CONGRESSIONAL RECORD, Vol. 168 (2022):

Dec. 8, considered and passed Senate.

Dec. 14, considered and passed House.