

113TH CONGRESS
1ST SESSION

H. R. 3097

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2013

Ms. DELAURO (for herself, Mr. MEEKS, Mr. RANGEL, Mr. LEWIS, Ms. CLARKE, Mr. CLAY, Ms. LEE of California, Ms. JACKSON LEE, Ms. WILSON of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KELLY of Illinois, Mr. CONYERS, Mr. CUMMINGS, Mr. JOHNSON of Georgia, Mr. NADLER, Mr. WATT, Mr. CARSON of Indiana, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Financial Services

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 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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. (in this Act referred to as
12 the “LDF”), and fought tirelessly for 2 decades
13 alongside Thurgood Marshall and other leading civil
14 rights lawyers to dismantle segregation throughout
15 the United States.

16 (4) Constance Baker Motley was the only fe-
17 male attorney on the LDF legal team that won the
18 landmark desegregation case, *Brown v. Board of*
19 *Education*, 347 U.S. 483 (1954).

20 (5) In addition to writing briefs in *Brown v.*
21 *Board of Education*, Motley was trial or appellate
22 counsel in 57 civil rights cases in the United States
23 Supreme Court, 82 cases in Federal courts of ap-
24 peals, 48 cases in Federal district courts, and nu-
25 merous cases in State courts. She argued four ap-

1 peals in desegregation cases in one day. She won
2 cases that ended de jure segregation in White only
3 restaurants and lunch counters. She protected the
4 right of protestors to march, sit-in, freedom ride,
5 and demonstrate in other ways. She represented Dr.
6 Martin Luther King, Jr., and other jailed civil rights
7 activists and forced their release when they were ar-
8 rested and locked up in Southern jails. She secured
9 the right for Blacks to register, vote, and have ac-
10 cess to the political power structure. She won edu-
11 cation desegregation cases in almost every State in
12 the South and the District of Columbia and secured
13 the right for Blacks to attend formerly all White
14 public schools, colleges, and universities including
15 the representation of James Meredith against the
16 University of Mississippi, Charlayne Hunter Gault
17 and Hamilton Holmes against the University of
18 Georgia, Autherine Lucy against the University of
19 Alabama, Harvey Gantt against Clemson College,
20 and Ernest Morial against Louisiana State Univer-
21 sity. Without her victories in the courtroom, the goal
22 of ending racial segregation in public schools, col-
23 leges, and universities, public accommodations, and
24 voting—a goal of the Civil Rights Movement—may
25 not have been achieved.

1 (6) As the country celebrates the 50th Anniver-
2 sary of the “Birmingham Movement”, it is noted
3 that Motley was the attorney who went South and
4 represented Dr. King, defended his right to march
5 in Birmingham, Alabama, and Albany, Georgia, and
6 obtained the court order which mandated the rein-
7 statement of over 1,000 school children who had
8 been expelled from school for demonstrating with
9 Dr. King in Birmingham fifty years ago. She rep-
10 resented “Freedom Riders” who rode buses to test
11 the Supreme Court’s 1960 ruling prohibiting seg-
12regation in interstate transportation. She protected
13 the right of Blacks to ride and sit in any vacant seat
14 on buses and trains, to use bathroom facilities and
15 drink from fountains in bus and train stations, to be
16 served and eat at lunch counters and restaurants, to
17 vote, stay in hotels, and to go to parks, museums,
18 and places of public accommodations on an equal
19 basis with Whites. She won the case in the Supreme
20 Court that led to the reversal of all arrests and con-
21 victions of all of the thousands of sit-in activists.

22 (7) Constance Baker Motley argued 10 major
23 civil rights cases before the Supreme Court, winning
24 all but one.

1 (8) Constance Baker Motley’s only loss before
2 the United States Supreme Court was in *Swain v.*
3 *Alabama*, 380 U.S. 202 (1965), a case in which the
4 Supreme Court refused to proscribe race-based pe-
5 remptory challenges in cases involving African-Amer-
6 ican defendants, and which was later reversed in
7 *Batson v. Kentucky*, 476 U.S. 79 (1986), on
8 grounds that were largely asserted by Constance
9 Baker Motley in the *Swain* case.

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

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

17 (11) Constance Baker Motley, in her capacity
18 as an elected public official in New York, continued
19 to fight for civil rights, dedicating herself to the revi-
20 talization of the inner city and improvement of
21 urban public schools and housing.

22 (12) In 1966, Constance Baker Motley was ap-
23 pointed by President Lyndon B. Johnson as a judge
24 on the United States District Court for the Southern
25 District of New York.

1 (13) The appointment of Constance Baker Mot-
2 ley made her the first African-American woman, and
3 only the fifth woman, appointed and confirmed for
4 a Federal judgeship.

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

9 (15) Constance Baker Motley assumed senior
10 status in 1986, and continued serving on the United
11 States District Court for the Southern District of
12 New York with distinction for nearly 2 decades.

13 (16) Constance Baker Motley passed away on
14 September 28, 2005, and is survived by her son,
15 Joel Motley III, her 3 grandchildren, her brother,
16 Edward Baker of Florida, and her sisters Eunice
17 Royster and Marian Green, of New Haven, Con-
18 necticut.

19 **SEC. 3. CONGRESSIONAL GOLD MEDAL.**

20 (a) PRESENTATION AUTHORIZED.—The President
21 pro tempore of the Senate and the Speaker of the House
22 of Representatives are authorized to make appropriate ar-
23 rangements for the posthumous presentation, on behalf of
24 Congress, of a gold medal of appropriate design in com-
25 memoration of Constance Baker Motley, in recognition of

1 her enduring contributions and service to the United
2 States.

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

9 **SEC. 4. DUPLICATE MEDALS.**

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

16 **SEC. 5. NATIONAL MEDALS.**

17 (a) NATIONAL MEDAL.—The medal struck under sec-
18 tion 3 is a national medal for purposes of chapter 51 of
19 title 31, United States Code.

20 (b) NUMISMATIC ITEMS.—For purposes of section
21 5134 of title 31, United States Code, all duplicate medals
22 struck under section 4 shall be considered to be numis-
23 matic items.

1 **SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF**
2 **SALE.**

3 (a) **AUTHORITY TO USE FUND AMOUNTS.**—There is
4 authorized to be charged against the United States Mint
5 Public Enterprise Fund such amounts as may be nec-
6 essary to pay for the cost of the medals struck under this
7 Act.

8 (b) **PROCEEDS OF SALE.**—Amounts received from the
9 sale of duplicate bronze medals under section 4 shall be
10 deposited in the United States Mint Public Enterprise
11 Fund.

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