

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHAEL LEMMON,)
)
SHAUN BYRNES,)
)
JON GUNDERSEN,)
)
and)
)
CALDER LOTH,)
)
Plaintiffs,¹)
)
v.) Civil Action No. 26-544
)
DONALD J. TRUMP, in his official)
capacity as President of the United States,)
 1600 Pennsylvania Avenue NW)
 Washington, DC 20500,)
)
VINCE HALEY, in his official capacity as)
Director of the Domestic Policy Council,)
 1600 Pennsylvania Avenue NW)
 Washington, DC 20500,)
)
EXECUTIVE OFFICE OF THE)
PRESIDENT OF THE UNITED STATES,)
 1600 Pennsylvania Avenue NW)
 Washington, DC 20500,)
)
and)
)
NATIONAL PARK SERVICE,)
 1849 C Street NW)
 Washington, DC 20240)
)
Defendants.)

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

¹ Plaintiffs' addresses are being filed under seal by notice pursuant to Local Rule 5.1(c)(1).

INTRODUCTION

1. Plaintiffs Michael Lemmon, Shaun Byrnes, Jon Gunderson, and Calder Loth bring this action against Defendants President Donald J. Trump, Domestic Policy Council Director Vince Haley, the Executive Office of the President of the United States, and the National Park Service, seeking declaratory and injunctive relief to bar Defendants' erection of a monumental arch in Memorial Circle, Washington, DC, without authorization from Congress and without complying with the statutorily required procedures to construct such a monument.

2. President Trump has "announced plans for a new Independence Arch in Washington, D.C. to coincide with the 250th anniversary" of the United States on July 4, 2026.² The Arch is planned to be as tall as 250 feet—more than double the size of the Lincoln Memorial and the equivalent of a twenty-five-story office building. Its location on Memorial Circle would situate the monument on an axis between the Lincoln Memorial and Arlington National Cemetery, obstructing a line of sight that was designed to represent the unification of the Nation following the Civil War and that has existed for nearly a century.

3. By statute, congressional approval is required for construction of symbolic and commemorative works in the Nation's capital. Furthermore, a host of other statutes impose procedural requirements that must be satisfied before erecting a monument on Memorial Circle.

4. Defendants plan to construct the Arch prior to July 4, 2026, without securing congressional approval or satisfying other procedural requirements. Doing so is in violation of the President's duty to take care that the laws are faithfully executed and is *ultra vires*. This Court

² The White House, *Fact Sheet: President Donald J. Trump Celebrates American Greatness with the Freedom 250 Grand Prix of Washington, D.C.* (Jan. 30, 2026), <https://www.whitehouse.gov/fact-sheets/2026/01/fact-sheet-president-donald-j-trump-celebrates-american-greatness-with-the-freedom-250-grand-prix-of-washington-d-c/> [hereinafter *White House Fact Sheet*].

should declare it unlawful and enjoin construction of the Arch unless and until all statutory prerequisites—including congressional approval—are satisfied.

JURISDICTION AND VENUE

5. This Court has jurisdiction under 28 U.S.C. § 1331.
6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (e).

PARTIES

7. Plaintiff Michael Lemmon is a resident of Washington, DC. He is a veteran of the U.S. Army, served in the Vietnam War, and served as the United States' Ambassador to Armenia. He regularly drives across Memorial Bridge, on Memorial Avenue, and around Memorial Circle, and visits Arlington National Cemetery to honor the service of his many comrades-in-arms who are buried there. Mr. Lemmon also hopes to be interred at Arlington National Cemetery. Mr. Lemmon has personal and aesthetic interests in the solemn, unobstructed view between Arlington National Cemetery and the Lincoln Memorial.

8. Plaintiff Shaun Byrnes is a resident of Falls Church, Virginia. He is a veteran of the U.S. Navy, served in the Vietnam War, and served as a Senior Foreign Service Officer and Chief of the U.S. Kosovo Diplomatic Observer Mission during the Kosovo War. He regularly drives across Memorial Bridge, on Memorial Avenue, and around Memorial Circle, and visits Arlington National Cemetery to honor the service of his many comrades-in-arms who are buried there. Mr. Byrnes also hopes to be interred at Arlington National Cemetery. Mr. Byrnes has personal and aesthetic interests in the solemn and unobstructed view between Arlington National Cemetery and the Lincoln Memorial.

9. Plaintiff Jon Gundersen is a resident of South Carolina. He is a veteran of the U.S. Army, served in the Vietnam War, and served as the Chargé d’Affaires ad interim United States

to Ukraine, Estonia, Iceland, and Norway. Once or twice a year, he visits Washington, DC, and visits Arlington National Cemetery to honor the service of his many comrades-in-arms who are buried there. Mr. Gundersen has personal and aesthetic interests in the unobstructed and inspiring view between Arlington National Cemetery and the Lincoln Memorial.

10. Plaintiff Calder Loth is a resident of Richmond, Virginia. He is the retired Senior Architectural Historian for the Virginia Department of Historic Resources and serves as a member of the Advisory Council of the Institute of Classical Architecture and Art, a nonprofit organization committed to promoting and preserving the practice, understanding, and appreciation of classical design. Mr. Loth has lectured on classical and traditional architecture and led tours of Washington's national architecture, including the monuments. He regularly drives across Memorial Bridge, on Memorial Avenue, and around Memorial Circle, and visits the historic and cultural institutions in the Nation's capital and its environs, including Arlington National Cemetery and the Lincoln Memorial. He has aesthetic and professional interests in the preservation and protection of historic and cultural resources in Virginia and Washington, DC, including the historically significant and symbolic view between Arlington National Cemetery and the Lincoln Memorial.

11. Defendant Donald J. Trump is the President of the United States. Upon information and belief, President Trump has planned and directed the building of the Arch, including its design and location on Memorial Circle. President Trump is sued in his official capacity.

12. Defendant Vince Haley is the Director of the White House Domestic Policy Council, a department in the White House, and is overseeing the project to construct the Arch. He is sued in his official capacity.

13. Defendant Executive Office of the President of the United States is a federal entity headquartered in Washington, DC. Upon information and belief, the Executive Office of the President is directing or administering the plan to construct the Arch.

14. Defendant National Park Service is an agency within the U.S. Department of the Interior and was established by statute to “promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”³ National Park Service is responsible for administering and maintaining the land on Memorial Circle, which is located in Lady Bird Johnson Park.

FACTUAL BACKGROUND

The Careful Configuration of Monuments around Memorial Circle

15. Since the 18th century, the placement of monuments in the Nation’s capital has been the subject of careful and deliberate design, with attention given to the symbolic significance of the unobstructed views linking those structures.

16. In his 1791 plan for the design of the Nation’s capital, Pierre Charles L’Enfant emphasized the importance of reciprocal views of the monuments in the District of Columbia. L’Enfant identified an east-west axis extending from Congress House (now, the U.S. Capitol) to the Washington Monument along a “Grand Avenue” flanked by significant landmarks that would be reciprocally visible to one another. That Grand Avenue became the National Mall. In addition, L’Enfant linked the President’s House (now, the White House) and Congress House on a north-

³ 54 U.S.C. § 100101.

west axis, symbolically connecting the Executive and Legislative branches along what is now Pennsylvania Avenue.⁴

17. In 1901, the U.S. Senate established a Park Commission, also known as the McMillan Commission, to develop a plan for the monumental core and park system of the District of Columbia. Among other things, the Commission proposed the creation of a national monument to honor President Abraham Lincoln. “Expanding on the views and vistas created by the 1791 L’Enfant Plan,” the Commission sited the Lincoln Memorial as “the western anchor along the [capital’s] major east-west vista—in line with the Washington Monument and the U.S. Capitol.”⁵

18. The Commission proposed a bridge linking the Lincoln Memorial with Arlington National Cemetery. That bridge, named Arlington Memorial Bridge, was designed to create an axial vista from the Lincoln Memorial directly to the Robert E. Lee Memorial in Arlington National Cemetery, known as Arlington House. The unobstructed, reciprocal view between the Lincoln Memorial and Arlington House was designed to symbolize the unification of the country after the Civil War, and the bridge was “[s]ymbolically … designed to show the strength of a united nation by joining a memorial on the north side of the Potomac River (the Lincoln Memorial) with one on the south (Arlington House, the Robert E. Lee Memorial).”⁶

19. Arlington Memorial Bridge holds further symbolic meaning as the connection between Washington, DC, and Arlington National Cemetery, our Nation’s most hallowed ground

⁴ See Francis Fukuyama, *L’Enfant’s Washington*, The American Interest (May 1, 2007), <https://www.the-american-interest.com/2007/05/01/lenfants-washington/>; *Views and Vistas of the Lincoln Memorial Cultural Landscape*, National Park Service (last updated Oct. 10, 2024), <https://www.nps.gov/articles/000/lincoln-memorial-cultural-landscape-views-and-vistas.htm>.

⁵ *Views and Vistas*, *supra* note 4.

⁶ *Arlington Memorial Bridge & Avenue*, National Park Service, <https://www.nps.gov/gwmp/planyourvisit/memorialave.htm> (last updated Apr. 15, 2023).

and, today, the final resting place for more than 400,000 active-duty service members, veterans, and their family members. Arlington Memorial Bridge provides a ceremonial entrance to the District of Columbia from Virginia, and a ceremonial entrance from the District to Arlington National Cemetery.

20. Memorial Circle, a traffic circle on Lady Bird Johnson National Park, connects Arlington Memorial Bridge to Memorial Avenue, providing a ceremonial gateway to Arlington National Cemetery. Seven memorials line Memorial Avenue, conceived as an “Avenue of Heroes,” including the Women in Military Service for America Memorial. Together, Arlington Memorial Bridge, Memorial Circle, Memorial Avenue, and the entrance to Arlington National Cemetery are called “Memorial Avenue Corridor” and are “a major element of … the monumental core of Washington D.C.”⁷

Statutorily Required Process for New Monuments

21. Congress enacted the Commemorative Works Act of 1986 “to preserve the integrity of the comprehensive design of the L’Enfant and McMillan plans for the Nation’s Capital”; to preserve and ensure public enjoyment of the limited open space in the District of Columbia and its environs; and to ensure that future monuments, sculptures, or memorials in the District of Columbia and its environs “are appropriately designed, constructed, and located” and “reflect a consensus of the lasting national significance of the subjects involved.” 40 U.S.C. § 8901.

22. The Act specifies a detailed, multi-step process for authorizing, designing, and siting commemorative works—including any monument, sculpture, or memorial—situated in the District of Columbia on property administered by the National Park Service or the General

⁷ *Memorial Avenue Corridor Cultural Landscape*, National Park Service, <https://www.nps.gov/articles/600247.htm#4/31.80/-78.13> (last updated Oct. 7, 2021).

Services Administration. As a starting point, the Act provides that any such work must be “specifically authorized” by Congress. *Id.* § 8903(a)(1). When Congress passes such authorization, it designates a “sponsor” responsible for establishing the work. *See id.* § 8902(4).

23. The congressionally authorized sponsor may receive a construction permit to build the commemorative work only after it: (1) consults with the National Capital Memorial Advisory Commission; (2) submits the site and design proposal for review by the Commission of Fine Arts and National Capital Planning Commission; (3) receives approvals for the site and design by the Secretary of Interior or Administrator of General Services, National Capital Planning Commission, and Commission of Fine Arts; and (4) consults with “knowledgeable individuals qualified in the field of preservation and maintenance,” among other requirements. *See id.* §§ 8905–06.

24. For commemorative works sited in a designated zone of the capital known as “Area I,” the Act imposes additional review and consultation requirements, including a specific congressional notification and authorization process, and a determination by the Secretary of the Interior or Administrator of General Services that “the subject of the commemorative work is of preeminent historical and lasting significance to the United States.” *Id.* § 8908(b)(1).

25. Between 1986 and 2024, Congress, by enacting legislation, authorized 48 commemorative works to be placed in the District of Columbia or its environs. Twenty-four of those works have been completed and dedicated: Women in Military Service for America (P.L. 99-610, 100 Stat. 3477 (1986)); Francis Scott Key (P.L. 99-531, 100 Stat. 3022 (1986)); Korean War Veterans (P.L. 99-572, 100 Stat. 3226 (1986)); American Armored Force (P.L. 99-620, 100 Stat. 3493 (1986)); Vietnam Women’s Memorial (P.L. 100-660, 102 Stat. 3922 (1988)); George Mason (P.L. 101-358, 104 Stat. 419 (1990)); African-American Civil War-Union Soldiers/Sailors (P.L. 102-412, 106 Stat. 2104 (1992)); Japanese American Patriotism in World War II (P.L. 102-

502, 106 Stat. 3273 (1992)); World War II (P.L. 103-32, 107 Stat. 90 (1993)); Victims of Communism (P.L. 103-199, Title IX, § 905, 107 Stat. 2331 (1993)); Dr. Martin Luther King, Jr. (P.L. 104-333, Div. I, Title V, § 508, 110 Stat. 4157 (1996)); Mahatma Gandhi (P.L. 105-284, 112 Stat. 2701 (1998)); Veterans Who Died as a Result of Service in the Vietnam War (P.L. 106-214, 114 Stat. 335 (2000)); American Veterans Disabled for Life (P.L. 106-348, 114 Stat. 1358 (2000)); Lincoln Memorial “I Have a Dream” Speech (P.L. 106-365, 114 Stat. 1409 (2000)); Tomas G. Masaryk (P.L. 107-61, 115 Stat. 410 (2001)); Dwight D. Eisenhower (P.L. 107-117, § 8120, 115 Stat. 2273 (2002)); Victims of Ukrainian Manmade Famine of 1932–1933 (P.L. 109-340, 120 Stat. 1864 (2006)); Senator Robert J. Dole Plaque (P.L. 111-88, §128, 123 Stat. 2933 (2009)); World War II D-Day Prayer Plaque (P.L. 113-123, 128 Stat. 1377 (2014)); World War I (P.L. 113-291, § 3091(b), 128 Stat. 3858 (2014)); Korean War Memorial Wall of Remembrance (P.L. 114-230, 130 Stat. 947 (2016)); First Division Monument Modifications (P.L. 116-283, Title X, § 1083, 134 Stat. 3875 (2021)). The other 24 works are in progress or congressional authorization has lapsed or been repealed.⁸

26. In 2002, Congress reinforced its oversight over federal grounds in the District of Columbia by passing a statutory prohibition on constructing any “building or structure”—whether or not a commemorative work—“on any reservation, park, or public grounds of the Federal Government in the District of Columbia without express authority of Congress.” 40 U.S.C. § 8106.

27. Plans to construct monuments in the District of Columbia are subject to numerous other statutory consultation and review requirements. For example, section 106 of the National Historic Preservation Act of 1966 requires agency review of the impact that any federal

⁸ Jacob R. Straus, *Monuments and Memorials Authorized and Completed Under the Commemorative Works Act in the District of Columbia*, Congressional Research Service (Oct. 2, 2024), <https://www.congress.gov/crs-product/R43743>.

undertaking will have on certain historic properties. *See* 54 U.S.C. § 306108. The National Environmental Policy Act of 1970 (NEPA) requires any “major Federal action[]” that “significantly affect[s] the quality of the human environment” to be accompanied by a “detailed statement” about the action’s environmental impact. 42 U.S.C. § 4332(2)(C). And other statutory provisions subject plans to construct monuments in the District of Columbia to consultation and review by the National Capital Planning Commission and the Commission of Fine Arts. *See* 40 U.S.C. § 8722 (National Capital Planning Commission); *id.* § 9102 (Commission of Fine Arts).

28. In addition, Congress has specified in law that National Park System areas—which includes Lady Bird Johnson Park, the park that would house the planned Arch—may not be impaired or administered in derogation of the “high public value and integrity of the [National Park] System … except as directly and specifically provided by Congress.” 54 U.S.C. § 100101(b)(2).

President Trump’s Plan to Construct a Monumental Arch

29. In mid-October 2025, President Trump announced the plan to build a new monument on Memorial Circle to commemorate the Nation’s 250th anniversary. The White House has named the planned monument the Independence Arch.⁹

30. On October 11, 2025, President Trump posted on his Truth Social account a watercolor design of a monumental arch in Memorial Circle. That watercolor design had earlier been posted on social media by Nicolas Leo Charbonneau, an architect at the firm Harrison Design. In his post, Mr. Charbonneau stated that it was “[a] proposal for a triumphal arch in DC … in the traffic circle in front of Arlington National Cemetery. America needs a triumphal arch!”¹⁰

⁹ *White House Fact Sheet*, *supra* note 2.

¹⁰ Donald J. Trump (@realDonaldTrump), Truth Social (Oct. 11, 2025, 12:27 AM), <https://truthtsocial.com/@realDonaldTrump/posts/115353640080693628>; Nicolas Leo

31. At an October 15, 2025, press conference in the Oval Office, President Trump reportedly displayed on the Resolute Desk a model of the Arch on Memorial Circle. When a reporter asked President Trump what the model arch was, President Trump stated, “It’s going to be built … an arc[h]” and told the reporter to “take a look at the location.” When the reporter asked who the arch was for, President Trump replied: “Me.”¹¹

32. That evening, President Trump hosted a dinner for corporate executives who had donated funds to construct a ballroom for the White House. At that dinner, President Trump displayed models and diagrams of the planned Arch.¹² The diagrams that President Trump displayed bore the caption “Independence Arch” and showed arches of three sizes.¹³ President Trump stated that the planned arch models were “small, medium, and large”—123 feet high, 165 feet high, and 250 feet high, respectively—but that he thought “the large by far looks the best.”¹⁴ All of the diagrams situated the Arch on Memorial Circle.¹⁵

33. At a White House holiday party in December, President Trump confirmed: “We’re building an arc like the Arc de Triomphe [in Paris], and we’re building it by the Arlington bridge

Charbonneau (@nic_charbonneau), X (Sept. 4, 2025, 10:01 AM), https://x.com/nic_charbonneau/status/1963603279658602674.

¹¹ CBS News (@cbsnews) and Ed O’Keefe (@edokeefcbs), Instagram (Oct. 15, 2022), https://www.instagram.com/p/DP2WDAiEa4X/?utm_source=ig_embed&utm_campaign.

¹² Zolan Kanno-Youngs, *Trump Hosts Dinner for Wealthy Donors to White House Ballroom*, New York Times (Oct. 15, 2025), <https://www.nytimes.com/2025/10/15/us/politics/trump-white-house-dinner-ballroom-donors.html>.

¹³ Callum Sutherland, *The ‘Arc de Trump’: President Shows Off Plans For His Latest Grandiose D.C. Construction Project*, Time (Oct. 16, 2025), <https://time.com/7326081/trump-president-arch-washington-project-construction/>.

¹⁴ See Sutherland, *supra* note 13; Dan Diamond et al., *Trump wants to build a 250-foot-tall arch, dwarfing the Lincoln Memorial*, Washington Post (Jan. 31, 2026), <https://www.washingtonpost.com/politics/2026/01/31/trump-arch-memorial-circle/>.

¹⁵ Sutherland, *supra* note 13.

... opposite the Lincoln Memorial.”¹⁶ In addition, he stated that he had put Vince Haley, Director of the White House Domestic Policy Council, “in charge of the triumphal arc[h],” and that building the Arch was “a policy thing” and Director Haley’s “primary thing.”¹⁷

34. President Trump reportedly stated in late December that construction of the Arch was expected to begin “sometime in the next two months.”¹⁸

35. On January 23, 2026, President Trump posted on Truth Social an image with three renderings of the planned Arch on Memorial Circle.¹⁹ According to the images, the Arch will be called “The Independence Arch.”²⁰

36. On January 30, 2026, the White House released a Fact Sheet stating that President Trump has “announced plans for a new Independence Arch in Washington, D.C. to coincide with the 250th anniversary” of the United States.²¹

37. The White House has retained Nicolas Leo Charbonneau from Harrison Design to work on the Arch.²²

¹⁶ Rapid Response 47, X (Dec. 14, 2025, 1:33 PM), <https://x.com/RapidResponse47/status/2000273037867040872>.

¹⁷ Robert Mackey, *Trump says building DC triumphal arch is domestic policy chief's 'primary thing'*, The Guardian (Dec. 14, 2025, 5:46 PM), <https://www.theguardian.com/us-news/2025/dec/14/trump-arch-washington-dc-policy-chief>.

¹⁸ Sophia Cai, *Trump says construction of the 'Triumphal Arch' to begin in '2 months'*, Politico (Dec. 31, 2025, 11:53 AM), <https://www.politico.com/news/2025/12/31/trump-arch-washington-dc-america-250-00708590>.

¹⁹ Donald J. Trump (@realDonaldTrump), Truth Social (Jan. 23, 2026, 12:00 PM), <https://truthsocial.com/@realDonaldTrump/posts/115945478685595236>.

²⁰ Trump, *supra* note 19.

²¹ White House Fact Sheet, *supra* note 2.

²² Diamond et al., *supra* note 14.

38. President Trump has reportedly stated that he plans for the monument to be 165 feet wide and 250 feet tall—a 165-foot arch on top of a 25-foot pedestal, topped by a “massive 60-foot gilt bronze Lady Liberty sculpture.”²³ Sources familiar with the plans have stated that President Trump is “dead-set on building this huge arch”²⁴ and that President Trump favored a 250-foot arch to commemorate the United States’ 250th anniversary because “‘250 for 250’ makes the most sense,” with one foot for every year of the anniversary.²⁵

39. A 250-foot structure is the equivalent of a twenty-five-story office block. At 250 feet, the planned Arch will be roughly half the size of the Washington Monument (555 feet tall), more than double the size of the Lincoln Memorial (99 feet tall), and the largest monumental arch in the world.²⁶

40. A White House spokesman stated that the Arch will be “one of the most iconic landmarks not only in Washington, D.C., but throughout the world” and that “President Trump’s bold vision will be imprinted upon the fabric of America and be felt by generations to come.”²⁷

41. President Trump has stated that he would use donations from private donors to pay for the Arch,²⁸ including funds that had been donated to construct the White House ballroom.²⁹

²³ Betsy Klein et al., *Trump forges ahead with plans for 250-foot arch despite concerns on the ground and in the air*, CNN (Feb. 10, 2026), <https://www.cnn.com/2026/02/10/politics/independence-arch-dc-concerns-vis>.

²⁴ Klein et al., *supra* note 23.

²⁵ Diamond et al., *supra* note 14.

²⁶ Klein et al., *supra* note 23.

²⁷ Diamond et al., *supra* note 14.

²⁸ Joey Garrison, *Trump floats three designs for his 'Independence Arch' in DC*, USA Today (Jan. 23, 2026, 3:06 PM), <https://www.usatoday.com/story/news/politics/2026/01/23/donald-trump-designs-independence-arch-250-anniversary/88320719007/>.

²⁹ Nardine Saad & Kwasi Gyamfi Asiedu, *What we know about White House plans for an ‘Arc de Trump’*, BBC (Oct. 16, 2025), <https://www.bbc.com/news/articles/cy7e81v176go>.

42. President Trump has announced the creation of a group called Freedom 250.³⁰ Freedom 250, a company created by and housed inside the National Park Foundation, is amassing private donations for the construction of the Arch, as well as other projects to commemorate the nation's 250th birthday.³¹ The National Park Foundation is the "official charity of America's national parks and the nonprofit partner to the National Park Service.³² Donors who give at least \$1 million to Freedom 250 reportedly will get access to President Trump and other perks.³³

43. Memorial Circle, the planned site for the Arch, sits within a National Park Service park in the District of Columbia and is in Area I under the Commemorative Works Act.

44. The Arch is planned to be erected directly on the axis between Arlington House and the Lincoln Memorial. It will block historically significant reciprocal views between those two memorials that were consciously designed and that have existed for nearly a century. It will dominate the views of and the relationship between the surrounding memorials. With the erection of the Arch, Arlington House will no longer be visible from the Lincoln Memorial, and the view of the Lincoln Memorial from Arlington House will be obscured, disrupting the historic and symbolic link between the two.³⁴

³⁰ Kenneth P. Vogel et al., *For \$1 Million. Donors to U.S.A. Birthday Group Offered Access to Trump*, New York Times (Feb 8, 2026), <https://www.nytimes.com/2026/02/08/us/politics/freedom-250-trump-donors.html>.

³¹ Vogel et al., *supra* note 30.

³² National Park Foundation, National Park Service, <https://www.nps.gov/subjects/partnerships/national-park-foundation.htm> (last updated Dec. 30, 2025).

³³ Vogel et al., *supra* note 30.

³⁴ Klein et al., *supra* note 23.

45. In addition, the Arch could pose a hazard to air travel at nearby Reagan National Airport.³⁵ Although the height of the Arch would make it an “obstruction to air navigation,” 14 C.F.R. § 77.17, requiring notice to the Federal Aviation Administration (FAA), *id.* § 77.9, “[i]t appears nothing about the arch project has been submitted to the FAA’s Obstruction Evaluation/Airport Airspace Analysis site.”³⁶

46. Erecting the Arch likely will increase traffic at Memorial Circle, further detracting from Plaintiffs’ experience and enjoyment. Memorial Circle “is heavily used by motorists, cyclists, and pedestrians both for recreation and for commuting (or other local travel),”³⁷ and it is also often part of the funeral procession route to Arlington National Cemetery.³⁸ The National Park Service has previously stated in an environmental assessment for Memorial Circle that “[t]he heavy use of the roads, bridges, trails, and sidewalks within the ... area contribute to a number of safety concerns.”³⁹

47. Congress has not authorized the construction of the Arch.

48. Upon information and belief, no environmental review has been conducted for the planned Arch, and plans for the Arch have not been submitted to the National Capital Planning Commission or the Commission of Fine Arts.

³⁵ Klein et al., *supra* note 23.

³⁶ Kathryn Watson, *Trump says he wants proposed arch to be world’s “biggest,”* CBS News, <https://www.cbsnews.com/news/trump-arch-dca-airport-flight-path/> (last updated Feb. 5, 2026, 11:21 AM).

³⁷ *Memorial Circle Transportation Plan and Environmental Assessment*, National Park Service, <https://parkplanning.nps.gov/projectHome.cfm?ProjectID=51448> (last visited Feb. 17, 2026).

³⁸ *Memorial Circle Transportation Plan and Environmental Assessment*, *supra* note 37.

³⁹ *Memorial Circle Transportation Plan and Environmental Assessment*, *supra* note 37.

49. Upon information and belief, Defendants intend to proceed with construction of the Arch before July 4, 2026, and without congressional authorization.

Injury to Plaintiffs

50. Plaintiffs Lemmon, Gundersen, and Byrnes have significant personal and aesthetic interests in the unobstructed view between the Lincoln Memorial and Arlington House. Each has visited and intends to continue in the future visiting Arlington National Cemetery and driving around Memorial Avenue Corridor, including Memorial Circle. They believe that the planned Arch, by obstructing the symbolic and inspiring view from Arlington National Cemetery to the Lincoln Memorial, would dishonor their military and foreign service and the legacy of their comrades and other veterans buried at Arlington National Cemetery, and would degrade their personal experience when visiting Arlington Cemetery or traveling around Memorial Circle and on the Memorial Avenue Corridor.

51. Plaintiff Loth has aesthetic and professional interests in the monuments in the Nation's capital and its environs and the relationship between those monuments, including the historic and symbolic viewshed between Arlington National Cemetery and the Lincoln Memorial. He has visited and intends to continue in the future visiting Arlington National Cemetery and driving around Memorial Avenue Corridor, including Memorial Circle. By obstructing the views of the monuments, the Arch would harm his aesthetic, historical, and professional interests in Arlington National Cemetery, the Lincoln Memorial, Memorial Circle, and the monuments in the Nation's capital and its environs, and his experience of them.

CLAIMS FOR RELIEF

First Cause of Action (Against All Defendants)

52. Plaintiffs have a non-statutory cause of action to enjoin and declare unlawful official executive action that is ultra vires and in excess of legal authority.

53. The Commemorative Works Act and 40 U.S.C. § 8106 forbid the construction of Defendants' planned Arch absent congressional authorization.

54. Congress has not authorized construction of the Arch.

55. Additional statutes—including, but not limited to, the National Historic Preservation Act of 1966 and NEPA—impose procedural requirements that must be satisfied before federal projects such as the construction of Defendants' planned Arch may be executed.

56. Defendants intend to imminently begin construction of the Arch without complying with these statutory requirements.

57. Defendants' construction of the Arch without congressional approval and without satisfaction of procedural prerequisites is in excess of the powers that Congress has delegated to Defendants and is contrary to specific statutory requirements.

58. Absent ultra vires review, Plaintiff has no meaningful and adequate opportunity for judicial review.

59. No statutory scheme forecloses judicial review of Defendants' actions in constructing the Arch.

Second Cause of Action (Against Defendant Trump)

60. Plaintiffs have a non-statutory right of action to declare unlawful official action that is unconstitutional or ultra vires.

61. The President of the United States has only those powers conferred on him by Article II of the Constitution and federal statutes. Under the Constitution, the President has the duty to “take Care that the Laws be faithfully executed.” U.S. Const. art. II, § 3.

62. The Take Care Clause limits the President’s power and ensures that he will faithfully execute Congress’s laws.

63. Under the Constitution, the President lacks the authority to direct federal officers or agencies to act in derogation of a federal statute.

64. Accordingly, the President’s directive to plan and construct an arch on Memorial Circle by July 4, 2026, without congressional authorization and designation by Congress of a sponsor, and without complying with the numerous statutory requirements, including those imposed by NEPA and National Historic Preservation Act, impinges on the separation of powers and violates the Take Care Clause.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court:

A. Declare construction of the Arch without congressional authorization and without satisfying statutory procedural requirements to be unlawful;

B. Enter a preliminary and permanent injunction prohibiting Director Haley and the Executive Office of the President from taking any steps to construct the Arch absent congressional authorization, designation by Congress of a sponsor, and compliance with all statutory requirements;

C. Enter a preliminary and permanent injunction prohibiting the National Park Service from authorizing or permitting construction of the Arch on Memorial Circle (including by expending funds provided through the National Park Foundation and/or Freedom 250), absent

congressional authorization, designation by Congress of a sponsor, and compliance with all statutory requirements;

- D. Award Plaintiffs their reasonable costs and attorneys' fees; and
- E. Grant such other relief as this Court may deem just and proper.

Dated: February 19, 2026

Respectfully submitted,

/s/ Wendy Liu

Wendy Liu (DC Bar No. 1600942)
Nicolas A. Sansone (DC Bar No. 1686810)
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