

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CITY OF PHILADELPHIA,

Plaintiff,

v.

DOUG BURGUM, SECRETARY OF THE INTERIOR,

UNITED STATES DEPARTMENT OF THE
INTERIOR,

JESSICA BOWRON, ACTING DIRECTOR OF THE
NATIONAL PARK SERVICE,

and

NATIONAL PARK SERVICE, UNITED STATES
DEPARTMENT OF THE INTERIOR,

Defendants.

Civil Action No. 2:26-cv-434

Honorable Cynthia M. Rufe

**BRIEF OF AMICI CURIAE AVENGING THE ANCESTORS COALITION, AND THE
BLACK JOURNEY IN SUPPORT OF PLAINTIFF**

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SUMMARY OF ARGUMENT

Historians have long recognized a contradiction in American history: leaders of the American Revolution campaigned for liberty and freedom while at the same time maintaining a system of chattel slavery for Black Americans.¹ This foundational paradox was laid bare through an archeological dig outside of the Liberty Bell. In 2000, as construction of the new Liberty Bell Center in Independence Park neared completion, an archeological excavation revealed that the entrance to the Liberty Bell was immediately facing what were once the quarters for people held in slavery by President George Washington when he resided as president in Philadelphia.²

Recognizing that the stories of marginalized communities are often left out of the official telling of American history, Philadelphia residents formed Avenging the Ancestors Coalition (“ATAC”) to ensure that the people held in slavery by President Washington in Philadelphia would not be forgotten. In 2002, ATAC was the first to publicly ask the National Park Service to recognize the people held in slavery at the President’s House as part of the history of the site and to establish a memorial telling their stories. The coalition’s founder, Michael Coard, delivered a petition signed by thousands of people to Independence Park, urging it to build a memorial to the people President Washington held in slavery.

In light of this newly discovered archaeological evidence, National Park Service (“NPS”)

¹ See, e.g., Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* 6 (1975) (describing “the American paradox, the marriage of slavery and freedom”).

² See Edward Lawler, Jr., *The President’s House in Philadelphia, Part I*, PA. MAG. of Hist. & Biography, reprinted by USHistory.org, <https://www.ushistory.org/presidentshouse/history/pmhb/ph1.php> (providing the conjectural floorplan of the President’s House in Philadelphia and describing the servants’ hall and the slave quarters added by George Washington in 1790); Independence National Historical Park, *President’s House Site, Original Foundations*, <https://www.nps.gov/media/photo/gallery-item.htm?pg=3736095&id=69be07a6-155d-451f-6775-9799ea759c84&gid=68C49029-155D-451F-6769F4B1EFBC87A8> (last visited Jan. 26, 2026) (describing how archeologists discovered the foundations of the house during a dig).

Chief Historian Dwight Pitcaithley wrote to Independence Park’s superintendent, urging her to ensure that the story of the nine people held in slavery was acknowledged in the new Liberty Bell Park. Ultimately, the City of Philadelphia (“the City” or “the Plaintiff”) and NPS determined that the history at this site should be recognized through an exhibit at the site (“the President’s House Exhibit”). The President’s House Exhibit was developed through collaboration between the City, NPS, and community institutions, including ATAC. The result was a six-panel exhibit called “Freedom and Slavery in the Making of a New Nation,” which included videos shared from the perspective of enslaved individuals who lived and worked there.³ According to the Independence National Historical Park website, “[t]he outdoor exhibits examine the paradox between slavery and freedom in the new nation.”⁴

On March 27, 2025, President Trump adopted Executive Order No. 14253 calling for the removal of content at NPS sites which “inappropriately disparage[s] Americans past or living.”⁵ Pursuant to the Executive Order, the U.S. Department of Interior (“DOI”) embarked on a nationwide review of federal sites, and identified the President’s House as one of the sites for removal. Months later, circumventing required administrative procedures, NPS abruptly removed the panels from the President’s House Exhibit and loaded them into a NPS pickup truck. This removal was arbitrary and capricious and in violation of the Administrative Procedure Act. In addition, the agency actions and statements by the Trump Administration corroborate the purpose of the Executive Orders as an attempt to censor discussions of slavery and Black history that directly harms the Amici.

³ *The President’s House: Freedom and Slavery in the Making of a New Nation*, NAT’L PARK SERVS., <https://www.nps.gov/inde/planyourvisit/presidentshousesite.htm> (last visited Jan. 26, 2026).

⁴ *Id.*

⁵ Restoring Truth and Sanity to American History, 90 Fed. Reg. 14563, 14564 (Mar. 27, 2025).

Avenging the Ancestors Coalition (“ATAC”) and The Black Journey walking tour (collectively “Amici”) take the unusual step of submitting a *amicus curiae* brief at this early stage of a U.S. District Court proceeding because of the serious statutory violations alleged by the City in this case, and to make clear the discriminatory impact of the removal of the exhibit. This brief supports Plaintiff’s argument that the removal of the exhibit violates the Administrative Procedure Act because the removal was arbitrary and capricious, and further argues that the removal was racially targeted and discriminatory. Accordingly, Amici respectfully submit that this Court should issue an appropriate preliminary injunction ordering that the Exhibits be reinstated and that no further alterations occur until further order of this Court.

Amici share a collective interest in combating attempts to erase slavery from national memory and protecting the inclusion of Black American history in Philadelphia—one of the nation’s oldest cities and the birthplace of American democracy. Amici include organizations and individuals directly involved in the creation of the President’s House and who depend on its ongoing preservation and use. Without these organizational voices, the process through which the Exhibit was developed, and the harm of its removal, cannot be fully understood.

INTEREST OF AMICI⁶

Avenging the Ancestors Coalition (“ATAC”) assembled in 2002 following the archaeological discovery of the quarters where President George Washington held nine Black children, women, and men in slavery at the nation’s first White House. Its membership includes historians, attorneys, concerned citizens, elected officials, religious leaders, journalists, community activists, and registered voters. Beginning in 2002, ATAC was the first to request that

⁶ Amici state that no other person or entity has paid for the preparation of, or authored, this brief in whole or in part.

NPS acknowledge the newly discovered historical evidence about the enslaved people President Washington held captive at the President’s House. Prior to the project’s completion in 2010, ATAC collected thousands of signatures in support of the memorial, organized protests, produced educational materials, and partnered with the City and NPS to ensure that enslaved lives were depicted accurately. ATAC was a key stakeholder that participated in the mayor’s selection process for the Exhibit’s design. ATAC members regularly visit the site and rely on it to educate the public about this history. Since the site has been under threat of removal, ATAC has spent tremendous time and resources advocating for its protection.

The Black Journey is a walking tour company, founded in 2019, to highlight the frequently overlooked Black history of Philadelphia and the early United States. Its tour guides provide robust historical education to people of all identities—offering tours to individuals, families, schools, and others. Philadelphians and visitors from all over the globe embark on these tours to gain a perspective of the city “while soaking in the fullest array of our nation’s most important and historical monuments and sights.”⁷ Multiple tours—including The Original Black History tour and the Revolutionary Philadelphia Tour—visit the President’s House Slavery Memorial, with some tours even commencing at the site itself. Without the President’s House Exhibit, the Black Journey Tour will be forced to spend tremendous time and resources to redesign its tours, and critical information will be missing.

BACKGROUND

A. The President’s House Site was Established Following Years of Advocacy.

The Liberty Bell has existed as a symbol of independence and freedom since early American history. In 2000, the City of Philadelphia began a project to move the Liberty Bell from

⁷ *The Black Journey: African-American Walking Tour of Philadelphia*, THE BLACK JOURNEY, <https://www.blackjourneyphiladelphia.com/> (last visited Jan. 27, 2026).

its home at 5th and Market Street to a new center at 6th and Market Street in Independence Park. An archeological dig done in anticipation of construction uncovered the remains of the President's House, the former executive mansion where President George Washington resided as president in Philadelphia prior to the completion of the White House in Washington, D.C. In addition, the excavation revealed the quarters where people enslaved by President George Washington lived.⁸ President Washington held at least nine Africans in slavery at the President's House.⁹ In contravention of Pennsylvania's Gradual Abolition of Slavery law, he rotated them in and out of the state to avoid the purpose of the law, which imposed time limitations on how long enslavers could remain in the state with enslaved people.¹⁰ Every six months, he sent those under his enslavement out of state so that they would be unable to petition for their freedom.¹¹ The people who he held in slavery include: Ona Judge (Staines), who was held in slavery as a maid to Martha Washington; Austin, who was held in slavery as a waiter and carriage driver; Christopher Sheel, who was held in slavery as President Washington's body servant; Giles, who was held in slavery as a carriage driver and driver of wagons; Hercules Posey, who was held in slavery as a chef to the Washingtons; Joe Richardson, who was held in slavery as a coachman; Moll, who was held in

⁸ See Lawler, Jr., *supra* n.2 (providing the conjectural floorplan of the President's House in Philadelphia and describing the servants' hall and the slave quarters added by George Washington in 1790); Independence National Historical Park, *President's House Site*, *supra* n.2, <https://www.nps.gov/media/photo/gallery-item.htm?pg=3736095&id=69be07a6-155d-451f-6775-9799ea759c84&gid=68C49029-155D-451F-6769F4B1EFBC87A8> (describing how archeologists discovered the foundations of the house during a dig).

⁹ Stephan Salisbury and Inga Saffron, *Echoes of Slavery at Liberty Bell Site*, THE PHILADELPHIA INQUIRER, March 24, 2002.

¹⁰ See AECOM, *The Archeology of Freedom and Slavery: Excavations at the President's House in Philadelphia* 96 (2d ed. 2023), https://www.phillyarchaeology.net/wp-content/uploads/2025/02/Excavations_at_the_Presidents_House_Site_in_Philadelphia_9-29-23-2.pdf.

¹¹ NATIONAL ARCHIVES, LETTER FROM PRESIDENT GEORGE WASHINGTON TO TOBIAS LEAR (Apr. 12, 1791), <https://founders.archives.gov/?q=tobias%20lear&s=1111311111&r=588>.

slavery as a nanny for Martha Washington's grandchildren; Paris, who was held in slavery as a stable worker; and Richmond, who was the son of Hercules and held in slavery as a chimney sweep.¹² In January 2002, the *Pennsylvania Magazine of History and Biography* published an article by historian Edward Lawler in which he observed: "[t]he last thing that a visitor will walk across or pass before entering the Liberty Bell Center will be the slave quarters that George Washington ordered added to the President's House."¹³

Outraged by this discovery, Philadelphia residents united to form Avenging the Ancestors Coalition, motivated by the common goal of remembering those who were enslaved at the President's House site through a memorial telling their story. Michael Coard, ATAC's founder, gathered 15,000 signatures in support of the President's House memorial and delivered them to Independence Park. NPS Chief Historian Dwight Pitcaithley wrote to Independence Park's superintendent, urging her to consider recognizing the people who were held in slavery:

The contradiction in the founding of the country between freedom and slavery becomes palpable when one actually crosses through a slave quarters site when entering a shrine to a major symbol of the abolition movement....How better to establish the proper historical context for understanding the Liberty Bell than by talking about the institution of slavery? And not the institution as generalized phenomenon, but as lived by George Washington's own slaves. The fact that Washington's slaves Hercules and Oney Judge sought and gained freedom from this very spot gives us interpretive opportunities other historic sites can only long for. This juxtaposition is an interpretive gift that can make the Liberty Bell "experience" much more meaningful to the visiting public. We will have missed a real educational opportunity if we do not act on this possibility.¹⁴

¹² Information provided by Mother Bethel African Methodist Episcopal Church Historical Commission, *Richard Allen, Ona Judge And The President's House Escape*.

¹³ See, e.g., Edward Lawler, Jr., *George Washington's Philadelphia Slave Quarters*, HISTORY NEWS NETWORK (Aug. 8, 2005), <https://www.hnn.us/article/george-washingtons-philadelphia-slave-quarters> (discussing community-led efforts to commemorate the slave quarters found on the President's House site).

¹⁴ Gary B. Nash, *For Whom Will the Liberty Bell Toll? From Controversy to Collaboration*, The George Wright Forum (vol. 21 no. 1) (March 2004), <https://www.georgewright.org/211.pdf>.

In 2002, the Philadelphia City Council and Pennsylvania General Assembly passed resolutions calling upon NPS to devise a plan to honor those enslaved at the site. Largely thanks to ATAC's advocacy, the Liberty Bell Center's project received millions of dollars in funding. In 2003, Mayor John Street appropriated \$1.5 million towards a commemoration at the President's House site. In 2005, United States Congressmen Chakka Fatah and Bob Brady announced the allocation of \$3.6 million of federal funds in support of the project.¹⁵ Members of ATAC even donated to the project themselves.

Shortly thereafter, the Independence Park and the City of Philadelphia announced a national design competition that began with a request for qualifications ("RFQ") outlining key values and elements that must be core to the design, including "how knowledge of the President's House and the presence of slavery was forgotten and recovered" and "why we must remember" this history.¹⁶ The RFQ further provided that the exhibit must include "[a] factual account of how Washington's household used nuances of the Pennsylvania Gradual Abolition Act of 1780 to keep individuals in slavery while they were in Philadelphia rather than at the estate in Mt. Vernon, Virginia."¹⁷ Out of the twenty teams of architects, artists, and historians who submitted proposals, six were selected as semi-finalists. From there, they were granted stipends to create models of their designs. In 2006, designs were displayed to the public at the National Constitution Center and the African American Museum. The public voted on the designs.

That same year, the City of Philadelphia entered into an agreement with the National Park Service providing that the exhibit at the President's House site would be located next to the Liberty

¹⁵ The President's House in Philadelphia, *\$3.6 million Awarded to the Project*, USHISTORY.ORG, <https://www.ushistory.org/presidentshouse/controversy/index.php>.

¹⁶ The President's House in Philadelphia, RFQ: The President's House (2005), USHISTORY.ORG, <https://www.ushistory.org/presidentshouse/plans/rfq.php>.

¹⁷ *Id.*

Bell Center and would commemorate “all those who lived in the house while it was used as the executive mansion, including the nine enslaved Africans brought by George Washington.”¹⁸

In February 2007, Philadelphia architectural firm Kelly Maiello was selected as the winner of the design competition. According to the Independence National Historical Park website, “[t]he outdoor exhibits examine the paradox between slavery and freedom in the new nation.”¹⁹ The design included the structure and dimensions of the President’s House and reenactments on video monitors. It also included panels dedicated to the nine enslaved people who lived in the house, and the 300 more enslaved people George Washington held in Virginia. Among the stories featured was that of Ona Judge Staines, one of the women George Washington enslaved, who escaped his custody to freedom while in Philadelphia.²⁰

The President’s House Site opened to the public in December 2010. It welcomes thousands of visitors a year and is a prominent stop on many tours of historic Philadelphia landmarks. The Black Journey, for example, stops at the site in three of its five live-guided tours, which attract approximately 300 visitors annually. A significant and substantive portion of each tour is spent at the President’s House, using the site as a primary interpretive anchor to explain the realities of enslavement in the nation’s founding era. The Black Journey integrates the site’s physical landscape, historical context, and the on-site interpretive materials into its narrative framework. The Black Journey’s audio tour—available to those who want to tour the site independently or outside of scheduled tour times—also includes a dedicated stop at the President’s House Exhibit

¹⁸ 2006 Cooperative Agreement.

¹⁹ Independence National Historical Park, *President’s House Site*, *supra* n.2, <https://www.nps.gov/inde/planyourvisit/presidentshousesite.htm>.

²⁰ The story of Ona Judge was made famous as a result of the book, *Never Caught*. She remained free until her death, despite multiple attempts by George Washington to recapture her. *See Ona Judge Escapes to Freedom*, Nat’l Park Serv., <https://www.nps.gov/articles/independence-oneyjudge.htm> (last visited Jan. 26, 2026).

and was developed in reliance on the historical information available at the site. A feature of both The Black Journey’s live and audio programming, the President’s House Exhibit is integral to its educational mission and to public understanding of enslavement at the highest levels of American government.

Several years after it opened, the President’s House was designated as a National Underground Railroad Network to Freedom site pursuant to the National Underground Railroad and as a Network site by the Network to Freedom Act.²¹

B. Executive Order No. 14253 and the Removal of the President’s House Exhibit.

On March 27, 2025, President Trump issued Executive Order (“EO”) 14253—“Restoring Truth and Sanity to American History.” Responding to “a concerted and widespread effort to rewrite . . . history, replacing objective facts with a distortive narrative,” the order seeks to “restore Federal sites dedicated to history . . . to solemn and uplifting monuments” and remove “divisive narratives that distort . . . shared history.”²² The order requires the Secretary of Interior (“Secretary”) to, among other things, determine where federal sites have been “removed or changed to perpetuate a false reconstruction of American history,” and ensure sites have no “descriptions, depictions, or other content that inappropriately disparage Americans past or living”²³ Following the EO, the Secretary issued Order 3431.²⁴ It promised that the

²¹ Pub. L. 105–203, 112 Stat. 678; *see also* <https://www.nps.gov/subjects/undergroundrailroad/ntf-listings.htm> (listing all Network sites, including President’s House) (last accessed Jan. 22, 2026). The purpose of the Act is “[t]o authorize the National Park Service to coordinate and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the Underground Railroad, its significance as a crucial element in the evolution of the national civil rights movement, and its relevance in fostering the spirit of racial harmony and national reconciliation.” Pub. L. 105–203, 112 Stat 678, § 2(b)(2).

²² Exec. Order No. 14253, 90 Fed. Reg. 14563, 14563 (Mar. 27, 2025).

²³ Executive Order 14253, *supra* n.22.

²⁴ U.S. Dept. of Interior, Secretary Order 3431 (May 20, 2025), <https://onedrive.live.com/?cid=533a686a100370a4&id=533A686A100370A4!s230b98f7bf6242c>

Department would remove any content that fell under the scope of the EO. A number of sites were flagged for review, one of them being the President's House.²⁵ The order drew concern from Congresspeople, historians, and the public at large.²⁶

Staff at the National Park Service were instructed to post QR codes and signs at all 433 national parks, monuments and historic sites asking visitors to flag anything they think should be changed.²⁷ The QR codes ask for comments on "any signs or other information that are negative about either past or living Americans or that fail to emphasize the beauty, grandeur, and abundance of landscapes and other natural features."²⁸ Displays addressing the history of slavery at Independence Park were flagged for employees.²⁹ However, according to reporting, only thirteen

[8aa559c85c2b37899&resid=533A686A100370A4!s230b98f7bf6242c8aa559c85c2b37899&ithint=file.pdf&migratedtospo=true&redeem=aHR0cHM6Ly8xZHJ2Lm1zL2lvYy81MzNhNjg2YTEwMDM3MGE0L0VmZVlDeU5pdjhoQ3FsV2NoY0t6ZUprQmRJa3N3VnJBSUw1QVhVWG81MU1aU0E](https://www.nps.gov/learn/interactives/8aa559c85c2b37899&resid=533A686A100370A4!s230b98f7bf6242c8aa559c85c2b37899&ithint=file.pdf&migratedtospo=true&redeem=aHR0cHM6Ly8xZHJ2Lm1zL2lvYy81MzNhNjg2YTEwMDM3MGE0L0VmZVlDeU5pdjhoQ3FsV2NoY0t6ZUprQmRJa3N3VnJBSUw1QVhVWG81MU1aU0E).

²⁵ *Id.*

²⁶ See e.g., Nat. Res. Comm., *Committee Democrats Demand Answers on Reports of NPS Scrubbing Slavery History, Climate Facts*, Jan. 23, 2026, <https://democrats-naturalresources.house.gov/media/press-releases/committee-democrats-demand-answers-on-reports-of-nps-scrubbing-slavery-history-climate-facts>; Congressional Black Caucus Statement on Trump's Executive Order on the Smithsonian, Mar. 28, 2025, <https://cbc.house.gov/news/documentsingle.aspx?DocumentID=2790>; American Historical Ass'n, *Historians Defend the Smithsonian*, Aug. 15, 2025, <https://www.historians.org/news/historians-defend-the-smithsonian/>; Isabella Gomez Sarmiento, *Trump wants to restore statues and monuments. Will that happen?*, NPR, April 1, 2025, <https://www.npr.org/2025/03/28/nx-s1-5343613/trump-executive-order-smithsonian-monuments>.

²⁷ Maxine Joselow and Lisa Friedman, *Trump Told Park Workers to Report Displays That 'Disparage' Americans. Here's What They Flagged*, THE NEW YORK TIMES, July 22, 2025, <https://www.nytimes.com/2025/07/22/climate/trump-national-park-service-history-changes.html>.

²⁸ Fallon Roth, et al., *The Trump admin asked visitors to report 'negative' displays at national parks. Few in Philly did*, THE PHILADELPHIA INQUIRER, July 25, 2025, https://www.inquirer.com/politics/nation/independence-national-historical-park-public-feedback-20250725.html?utm_medium=referral&utm_source=ios&utm_campaign=app_ios_article_share&utm_content=62VA3RDSHFHYLPPPY4JCDBSL4.

²⁹ See Mike D'Onofrio, *Independence Park exhibit and displays flagged over Trump order*, AXIOS, July 23, 2025, <https://www.axios.com/local/philadelphia/2025/07/23/independence-park-philly-review-trump-order>.

comments were received via the QR code at INHP by July 21.³⁰ None included complaints, and many were complimentary.³¹

Noncompliant displays were set to be removed in September 2025, but no action was taken until January 22, 2026. Ten months after the EO, a group of men dressed in NPS attire removed panels from the President’s House walls with crowbars. They loaded the panels onto the back of a NPS pickup truck and drove them to an undisclosed location.³² When questioned by onlookers, the men revealed they were following orders.³³

ARGUMENT

I. The Removal of the President’s House Exhibit Is Arbitrary and Capricious in Violation of the Administrative Procedure Act.

A. Defendants’ Removal of Slavery-Related Interpretive Materials at the President’s House Constitutes Final Agency Action Reviewable Under the APA.

Defendants DOI and NPS are “agencies” within the meaning of the Administrative Procedure Act (“APA”), 5 U.S.C. § 551(1). Of import here, the APA authorizes judicial review of “final agency action.” 5 U.S.C. § 704. Agency action is final when it: (i) marks the consummation of the agency’s decision-making process; and (ii) determines rights or obligations or produces legal consequences. *See Bennett v. Spear*, 520 U.S. 154, 178 (1997).

Defendants’ removal of the interpretive panels, artwork, educational displays, and associated materials at the President’s House site within Independence Park, including materials

³⁰ *Id.*

³¹ *Id.*

³² Fallon Roth and Maggie Prosser, *The slavery exhibits at the President’s House have been removed following Trump administration push*, THE PHILADELPHIA INQUIRER, Jan. 22, 2026, <https://www.inquirer.com/politics/nation/presidents-house-independence-park-exhibits-removed-20260122.html>.

³³ *Id.*

referencing slavery and enslaved persons associated with that site, is a consummated agency decision, not a tentative step. The removal immediately altered the public presentation of a federally administered historical site and changed the interpretive content the agency provides to thousands of visitors per year. It reflects Defendants' definitive determination of what interpretive content will be presented at the site going forward. The removal therefore carries concrete legal and practical consequences, namely the deprivation of established educational and interpretive materials at a nationally significant public historical site and the disruption of reliance interests built over years of public operation.

Accordingly, because Defendants' conduct reflects final agency action, this Court may (and should) review it under the APA.

B. Defendants' Removal of Slavery-Related Interpretive Panels Is Arbitrary and Capricious Under 5 U.S.C. § 706(2)(A).

Under the APA, a reviewing court shall "hold unlawful and set aside" agency action found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Agency action is arbitrary and capricious "if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Motor Vehicle Mfrs. Ass'n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

The President's House exhibit was created to address a central historical reality: the early Presidency coexisted with slavery, including the enslavement of at least nine individuals who lived and labored at the very site. The challenged removals are not a minor cosmetic adjustment; instead, they strip away core interpretive materials that confront the narrative that compelled the

memorial's creation and that has been presented to the public for years. Yet Defendants have provided no contemporaneous, reasoned explanation for the removal of these materials. Quite the contrary—the challenged removals contradict Congress's intent, and Defendants ignore “an important aspect of the problem,” namely the educational purpose of the exhibit and the historical role of slavery at the site.

Just as important, this is not merely a change in emphasis. It is a reversal of long-established interpretive practice, one that the federal government, including NPS itself, has previously treated as worthy of preservation and recognition. Indeed, NPS originally entered—and formally approved—an agreement with ATAC, local historians, and creative partners to ensure that the President's House memorial accurately reflected the history of enslavement in early Philadelphia. This cooperative structure underscores that the inclusion of slavery-related interpretation was not incidental; it was the product of years of federally supported collaboration with Black community stakeholders. When an agency changes course, it must “display awareness that it *is* changing position” and provide “good reasons” for the new policy while accounting for reliance interests. *F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009). The challenged removal here appears to be precisely the type of abrupt, unexplained course change that the APA forbids.

Accordingly, because Defendants' actions were taken without a reasoned explanation and without consideration of reliance interests and statutory purposes, they are arbitrary and capricious and should be set aside.

C. Defendants’ Conduct Is “Not in Accordance with Law” and “Contrary to Law” Because it Conflicts with Governing Statutory Purposes and the Federal Government’s Obligations to Preserve and Interpret Underground Railroad History.

Even apart from the lack of a reasoned explanation, Defendants’ conduct is unlawful because it is “not in accordance with law.” 5 U.S.C. § 706(2)(A). Agency action is contrary to law where it conflicts with governing statutes or frustrates Congress’s objectives.

The President’s House is designated as a National Underground Railroad Network to Freedom site pursuant to the National Underground Railroad Network to Freedom Act of 1998, Pub. L. 105–203, 112 Stat. 678 (codified at 54 U.S.C. §§ 308301-308304). As stated by Congress, the purpose of the Act was to “recognize the importance of the Underground Railroad, the sacrifices made by those who used the Underground Railroad in search of freedom from tyranny and oppression, and the sacrifices made by the people who helped them.” Pub. L. 105–203, 112 Stat. 678, § 2(b)(1). Another purpose was “[t]o authorize the National Park Service to coordinate and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the Underground Railroad, its significance as a crucial element in the evolution of the national civil rights movement, and its relevance in fostering the spirit of racial harmony and national reconciliation.” *Id.* § 2(b)(2). Stated differently, Congress created the National Underground Railroad Network to Freedom program to commemorate and interpret the history of resistance to slavery and the pursuit of freedom, and to facilitate educational activities and materials that further that purpose.

In designating the President’s House as a Network site, Defendants recognized the site’s educational significance, including its connection to enslaved individuals and to the broader history of slavery and freedom in the early Republic. Removing interpretive materials referencing slavery at such a site conflicts with the Act’s educational and interpretive purposes and undermines

the federal government's statutory objective and obligation to preserve, commemorate, and interpret this history for the public. Where Congress directs an agency to facilitate commemoration and interpretation of the history at issue, the agency cannot lawfully implement that directive by erasing and removing core interpretive materials that convey the very history that the statute seeks to preserve and disseminate.

Accordingly, Defendants' actions are "not in accordance with law" and should be set aside under the APA.

D. Defendants Acted in Excess of Statutory Authority Under 5 U.S.C. § 706(2)(C) by Unilaterally Dismantling Core Interpretive Elements of a Congressionally Recognized Educational Program.

The APA also requires courts to set aside agency action "in excess of statutory jurisdiction, authority, or limitations." 5 U.S.C. § 706(2)(C). Federal agencies possess only the authority conferred by statute or the Constitution, and they may not act in a manner that defeats Congress's expressed objectives.

Here, the challenged removals are not a neutral maintenance action. They effectively dismantle central interpretive elements of an educational exhibit and a Network to Freedom site by removing the slavery-related narrative and leaving the public with a sanitized or incomplete interpretation. Congress authorized NPS to coordinate and facilitate the commemoration and interpretation of the Underground Railroad history and directed the agency to produce and disseminate appropriate educational materials. *See* 54 U.S.C. § 308302(a)(1). Congress did not authorize Defendants to administer the Network to Freedom sites in a manner that undermines the statutory purpose of commemoration and education. As such, Defendants' unilateral removal of core interpretive materials at a designated Network site exceeds statutory authority because it runs counter to the program's structure and obligations as established by Congress.

Accordingly, this Court should find that Defendants acted in excess of statutory authority and set aside the removal under 5 U.S.C. § 706(2)(C).

E. This Court Should Grant Injunctive Relief to Preserve and Restore the Status Quo Pending Final Resolution.

Where, as here, a federal agency has removed core educational and interpretive materials without reasoned explanation and in a manner contrary to governing law, injunctive relief is appropriate to preserve the status quo and prevent irreparable harm. *See* 5 U.S.C. § 705.

The removal of unique interpretive panels and educational materials at a national historic site risks permanent loss, damage, or further alteration. And even absent physical destruction, the public suffers irreparable harm when access to historically significant educational content is abruptly eliminated, particularly where Congress has emphasized the importance of commemoration and interpretation of the history at issue.

For these reasons, this Court should enter preliminary and permanent injunctive relief restoring the President’s House Exhibit to its prior condition and preventing further removal or alteration.

II. The Removal of the President’s House Exhibit Is a Discriminatory Attempt to Erase Discussions of Slavery and Black History.

NPS’s attempt to remove panels discussing slavery from the President’s House Exhibit is part of a larger effort to censor discussions of Black history and prohibit efforts to address anti-Black racism—issues that are uniquely related to and beneficial for Black people. Executive Order 14253, combined with other recent executive action, has led to the targeting of sites, information, and other material specifically about Black people.³⁴ NPS has reversed policies that recognized

³⁴ Ashleigh Fields, *Interior says it has not been asked to remove ‘Scourged Back’ photo*, THE HILL (Sept. 16, 2025), <https://thehill.com/homenews/administration/5505917-national-park-service-photo-removed-enslaved-scars/>.

the significant achievements of historical figures who are Black and fought for racial justice, for example, by removing Martin Luther King Jr. Day from its list of fee-free entrance days at national parks.³⁵ The removal of the panels at the President’s House Exhibit, not because they were inaccurate, but simply because they discuss slavery, adds to a troubling pattern of erasing Black representation and history. Moreover, the removal of the President’s House Exhibit’s discussion of slavery in American history minimizes the significance of chattel slavery and Black history during a critical time for reflecting on the 250th anniversary of our country’s birth

NPS’s attempt to erase representations of slavery and Black history at the President’s House thus implicate the Equal Protection Clause, as incorporated through the Fifth Amendment’s Due Process Clause.³⁶ To constitute a violation of Equal Protection, discriminatory purpose need not be the “dominant” or “primary” factor, so long as it is a motivating factor. *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265 (1977). Under *Arlington Heights*, courts consider a nonexclusive list of factors, including (1) whether the impact of the action bears more heavily on one race than another; (2) the “historical background” of the decision, particularly if it demonstrates other actions taken for an invidious purpose; (3) any departures from normal procedures; (4) any “substantive departures” from factors normally considered in reaching a decision; and (5) the administrative history of the decision. *Id.* at 266–68.

Here, NPS originally entered—and formally approved—an agreement to ensure that the President’s House memorial accurately reflected the history of enslavement in early Philadelphia.

³⁵ Grace Eliza Goodwin, *US National Park Service removes free entry on MLK Day and Juneteenth*, BBC News (Dec. 6, 2025), <https://www.bbc.com/news/articles/cr7l4n89lr1o>.

³⁶ The Fourteenth Amendment prohibits denying “any person . . . the equal protection of the laws.” U.S. Const. amend. XIV, § 1. The Fifth Amendment to the U.S. Constitution Due Process Clause makes the Fourteenth Amendment’s guarantee of equal protection applicable to the federal government, its agencies, its officials, and its employees. U.S. Const. amend. V.

The abrupt reversal of that jointly developed interpretive plan contrasts sharply with the site's original purpose and supports the inference that the removal was part of a larger effort to remove specific components of American history because they discuss slavery and the history of Black people. The sequence surrounding Executive Order 14253 further supports an inference of discriminatory purpose. The Order was swiftly followed by NPS's identification of the President's House panels on slavery for removal. Standard procedure for altering interpretive materials requires consultation with historians, artists, and community stakeholders. Instead, officials bypassed those channels, relying on informal internal discussions. NPS's handling of the President's House exhibit, including the sudden removal of the panels into a pickup truck, diverged sharply from its ordinary protocols and further evince a discriminatory motive. The deviation from expert review and public engagement—core elements of NPS interpretive practice—indicates that the decision was driven by illicit motives rather than professional criteria.

Moreover, contemporary statements made by key decisionmakers further demonstrate an illicit discriminatory purpose.³⁷ President Trump has been outspoken in opposing efforts to address and remedy anti-Black racism. After his election, President Trump swiftly adopted a series of executive orders aimed at dismantling federal diversity, equity, and inclusion initiatives, which he has called un-American.³⁸ President Trump has deemed the telling of civil rights histories about

³⁷ Raquel Uribe, *Trump says the Smithsonian focuses too much on 'how bad slavery was'*, NBC NEWS (Aug. 19, 2025), <https://www.nbcnews.com/politics/donald-trump/trump-smithsonian-how-bad-slavery-was-review-museums-rcna225964>.

³⁸ Executive Order No.14,151, Ending Radical and Wasteful Government DEI Programs and Preferencing, and Executive Order No. 14,173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, and related directives seek to dismantle federal DEIA programs and impose restrictions on public and private entities engaging in DEIA-related activities. Exec. Order No. 14,151, Ending Radical and Wasteful Government DEI Programs and Preferencing, 90 Fed. Reg. 8339, 8339 (Jan. 20, 2025); Exec. Order No. 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, 90 Fed. Reg. 8633, 8634-35 (Jan. 21, 2025).

women and minorities as “inherently racist, sexist, oppressive, or otherwise irredeemably flawed” and stated that they foster a “sense of national shame.”³⁹ The Trump administration has further flagged to limit or avoid on government websites and other materials words such as “race and ethnicity.”⁴⁰

President Trump’s attempt to stymie redress for anti-Black racism include his efforts to censor discussions of racism and discrimination against Black people. President Trump has tried to erase discussions of slavery by the federal government and repeatedly downplayed the central role of slavery and anti-Black racism in American history. According to President Trump, the Smithsonian is overemphasizing “how bad slavery is,” amongst other things.⁴¹ He has further explained that discussions of slavery are part of an “anti-American ideology.”⁴²

These actions by the current administration are intentionally targeted towards and particularly harmful to Black people, as evidenced by the text of President Trump’s executive order and his public statements explaining the order’s purpose. That is because this administration’s actions effectively aim to minimize and even erase the history and experiences of Black people within a legal, racial hierarchy, as well as the ongoing consequences of slavery and racial castes manifested in present-day racial inequalities, to support an ahistorical and counterfactual narrative that Black people are not subject to discrimination. Black people,

³⁹ Angelo Villagomez, et al., *The Trump Administration Is Erasing American History Told by Public Lands and Waters*, CENTER FOR AMERICAN PROGRESS, Oct. 23, 2025, <https://www.americanprogress.org/article/the-trump-administration-is-erasing-american-history-told-by-public-lands-and-waters/>.

⁴⁰ *Id.*

⁴¹ Zolan Kanno-Youngs, *Trump Says Smithsonian Focuses Too Much on ‘How Bad Slavery Was’*, N.Y. TIMES (Apr. 19, 2025).

⁴² Kanishka Singh, *US National Park Service removes slavery exhibit in Philadelphia*, REUTERS (Jan. 23, 2026), <https://www.reuters.com/world/us/us-national-park-service-removes-slavery-exhibit-philadelphia-2026-01-23/>.

therefore, are unconstitutionally targeted—as a racial group—for disparate harm by the executive order that prompted NPS’s decision to remove the panels from the President’s House Exhibit.

Moreover, the January 22, 2026, removal of the President’s House Exhibit is part of a longer history of governmental minimization and censoring of slavery and Black history in national records. The President’s House Exhibit was born of community insistence that George Washington’s enslavement of nine African Americans be publicly acknowledged. ATAC members experience severe harm and deep emotional distress from not being able to view and experience the site because the representation of their ancestors has been removed from the historical record and thrown into the back of a pickup truck in a dehumanizing manner. As the people who advocated for this history to receive recognition, to return suddenly to a state of erasure after nearly a decade of sustained, collective advocacy is humiliating and disparaging. Moreover, without the full story of Philadelphia at the founding, including the enslaved people whose forced labor sustained the Executive Mansion, the Black Journey will be unable to carry out its mission—the preservation, interpretation, and public dissemination of Black history.

CONCLUSION

Plaintiff is likely to prevail on its claim that the abrupt removal of the President’s House Exhibit violated the Administrative Procedure Act. In light of the illegal removal, and the irreparable harm caused thereby, the Court should enter declaratory relief in favor of the City of Philadelphia and enter an immediate order enjoining the Defendants from removing or replacing any additional items and restoring the panels that were removed.

Dated: January 27, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2026, I caused the foregoing document to be filed with the Clerk of Court via CM/ECF. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

/s/ Cara McClellan

Cara McClellan