

# **EXHIBIT 1**

**IN THE 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 SERVICES, and

NATIONAL PARK SERVICES, UNITED  
STATES DEPARTMENT OF THE INTERIOR,

*Defendants.*

Case No. 2:26-cv-00434

HON. CYNTHIA M. RUFE

**AMICI CURIAE BRIEF OF MONTGOMERY, BUCKS, CHESTER, AND DELAWARE  
COUNTIES**

**PRELIMINARY STATEMENT**

*Nations reel and stagger on their way; they make hideous mistakes;  
they commit frightful wrongs; they do great and beautiful things.  
And shall we not best guide humanity by telling the truth about all  
this, so far as the truth is ascertainable?*

W.E.B. Du Bois, “The Propaganda of History”<sup>1</sup>

On January 22, 2026, the National Parks Service (“NPS”) removed an exhibit at Independence National Historic Park that told the stories of nine people of African descent enslaved by George Washington. Having removed the exhibit with crowbars, NPS did not even bother to clean up the glue residue left behind on the now blank boards. The carelessness was

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<sup>1</sup> In BLACK RECONSTRUCTION: AN ESSAY TOWARD A HISTORY OF THE PART WHICH BLACK FOLK PLAYED IN THE ATTEMPT TO RECONSTRUCT DEMOCRACY IN AMERICA, 1860-1880, 714 (1935).

fitting—it matches the brazen disregard with which Defendants have violated their longstanding agreements with the City of Philadelphia (the “City”) and the Administrative Procedure Act. Because Defendants’ attempts to unilaterally rewrite history will deprive residents and visitors of Montgomery, Bucks, Chester, and Delaware Counties (collectively, the “Counties”) of the full and accurate picture of the nation’s founding to which they are entitled, the Counties respectfully ask the Court to enter injunctive and declaratory relief in favor of the City. The Court should order the U.S. Department of the Interior and NPS defendants (collectively, the “Defendants”) to restore the exhibit immediately and grant other necessary relief that the City’s requests in its Amended Motion for Preliminary Injunction and Temporary Restraining Order (ECF No. 45).

### **INTEREST OF AMICI CURIAE**

The Counties each lie adjacent to the City of Philadelphia and are home to more than 2.5 million residents.<sup>2</sup> The Counties share deep historical roots with Philadelphia, giving them a direct interest—both on their own behalf and on behalf of their residents—in ensuring the preservation of full and accurate depictions of regional history, as well as the broader history of our nation. The President’s House: Freedom and Slavery in the Making of a New Nation (“the Exhibit”) tells a crucial part of the nation’s story and that of the Greater Philadelphia area. The Defendants’ removal of the Exhibit undermines the Counties’ efforts to present an accurate rendition of Pennsylvanian and American history. By depriving residents of the Counties of access to the Exhibit, Defendants have abrogated their responsibility to impart the lessons of Philadelphia and the Counties’ shared past to current and future generations.

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<sup>2</sup> U.S. Census Bureau, QuickFacts: United States, U.S. Dep’t of Commerce (2021), <https://www.census.gov/quickfacts/fact/table/US/PST045219>.

### Montgomery County

Established on September 10, 1784, Montgomery County is named for General Richard Montgomery, who served as brigadier general of Washington’s army during the Revolution. Like Philadelphia, Montgomery County features historic sites highlighting significant locations in the history of slavery and its role during the founding era of this country.

The Patriots of African Descent Monument at Valley Forge National Historical Park is dedicated, “In Honor of the PATRIOTS OF AFRICAN DESCENT who served, suffered, and sacrificed during the Valley Forge Encampment 1777-1778.”<sup>3</sup> The Monument recognizes the hundreds of Black individuals—some compelled to fight in place of their enslavers, some “free men of color”—who battled cold and hunger through the long Valley Forge winter. Abolition Hall, also located within Montgomery County, has been officially preserved due to its important role in the region’s history, serving as a stop on the Underground Railroad and providing refuge for prominent anti-slavery advocates such as Frederick Douglass, Harriet Beecher Stowe, and Lucretia Mott.<sup>4</sup>

In anticipation of the upcoming 250th anniversary of American independence, Montgomery County is investing substantial resources in meeting the elevated demand for heritage tourism in the region. For example, a dozen Montgomery County boroughs and townships will reenact the original public readings of the Declaration of Independence in town

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<sup>3</sup> See Valley Forge National Historical Park, *Patriots of African Descent Monument*, <https://www.nps.gov/vafo/learn/historyculture/africanpatriotsmonument.htm> (last updated June 1, 2023).

<sup>4</sup> See Julia Rapp, *Underground Railroad Stop Abolition Hall in Montco is Officially Preserved*, MONTCO TODAY (Nov. 28, 2022), <https://montco.today/2022/11/abolition-hall-montco-is-officially-preserved/>.

squares and taverns that helped unite colonial-era Americans in support of the Revolution.<sup>5</sup> This year also marks Valley Forge's 50th anniversary as a national park. Next year will mark its 250th anniversary as an encampment. Montgomery County is celebrating these anniversaries with additional public programming.<sup>6</sup> Planned visitor tours of key historic sites in the region have been designed to connect Philadelphia and Montgomery Counties.<sup>7</sup>

### **Bucks County**

One of the very few integrated regiments in George Washington's Continental Army camped in Bucks County before famously crossing the Delaware River to fight and win the critical Battle of Trenton on December 26, 2026.<sup>8</sup> Washington initially opposed enlisting Black soldiers, but he ultimately accepted the so-called Marbleheaders, a racially diverse group of skilled mariners from Marblehead, Massachusetts.<sup>9</sup> Washington's battle plan provided for three separate river crossings, but a ferocious winter storm defeated two of the three fighting forces. Only the Marbleheaders made it across. Working together across racial lines, they spent all night ferrying Washington, his soldiers, artillery, and horses across the treacherous, ice-clogged river.<sup>10</sup>

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<sup>5</sup> See *Celebrate America's 250th Birthday, Valley Forge & Montgomery County, PA*, <https://www.valleyforge.org/america250-montcopa/>.

<sup>6</sup> *Id.*

<sup>7</sup> See *A250 – Bus Tour to Philadelphia and Valley Forge: Visiting America's Story!*, EVENTBRITE <https://www.eventbrite.com/e/a250-bus-tour-to-philadelphia-and-valley-forge-visiting-americas-story-registration-1925269836909?msockid=3398a4ad7639635d0b4bb20477386205>.

<sup>8</sup> *What Role Did the Marbleheaders Play in the Crossing?*, WASHINGTON CROSSING PARK (2026), <https://www.washingtoncrossingpark.org/marbleheaders-role/>.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

Before the Battle of Trenton, colonial morale was dangerously low.<sup>11</sup> Washington himself is said to have expressed doubts that his exhausted army could continue fighting, writing, “I think the game is pretty near up.”<sup>12</sup> But the Continental Army’s decisive victory, made possible by the Marbleheaders, proved to the burgeoning nation that their struggle for freedom was not a lost cause.

Bucks County is celebrating the 250th anniversary with reenactments, walking tours, interactive exhibits, community events, and the grand reopening of the African American Museum of Bucks County.<sup>13</sup>

### **Chester County**

Chester County was the site of several important Revolutionary War battles in 1777, including the Battle of Paoli, the Battle of the Clouds, and the Battle of Brandywine, the largest land battle of the war, which spanned both Chester and Delaware Counties.

The President’s House in Philadelphia is the key urban anchor for Chester County’s abolitionist history, showing that the fight for liberty stretched from farmhouses to the President’s door. Chester County is home to several key stops on the Underground Railroad, including the Longwood Progressive Friends Meetinghouse, where members of the local Black community worked with Quaker abolitionists to guide those escaping slavery to freedom, and where Frederick Douglass, Sojourner Truth, and Booker T. Washington all delivered speeches. Without the Exhibit, this rural history of resistance is stripped of crucial context.

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<sup>11</sup> Edward St. Germain, *Battle of Trenton*, American Revolution (2026), <https://www.americanrevolution.org/battle-of-trenton/>.

<sup>12</sup> *Id.*

<sup>13</sup> *Bucks County, Pennsylvania Celebrates America250* (2026), <https://bucks250pa.org/>.

Chester County has been planning for the 250th anniversary for years, with staff investing thousands of hours in preparations to date. The county has spent at least \$244,000 on a special “250th Commission.” It has also committed \$153,000 to building heritage tourism kiosks throughout the county and \$8,600 to market its 250th anniversary celebrations.

### **Delaware County**

At the home of a sympathetic Quaker in what is now Brandywine Battlefield Park in Delaware County, George Washington strategized with Alexander Hamilton and the Marquis de Lafayette in the days preceding the battle, the bloodiest of the Revolutionary War. Also joining him at his makeshift headquarters was William Lee, an enslaved man who travelled with Washington throughout the war and was known to be a formidable horseman. Washington was also accompanied by Hannah Till, an enslaved military cook who eventually liberated herself by purchasing her own freedom. Once free, Till continued working for Washington and then for other Philadelphia families as a personal cook, now on a paid basis and on her own terms. She lived to be 105 and is buried at Eden Cemetery, a historic African-American cemetery in Delaware County.

Delaware County’s role in the birth of the United States is more than a proud history—it is a significant economic engine. The county partners with Visit Delco to promote itself as a regional destination. In 2024, Delaware County welcomed 4.5 million visitors who spent over \$894 million dollars. Heritage tourism is a substantial component of the county’s hospitality economy. Delaware County’s 250th anniversary plans are the culmination of several years of investment. To promote travel, tourism, and hospitality, the county has allocated at least \$250,000. Celebrations are already underway. For example, the public art installation, “Forging Freedom: Delaware County’s Role in the American Experiment,” is now on display at the

Delaware County Courthouse.<sup>14</sup> The installation features works of art representing notable figures and significant moments in Delaware County history, including a banner commemorating the abolitionist efforts of Thomas Garrett, a successful Underground Railroad conductor who helped over 2,700 people escape slavery.<sup>15</sup>

## ARGUMENT

### I. **REMOVAL OF THE PRESIDENT’S HOUSE EXHIBIT UNDERMINES THE PUBLIC INTEREST.**

Preserving and accurately depicting our nation’s history is essential for education, civic engagement, and ensuring past mistakes are not repeated. It is imperative that public institutions—including museums and historic sites—preserve accurate representations acknowledging both the centrality of slavery to America’s development and its enduring influence on our social fabric; only through such honest presentation and engagement can we confront past injustices while fostering a more equitable future.

#### A. **Acknowledging slavery is critical to understanding America’s economic and social development.**

The historical reality and legacy of slavery are central to understanding the economic development of the United States. The institution of slavery was a driving force behind much of America’s early growth, fueling essential industries such as agriculture, domestic service, and various trades.<sup>16</sup> Southern plantations in particular relied on enslaved labor for large-scale

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<sup>14</sup> *Forging Freedom: Delaware County’s Role in the American Experiment*, AMERICA 250 PA DELCO, <https://www.america250padelco.org/forging-freedom-1>

<sup>15</sup> State of Maryland Archives, Thomas Garrett (b. August 21, 1789 - d. January 24, 1871), *Accomplice to slave fight, Queen Anne's County, Maryland, 1845*, <https://msa.maryland.gov/megafile/msa/speccol/sc5400/sc5496/008800/008849/html/008849bio.html>

<sup>16</sup> Edward E. Baptist, *THE HALF HAS NEVER BEEN TOLD: SLAVERY AND THE MAKING OF AMERICAN CAPITALISM* (2014).



production of staple crops that became vital to the nation's prosperity and economic expansion.<sup>17</sup>

Beyond its economic consequences, slavery also profoundly shaped American social structures by embedding racial hierarchies into law, policy, and everyday life. Slavery's justification depended on widespread beliefs about Black inferiority—ideologies that became deeply entrenched in American culture and governance. These rationalizations not only perpetuated extreme brutality against enslaved individuals but also systematically excluded them from public life and deprived them of basic rights and recognition as equals. The effects of these policies continue to reverberate today in persistent patterns of social inequity and diminished opportunities for many Black Americans. *See Nat'l Ass'n for Advancement of Colored People v. Lansing Bd. of Ed.*, 429 F. Supp. 583, 587 (W.D. Mich. 1976).

**B. The upcoming 250th anniversary of American independence heightens the importance of accurately rendering the nation's history.**

Many thousands of visitors are expected to descend on the Philadelphia region to celebrate the 250th anniversary of American independence by learning about the pivotal role the city played in the Revolution. Some of those visitors will hail from the Counties. Some will visit from other parts of Pennsylvania or from other states. Some will travel from around the world.<sup>18</sup> For all of these visitors, commemorating the 250th anniversary on July 4, 2026 will be a once-in-a-lifetime opportunity. For many of these visitors, particularly those who have limited resources or who are traveling great distances, this trip to Philadelphia could be their first and last. They will not get another chance to see the Exhibit. If the Exhibit is not restored immediately, these

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<sup>17</sup> *Id.*

<sup>18</sup> Ted Reed, *Philadelphia Eyes Ascent to World Tourism Hotspot On July 4, 2026*, FORBES (Aug. 28, 2023), <https://www.forbes.com/sites/tedreed/2023/08/28/philadelphia-eyes-ascent-to-world-tourism-hotspot-on-july-4-2026/>.

visitors' only memories of President's House will be marked by a gaping historical absence.

**C. The lives commemorated in the Exhibit exemplify resilience and a steadfast pursuit of freedom despite enslavement.**

A spokeswoman for the Department of the Interior asked about the Exhibit's elimination was recently quoted as saying that the NPS was "taking action to remove or revise interpretive materials" in an effort intended to ensure "accuracy, honesty and alignment with shared national values."<sup>19</sup> But there can be no pretense here that the Exhibit was historically inaccurate. And there is certainly nothing "accurate" about pretending that the nine people of African descent enslaved by George Washington's family never existed. The Exhibit commemorates men and women who demonstrated agency and determination in the face of extraordinary obstacles. The individuals represented in the Exhibit were real people whose lives shaped our shared national narrative. Their daily lives in Philadelphia were remarkable and worthy of remembrance—they moved independently about the city, interacted with free Black communities, and communicated with abolitionists seeking to dismantle slavery.<sup>20</sup> The Exhibit depicts a part of our shared national history, not "corrosive ideology."<sup>21</sup>

Washington's chef Hercules, for example, created the first American diplomatic cuisine.<sup>22</sup> Though renowned for his cooking, Hercules was sent to Mount Vernon to dig clay for

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<sup>19</sup> Maxine Joselow & Jennifer Schuessler, *How the National Park Service is Deleting American History*, N.Y. TIMES (Jan. 27, 2026), <https://www.nytimes.com/2026/01/23/climate/national-park-service-deleting-american-history-slavery.html>.

<sup>20</sup> See Independence National Historical Park, *President's House Site: Enslaved People in the Washington Household*, <https://www.nps.gov/inde/learn/historyculture/enslaved-people.htm> (last updated Nov. 29, 2023).

<sup>21</sup> See Exec. Order No. 14253, 90 Fed. Reg. 14563 (Mar. 27, 2025).

<sup>22</sup> Digital Encyclopedia of George Washington, *Hercules Posey*, THE GEORGE WASHINGTON PRESIDENTIAL LIBR. (Nov. 16, 2023), <https://www.mountvernon.org/library/>

bricks every six months so that Washington could evade the “Gradual Abolition Law,” which granted freedom to enslaved people who remained in Pennsylvania for more than half a year.<sup>23</sup> Realizing his legal emancipation was being deliberately thwarted, Hercules chose freedom rather than remaining confined within bondage and fled on Washington’s birthday in 1797. Visiting dignitaries who dined with Washington after Hercules escaped noted how mediocre the food at the Washingtons’ had become in Hercules’ absence.<sup>24</sup>

Ona Judge became Martha Washington’s maid at the age of ten.<sup>25</sup> In 1796, when the Washingtons were preparing to return to Mount Vernon for the summer, Judge fled, later recalling, “Whilst they were packing up to go to Virginia, I was packing to go, I didn’t know where; for I knew that if I went back to Virginia, I should never get my liberty. I had friends among the colored people of Philadelphia, had my things carried there beforehand, and left Washington’s house while they were eating dinner.”<sup>26</sup> Judge’s life after her escape was difficult—she was poor, her husband and two daughters died young, and Washington persisted in trying to recapture her until he died. Nevertheless, when asked near the end of her life if she ever regretted leaving, Judge said, “No, I am free, and have, I trust been made a child of God by

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[digitalhistory/digital-encyclopedia/article/hercules](https://www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/hercules).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Digital Encyclopedia of George Washington, *Ona Judge*, THE GEORGE WASHINGTON PRESIDENTIAL LIBR., [https://www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/ona-judge?gad\\_campaignid=665289528&gad\\_source=1&gclid=CjwKCAiAj8LLBhAkEiwAJjbY771UuIncEcNNLgVwVqtg3KAq7dpd2\\_K9sIFvh5eHkzJHBIpmsFMBkRoC8EwQAvD\\_BwE#\\_ftn19](https://www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/ona-judge?gad_campaignid=665289528&gad_source=1&gclid=CjwKCAiAj8LLBhAkEiwAJjbY771UuIncEcNNLgVwVqtg3KAq7dpd2_K9sIFvh5eHkzJHBIpmsFMBkRoC8EwQAvD_BwE#_ftn19) (last visited Jan. 29, 2026).

<sup>26</sup> *Id.*

the means.”<sup>27</sup>

Long overlooked by history, the stories of the people Washington enslaved have in recent decades enjoyed renewed scholarly attention and institutional recognition. As a result, they have become a source of inspiration for people around the country and, indeed, the world.<sup>28</sup> The “greatness” of their achievements is as worthy of acknowledgement as that of any other American who lived at the President’s House. By honoring these lives—giving names and faces to those often erased from history—we recognize not only their contributions but also their perseverance in pursuing justice against overwhelming odds. Their stories remind us that hope endures even under oppression and that public memory must reflect both the realities of enslavement and the enduring faith in liberty at America’s core.

## **II. THE REMOVAL OF THE PRESIDENT’S HOUSE EXHIBIT IS ARBITRARY AND CAPRICIOUS.**

Federal courts review agency actions under the arbitrary and capricious standard set forth in 5 U.S.C. § 706(2)(A) of the APA. This provision requires that a reviewing court “hold unlawful and set aside agency action, findings, and conclusions found to be [] arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). Under this framework, agencies must engage in reasoned decision-making: they are obligated to consider all relevant factors, articulate a satisfactory explanation for their actions based on those factors, demonstrate a rational connection between the facts found and the choices made, and comply with any required procedures. *Alliance for the Wile Rockies v. Petrick*, 68 F.4th 475, 493 (9th Cir. 2023).

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<sup>27</sup> *Id.*

<sup>28</sup> Suzette D. Harrison, *The Actions of Ona Judge*, BLACK HIST. MONTH MAG. (Oct. 16, 2022) <https://www.blackhistorymonth.org.uk/article/section/books/the-actions-of-ona-judge/>.

Agency action is deemed “final” for purposes of judicial review when two requirements are met. First, the action must mark the consummation of the agency’s decision-making process; it cannot be merely tentative or interlocutory. *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997). Second, it must be one by which rights or obligations have been determined or from which legal consequences will flow. *See id.* In this instance both requirements are satisfied: Defendants’ removal of interpretive panels, artwork, educational displays—including materials referencing slavery—at the President’s House site within Independence Park constitutes a definitive agency decision that immediately altered both public presentation and substantive interpretive content at a prominent historical site.

The facts surrounding NPS’s removal of the Exhibit demonstrate that Defendants’ conduct was arbitrary and capricious within meaning of the APA. The removal represents more than an administrative adjustment or the routine change of “Park signage or landscaping” to which NPS compared it. *See* ECF No. 27, p. 13. Rather, it is a transparent attempt to fundamentally rewrite American history. NPS’s action changes what thousands of visitors will learn about America’s history each year by robbing them of access to established educational resources developed over years through cooperation between NPS and local authorities. The federal government long ago agreed with the City that alterations to buildings within Independence Park must be “mutually agreed upon” and that it would consult with the City on “all matters of importance.” *See* 1950 Cooperative Agreement, ECF No. 36-1 at C., D. Consistent with that cooperative scheme, the City and NPS later *mutually agreed* that the President’s House would display, among other things, “the systems and methods of slavery, African-American Philadelphia, and the move to freedom for the enslaved.” *See* 2009 Am. to 2006 Coop. Agreement (attachment C), ECF No. 36-6. Cooperation between the City and

federal government was so critical to Congress’s vision for Independence Park that it enacted the requirement into law. *See* 16 U.S.C. § 407n (prohibiting alterations to property within Independence Park, “except by mutual agreement between the Secretary of the Interior and the other parties to the contracts.” Yet, on January 22, 2026, NPS acted as if these obligations and limitations—as well as the public’s interests in them—did not exist.

By failing to account for reliance interests fostered among stakeholders through longstanding operation of the Exhibit—and by neglecting both substantive cooperative commitments with local government as well as procedural fairness—Defendants have acted without adequate justification or reasoned explanation for removing content essential to public understanding at this nationally significant historic site. The abrupt elimination not only disrupts expectations established under binding cooperative arrangements but also erases critical interpretive material addressing slavery’s legacy—an area where meaningful public education is paramount under federal stewardship responsibilities.

Defendants have indicated that their historical sanitization campaign is not yet complete. *See* ECF No. 27, p. 2. If Defendants are not precluded from returning to the President’s House and unilaterally replacing the Exhibit with a new narrative, they will undoubtedly feel emboldened to repeat this conduct at other regional and national sites.

### **III. REMOVAL OF THE EXHIBIT ERASES A CRITICAL HISTORICAL RECORD.**

#### **A. The right to receive ideas is an essential prerequisite to the meaningful exercise of free speech.**

The Supreme Court has recognized that the First Amendment not only safeguards individual self-expression, but also ensures public access to discussion, debate, and the dissemination of information and ideas. *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 866-68 (1982). As stated in *Stanley v. Georgia*, “the Constitution protects

the right to receive information and ideas,” a principle echoed throughout First Amendment jurisprudence. 394 U.S. 557, 564 (1969). Without this corollary right, free speech would be rendered hollow—“a barren marketplace of ideas that had only sellers and no buyers.” *Lamont v. Postmaster General*, 381 U.S. 301, 308 (1965) (Brennan, J., concurring). The government may not remove materials or seek the suppression of knowledge on the basis that it “dislikes the ideas . . . and seek by their removal to ‘prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.’” *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26*, 457 U.S. at 872. Thus, any government action that impedes individuals’ ability to receive information not only frustrates free speech rights but undermines a fundamental condition for robust democratic discourse—a condition vital for education, civic participation, and informed self-governance under our constitutional system.

**B. Removal of the Exhibit is part of a broader Administration effort to erase Black American history.**

Executive Order 14253, incongruously named “Restoring Truth and Sanity to American History,” directs the Secretary of the Interior to ensure that public sites within the Department of the Interior’s jurisdiction “do not contain descriptions, depictions, or other content that inappropriately disparage Americans past or living (including persons living in colonial times), and instead focus on the greatness of the achievements and progress of the American people[.]”<sup>29</sup> Prior to the elimination of the Exhibit, EO 14253 motivated a review of the Smithsonian museums in Washington D.C. aimed at scrubbing the museums of any “divisive, race-centered ideology” recognizing that the United States has “used race to establish and maintain systems of

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<sup>29</sup> Exec. Order No. 14253, 90 Fed. Reg. 14563, 14564 (Mar. 27, 2025).

power, privilege, and disenfranchisement.”<sup>30</sup> The NPS has also removed a quote and image of Harriet Tubman from a federal webpage about the Underground Railroad network.<sup>31</sup> A webpage examining Benjamin Franklin’s relationship with slavery has been taken offline.<sup>32</sup> A section of the Minute Man National Historical Park webpage dedicated to the unrecognized contributions of Black Revolutionary War soldiers has been deleted.<sup>33</sup> The NPS has discontinued free admission to national parks on Martin Luther King Jr. Day and Juneteenth, and will instead now offer free admission on President Trump’s birthday.<sup>34</sup> Books about race or by authors of color have been removed from the U.S. Naval Academy library.<sup>35</sup> A “Black Lives Matter” street mural in Washington D.C. has been painted over.<sup>36</sup>

Some, but not all, of these erasures have since been reversed in response to public

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<sup>30</sup> *Id.* at 14563.

<sup>31</sup> Anna Betts, *Harriet Tubman Webpage Targeted Aid Trump-Led Anti-DEI Efforts*, THE GUARDIAN (Apr. 7, 2025), <https://www.theguardian.com/us-news/2025/apr/07/park-service-harriet-tubman-underground-railroad>.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Gabe Castro-Root, *National Parks Drop Free Entrance on M.L.K. Day and Juneteenth*, N.Y. TIMES (Dec. 8, 2025), <https://www.nytimes.com/2025/12/08/travel/trump-birthday-mlk-juneteenth-free-national-park.html>.

<sup>35</sup> United States Navy, *List of Books Removed from USNA Library*, (Apr. 4, 2025) <https://www.navy.mil/Press-Office/Press-Releases/display-pressreleases/Article/4146516/list-of-books-removed-from-usna-library/>.

<sup>36</sup> Sandhya Dirks, *Scholars Say Trump Administration is Trying to Erase America’s Non-White History*, NPR (Mar. 29, 2025), <https://www.npr.org/2025/03/29/nx-s1-5333846/scholars-say-trump-administration-is-trying-to-erase-americas-non-white-history#:~:text=Hourly%20News-,Scholars%20say%20Trump%20administration%20is%20trying%20to%20erase%20America%27s%20non,to%20erase%20non%2Dwhite%20history>.



backlash.<sup>37</sup> Touted as “restoring truth,” actions taken in furtherance of implementing EO 14253 have instead focused on suppressing aspects of American history the Trump Administration finds unpalatable or inconvenient. Similar Administration efforts aimed at suppressing specific messages have not fared well in the courts. *See, e.g., Rhode Island Latino Arts v. Nat’l Endowment for the Arts*, 800 F. Supp. 3d 351, 357 (D.R.I. 2025) (holding that NEA’s withholding of arts funding violated the First Amendment). Swift intervention is needed to prevent this assault on historical memory from doing any more damage than it already has.

### CONCLUSION

To prevent further irreparable harm, the Counties respectfully submit that the Court should enter injunctive and declaratory relief in favor of the City, order NPS to restore the Exhibit immediately, and grant any other necessary relief requested by the City in its Amended Motion for Preliminary Injunction and Temporary Restraining Order.

Dated: February 9, 2026

Respectfully submitted,

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<sup>37</sup> *Id.*

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