

Congress of the United States

Washington, DC 20515

September 8, 2026

The Honorable Mike Johnson
Speaker
U.S. House of Representatives
The Capitol
Washington, DC 20515

Dear Mr. Speaker,

I am writing with extreme urgency to call on you to file a lawsuit on behalf of the United States Congress to stop construction of the 250-foot arch at Memorial Circle before it breaks ground. Congress has neither appropriated funding nor granted authority for this project under the Commemorative Works Act¹. The Administration is building it anyway, betting this body will do nothing to stop it. I am asking you to take all necessary steps to file suit immediately, while there is still ground left to save.

On September 3, Interior Secretary Doug Burgum announced on social media² that excavation for what he called the "Great Triumphal Arch and Military Observation Deck" would begin within two weeks, framing it as the end of "a very long wait (over 125 years!)." That same day, Department of Justice lawyers filed a notice of supplemental authority³ in *Lemmon v. Trump*, a pending lawsuit that challenges construction of the arch.

The Administration invoked the Supreme Court's August 31 decision⁴ concerning the White House ballroom in support of its standing arguments in the pending arch litigation. That decision does not establish that the Executive may disregard Congress. The Court expressly stated, "we do not pass upon the legality of the government's East Wing project." It concluded only that the private organization before it was unlikely to establish Article III standing and that the remaining stay factors favored relief. Chief Justice Roberts, dissenting, stated that the ballroom construction was "likely unlawful" and emphasized that the Court was allowing construction to proceed on standing grounds, not because the construction was legal.

Congress is the institution whose appropriations power and Commemorative Works Act authority this Administration is bypassing outright. That is a concrete, particularized injury, traceable directly to the Administration's own conduct and redressable by a court order halting construction. If the Administration wants to hide behind a standing argument, let it make that case against the body whose laws it is violating.

1 <https://www.ncpc.gov/about/authorities/cwa/>

2 <https://x.com/SecretaryBurgum/status/2095587973907755133>

3 <https://s3.documentcloud.org/documents/28601359/notice-doj.pdf>

4 https://www.supremecourt.gov/opinions/25pdf/26a203_2b8e.pdf

Americans are watching this White House pour concrete over the rules of their own government, and they are furious. That fury runs deepest among veterans and Gold Star families. Three Vietnam War veterans are the lead plaintiffs in *Lemmon v. Trump*, arguing that the arch would "dishonor their military and foreign service."⁵ Their case is being fought steps from Arlington National Cemetery, where an estimated 400,000 service members, veterans, and their relatives are buried.

The site sits along the route funeral processions use to reach the cemetery's gates and less than two miles from Reagan National Airport's flight path. The arch would rise directly on the line of sight between the Lincoln Memorial and Arlington House, a corridor built to symbolize the nation's reunification after the Civil War⁶, the same war in which Maine sent a higher share of its people into the Union Army than any other state. Maine is home to nearly 100,000 veterans, among the highest concentrations in the country, and not one of them asked for a monument like this. Gold Star families who walk through Arlington's gates to visit their loved ones would have to do it in the shadow of a 250-foot tribute to a man who, when asked who the monument was for, reportedly answered, "Me."⁷

Mr. Speaker, this Administration is testing whether Congress will defend its own authority. This case is therefore an institutional obligation, not a dispute about architectural taste or party politics. The House has the standing, the authority, and the obligation to stop this before the excavators arrive. The window to act is closing; unless Congress intervenes, this project will irreversibly alter one of our nation's most sacred landscapes, and you will have allowed Congress to further cede its constitutional authority to the Executive Branch.

Sincerely,



Chellie Pingree
Member of Congress
Ranking Member,
Subcommittee on Interior,
Environment, and Related
Agencies

⁵ https://storage.courtlistener.com/recap/gov.uscourts.dcd.289572/gov.uscourts.dcd.289572.1.0_1.pdf

⁶ <https://arlingtonhouse.org/about/the-stories/witness-to-history>

⁷ <https://www.cbsnews.com/news/trump-new-arch-resembling-arc-de-triomphe/>