

**In the Supreme Court
of the United States**

NATIONAL PARK SERVICE, ET AL., APPLICANTS

v.

NATIONAL TRUST FOR HISTORIC PRESERVATION
IN THE UNITED STATES, RESPONDENT

**On Application for a Stay of the Injunction Issued by the
United States District Court for the District of Columbia
and Request for an Immediate Administrative Stay**

**BRIEF OF *AMICUS CURIAE* DAVID
BOYLE IN SUPPORT OF NO PARTY**

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***AMICUS CURIAE* STATEMENT OF INTEREST**

The present *amicus curiae*, David Boyle (hereinafter, “Amicus”),¹ has great respect for the White House, the historical building, if not always for the policies of its tenants, e.g., Donald Trump. Thus, Amicus writes this brief to protect the integrity of the historical and future White House, the “People’s House” (26A203 App. at 261a, Millett and Garcia, JJ.)—thus, the house of Amicus himself, in a sense—, from the current degrading actions conflating ballrooms with bunkers.

When the “Tenant-in-Chief” or “First Tenant”, applicant Trump, extols an “integrated military complex, including a totally secure ballroom space, at the East Wing of the White House, which is vitally required by national security”, Appl. at 1, that Kafkaesque awkward statement, like a badly-mixed metaphor, reads like something strange and satiric from Joseph Heller’s *Catch-22* (1961) or *Dr. Strangelove* (Hawk Films 1964), *see id.* for each. —A ballroom is not a bunker, or other military space. *See, e.g.*, “A rose is a rose is a rose”, Gertrude Stein (c. 1913); “That which we call a rose/By any other name would smell as sweet”, William Shakespeare, *Romeo and Juliet*, act 2, sc. 2 (c. 1591). Therefore, while Amicus, from an abundance of caution, and not being an avowed expert on “stays” or “standing”, does not write this brief for any party, he still seriously questions the confused or dangerous stances of Applicants, ballroom-bunker-bunco-etc., as seen *infra*.

SUMMARY OF ARGUMENT

Even if enhanced White House security, and a capacious state ballroom, are good

¹ No party or its counsel wrote or helped write this brief, or gave money for it, *see* S. Ct. R. 37.

ideas in themselves, that does not mean there is legal authorization to create them. Trump should have consulted Congress, especially given the harm the ballroom will do. The lower courts have protected genuine security concerns, without allowing the ballroom. The ballroom itself, a hollow space, fails to protect the bunkers beneath as much as a solid space would. And Trump here, as a “Deep State”, may practice lawlessness, invite corruption, and cause his own—and America’s—problems.

ARGUMENT

I. IF TRUMP WERE IN SUCH DANGER, AND A BALLROOM SO NECESSARY, HE SHOULD HAVE HAD NO PROBLEM CONVINCING CONGRESS TO APPROVE HIS PROJECT

Amicus is well aware that Presidents need to protect their security. That being said, the D.C. Circuit noted, shockingly, “Over just three days in October 2025, without undertaking promised consultations or obtaining Congress’s permission, President Trump bulldozed the entire East Wing in order to construct a massive, 90,000 square-foot ballroom paid for by private funds with no congressional oversight.” App. at 262a. This does not sound like democracy to Amicus. If there was such terrible and obvious danger to himself that Trump had to take massive measures like destroying the East Wing, why couldn’t he have simply asked Congress for permission to take the huge, destructive steps he did?

And the steps were indeed destructive, e.g., “[C]onstruction of the ballroom will inflict permanent and irreversible harm to the historic, architectural, and aesthetic interests of the National Trust’s members, as well as the design of President’s Park, the White House, and the surrounding area. The Defendants themselves agree

those irreversible harms will occur.” *Id.* at 263a-264a. Even if the ballroom is enjoined, the district court’s preliminary injunction allows Applicants to take needed measures for security: “Defendants’ equitable argument [largely] concerns security features ... beneath the planned ballroom[; t]he ... injunction allows construction of [them] to go forward[; t]he district court’s order modifying the injunction [allows] Defendants [to] put a fully protective covering over the underground construction and other exposed portions of the construction site.” App. at 349a (citations omitted). Thus, bunkers et al. are secured, just not the ballroom.

II. A BALLROOM IS HOLLOW AND THUS POOR ARMOR FOR THE AREA UNDERNEATH, THAT THE BALLROOM IS SUPPOSED TO PROTECT

Moreover, one glaring problem if Applicants claim the ballroom is needed for national security, is that, basically by definition, a ballroom is a large hollow space. This does not sound like very good armor for the bunkers beneath. (The walls, roof and floor of the ballroom could be armor, maybe, but not the hollow space itself.)

It stands to reason that if Applicants really wanted maximal protection for the bunkers underneath the building, then instead of a hollow space, the ballroom space would be filled with concrete or some other hard material. The building might have to be redesigned to have stronger supports for the extra weight, but it is hard to argue that extra layers of rugged material, concrete or what-have-you, wouldn’t be better protection for what lies beneath, than a big, hollow space would be.

Applicants are adamant about the terrible dangers facing the President, and the immediate need for the new fortified complex; however, having a big hollow ballroom in the “integrated military complex” doesn’t sound integrated at all, but

opposed to the very purpose of the complex, i.e., protecting Trump and White House staff. (Of course, without a ballroom... there'd be no ballroom available. But that just points out the strangeness of the concept “integrated military complex, including a totally secure ballroom space”, Appl. at 1.)

III. TRUMP ACTS AS A ONE-MAN “DEEP STATE” IN HIS SURPRISE DEMOLITION OF THE EAST WING, WHICH HURTS DEMOCRACY

And, once again, Trump’s destroying the East Wing sans appropriate discussion with others, *see* App. at 262a, thus, an unfair surprise, is undemocratic. Trump can be considered a one-person “Deep State” (though his aides may also qualify as members of the “Deep State”), unaccountable to the People. “Defendants argue that even if they are acting entirely without authority and lawlessly, no court—not [even] the Supreme Court—has the power to stop them since the East Wing has already been destroyed.” App. at 354a. Too, there are potential corruption problems if private money not overseen by Congress is used: “The Framers viewed congressional control over appropriations as a means of ‘preventing fraud and corruption’ or the appearance thereof. *Office of Pers. Mgmt. v. Richmond*, 496 U.S. 414, 427 (1990); *see also id.* ([Congress’s] power to control and direct the appropriations, constitutes a most useful and salutary check upon * * * corrupt influence and public speculation[.]” App. at 331a (citation omitted).

It is bad enough, some may say, to have a President who is, since the Court’s order list yesterday, *see id.* (denying rehearing in *Trump v. Carroll*, 25-573), a confirmed rapist (“digital rape” being rape by common-sense terms) a.k.a. sexual batterer, and defamer of his victim. But to add to that the “lawless[ness]” and

possibility of “fraud and corruption” noted *supra*, is a very unpleasant mixture: bunkers and bunco. The Court may beware coddling such possibility for evil.

And even the national-security aspect of the project is somewhat questionable, *see, e.g.*, “[T]he Defendants—quite unusually in a case involving national-security arguments—did not seek to expedite either the district court’s proceedings or this appeal. This court acted on its own to do so.” App. at 351a. Moreover,

[A]ny risk caused by the construction project and its multi-year timetable is overwhelmingly a problem of the Defendants’ own creation. The Defendants unilaterally and likely without lawful authority destroyed a large portion of the White House structure and dug an open pit in its place. Then, after commencing a lengthy construction project, they publicly announced to the world the vulnerabilities that self-chosen endeavor has created.

Id. So, while assassins, terrorists, etc., are a threat, Trump and Applicants arguably threatened democracy and created “risk” and “vulnerabilities” themselves, *id.*

CONCLUSION

Amicus hopes the Court will do justice in this matter, and, while respecting Applicants’ need for personal safety, also protect the rule of law and democracy, and protect the historical beauty and integrity of the White House from any needless or destructive efforts by the First Tenant, as much as reasonably possible under the law. Amicus humbly thanks the Court for its time and consideration.

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Respectfully submitted,

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