

Per Curiam

## SUPREME COURT OF THE UNITED STATES

No. 26A203

NATIONAL PARK SERVICE, ET AL. *v.* NATIONAL  
TRUST FOR HISTORIC PRESERVATION IN THE  
UNITED STATES

ON APPLICATION FOR STAY

[August 31, 2026]

PER CURIAM.

In October 2025, the federal government started a project to replace the East Wing of the White House. The first phase involved the demolition of the existing East Wing, something the government completed in December 2025. The next phase, currently ongoing, involves the construction of a new East Wing, including a below-ground military installation and an above-ground ballroom.

The National Trust for Historic Preservation in the United States (Trust) filed a lawsuit in federal district court challenging various aspects of the project. As part of its suit, the Trust filed a motion on March 5, 2026, seeking a preliminary injunction. The injunction the Trust sought focused not on the already-completed demolition of the old East Wing but on halting the ongoing construction of a new one.

On March 31, 2026, the district court granted the Trust’s motion and issued a preliminary injunction. As later clarified, the injunction essentially permitted the government to continue work on the new below-ground military installation but enjoined any further construction above ground, except as “strictly necessary” to protect the White House, the President, and his staff. App. to Application 231a–233a.

On April 17, 2026, the United States Court of Appeals for the District of Columbia Circuit stayed the district court’s injunction, effectively allowing construction to proceed, while it considered the government’s appeal. On August 7, 2026, the court of appeals resolved that appeal and upheld the district court’s injunction. At the same time, the court indicated that its existing stay would expire on August 21, 2026, and the district court’s injunction would thus take effect.

Confronted with an imminent order requiring it to substantially halt its ongoing construction activities, the government filed a motion in this Court seeking a stay of the district court’s injunction pending a forthcoming petition for a writ of certiorari and any further proceedings in this Court. Application 1. THE CHIEF JUSTICE issued an administrative stay to facilitate review of the government’s application and referred the matter to the Court.

We grant the requested stay. The government has established that it is likely to succeed on the merits of a significant legal question, that it would likely suffer irreparable harm without a stay, and that the balance of equities tips in its favor.

## I

Beginning with the merits, the government is likely to prevail in showing that the Trust lacks standing to challenge the East Wing project. To secure standing to sue in federal court consistent with Article III of the Constitution, a plaintiff must establish that it has suffered an “injury in fact”—that is, the “invasion of a legally protected interest.” *Lujan v. Defenders of Wildlife*, 504 U. S. 555, 560 (1992) (internal quotation marks omitted). Further, the plaintiff must demonstrate that its injury is “(a) concrete and particularized . . . and (b) actual or imminent.” *Ibid.* (internal quotation marks omitted); see also *TransUnion LLC v.*

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*Ramirez*, 594 U. S. 413, 423 (2021) (“injury in fact” must be “concrete, particularized, and actual or imminent”).

To establish its standing to bring this case, the Trust relies on a declaration from a single of its members, Alison K. Hoagland. Hoagland says that she lives in Washington, D. C., and expects to visit the neighborhood around the White House “about once a month.” App. to Application 73a–74a. She asserts that having to view the finished ballroom the government is constructing would cause her to suffer “injuries” to her “aesthetic, cultural, and historical interests” because she finds the “scale,” “height,” and “massing” of the government’s design distasteful. *Id.*, at 75a. On the strength of that declaration, the Trust contends, it has Article III standing to challenge the East Wing project.

This Court has not found standing in circumstances like these before. To the contrary, we have repeatedly held that mere offense, disagreement, or distaste does not qualify as a concrete and particularized injury under Article III. As we have put it, “this Court has long made clear that distress at or disagreement with the activities of others is not a basis under Article III for a plaintiff to bring a federal lawsuit.” *FDA v. Alliance for Hippocratic Medicine*, 602 U. S. 367, 390, n. 3 (2024). Instead, to secure standing a plaintiff must identify some concrete and particularized injury “other than the psychological consequence presumably produced by observation of conduct with which one disagrees.” *Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U. S. 464, 485 (1982); see also *Schlesinger v. Reservists Comm. to Stop the War*, 418 U. S. 208, 227 (1974) (rejecting “the idea that generalized citizen interest is a sufficient basis for standing”); *United States v. Richardson*, 418 U. S. 166, 177 (1974) (“genuine interest” alone cannot satisfy the “particular concrete injury” requirement).

Nor is it clear what would remain of Article III’s concrete-and-particularized injury requirement if we were to extend our case law in the manner the Trust now suggests. Perhaps nearly any government action or project offends someone’s sensibilities. And adopting the Trust’s “unprecedented and limitless” view that offense alone suffices to establish a concrete and particularized injury would seemingly usher in a world where “virtually every citizen had standing to challenge virtually every government action that they do not like—an approach to standing that this Court has consistently rejected as flatly inconsistent with Article III.” *Alliance*, 602 U. S., at 391–392. Absent some considerable revision to our existing standing doctrine, then, the government is likely to succeed on the merits.

To be sure, and as the Trust observes, we have found standing in certain environmental cases where the plaintiff’s injuries involved *more* than mere offense. See Opposition to Application 25; *post*, at 3–6 (ROBERTS, C. J., dissenting). So, for example, in *Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, 528 U. S. 167 (2000), we found standing where the plaintiffs alleged that “harmful pollutants” the defendant discharged into a river forced them to abandon “fish[ing], camp[ing], swim[ming], and picnic[ing] in and near the river” as they had in the past. *Id.*, at 181–183. And in *Summers v. Earth Island Institute*, 555 U. S. 488 (2009), we noted the government’s concession that one member of the plaintiff organization previously had standing to sue for injuries to his “recreational interests” in a national forest before ultimately denying standing because a partial settlement left no member with a concrete and imminent injury. *Id.*, at 494–496. None of this, however, helps the Trust because none of it unseats this Court’s long-held view that Article III standing is unavailable where, as here, the only injury a plaintiff asserts stems from offense, disagreement, or distaste. *Alliance*, 602 U. S., at 390, n. 3.

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Separately, the Trust points to *Lujan*'s statement that the "desire to . . . observe an animal species, even for purely esthetic purposes," can constitute "a cognizable interest for purpose of standing." 504 U. S., at 562–563; see also *Summers*, 555 U. S., at 494 (similar). And the Trust reasons that, if the desire to view a "particular crocodile" qualifies as a cognizable interest for purposes of Article III standing, Hoagland's desire to view a new East Wing characterized by more "stately simplicity" than the government proposes must as well. See *post*, at 3 (opinion of ROBERTS, C. J.) (internal quotation marks omitted); Opposition to Application 25–26. But none of this helps the Trust either. Proceeding to reject the plaintiffs' claim to standing, *Lujan* stressed that a cognizable interest is a necessary component of standing but not a sufficient one: Article III "requires more than an injury to a cognizable interest." 504 U. S., at 563 (internal quotation marks omitted). Among other things, a plaintiff must also show that its claimed injury is "concrete and particularized." *Id.*, at 560; see also *TransUnion LLC*, 594 U. S., at 423. And, again, as our precedents have repeatedly held, a plaintiff's "distress at or disagreement with" a defendant's actions does not clear that bar. *Alliance*, 602 U. S., at 390, n. 3.

Finally, the Trust replies that, even if this rule routinely applies in cases brought by ordinary citizens and taxpayers, it should not apply in this case. It should not, the Trust argues, because Hoagland is "not just any person," *post*, at 6 (opinion of ROBERTS, C. J.), but someone who possesses "focused and substantiated" expertise in historic architecture, *post*, at 3; see also Opposition to Application 26. Our standing rules, however, contain no such special carveout. Article III standing, we have consistently held, "is not measured by the intensity of the litigant's interest," *Valley Forge Christian College*, 454 U. S., at 486, or by a litigant's "special interest in the subject," *Lujan*, 504 U. S., at 563

(quoting *Sierra Club v. Morton*, 405 U. S. 727, 739 (1972); brackets omitted).

## II

The government has also established that it will likely suffer irreparable harm from the district court’s injunction and that the balance of the equities tips in its favor.

Start with this. The district court likely exceeded its Article III authority to enjoin the activities of a coordinate branch of government. Cf. *Trump v. CASA, Inc.*, 606 U. S. 831, 859 (2025). And courts may not exceed the bounds of their lawful authority simply because they may think another branch has exceeded its own. See *Lujan*, 504 U. S., at 560 (Article III’s standing requirements help define “those disputes which are appropriately resolved through the judicial process” rather than in the political arena (internal quotation marks omitted)); *Alliance*, 602 U. S., at 379 (federal courts do not “operate as an open forum for citizens to press general complaints about the way in which government goes about its business” (internal quotation marks omitted)).

Nor is that all. The government has also presented declarations from the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Director of the United States Secret Service, and the Secretary of State, the Secretary of Homeland Security, and the Secretary of the Army, among others, attesting to national security and other harms that would likely arise from enjoining a “single, coherent” project that cannot be readily cleaved into distinct below- and above-ground pieces. See, e.g., App. to Application 229a, 246a–247a, 397a–398a, 426a–429a, 431a–433a, 437a–439a. The Secretary of the Army, for example, represents that “[t]he height and mass” of the planned above-ground ballroom are “crucial” to shield the planned underground military installation “from kinetic

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impacts,” and that, without such height and mass, “engineers would need to dig impractically deep.” *Id.*, at 247a.

Of course, the district court’s injunction does not completely preclude above-ground construction and might be read to afford the government sufficient leeway to revise its construction plans and install some form of protective cover over the below-ground military installation. See *id.*, at 232a–233a (permitting above-ground construction “strictly necessary” for security purposes); see also *post*, at 6, n.\* (opinion of ROBERTS, C. J.). But none of that calls into question the government’s declarations attesting that constructing *something* approximating the height and mass of the intended above-ground ballroom is “crucial” to the security of the below-ground military installation, App. to Application 247a; that every day during which construction is delayed impairs the Secret Service’s “protective operations,” *id.*, at 229a, 428a–429a; that the contemplated ballroom would enhance security for Presidents and their visitors who in the past have had to meet in soft tents or offsite when gathering in large numbers, *id.*, at 116a–117a, 397a–398a, 420a; that a prolonged construction period increases the risk of foreign actors “gathering intelligence on” the project, *id.*, at 437a–439a; or that freezing construction would risk significant “construction-related problems” ranging from concerns about how to secure the structural integrity of a partially completed superstructure to the possibility of having to delay the installation of infrastructure “required to make below-ground facilities operational,” *id.*, at 443a, 445a–446a.

Meanwhile, on the other side of the ledger and against these harms, the only harm the Trust claims is the offense one of its members will suffer from having to view a structure of the “scale,” “height,” and “massing” the government intends. *Id.*, at 75a. These harms and equities are not nearly in equipoise. See *Winter v. Natural Resources Defense Council, Inc.*, 555 U. S. 7, 25–26 (2008) (vacating

preliminary injunction where the plaintiffs’ “ecological, scientific, and recreational interests” were “plainly outweigh[ed]” by the Navy’s operational needs).

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Today, we do not pass upon the legality of the government’s East Wing project. We conclude only that, based on the submissions before us, the government is likely to prevail in showing that the Trust lacks Article III standing to challenge the project in federal court and that the remaining stay factors favor relief. Accordingly, the application for stay presented to THE CHIEF JUSTICE and by him referred to the Court is granted. The injunction entered by the United States District Court for the District of Columbia in case No. 1:25–cv–04316 is stayed pending the filing and disposition of the government’s petition for a writ of certiorari, if such writ is timely sought. Should certiorari be denied, this stay shall terminate automatically. In the event certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

*It is so ordered.*



ROBERTS, C. J., dissenting

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[August 31, 2026]

CHIEF JUSTICE ROBERTS, with whom JUSTICE SOTOMAYOR, JUSTICE KAGAN, and JUSTICE JACKSON join, dissenting.

The President ordered the demolition of the East Wing of the White House to make way for a new, privately funded state ballroom in its place. Construction of the ballroom has proceeded apace for the better part of a year.

That construction is likely unlawful. Pursuant to its plenary constitutional authority over the District of Columbia and federal property, Congress has explicitly prohibited the construction of any “building or structure . . . 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. The ballroom is a building or structure being erected on federal park grounds—President’s Park—in the District of Columbia. Yet Congress has not passed any law resembling “express authority” for the Executive’s construction of it.

The Government points to two statutory provisions in support of the ballroom project. The first authorizes Congress to appropriate funds for “the care, maintenance, repair, alteration, refurnishing, improvement, air-conditioning, heating, and lighting (including electric power and fixtures) of the Executive Residence at the White House.” 3 U. S. C. §105(d)(1). This fiscal year Congress appropriated

\$2,475,000 pursuant to section 105(d)(1) “for required maintenance, resolution of safety and health issues, and continued preventative maintenance” at the Executive Residence. Consolidated Appropriations Act, 2026, Pub. L. 119–75, 140 Stat. 451. That appropriation of a couple million dollars for ordinary Executive Residence maintenance and repairs likely does not authorize the President to use hundreds of millions of dollars in private donations to tear down the East Wing and construct a ballroom in its stead.

The second provision tasks the National Park Service with managing national park land, such as President’s Park, in a manner that “conserve[s]” the “historic objects” on that land. 54 U. S. C. §100101(a). This is likely not express authorization to raze the East Wing and replace it with a ballroom.

Given this apparent absence of statutory authority, the District Court for the District of Columbia enjoined the ballroom’s continued construction in response to a lawsuit filed by the National Trust for Historic Preservation in the United States. The Court of Appeals affirmed. Today this Court grants the Government’s request to stay that injunction and allow construction of the ballroom to go forward—not because that construction is legal, but on the ground that the Trust likely lacks Article III standing to challenge it.

To have standing to sue as the representative of its members, an organization such as the Trust must show, among other things, that one of its members would have standing to sue in her own right. See *Hunt v. Washington State Apple Advertising Comm’n*, 432 U. S. 333, 342–343 (1977). The Trust points to executive committee member Alison K. Hoagland’s asserted aesthetic injury from the ballroom’s construction to satisfy that requirement.

To serve as the basis for her standing, Hoagland’s aesthetic injury must be “concrete” and “particularized” to her—“real, and not abstract.” *Spokeo, Inc. v. Robins*, 578

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U. S. 330, 340 (2016) (internal quotation marks omitted). Separating the concrete and particularized from the abstract can be difficult in this context. Our precedents, however, have noted that an injury to a plaintiff’s “mere esthetic interests” can qualify as “concrete and particularized.” *Summers v. Earth Island Institute*, 555 U. S. 488, 494 (2009). And we said in one of our leading standing precedents that it was “[o]f course” true that a “desire to . . . observe an animal species” like a particular crocodile, “even for purely esthetic purposes,” was “undeniably a cognizable interest for purpose of standing.” *Lujan v. Defenders of Wildlife*, 504 U. S. 555, 562–563 (1992).

Given the distinctive nature of the White House and Hoagland’s focused and substantiated interest in viewing it in its traditional form, her aesthetic injury from the construction of the ballroom is concrete and particularized.

The White House is an iconic American building whose symbolism and history are wrapped up in its architecture. As President Theodore Roosevelt once remarked while thanking Congress for expressly appropriating funds for the construction of the East and West Wings: “The stately simplicity of [the White House’s] architecture is an expression of the character of the period in which it was built, and is in accord with the purposes it was designed to serve. It is a good thing to preserve such buildings as historic monuments which keep alive our sense of continuity with the Nation’s past.” 36 Cong. Rec. 12 (1902) (Roosevelt’s second annual message).

Hoagland, meanwhile, is deeply committed to the preservation of such historic American buildings, as evidenced by her decades-long membership in the Trust, leadership role in the organization, academic work as a professor of history and historic preservation, volunteer work providing presentations on the District of Columbia’s historic architecture, and authorship of works on historic American architecture. Given this commitment to the preservation of historic

buildings, Hoagland enjoys viewing and appreciating such buildings in person. As a Capitol Hill resident, Hoagland regularly visits the White House to take in the historic building's beauty and to appreciate its symbolism. By overshadowing the traditional White House, Hoagland explains, the new ballroom will detract from the building's message of republican simplicity and thereby worsen her viewing experience.

Hoagland's injury suffices for standing. A historic preservationist such as Hoagland can be aesthetically injured in a concrete, particularized way by the transformation of a historic building that she frequently enjoys, just as an environmentalist can sustain a concrete, particularized aesthetic injury from the extinction of a particular animal or the transformation of a particular forest or river that he regularly enjoys. See, *e.g.*, *Defenders of Wildlife*, 504 U. S., at 562–563; *Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, 528 U. S. 167, 180–183 (2000). With the Court's rejection of Hoagland's standing today, however, it now is the case that “I want to look at a crocodile” can adequately answer the ever critical “what's it to you?” question of Article III standing, while “I want to look at the White House” cannot—no matter how distinctive the particular viewer's interest in looking at it may be.

The Court would distinguish our environmental aesthetic injury cases on the ground that the plaintiffs there alleged “*more than mere offense.*” *Ante*, at 4. But so has Hoagland. She has not simply alleged “distress at or disagreement with” the ballroom's construction. *FDA v. Alliance for Hippocratic Medicine*, 602 U. S. 367, 390, n. 3 (2024). She instead has alleged that the ballroom's construction would damage what for her is a concrete and particularized interest in physically viewing, appreciating, and studying a historic building as it is.

Having reframed Hoagland's aesthetic injury as “mere offense” at the ballroom's construction, the Court reasons

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that very little would remain of Article III’s concrete and particularized injury requirement were we to recognize standing here. While it is true that nearly every government action will offend someone somehow, see *ante*, at 4, not every government action will interfere in a particular way with someone’s documented interest in viewing a particular historic building. The Court’s string cite to precedents rejecting the standing of taxpayers who challenged federal policies with which they disagreed is inapposite for the same reason. See *ante*, at 3 (citing *Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U. S. 464, 485 (1982); *Schlesinger v. Reservists Comm. to Stop the War*, 418 U. S. 208, 227 (1974); *United States v. Richardson*, 418 U. S. 166, 177 (1974)). Hoagland is not simply some taxpayer who fancies the thought of the traditional White House unadorned by a ballroom.

The Court also observes that even if viewing something for “purely esthetic purposes” is a “cognizable interest” for standing, having such an interest is not sufficient to establish standing. See *ante*, at 5; *Defenders of Wildlife*, 504 U. S., at 562. The claimed injury still must be “concrete and particularized.” *Ante*, at 5. But we have said that “[t]o establish the concrete and particularized injury that standing requires,” a plaintiff’s demonstration that his “mere esthetic interests” are affected “will suffice.” *Summers*, 555 U. S., at 494.

And if a standalone concrete and particularized aesthetic injury can be recast as mere offense, what made the environmental plaintiffs with standing in our prior cases different from Hoagland? What saved their aesthetic injuries from being classed as mere distaste for the actions of government or private industry? In *Laidlaw*, the plaintiffs had standing to fight the pollution of a river in which they had “aesthetic and recreational” interests. 528 U. S., at 183. On the Court’s retelling, it is critical that those plaintiffs did

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not only like to look at the river’s “natural beauty,” but also liked to use it by fishing and swimming in it and by hiking and camping alongside it. *Id.*, at 180–183; see *ante*, at 4. Certainly one may enjoy a river not just by looking at it but also by swimming in it and hiking along it. But the principal way a person enjoys a historic building or object is by looking at it. The distinction between Hoagland and the environmental plaintiffs does not hold up.\*

\* \* \*

The White House is not just any building, and—when it comes to historic preservation—Hoagland is not just any person. In failing to appreciate as much, the Court misconceives the plaintiff’s injury, allowing the Executive’s likely infringement of the Legislature’s power of the purse and authority to regulate federal property in the District of Columbia to continue. Today’s decision is no victory for the separation of powers.

Winston Churchill once remarked that “[w]e shape our buildings, and afterwards our buildings shape us.” *Onwards to Victory: War Speeches* by the Right Hon. Winston S. Churchill, C.H., M.P. 317 (1944). All the more reason to ensure that those responsible follow the rules in deciding what to tear down and what to build up at the People’s House.

I respectfully dissent.

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\*With respect to the Court’s reference to national security concerns, the Government informed the District Court that its construction work on below-ground secure facilities was “driven by national security concerns independent of the above-grade construction” of the ballroom. No. 25–cv–4316, ECF Doc. 30, p. 48. And the District Court’s injunction prohibits only the building of a ballroom—not the building of below-ground national security facilities or above-ground work necessary to protect them.