

For Immediate Release
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COURT ALLOWS LIMITED EEOB PAINT TESTING; WARNS GOVERNMENT AGAINST GOING FURTHER; RESERVES DECISION ON WHETHER PRESIDENT'S MANAGEMENT OF PROJECT IS ILLEGAL

Washington, D.C. - This morning, U.S. District Judge Dabney L. Friedrich permitted the White House Office of Administration to conduct limited testing on discrete areas of the Eisenhower Executive Office Building's ("EEOB") historic granite façade. The Court did not authorize the Administration to paint the National Historic Landmark and reserved for later consideration the larger legal question of whether the White House can avoid federal preservation and environmental review laws that ordinarily govern alterations to nationally significant federal buildings.

At the hearing, Judge Friedrich required the parties to file joint status reports every fourteen days to ensure the government takes no action beyond the limited testing.

The Plaintiffs sought emergency relief after the Office of Administration announced plans to apply and remove paint from portions of the EEOB's historic granite as part of President Trump's proposal to paint the building white. The Court concluded that the plaintiffs had not demonstrated the irreparable injury required to stop the limited testing while the litigation proceeds.

"We would have preferred that no invasive testing occurs until the Administration followed the legally required process, but today's decision is about limited testing. The much larger questions about whether the President can paint the Eisenhower Building and whether the White House can exempt this project from federal law remain open in this active case," said Greg Werkheiser, a lawyer with Cultural Heritage Partners, counsel for the Plaintiffs.

Plaintiffs will closely review both the methods used to conduct the testing and the results. Preservation and building materials experts have warned that painting the EEOB's historic granite will damage the stone, cause astronomical maintenance costs, and fundamentally alter the character of one of the Nation's most important historic federal buildings.

"Good testing should produce reliable evidence," Werkheiser said. "If rigorous testing confirms what the Nation's leading experts have warned—that painting this granite is inappropriate or potentially damaging—that evidence should help put an end to this proposal. If the testing is inadequate or its results are overstated, our experts will explain why. Either way, the Administration's conclusions will be scrutinized."

The pending lawsuit addresses an issue with implications far beyond the EEOB. Congress gave the General Services Administration ("GSA") responsibility for the EEOB, and GSA is a federal agency subject to the National Historic Preservation Act, the National Environmental Policy Act, and judicial review under the Administrative Procedure Act. After this litigation began, the White House took over management of the project and claimed that it was no longer subject to court oversight.

“Presidents come and go. Our National Historic Landmarks belong to the American people,” Werkheiser said. “The central question in this case is whether a President can take a federal project that Congress placed in the hands of an agency subject to federal law and move that project into a White House office and place it beyond preservation review, environmental review, public participation, and ordinary judicial oversight. That issue remains actively before the Court.”

The EEOB, completed in 1888, is a National Historic Landmark and one of the most architecturally significant federal buildings in the nation’s capital. Plaintiffs maintain that any decision about permanently altering its historic exterior must occur through the transparent, expert-informed, and accountable process federal law requires.

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About DC Preservation League

DCPL is a nonprofit organization dedicated to preserving and protecting the historic buildings, neighborhoods, landscapes, and cultural heritage of Washington, D.C. Founded in 1971 as “Don’t Tear it Down,” DCPL works through advocacy, education, and community engagement to promote the value of historic preservation throughout Washington. Over the past 50 years, DCPL has sponsored more than 160 historic landmark nominations, and engaged in hard-fought battles for numerous buildings, structures, and districts across Washington. The organization has worked tirelessly to preserve Washington’s sense of place and to save many of the unique features that define the capital city’s history, architecture, and culture. Washington’s historic character is one of its greatest assets and a vital component of local culture and economic growth and prosperity. Visit <https://dcpreservation.org/>

About Cultural Heritage Partners, PLLC

CHP is a private law firm with a public mission: to leverage humanity’s past to create a better future. CHP takes on matters that advance the principle of access to cultural heritage as a human right. A team of attorneys, historians, tribal specialists, archaeologists, and art scholars serves clients globally. The firm’s victories have strengthened international and federal preservation law, secured the protection of important sites, objects, and traditions, affirmed the sovereignty of Tribal and First Nations, and helped communities whose culture has been systematically devalued be heard in the courts, legislatures, and before international tribunals. Visit www.culturalheritagepartners.com