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SMITHSONIAN BATTLE REACHES HISTORIC TURNING POINT AS AMICUS BRIEF BACKS JULIAN RAVEN'S APPEAL AMID ESCALATING NATIONAL DISPUTE OVER THE INSTITUTION'S LEGAL STATUS

ELMIRA, N.Y. — July 30, 2026 — Artist, author, constitutional activist, longtime Smithsonian litigant, and independent candidate for Mayor of Elmira, **Julian Marcus Raven**, announced today that his decade-long legal battle with the Smithsonian Institution has entered what may prove to be its most consequential chapter.

Raven's current case on appeal from Federal Judge Trevor N. McFadden's dismissal in the U.S. District Court for the District of Columbia, who personally sought to ridicule Raven in his second decision against the artist, case number 25-cv-2332 TNM, is now before the three appellate level Judges at the U.S. District Court of Appeals for the District of Columbia Circuit in case number 26-5081.

Raven's third case 22-cv-2809 adjudicated by Federal Christopher R. Cooper, who also ridiculed Raven in his dismissal, and then found himself the target of a Judicial Complaint before Chief Judge Sri Srinivasan, is also under appeal in complaint number DC-25-90050.

As the United States Department of Justice's U.S. Attorney Division under Elmira's own Director Jeanine Pirro, seeks additional time to respond to Elmiran Julian Raven's opposition to its motion for summary affirmance, the appeal has gained significant support through the filing of an **amicus curiae** brief by author, researcher, and cultural policy scholar **Dr. Laurence A. Jarvik** in the United States Court of Appeals for the District of Columbia Circuit. Dr. Jarvik urges the Court to reject summary affirmance, arguing that Raven's appeal presents unresolved questions of exceptional institutional importance concerning the legal character of the Smithsonian Institution itself.

At the center of Raven's appeal is a question that, despite nearly two centuries of the Smithsonian's existence, has never been definitively answered by the courts: **What is the Smithsonian Institution, legally?**

Raven's opposition argues that before any court can determine whether he has standing to pursue claims involving fiduciary duties and trust administration, it must first determine whether the Smithsonian is a federal agency, a charitable trust, a trust instrumentality of the United States, a hybrid constitutional institution, or some combination thereof. His filing contends that this unanswered question is the legal predicate from which the standing analysis necessarily flows.

Dr. Jarvik's amicus brief echoes that concern, arguing that the Smithsonian's legal identity determines "the nature of fiduciary duties," "the source of legally protected interests," and ultimately "who has standing to file a lawsuit."

The timing could scarcely be more remarkable.

Raven's appeal now unfolds against the backdrop of a growing public dispute between President Donald Trump and the Smithsonian Institution. Recent reporting by *The Washington Post* describes the Administration's order to erect warning signs near Smithsonian exhibits as part of an escalating disagreement over historical interpretation. Raven believes the controversy further illustrates the unresolved constitutional relationship between the Executive Branch and the Smithsonian.

"The President is entitled to express his opinion," Raven said. "But the very fact that the Executive Branch is attempting to influence the Smithsonian through public messaging rather than direct command highlights the unresolved constitutional question my case asks the courts to answer. Where does executive authority end? Where does trustee authority begin? And what, exactly, is the Smithsonian under American law?"

President Trump is also a defendant in Raven's lawsuit for claims of executive overreach in the President's effort to control the content of a private charity administered by the U.S. Congress as trustee, not the executive branch. "The President is right about the ideological hijacking of the Smithsonian, echoing my 10 year litigation. Remember, my case was no. 4 on the White House list of seventeen reasons to fire Smithsonian National Portrait Gallery Director Kim Sajet last year. But it is illegal to attempt to control what is not within the purview of the executive branch." Raven went on to say, "We are a nation of laws, no one is above the law, not even the president."

Raven's litigation places that institutional question squarely before the judiciary. His appeal argues that courts cannot dismiss trust-based claims for lack of standing while declining to define the legal status of the institution whose status determines whether legally protected interests exist in the first place.

If the Court grants the Department of Justice's request for summary affirmance, Raven has stated that he intends to continue seeking review, including a petition to the Supreme Court of the United States for the second time, regarding the same unanswered question. His underlying lawsuit names Chief Justice John G. Roberts Jr., in his capacity as Chancellor of the Smithsonian Institution, among the defendants in connection with alleged fiduciary breaches.

Raven contends that the appeal now presents a question extending well beyond his individual dispute.

"This is no longer simply about an artist or a museum," he said. "It is about whether the Judiciary will fulfill its constitutional responsibility to define the legal character of one of the most unusual institutions in American government. Chief Justice Marshall declared in *Marbury v. Madison* that it is emphatically the province and duty of the judicial department to say what the law is. More than two centuries ago, the Supreme Court also recognized in *Hunter v. United States* that it is the peculiar province of equity to compel the execution of trusts. My appeal asks the Court to do both."

With an amicus brief now urging full appellate review rather than summary disposition, and with public attention increasingly focused on the Smithsonian's governance and constitutional role, Raven believes the stakes have never been higher.

Whether the Court grants full briefing or summarily affirms the dismissal may determine not only the future course of Raven's litigation, but whether the federal judiciary finally provides a definitive legal answer regarding the constitutional and fiduciary status of the Smithsonian Institution—a question that has now drawn the attention of litigants, scholars, the Executive Branch, and the courts alike.