

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Julian Marcus Raven,
Plaintiff,

v.

CHIEF JUSTICE JOHN G. ROBERTS, in his official capacity as CHANCELLOR OF THE
SMITHSONIAN INSTITUTION, et al.,
Defendants.

Case No. 25-cv-02332-TSC

MOTION FOR JUDICIAL NOTICE OF UNDISPUTED PUBLIC FACTS PURSUANT
TO FEDERAL RULE OF EVIDENCE 201

TO THE HONORABLE TANYA S. CHUTKAN:

Plaintiff respectfully moves this Court to take **judicial notice** of a series of public, historical, and undisputed facts relevant to the legal entity status and fiduciary obligations of the Smithsonian Institution, pursuant to **Federal Rule of Evidence 201**.

These facts are drawn from **government records, official statements, historical legal documents, and widely reported public controversies**, all of which bear directly on the core constitutional and legal issues before the Court in this case.

I. LEGAL STANDARD

Under **Federal Rule of Evidence 201(b)**, a court may take judicial notice of a fact that is:

1. **Generally known within the trial court's territorial jurisdiction, or**
2. **Accurately and readily determined from sources whose accuracy cannot reasonably be questioned.**

Pursuant to **Rule 201(c)**, the Court may take judicial notice **on its own** or **must do so if requested by a party and supplied with the necessary information**.

II. FACTS SUBJECT TO JUDICIAL NOTICE

Plaintiff requests judicial notice of the following specific facts:

1. James Smithson's Last Will and Testament (1826)

☐ *Public Domain Historical Document*

- Smithson left his entire estate “to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.”

2. Act of Congress Establishing the Smithsonian Institution (1846)

☐ *9 Stat. 102 (Aug. 10, 1846)*

- Congress accepted the bequest and created a Board of Regents to administer the fund “in trust,” and chartered the Smithsonian as a scientific and educational institution—not an executive agency.

3. Statement by Smithsonian Secretary Lonnie Bunch (2024)

☐ *Washington Post, June 2025*

- In response to questions about the firing of NPG Director Kim Sajet, Secretary Bunch stated: “*The hiring and firing decisions are made by the Secretary alone.*”

4. Public Controversy Over Kim Sajet's Removal (2024)

☐ *Multiple major news outlets, including The New York Times, The Atlantic, and Politico*

- After the President ordered her removal, conflicting statements emerged as to whether the Executive Branch had legal authority over Smithsonian personnel decisions.

5. Kim Sajet's Subsequent Resignation

☐ *Publicly confirmed in publicised emails of Smithsonian Secretary Lonni Bunch III*

- Sajet resigned amidst institutional ambiguity and lack of legal clarity about executive authority.

6. Opinions by Former Chief Justices and Smithsonian Chancellors William Howard Taft (1920s) and Warren E. Burger (1980s)

☐ *Institutional correspondence and archives*

- Chancellor and Chief Justice William Howard Taft declared, “The Smithsonian Institution is not, and never has been considered a government bureau. It is a private institution

under the guardianship of the government.” *Odious and Cerberus: An American immigrant’s odyssey and his free-speech legal war against Smithsonian corruption*, by Julian Raven, Page 244

- Burger described the Smithsonian as a “federally endowed trust” with fiduciary obligations separate from government control.

7. Decision in 17-cv-01240-TNM by Judge Trevor McFadden (2019)

□ *Official court record, available via PACER*

- Judge McFadden ruled that the Smithsonian is “the government through and through” and exercises government speech, despite not citing specific legislative authority for that assertion.

8. Smithsonian’s Own Website and Governance Documents

□ www.si.edu/about/governance

- The Smithsonian identifies itself as a “trust instrumentality of the United States,” governed by a unique board that includes members of all three branches and private citizens.

9. Smithsonian Exemption from FOIA and GCCA

□ *DOJ OLC and Smithsonian Opinion: “Applicability of the Government Corporation Control Act and the Freedom of Information Act to the Smithsonian Institution”*

- Concludes that the Smithsonian is not a typical executive agency, and FOIA and other federal regulations do not fully apply.

10. Smithsonian Original Vision Statement ‘Programme of Organization’ Articles 2,3 - 1st Smithsonian Secretary Joseph Henry 1848

□ *Historical Smithsonian publications* https://siarchives.si.edu/collections/siris_sic_481

- The Government of the United States is ***merely*** (bold & italics added) a trustee to carry out the design of the testator.
- The Smithsonian is not a national establishment, as is frequently supposed but is the establishment of an individual, and to bear and perpetuate his name.

III. ARGUMENT

These facts are:

- **Publicly accessible** in official government records and widely reported in reputable national media;

- **Not reasonably subject to dispute** and have not been challenged in any federal case by either the Smithsonian or the government;
- **Directly relevant** to the unresolved legal question now before this Court: whether the Smithsonian is a federal agency, a public trust, a sui generis entity, or a legal hybrid—and what implications that status has on sovereign immunity, fiduciary duty, and First Amendment accountability.

By taking judicial notice of these uncontested facts, this Court will:

1. Clarify the factual record for any pending constitutional and jurisdictional analysis;
2. Prevent misrepresentation or distortion of the Smithsonian's structure or legal identity;
3. Inform any future certification of this question to the United States Supreme Court, should the Court determine that national clarity is warranted.

IV. CONCLUSION

Plaintiff respectfully requests that the Court take **judicial notice of the ten facts enumerated above**, pursuant to **FRE 201(b) and (c)**, in order to establish a reliable factual foundation for the equitable and constitutional issues that must be adjudicated in this case.

These facts are essential to understanding the Smithsonian's structure, authority, and responsibilities under trust and constitutional law. Without judicial clarity on these foundational matters, this case—like those before it—risks becoming yet another cycle of institutional misdirection and constitutional confusion.

Respectfully submitted,

Julian Raven, Pro se

Affidavit of Service

