

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**

Julian Marcus Raven

Plaintiff(s)

V.

John G. Roberts, Lonnie Bunch III, Richard Kurin,  
The Smithsonian Board of Regents & The U.S.  
Congress, Donald J. Trump, President of the United  
States & The United States

Defendant(s)

Civil Action No. 25-cv-02332 TSC

## PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

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## TABLE OF AUTHORITIES

### Cases

- *United States v. Nobles*, 30 U.S. (5 Pet.) 173 (1831)
- *Town of Pawlet v. Clark*, 13 U.S. (9 Cranch) 292 (1815)
- *Winter v. NRDC*, 555 U.S. 7 (2008)
- *Kapiolani Park Preservation Soc’y v. City and County of Honolulu*, 751 P.2d 1022 (Haw. 1988)

### Statutes & Codes

- Smithsonian Act of 1846, 9 Stat. 102
- Uniform Trust Code, D.C. Code §§ 19-1301.01–1310.01

### Historical Authorities

- James Smithson’s Last Will and Testament (1829)
- Remarks of President Andrew Jackson to Congress on Smithson Bequest (1836)
- Chief Justice William Howard Taft, Address on Smithsonian (1920s)

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## **INTRODUCTION**

This case arises from unlawful Executive Branch interference in the Smithsonian Institution, a private charitable trust established under the 1829 Will of James Smithson and codified by Congress in the Smithsonian Act of 1846. Plaintiff Julian Raven, an American citizen and public beneficiary of the Smithson Trust, respectfully petitions this Court for a Preliminary Injunction restraining President Donald J. Trump and the Executive Office of the President from any further unlawful intervention in the Smithsonian.

Congress is the sole trustee of the Smithson Trust. The Executive Branch, as even President Andrew Jackson acknowledged in 1836, lacks authority to accept or administer Smithson's bequest. By directing reviews, ordering curatorial changes, and declaring the dismissal of Smithsonian officers in 2025, the President has violated fundamental trust law and exceeded constitutional authority.

This Court, sitting in equity, must preserve the Will of James Smithson, vindicate the rights of public beneficiaries, and protect the Institution's integrity from partisan distortion.

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## **PRELIMINARY STATEMENT**

- The Smithsonian Institution is not an executive agency but a private charitable trust.
- Congress acts as trustee; the President has no fiduciary role.
- Plaintiff is a lawful beneficiary with standing to enforce the trust.
- The President's actions in 2025 constitute ultra vires breaches of fiduciary structure.

- Without judicial intervention, irreparable harm to the trust's purposes and public confidence will result.
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## **STATEMENT OF FACTS**

### **A. The Will of James Smithson**

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

### **B. The Smithsonian Act of 1846**

Congress, as trustee, created the Institution under the Act of August 10, 1846 (9 Stat. 102). The Act vested trusteeship in a Board of Regents, not in the Executive.

### **C. Historical Recognition of Congressional Trusteeship**

President Andrew Jackson acknowledged in 1836 he could not receive the bequest; only Congress could. Chief Justice Taft later declared the Smithsonian “a private institution under the guardianship of the government.”

### **D. Executive Overreach in 2025**

President Trump initiated reviews of Smithsonian exhibits, ordered curatorial changes, and declared the firing of Director Kim Sajet. These actions unlawfully intrude upon a trust the Executive does not control.

### **E. Plaintiff's Standing**

As a member of the public, Plaintiff is a trust beneficiary. Under *Kapiolani Park Preservation Soc’y v. Honolulu*, beneficiaries may seek judicial intervention when fiduciaries breach duties.

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## **MEMORANDUM OF LAW**

### **I. The Smithsonian as a Private Trust Created by Will**

The Smithsonian was created by Will and Act of Congress, not by the Executive. Congress alone accepted the bequest and acts as trustee.

### **II. Trustee Duties Under the Uniform Trust Code (D.C.)**

D.C. Code §§ 19-1308.01–1308.04 impose fiduciary duties of loyalty, prudence, impartiality, and accountability. Only Congress and its Regents are bound by these obligations. The President is not a trustee.

### **III. Courts of Equity Have Authority to Compel Execution of Trusts**

*United States v. Nobles*, 30 U.S. at 188: “It is the peculiar province of equity to compel the execution of trusts.” This Court’s equitable jurisdiction squarely applies here.

### **IV. The Executive Branch’s Intervention Is An Ultra Vires Violation of the 4th and 5th Amendments to the U.S. Constitution**

The President’s review and dismissal orders usurp congressional trusteeship and are void. Executive intrusion into a private trust, the private property of an individual, is a breach of fiduciary separation and by extension a clear violation of 4th Amendment rights of “...the people to be secure in their ...effects against unreasonable...seizures, shall not be violated” and “No person shall be... deprived of ... property, without due process of law; nor shall private

property be taken for public use, without just compensation.” 5th Amendment to the U.S. Constitution.

## **V. Irreparable Harm and Public Interest**

Partisan manipulation of exhibits causes permanent distortion of the trust’s purpose — the increase and diffusion of knowledge. Public interest demands independence by a non partisan board of regents under the guardianship of the U.S. Congress or other independent bodies.

## **VI. Balance of Equities**

The President loses nothing by abstaining from unlawful acts. The American people lose everything if executive interference is normalized unlawfully nationalizing the private property of James Smithson in violation of the 4th and 5th Amendments to the United States Constitution.

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## **PRAYER FOR RELIEF**

Plaintiff respectfully requests that this Court:

1. Enjoin Defendants from directing, reviewing, altering, or interfering in Smithsonian affairs;
2. Declare the Smithsonian Institution a private charitable trust under Congressional trusteeship;
3. Affirm that the Executive Branch has no fiduciary authority over the trust;
4. Maintain this injunction pending certification to the U.S. Supreme Court of the Smithsonian’s legal entity status;
5. Grant such other equitable relief as the Court deems just and proper.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Julian Raven". The signature is stylized with a large, sweeping initial "J" and a long, horizontal flourish extending to the right.

Dated: August 15th, 2025

**Julian Raven, Pro Se**

Plaintiff

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**ORDER**

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**

Julian Raven, Plaintiff,

v.

The United States of America; The Executive Office of the President; and Donald J. Trump, et al.

Defendants.

Civil Action No. 25-cv-02332 (TSC)

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## **ORDER GRANTING PRELIMINARY INJUNCTION**

Upon consideration of Plaintiff's Motion for Preliminary Injunction, the memorandum of law, exhibits, and the record herein, the Court finds:

1. Plaintiff has shown likelihood of success on the merits;
2. Plaintiff and the public as beneficiaries of the Smithsonian Trust will suffer irreparable harm without relief;
3. The balance of equities favors Plaintiff; and
4. The injunction serves the public interest.

Accordingly, it is hereby:

**ORDERED** that Defendants, including the Executive Office of the President and President Donald J. Trump, are **ENJOINED** from initiating, directing, enforcing, or otherwise interfering in the affairs, exhibits, reviews, or curatorial decisions of the Smithsonian Institution;



**FURTHER ORDERED** that the Smithsonian Institution is affirmed as a **private charitable trust under the Smithsonian Act of 1846, held by Congress as trustee**, with no lawful fiduciary authority vested in the Executive Branch;

**FURTHER ORDERED** that this injunction shall remain in effect pending further order of this Court and/or certification of the federal question concerning the Smithsonian's legal entity status to the United States Supreme Court.

SO ORDERED.

Dated: \_\_\_\_\_, 2025

Washington, D.C.

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Hon. Tanya S. Chutkan

United States District Judge

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## **TABLE OF AUTHORITIES**

### **Cases**

*Kapiolani Park Preservation Soc'y v. City & Cnty. of Honolulu*, 751 P.2d 1022 (Haw. 1988)

*Town of Pawlet v. Clark*, 13 U.S. (9 Cranch) 292 (1815)

*United States v. Nobles*, 30 U.S. (5 Pet.) 173 (1831)

*Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7 (2008)

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## **Statutes & Codes**

Act of Aug. 10, 1846 (Smithsonian Act of 1846), ch. 178, 9 Stat. 102

D.C. Code §§ 19-1301.01–1310.01 (District of Columbia Uniform Trust Code)

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## **Legislative History & Historical Authorities**

James Smithson, Last Will & Testament (1829)

President Andrew Jackson, Message to Congress (Dec. 1836), Cong. Globe, 24th Cong.

Debates on the Smithson Bequest, Cong. Globe, 29th Cong., 1st Sess. (1846)

William H. Taft, Address on the Smithsonian Institution (c. 1920s)

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## **Secondary Authorities**

Restatement (Third) of Trusts § 78(1)(a) (Am. L. Inst. 2007)

Clark R. Mollenhoff, *Something Smells at Smithsonian*, Des Moines Register (1976)

Charles A. Bowsher, *Independent Review Committee Report on Smithsonian Governance* (2007)

Lonnie G. Bunch III, *A Fool's Errand: Creating the National Museum of African American History and Culture in the Age of Bush, Obama, and Trump* (2019)

## **Affidavit of Service**

I, Julian Marcus Raven, do hereby swear that a copy of this motion was served on Defendants and counsel.

The U. S. Attorney  
Attorney Jeanine Pirro  
601 D St NW,  
Washington,  
DC 20004

Sworn this day, August 15th, 2025

A handwritten signature in blue ink, reading "Julian Marcus Raven", is centered on a light blue rectangular background. The signature is fluid and cursive, with the first name "Julian" being the most prominent.

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