UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

JULIAN MARCUS RAVEN,
Plaintiff-Appellant,

v.

PRESIDENT TRUMP, JOHN G. ROBERTS, et al.,
Defendants-Appellees.

No. 26-5081
Civil Action No. 25-2332

APPELLANT'S NOTICE OF SUPPLEMENTAL AUTHORITY AND REQUEST FOR JUDICIAL NOTICE OF RECENT WHITE HOUSE REPORT CONCERNING THE SMITHSONIAN INSTITUTION

Appellant Julian Marcus Raven, proceeding pro se, respectfully submits this Notice of Supplemental Authority and Request for Judicial Notice concerning the recent White House Domestic Policy Council report titled **"Saving America's Story: How Ideological Capture at the Smithsonian Institution's National Museum of American History Erases Our Heritage."** A copy of the report is attached as **Exhibit A**.

This report is directly relevant to Appellant's pending appeal and to Appellees' Motion for Summary Affirmance. Appellees have argued that Appellant's claims concerning Smithsonian governance, fiduciary breach, politicization, trust administration, institutional nonfeasance, and executive interference amount merely to generalized grievances. The recent White House report, however, identifies the same institutional questions, governance concerns, and trust-status issues that Appellant has placed before this Court.

Appellant does not submit this report to expand the record with disputed facts requiring trial-court factfinding. Rather, Appellant asks the Court to take judicial notice of the existence, contents, and official governmental character of the report as a public governmental document that confirms the continuing importance of the very legal-status question presented in this appeal.

I. The Report Directly Confirms That the Smithsonian's Legal Status Is Central and Unresolved.

Appellant's Statement of Issues identifies the first question on appeal as whether the District Court erred by dismissing this action for lack of Article III standing **without first resolving the antecedent question of federal law: the legal status of the Smithsonian Institution, including whether it operates as a charitable**

trust instrumentality, a federal entity, or a hybrid thereof, where that classification determines the existence of legally protected interests.

The White House report now directly confirms that this question is not abstract, hypothetical, or merely personal to Appellant. In Chapter I, under the heading **"The Smithsonian's Fiduciary Responsibilities,"** the report states that the Smithsonian was created by Congress to carry out the terms of James Smithson's will, namely to found at Washington an establishment for the "increase and diffusion of knowledge among men." It further states that the Smithsonian is not merely a private institution or independent trust, but a **"trust instrumentality of the United States"** carrying out the institutional mission of the trust on behalf of the United States Government.

This is precisely the unresolved legal-status question Appellant has asked the courts to answer. Appellees ask this Court to affirm dismissal for lack of standing while avoiding the legal identity of the institution whose identity determines whether Appellant's asserted trust, statutory, fiduciary, and participant interests are legally protected.

II. The Report Confirms the Hybrid Nature of the Smithsonian and the Governance Chain Appellant Identified.

The report further confirms that the Smithsonian's charter is codified in federal law and that the federal government oversees the Institution through a Board of Regents heavily controlled by Congress, which appoints and approves fifteen of seventeen members. The Board includes the Chief Justice of the United States, the Vice President, members of the Senate and House, and citizen Regents appointed by joint resolution of Congress. The report also states that the Smithsonian Secretary is appointed by the Board of Regents.

This confirms that Appellant's claims are not aimed at a private museum operating beyond public law. The Smithsonian's own governmental structure places the Chief Justice, Vice President, Congress, Regents, and Secretary at the center of institutional governance.

The report also emphasizes that the Smithsonian receives substantial federal appropriations, including $1,080,500,000 in appropriations for Fiscal Year 2026; that some staff are federal employees; that the Institution closes during a government shutdown; and that it also maintains separate "trust funds" and "trust employees."

These facts reinforce Appellant's central position: the Smithsonian is a hybrid public trust instrumentality whose legal status cannot be ignored in the standing analysis.

III. The Report Confirms the Smithsonian's Identity Problem: Public, Non-Agency, Trust, Federal, and Hybrid.

The report recognizes that the Smithsonian is not an "agency" under the Administrative Procedure Act or the Federal Advisory Committee Act and is not a "federal agency" under the Privacy Act or FOIA. Yet it also states that the Attorney General previously concluded that the Smithsonian is an "independent establishment in the executive branch" and an "executive agency" for purposes of the Federal Property and Administrative Services Act, and that the Smithsonian is "so closely connected to the Government that the two cannot realistically be viewed as separate entities."

This official description confirms the exact legal ambiguity Appellant has challenged: the Smithsonian's shifting identity as trust instrumentality, federal entity, non-agency, executive establishment, congressional trust structure, and hybrid public institution.

Appellant respectfully submits that this Court cannot fairly decide Article III standing while leaving this institutional identity unresolved. The legal status of the Smithsonian determines the source and nature of Appellant's asserted injury. If the Smithsonian is a trust instrumentality, then trust-law injury, fiduciary breach, beneficiary interests, and equitable enforcement principles are part of the standing analysis. If it is a federal entity or hybrid institution, then constitutional and statutory accountability principles likewise come into play.

IV. The Report Confirms That the Issues Appellant Raised Are Institutional and Ongoing, Not Merely Personal or Generalized.

Appellees have characterized Appellant's allegations as generalized grievances concerning Smithsonian governance and operation. They have argued that Appellant's claims of fiduciary breach, politicization, loss of institutional independence, and trust-based injury are too abstract to support Article III standing.

The White House report directly undermines that characterization. It states that the Smithsonian is "not just another private cultural nonprofit," but a federally connected trust instrumentality of the United States, overseen by a Board of Regents led by the Chief Justice of the United States and supported by more than one billion dollars per year in taxpayer funding. It concludes that the public has a right to expect the Smithsonian to operate as a faithful steward of the Nation's historic and cultural heritage, not as a vehicle for ideological campaigns.

That language directly parallels Appellant's claims of fiduciary responsibility, donor-purpose breach, ideological capture, trustee dereliction, and failure of lawful administration. The report is not merely commentary; it is a current official governmental report identifying the same ongoing institutional concerns that Appellant has asked this Court to recognize as legally significant.

V. The Report Further Confirms Appellant's Executive-Interference Concern.

The report cites President Trump's Executive Order 14253 and states that the order directs the Vice President, as Regent of the Smithsonian, to work with the Assistant to the President for Domestic Policy to remove improper ideology from Smithsonian properties and recommend further actions, and with the Director of the Office of Management and Budget to prohibit expenditures on certain exhibits or programs.

This is also relevant to Appellant's claims. Appellant has alleged both Smithsonian institutional failure and executive overreach. The report confirms that the President and Executive Branch are now actively attempting to shape Smithsonian content and funding priorities through executive direction.

Appellant does not submit this report to argue that every substantive criticism of the Smithsonian contained in the report is wrong. To the contrary, many of the report's findings support Appellant's long-standing allegations that the

Smithsonian has suffered ideological capture and mission drift. But the report simultaneously confirms Appellant's separation-of-powers concern: even where the President's diagnosis may be correct, the legal cure must proceed through lawful channels. The President is not a unilateral trustee of the Smithsonian. The law is sovereign, and all officers must act within legal authority.

VI. The Report Demonstrates Why Appellees' Motion for Summary Affirmance Should Be Denied.

Appellees' Motion for Summary Affirmance asks this Court to dispose of the appeal without full briefing. It argues that Appellant's claims are plainly generalized and that no further consideration is warranted. But the White House's extensive report now shows that the Smithsonian's trust status, fiduciary responsibilities, governance structure, ideological capture, federal funding, and hybrid legal identity are live and substantial questions of national importance.

Appellant's appeal asks whether the District Court erred by dismissing for lack of standing without first resolving the Smithsonian's legal status. The White House report confirms that this question is not only live, but urgent. It expressly identifies the Smithsonian as a trust instrumentality of the United States, discusses its fiduciary responsibilities, acknowledges its complex federal/non-agency/hybrid status, identifies the roles of the Chief Justice, Vice President, Congress, Regents, and Secretary, and concludes that the Smithsonian has failed to operate as a faithful steward of the Nation's heritage.

Those official findings are directly relevant to the question whether Appellant's claims may be dismissed as generalized without first defining the Smithsonian's legal status. They also directly bear upon Appellant's argument that the Smithsonian cannot shift among legal identities to avoid accountability.

VII. Requested Relief.

For the foregoing reasons, Appellant respectfully requests that this Court:

1. Take judicial notice of the existence and official governmental character of the White House Domestic Policy Council report, **"Saving America's Story: How Ideological Capture at the Smithsonian Institution's National Museum of American History Erases Our Heritage,"** as Exhibit A which can be found at this link due to its volume. https://www.whitehouse.gov/wp-content/uploads/2026/07/Smithsonian-Report-Saving-Americas-Story.pdf
2. Consider the report as supplemental authority confirming the ongoing public, governmental, fiduciary, and legal-status issues presented in this appeal;
3. Deny Appellees' Motion for Summary Affirmance; and

4. Permit this appeal to proceed to full briefing so that the Smithsonian's legal status, trust obligations, fiduciary responsibilities, and Appellant's standing may be addressed under the correct legal framework.

Respectfully submitted,

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JULY 10, 2026

CERTIFICATE OF SERVICE

I certify that on JULY 10, 2026, I served the foregoing **Appellant's Notice of Supplemental Authority and Request for Judicial Notice of Recent White House Report Concerning the Smithsonian Institution** upon all counsel of record through 1ST Class Mail and email.

Respectfully submitted,

Julian Marcus Raven
Plaintiff-Appellant, Pro Se