

# Julian Marcus Raven

714 Baldwin St. Elmira, New York, 14901

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www.julianraven.com www.odiousandcerberus.com

info@julianraven.com 607-301-0991



Chancellor John G Roberts  
Board of Regents  
Smithsonian Institution

**CC Smithsonian Regents and Officials:** Chancellor John Roberts, John Boozman, Catherine Cortez Masto, Patrick Leahy, Doris Matsui, Lucille Roybal Allard, Adrian Smith, Barbara M. Barrett, Steve Case, John Fahey, Roger W. Furguson Jr., Michael Govan, Risa J. Lavizzo-Mourey, Michael M. Lynton, Denise M. O'Leary, Franklin D. Raines, Lonnie Bunch, Richard Kurin, Kim Sajet.

**CC: Congress & Government Committee on Oversight And Reform Members**

Chuck Grassley, Carolyn Maloney, James Comer, Eleanor Norton Holmes, Jim Jordan

**CC: Journalists and Members of the Media who have covered this story over the last five years**

Will Sommer - Daily Beast, Alex Swoyer - Washington Times, Audrey Hoffer - Washington Post, John Aidan Byrne - New York Post, David Webb - Fox News, Bill Martinez Radio, Ed Martin, Andrew Wilcow Show, Dennis Michael Lynch, Andrew Beajon/Jessica Sidman - Washingtonian Magazine, Micah Hart Newsmax TV, Luke Kenton - The Sun, Sky Palmer -Raw Story, Tyler O'Neil - PJ Media, Ryan Lizza-Politico, among others.

**CC: Attorneys, Book Endorsers & Publicists**

Scott Douglas Gerber, Matt Simmons, Allan L. Blutstein, Craig Shirley, Laurence Jarvik, Bill Donohue, Richard Von Sternberg, Jim Boden, Ashok Panikkar, Kevin McVicker

Dear Chancellor Roberts, members of the Smithsonian Board of Regents, and Members of the United States Congress,

I pray this letter finds you well. Enclosed you will find a copy of my new book ***'Odious and Cerberus: An American Immigrant's Odyssey and his Free-Speech Legal War Against Smithsonian Corruption.'*** The book is part memoir and part catalog of the unprecedented events and ensuing legal war that I fought and continue to fight regarding the unresolved issues of federal law regarding the Smithsonian Institution that my lawsuit uncovered. These unresolved issues were used as the unlawful justification for depriving me of my guaranteed 1st Amendment rights of political and artistic free speech, 5th and 14th Amendment due process and equal protection rights, and beneficiary rights as a beneficiary of the Will of James Smithson.

Respected academics from different political persuasions in politics, law, science, sociology, history, art, democracy, and education openly endorsed my book, validating my story and my arguments and supporting my ongoing quest for answers and justice.

In his capacity as U.S. Chief Justice, John Roberts recused himself on January 13, 2020. The U.S. Supreme Court rejected my petition for certiorari regarding my unprecedented and unanswered questions of federal law regarding the Smithsonian entity status, the court refusing its duty, according to Marbury v Madison to simply 'say what the law is.' I address this letter primarily to Mr. John Roberts, in his capacity as chancellor of the board of regents of the Smithsonian Institution, because I know he is aware of my story. This position as chancellor, created by congress (SEC 3 Smithsonian Act of Congress), the principal trustee of the Will of James Smithson, entrusted Chief Justice John Roberts (and the rest of the board of regents) with fiduciary duties as trustee *delegates*. (§ 19–1308.07. Uniform trust code for the District of Columbia) This only could happen because it was Congress alone who was determined to be a fitting fiduciary representative of the People of the United States that could legally accept Smithson's bequest as a trustee on behalf of the beneficiaries of the Will of Smithson. "...and the United States having, by an act of Congress, received said property and accepted said trust; Therefore, For the faithful execution of said trust, according to the will of the liberal and enlightened donor;" SEC1 Smithsonian Act of Congress 1846.

I was deprived of my rights as a beneficiary of the Will of Smithson. American beneficiaries are owed the duties of care, faithful administration of the trust, loyalty, impartiality, prudent administration, and faithful delegation by Smithsonian Trust fiduciary agents. I was also deprived of justice by the federal courts, who have continuously erred in their judgments, echoing Chancellor Warren Burger's speech (see chapter 44 - Courts Continually Confused). The ongoing Smithsonian legal confusion lies at the heart of my being deprived of my constitutional rights. It compels me to make my ongoing appeal to the American People through a highly publicized nationwide book tour and my appeal directly to congress. Congress must call a committee hearing and investigate my research, the glaring legal confusion, and my amendment initiative. These subsequent actions will finally cause the necessary sunlight to

shine on the unresolved issues that the great jurist Louis Brandeis recommended as the necessary disinfectant for all industrial diseases.

With this letter, I am inviting you all, as members of the Smithsonian Board of Regents, to seize the opportunity to get ahead of this issue by initiating your own self-correcting measures of requesting Congress, the principal trustee, to investigate and amend the Smithsonian Act of Congress with a clarification of the legal status of the Smithsonian Institution. In my book, you will find a draft of a bill to amend the Smithsonian Act of 1846. The Smithsonian 2007 IRC Report and Phillip's Samuel Hughes report from 1977 clearly identify the lack of ongoing legislative clarity. Yet, their reports were powerless to compel legal compliance because no one knows what laws apply to the Smithsonian Institution. This prompted Democratic Congresswoman Eleanor Norton Holmes and Senator Chuck Grassley to write separate bills attempting to resolve the glaring legal schizophrenia in different ways highlighted by the distorted rulings in my lawsuit and explained in my book.

In a recent press release from August 18th, 2022, regarding Senator Grassley and FOIA, it reads, "On the floor of the Senate in 2007, Senator Grassley proclaimed that 'Many people would naturally think that the Smithsonian is subject to FOIA (the Freedom of Information Act) and must comply with requests. *I know that I believed it was*, especially given that taxpayer funds make up 70 percent of its budget.'" Grassley's confession is the first step in admitting that there is a glaring problem with the Smithsonian Institution. That problem is a crisis of identity and confusion about the Smithsonian Institution's entity status. As a result, a legal dilemma has been left untamed, bewitching even the esteemed Senator Grassley and others.

This legal entity status confusion is nothing new, though. The problem stretches right back to the very founding of the Smithsonian Institution. Joseph Henry, the first Smithsonian Secretary, authoritatively sounded the alarm and warned regarding the same entity confusion in the first official Smithsonian vision and purpose statement, ratified by the Smithsonian Board of Regents. The Board of Regents, consisting of representatives from the separate tri-part government branches (but are merely trustee delegates of a private trust) and public members, could create a massive constitutional problem if the entity status were allowed to morph into something the Smithsonian was never meant to be. This distortion would violate the boundaries of the separation of powers if left ill-defined and immediately would happen in the instance the Smithsonian was treated, believed to be, or ruled to be as such in the courts. (As did happen in my case, hence the title of my book)

In the 'Programme of Organization' from 1848, in their capacities as merely trustees or trustee delegates, The Vice President, the Chief Justice, three members of Congress, three members of the Senate, and members of the public all agreed with Secretary Joseph Henry's first, second and third article, in a legally binding quorum that, "1. The property is bequeathed to the United States...2. The bequest is for the benefit of mankind...the government of the United States is *merely a trustee* to carry out the design of the testator. 3. The institution is *NOT a national establishment* as is *frequently supposed*, but the establishment of an individual, and is to bear and perpetuate his name."

Now compare Smithsonian Secretary Henry's statement with this recent statement from the chairman of the Committee on Oversight and Government Reform, Congressman Jason Chaffetz. In the 2016 attempt to wrestle and ride the Smithsonian beast into submission, Chaffetz said that the Smithsonian was **"...originally established by a gift to the United States government of more than \$500,000..."** Do you see the glaring error? Notice the error's consequential creep that has deceived even those trying to reform the Smithsonian from the inside? (Please reread the previous paragraph.) Also, compare this fact from the congressional Smithsonian Act of 1846, where immediately upon receipt of James Smithson's gold, in the second article of the same act, the private money, **"...the sum of five hundred and fifteen thousand one hundred and sixty-nine dollars, be lent to the United States Treasury at six percent per annum interest..."**

If the government borrowed the Smithson bequest held in trust by the government as trustee, how can the money be at the same time the government's money, as claimed by Congressman Jason Chaffetz? Simply put, it is not. And this is again the whole problem with the confusion surrounding the Smithsonian Institution, because of its misunderstood entity status or legal composition. Was the private loan money ever paid back? Interestingly, Smithson's bequest was never used in the establishment of the Smithsonian Institution. Congress used the accrued 6% annual interest they owed on the loan over the nearly ten years it took for Congress actually to start building the Smithsonian Institution.

Senator Grassley, back in 2007, began his unsuccessful efforts to lay hold of the slippery legal eel on the floor of the Senate, saying, **"The legal status of the Smithsonian is also an open question with the prevailing law finding that for purposes of the Privacy Act and FOIA, the Smithsonian is not a government "agency" subject to the requirements. Instead, the Smithsonian calls itself a 'trust instrumentality of the United States.' However, the Smithsonian takes a different position when it is faced with a lawsuit filed under the Federal Tort Claims Act and considers itself a 'federal agency.' Taken together, these decisions have given the Smithsonian the best of both worlds--they are a government entity when information is sought that could embarrass them, but when they are sued, they get all the defenses of a government entity."**

In Julian Raven's new book, 'Odious and Cerberus: An American Immigrant's Odyssey and his Free-Speech legal War against Smithsonian Corruption', Raven exhaustively documents the legal schizophrenia he too encountered, which is pertinently illustrated in Federal Judge Trevor McFadden's ruling. The judge claimed that the Smithsonian Institution is the government **"through and through...the National Portrait Gallery has historically communicated messages from the government, in the sense that it compiles the artwork of third parties for display on government property,"** and yet Peter G. Powers, former Smithsonian's general counsel, from another Smithsonian scandal documented in the book, said, **"that virtually all Smithsonian properties, including the museums on the Mall in Washington, legally belong to the Institution and not to the federal government..."** In a speech written for Chief Justice Warren Burger, he quotes Chief Justice Howard Taft in his capacity as Smithsonian

Chancellor saying, ***“The Smithsonian is not, and never has been considered a government bureau. It is a private institution under the guardianship of the government.”***

The Smithsonian Institution’s legal schizophrenia is no longer out of the public eye. Please see the recent publicity surrounding publishing my book at [www.odiousandcerberus.com/media](http://www.odiousandcerberus.com/media). Providentially, this duty has been dropped into my lap to resolve, and by God's grace, I will resolve it. John Quincy Adams eloquently invoked God as the source of knowledge to be increased and diffused in one of his arguments, justifying Congress’ acceptance of the Smithson bequest. As a result, I believe that God has been invited into partnership with the Smithsonian Trust under the care of the U.S. Congress. God, as the author of trusteeships, from entrusting the garden of Eden to man’s care, through the Mosaic Law, The New Testament commissions, formalized in the guardianships in the Magna Carta and the sacred fiduciary duties in American Trust Laws and Codes, is looking for faithfulness in you and me, the stewards of His trust. May He find us all faithful in our commissions on that day!

I look forward to hearing from you promptly about your plans to initiate the necessary process at the next board meeting in October 2022 to compel the U.S. Congress, the principal Smithson trustee, to amend the Smithsonian Act of 1846 with all of the legal clarifications enumerated in the People’s Smithsonian Amendment and Reform Bill on page 441 of my book. I expect the Board of Regent’s compliance with the Uniform Trust Code for the District of Columbia to inform and report to the beneficiaries of the Smithson trust (§ 19–1308.13.), especially since 700 million dollars of the taxpayer’s hard-earned money passes through your fingers and into Smithsonian coffers. The 2022 Board of Smithsonian Regents can become known as the reformers who once and for all compelled clarification, bringing the Smithsonian Institution into compliance with the law and U.S. Constitution!

Sincerely,  
Julian Raven

P.S. For now, since the Federal Courts and Judge McFadden (Case No. 1:17-cv-01240 TNM) have determined that the Smithsonian Institution is a government institution “through and through” please send me, asap, all of the information regarding the time and location surrounding the upcoming October 24th, 2022, board meeting. As a beneficiary of the Will of Smithson and a citizen of the United States, I look forward to attending this upcoming public meeting along with members of the press to make public comments and listen to the discussions surrounding the issues raised in this letter.

P.P.S. I invite all of the recipients of this letter to join me at the October 24th, 2022, board meeting at the Smithsonian Institution. Please email me with your desire to attend with me to [info@julianraven.com](mailto:info@julianraven.com), and I will forward you all the necessary information as soon as I receive it.