

and  
Once respected, admired and quoted, today rarely referred to ~~as it is~~  
cited even less, one of the earliest of our nation's writers stirred the minds of  
those seeking freedom from tyranny with bluntness and honesty, writing of living  
in the time <sup>that</sup> tried men's souls; and of summer soldiers and winter soldiers.  
There since <sup>have</sup> has always been times that tried men's souls <sup>have</sup> but there has not always  
been writers to stir the minds of those who want freedom from any tyranny or  
oppression for there are summer soldiers among writers, too. As there are among  
lawyers, judges, legislators and others.

The greatest tyranny in a society and the greatest threat to the freedom  
envisioned by those who established our freedom is any governmental effort to  
stifle information, which is the life's blood of any freedom. What the government  
has done throughout this litigation and most of all in its seeking of sanctions  
is a <sup>2</sup> much more modest equivalent of what in our earliest day was sought as  
punishment for Zenger.

*a Hamilton other than*  
~~his~~ defender was later to write when he and others were seeking to make  
their newly-won freedom more secure and permanent (in The Federalist Papers No. 25)

"For it is a truth which the experience of all ages has attested, that the  
people ~~most commonly~~ are commonly most in danger when the means of injuring their  
rights are in the possession of those of whom they entertain least suspicion."

This remains a truth after more than two centuries and ~~it is~~ the experience  
of all ~~that time~~ the time since then confirms it as a continuing truth.

We have been raised to believe that we ought entertain least suspicion of  
our government and our courts, and they remain <sup>possessed of</sup> ~~possess~~ the means of injuring our  
rights - more than any foreign tyranny could. Whatever their perceptions, motives  
and desires of the time they have injured writers who had violated no law and in  
so doing they injured the rights of all because all are informed by writers and  
our freedom survives on the information writers provide.

This government has not denied, for indeed it cannot deny what its own records  
leave beyond question, that it has waged a long campaign against the writer who

as plaintiff in this litigation has been turned into the defendant by the government and the courts. The judgement from which he seeks relief is merely the latest and boldest effort against him and his writing, writing that has ~~been~~ and will ~~be~~ <sup>remain</sup> embarrassing to the government which, <sup>like</sup> ~~as~~ all governments, refuses to recognize that it is strengthened and improved by criticism from which it ~~can~~ learn and benefits.

The government and the courts can injure him, but they cannot do any injury to him ~~without~~ injuring the most precious rights of all. This is the teaching of the founders, the <sup>experience</sup> ~~wisdom~~ of the ages, the lesson of history (which for two decades this plaintiff has sought to serve), and the lessons of history, the teaching of the founders and the ~~experience~~ of the ages ought not be lost in - and to - the courts.