

MAY SOLIDARITY AND SPEECH DEFEAT PARDONS AND TANKS

The site was bolloxed last night and most of the day so I didn't even get to tailor the videos showing that the kidnapping of Ras Baraka on May 9 was premeditated, but I did want to alert you to this opinion from Reagan appointed senior judge William Young, ruling that Trump's retaliation against immigrants who speak out for Palestinian rights violates the First Amendment.

The entire 161-page opinion is fashioned as a response to an anonymous postcard Judge Young received while presiding on this case. Young responds to the question, "WHAT DO YOU HAVE?" to respond to Trump's pardons and tanks.

Post card dated June 19, 2025
(On file in Chambers)

19 JUNE 2025

TRUMP HAS PARDONS
AND TANKS...
WHAT DO YOU
HAVE?

Dear Mr. or Ms. Anonymous,
Alone, I have nothing but my
sense of duty.
Together, We the People of the
United States -- you and me --
have our magnificent Constitution.
Here's how that works out in a
specific case --

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Alone, my sense of duty. Together, we have ...
this 161-page opinion.

He ends by returning to his anonymous
interlocutor, inviting him or her to see how
juries work.

I hope you found this
helpful. Thanks for writing.
It shows you care. You
should.

Sincerely & respectfully,
Bill Young

P.S. The next time you're in
Boston [the postmark on the card
is from the Philadelphia area]
stop in at the Courthouse and
watch your fellow citizens, sitting
as jurors, reach out for justice.
It is here, and in courthouses
just like this one, both state and
federal, spread throughout our land
that our Constitution is most vibrantly
alive, for it is well said that "Where a
jury sits, there burns the lamp of
liberty."

Much of the rest, especially starting on page
148, where he examines whether there is a remedy
he can award plaintiffs, catalogues Trump's
harms.

A section describes how Trump ignores mores and
pushes and pushes until someone stands up; Young
describes how many institutions of Free Speech
have caved.

This is indubitably true. The
Constitution, our civil laws,
regulations, mores, customs, practices,
courtesies – all of it; the President
simply ignores it all when he takes it
into his head to act. A broad swath of
our people find this refreshing in what
they may feel is an over regulated
society. After all, lawyers seem to have
a penchant for telling you what you
can't do. President Trump simply ignores
them.⁵⁰

This is not to suggest that he is
entirely lawless. He is not. As an
experienced litigator he has learned
that -- at least on the civil side of
our courts -- neither our Constitution
nor laws enforce themselves, and he can
do most anything until an aggrieved
person or entity will stand up and say

him “Nay,” i.e. take him to court. Now that he is our duly elected President after a full and fair election, he not only enjoys broad immunity from any personal liability, *Trump v. United States*, 144 S.Ct. 2312 (2024), he is prepared to deploy all the resources of the nation against obstruction. Daunting prospect, isn’t it?⁵¹

Small wonder then that our bastions of independent unbiased free speech -- those entities we once thought unassailable -- have proven all too often to have only Quaker guns.⁵² Behold President Trump’s successes in limiting free speech -- law firms cower,⁵³ institutional leaders in higher education meekly appease the President,⁵⁴ media outlets from huge conglomerates to small niche magazines mind the bottom line rather than the ethics of journalism.⁵⁵

⁵⁰ Let’s be honest. In our secret heart of hearts, many of us are tiny Trump wannabes. After all, who does not feel the urge to stride about, “sticking it to The Man,” wrecking institutions and careers simply because we find them irksome? Most of us, however, ascribe to Shakespeare’s famous adage: “O, it is excellent To have a giant’s strength; but it is tyrannous To use it like a giant.” *MEASURE FOR MEASURE*, act 2, scene 2.⁶⁶

⁵¹ The federal courts themselves are complicit in chilling would-be litigants. It is not that we are less than scrupulously impartial. We demonstrate our judicial independence and utter impartiality every day whatever the personal cost. It is, rather that in our effort to be entirely fair, thorough, and transparent, we are slow, ponderously slow. This in turn

means we are expensive, crushingly so for an individual litigant. Frequently, the threat of federal civil litigation, however frivolous, is enough severely to harass an individual and cause his submission. The flurry of activity on the Supreme Court's emergency docket is itself a tacit admission that, when dealing with an administration that is admittedly seeking to "flood the zone," it needs to intervene to correct rulings that, if not immediately remedied, will remain in effect far too long.

52 A term from our Civil War – logs painted black to look like cannons.

53 But not all of them. See infra.

54 But not all of them. See infra.

55 But not all of them. See infra.

But not all of them.

But not all of them.

But not all of them.

And several pages later, Judge Young describes which law firms, which media outlets, which university, have stood up to Trump's bullying.

This Reagan appointee ends – just before inviting his anonymous interlocutor to attend a jury trial – by invoking Reagan, and asking whether Trump, whose bullying he has laid out over a dozen pages, is simply counting on American complaisance.

To this delicate task the Court will turn in the remedy phase.

Freedom is a fragile thing and it's never more than one generation away from extinction. It is not ours by way of inheritance; it must be fought for and defended constantly by each generation, for it comes only once to a people.

President Ronald Reagan, Inaugural Address as Governor of the State of California (January 5, 1967).⁶⁴

I first heard these words of President Reagan's back in 2007 when my son quoted them in the Law Day celebration speech at the Norfolk Superior Court. I was deeply moved and hold these words before me as I discharge judicial duties. As I've read and re-read the record in this case, listened widely, and reflected extensively, I've come to believe that President Trump truly understands and appreciates the full import of President Reagan's inspiring message -- yet I fear he has drawn from it a darker, more cynical message. I fear President Trump believes the American people are so divided that today they will **not** stand up, fight for, and defend our most precious constitutional values so long as they are lulled into thinking their own personal interests are not affected.

Is he correct?

It may be bounced on appeal (he cited AP's challenge to Trump's sanctions on them, which they lost on appeal).

But the speech is the thing.