

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

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| NICHOLAS BLANCHARD, | : | |
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| Plaintiff, | : | |
| | : | Case No. |
| v. | : | |
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| AUGUSTA BOARD OF EDUCATION; | : | |
| MARTHA WITHAM, Chair, Augusta | : | |
| Board of Education, in her official and | : | |
| individual capacities; and AUGUSTA | : | |
| SCHOOL DEPARTMENT; | : | |
| | : | |
| Defendants. | : | |
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DECLARATION OF NICHOLAS BLANCHARD

I, Nicholas Blanchard, declare the following based on my personal knowledge:

1. I live in Augusta, Maine. I am the father of a school-aged child who is eligible to attend public school in Augusta.
2. Currently, my child does not attend any Augusta public school. If the educational situation in Augusta improved, I would consider enrolling my child in Augusta public schools.
3. I am active in local politics and, in November 2025, announced that I am running for a seat on the Augusta Board of Education. The next school board election is in November 2026.
4. As part of my political activism, I comment on education and other issues of local governance at Augusta city council meetings and Augusta Board of

Education meetings. I also post on social media about political issues and share videos of my public comments on my X (formerly Twitter) account: Corn Pop from Maine (@pwa1776).

5. The platform for my campaign for election to the Augusta Board of Education focuses on raising the educational ranking of Augusta's schools; ensuring biological females have sports teams, bathrooms, and locker rooms restricted to their biological sex; protecting free speech and parental rights; and removing political indoctrination from the school curriculum so that teaching concentrates on reading, math, and science. My campaign's slogan is "Make Education First Again."

6. I believe that allowing biological males to play women's sports or enter sex-segregated spaces puts biological females at risk for physical and mental injury and undermines fair competition.

7. I do not believe people can change their biological sex based on their feelings about their sex or gender. I also believe the First Amendment protects my right to express this position, as well as the right of other people to disagree.

8. I have promoted these positions and criticized Augusta leaders who oppose them through my public comments and activism.

9. Under Maine law, "[a] school board shall provide the opportunity for the public to comment on school and education matters at a school board meeting. Nothing in this subsection restricts the school board from establishing reasonable standards for the public comment period, including time limits and conduct standards." 20-A M.R.S. § 1001(20).

10. The Augusta Board of Education (the governing body of the Augusta School Department) holds a monthly business meeting on the second Wednesday of the month. Each meeting features a time period for public comment.

11. The Augusta Board of Education has a written policy, Policy BEDH, that governs “Public Participation at Board Meetings.” Exhibit A is a true and correct copy of Policy BEDH, as of January 5, 2026. Policy BEDH is also available on the school district’s website at <https://www.augustaschools.org/documents/board-of-education/adopted-policies/b.-school-board-governance-%26-operations/516266>.

12. Under Policy BEDH, “[a]ll meetings of the Augusta Board of Education are open to the public,” and “the Board will provide appropriate opportunities at its meetings for members of the public to express opinions and concerns related to the matters concerning education and the Augusta Board of Education schools.” During public comments, “members of the public may speak on any subject directly related to the operations of the schools, except for personal matters or complaints concerning specific employees or students.”

13. Under Policy BEDH, the board’s “Chair shall be responsible for maintaining proper order and compliance with these guidelines.” “The Chair has the authority to stop any presentation that violates these guidelines or the privacy rights of others.” Indeed, “[p]ersons who disrupt the meeting may be asked to leave, and the Chair may request law enforcement assistance as necessary to restore order.”

14. Although Policy BEDH does not establish a fixed amount of time that each public commenter can speak, “[t]he Chair may limit the time allotted for comments on a particular topic as well as the time each individual may speak.”

15. Under Policy BEDH, “[s]peakers are not permitted to share gossip, make defamatory comments, or use abusive or vulgar language.” The policy also states “[n]o complaints or allegations will be allowed at Board meetings concerning any person employed by the school system or against particular students. Personal matters or complaints concerning student or staff issues will not be considered in a public meeting but will be referred through established policies and procedures.”

16. Policy BEDH specifically refers speakers to a different policy (Policy KE, “Public Concerns and Complaints”) to use for such complaints. Exhibit B is a true and correct copy of Policy KE, as of January 5, 2026. Policy KE is also available on the school district’s website at <https://www.augustaschools.org/documents/board-of-education/adopted-policies/k.-school%2Fcommunity-relations/23017168>.

17. Policy KE states that “[p]arents, students or other citizens with complaints or concerns regarding any aspect of the Augusta School Department or an employee thereof shall be encouraged to seek a resolution at the lowest possible level.” Policy KE makes an “exception[]” for “complaints that concern Board actions or operations. Such complaints should be addressed to the Board Chair.”

18. I have attended many meetings of the Augusta Board of Education. At the start of each meeting’s public comment period, the board’s Chair, Martha Witham, reviews the requirements of Policy BEDH and states the amount of time each

commenter can speak. The time limit varies from meeting to meeting based on the number of people who wish to comment. At meetings that I have attended, the time limit has been between two minutes and five minutes per speaker.

19. At the July 9, 2025, meeting, Chair Witham read a statement explaining Policy BEDH at length. The Chair noted that people had asked her to define terms in this policy. Thus, looking at Merriam-Webster Dictionary, the Chair defined “exactly what” two terms in Policy BEDH mean. According to the Chair, “a defamatory statement” is a statement “that can injure one’s reputation.” “Abusive” language is “language that is harmful or offensive to a person.”

20. Video recordings of all board meetings are available at a website managed by the school district, at <https://vimeo.com/showcase/augustaschoolboard>. Chair Witham’s explanation of Policy BEDH during the July 9 meeting is at <https://vimeo.com/showcase/augustaschoolboard?video=1092644647>, between time stamps 1:34:22 and 1:38:08.

21. Two months earlier, during the meeting on May 14, 2025, a dispute arose among members of the Augusta board about whether Chair Witham had enforced Policy BEDH correctly. This dispute began after a public commenter made statements that at least one board member, Kati McCormick, viewed as criticizing that board member. This dispute is at <https://vimeo.com/showcase/augustaschoolboard?video=1074124806>, between 2:03:52 and 2:10:16.

22. During this dispute, one board member, Charles Hicks, stated that “the policy is that we will not speak positively or negatively about any school personnel.” Chair Witham responded “No, no, that is not the policy at this time.” The Chair clarified that the policy “is only that we won’t speak negatively.”

23. After another board member (McCormick) noted that Policy BEDH does not mention “negativity” but only refers to “defamatory comments” and “abusive or vulgar language,” the Chair stated that this terminological distinction is “just mincing words on that.”

24. At the close of this dispute, Witham stated, “the Chair will do her job” and instructed the commenter to keep future comments “non-negatory.”

25. I first gave public comments at the January 8, 2025, meeting. At that meeting, the Augusta Board of Education discussed amending its discrimination and harassment policies regarding gender identity. Under the proposed revisions, a student could be disciplined for speaking out against a transgender student using locker rooms or bathrooms that did not match that student’s biological sex.

26. During my comments, I opposed the proposed policy changes as endangering women’s rights and safety. I referred to male board members who supported the changes as “soft beta males who won’t stand up for what is right” because they failed to protect safe sex-segregated facilities for biological females.

27. At that point, Chair Witham interrupted to say, “I am sorry, but disparaging remarks are not allowed.” I said, “OK,” and continued my comments. I avoided remarks that I believed could be construed as disparaging so that I could

continue speaking. The board permitted me to finish without additional interruption.

28. My January 8 comments are at <https://vimeo.com/showcase/augustaschoolboard?video=1038397320>, between time stamps 49:18 and 52:08.

29. On February 12, 2025, I commented again, to urge the board to follow President Trump's executive order interpreting Title IX by keeping biological males out of women's sports and women's single-sex locker rooms. I handed out a copy of this executive order to each member of the Board of Education.

30. During these comments, I acknowledged that the president of the Maine Principals' Association (MPA) was present and stated that the MPA's actions would cause Maine public schools to lose federal funding. Among other activities, the MPA sponsors interscholastic championship competitions in more than two dozen high school sports in Maine. The MPA had previously issued a statement confirming that it would allow transgender athletes to compete in sports that do not match their biological sex, despite President Trump's executive order forbidding this.

31. Kim Liscomb, the president of the MPA, is also the principal of Cony Middle and High School in Augusta. During my comments, I did not use Liscomb's name or mention her role as principal of a local high school. But I referred to her role as president of the MPA and pointed my finger in her direction.

32. Chair Witham then interrupted and said, "Excuse me, no disparaging remarks. They are not allowed." After I objected that nothing that I said was

disparaging, the chair stated that “those remarks are inappropriate; I am sorry.”

According to the Chair, “We aren’t accepting any comments about our personnel.”

33. When I tried to continue speaking despite this interruption, the Board of Education voted to go into recess, which ended my comments.

34. My February 12 comments are at

<https://vimeo.com/showcase/augustaschoolboard?video=1055408924>, between 1:37:40 and 1:43:35.

35. At the meeting on March 12, 2025, I delivered public comments discussing the threat to federal funding and criticizing the MPA. I did not mention MPA President Liscomb, either by name or by position. The board never interrupted me and permitted me to finish my comments without incident.

36. On April 9, I began my comments by thanking the six board members who (the month before) had voted for Augusta schools to comply with Title IX’s rules regarding to transgender athletics. Chair Witham did not interrupt me or stop me from thanking them. I criticized the one board member who voted against this. I did not use that board member’s name. Chair Witham immediately interrupted me, to say, “I am sorry, but negative comments will not be allowed.”

37. Next, I discussed how I was gathering signatures on a formal petition asking the board to vote to fire Liscomb from her job as principal of Cony Middle and High School because of her actions as president of the MPA disregarding Title IX’s requirements. The chair again interrupted and stated, “I am sorry—that is not going to be tolerated.”

38. After I stressed that Liscomb is a public figure (not just a school employee), Witham repeated, “Nope, I am sorry; it will not be tolerated. I am going to ask you to step from the podium. That’s the second warning I am going to give you about making defamatory remarks about school personnel.”

39. When I asked the Chair to clarify how my comment was defamatory, she did not explain but stated that “I am not going to allow you to speak to school personnel in any way” and that “these comments will not be tolerated at the meeting directed to us or anybody else in this room.” According to the Chair, “It was involving an employee. It will not be tolerated.”

40. Instead of using Liscomb’s name, I tried to speak about the petition, referring instead only to “the president of the Maine Principals’ Association.” The Chair then told me, “Nope, close enough, you’re done, Mr. Blanchard. You’re done Mr. Blanchard.” I was not allowed to finish, even though I had approximately three minutes of my five-minute comment period remaining.

41. My April 9 comments are at <https://vimeo.com/showcase/augustaschoolboard?video=1069039362>, between 46:05 and 48:20.

42. Instead of delivering normal comments the May 14 meeting, I stood at the podium with my mouth taped and “I can’t speak” written on the tape. I then played a recording of a previously prepared statement about the First Amendment that I had written. The computer program playing this recording read it in the voice of

President Trump, but the recording explicitly identified me by name as the author of the recording's words.

43. Chair Witham interrupted to say that I must speak in my own voice, or she would have me removed. I left the podium and placed a flag of the People's Republic of China on the Chair's desk. The board then voted to recess, without allowing me to complete my comments.

44. My May 14 comments are at <https://vimeo.com/showcase/augustaschoolboard?video=1074124806>, between 1:29:15 to 1:30:52.

45. At the June 11 meeting, I spoke about how the board had repeatedly censored my comments while allowing other speakers (who opposed my beliefs) to make disparaging remarks about me personally and about others.

46. I highlighted a speaker (Jennifer Carran of Falmouth) who criticized me personally during her comments at the April and May meetings. Both times, the board let her speak for her entire comment period and, in April, one board member even applauded at the end of her remarks.

47. I followed this by criticizing the board itself, for placing ideology over academic excellence. I stated that "we are done watching the alphabet cult shove its propaganda down our throat and in our schools."

48. Chair Witham interrupted to tell me to "please refrain from disparaging remarks." She refused to explain what was disparaging in my remarks. Instead, the

chair waited silently until the buzzer signaled that my time was up and then told me to step away from podium.

49. I protested that my time was only up because half of my time had been used by the Chair herself. The Chair then told an officer to remove me. To avoid getting removed by the officer (or even arrested), I stepped away from the podium and left the room.

50. My June 11 comments are at <https://vimeo.com/showcase/augustaschoolboard?video=1084472398>, between 2:43:43 to 2:48:08.

51. On July 9, Chair Witham addressed me before I started my comments. She told me to follow Maine law and Policy BEDH during my comments and to confine myself to “education and the Augusta schools as required.”

52. In my comments, I insisted that the board’s policy is un-American and does not overrule the First Amendment.

53. Towards the end of my comments about censorship, I criticized a board member for rarely attending meetings. The Chair interrupted and said, “Excuse me, but we are not going to do derogatory comments to individuals.” I left the podium a few seconds later when my time ended.

54. My July 9 comments are at <https://vimeo.com/showcase/augustaschoolboard?video=1092644647>, between 1:38:18 to 1:43:03.

55. On August 13, I began by noting that Board of Education members are not hired by the school district and thus are not employees under the rules governing public comment.

56. After that, my public comments focused on criticizing the board for enforcing Policy BEDH selectively, so that the board only prevents negative comments by people opposed to the school board's political positions. I stressed that when the board agrees with a speaker, the board permits that speaker to violate the rules without interruption. I noted that one speaker (Carran) has repeatedly criticized me, but her comments were not treated as defamatory remarks.

57. I referred to one school board member (Susan Parks) by name as "Ms. Susan" and stated that this is why I put a communist Chinese flag on the chair's desk. Chair Witham interrupted to say, "Excuse me, but we are not going to have rude comments either."

58. I continued to speak, avoiding remarks that I believed could be construed as rude so that I could finish my comments. The Board of Education allowed me to complete the remainder of my three-minutes of speaking time without further interruption.

59. My August 13 comments are at <https://vimeo.com/showcase/augustaschoolboard?video=1100157502>, between 1:40:02 and 1:44:10.

60. On September 10, I spoke twice: once for my own public comments and the second time because a different public commenter yielded the remainder of her

time to me. I was allowed to finish my comments. My comments concentrated on a letter that the Foundation for Individual Rights and Expression (FIRE) sent to the Augusta Board of Education on September 8, which outlined constitutional problems with Policy BEDH. I warned the board that it would eventually be sued unless it changed its policy and practices.

61. Exhibit C is a true and correct copy of FIRE's September letter. This letter was downloaded from FIRE's website on January 5, 2026. This letter is also available on FIRE's website at <https://www.thefire.org/research-learn/fire-letter-augusta-schools-policy-committee-september-8-2025>.

62. On November 27, FIRE provided the board with a version of Policy BEDH containing recommended changes.

63. Exhibit D is a true and correct copy of FIRE's recommended changes. This document was downloaded from FIRE's website on January 5, 2026. This document is also available on FIRE's website at <https://www.thefire.org/research-learn/fire-suggested-edits-and-explanation-letter-augusta-schools-november-17-2025>.

64. On October 10, I spoke about how uncomfortable it is for girls to have biological males change in front of them in their locker room. Three people in audience stood up and changed their clothing during my comments, to exemplify my point. The board permitted me to finish my comments without interruption.

65. On November 12, I used my public comments to announce that I am running in 2026 for election to the school board. I also challenged an incumbent

board member (Charles Hicks) to a public debate. The board permitted me to complete my comments without interruption.

66. I want to publicly comment at future Augusta Board of Education meetings in order to express my opposition to the school district's transgender policies; to criticize the board and individual members for their violation of First Amendment rights; to criticize the board and the school district about curricular and budgetary matters; and to petition the board to fire Kim Liscomb or other employees who have promoted unlawful policies.

67. In my future public comments, I intend to express myself in the same way that I did previously, using words and phrases that the board may find negative, defamatory, derogatory, disparaging, abusive, gossipy, vulgar, or rude.

68. I intend to refer to board members and to school employees by name or by position. Although I do not intend to bring formal complaints under Policy KE about school employees at board meetings, I do intend to criticize employees and board members when that criticism is relevant to the school matter under discussion or to a petition being presented.

69. I also want to criticize the school board's public comment policy and its past treatment of me. I believe that Policy BEDH violates the First Amendment and hypocritically allows the board to silence dissenters while authorizing negative comments by speakers who agree with the board. I intend to criticize the board's policy and practices using words the board may find negative, disparaging, and "defamatory" (under the definition that Chair Witham gave in July).

70. I believe, however, that Chair Witham and the Augusta Board of Education will not permit me to express my positions using the language that I wish, because they judge my comments to violate provisions of Policy BEDH. I believe that, if I were to speak as I wish, I would again get interrupted, prohibited from speaking, threatened with removal, and have my time forfeited.

71. In order to speak without interruption, I believe that I would need to self-censor and avoid anything that could be characterized as negative.

72. I find it frustrating and degrading to have my comments interrupted and sometimes cut short, as they have been in the past, especially because other speakers are allowed to promote their viewpoints using negative language.

73. Although I continue to publicly comment about school issues, at times Policy BEDH and the board's selective enforcement of that policy impacts my choice of words, the viewpoints I discuss, and the frequency and length of my speech.

74. To avoid interruption and removal, I have refrained from commenting at board meetings using some of the language and rhetoric that I wish to use, because of the threat that the board will interrupt me, cut short my time, and have me removed. I will continue to self-censor and modify my speech in this way when I speak at future meetings.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 26, 2026



Nicholas Blanchard