

of allegiance, as a member, at a school board meeting. Defendant was leading the pledge to honor all the men and women serving in the military all over the world to protect our Freedom of Speech.

4. This order violates all the SCOTUS rulings protecting Defendant's First Amendment rights. It should be reversed immediately. Prior to bring heard before the First Circuit and finally SCOTUS. At some point along this line of appeals a court, will reverse this decision as it violates the law handed down repeatedly by SCOTUS. Plaintiff has noted the case comments in bold to make them easily read by the court.

APPLICABLE LAW

5. The First Amendment right to **“petition the Government for a redress of grievances”** is so fundamental as to be **“implied by ‘[t]he very idea of a government, republican in form.’”** *BE&K Const. Co. v. NLRB*, 536 U.S. 516, 524-525 (2002)

(quoting *United States v. Cruikshank*, 92 U.S. 542, 552 (1876)).

6. With respect to Defendant's criticisms of the conduct and false statements of the Complainant leading up to the arrest. This sort of expression lies at the heart of the speech the First Amendment protects. Because **“the Constitution created a form of government, under which ‘[t]he people not the government, possess the absolute sovereignty,”** the right of free public discussion of the stewardship of public officials” is **“fundamental.”** *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 274-275 (1964)

(quoting James Madison, Report of 1800, in 4 Elliot's Debates on the Federal Constitution 569 (1863).

7. Precisely because litigation and public criticism are essential to holding government accountable, this Court (SCOTUS) **“has frequently reaffirmed that speech on public issues occupies the highest rung on the ‘hierarchy of First Amendment values,’ and is entitled to special protection.”** *Connick v. Meyers*, 461 U.S. 138, 145 (1983) (quoting *NAACP v. Claiborne Hardware*, 458 U.S. 886, 913 (1982)). This is particularly true where, as here, the expression comes from a private citizen.

Relying on this principle, this court (SCOTUS) has explained that **“[s]uch speech cannot be restricted simply because it is upsetting.”** *Snyder v. Phelps*, 562 U.S. 443 458 (2011). It is a **“bedrock principle underlying the First Amendment”** that **“the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”** *Texas v. Johnson*, 491 U.S. 397, 414 (1989). **Even less can it suppress expressions on the ground that the expression is upsetting, offensive, or disagreeable to government officials.** **“[D]ebate on public issues should be uninhibited, robust, and wide-open,”** and **“it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.”** *N.Y. Times Co.* 376 U.S. at 270. This Court (SCOTUS) long ago repudiated the doctrine of seditious libel in favor of a **“theory of our Constitution,”** which values free speech as essential to, not subject to the vicissitudes of, our

political system.” *Bd. of Cty. Comm’rs v. Umbehr*, 518 U.S. 668, 681 (1996) (quoting *Abrams v. United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting)).

The First Amendment forbids the government from abusing its arrest powers to retaliate against protected activity.

WHEREFORE: Defendant respectfully moves this Court pursuant to public policy and pursuant to the First Amendment to the Constitution of the United States, that this Motion be Granted and Defendant be allowed to Appeal to the Supreme Court of Maine.

MICHAEL DOYLE, Defendant
PMB 329
1465 Woodbury Ave.
Portsmouth, NH 03801
207.766.6644

May 6, 2023