
UNITED STATES DISTRICT COURT

for the

District of Massachusetts (Boston Division)

) Case No. 1: 24-cv-11909-MJJ

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Mark C. Bashaw, Brandon Hayes, & William N.
Moseley Jr. (*Pro Se*)

Plaintiff(s)

-v-

Sean Reardon, in his official capacity as Mayor,
Newburyport, Massachusetts

Defendant(s)

Plaintiffs' Opposition to Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6)

Plaintiffs' Opposition to Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6)

"Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it." – Judge Learned Hand

I. Introduction

The plaintiffs, Mark C. Bashaw, Brandon Hayes, and William N. Moseley Jr., submit this opposition to the defendant's Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6). The defendant's motion overlooks key facts and mischaracterizes the nature of this case and continues to subvert human nature itself. This case is not about government speech or technical legalities—it concerns the unlawful actions of a government official, the defendant (Mayor Sean Reardon), who has violated his oath to the Constitution and acted in a manner that undermines the objectives ordained by 'We the People.' This case concerns upholding the Constitution, natural law, and the Republic. The actions of Mayor Reardon go beyond symbolic speech and represent a Foreign Belligerent Ideology (FBI) that directly contradicts the natural law and the founding objectives of this nation. By raising the transgender flag, the defendant has endorsed an ideology foreign to the Constitution and repugnant to natural law—the foundation of our society. We the People, created by God, ordained this Constitution, and any attempt to undermine its objectives through foreign belligerent ideologies is unlawful.

II. Definitions

1. **Natural Law:** A rule of conduct arising out of the natural relations of human beings, established by the Creator, and existing prior to any positive law. It is discoverable by reason and dictates what is right or wrong by the nature of mankind.

2. **Foreign Belligerent Ideology (FBI):** An ideology or set of beliefs originating outside the established legal, cultural, or political framework of a nation, which is seen as hostile or antagonistic to the core objectives, principles, or sovereignty of that nation. In this context, "foreign" refers to being external or unrelated to the constitution and foundational lawful systems, while "belligerent" implies an aggressive or confrontational stance that undermines or opposes the established order and objectives.
3. **Republic and Republican: Republic:** A commonwealth; a state in which the exercise of the sovereign power is lodged in representatives elected by the people. In a republic, the people exercise sovereignty through their representatives. **Republican:** Refers to the form of government guaranteed by the U.S. Constitution, which ensures a Republican Form of Government (Article IV, Section 4). In this context, it means a government where the powers of sovereignty are vested in the people and exercised by representatives chosen by the people.
4. **Oath:** A solemn affirmation or declaration, made with an appeal to God for the truth of what is affirmed. The appeal to God in an oath implies that the person imprecates His vengeance and renounces His favor if the declaration is false, or if the promise is broken.
5. **Swear:** To take an oath; to declare on oath the truth of a statement; to administer an oath to a witness or other person. It involves calling upon God to witness the truth of the statement.
6. **Notice:** Information, an advice or warning, whereby a person is apprised of some fact which it is incumbent on him to know, and which it is the duty of the notifying party to communicate. The plaintiffs sent lawful notice to Mayor Reardon, warning him to cease and desist the actions at issue in this case.
7. **Opportunity:** A set of circumstances or a suitable occasion for the purpose of being heard, for acting, or for exerting oneself. It often refers to a legal opportunity given to someone

to assert their rights or defend against claims. The plaintiffs provided the defendant an opportunity to comply before initiating legal action, but the defendant ignored it.

8. **Government Speech:** Speech made or sanctioned by the government, often in the context of a government institution or public official. It involves statements or endorsements by government officials or agencies. In this case, the act, sanctioned by the defendant in his official capacity on publicly owned property, unlawfully endorses an ideology that contradicts natural law and the Constitution, violating the duties of a public official.

9. **Public Officer/Public Servant:** An individual who has been appointed or elected to carry out some portion of the sovereign powers of the government. Public officers/servants have duties defined by law and are accountable to the public, at all times.

III. The True Nature of This Case

The defendant's actions are unlawful because they undermine natural law—the immutable truths that govern humanity. The Constitution is not merely a document of legal rules; it is a reflection of these objective and fundamental truths. The defendant's endorsement of an ideology that defies natural law is an affront to the very foundation of our Republic. The defense's argument that this is about government speech is a mischaracterization designed to avoid the real issue: the violation of natural law and the Constitution. We refuse to engage with the defense's assumptions and presumptions about this case. This is not a First Amendment issue, nor is it about government speech. It is about the defendant's violation of the fundamental purpose and objectives of the Constitution—justice, domestic tranquility, and the general welfare—as enshrined in the Preamble. By endorsing a divisive and harmful ideology, the defendant has undermined the very fabric of our Republic and violated his oath to uphold the Constitution.

IV. The Defendant's Oath and the Breach of Duty

The defendant, in his official capacity as Mayor of Newburyport, took an oath to uphold the Constitution of the United States. This oath binds him to the Constitution's moral objectives, including justice, domestic tranquility, and the general welfare, which are rooted in natural law. His actions in raising the transgender flag, however, are completely outside the confines of the Constitution and represent a breach of this oath. (See Exhibit A, Mayor Sean Reardon's Oath of Office). This case is not about 'government speech'; it is about the government's unlawful endorsement of an ideology that is foreign and belligerent to the Constitution. As licensed attorneys, defense counsel took oaths to uphold and defend the Constitution of the United States and the Commonwealth of Massachusetts as their primary responsibility. (See Exhibits B and C, Massachusetts Bar Oaths of Attorneys Simms and Waters). As officers of the court, their duty is to ensure that all government actions, including those of the Mayor they are defending, are in alignment with the objectives enshrined in the Constitution. It is therefore perplexing that the defense's arguments appear to support actions that contradict these fundamental objectives. While attorneys have a duty to provide a robust defense, they must also reconcile this with their commitment to the Supreme Law of the Land. In defending an act that subverts the natural and constitutional order, the defense appears to be in conflict with their own professional oath. The question arises: at what point does a defense of government actions, which contradict the Constitution and natural law, become not just lawfully flawed but morally indefensible? By supporting actions that breach the Constitution, the defense's position does not appear to align with their professional oaths. Moreover, Plaintiffs Mark Bashaw and William Moseley, who together have dedicated 41 years of active-duty military service to defending the Constitution of the United States, bring this action as a continuation of their sworn duty to protect the Republic.

(See Exhibit D: Mark Charles Bashaw, U.S. Army, DA Form 71 - Oath of Office & William N. Moseley, U.S. Navy, NAVPERS 1000/4 - Oath of Office). As outlined in Bashaw's Affidavit of Truth (Exhibit E), his commitment to defend the Constitution extends beyond his military service and into his civilian life. Born in Newburyport, with deep roots and immediate family residing in the community, Bashaw's vested interest in the city's governance reinforces his personal stake in ensuring that its officials uphold the Constitution and natural law. Just as they defended the Constitution abroad, Bashaw and Moseley defend it domestically. Their military service highlights the gravity of this case, as the defendant's actions are not merely symbolic—they undermine the foundational objectives of the Constitution that Service Members, including Bashaw and Moseley, have fought to protect. In addition, Plaintiff Brandon Hayes, as the President of the Natural Law Institute, has spent his career defending and promoting the objective science of natural law that forms the bedrock of the Constitution. His civil duties, alongside his professional commitment to natural law, underscore the plaintiffs' collective dedication to upholding the Constitution. As outlined in his Affidavit of Truth (Exhibit F), Hayes has been actively involved in illuminating the dangers of unlawful indoctrination, particularly through his work with Citizens for Responsible Education. He has worked diligently to expose the insidious practices within government schools, including the promotion of divisive gender ideologies, which contradict natural law and the Constitution. For example, Hayes has documented the removal of educational materials by the defendant, Mayor Sean Reardon, as a direct violation of First Amendment rights and natural law principles. By bringing this action, Hayes continues his work to ensure that public servants adhere to the natural law and Constitution they are sworn to defend, thereby upholding the foundational principles that have been central to his life's work. On March 30, 2024, Plaintiff Brandon Hayes personally took a

photograph of the Foreign Belligerent Trans Flag being flown on publicly owned property at Newburyport City Hall, after defendant received notice and opportunity not to conduct such acts. This photograph, included as Exhibit C in the initial complaint, documents the unlawful display of a foreign belligerent ideology on government property, in direct violation of the objectives enshrined in the U.S. Constitution, the Massachusetts Constitution, and natural law.

V. Standing on Article V of the U.S. Constitution and Article V of the Massachusetts Constitution

Article V Article V of the United States Constitution establishes that We the People are the sole authority for amending or altering the Constitution. Any changes to the Constitution must be made through a constitutional process—not through unilateral actions by government officials. The Preamble of the Constitution declares that it is ordained by the People, and only through their collective will can its objectives be modified. Similarly, Article V of the Massachusetts Constitution states: “All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.” This enshrines the fundamental truth that all governmental authority originates from the people, and government officials, including the defendant, are merely agents and substitutes of the people’s will (Constitution). These officials are at all times accountable to the people, meaning their actions must align with the Constitution and the objectives ordained by the people. In this case, the defendant’s endorsement of a Foreign Belligerent Ideology (FBI), by raising the transgender flag, constitutes an unlawful alteration of the foundational principles and objectives enshrined in both the U.S. Constitution and the Massachusetts Constitution. These actions are an attempt to redefine the Republic without going through the proper constitutional

amendment process outlined in Article V of the U.S. Constitution. By bypassing the will (Constitution) of the people, the defendant has violated his duty to act in accordance with the principles of both Constitutions. Therefore, the plaintiffs, as members of We the People, have standing to prevent this unlawful breach of the constitutional order. The Massachusetts Constitution further reinforces that the people's power to hold their public officials accountable is continuous—"at all times"—and cannot be ignored or overridden by the unilateral actions of a government official. The plaintiffs have every right to challenge this, as they are defending not only the constitutional process but also the natural rights and unalienable truths that the Constitution seeks to protect.

VI. The Preamble and Reason Doctrine Provide the Framework for Constitutional Interpretation

The plaintiffs introduce a new interpretive framework—referred to as the Reason Doctrine—to guide the Court in interpreting the Constitution in a manner consistent with the principles of justice, domestic tranquility, and the general welfare, as enshrined in the Preamble. The Reason Doctrine draws from the legal definition that recognize reason as the mental faculty by which we distinguish truth from falsehood and good from evil, ensuring that laws serve their intended purposes. This doctrine aligns with lawful principles grounded in natural law and the common law tradition, which emphasizes that laws must be interpreted through the lens of reason. Reason allows the Court to make logical inferences from facts and propositions, ensuring that government actions conform to constitutional objectives and the underlying truths of human nature. The plaintiffs argue that the defendant's actions—by endorsing a divisive and harmful belligerent ideology through the raising of the transgender flag—fail the Reason Doctrine by

violating the essential principles of truth, good, and logical inference that underpin constitutional governance.

Application of the Reason Doctrine to the Defendant's Actions

The defendant's actions, in promoting a foreign and belligerent ideology, violate the Reason Doctrine on several fronts:

A. Truth vs. Falsehood

The defendant's endorsement of belligerent gender ideology contradicts biological truths and natural law. By raising the transgender flag, the mayor promotes a belief that is at odds with the objective truth of human nature and the inherent laws of nature. This violation of truth undermines the constitutional goals of justice and general welfare.

B. Good vs. Evil

The belligerent ideology endorsed by the defendant creates division and conflict, violating the constitutional aim of domestic tranquility. By supporting practices that involve irreversible, unethical medical procedures, and psychological manipulation, the mayor's actions actively harm society, failing the test of good. These actions disturb 'domestic tranquility,' defined as the condition of peace and order within a society, which government is charged with maintaining. By promoting divisive and belligerent ideologies, the mayor has undermined societal harmony, contributing to unrest and violating his duty to preserve the general welfare and peace of the community.

C. Logical Inferences

There is no logical basis for the defendant's actions. The promotion of this belligerent foreign ideology does not align with the constitutional objective to promote the general welfare.

The defendant's endorsement lacks any reasonable connection to legitimate government interests, thus failing the Reason Doctrine's test of logical inference.

The plaintiffs submit that the Reason Doctrine should guide the Court in its interpretation of the defendant's actions. By failing the tests of truth, good, and logical reasoning, the defendant's actions are completely unlawful, unconstitutional, and violate the foundational principles and objectives of the Republic. The Court must act to restore adherence to reason and the Constitution's true objectives.

VII. Rule 12(b)(1): Plaintiffs' Standing to Defend the Republic

The plaintiffs have standing because the harm caused by the defendant's unlawful endorsement of the transgender flag is concrete and particularized. This is not a mere political disagreement; it is a claim grounded in direct injury to the plaintiffs, including moral and psychological attacks, resulting from the government's promotion of a belligerent ideology that subverts the natural law, justice, domestic tranquility, and the general welfare that the Constitution is designed to promote and protect.

VIII. Rule 12(b)(6): The Defendant's Actions Are Unlawful

The defendant's actions are unlawful and go beyond mere government speech. By raising the transgender flag, the defendant has endorsed a divisive and subversive belligerent ideology that threatens the general welfare, undermines domestic tranquility, and contradicts the principles of natural law. The plaintiffs are not challenging the government's right to speak; they are challenging the government's unlawful endorsement of a foreign belligerent ideology that directly conflicts with the Constitution's objectives. The defendant's actions have breached the

government's duty of neutrality and have endorsed an ideology foreign to the founding principles of this nation and the Constitution entirely.

IX. The Defendant's Mischaracterization of the United States as a Democracy Is Constitutionally Inaccurate

The defendant repeatedly mischaracterizes the United States as a democracy, suggesting that any grievances regarding government actions, including constitutional violations, should be addressed solely through elections rather than through the courts. The defense stated, 'None of the countless similar facets of our democracy constitute an establishment of religion. Nor does the transgender flag flown here.' However, this stance fundamentally misunderstands the republican form of government guaranteed by Article IV, Section 4 of the Constitution. The Constitution does not guarantee a democracy where the will of the majority is the final authority; instead, it establishes a Republic, where the government is constrained by the rule of law and the objectives enshrined in the Preamble, including justice, domestic tranquility, and the general welfare. Is it the position of the defendant that he can act outside the Constitution without consequence or accountability, so long as he faces the electorate at the ballot box every few years? What does voting have to do with holding accountable a public official who cannot or will not uphold his sworn duty to support the Constitution? Does the defendant believe that merely standing for re-election absolves him from responsibility to follow the law and respect constitutional boundaries? To suggest that the electorate is the only recourse for addressing constitutional violations completely undermines the structure of our Republic, where the courts serve as a vital check on government actions that exceed constitutional authority. Public officials do not have carte blanche to violate the Constitution or their oath of office simply because they are elected. The judiciary exists to enforce constitutional limits and ensure that no official,

regardless of electoral process, acts outside the bounds of their lawful authority. The defendant's attempt to deflect accountability by implying that his actions should be subject only to electoral judgment is not only an evasion of responsibility but also a subversion of the rule of law. The Constitution places clear limits on the powers of government officials, and the courts are empowered to uphold those limits whenever they are breached. The defense's position risks undermining constitutional accountability to a mere political process, ignoring the vital role of judicial oversight in safeguarding the Republic from unlawful actions by elected officials. Additionally, the defense cannot credibly bring up constitutional arguments to justify government actions and endorsements when they fail to recognize the laws of nature themselves. By endorsing actions and belligerent ideologies that fundamentally subvert the natural order—such as supporting the active castration and mutilation of human nature—the defense undermines the very foundation upon which the Constitution is built. The Constitution, as an embodiment of natural law, cannot be invoked to defend actions that are inherently contrary to the basic principles of human nature, truth, and justice. The defense's position is not only lawfully flawed but also morally contradictory, as it seeks to defend government actions that attack fundamental human nature under the guise of constitutional protection. Furthermore, while the defendant relies on case law, the Supreme Law of the Land is the Constitution, not judicial opinions. The defendant's actions and endorsements directly subvert natural law, rendering any reliance on case law in this context misleading and without credibility.

X. Conclusion

For the foregoing reasons, the plaintiffs respectfully request that this Court deny the defendant's Motion to Dismiss in its entirety. The defendant's actions violate the fundamental principles of natural law, undermine the objectives of the Constitution, and breach the

foundational oaths sworn to uphold the Republic. This is not merely a case about technical legalities or government speech. It is about the unlawful endorsement of a foreign and belligerent ideology that contradicts justice, domestic tranquility, and the general welfare—enshrined in the Preamble and safeguarded by the Constitution. To suggest that such constitutional violations should be remedied solely at the ballot box is a gross misunderstanding of the role of the judiciary in our Republic. The courts are the guardians of constitutional limits, charged with ensuring that no elected official acts beyond the scope of their lawful authority. The Constitution does not exist to be molded by transient electoral majorities but stands as a permanent safeguard of the rights and liberties of the people. The defense’s attempt to sidestep these violations by invoking democratic processes, while ignoring the deeper obligations to natural law and constitutional order, reflects a dangerous disregard for the very system of governance they are sworn to protect, a Constitutional Republic. Public officials cannot evade accountability and responsibility of their unlawful acts through political processes; they must be held to the rule of law and the oath they swore to uphold. The Court’s intervention is required to correct this breach and to affirm the enduring authority of We the People over unconstitutional actions. By defending the constitutional process and the natural rights embedded within human nature, the plaintiffs stand as protectors of the Republic and its foundational objectives. The Court must now act to preserve the integrity of the Constitution and restore adherence to its enduring and inherent truths.

XI. Plaintiffs' Response Regarding Local Rule 7.1(A)(2) Certification

The plaintiffs respectfully inform the court that they have no record of receiving any voicemail, email, or certified mail from the defendant’s counsel attempting to confer regarding the issues raised in the defendant’s Motion to Dismiss. To the best of the plaintiffs’ knowledge,

no such communication was made, and as such, the plaintiffs request that the defendant's counsel provide evidence of these attempted communications in compliance with Local Rule 7.1(A)(2). Additionally, prior to filing the initial complaint, the plaintiffs made multiple good-faith efforts to prevent the defendant's unlawful actions. Specifically, the plaintiffs sent lawful notice and opportunity to Mayor Reardon, asking him to cease and desist the actions at issue in this case. These notices and opportunities, which are included as exhibits in the initial complaint, were ignored by the defendant. Given that the plaintiffs' efforts to resolve the matter outside of litigation were disregarded, any further attempts to confer would have been futile, as the defendant had already taken the actions that the plaintiffs sought to prevent.

XII. List of Exhibits:

Exhibit A: Mayor Sean Reardon's Oath of Office

Exhibit B: Massachusetts Attorney's Oaths

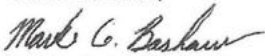
Exhibit C: Adam Smith & Kathryn Waters Certificate of Admission and Oath

Exhibit D: Mark Charles Bashaw, U.S. Army, DA Form 71 - Oath of Office & William N. Moseley, U.S Navy, NAVPERS 1000/4 - Oath of Office

Exhibit E: Affidavit of Truth_Mark C. Bashaw

Exhibit F: Affidavit of Truth_Brandon M. Hayes

The Plaintiffs,



Mark C. Bashaw, Pro Se



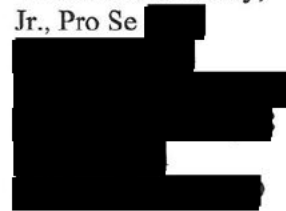


Brandon Hayes, Pro Se





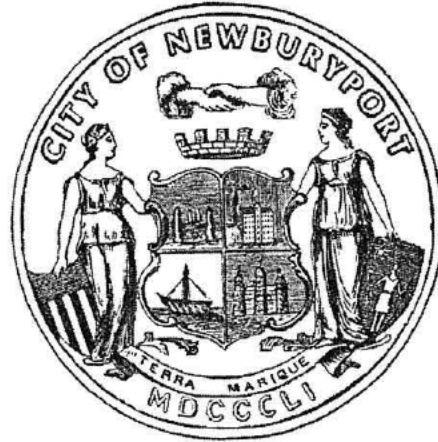
William N. Moseley,
Jr., Pro Se



September 20th, 2024

EXHIBIT A

Plaintiffs' Opposition to Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P.
12(b)(1) and 12(b)(6)



OATH OF OFFICE

I, (YOUR NAME),

DO SOLEMNLY SWEAR/ THAT I WILL FAITHFULLY

AND IMPARTIALLY DISCHARGE/ AND PERFORM THE DUTIES OF _ (STATE
POSITION)

OF THE CITY OF NEWBURYPORT/ TO WHICH I HAVE BEEN APPOINTED/ELECTED/
IN ACCORDANCE

WITH THE CONSTITUTION OF THE UNITED STATES/ THE LAWS OF THE

COMMONWEALTH/ THE CHARTER AND ORDINANCES OF THE

CITY OF NEWBURYPORT, /TO THE BEST OF MY ABILITY, /SO HELP ME

GOD.

New Appointment- OPEN MEETING LAWS-SIGN OFF SHEET

EXHIBIT B

Plaintiffs' Opposition to Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P.
12(b)(1) and 12(b)(6)

**COMMONWEALTH OF MASSACHUSETTS
ATTORNEY'S OATH**

MAURA S. DOYLE, Clerk



**Supreme Judicial Court
for Suffolk County
One Pemberton Sq, Suite 1-300
Boston, MA 02108-1707**

Directions: These Oaths are to be read by the person authorized to administer them. Petitioner shall repeat the first two Oaths as they are read. They shall not repeat the third Oath, but say the words "I do" at its conclusion.

OATH TO THE COMMONWEALTH OF MASSACHUSETTS

(Recite Aloud)

I

"I, (*name*), do solemnly swear/attest that I will bear true faith and allegiance to the Commonwealth of Massachusetts and will support the Constitution thereof. So help me God."

OATH TO THE UNITED STATES OF AMERICA

(Recite Aloud)

II

"I, (*name*), do solemnly swear/attest that I will support the Constitution of the United States of America."

ATTORNEY'S OATH

(Do Not Repeat After Official)

III

"I do Solemnly swear/attest that I will do no falsehood, nor consent to the doing of any in Court.

I will not wittingly or willingly promote or sue any false, groundless or unlawful suit, or give aid or consent to the same; I will delay no man for lucre or malice, but I will conduct myself in the office of an attorney within the Courts, according to the best of my knowledge and discretion, and with all good fidelity as well to the Courts as my clients. So help me God."

EXHIBIT C

Plaintiffs' Opposition to Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P.
12(b)(1) and 12(b)(6)



The Commonwealth of Massachusetts
SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
JOHN ADAMS COURTHOUSE
ONE PEMBERTON SQUARE, SUITE 1300
BOSTON, MASSACHUSETTS 02108-1707
WWW.SJCCOUNTYCLERK.COM

EXHIBIT C

MAURA S. DOYLE
CLERK

CASE INFORMATION (617) 557-1100
FACSIMILE (617) 557-1117
ATTORNEY SERVICES (617) 557-1050
FACSIMILE (617) 557-1055

September 12, 2024

Attorney Adam Simms

IN RE: CERTIFICATE OF ADMISSION AND GOOD STANDING

Enclosed please find the Certificate of Admission and Good Standing for Commonwealth of Massachusetts Attorney **Adam Simms**. The certificate provides certification of the attorney's date of admission and current good standing at the Bar of the Commonwealth of Massachusetts.

If you have any questions or should need further assistance, please do not hesitate to contact the Attorney Services Department at either sjccertsgs@sjc.state.ma.us or 617-557-1050.

Very truly yours,

A handwritten signature in black ink that reads "Maura S. Doyle".

MAURA S. DOYLE
Clerk
Supreme Judicial Court

MSD/ jr
Clearance: 09/12/2024 09..11.2024
Enclosures

SUFFOLK, SS.

BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on **September 4, 1996**, said Court being the highest Court of Record in said Commonwealth:

Adam Simms

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court*.

In testimony whereof, I have hereunto set my hand and affixed the

seal of said Court, this **twelfth** day of **September**

in the year of our Lord **two thousand and twenty-four**.



MAURA S. DOYLE, Clerk

* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification. X3116.



The Commonwealth of Massachusetts
SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
JOHN ADAMS COURTHOUSE
ONE PEMBERTON SQUARE, SUITE 1300
BOSTON, MASSACHUSETTS 02108-1707
WWW.SJCCOUNTYCLERK.COM

EXHIBIT C

MAURA S. DOYLE
CLERK

CASE INFORMATION (617) 557-1100
FACSIMILE (617) 557-1117
ATTORNEY SERVICES (617) 557-1050
FACSIMILE (617) 557-1055

September 12, 2024

Attorney Kathryn M. Waters



IN RE: CERTIFICATE OF ADMISSION AND GOOD STANDING

Enclosed please find the Certificate of Admission and Good Standing for Commonwealth of Massachusetts Attorney **Kathryn M. Waters** . The certificate provides certification of the attorney's date of admission and current good standing at the Bar of the Commonwealth of Massachusetts.

If you have any questions or should need further assistance, please do not hesitate to contact the Attorney Services Department at either sjccerts@sjc.state.ma.us or 617-557-1050.

Very truly yours,

A handwritten signature in black ink that reads "Maura S. Doyle".

MAURA S. DOYLE
Clerk
Supreme Judicial Court

MSD/ jr
Clearance: 09/12/2024 09..11.2024
Enclosures

SUFFOLK, SS.

BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on **November 26, 2012**, said Court being the highest Court of Record in said Commonwealth:

Kathryn M. Waters

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court*.

In testimony whereof, I have hereunto set my hand and affixed the

seal of said Court, this **twelfth** day of **September**

in the year of our Lord **two thousand and twenty-four**.



MAURA S. DOYLE, Clerk

* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification. X3116.

EXHIBIT D

Plaintiffs' Opposition to Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P.
12(b)(1) and 12(b)(6)

OATH OF OFFICE - MILITARY PERSONNEL

For use of this form, see AR 135-100, the proponent agency is ODCSPER

DATA REQUIRED BY THE PRIVACY ACT OF 1974
AUTHORITY: 5 USC 3331, 552, 552a; 10 USC 10204.
PRINCIPAL PURPOSE: To create a record of the date of acceptance of appointment.
ROUTINE USES: Information is used to establish and record the date of acceptance. The SSN is used to identify the member. The date of acceptance of appointment is used in preparing statements of service and computing basic pay date.
DISCLOSURE: Completion of form is mandatory. Failure to do so will cause the appointment to be invalid.

INSTRUCTIONS

INDICATE THE APPOINTMENT FOR WHICH OATH IS BEING EXECUTED BY PLACING AN "X" IN APPROPRIATE BOX. REGULAR ARMY COMMISSIONED OFFICERS WILL ALSO SPECIFY THE BRANCH OF APPOINTMENT WHEN APPOINTED IN A SPECIAL BRANCH.

This form will be executed upon acceptance of appointment as an officer in the Army of the United States. Immediately upon receipt of notice of appointment, the appointee will, in case of acceptance of the appointment, return to the agency from which received, the oath of office (on this form) properly filled in, subscribed and attested. In case of non-acceptance, the notice of appointment will be returned to the agency from which received, (by letter) indicating the fact of non-acceptance.

COMMISSIONED OFFICERS

WARRANT OFFICERS

- | | |
|--|---|
| <input checked="" type="checkbox"/> REGULAR ARMY <u>Medical Specialist Corps</u>
<small>(Branch, when so appointed)</small> | <input type="checkbox"/> REGULAR ARMY |
| <input type="checkbox"/> ARMY OF THE UNITED STATES, WITHOUT COMPONENT | <input type="checkbox"/> ARMY OF THE UNITED STATES, WITHOUT COMPONENT |
| <input type="checkbox"/> RESERVE COMMISSIONED OFFICER | <input type="checkbox"/> RESERVE WARRANT OFFICER |

1. Mark Charles Bashaw
(First Name, Middle Name, Last Name)

[REDACTED] 0448
(Social Security Number)

having been appointed an officer in the Army of the United States, as indicated above in the grade of 02-E do solemnly swear (or affirm)

that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter, So help me God.

[Signature]
(Signature - full name as shown above)

SWORN TO AND SUBSCRIBED BEFORE ME AT FORT SILL, OK

THIS 8 DAY OF September, 2019
(Day) (Month) (Year)

CEDRIC G. LEE, LTC, ADA, CMD

(Grade, component, or office of official administering oath)

[Signature]
(Signature)

FOR THE EXECUTION OF THE OATH OF OFFICE

- Whenever any person is elected or appointed to an office of honor or trust under the Government of the United States, he/she is required before entering upon the duties of his/her office, to take and subscribe the oath prescribed by 5 USC 3331.
- 10 USC 626 and 14309 eliminate the necessity of executing oath on promotion of officers.
- The oath of office may be taken before any commissioned officer of any component of any Armed Force, whether or not on active duty (10 USC 1031), or before any commissioned warrant officer when acting as an adjutant, assistant adjutant, acting adjutant, or personnel adjutant in any of the Armed Forces (See UCM,

Article 136; 10 USC 936). A commissioned warrant officer administering the oath of office will show his/her title in the block to the left of his/her signature.

4. Oath of office may also be taken before any civil officer who is authorized by the laws of the United States or by the local municipal law to administer oaths, and if so administered by a civil official, the oath must bear the official seal of the person administering the oath, or if a seal is not used by the official, the official's capacity to administer oaths must be certified to under seal by a clerk or court or other proper local official.

OFFICER APPOINTMENT ACCEPTANCE AND OATH OF OFFICE

1. NAME (LAST, FIRST, MIDDLE) MOSELEY, WILLIAM NOLAN JR		2. STATUS BEFORE APPT. GMC, USN		3. PC	
ADDRESS COMMANDING OFFICER					
SEAL TEAM ONE					
2534 TRIDENT WAY BLDG 614					
SAN DIEGO CA 92155-5493					
4. SSN [REDACTED]	5. Y	6. DESIG 6162	7. SEX M	8.	9. OSC 231
10. CSC 231	11. BC E	12. DATE OF BIRTH [REDACTED]		13. PERMANENT GRADE	14. PERM GRADE DATE
15. PRESENT GRADE ENS		16. PRESENT GRADE DATE 14DEC01		17. NULL & VOID DATE 14DEC01	
TYPE OF DUTY <input checked="" type="checkbox"/> 18. ACTIVE <input type="checkbox"/> 19. INACTIVE		TYPE OF APPOINTMENT <input checked="" type="checkbox"/> 20. TEMPORARY <input type="checkbox"/> 21. PERMANENT		STATUS <input type="checkbox"/> 22. CONFIRMED <input type="checkbox"/> 23. AD INTERIM	
24. USN <input checked="" type="checkbox"/>		25. USNR <input type="checkbox"/>		26. AUTHORITY 10 USC 5596	
27. PLSD		28.		29. BUPERS-USE ONLY	

THE PRESIDENT OF THE UNITED STATES HAS APPOINTED YOU AS AN OFFICER IN THE U.S. NAVY UNDER THE CONDITIONS INDICATED IN THIS DOCUMENT. IF APPOINTMENT IS ACCEPTED YOU MUST COMPLETE OATH OF OFFICE. IF IT IS NOT ACCEPTED SIGN AND DATE DECLINATION. INDICATE REASONS FOR NON-ACCEPTANCE.

AUTHENTICATED:

Milton L Ware
MILTON L WARE

OCT 09 2014

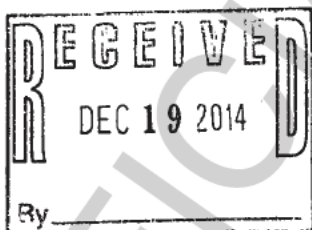
OATH OF OFFICE

FROM: WILLIAM NOLAN MOSELEY JR
TO: Secretary of the Navy

I WILLIAM NOLAN MOSELEY JR
HAVING BEEN APPOINTED ENS

IN THE U.S. NAVY UNDER THE CONDITIONS INDICATED IN THIS DOCUMENT, DO ACCEPT SUCH APPOINTMENT AND DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL SUPPORT AND DEFEND THE CONSTITUTION OF THE UNITED STATES AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC, THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE SAME; THAT I TAKE THIS OBLIGATION FREELY, WITHOUT ANY MENTAL RESERVATION OR PURPOSE OF EVASION; AND THAT I WILL WELL AND FAITHFULLY DISCHARGE THE DUTIES OF THE OFFICE ON WHICH I AM ABOUT TO ENTER, SO HELP ME GOD.

Copy to:



W.N. Moseley
(SIGNATURE OF APPOINTEE)

SUBSCRIBED AND SWORN TO BEFORE ME THIS
1ST DAY OF DECEMBER 20 14

[Signature] CDR USN
(SIGNATURE AND GRADE OF WITNESSING OFFICER)

DECLINATION OR DISQUALIFICATION

- NOT OFFERED
- NOT ACCEPTED

(APPOINTEE/COMMANDING OFFICER SIGNATURE)

(DATE)

REASON

EXHIBIT E

Plaintiffs' Opposition to Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P.
12(b)(1) and 12(b)(6)

AFFIDAVIT OF TRUTH

Mark-Charles; Bashaw

I, Mark-Charles: Bashaw, vested with the inherent power of the People as recognized by the U.S. Constitution, Massachusetts Constitution, and Texas Constitution, and being of sound mind and competent in my affairs, do hereby solemnly swear that the following is true and correct to the best of my knowledge, understanding, and belief:

1. Oath of Office and Enlistment

I was enlisted as a senior noncommissioned officer in the U.S. Air Force (17 January 2006 – 07 September 2019) and later commissioned as an officer in the U.S. Army (08 September 2019). In both capacities, I took an oath to uphold and defend the Constitution of the United States. I swore to “support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.” This oath, taken upon enlistment and during my commission, calls upon God as a witness to the solemnity of the promise I made, binding me not only to the Constitution but also to a higher moral order rooted in natural law and nature’s God.

2. Duty as One of the People

As one of the people of the United States of America, I recognize that my duty to uphold the Constitution is not confined to my military service, but rather a lifelong obligation shared by all people in our form of government. Article V of the Massachusetts Constitution declares that "All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or

judicial, are their substitutes and agents, and are at all times accountable to them." My military service is a reflection of this duty, as it was undertaken by the people, and for the people. It is this principle—that ALL POWER resides in the people and that government officials are accountable to the people AT ALL TIMES—that has guided my actions both as a Service Member and as one of the People. Furthermore, my personal connection to the City of Newburyport strengthens my standing in this matter. I was born in Newburyport, and I have deep roots in the community, with immediate family members currently residing there. My ties to the city give me a vested interest in ensuring that its government operates in accordance with both natural law and the Constitution. The defendant's actions, in violating these principles, directly affect not only me but also my family and the broader community to which I belong.

3. Meaning of 'So Help Me God' in Public Service

The phrase "So help me God" invokes the highest level of responsibility and accountability to both natural law and nature's God, as referenced in the Declaration of Independence. This phrase signifies that my commitment to uphold the Constitution is not merely a legal or civil duty, but a moral duty derived from the higher laws of nature, which are immutable and eternal. By invoking God in the oath, I am bound to uphold the truth, defend justice, and protect the order established by God, which forms the foundation of our constitutional Republic. In the context of this case, Mayor Reardon's actions violate both his civic oath and the natural law that governs society. His endorsement of ideologies that are foreign, belligerent, and inherently contrary to natural law directly contradicts the moral and lawful framework that the Constitution and public office demand.

4. Military Service and Defense of Constitutional Objectives

I served as a senior noncommissioned officer in the U.S. Air Force and a commissioned Officer in the U.S. Army, dedicating more than 17 years to defending the United States and protecting the Constitution and its objectives. Throughout my service, I remained committed to ensuring that government actions, both military and civilian, adhered to the principles of the Constitution, including justice, domestic tranquility, and the general welfare. These are not abstract principles; they are the foundation of our nation and must be upheld by all government officials as a matter of duty to the people and, as invoked in my oath, to God's natural order.

5. Defending Constitutional Principles and Natural Law

As a member of the military, I was responsible for upholding the Constitution and ensuring that the actions of government officials did not violate the fundamental principles of natural law, which are enshrined in the Constitution. The duty to protect these principles extends beyond the battlefield and into public service and civil life. Natural law is universal, stemming from the very nature of human beings and the world created by God. It is my obligation, as one of the people and as someone who swore an oath to God, to hold government officials accountable when they act in a manner that undermines these principles and the objectives of the Constitution.

6. Plaintiff in the Present Case

I bring this lawsuit against Mayor Sean Reardon as part of my ongoing duty to defend the Constitution and its objectives. Mayor Reardon's actions, particularly in raising the transgender flag to endorse an ideology foreign to the Constitution, violate the foundational principles of natural law and the Constitution's objectives. These objectives—justice, domestic tranquility, and the general welfare—are designed to protect the Republic and the people. As one of the

people, a servicemember, and one who has sworn an oath invoking God, it is my sworn duty to challenge actions that undermine the Constitution, natural law, and the will of the people.

7. Commitment to Justice and Accountability

In accordance with Article V of the Massachusetts Constitution, I seek to ensure that government officials remain accountable to the people AT ALL TIMES. This lawsuit is a reflection of my duty, along with that of my co-plaintiffs, to protect the foundational legal and natural principles that underlie our Constitution. Whether in military service or in civilian life, my commitment to upholding the Constitution and ensuring accountability remains unwavering, as it is both a civic and a moral obligation, underscored by my oath to God and to the people.

I hereby swear that the foregoing statements are true to the best of my knowledge, information, and belief. Furthermore, Affiant sayeth not.

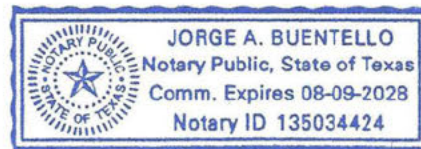
by Mark Charles Bashaw.

State of Texas
County of Bexar

On this day of September 17, 2024, Mark-Charles: Bashaw personally appeared before me and having been duly sworn did herein execute the above record for the purposes stated.

Jorge A. Buenteello
Signature of Notary Public

Jorge A. Buenteello
Printed Name of Notary Public



08-09-2028
Commission Expiration Date

EXHIBIT F

Plaintiffs' Opposition to Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6)

AFFIDAVIT OF TRUTH

of Brandon Michael Hayes

I am a living soul, a man, created by God, child of God, called by Mother and Father since born Brandon Michael; family of Hayes (Brandon Michael Hayes). My home of record is Massachusetts, and I was raised in and currently reside Essex County, Massachusetts, I am of sound mind and competent in my affairs. I stand on Article V of the MA State Constitution: All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

BACKGROUND & EXPERIENCE

I'm an American entrepreneur, philosopher of natural law, and master behaviorist. I have, since 2016, been illuminating the dangers of all unlawful indoctrination. This includes but is not limited to the teachings of the government schools from pre-K through 12th grade {see dropout rates, & dropping literacy in math & grammar}, all of the humanities educations at every academy & university nationwide {see the fall of IQ upon graduation from generation to generation; now an average college grad has an IQ a standard deviation or greater less than they did 100 years ago}, the insidiousness of the programming afforded to be viewed by the population of the US over the various entertainment networks {more depression, more anxiety, more obesity, more sloth, more debt, more death}, and the brutality and carelessness of government institutions in the disregard for the stewardship of the peoples' agency resulting in the lack of self-determination of its peoples by their own (self-determined) means [or the creation of dependence as opposed to individual liberty(independence)].

STATEMENTS OF FACT

The following are statements of fact refuting the ignorance of the Mayor about the harms he's imposing upon the polity and the people he swore to serve. He's been made acutely aware of the harms he's affording to go unchecked. I work closely with Citizen's for Responsible Education in educating the public about what goes on in the Government schools.

1. During the week of Oct. 2nd the Citizens for Responsible Education (CRE) a MA 501(c)(3) posted advertisements (flyers) for their forum explaining the insidiousness of present public/government school practices including deadly gender ideologies. These were placed in public spaces like town-hall and the library.
2. On October 11th, 2022, a news article was released nationally citing Newburyport's abuse of ESSER funds given as relief for Covid-19 to push forth wasteful, abusive, and derogatory diversity, equity, and inclusion training where a high ranking faculty member was coerced into saying the word "nigger" during a meeting to provide some unscientific proof about oppression.
LINK: <https://www.foxnews.com/politics/republicans-grill-biden-education-secretary-use-covid->

[funds-woke-initiatives](#) The mayor (Sean Reardon) was aware of this usage of funding. Not only was this an abuse of funds, no bids were sought for the services as such.

3. On October 14th, 2022 Mayor Sean Reardon confirmed in an interview with Matt Petry, that he personally removed CRE's flyers from the public library because they were not in line with Newburyport's values of being inclusive and welcoming. He acts as though doesn't believe in the harms that have been caused demonstrably, calculated objectively, and cataloged in data because his concern is virtue signaling not virtue. LINK:

https://www.newburyportnews.com/news/local_news/mayor-defends-cre-flyer-removal/article_1fba7c80-5094-11ed-a2ee-4f73cf71ff06.html

5. On Thursday Oct. 20th, 2022 Citizens for Responsible Education held a forum at the Elk's Club at 200 Low St. in Newburyport, where presentations were given by Michael King (of MFI, Massachusetts Family Institute), and Jennifer McWilliams & Alvin Lui of, "Courage is a Habit", about the harms the indoctrination at the government's schools have been causing and what to do to combat it. Sean Reardon, despite being invited, was a no-show.

6. Citizens for Responsible Education files a lawsuit against Mayor Reardon for violating their first amendment rights.

7. CRE plans its second educational forum over the first half of 2023, to be had in Oct. 2023.

8. In September 2023 Sean Reardon in his capacity as Mayor of Newburyport settled a lawsuit with CRE for the infringement upon the first amendment for \$10,000 paid from an insurance fund.

9. On Thursday Oct. 26th, 2023 Sean Reardon was emailed personally and invited to this CRE event.

10. On Thursday October 26th, 2023 Citizens for Responsible Education held a forum at the Elk's Club at 200 Low St. in Newburyport, this time the focus being on the declining educational metrics in Massachusetts schools and nationwide. Again Sean Reardon was invited, again he choose to forgo the opportunity for an education that'd help him serve those he has promised to.

Revelation 3:19

"I correct and discipline everyone I love. So be diligent and turn from your indifference."

I hereby swear that the foregoing statements are true to the best of my knowledge, information, and belief. Furthermore, Affiant sayeth not.

by [Signature]

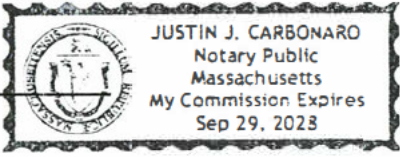
State of Massachusetts

County of Essex

On this Sept day of 16th, 2024, Brandon Hayes ~~YOUR NAME~~ personally appeared before me and having been duly sworn did herein execute the above record for the purposes stated.

Signature of Notary Public

[Signature]



Printed Name of Notary Public

Justin Carbonaro

Commission Expiration Date

09-29-2028

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

) Case No. 1: 24-cv-11909-MJJ

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Mark C. Bashaw, Brandon Hayes, & William N.
Moseley Jr. (*Pro Se*)

Plaintiff(s)

-v-

Sean Reardon, in his official capacity as Mayor,
Newburyport, Massachusetts

Defendant(s)

PLAINTIFFS' MOTION TO ELECTRONICALLY FILE DOCUMENTS

PLAINTIFFS' MOTION TO ELECTRONICALLY FILE DOCUMENTS

Plaintiffs Mark C. Bashaw, Brandon Hayes, and William N. Moseley, Jr., pro se, respectfully request permission to electronically file documents in this case, pursuant to Rule 5.4 of the Local Rules of the United States District Court for the District of Massachusetts.

In support of this motion, Plaintiffs state as follows:

1. Plaintiffs are proceeding pro se in this civil rights case.
2. Plaintiffs seek to utilize the Court's CM/ECF system to file, receive, and serve documents electronically in an efficient manner, thereby reducing delays associated with mailing paper copies.
3. Electronic filing will promote efficiency for the Court, the parties, and the attorneys, as well as reduce the costs associated with traditional mailing.
4. Plaintiffs have access to a reliable internet connection and the necessary technology to utilize the Court's CM/ECF system effectively.
5. Plaintiffs are familiar with the procedures for electronic filing and will comply with all applicable rules and procedures.

WHEREFORE, Plaintiffs respectfully request that the Court grant them permission to file all documents electronically through the Court's CM/ECF system.

Dated: September 20, 2024

Respectfully submitted,



Mark C. Bashaw, Pro Se





Brandon Hayes, Pro Se





William N. Moseley, Jr., Pro Se



CERTIFICATE OF SERVICE

We hereby certify that on this 20th day of September, 2024, true copies of the following documents were served upon the defendant's counsel via certified mail at the addresses listed below:

- Plaintiffs' Opposition to Defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6)
- Motion to Electronically File Documents

Service on Defendant's Counsel:

Kathryn M. Waters, Esq.
Adam Simms, Esq.
Pierce Davis & Perritano LLP
10 Post Office Square, Suite 1100N
Boston, MA 02109
(617) 350-0950
Emails:

kwaters@piercedavis.com

asimms@piercedavis.com

Certified Mail Tracking #: 9589071052701204816791

Additionally, copies were sent to the United States District Court for the District of Massachusetts via certified mail.

Respectfully submitted,

Signatures of Plaintiffs:



Mark C. Bashaw, Pro Se; [REDACTED]; [REDACTED]



Brandon M. Hayes, Pro Se; [REDACTED]; [REDACTED]



William N. Moseley Jr., Pro Se; [REDACTED]; [REDACTED]