

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

BETHANY R. SCAER,

Plaintiff,

v.

Case No. 1:25-cv-00183

ALISON MASTIN, Chair, Kearsarge
Regional School Board, in her official
and individual capacities; KEARSARGE
REGIONAL SCHOOL BOARD; and
KEARSARGE REGIONAL SCHOOL
DISTRICT (SAU #65);

Defendants.

DECLARATION OF STEPHEN SCAER

I, Stephen Scaer, declare the following based on my personal knowledge:

1. I live with my wife, Bethany Scaer, in Nashua, New Hampshire.
2. I am active in state and local politics. In 2022 and again in 2024, I ran unsuccessfully as a Republican candidate for state senate. My platform focused on defending First Amendment rights, protecting children from experimental gender medicine, and ensuring women can have restrooms, locker rooms, sports teams, and prisons reserved exclusively for those of their biological sex.
3. I also write for *GraniteGrok*: a New England political website advocating limited government and the defense of liberty. I also participate in political rallies, speak at government meetings and legislative hearings, put up billboards, and

stand on public sidewalks with signs, in order to raise awareness about issues such as gender detransitioners and the dangers of pediatric gender medicine. My moniker is “Sidewalk Steve” for my activism.

4. In my activism, I have worked alongside various gender-critical groups, on the political left and right, such as Gays Against Groomers and the Women’s Liberation Front.

5. In the spring of 2024, I spoke at legislative hearings about various proposed bills. I spoke in favor of the House Bill 1205: a New Hampshire state law—passed in July 2024—that limited participation in interscholastic women’s sports teams to biological females. I also spoke in favor of House Bill 396: a vetoed proposal that would have amended New Hampshire’s anti-discrimination law, to expressly permit bathrooms, locker rooms, and detention centers to be reserved exclusively for persons of one biological sex.

6. While I was advocating in favor of these bills at legislative hearings, I watched M.J., a biologically male student who has competed on girls’ sports teams for Kearsarge Regional School District, testify at one hearing. I know M.J. by sight, although we have never interacted personally.

7. I am aware that, on August 22, 2024, a federal court issued a temporary restraining order prohibiting the New Hampshire Department of Education, as well as various school districts and school boards, from enforcing House Bill 1205. *See Tirrell v. Edelblut*, Case No. 24-cv- 251-LM-TSM, 2024 U.S. Dist. LEXIS 150777 (D.N.H. Aug. 22, 2024). A few weeks later, the same court issued a preliminary

injunction, confirming that temporary restraining order. See *Tirrell v. Edelblut*, Case No. 24-cv- 251-LM-TSM, 2024 U.S. Dist. LEXIS 162185 (D.N.H. Sept. 10, 2024). Kearsarge Regional School District and Kearsarge Regional School Board were not among the districts and school boards restrained and later enjoined by these court orders.

8. On August 29, 2024, my wife and I attended a regularly scheduled meeting of the Kearsarge Regional School Board, in order to urge Kearsarge school district to follow state law (despite the recent court case) by prohibiting biological males from participating in female athletics.

9. A large number of people (both supporters and opponents of House Bill 1205) attended the school board meeting. Many people brought signs, which they displayed both in the parking lot and in the meeting room during the meeting. One woman, for instance, held a sign during the board meeting stating "Let [M.J.] Play." (The sign used M.J.'s first name.) While I was in the parking lot, I displayed a sign opposing the teaching of gender ideology in schools. I later left this sign in my car and did not bring it to the meeting itself.

10. Altogether, approximately fifteen speakers delivered public comments to the school board at the August 29 meeting. Some spoke via Zoom, but most stood and spoke in person. Speakers included M.J. and the mother of one of the plaintiffs in the *Tirrell v. Edelblut* case.

11. Most public commenters at the August 29 meeting spoke in favor of permitting M.J. to compete on girls' sports teams, despite the state law.

Commenters expressed their support for M.J. specifically and sometimes by name.

12. One speaker, for instance, described how she had personally worked with M.J. and testified to M.J.'s good character.

13. Another speaker argued that enforcing House Bill 1205 would be targeting and discriminating against M.J. in particular (as the only biological male player on Kearsarge's soccer team).

14. I was one of the few commenters to speak in support of reserving girls' sports for biological women. I discussed the dangerous medical consequences that can arise from experimental gender medicine. I explained that boys and girls cannot change their biological sex and remain wonderful examples of their sex even when they do not fit the often-detrimental social stereotype about what is supposedly "masculine" or "feminine" behavior.

15. During my comments, I did not mention M.J. or anyone else by name. I was permitted to deliver my entire three minutes of public comments.

16. Directly after I spoke, an opponent of House Bill 1205 delivered comments in which he said that preventing M.J. from playing on the girls' soccer teams would be "giving in to the hatred of a few adults by bluntly canceling her from the sport she loves." It was clear that this commenter considered me to be an example of one of the hateful adults that was the problem.

17. My wife spoke about fifteen minutes after I did. Right at the beginning of her comments, less than thirty seconds into her three minutes, Alison Mastin, the Chair of the Kearsarge Regional School Board, interrupted my wife and stopped her from speaking.

18. The Chair stated that my wife's comments had violated the school board's "no derogatory comments" policy and ruled her out of order. The Chair was visibly angry at my wife. She threatened to have my wife removed by the police if she continued to speak and disallowed my wife from further comments, even though approximately two and a half minutes remained of my wife's three-minute period.

19. The Chair did not explain exactly what in my wife's comments were supposedly derogatory. But I had the strong impression that it was my wife's gesture towards M.J. (who was seated two rows in front of us, about ten feet away) and statement that people "look at him" that infuriated the Chair. Unlike me, my wife referred to M.J. specifically in her comments and called M.J. a "tall boy."

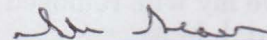
20. While Beth was speaking, people in the audience held signs in support of M.J. (even by name), jeered, and hissed to express their opposition to my wife's comments. Some audience members applauded the Chair for interrupting Beth and cutting her off early.

21. The noise in the room was quite loud, and it was difficult to hear Beth. Mastin and the board made no attempt to quiet the crowd so that Beth's comments could be heard. Instead, Mastin's silencing of Beth seemed to whip the audience up into a frenzy, because they were excited to see her silenced.

22. After the public comment period ended, the school board voted to reverse its earlier August 15 decision, defy state law, and permit M.J. to compete on the girls' soccer team.

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

Executed on May 19, 2025



Stephen Scaer