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REPLY ARGUMENT

I. DEFENDANTS' SPEAKING POLICIES DISCRIMINATE BASED ON VIEWPOINT

Defendants concede that they discriminate on the basis of viewpoint. But they do not recognize their concession because they wrongly believe that “viewpoint discrimination” only refers to prohibiting ideas. Dkt. 18 at 13. Not so. The Supreme Court “use[s] the term ‘viewpoint’ discrimination in a broad sense,” *Matal v. Tam*, 582 U.S. 218, 243 (2017) (plurality op.), which invalidates precisely the speech restrictions that Defendants impose.

A. Banning citizens from expressing their position using their preferred modes of expression is viewpoint discrimination

Defendants admit they prevent speakers at Board of Education meetings from using what Defendants call “modes of expression,” Dkt. 18 at 9, 19—a term coined by the government in *Brunetti* to advance an argument the Supreme Court rejected. *See Iancu v. Brunetti*, 588 U.S. 388, 397, 400 (2019). Defendants insist that speakers “keep [comments] respectful.” Dkt. 18-4. If a speaker’s rhetoric or argumentation style involves language that Defendants consider “abusive,” “vulgar,” “gossip,” or a “personal attack,” they ban it. Dkt. 18 at 9-10; *see also* Dkt. 3 at 2. Supposedly, “Blanchard was interrupted either because he was speaking about a specific employee, or speaking with abusive language by shouting at, levying a personal attack on, or antagonizing individuals in the room.” Dkt. 18 at 28. This, Defendants say, is a distinction based on the “mode of expression,” not viewpoint.

But what Defendants call a “mode of expression,” the Supreme Court calls “viewpoint,” for viewpoint neutrality has “a broad sense.” *Tam*, 582 U.S. at 243 (plurality op.). It includes not just “the right to identify with a particular side.” *Id.*

at 249 (Kennedy, J., concurring). It also “protects the right to create and present arguments for particular positions in particular ways, as the speaker chooses.” *Id.*

“Giving offense is a viewpoint.” *Id.* at 243 (plurality op.). So, too, are messages considered “wicked,” “immoral,” “disgraceful,” “disreputable,” *Brunetti*, 588 U.S. at 394, and messages that are “scandalous,” “disparage” individuals, or bring them “into contempt[] or disrepute.” *Tam*, 582 U.S. at 227, 233 n.5. A rule preventing derogatory speech violates the First Amendment even if enforced against “both sides of every possible issue.” *Id.* at 233; *see also Wandering Dago, Inc. v. Destito*, 879 F.3d 20, 28, 31 (2d Cir. 2018). (unconstitutional to bar use of “offensive ethnic slur” in limited public forum where children present). Government cannot “forbid particular words”—even vulgarities—“without also running a substantial risk of suppressing ideas in the process.” *Cohen v. California*, 403 U.S. 15, 26 (1971).

Defendants’ attempt to evade these precedents by recharacterizing their rules as targeting “modes of expression” suffers two additional flaws.

First, it repeats the government’s losing argument in *Brunetti* (and in a partial dissent). *See* Dkt. 18 at 10 n.6, 13. In *Brunetti*, the government argued that a ban on “immoral or scandalous” trademarks was viewpoint neutral because the statute could be interpreted as only banning “marks that are offensive [or] shocking to a substantial segment of the public because of their *mode* of expression, independent of any views that they may express.” 588 U.S. at 392 (internal quotation omitted). But the Supreme Court never adopted that argument. Rather, it simply “assum[ed]” that “the Government’s reading would eliminate First Amendment problems” and rejected the argument because it misinterpreted the statute. *Id.*

Second, even if *Brunetti* had accepted the mode-of-expression theory, it wouldn't apply here. The argument in *Brunetti* was that the government could prohibit a "mode of expression" when that mode is both "independent of viewpoint" and "vulgar"—meaning 'lewd,' 'sexually explicit or profane.'" *Id.* at 397 (citations omitted). The restrictions here satisfy neither criterion. Defendants' ban on abusive speech and personal attacks "does not draw the line at lewd, sexually explicit, or profane remarks." *Id.*¹ Nor are the restrictions "independent of viewpoint." "It covers the universe of" abusive language, personal attacks, and antagonizing speech. *Id.* at 397-98. And it covers them "[w]hether or not lewd or profane," and whether or not the abusive or antagonistic language "comes from mode or instead from viewpoint." *Id.* Even if this Court could adopt the partial dissent in *Brunetti*, as Defendants urge, Dkt. 18 at 10 n.6, 13, Defendants cannot satisfy that test.

B. The definition of viewpoint discrimination in *Tam* and *Brunetti* applies

Defendants try to discount these binding precedents by noting that *Tam* and *Brunetti* were trademark cases.² Instead, Defendants cite precedents which predate *Tam* and *Brunetti*, see Dkt. 18 at 9, 11, and are in parts irreconcilable with how those cases define viewpoint neutrality, see *Am. Freedom Def. Initiative v. Suburban Mobility Auth.*, 978 F.3d 481, 500-501 (6th Cir. 2020) (questioning the viability of *Ridley v. Mass. Bay Transp. Auth.*, 390 F.3d 65, 93 (1st Cir. 2004))

¹ If Policy BEDH only prohibited obscenity (a well-defined category of unprotected speech), it might be constitutional. See Dkt. 2 at 9 n.3. But courts cannot save an unconstitutional restriction by construing it against its unambiguous meaning. *Brunetti*, 588 U.S. at 397-98. Here, Defendants bar speech that cover far more than obscenity or even defamation. Compare *Waugh v. Genesis Healthcare LLC*, 222 A.3d 1063, 1066 (Me. 2019), with Dkt. 18-1, ¶¶ 28, 39, 55; Dkt. 6, ¶¶ 19-20, 38-39, 69.

² *Cohen*, however, cannot be distinguished in this way, it concerned a limited public forum: a courtroom with children present. See 403 U.S. at 26.

Nothing in *Tam* or *Brunetti* limits their holding to the trademark context. Rather, these cases defined “viewpoint neutrality”—a concept that spans a variety of contexts. *Tam* and *Brunetti* drew on many non-trademark precedents, including forum analysis cases like *Rosenberger v. Rector and Visitors of University of Virginia*, 515 U.S. 819 (1995). *Tam*, 582 U.S. at 243 (collecting cases and holding that “cases in which a unit of government creates a limited public forum” are “analogous” to *Tam*); *Brunetti*, 588 U.S. at 393 (citing *Rosenberger*, 515 U.S. at 830); *see also Vidal v. Elster*, 602 U.S. 286, 317-18 (2024) (Barret, J., concurring) (discrimination in “the trademark registration system [is] much like it is in a limited public forum”).

The First Circuit has already applied *Tam* and *Brunetti* to a case about a limited public forum. *See Scaer v. City of Nashua*, 162 F.4th 256, 262, 266 (1st Cir. 2025). Other circuits have done the same, holding that the explanation of viewpoint discrimination in *Tam* and *Brunetti* governs in a limited public forum. *See, e.g., Wandering Dago*, 879 F.3d at 30-31; *Ison v. Madison Loc. Sch. Dist. Bd. of Educ.*, 3 F.4th 887, 893–95 (6th Cir. 2021); *Am. Freedom Def. Initiative v. King Cnty.*, 904 F.3d 1126, 1131 (9th Cir. 2018); *Moms for Liberty v. Brevard Pub. Sch.*, 118 F.4th 1324, 1334 (11th Cir. 2024). So, too, have district courts within this circuit. *See McCoy v. Town of Pittsfield*, Civil No. 1:20-cv-362-JL, 2020 U.S. Dist. LEXIS 232219 at *7 (D.N.H. Dec. 10, 2020); *Carroll v. Craddock*, 494 F. Supp. 3d 158, 168 (D.R.I. 2020). Indeed, Defendants’ main contrary example is unpublished district court decision that was vacated on appeal. Dkt. 18 at 9-13 (citing *McBreairty v. Miller*, No. 1:23-cv-00143-NT, 2023 U.S. Dist. LEXIS 72379, at *19 n.14 (D. Me. Apr. 26,

2023), *vacated*, 93 F.4th 513).³ “Vacated opinions have no precedential or persuasive value.” *Veasey v. Abbott*, 830 F.3d 216, 301 n.36 (5th Cir. 2016).

Prohibiting a form of speech because it is “abusive,” “vulgar,” “gossip,” or a “personal attack” is viewpoint discrimination.

C. The government cannot discriminate because it is worried about how people might react to protected speech

Defendants defend their viewpoint discrimination on the grounds that it is a “reasonable” method of preventing disruption because abusive comments and personal attacks “could antagonize and even incite others.” Dkt. 18 at 15. The government, however, cannot ban speech because of “the audience’s reaction to its content.” *March v. Frey*, 458 F. Supp. 3d 16, 24 (D. Me. 2020) (citing *Bachellar v. Maryland*, 397 U.S. 564, 567 (1970)). This is the so-called “heckler’s veto,” a form of “impermissible viewpoint discrimination.” *Scaer*, 162 F.4th at 263-64; *see also Bible Believers v. Wayne Cty.*, 805 F.3d 228, 248 (6th Cir. 2015).

Yet Augusta justifies its censorship with the heckler’s veto. Defendants suggest that abusive comments and personal attacks are per se disruptive and bannable because of hostile audience response. *See* Dkt. 18 at 15, 19, 28, 29. Such speech, Defendants warn, “could antagonize and even incite others,” enflame “partisan discord,” “lead[] almost inevitably to a responsive defense or counter-attack and

³ Defendants also cite the partial dissent from the Eleventh Circuit’s decision in *Moms for Liberty*. *See* Dkt. 18 at 12-13. But *Moms for Liberty* expressly held that *Tam* and *Brunetti* apply to limited public fora. 118 F.4th at 1334. Defendants’ reliance (Dkt. 18 at 12) on *American Freedom Defense Initiative v. Washington Metropolitan Area Transit Authority*, 901 F.3d 356 (D.C. Cir. 2018), is even further off the mark. True, the court there held that *Tam* was not relevant because it “did not discuss forum doctrine in any depth.” *Id.* at 364. But that statement appears in an analysis about the kind of forum a property should be classified as, not about what constitutes viewpoint discrimination. *Id.*

thus to argumentation,” and entitle to employees “to an opportunity to be heard” in defense of their job performance. *Id.* at 15-16. Those justifications are about how people might react.

The fact that abusive language and personal attacks often inspire angry refutations and counter-speech demonstrates that they are viewpoints. Only ideas can be argued against. Witham disallowed Blanchard’s comments after he, for instance, called board members “soft beta males that won’t stand up for what is right”; petitioned for a principal’s firing; criticized one board member for chronic absenteeism; and suggested that another member was a communist. *See* Dkt. 18-1, ¶¶ 11, 28, 41, 45-46; Dkt. 6, ¶¶ 26-27, 37, 53, 57. It was Blanchard’s ideas—specific criticisms aimed at particular officials—that Defendants barred.

“The language of the political arena, . . . is often vituperative, *abusive*, and inexact.” *Watts v. United States*, 394 U.S. 705, 708 (1969) (emphasis added). But given our country’s “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials,” the First Amendment protects even “very crude offensive method[s] of stating a political opposition.” *Id.* Policies or practices that seek to prohibit the expression of ideas about persons that might lead to hostile response are viewpoint discriminatory, both facially and in intent.

Nor can Defendants rescue their speech restrictions by arguing that viewpoint discrimination is a “reasonable” method of preventing disruption. Viewpoint neutrality and reasonableness are separate requirements. *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788, 806 (1985). Speech restrictions at a

limited public forum must be *both* reasonable *and* viewpoint neutral. *Id.* So even if it is reasonable to prevent disruption, the government can only do so through viewpoint-neutral means. *See Reed v. Town of Gilbert*, 576 U.S. 155, 165-66 (2015) (explaining that a law’s “justification and purpose” cannot override its facially discriminatory line-drawing). And banning speech to avoid hostile audience reactions is not a viewpoint-neutral means.

D. Barring personal attacks, but not laudatory personal comments, is viewpoint discrimination

Defendants, moreover, barred Blanchard’s personal comments for being “attacks,” *see* Dkt. 18 at 2, 8, 9, 26, 28, not just for being personal. Defendants now seek to recharacterize their policy as prohibiting both critical and “laudatory” personal comments. Dkt. 18 at 15 n.12. But the text of their policy only bars critical comments. *See* Dkt. 3 at 2 (banning “complaints” and “allegations” about employees). Moreover, Witham publicly interpreted Policy BEDH as only stopping people from “speaking negatively” and contradicted a board member who held a broader interpretation. Dkt. 18-1, ¶ 13; Dkt. 6, ¶¶ 21-22. The Augusta board has allowed speakers to make positive personal comments about board members and school employees, even by name. *See* Dkt. 18-1, ¶¶ 29-30, 51, 55; Dkt. 6, ¶ 36. “The restrictions on ‘antagonistic,’ ‘abusive’ and ‘personally directed’ speech prohibit speech because it opposes, or offends, the Board or members of the public, in violation of the First Amendment.” *Ison*, 3 F.4th at 895.

II. AUGUSTA UNREASONABLY OBSTRUCTS COMMENTATORS FROM EXPRESSING THEIR VIEWS ON SCHOOL MATTERS

The Augusta Board of Education’s policy and practices are unreasonable “in light of the purposes for which the forum was established.” *Am. Freedom Def.*

Initiative v. Mass. Bay Transp. Auth., 781 F.3d 571, 581 (1st Cir. 2015). The stated purpose of public comments at Board of Education meetings is to enable “members of the public to express opinions and concerns related to the matters concerning education and the Augusta Board of Education schools.” Dkt. 3 at 1; *see also* 20-A M.R.S. § 1001(20) (“A school board shall provide the opportunity for the public to comment on school and education matters at a school board meeting.”). Although Defendants assert other interests (such as modeling civil discourse, preventing bullying, and conducting a “dignified” meeting, *see* Dkt. 18 at 14-16), none of these appear in Policy BEDH or in Maine’s law establishing the comment periods.

Instead, Defendants borrow these supposed interests from policies and laws regulating public schooling in general, *see* Dkt. 18 at 14, rather than comment periods at a school board meeting in particular. Public schools have many interests. *See, e.g., Mahanoy Area Sch. Dist. v. B.L.*, 594 U.S. 180, 190 (2021) (schools have “strong interest” in teaching free speech). But school board meetings, in which adults are invited to comment about education matters, are not the same as the schools themselves. And courts must analyze reasonableness “in light of the purposes for which the forum”—that is, the public comment period—“was established.” *Am. Freedom*, 781 F.3d at 581. Here, the purpose is supplying the public with a chance to comment on school and education matters. Defendants’ purported interest concerning public schooling in general is not a “stated purpose[]” of the relevant forum. *See Ridley*, 390 F.3d at 93.⁴

Defendants’ policy and practices obstruct the purpose of this forum. Defendants stopped Blanchard, for instance, from criticizing proposed changes regarding gender

⁴ Defendants also cannot ban offensive speech by declaring the forum’s purpose is respectful discussion. Viewpoint neutrality and reasonableness are separate prongs.

identity, from warning against what he considered to be ill-advised decisions violating Title IX and the First Amendment, and from criticizing the actions and votes of board members. *See* Dkt. 6, ¶¶ 25-26, 29-30, 35-37, 47, 53, 56-57. These comments were germane to the education matters under discussion. Other speakers offered comments similar to Blanchard's, on much the same topic, without interruption. Dkt. 18-1, ¶¶ 13-14, 21, 24, 51, 55, 69, 74, 77.

There is no evidence that Blanchard's supposedly abusive, antagonistic, and personal comments prevented the board from conducting public comment sessions. Indeed, the board has heard comments from numerous members of the public, both those agreeing with Blanchard and those who disagree. *See generally*, Dkt. 18-1. Vigorous and often uncomfortable debate is democracy at work.

Furthermore, Blanchard's comments did not expose Augusta to any legal liability. Nothing he said was harassment—that is, conduct “so severe, pervasive, and objectively offensive . . . that the victim-students are effectively denied equal access to an institution's resources and opportunities.” *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 633, 651 (1999); *see also L.M. v. Town of Middleborough*, 103 F.4th 854, 886 (1st Cir. 2024) (noting that an “anti-harassment policy [is] overbroad” if it does not “on its face, require any threshold showing of severity or pervasiveness”) (citation omitted). Nor were his comments defamatory. Defendants have not offered evidence showing that his opinions about education, a matter of public concern, were provably false, unprivileged, harmful, or malicious. *Cf. Phila. Newspapers v. Hepps*, 475 U.S. 767, 775 (1986); *Waugh*, 222 A.3d at 1066.

And, because Blanchard's grievances were not formal personnel complaints but instead primarily focused on the votes and actions of the board itself, the procedures

in Policy KE do not cover them.⁵ Dkt. 18-5 (stating that “complaints that concern Board actions or operations” are “[t]he only exceptions” to the normal KE procedure for “[s]uch complaints should be addressed to the Board Chair”). Board members are elected public officials, not school employees. *See* Dkt. 6, ¶¶ 3, 5, 55, 65. Public criticism before an audience of constituents likely to vote in the next election is the principal way of holding officials accountable in a democracy. *See Cantwell v. State of Connecticut*, 310 U.S. 296, 310 (1940) (noting that sharp criticism of political leaders is “essential to enlightened opinion” for “the citizens of a democracy.”). And, even if Policy KE applied, citizens do not lose the right to criticize public employees merely because the government creates a formal process to supervise employment.

Defendants stopped Blanchard from effectively expressing his ideas about school and education matters—including about their own suitability for public office—using the language and argumentation he desired. This is unreasonable in light of the purpose of the public comment period as a forum.

III. DEFENDANTS’ VAGUE POLICY GRANTS UNBRIDLED ENFORCEMENT DISCRETION TO SCHOOL OFFICIALS

Vagueness doctrine applies to government policies limiting access to a forum no less than it does to laws doing the same. *See, e.g., FCC v. Fox TV Stations, Inc.*, 567 U.S. 239, 251-52, 258 (2012) (vagueness analysis of agency policy); *Josselyn v. Dennehy*, 333 F. App’x 581, 587-88 (1st Cir. 2009) (similar); *McBreairty v. Miller*, No. 1:23-cv-00143-NT, 2024 U.S. Dist. LEXIS 87231, at *24 (D. Me. May 15, 2024)

⁵ Defendants ignore this undisputed fact, for they repeatedly cite cases concerning policies on student privacy or formal personnel complaints about teachers. *See* Dkt. 18 at 11, 14, 17. Blanchard was not discussing students or filing a formal complaint about a teacher, and nothing he said violated FERPA or similar laws.

(vagueness review of school board policy). Additionally, a policy governing speech in a government forum is unreasonable if it is too vague to provide objective standards controlling official discretion. *See, e.g., Minn. Voters All. v. Mansky*, 585 U.S. 1, 21-23 (2018); *Moms for Liberty*, 118 F.4th at 1332-33; *Suburban Mobility*, 978 F.3d at 494-95.

The First Circuit’s *Ridley* decision does not cast doubt on this. To start, *Ridley* pre-dates *Mansky*, which applied vagueness principles to the reasonableness prong of a nonpublic forum. 585 U.S. at 21-23. Under *Mansky*, the fact that a vague restriction grants unbridled discretion to a government enforcer does not change if that discretion is conferred by statute, rule, or policy.

Moreover, in *Ridley* “there is no serious concern about . . . chilling effects, where there are no consequences for submitting a non-conforming advertisement and having it rejected.” 390 F.3d at 94. When the consequences for disobeying a policy chill speech, vagueness doctrine applies. Here, speakers who violate Policy BEDH can be cut off, prevented from speaking, and forcibly removed by police. *See* Dkt. 18-2, ¶ 10; Dkt. 18-1, ¶¶ 14, 37, 62, 67. This chills—explicitly stops—speech.

Defendants have not pointed to any internal guidance document or adopted definitions limiting the chair’s discretion and providing notice about what terms such as “gossip,” “abusive or vulgar language,” “complaints or allegations,” “personal matters,” or “privacy rights” mean. Dkt. 6 at 2. Witham simply has “the discretion” to “mak[e] judgment calls.” Dkt. 18 at 30. The board itself has publicly disagreed on the policy’s meaning, and Witham addressing these concerns by reading from Merriam-Webster. Dkt. 18-1, ¶¶ 34, 39. When Blanchard asked Witham to clarify how his comments qualified as “disparaging,” “defamatory,” and

“rude,” she would not explain. Dkt. 18-1, ¶¶ 19, 28, 36, 46-47; Dkt. 6, ¶¶ 32, 39, 48. Conversely, Witham permitted other speakers to make negative personal comments just as “abusive,” “vulgar,” “disparaging,” “defamatory,” and “rude” as anything Blanchard said. *See, e.g.*, Dkt. 18-1, ¶¶ 13, 21, 34, 42, 51, 55, 60, 69, 74. These subjective judgment calls show that the policy is incapable of reasoned application.

IV. AUGUSTA’S OVERBROAD POLICY CHILLS THE SPEECH OF ANYONE WHO WISHES TO GIVE PUBLIC COMMENT

Defendants restrict the speech of more than just Blanchard. Policy BEDH, and the enforcement practices around it, applies to all public comments. Defendants have interrupted other speakers and had police forcibly remove one. *See, e.g.*, Dkt. 18-1, ¶¶ 14, 34, 42, 77. The Supreme Court has held that prohibiting “words offensive to some who hear them . . . sweeps too broadly” to be constitutional. *Gooding v. Wilson*, 405 U.S. 518, 527-28 (1972). “How infinitely more doubtful and uncertain are the boundaries of an offense including any [words] tending to” a disruption. *Id.* (cleaned up); *cf.* Dkt. 18 at 28 (justifying silencing comments “which tends to disrupt the Board’s attention”). Just as “[t]here are a great many immoral and scandalous ideas in the world,” *Brunetti*, 588 U.S. at 399, there are a great many abusive, vulgar, personal, and antagonistic ideas, which can incite argumentation and defensive counterattacks. *Cf.* Dkt. 18 at 15-16, 26. A provision “is substantially overbroad” if it “covers them all.” *Brunetti*, 588 U.S. at 399.

V. DEFENDANTS CANNOT NOW RECHARACTERIZE *EX POST FACTO* THEIR REASONS FOR CENSORING BLANCHARD’S SPEECH

Defendants claim they lawfully prevented Blanchard from commenting because Blanchard allegedly shouted and harassed people. Dkt. 18 at 2, 25-26, 29-30. Even

if this were true, it comes too late. “Government justifications for interfering with First Amendment rights must be genuine, not hypothesized or invented *post hoc* in response to litigation.” *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 543 n.8 (2022) (cleaned up). “The defendants may not rely on post hoc rationalizations for the speech restrictions, but rather must rely only on the reasons originally provided to [Plaintiff].” *Norris v. Cape Elizabeth Sch. Dist.*, 969 F.3d 12, 25-26 (1st Cir. 2020) (collecting cases).

At the time of the censorship, Witham never mentioned harassment, disruption, or shouting. Instead, she said that she would not permit comments that were “disparaging,” “derogatory,” “defamatory” in the broad sense of “injur[ious] to one’s reputation,” “rude,” or “negative” about personnel. Dkt. 6, ¶¶ 19, 27, 32, 36-39, 48, 53, 57; Dkt. 18-1, ¶¶ 11, 19, 28, 36-37, 41, 46. Defendants cannot now, in response to litigation, reinvent their rationale. They must defend their actions using the reasoning originally provided.

Nor is it clear why—for this motion—it matters if Blanchard shouted or harassed people. Defendants do not claim that Policy BEDH only prevents disruptive conduct. They do not dispute that Blanchard’s words alone violate the policy. So to the extent that Policy BEDH prohibits Blanchard from speaking—without shouting or acting disruptively—he is entitled to a preliminary injunction.

VI. IT IS IN THE PUBLIC INTEREST TO ENJOIN THE IRREPARABLE HARM THAT BLANCHARD AND OTHERS ARE SUFFERING

“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Roman Catholic Diocese v. Cuomo*, 592 U.S. 14, 19 (2020) (citation omitted). Yet Defendants claim there is no need for

this Court to act because they have not interrupted Blanchard since August 2025 and he spoke at three meetings after that. Dkt. 18 at 29. This only demonstrates that he has been forced to self-censor and to avoid speech that he thinks might violate Policy BEDH. *See* Dkt. 6, ¶¶ 70-71, 73-74. Policy BEDH “impacts [Blanchard’s] choice of words, the viewpoints [he] discuss[es], and the frequency and length of [his] speech.” *Id.*, ¶ 73. And, since November 2025, Blanchard has not spoken at Augusta school board meetings at all. *See* Dkt. 18-1, ¶ 76.

CONCLUSION

This Court should grant a preliminary injunction, preventing Defendants from enforcing their unconstitutional policies and practices against Blanchard.

Dated: March 20, 2026

Respectfully submitted,

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