No. 25-CV-1994

IN THE SUPREME COURT OF THE UNITED STATES

CHURCH OF LIGHT, LLC,

Petitioner,

v.

LAURA MARSHALL,

Respondent.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTEENTH CIRCUIT

BRIEF FOR RESPONDENT

TEAM 1
Counsel for Respondent

QUESTIONS PRESENTED

1. Whether the Campus Anti-Doxxing Statute of Delmont (CADS) violates the First Amendment Free Speech rights of the Petitioner.
2. Whether the Campus Anti-Doxxing Statute of Delmont (CADS) violates the First Amendment Free Exercise rights of the Petitioner.

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The opinion of the Court of Appeals for the Fifteenth Circuit is unpublished but reproduced in the Record at 30. Similarly, the opinion of the U.S. District Court for the District of Delmont, Western Division is unpublished but reproduced in the Record at 2.

STATEMENT OF JURISDICTION

The Court of Appeals for the Fifteenth Circuit entered judgment in this case on December 9, 2025. On December 30, 2025, a petition for a writ of certiorari was timely filed and granted on January 7, 2026. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Relevant constitutional and statutory provisions are reproduced in the appendix.

STATEMENT OF THE CASE

At issue in this case is Respondent Laura Marshall's ("Ms. Marshall") indispensable right to safety. On September 22, 2025, Ms. Marshall was besieged by a group of about twenty masked individuals outside of the Delmont Treatment Center, where she worked part-time and underwent treatment for substance abuse. R. at 11. The tormentors swarmed Ms. Marshall, catcalling and insulting her about her addictions, while also keying the sides of her car. R. at 11. The following night, the terror repeated itself. Though Ms. Marshall frantically called the police during both incidents, the mob dispersed before help arrived. R. at 11. Out of fear for her own safety, as well as that of her employer and fellow patients, Ms. Marshall reluctantly quit her job and withdrew

from counseling at Delmont Treatment Center. R. at 11. Ms. Marshall could not identify her attackers; however, she could infer their association: the Energy Coalition. R. at 11.

The Energy and Nature Coalitions are on opposite sides of the Energy Farm Controversy: a volatile conflict over whether to convert nearly a thousand undeveloped acres throughout Delmont into solar and wind energy farms. R. at 4-5. At Delmont State University ("DSU"), students on both sides of the conflict have received intimidating phone calls, emails, and social media messages, and numerous members of the community have been subject to attacks. R. at 5. Protestors encircled the homes of administrators, during which the fire department were called to extinguish incendiary flames, and multiple students were hospitalized. R. at 5. The police determined that these incidents were spurred by sudden, coordinated broadcasts of students' private information in what are known as "flash-shares." R. at 5. Between August and September 2025, disclosures of private information, commonly referred to as "doxxing," increased in Delmont by 150%. R. at 6.

While Ms. Marshall is a Nature Coalition DSU student activist, Petitioner, the Church of Light, LLC ("the Church"), aligns with the opposing Energy Coalition. R. at 10. A week prior to her attacks, Ms. Marshall spoke publicly at a campus protest on the Energy Farm Crisis for the first time. R. at 10. The Church's DSU student chapter filmed Ms. Marshall's speech and featured it on loop on the LED screens of their vans as they drove around popular spots on DSU's campus. R. at 10-11. The speech was followed by a still photograph of Ms. Marshall in the Delmont Treatment Center, wearing a Nature Coalition shirt, with the logo of the treatment center visible behind her. R. at 10. The address, phone number, and hours of operation of Delmont Treatment Center and one of the six other treatment centers in the city were also listed below her picture. R. at 10. Though the missionaries customarily share public resources with students, they had never

before included someone's photograph with the text. R. at 10. Within twenty-four hours of airing her speech, the assaults against Ms. Marshall began. R. at 11.

After the Church refused to stop running the speech at Ms. Marshall's request, Ms. Marshall brought suit under the Campus Anti-Doxxing Statute of Delmont ("CADS"). R. at 6, 12. Lawmakers had determined that current harassment, stalking, trespass, and disorderly-conduct tools and other alternatives were unable to address the specific risks associated with doxxing. R. at 48. Governor John Morrison correspondingly signed CADS to create a private cause of action against any actor who, without consent, uses any type of communication platform to disclose the private information of an enrolled student at DSU with the intent to "stalk, harass, or physically injure." R. at 6; app. at 26. There have been two successful suits for CADS violations filed in state court in Delmont. R. at 7.

The Church maintains that CADS violates its First Amendment Free Speech and Free Exercise rights. R. at 12. Since the Church's founding in the nineteenth century, its members have proselytized by means of public proclamation and printed witness. R. at 8. They have also combined their religious messages with local news in order to more effectively connect with the community and spread their faith. R. at 8. Initially, the Church disseminated its message through its own publication: *The Lantern.* R. at 8. However, as the denomination grew, young adult missionaries assumed more responsibility for public proclamation. R. at 8. Instead of relying upon print, the Church missionaries at DSU have taken to sharing *The Lantern* by live broadcasting on LED screens, which are fastened to vans that they drive around and park at popular spots on campus. R. at 9-10. In so doing, the missionaries share their faith, while also strengthening their own personal convictions. R. at 8. Before and after Ms. Marshall was attacked, the missionaries provided coverage of both sides of the Energy Farm Crisis. R. at 11.

The district court granted the Church's motion for summary judgement on December 8, 2025. R. at 29. On December 28, 2025, the Fifteenth Circuit reversed on appeal. R. at 43.

SUMMARY OF ARGUMENT

The First Amendment is a bedrock of U.S. democracy. "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943). Nonetheless, the First Amendment is not absolute. While our nation values freedom, it also values safety. Indeed, the U.S. Constitution opens with the following declaration: "We the People of the United States, in Order to… promote the general Welfare, *and* secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." U.S. Const. pmbl.

Accordingly, the Fifteenth Circuit was correct in holding that CADS does not violate the Church's Free Speech or Free Exercise rights. Multiple arguments yield this same conclusion. Regarding the Church's Free Speech rights, CADS targets only speech that can be categorized as true threats or speech integral to criminal conduct, neither of which are entitled to First Amendment protection. Consequently, CADS is only subject to rational basis review, which it passes because its provisions target the source of patterned Energy Farm Controversy-related violence: dissemination of private information. Additionally, even if the Court does not find that the Church's speech was unprotected, it can still uphold CADS because it satisfies the *O'Brien* test of intermediate scrutiny. CADS governs conduct with only minimal incidental expressive effects to further the Delmont government's substantial interest in upholding public safety.

With respect to the Church's Free Exercise rights, the Church's absurd belief that CADS poses a grave threat to its very existence is not motivated by religion and thus merits no Free Exercise protection. Still, even if the Free Exercise Clause is applied to the present case, CADS should be subjected to rational basis, rather than to strict scrutiny, because it is a neutral law of general applicability. It triggers neither the *Yoder* exception for laws that impose significant burdens upon religious development nor the hybrid rights exception for laws that involve claims of other constitutional protections in addition to the Free Exercise Clause. CADS satisfies rational basis scrutiny because Delmont's effort to prohibit the intentional disclosure of private information without consent is rationally related to the government's purpose of protecting citizens from violence spurred by "flash-shares."

Furthermore, even if the Court is unpersuaded by the preceding arguments and CADS is subjected to strict scrutiny, it satisfies this stringent review. CADS is narrowly tailored to further Delmont's compelling interest in protecting its community from assault and intimidation, without restricting activities outside of its scope.

ARGUMENT

This Court, by granting a writ of certiorari, has jurisdiction to review the Fifteenth Circuit's reversal of the district court's approval of the Church of Light's motion for summary judgment under 28 U.S.C. § 1254(1). The standard of review is *de novo* for decisions regarding motions for summary judgment. *Scott v. Harris*, 550 U.S. 372, 378 (2007). In such review, "courts are required to view the facts and draw reasonable inferences 'in the light most favorable to the party opposing the [summary judgment] motion.'" *Id.* (quoting *United States v. Diebold, Inc.*, 369 U.S. 654, 655 (1962)). The Federal Rules of Civil Procedure permit courts to grant summary judgment only if

"there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). There is a genuine dispute of material fact if "the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986).

The Free Speech and Exercise Clauses of the First Amendment guarantee that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech." U.S. Const. amend. I. Through the Due Process Clause of the Fourteenth Amendment, these prohibitions also extend to the states. *Gitlow v. New York*, 268 U.S. 652, 666 (1925). The First Amendment protections are thus applicable in the present case to the extent that the Delmont state government enacted the Campus Anti-Doxxing Statute (CADS), Del. Ann. Stat. § 25.989 (2025), and the Petitioner can employ a constitutional defense against this state statute. *Snyder v. Phelps*, 562 U.S. 443, 451 (2011) (asserting the First Amendment "can serve as a defense in state tort suits."); *see also New York Times Co. v. Sullivan*, 376 U.S. 254, 277 (1964) ("What a State may not constitutionally bring about by means of a criminal statute is likewise beyond the reach of its civil law . . . .").

This argument proceeds as follows. Part I contends that CADS does not violate the First Amendment Free Speech rights of the Church on two independent grounds: (1) the Church's speech can be classified as either a true threat or integral to criminal conduct and is thereby unprotected; and (2) CADS passes the *O'Brien*[1] test of intermediate scrutiny as it governs the conduct of disseminating private information with only incidental effects on free speech. Part II similarly argues that CADS does not violate the Church's First Amendment Free Exercise rights

[1] *United States v. O'Brien*, 391 U.S. 367, 377 (1968), created an intermediate scrutiny test of four factors to determine whether a statute is sufficiently justified under the Constitution.

using two prongs: (1) CADS does not unduly burden the Church's religion and is thus outside the scope of the Free Exercise Clause; and (2) CADS is a neutral and generally applicable law, not subject to either the *Yoder*[2] or hybrid rights exceptions, which satisfies rational basis scrutiny. Finally, Part III demonstrates that even if CADS burdens the Church's First Amendment rights, it survives strict scrutiny and is constitutional.

I. CADS DOES NOT VIOLATE THE CHURCH'S RIGHT TO FREE SPEECH

When the Respondent, Ms. Marshall, brought a private cause of action against the Petitioner, the Church of Light, LLC, under CADS, the Church moved for summary judgment, claiming in part that CADS violated its right to free expression. R. at 3. The Church asserted that it had the right to broadcast Ms. Marshall's personal employment information around DSU's campus, even though such information could be, and already had been, used to violently target individuals because of their views on the polarizing Energy Farm Controversy. R. at 5-6. In fact, Ms. Marshall was assaulted at her place of work within the first day that the Church shared her information. R. at 11. Despite this violence and Ms. Marshall's request for her information to be removed, the Church persisted, adamant in its right to sow such harm. R. at 12.

The right to free expression however is not an immutable protection to say or do anything. *Chaplinsky v. New Hampshire*, 315 U.S. 568, 571 (1942) ("[I]t is well understood that the right of free speech is not absolute at all times and under all circumstances."); *see also Schenck v. United States*, 249 U.S. 47, 52 (1919) ("But the character of every act depends upon the circumstances in which it is done."). Throughout its history, the Court has upheld statutes that restricted speech within particular categories and others that furthered critical state interests with incidental

[2] *Wisconsin v. Yoder*, 92 S. Ct. 1526, 1533 (1972), found that a state statute requiring Amish children to attend school until age sixteen, though both neutral and generally applicable, still ought to be subject to strict scrutiny.

expressive effects. *See, e.g.*, *Chaplinsky*, 315 U.S. at 571-72 ("There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem."); *United States v. O'Brien*, 391 U.S. 367, 376 (1968) ("[A] sufficiently important governmental interest . . . can justify incidental limitations on First Amendment freedoms.").

A. The Church's Speech Falls Outside First Amendment Protection As It Can Be Considered A True Threat Or Speech Integral To Criminal Conduct

Certain categories of expression are not protected under the First Amendment Right to Free Speech because "such utterances are no essential part of any exposition of ideas, and are of such slight social value . . . that any benefit that may be derived from them is clearly outweighed by the social interest." *Chaplinsky*, 315 U.S. at 572. These unprotected categories include true threats and speech integral to criminal conduct. *Watts v. United States*, 394 U.S. 705, 707 (1969) ("What is a threat must be distinguished from what is constitutionally protected speech."); *Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490, 498 (1949) (rejecting that the "constitutional freedom for speech and press extends its immunity to speech or writing used as an integral part of conduct in violation of a valid criminal statute.").

In the present case, the Church's speech properly falls within these unprotected categories of speech. First, the Church's speech can be considered as a true threat, "where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals." *Virginia v. Black*, 538 U.S. 343, 360 (2003); *see also Watts*, 394 U.S. at 708 (differentiating "political hyperbole" from true threat). In *Virginia*, the Court noted that "[t]he speaker need not actually intend to carry out the threat. Rather, a prohibition on true threats 'protect[s] individuals from the fear of violence' and 'from the disruption that fear engenders . . . .'" 538 U.S. at 360.

When the Church shared the contact information for the Delmont Treatment Center alongside Ms. Marshall's photograph after showing her Nature Coalition speech, it did so in the context of recent attacks in Delmont resulting from "flash-shares" of private information. As a longstanding local news provider, the Church would have known, or at least been willfully blind to, these incidents and the potential violent consequences of broadcasting such information about a student activist in the Energy Farm Controversy. Once Ms. Marshall requested that her information be removed, the Church certainly knew of the broadcast's devastating impact, yet it persisted. Sharing Ms. Marshall's private information added little value to the Energy Farm Controversy debate and instead served as an intimidation tactic intended to cause her substantial emotional distress.

This is similar to *Planned Parenthood of the Columbia/Willamette, Inc. v. American Coalition of Life Activists*, 290 F.3d 1058, 1063-65 (2002), in which anti-abortion defendants circulated posters and online posts containing the names and home addresses of doctors who provided abortions. Next to the doctors' names, the defendants included "WANTED" or "GUILTY" followed by "CRIMES AGAINST HUMANITY." *Id.* Three doctors who were included on previous posters had been killed and were still featured, though their names were crossed out. *Id.* Like the Church, these anti-abortionist groups understood how their messaging would be received in the context of targeted violence and yet continued to disseminate private information. *Id.* at 1065, 1078 ("Indeed, context is critical in a true threats case and history can give meaning to the medium."). Although the Church did not explicitly call for mobs to assault Ms. Marshall, it relied on the pattern of recent targeted attacks to signal its intent.

Broadcasting Ms. Marshall's activist speech on the Energy Farm Controversy and criticizing her credibility by highlighting her connection to a rehabilitation center were matters of

public interest and therefore within First Amendment protections. *See, e.g.*, *City of San Diego, Cal. v. Roe*, 543 U.S. 77, 84 (2004) ("[P]ublic concern is something that is a subject of legitimate news interest . . . and of value and concern to the public at the time of publication."); *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964) (affirming "a 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"). Even providing information on local treatment facilities, which the Church had routinely done in the past, was of public concern when done to further the health and welfare of the DSU community.

However, sharing the Delmont Treatment Center's contact details alongside a photo identifying Ms. Marshall as one of its employees removed that speech from public concern. In *Snyder v. Phelps*, the Court determined whether speech addresses a matter of public concern by examining its "'content, form, and context' . . . 'as revealed by the whole record.'" 562 U.S. 443, 453 (2011) (quoting *Dun & Bradstreet, Inc. v. Greenmoss Builders*, 472 U.S. 749, 761 (1985)). By content alone, the Church's sharing of treatment facility contact information could be of public concern. Yet, when presented alongside Ms. Marshall's picture following a recording of her speech, the disclosure instead operated as the publication of her personal employment information. Unlike in *Coleman v. MacLennan*, 78 Kan. 711, 715 (1908), the public benefit of sharing Ms. Marshall's private information was minimal while the emotional injury resulting from this true threat was substantial. Accordingly, the Church's speech is neither privileged nor protected under the First Amendment.

Second, for similar reasons, the Church's speech can also be viewed as speech integral to criminal conduct. In *Giboney v. Empire Storage & Ice Co.*, the Court observed that speech "used as an essential and inseparable part of a grave offense against an important public law cannot

immunize that unlawful conduct from state control." 336 U.S. 490, 502 (1949) ("But it has never been deemed an abridgement of freedom of speech or press to make a course of conduct illegal merely because the conduct was in part initiated, evidenced, or carried out by means of language, either spoken, written, or printed."); *see also Morse v. Frederick*, 551 U.S. 393, 403 (2007) (holding that a high school "principal may, consistent with the First Amendment, restrict student speech at a school event, when that speech is reasonably viewed as promoting illegal drug use.").

The first attacks on Ms. Marshall at her workplace occurred on the same day that the Church began broadcasting her employment information; consequently, it is likely that this broadcast was necessary to the mobs to violate public safety laws by stalking, harassing, and assaulting her. While the photograph and treatment center contact information were available publicly online, this is not enough to prove that the Church's actions were not integral to the criminal acts. Without the Church making the connection to Ms. Marshall, the attackers would likely not have been aware that such information was available online, let alone where they could find it. Ms. Marshall had never publicly advocated for the Nature Coalition before she gave this speech, which the Church took upon themselves to film and broadcast across the DSU campus. Had the Church shared only her speech and not her employment information, Ms. Marshall would not have become a victim of criminal violence.

If a state statute is determined to be regulating unprotected speech, it is subject "only to rational-basis review, the *minimum* constitutional standard that *all* legislation must satisfy." *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 471 (2025) (emphasis added). The statute must be found "reasonable in relation to its subject and . . . adopted in the interests of the community." *W. Coast Hotel Co. v. Parrish*, 300 U.S. 379, 391 (1937). Rational basis review presumes the statute is constitutional, thus shifting the burden of proof to the party challenging the law and requiring it

to prove that either: (i) the government has *no* legitimate interest on behalf of the community in the law or policy; *or* (ii) there is *no* reasonable, rational link between that interest and the challenged law. *Olsen v. Nebraska*, 313 U.S. 236, 246 (1941). So long as there is "any reasonably conceivable state of facts that could provide a rational basis" for its ratification, the statute must be upheld. *F.C.C. v. Beach Communications, Inc.*, 508 U.S. 307, 313 (1993).

In the present case, the Delmont state legislature did have the community's interest in mind when enacting CADS. The state governor and legislature sought to end the tumult that had overtaken Delmont's colleges due to the deeply polarizing Energy Farm Controversy. R. at 5. The state anticipated that banning the intentionally harmful dissemination of private information would preclude the violent mobs, who used this information to target their victims, from continuing to terrorize the community. R. at 6. CADS achieved this policy by creating a private cause of action against any party that, "acting purposefully or recklessly to place a person in reasonable fear," discloses certain private information of individuals associated with a Delmont college. R. at 6-7. The statute protected those most in danger from this patterned violence.

B. Even If The Petitioner's Speech Is Protected, CADS Regulates Conduct With Only Incidental Expressive Effects And Therefore Satisfies The O'Brien Test

If the Court does not find that the Church's speech is unprotected, it can still hold that CADS does not violate the Church's right to free speech using the *O'Brien* test. In *United States. v. O'Brien*, the Court established a four-factor test to determine whether a statute that governs conduct of both "speech and nonspeech elements," has a "sufficiently important governmental interest in regulating the nonspeech element" to justify its "incidental limitations on First Amendment freedoms." 391 U.S. 367, 376 (1968). Such statute is justified if: (i) "it is within the constitutional power of the Government;" (ii) "it furthers an important or substantial governmental interest;" (iii) "the governmental interest is unrelated to the suppression of free

expression;" and (iv) "the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest." *Id.* at 377.

To begin, the Delmont government does have the constitutional authority to enact civil statutes that regulate conduct, for "[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively." U.S. Const. amend. X. Second, the state legislature created CADS to protect the public safety of the Delmont community, in light of the recent targeted violence relating to the Energy Farm Controversy. Certainly, "supporting the general welfare" of the community is an "important or substantial" government interest, since the Founders found it important enough to list in the Constitution's preamble. U.S. Const. pmbl. Courts have recognized government interests far less critical than public safety as "important or substantial." *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 296 (1984) ("maintaining the parks in the heart of our Capital in an attractive and intact condition"); *Turner Broadcasting System, Inc. v. F.C.C.*, 512 U.S. 622, 635 (1994) ("preserving the benefits of free, over-the-air local broadcast television").

Third, the Delmont government's interest in upholding public safety is unrelated to the suppression of free expression. In *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989), the Court explained that "the principal inquiry in determining content neutrality . . . is whether the government has adopted a regulation of speech because of disagreement with the message it conveys." Thus, a statute that "serves purposes unrelated to the content of expression is deemed neutral, even if it has an incidental effect on some speakers or messages but not others." *Id. See also Reed v. Town of Gilbert*, 576 U.S. 155, 164 (2015) ("This commonsense meaning of the phrase 'content based' requires a court to consider whether a regulation of speech 'on its face' draws distinctions based on the message a speaker conveys.").

CADS is content-neutral because it applies only to the conduct of intentionally harmful disclosure of private information, regardless of a party's message or viewpoint. Although enforcing CADS requires courts to examine speech to determine whether private information was disseminated, that fact is not dispositive of whether the statute is content-based. Many criminal statutes, including those prohibiting fraud, conspiracy, and incitement, similarly require reference to speech and yet are still treated as content-neutral. *United States v. Williams*, 553 U.S. 285, 298 (2008). CADS targeted the Church's *conduct*, not its viewpoint. The Church remains free to express its views so long as it does not disclose private information in doing so.

Finally, the incidental effects CADS has on free expression are no greater than required to protect the Delmont community from persistent violence. The Court has held that "[t]o satisfy this standard, a regulation need not be the least speech-restrictive means of advancing the Government's interests." *Turner*, 512 U.S. at 662. Rather, a statute is permissible under *O'Brien* "so long as the neutral regulation promotes a substantial government interest that would be achieved less effectively absent the regulation." *United States v. Albertini*, 472 U.S. 675, 689 (1985); *see, e.g.*, *Clark* 468 U.S. at 297 ("if the parks would be more exposed to harm without the sleeping prohibition than with it, the ban is safe from invalidation under the First Amendment").

When CADS was enacted, Delmont was plagued by attacks between individuals involved in the Energy Farm Controversy, which relied on routine "flash-shares" of private information to target victims. R. at 5. As demonstrated in Ms. Marshall's case, this information was spread so rapidly that police could not intervene in time to stop the violence. R. at 6. Because the state could not respond quickly enough to prevent these attacks, it instead sought to destroy their source: the flash-shares. Although one could imagine alternative measures Delmont might have enacted to

more efficiently uphold public safety, the Delmont community was undoubtedly exposed to greater harm without CADS than with it. Therefore, even if CADS has some incidental effects on free speech, it satisfies the *O'Brien* test of intermediate scrutiny.

II. CADS DOES NOT VIOLATE THE CHURCH'S RIGHT TO FREE EXERCISE

A. The Free Exercise Clause Does Not Apply To The Present Case Because CADS Does Not Unduly Burden The Church's Religion

The Free Exercise Clause protects *religious* beliefs. *See Wisconsin v. Yoder,* 92 S. Ct. 1526, 1533 (1972) (holding that a belief that is merely "philosophical and personal rather than religious . . . does not rise to the demands of the Religion Clauses."). "Courts are not arbiters of scriptural interpretation." *Thomas v. Review Bd. of Indiana Employment Sec.,* 101 S. Ct. 1425, 1431 (1981). Religious beliefs "need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection." *Id.* at 1430. Nor is First Amendment protection restricted to beliefs that are common to all members of a religious sect. *Id.* at 1430.

There are nonetheless some beliefs "so bizarre, so clearly non-religious in motivation, as not to be entitled to protection under the Free Exercise Clause." *Id.* at 1431. The Church's belief that CADS poses "a grave threat" to the Church's "very existence" fits this description. R. at 46. As the district court stated, the Church has an "honest conviction" that live broadcasting is essential to its faith. R. at 20; *Thomas,* 101 S. Ct. at 1431. But CADS does not prevent the Church from live broadcasting; it prevents the Church from intentionally disclosing DSU students' "private information" without consent. R. at 6-7.

Intentionally disclosing DSU students' "private information" without consent is neither a "command" of the Church's faith; nor is it "an age-old form of missionary evangelism"; nor is it analogous to religious solicitation. *Yoder,* 92 S. Ct. at 1533; *Murdock v. Commonwealth of Pennsylvania,* 319 U.S. 870, 872 (1943); *Cantwell v. State of Connecticut,* 60 U.S. 901, 903-04

(1940). Prior to the incident with Ms. Marshall, the Church always shared resources available to students *without* photographs. R. at 12. Though Ms. Marshall's photograph was accompanied by the address, phone number, and hours of operation for *two* treatment centers, there was likewise no image identifying the other center. R. at 10. Additionally, unlike obtaining money, publicizing DSU students' "private information" is unnecessary to the operation of the Church. Hence, the Church could have easily complied with the dictates of and spread its religion without violating CADS. It follows that the Free Exercise Clause is inapplicable and that CADS should be subjected to rational basis, rather than to strict, scrutiny. *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 471 (2025). As detailed in Section I.A., CADS satisfies rational basis scrutiny.

B. CADS Is Both Neutral And Generally Applicable And, If It Burdens The Church's Religion, Does So Only Incidentally

In *Employment Division v. Smith*, 110 S. Ct. 1595, 1600 (1990), the U.S. Supreme Court held that "the right of free exercise does not relieve an individual of the obligation to comply with a 'valid and neutral law of general applicability on the ground that the law proscribes (or prescribes) conduct that his religion prescribes (or proscribes).'" CADS is both neutral and generally applicable. Hence, irrespective of whether the Free Exercise Clause applies, CADS should be subjected to rational basis, rather than to strict scrutiny. *City of Boerne v. Flores,* 117 S. Ct. 2157, 2161 (1997). CADS passes rational basis scrutiny for the reasons discussed in Section I.A.

CADS plainly satisfies "the minimum requirement of neutrality": that "a law not discriminate on its face." *Church of the Lukumi Bablu Aye, Inc. v. City of Hialeah,* 113 S. Ct 2217, 2227 (1993). By its own terms, it applies to "any individual," not only to religious people. R. at 6.

Nevertheless, "facial neutrality is not determinative." *Church of Lukumi,* 113 S. Ct. at 2227. " Apart from the text, the effect of a law in its real operation is strong evidence of its object." *Id.*

at 2228. The district court found that the application of CADS will unfairly target the Church, which has long proselytized by means of personal, live, and public proclamation. R. at 8, 22. It further found that CADS's impact upon the Church and Governor Morrison's failure to respond to the Church's lobbying efforts against the law demonstrates that CADS constitutes "a subtle departure[] from neutrality" and a "'covert suppression of particular religious beliefs.'" *Church of Lukumi,* 113 S. Ct. at 2227 ("The Free Exercise Clause protects against government hostility which is masked, as well as overt.").

This argument is unpersuasive. In *Masterpiece Cakeshop*, the U.S. Supreme Court identified several "factors relevant to the assessment of government neutrality," such as "the historical background of the decision under challenge, the specific series of events leading to the enactment or official policy in question, and the legislative or administrative history, including contemporaneous statements made by members of the decisionmaking body." *Masterpiece Cakeshop v. Colo. Civil Rights,* 138 S. Ct. 1719, 1731 (2018). The Court determined, as a result, that applying the Colorado Anti-Discrimination Act to require a baker to create a cake for a same-sex couple violated his Free Exercise rights because the Colorado Civil Rights Commission's "treatment of his case" evinced "clear and impermissible hostility toward the sincere religious beliefs that motivated his objection." *Id.* at 1729.

To illustrate, members of the Commission publicly denied that religious beliefs can have a legitimate place in the public sphere and disparaged religion as "one of the most despicable pieces of rhetoric that people can use." *Id.* The Commission also treated conscience-based objections differently. On at least three prior occasions, it permitted bakers to refuse to create cakes with images that displayed disapproval of same-sex marriage on the ground that they found the images "offensive." *Id.* at 1728.

The present case is distinguishable. As the U.S. Supreme Court itself highlighted, the Commission was an "adjudicatory body deciding a particular case." *Id.* at 1730. By contrast, Governor Morrison was an executive official enacting a general law. He did not have a legal duty to respond to the Church's lobbying efforts. There is, in addition, no evidence that Governor Morrison regarded CADS's impact upon the Church nor treated the Church's lobbying efforts differently from those of non-religious people. To the contrary, Governor Morrison enacted CADS to address "extremely volatile" campus conditions *throughout Delmont*. R. at 47-48. Recall, for instance, that "libraries were stormed, classes were disrupted, and students were ambushed and accosted at their residences." R. at 47. As a result, numerous students were hospitalized. R. at 5.

As well as being neutral, CADS is generally applicable. The U.S. Supreme Court has clarified that a law is not generally applicable if it "invite[s] the government to consider the particular reasons for a person's conduct by creating a mechanism for individualized exemptions" or "if it prohibits religious conduct while permitting secular conduct that undermines the government's asserted interests in a similar way." *Fulton v. City of Phila., Pa.,* 141 S. Ct. 1868, 1872, 1877 (2021).

Neither of these circumstances are present here. As the Fifteenth Circuit discussed, CADS bars *anyone* from intentionally disclosing DSU's students' "private information" without consent. R. at 39. It also applies equally to religious and secular conduct. Indeed, both individuals who were successfully prosecuted for CADS violations in state court in Delmont were devoid of religious motivations. R. at 7.

C. CADS Does Not Trigger The Yoder Exception To Neutral And Generally Applicable Laws For Those That Impose A "Severe" And "Inescapable" Burden Upon Religious Development

Even if CADS is both neutral and generally applicable, the district court found that it ought to be subjected to strict scrutiny, pursuant to *Wisconsin v. Yoder* and *Mahmoud v. Taylor.* In *Yoder*, the U.S. Supreme Court held that requiring Amish children to attend formal high school until age sixteen violated the Free Exercise Clause by "substantially interfering with the religious development of the Amish child." *Yoder,* 92 S. Ct. at 1534. In *Taylor*, the Court elaborated that "when a law imposes a burden of the same character as that in *Yoder,* strict scrutiny is appropriate regardless of whether the law is neutral and generally applicable." *Mahmoud v. Taylor,* 145 S. Ct. 2332, 2340-41 (2025).

The present case, however, is disanalogous from *Yoder*. In *Yoder*, the U.S. Supreme Court emphasized that the burden imposed by the compulsory-attendance law was "severe" and "inescapable." *Yoder,* 92 S. Ct. at 1534. It threatened to take Amish children "away from their community, physically and emotionally, during the crucial and formative adolescent period of life." *Id.* at 1531. In so doing, it compelled Amish children to "perform acts undeniably at odds with the fundamental tenets of their religious beliefs," which were rooted in "their literal interpretation of the Biblical injunction from the Epistle of Paul to the Romans" and had been reflected by "almost 300 years of consistent practice." *Id.* at 1533-34. Simultaneously, the compulsory-attendance law obstructed Amish parents' right to direct the religious development of their children. *Id.* at 1531.

The burden allegedly imposed by CADS is neither "severe" nor "inescapable." The Church missionaries are young adults. It follows that they are less vulnerable and impressionable than the children in *Yoder*. It follows, in addition, that "the values of parental direction of the religious upbringing and education of their children in their early and formative years" are unaffected. *Id.* at 1532. Moreover, the Church has argued that live broadcasting, not disclosing "private

information," is key to enabling missionaries to "become more resolute in their faith." R. at 45. The fact that the Church has long broadcasted *without* disseminating photographs, like that of Ms. Marshall, further substantiates that CADS does not "contravene[] the basic religious tenets and practice" of the Church. *Yoder,* 92 S. Ct. at 1534; R. at 12. The present case correspondingly does not come within the narrow *Yoder* exception.

D. CADS Does Not Trigger The Alleged Hybrid Rights Exception To Neutral And Generally Applicable Laws, Which The Court Should Decline To Recognize

The District Court mentions another alleged exception to neutral and generally applicable laws, which is attributed to *Employment Division v. Smith*. In denying a Free Exercise Claim in *Smith,* the Court characterized previous decisions which had similarly struck down neutral and generally applicable laws as distinguishable because they involved claims of other constitutional protections "in conjunction" with the Free Exercise Clause. *Smith,* 110 S. Ct. at 1597. Some circuits have interpreted the Court's language in *Smith* as creating an exception for "hybrid rights," in which Free Exercise claims that would typically fail to garner strict scrutiny analysis can become compelling with the implication of a companion constitutional claim, like free speech. *Telescope Media Grp. v. Lucero,* 936 F.3d 740, 758-60 (8th Cir. 2019). Like the Second, Third, and Sixth Circuit, this interpretation should be rejected as dicta for three primary reasons. *See Knight v. Conn. Dept. of Pub. Health,* 275 F.3d 156 (2d Cir. 2001); *Combs v. Homer-Center Sch. Dist.,* 540 F.3d 231, 241-47 (3rd. Cir. 2008); *Kissinger v. Bd. of Tr. of Ohio State Univ., Coll. of Veterinary Med.,* 5 F.3d 177, 180 (6th. Cir. 1993).

First, granting strict scrutiny analysis to a claim, simply because of its proximity to another right, defies a simple tenet of constitutional law that either a right has been violated, or it has not. *Henderson v. Kennedy,* 253 F.3d 12, 19 (D.C. Cir. 2001) ("But in law as in mathematics zero plus zero equals zero."). A plaintiff should be unable to invoke a constitutional right, "combine it with

a claimed free-exercise right, and thereby force the government to demonstrate the presence of a compelling state interest." *Swanson v. Guthrie Indep. Sch. Dist.,* 135 F.3d 694, 700 (10th Cir. 1998). Essentially, if a court finds that a claim does not violate the Free Exercise Clause, the hybrid rights exception transforms the claim's viability through the implication of a companion constitutional right–a "completely illogical" result. *Kissinger,* 5 F.3d at 180.

Second, while courts have attempted to create various thresholds of viability for a companion claim to, practical application demonstrates the inherent paradox of the doctrine. Some courts have adopted an "implication" standard, in which sheer invocation of an additional constitutional protection triggers the hybrid rights exception. But as Justice Souter's concurrence in *Church of Lukumi* explained, "[i]f a hybrid claim is simply one in which another constitutional right is implicated, then the hybrid exception would probably be so vast as to swallow the Smith rule." *Church of Lukumi,* 113 S. Ct at 2245 (Souter, J., concurring). Other courts have required the claim to have independent viability. But, if the companion claim had an independent basis for constitutional protection, then there would be no reason for the court to invoke the Free Exercise Clause or hybrid rights doctrine at all. *Id.* Some circuits have attempted to reconcile the issues posed by Souter by finding a middle ground in the "colorable claim" standard for companion claims. *Combs,* 540 F.3d at 246 (defining the colorable claim as "a fair probability or a likelihood, but not a certitude, of success on the merits."). However, this falls to the same fundamental issue with hybrid claims in the first place: two separate losing claims should not be able to be combined into a winning claim. *Fulton v. City of Phila., Pa.,* 141 S. Ct. 1868, 1915 (2021) (Alito, J., concurring) ("If a passing grade is 70 and a party advances a free-speech claim that earns a grade of 40 and a free-exercise claim that merits a grade of 31, the result would be a (barely) sufficient

hybrid claim. Such a scheme is obviously unworkable and has never been recognized outside of *Smith*").

Third, the logical incoherency of the hybrid rights doctrine is supported by the Court's abandonment of the doctrine in subsequent Free Exercise cases. Aside from the Court refusing to apply the doctrine in *Smith,* the Court has either ignored or explicitly declined the analysis in similar cases. *Mahmoud,* 145 S. Ct. at 2361 n.14 ("We need not consider where the case before us qualifies as such a 'hybrid rights' case."); *see Fulton,* 141 S. Ct. at 1872 (declining hybrid rights discussion); *see generally Masterpiece Cakeshop,* 138 S. Ct. (omitting any discussion of hybrid rights).

For the three preceding reasons, the alleged hybrid rights exception should be rejected. It follows from Section II.B-D that CADS is neutral and generally applicable law that does not fall within the *Yoder* and the alleged hybrid rights exceptions. CADS should thus be subjected to rational basis review, which it plainly satisfies as explicated in Section I.A. *City of Boerne v. Flores,* 117 S. Ct. 2157, 2161 (1997).

III. CADS SURVIVES STRICT SCRUTINY EVEN IF IT BURDENS FIRST AMENDMENT RIGHTS

Even if the Court finds that CADS burdens the Church's First Amendment rights, CADS survives strict scrutiny. When a law is subject to strict scrutiny, it must "be the least restrictive means of achieving a compelling state interest." *McCullen v. Coakley*, 573 U.S. 464, 478 (2014). Strict scrutiny is considered "the most demanding test known to constitutional law." *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997). Nonetheless, CADS satisfies this stringent standard.

Though strict scrutiny is often described as "strict in theory, but fatal in fact," *Fullilove v. Klutznick*, 448 U.S. 448, 519 (1980) (Powell, J., concurring), the Court has held that some statutes

survive this stringent review. *See Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 237 (1995) ("[W]e wish to dispel the notion that strict scrutiny is 'strict in theory, but fatal in fact.'"). For instance, in *Williams-Yulee v. Florida Bar*, the Court upheld a Canon in the Florida Code of Judicial Conduct prohibiting judicial candidates from personally soliciting funds. *Williams-Yulee v. Florida Bar*, 575 U.S. 433, 441 (2015) ("This is therefore one of the rare cases in which a speech restriction withstands strict scrutiny."). It found that the Canon "advances the State's compelling interest in preserving public confidence in the integrity of the judiciary," *Id.* at 444, "raises no fatal underinclusivity concerns," *Id.* at 449, and "restricts a narrow slice of speech." *Id.* at 452. *See also Grutter v. Bollinger*, 539 U.S. 306, 343 (2003) ("[T]he Equal Protection Clause does not prohibit the Law School's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body.").

As the district court concedes, the Delmont government's interest in protecting its citizens from "doxxing, harassment, and threats" is compelling. R. at 19. *See McCullen v. Coakley*, 573 U.S. 464, 486 (2014) ("We have, moreover, previously recognized the legitimacy of the government's interest in 'ensuring public safety and order.'"). By August 2025, a few months prior to the enactment of CADS, violent and disruptive incidents had risen to an "acute level." R. at 5. Delmont could not allow the "flash-shares" that facilitated attacks associated with the Energy Farm Controversy to continue if it wished to uphold the community's welfare.

In addition to serving a "compelling interest," CADS is "narrowly tailored." A statute is "narrowly tailored" if "the means chosen are not substantially broader than necessary to achieve the government's interest." *Ward*, 491 U.S. at 800. The district court held that CADS is over-inclusive because it "sweeps in speech that is already covered by other laws." R. at 19. But these other laws were plainly insufficient. Between April and September 2025, campus volatility

continued to increase, and the Governor's office reviewed the enforcement of other laws and evaluated alternatives prior to enacting CADS. R. at 48.

The district court's critique that CADS "makes no provision for information that is already public" is similarly misguided. R. at 19. Though Ms. Marshall's photograph and the rehabilitation center's contact information may have been public, without the Church making the connection to Ms. Marshall, the attackers would likely not have known that such information existed, let alone where they could find it to target her at her workplace. Moreover, by displaying Ms. Marshall's photograph *immediately after* the video of her political speech *alongside* her workplace address, the Church, in effect, changed the meaning of the image. R. at 10. Rather than merely identifying Ms. Marshall as a treatment center employee, it framed her as a target for intimidation, relying on the existing patterns of violence against activists to convey its message.

Additionally, CADS does not, as the district court states, "restrict actions beyond the scope it is intended to." R. at 28. First, its requirement that offenders have the intent to "stalk, harass, or physically injure" ensures that it cannot be applied to lawful protesters who are merely seeking to partake in the marketplace of ideas. App. at 26. Instead, CADS is restricted to individuals who are "acting purposefully or recklessly" to bring about the exact harm that CADS was designed to prevent: that of placing "a person in reasonable fear of bodily injury, death, or property damage as to cause severe emotional distress to such a person." App. at 26. Next, CADS limits its scope to protect only those affiliated with Delmont colleges as the recent explosion in doxxing was "almost exclusively" on these campuses. R. at 6. Finally, CADS precludes sharing only specifically enumerated categories of private information, tailored to those most likely to facilitate targeted harm and intimidation.

CONCLUSION

For the foregoing reasons, the Respondent respectfully requests that this Court affirm the judgment of the Court of Appeals and find that the Campus Anti-Doxxing Statute (CADS) does not violate the First Amendment Free Speech and Free Exercise rights of the Petitioner.

Respectfully submitted,

Team 1
Counsel for Respondent

APPENDIX

U.S. Const. amend. I

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Const. amend. X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Campus Anti-Doxxing Statute of Delmont ("CADS")

Delmont Annotated Statutes §25.989 (2025)

(*excerpted from the Record; R. at 6-7 n.1)*

"[A] private cause of action against any individual who without consent uses a communication platform of any type to disclose private information of an enrolled student, faculty member, administrative or staff member at a Delmont college or university with the intent to 'stalk, harass, or physically injure.' . . . A plaintiff who prevails under CADS is entitled to economic and non-economic damages, punitive damages, and injunctive relief."

Definitions:

- "Intent" is defined as "acting purposefully or recklessly to place a person in reasonable fear of bodily injury, death, or property damage as to cause severe emotional distress to such person." (quoting Del. Ann. Stat. § 163.732 (2020)).
- "Injure" means to subject another to bodily injury or death or property damage.

- "Harass" means to subject another to severe emotional distress such that the individual experiences anxiety, fear, torment or apprehension that may or may not result in a physical manifestation of severe emotional distress or a mental health diagnosis and is protracted rather than merely trivial or transitory.
- "Stalk" means to engage in a pattern of unwanted, obsessive, and intrusive behavior that would cause a reasonable person to feel threatened or fear for their safety or the safety of others.
- "Private information" is defined as:
    a) The plaintiff's home address, personal email address, personal phone number, social security number, or any other personally identifiable information;
    b) Contact information for the plaintiff's employer;
    c) Contact information for a family member of the plaintiff;
    d) Photographs of the plaintiff's children;
    e) Identification of the school that the plaintiff's children attend.

CERTIFICATE

As required by Official Rule III(C)(3), Counsel of Record certifies the following:

1. The work product contained in all copies of the team's brief is in fact the work product of the team members.

2. The team has complied fully with its school's governing honor code.

3. The team has complied with all Rules of the Competition.

February 6, 2026

/s/ *Team 1*

Team 1
Counsel for Respondent