

No. 25-CV-1994

In the Supreme Court of the United States

CHURCH OF LIGHT, LLC,
Petitioner, v.
LAURA MARSHALL,
Respondent.

*ON WRIT OF CERTIORI TO THE SUPREME COURT
OF THE UNITED STATES*

BRIEF FOR PETITIONER

Team No. 2
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QUESTIONS PRESENTED

The First Amendment of the United States Constitution provides that “Congress shall make no law... prohibiting the free exercise [of religion]; or abridging the freedom of speech...” U.S. Const. Amend. I. The protections afforded by the First Amendment’s Free Speech and Free Exercise Clauses have long prevented the government’s ability to intrude upon the individual liberties of its citizens. Section 25.989 of the Delmont Annotated Statutes protects enrolled students and faculty at Delmont colleges and universities from the nonconsensual disclosure of private information on a communicative platform when undertaken with the intent to “stalk, harass, or physically injure.” Under Del. Ann. Stat. § 163.732, such intent exists when an individual purposefully or recklessly places another in “reasonable fear of bodily injury, death, or property damage as to cause severe emotional distress to such person.”

The Church of Light (the “Church”) is a religious denomination in the State of Delmont. The Church requires its Lightbearer Missionaries to publicly proclaim and disseminate their religious message. As part of the Church’s religious community involvement, the Lightbearer Missionaries serve as a constituent of the “Energy Coalition,” a non-profit organization in favor of energy farms. Beginning in April 2025, environmental protests ensued between the Energy Coalition and their opposing non-profit, the “Nature Coalition,” after the State of Delmont cleared several acres of undeveloped land to install solar arrays and windmills. The ongoing conflict resulted in a significant increase in “doxxing” instances on Delmont college campuses, prompting the state legislature to enact the “Campus Anti-Doxing Statute of Delmont” (“CADS”), Del. Ann. Stat. § 25.989 (2025). In September 2025, Delmont State University (“DSU”) Lightbearer Missionaries broadcast a public speech delivered by Laura Marshall (“Marshall”), a student activist for the Nature Coalition, on high-definition LED screens

mounted to the sides of a van. The video clip of Marshall's speech was played several times a day on DSU's campus as part of the Church's weekly news rotation. The Church also broadcast a photograph of Marshall at the Delmont Treatment Center, a non-profit organization that supports individuals suffering from substance abuse disorders. Shortly after the speech and photograph appeared on the DSU Lightbearer Missionary van, Marshall was insulted and harassed by suspected members of the Energy Coalition.

Marshall contends that the actions of the Church violate CADS, thereby entitling her to damages and injunctive relief. The Church argues that CADS infringes upon both their free speech and free exercise rights guaranteed by the First Amendment of the United States Constitution.

Accordingly, the questions presented are:

1. Whether the Campus Anti-Doxxing Statute ("CADS") violates the First Amendment Free Speech rights of The Church of Light?
2. Whether the Campus Anti-Doxxing Statute ("CADS") violates the First Amendment Free Exercise rights of The Church of Light?

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BASIS OF JURISDICTION

On December 29, 2025, a panel of the Fifteenth Circuit Court of Appeals reversed the judgment of the United States District Court for the District of Delmont. A timely petition for a writ of certiorari was filed on December 30, 2025, and granted on January 7, 2026. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

STATEMENT OF THE CASE

A. Factual Background

The Church of Light was founded in Delmont in 1873. R. at 44. The Church’s adherents, “Lightbearers,” proselytize through personal, public proclamation of their faith combined with distribution of communicative media. R. at 8. This combination of “personal interaction” and witness through media is “foundational” to Lightbearers’ faith. *Id.* Initially, Lightbearers spread their message in person using *The Lantern*, a free, printed publication combining religious content with local news and event calendars. *Id.*

Since then, changes in Church composition and communicative technologies have prompted shifts in the Lightbearers’ methods. Increased membership led to a focus on younger Lightbearers taking the lead on proselytizing. R. at 8. Young Lightbearers between 18 and 22 are required to complete a missionary year by the Church’s creed. R. at 8–9. In that year, Lightbearer Missionaries focus on proselytizing and disseminating *The Lantern*, to “become more resolute in their faith.” R. at 8, 8–9. Meanwhile, developments in communications technology caused the Church to adopt TV programs and then livestreams produced by the Church as the communications media of choice. R. at 9. Though a new medium, these streams employ the

same format, combining religious content and local news and information of interest. R. at 9. To preserve the personal witness component, Lightbearers use vans mounting screens broadcasting the livestreams, parking in advantageous locations and engaging with interested parties. R. at 9–10.

Within the State of Delmont, there are several national parks that attract many environmental groups who seek to preserve the parks’ natural features. R. at 4. Though these environmental groups share the same goal of developing progressive ecological policies, they conflict over the best means to achieve that end. R. at 4. One of the main debates dividing these groups arose in fall 2024, when Delmont began debating whether to convert nearly a thousand acres of undeveloped land into zones for solar energy and wind production. R. at 4. Some non-profit organizations believed that alternative energy resources should be the priority, while other non-profits sought to preserve the land and wildlife. R. at 4. These protests sometimes required police involvement, and other community members such as politicians, celebrities, and corporations began siding with the groups. R. at 5.

By summer 2025, the conflict was squarely between two competing groups, the Energy Coalition and the Nature Coalition. R. at 5. The Energy Coalition favored prioritizing alternative energy resources. R. at 5. Conversely, the Nature Coalition favored leaving the land untouched. R. at 5. The clash became most pronounced on college campuses throughout Delmont. R. at 5. In August 2025, the protests turned violent. R. at 5. Libraries were stormed, classes were disrupted, students were ambushed and accosted. R. at 5. Student factions from each side sent intimidating calls, emails, and messages to other students by phone and through social media. R. at 5.

Typically, these incidents happened in a sudden burst of activity where students would “flash-share” a particular victim’s personal information. R. at 5. This information, which

included the student's phone number, picture, and location, would be disseminated so quickly and in multiple formats that police could not intervene in time. R. at 5-6. As a result, the student would be swarmed by physical and digital confrontation. R. at 6. The publishing of private information to intimidate someone is commonly known as "doxxing." R. at 6. Police data in Delmont showed that from late August to early September of 2025, doxxing instances increased by 150 percent. R. at 6. Almost all of these instances took place on college campuses. R. at 6.

On September 12, 2025, the state legislature enacted the "Campus Anti-Doxxing Statute of Delmont" ("CADS"), Delmont Annotated Statutes § 25.989 (2025). R. at 6. The statute created 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." R. at 6. Under the statute, injury is defined as "subject[ing] another to bodily injury or death or property damage." R. at 6. If a plaintiff prevails under CADS, they are entitled to economic and non-economic damages, punitive damages, and injunctive relief. R. at 6.

Since its enactment, there have been two successful lawsuits for CADS violations. R. at 7. The first was after a student at Delmont Technological College published a message on a group chat calling for the "punishment" of a Delmont Tech professor who had enforced a school policy that led to the expulsion of several Nature Coalition protesters. R. at 7. The message provided the professor's home address, which was barraged by rocks within ten minutes of the posting. R. at 7. The court ruled in favor of the professor. R. at 7. The second successful lawsuit came after the employer of a prominent Nature Coalition activist was swarmed by Energy Coalition protesters who blocked the jobsite entrance, prevented employees from leaving, and

called for the activist's firing. R. at 7. The protestors learned about the activist's place of employment after an Energy Coalition leader sent it by text. R. at 7. Within twenty minutes of receiving the text, the protestors were at the jobsite. R. at 7. The court found in favor of the activist and enjoined the protestors from going to the jobsite. R. at 7.

Delmont State University was roiled by the energy controversy in fall 2025. R. at 7. The Lightbearer Missionaries at DSU, though aligned with the Energy Coalition, R. at 10, covered the protests "from both sides" "in reportorial fashion." R. at 11. Clips of speeches and other items were included in weekly news segments, as well as information on resources available to students. R. at 11–12.

In mid-September 2025, a Nature Coalition organizer named Laura Marshall gave a strong speech during a protest that "received extensive news coverage." R. at 10. The Lightbearers' recording of that speech was included in their broadcast for the week of September 22. R. at 10–11. After that clip, a slide with information on two treatment centers for substance abuse in Delmont City was displayed. R. at 10. That slide included the address, phone number, and operating hours for each center, and also included two photographs. *Id.* The first photo included Ms. Marshall sitting in front of the logo for the Delmont Treatment Center at the front desk, located five blocks from DSU. *Id.* At that time, Ms. Marshall was both a part-time employee and a patient of the center. R. at 11. The second photo was of St. John's Church Counseling Center, in downtown Delmont City. *Id.*

Within a day of the broadcast, some 20 Energy-Coalition clad individuals confronted and harassed Ms. Marshall leaving the Delmont Treatment Center. R. at 11. They harassed her, and some keyed her car as she drove away. *Id.* The next night, similar events occurred, with Ms. Marshall damaging her car in an attempt to evade the protestors. *Id.* Police were unable to

identify the perpetrators, who were gone by the time they arrived. *Id.* Ms. Marshall quit her job and withdrew from counseling at the Center, fearing for her safety. *Id.* She asked the Lightbearers to stop running their coverage of her speech and the photo, but following custom they did not, continuing their coverage of the protests and student resources. R. at 11–12.

SUMMARY OF THE ARGUMENT

The District Court correctly granted the petitioner’s motion for summary judgment as CADS violates the First Amendment’s Free Speech and Free Exercise Clauses.

The Church is entitled to protection under the First Amendment’s Free Speech Clause because Marshall’s speech at a campus protest was a matter of public concern, Marshall purposefully inserted herself into the political debate, and CADS imposed a content-based restriction on protected speech that was not narrowly tailored to serve a compelling governmental interest. First, Marshall delivered a public speech regarding environmental policies that were at the center of a state-wide legislative debate. Second, Marshall took affirmative steps to place herself into the public sphere with the objective of influencing a legislative policy outcome. Finally, CADS unconstitutionally prohibited the Church from engaging in political counter speech and extended far beyond the statute’s plainly legitimate sweep.

Additionally, the Church is entitled to protection under the First Amendment’s Free Exercise Clause because CADS is not neutral or generally applicable, the Church’s free speech and free exercise rights are inextricably linked, and CADS fails to satisfy strict scrutiny. First, CADS departs from neutrality as it intentionally prevents the Lightbearer Missionaries from performing a core function of the Church’s religious message. Second, the Church’s free speech and free exercise rights cannot be separated because the Lightbearer Missionaries are required to proclaim their religious message in conjunction with the dissemination of *The Lantern*. Lastly,

CADS fails to satisfy strict scrutiny as it is not narrowly tailored to protect its citizens from being “stalked, harassed, or physically injured.”

ARGUMENT

I. THE DISTRICT COURT CORRECTLY GRANTED THE PETITIONER’S MOTION FOR SUMMARY JUDGMENT BECAUSE THREE FACTORS DEMONSTRATE THAT THE CAMPUS ANTI-DOXXING STATUTE VIOLATES THE FIRST AMENDMENT’S FREE SPEECH CLAUSE.

The First Amendment of the United States Constitution expressly provides that “[C]ongress shall make no law... abridging the freedom of speech.” U.S. Const. Amend. I. This federal proscription applies to state legislatures through the Fourteenth Amendment. *Gitlow v. New York*, 268 U.S. 652, 666 (1925). As the Court outlined in *Gitlow*, “[F]reedom of speech and of the press—which are protected by the First Amendment from abridgment by Congress—are among the fundamental personal rights and liberties protected by the Due Process Clause of the Fourteenth Amendment from impairment by the states.” The Campus Anti-Doxxing Statute creates 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.” Del. Ann. Stat. § 25.989 (2025).

A. The Video Of The Respondent’s Speech And Subsequent Image Of The Delmont Treatment Center Are Matters Of Public Concern, Granting Them Protection Under The First Amendment.

Speech is a matter “of public concern,” and thus entitled to heightened protection under the First Amendment, when it relates “to any matter of political, social, or other concern to the community,” or is “a subject of legitimate news interest.” *Snyder v. Phelps*, 562 U.S. 443, 453 (2011) (internal quotes omitted) (quoting first *Connick v. Myers*, 461 U.S. 138, 145, 146 (1983),

then *San Diego v. Roe*, 543 U.S. 77, 83–84 (2004)). Such a determination is a question of law, requiring the court to examine the content, form, and context of the speech, as revealed by the whole record. In *Snyder v. Phelps*, 562 U.S. at 453, several members of the Westboro Baptist Church picketed near a military funeral with signs containing language that some might find offensive or inflammatory. There, this Court held that the messages on the signs were protected by the First Amendment because the relevant issues involved “matters of public import” and “convey[ed] Westboro’s position on those issues, in a manner designed... to reach as broad a public audience as possible.” *Id.* at 454. Similarly, in *Rankin v. McPherson*, 483 U.S. 378, 379 (1987), a clerical employee at a county constable’s office was discharged after expressing a controversial view following a presidential assassination attempt. After determining that there was no punishable threat, this Court found that the employee’s statement plainly dealt with a matter of public concern as it “was made in the course of a conversation addressing the policies of the President’s administration.” *Id.* at 387. Importantly, this Court further articulated that the “inappropriate” or “controversial” character of the statement did not matter for the purposes of the inquiry. *Id.* Conversely, in *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 751 (1985), a credit reporting agency furnished a confidential business report to five of its subscribers that grossly misrepresented a construction contractor’s assets and liabilities. The Court held that the business report was a matter of private concern, and therefore not protected by the First Amendment, because its contents focused solely on the individual interest of the speaker and its specific business audience. *Id.* at 761.

In this case, the Church’s broadcast of Marshall’s speech and its subsequent display of her photograph at the Delmont Treatment Center directly related to matters of public concern. Marshall, acting in her capacity as a student activist for the Nature Coalition, delivered a fervent

speech at a campus protest addressing the State of Delmont's energy and land-use policies. Like in *Snyder*, where picket signs displayed by members of the Westboro Baptist Church publicly conveyed the Church's views on broad national issues such as homosexuality in the military and misconduct within the Catholic clergy, Marshall's speech addressed environmental issues that were the subject of ongoing, statewide legislative debate. Furthermore, Marshall's speech received extensive news coverage. Although Marshall's speech was fiery, *Rankin* clearly established that the "inappropriate" or "controversial" character of an individual's statement is irrelevant for purposes of identifying a matter of public concern. Lastly, unlike in *Dun & Bradstreet*, where the dissemination of confidential business reports solely benefited the financial interests of the credit reporting agency, Marshall's speech advanced the position of the Nature Coalition in the eyes of the general public. Undoubtedly, the contents of Marshall's speech involved a "matter of political, social, or other concern to the community." The ability of the Church to freely publicize Marshall's speech aligns with this Court's well-accepted principle that "debate on public issues should be uninhibited, robust, and wide-open." In all, Marshall's speech conveyed the Nature Coalition's position on a statewide environmental issue, making it a matter of public concern entitled to First Amendment protection.

B. The Respondent Is A Public Figure For A Limited Purpose Because She Inserted Herself Into The Political Debate, And The Alleged Injury Is Protected Political Counter Speech.

An individual becomes a limited-purpose public figure when he or she voluntarily injects themselves into a particular public controversy. *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 351 (1974). This Court has repeatedly emphasized that such a distinction is important because those who enjoy a public audience have greater access to media necessary to counter false statements. *Id.* at 345. The public figure inquiry turns on both the nature and extent of the individual's

participation, as viewed through the eyes of a reasonable person. In *Gertz*, an attorney who represented a murder victim’s family in a civil lawsuit was identified as a “Communist” and former official of a Marxist organization in a prominent magazine article. There, this Court determined that the attorney did not qualify as a public figure for a limited purpose because he did not “plainly thrust himself into the vortex of the public issue, nor did he engage the public’s attention in an attempt to influence its outcome.” *Id.* at 352. Conversely, in *Waldbaum v. Fairchild Publ’n*, 627 F.2d 1287, 1290 (D.C. Cir. 1980), Waldbaum—the former president and chief executive officer of Greenbelt Consumer Services—filed a libel action against Fairchild Publications after it released an article indicating that Greenbelt had been “losing money and retrenching.” The court held that Waldbaum was a limited public figure, reasoning that he had “thrust himself into public controversies... in an attempt to influence the policies of firms in the supermarket industry.” *Id.* at 1300. Further, the court emphasized that Waldbaum had become an activist in many of the cooperative’s controversial actions and was directly involved in prior media dealings. *Id.*

In this case, Marshall is a limited public figure. Marshall played a prominent role in some of the Nature Coalition’s major protests and attended numerous rallies, despite not being among the group’s founders. Unlike in *Gertz*, Marshall thrust herself into the public debate when she delivered a powerful speech on behalf of the Nature Coalition at a campus rally. Importantly, the purpose of Marshall’s speech was to advance habitat preservation efforts and influence the outcome of environmental legislative debates within the State of Delmont. Further, similar to *Fitzgerald*, Marshall clearly established herself as a student activist in the Energy Farm Controversy. Additionally, Marshall’s speech received extensive news coverage from other media outlets prior to the Church’s van broadcast. In summary, the holdings in *Gertz* and

Fitzgerald ultimately suggest that CADS—as currently applied—unconstitutionally prohibits the Church from engaging in political counter speech.

C. The Campus Anti-Doxxing Statute Does Not Survive Strict Scrutiny Because It Imposes A Content-Based Restriction On Protected Speech That Is Not Narrowly Tailored To Serve A Compelling Government Interest.

A content-based regulation is presumptively unconstitutional unless it satisfies strict scrutiny. *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). To overcome this presumption, the State must show that the regulation represents the “least restrictive means” of furthering “a compelling Government interest.” *McCullen v. Coakley*, 573 U.S. 464, 510 (2014). In *Reed*, the Town of Gilbert enacted a comprehensive code (the “Code”) that categorically prohibited the Good News Community Church (the “Church”) from posting outdoor signs bearing religious service information without an approved permit. This Court concluded that the Code failed to survive strict scrutiny because it regulated the content of a sign—including both the time and location of a specific event—without providing evidence that such a restriction was narrowly tailored to serve a compelling governmental interest. *Id.* at 171. Similarly, in *United States v. Stevens*, 559 U.S. 460, 467 (2010), this Court held that a federal statute criminalizing certain depictions of animal cruelty did not satisfy strict scrutiny as a content-based regulation of protected speech. This Court reasoned that the statute at issue was substantially overbroad because it applied to “common depictions of ordinary and lawful activities,” and required citizens seeking to comply with its language to navigate “a bewildering maze of regulations” from dozens of separate jurisdictions. *Id.* at 473, 477. Finally, in *Fla. Star v. B.J.F.*, 491 U.S. 524, 526 (1989), a Florida newspaper published the full name of a rape victim which it had obtained from a publicly released police report. There, this Court concluded that imposing sanctions on the newspaper

violated the First Amendment because the protection of publicly available information does not meet the high bar of furthering a compelling governmental interest. *Id.* at 540–41.

Here, the Campus Anti-Doxxing Statute (“CADS”) fails to satisfy strict scrutiny. Although the State of Delmont has a legitimate interest in protecting its citizens from doxxing and harassment, CADS is not narrowly tailored to ensure such public safety efforts. Like in *Reed*, where this Court determined that the Code’s distinction between temporary directional signs and political and ideological signs was not narrowly tailored to serve the governmental interest of traffic safety, CADS is overly restrictive because it prohibits protected speech, like political counter speech, as well as unprotected speech. Furthermore, as in *Stevens*, where the federal statute criminalized ordinary and lawful activities in a multitude of jurisdictions, CADS burdens substantially more speech than is necessary to further the government’s legitimate public safety interests. While the State argues that prior laws aimed at protecting individuals from doxxing and harassment were insufficient for such purposes, CADS is unconstitutionally overbroad, as it extends far beyond the statute’s plainly legitimate sweep, engulfing speech already addressed by other laws, including privacy and civil rights statutes. Lastly, like in *Fla. Star*, the Government’s interest in protecting the private information of its citizens, including home addresses and phone numbers, is inadequate because such information may be easily accessed through other means. In all, the overly restrictive and substantially broad language contained in CADS fails to survive strict scrutiny.

II. THE DISTRICT COURT CORRECTLY GRANTED THE PETITIONER’S MOTION FOR SUMMARY JUDGMENT BECAUSE CADS IS NOT NEUTRAL OR GENERALLY APPLICABLE, AND THE CHURCH’S FREE SPEECH AND FREE EXERCISE RIGHTS ARE INEXTRICABLY LINKED, THUS DEMANDING THE APPLICATION OF STRICT SCRUTINY.

A. CADS Fails To Satisfy *Smith*'s Exacting Standard of Neutrality And General Applicability, Thereby Making It Subject To Strict Scrutiny.

Laws that are either not neutral or not generally applicable are subject to strict scrutiny. *Fulton v. Philadelphia*, 593 U.S. 522, 533 (2021). In *Emp. Div. v. Smith*, 494 U.S. 872, 874 (1990), a private drug rehabilitation organization discharged two of its employees after the pair ingested peyote, a hallucinogenic drug, for sacramental purposes at a religious ceremony in violation of section 475.992(4) of the Oregon Revised Statutes. There, this Court held that the Free Exercise Clause permitted the State to prohibit sacramental peyote use, as the statute was a neutral, generally applicable regulatory law that only *incidentally* burdened a particular religious practice. *Id.* at 881. In support of its holding, this Court outlined that there was “no contention that Oregon’s drug law represented an attempt to regulate religious beliefs, the communication of religious beliefs, or the raising of one’s children in those beliefs...” *Id.* at 882. However, the facial neutrality of a statute is not determinative. See *Church of the Lukumi Babalu, Aye, Inc. v. Hialeah*, 508 U.S. 520 (1993). The Free Exercise Clause extends beyond facial discrimination, forbidding “subtle departures from neutrality” and “covert suppression of particular religious beliefs.” *Id.* This principle is illustrated in *Church of the Lukumi Babalu, Aye, Inc.*, 508 U.S. at 541, where this Court determined that ordinances prohibiting the killing of animals violated the free exercise rights of congregants of the Santeria religion, who conduct animal sacrifices as a principal form of devotion. Though the ordinance was facially neutral, it still violated *Smith*, because the exceptions to the ordinance indicated that their sole purpose was to target and suppress the religious exercises of the Santeria people. *Id.* at 542.

Here, CADS does not satisfy *Smith*'s exacting standard of neutrality and general applicability. We concede that—on its face—CADS does not discriminate against the Church’s religion. However, as this Court indicated in *Lukumi*, the Free Exercise Clause’s protection

extends beyond facial discrimination and prohibits subtle departures from neutrality. Like in *Lukumi*, where ordinances forbidding animal sacrifices as a primary form of devotion intentionally targeted and suppressed the religious exercise of the Santeria people, the government's enactment of CADS served as a strategic mechanism to prevent the Lightbearer Missionaries from publicly proclaiming the Church's religious message. The Church's founding dates back to the nineteenth century, making it a cornerstone of Delmontian society. In addition to its historical presence and long-standing traditions within the State of Delmont, the Church engaged in extensive lobbying to display its dissatisfaction with the law. Thus, unlike in *Smith*, the government was clearly aware that CADS would negatively impact the most crucial aspect of the Church's religious mission and identity. In summary, CADS does not satisfy *Smith's* heightened standard of neutrality and general applicability, thereby making it subject to strict scrutiny.

B. Even If CADS Satisfied The Requirements Set Forth In *Smith*, This Court's Approach In *Yoder* And *Mahmoud* Require The Application Of Strict Scrutiny.

Neutral and generally applicable laws that impose a substantial burden on an individual's religious development, tenets, or practices are subject to strict scrutiny. In *Wis. v. Yoder*, 406 U.S. 205, 218 (1972), this Court found that compulsory high school attendance for Amish children violated the Free Exercise Clause, reasoning that such a requirement would "substantially interfer[e] with the religious development of the Amish child and his integration into the way of life of the Amish faith community at the crucial adolescent state of development." Moreover, in *Mahmoud v. Taylor*, 606 U.S. 522 (2025), several parents of elementary school children alleged that, in the absence of a formal opt-out policy, the county school board's (the "Board") introduction of "LGBTQ+- inclusive" texts into the public-school

curriculum infringed on their right to the free exercise of religion. Like in *Yoder*, this Court held that the Board’s policies posed “a very real threat of undermining the religious beliefs and practices that parents wish to instill in their children.” *Id.* at 565. Importantly, this Court articulated 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 or generally applicable.” *Id.* at 564–65.

In our case, CADS imposes a substantial burden on the Church’s religious mission. Similar to *Yoder*, where this court determined that the adolescent state of development significantly impacted the Amish child’s integration into the faith community, the Lightbearers’ young adult years serve as a formative period where members “become more resolute in their faith...” As currently applied, CADS prohibits the Church’s young Lightbearers’ from engaging in personal faith development. Additionally, it obstructs overall membership growth by eliminating the ways in which Lightbearers can publicly promote their religious beliefs. Such a burden is analogous to that observed in *Mahmoud*. Thus, even if this Court found that CADS was neutral and generally applicable, the burden it imposes on the Church requires the application of strict scrutiny.

C. CADS Is Subject To Strict Scrutiny Because The Church’s Free Speech And Free Exercise Rights Are Inextricably Linked.

The First Amendment bars application of a neutral, generally applicable law to religiously motivated action when a party alleges violations of “not [just] the Free Exercise Clause alone, but the Free Exercise Clause in conjunction with other constitutional protections, such as freedom of speech and of the press...” *See Emp. Div. v. Smith*, 494 U.S. at 881. In *Cantwell v. Conn.*, 310 U.S. 296 (1940), this Court invalidated an anti-solicitation law because it

infringed upon both the free speech and free exercise rights of Jehovah's Witnesses. Similarly, in *Telescope Media Grp. v. Lucero*, 936 F.3d 740, 748 (8th Cir. 2019), the owners of Telescope Media Group refused to produce videos for same-sex weddings because of their personally held religious beliefs. There, the court applied the hybrid rights doctrine formulated in *Smith* to hold that the owners of Telescope Media Group could utilize their Free Exercise Clause concerns to reinforce their free-speech claim, reasoning that "the... free exercise claim was connected with [their] communicative activity" and directly "intertwined with another constitutional right." *Id.* at 759–60.

Here, the Church's free speech and free exercise rights are inextricably linked. More specifically, their faith requires Lightbearers to publicly proclaim their religious message while proselytizing and disseminating *The Lantern*. As in *Cantwell* and *Telescope Media Grp.*, the Lightbearers' speech and religious exercise cannot be separated as the two *must* be carried out simultaneously. Both political speech and religious content are presented in the same broadcast. If the government subjected the Lightbearers to liability for broadcasting local news during their missionary year, it would be akin to allowing the Amish parents in *Yoder* to homeschool their children while concurrently banning farming. Such a measure would be so destructive to the group's distinctive way of life that it would amount to no relief at all. CADS places the Church's Lightbearers at constant risk of civil liability for participating in local news reporting, thereby creating a chilling effect on their religious exercise. The inherent interconnectedness of the Church's local news proclamation with its dissemination of *The Lantern* indicates that CADS is overly suppressive, outlawing activities that are central to the Lightbearers' mission.

D. CADS Violates The Free Exercise Rights Of The Church As It Is Not Narrowly Tailored To Further A Compelling Government Interest.

This Court has long recognized that strict scrutiny is “the most demanding test known to constitutional law.” *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997). To survive strict scrutiny, the State must prove that the law “serves a compelling governmental interest,” and “is narrowly tailored to further that interest.” *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 235 (1995). A statute is narrowly tailored “if it targets and eliminates no more than the exact source of the ‘evil’ it seeks to remedy.” *Frisby v. Schultz*, 487 U.S. 474, 485 (1988). Moreover, “a complete ban can be narrowly tailored, but only if each activity within the proscription’s scope is an appropriately targeted evil.” *Id.* In *Frisby*, 487 U.S. at 476—77, the appellees filed suit after the Town Board implemented a flat ban on all residential picketing. This Court held that the ordinance was narrowly tailored because its language suggested that the prohibition only applied to “picketing focused on, and taking place in front of, a particular residence.”

Here, we concede that the State has a significant interest in protecting its citizens from violence and harassment. However, CADS is not narrowly tailored to further those interests. Unlike in *Frisby*, where the legislature carefully drafted the ordinance to eliminate a specific form of picketing, CADS’ definition of private information is substantially overbroad. CADS prohibits the publishing of information that can be easily accessed online, extending far beyond the targeted evil. That overbreadth is fatal. CADS does not survive strict scrutiny and thus violates the First Amendment’s Free Exercise Clause.

CONCLUSION

For the foregoing reasons, we respectfully request that this Court reverse the judgment of the Fifteenth Circuit and grant the Church’s motion for summary judgment.

CERTIFICATE

The work product contained in all copies of the team's brief is in fact the work product of the team members. The team has complied fully with its respective law school's governing honor code. The team has complied with all Competition Rules.