

No. 25-CV-1994

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**IN THE SUPREME COURT OF THE UNITED STATES**

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**CHURCH OF LIGHT, LLC,**

*Petitioner,*

v.

**LAURA MARSHALL,**

*Respondent.*

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

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**BRIEF FOR RESPONDENT**

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TEAM 4

COUNSEL FOR RESPONDENT

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## **QUESTIONS PRESENTED**

1. Is the Campus Anti-Doxxing Statute (CADS) constitutionally valid under the Free Speech Clause of the First Amendment?
2. Is the Campus Anti-Doxxing Statute (CADS) constitutionally valid under the Free Exercise Clause of the First Amendment?

**TABLE OF CONTENTS**

QUESTIONS PRESENTED..... i

TABLE OF CONTENTS..... ii

TABLE OF AUTHORITIES..... iv

OPINIONS BELOW..... 1

STATEMENT OF JURISDICTION..... 1

CONSTITUTIONAL PROVISIONS INVOLVED..... 1

STATEMENT OF CASE..... 1

    I. Statement of Facts..... 1

    II. Procedural History..... 3

SUMMARY OF THE ARGUMENT..... 3

ARGUMENT..... 5

    I. CADS DOES NOT VIOLATE THE CHURCH OF LIGHT’S RIGHTS UNDER THE  
    FREE SPEECH CLAUSE..... 5

        A. The Church’s disclosure of Ms. Marshall’s PII does not concern a matter of public  
        importance..... 6

        B. The Church’s speech is a true threat, rendering it outside of First Amendment  
        protections..... 9

        C. CADS’s regulation of doxxing-with-intent-to-harm is content-neutral..... 11

        D. CADS’s application to the Church’s speech survives intermediate scrutiny..... 12

        E. CADS’s application to the Church’s speech survives strict scrutiny..... 14

    II. CADS DOES NOT VIOLATE THE CHURCH OF LIGHT’S RIGHTS UNDER THE  
    FREE EXERCISE CLAUSE..... 15

        A. The Circuit Court correctly found that CADS is a neutral law..... 16

B. The Circuit Court correctly found that CADS is generally applicable.....	17
C. The <i>Yoder-Mahmoud</i> exception does not apply.....	18
D. The “hybrid-rights” doctrine has been consistently disfavored by this Court and should be rejected here.....	21
E. CADS easily satisfies rational basis review.....	24
CONCLUSION.....	25
APPENDIX.....	I
CERTIFICATE.....	III

**TABLE OF AUTHORITIES**

**CASES**

*Adarand Constructors, Inc. v. Pena*,  
515 U.S. 200 (1995).....25

*Archdiocese of Washington v. WMATA*,  
897 F.3d 314 (D.C. Cir. 2018).....23

*Axson-Flynn v. Johnson*,  
356 F.3d 1277 (10th Cir. 2004).....24

*Bartnicki v. Vopper*,  
532 U.S. 514 (2001).....6

*Bowen v. Roy*,  
476 U.S. 693 (1986).....16

*Cantwell v. Connecticut*,  
310 U.S. 296 (1940).....22

*Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*,  
508 U.S. 520 (1993).....*passim*

*Christian Legal Soc’y Chapter of the University of California, Hastings College of Law v. Martinez*,  
561 U.S. 661 (2010).....21

*Combs v. Homer-Center School Dist.*,  
540 F.3d 231 (3rd Cir. 2008).....23

*Counterman v. Colorado*,  
600 U.S. 66 (2023).....9, 14

*DeHart v. Tofte*,  
326 Or. App. 720 (2023).....6, 7, 8, 14

*Emilee Carpenter, LLC v. James*,  
107 F.4th 92 (2d Cir. 2024).....15, 24

*Employment Div., Dept. of Human Resources of Oregon v. Smith*,  
494 U.S. 872 (1990).....*passim*

*Follett v. McCormick*,  
321 U.S. 573 (1944).....22, 23

*Free Speech Coal., Inc. v. Paxton*,  
606 U.S. 461 (2025).....11

*Frisby v. Schultz*,  
487 U.S. 474 (1988).....25

*Fulton v. City of Philadelphia*,  
593 U.S. 522 (2021).....*passim*

*Gary S. v. Manchester School Dist.*,  
374 F.3d 15 (1st Cir. 2004).....23

*Holder v. Humanitarian L. Project*,  
561 U.S. 1 (2010).....15

*Hosanna-Tabor Evangelical Lutheran Church and School v. E.E.O.C.*,  
565 U.S. 171 (2012).....22

*Kim v. Board of Education of Howard County*,  
93 F.4th 733 (4th Cir. 2024).....24

<i>Kissinger v. Board of Trustees of Ohio State Univ.</i> , 5 F.3d 177 (6th Cir. 1993).....	23
<i>Leebaert v. Harrington</i> , 332 F.3d 134 (2d Cir. 2003).....	23
<i>Mahmoud v. Taylor</i> , 606 U.S. 522 (2025).....	<i>passim</i>
<i>Masterpiece Cakeshop v. Colorado Civil Rights Commission</i> , 584 U.S. 617 (2018).....	17, 22
<i>McCullen v. Coakley</i> , 573 U.S. (2014).....	11, 12, 13, 14
<i>Milkovich v. Lorain J. Co.</i> , 497 U.S. 1 (1990).....	8
<i>Murdock v. Pennsylvania</i> , 319 U.S. 105 (1943).....	22, 23
<i>Planned Parenthood v. Am. Coal. of Life Activists (ACLA)</i> , 290 F.3d 1058 (9th Cir. 2002).....	10, 12
<i>R.A.V. v. City of St. Paul</i> , 505 U.S. 377 (1992).....	14
<i>Reynolds v. United States</i> , 98 U.S. 145 (1878).....	20
<i>Sheehan v. Gregoire</i> , 272 F. Supp. 2d 1135 (W.D. Wash. 2003).....	7, 8
<i>Snyder v. Phelps</i> , 562 U.S. 443 (2011).....	5, 6, 7, 11
<i>Southeastern Promotions, Ltd. v. Conrad</i> , 420 U.S. 546 (1975).....	13
<i>State v. VanBuren</i> , 214 A.3d 791 (2019).....	14
<i>Terminiello v. Chicago</i> , 337 U.S. 1 (1949).....	15
<i>United States v. Hart</i> , 212 F.3d 1067 (8th Cir. 2000).....	9
<i>United States v. Turner</i> , 720 F.3d 411 (2d Cir. 2013).....	9
<i>United States v. Waggy</i> , 936 F.3d 1065 (10th Cir. 2019).....	12
<i>Virginia v. Black</i> , 538 U.S. 343 (2003).....	<i>passim</i>
<i>W. Coast Hotel Co. v. Parrish</i> , 300 U.S. 379 (1937).....	11
<i>Walz v. Tax Comm’n of New York City</i> , 397 U.S. 664 (1970).....	16
<i>Ward v. Rock Against Racism</i> , 491 U.S. 781 (1989).....	13
<i>Watchtower Bible and Tract Society of New York, Inc. v. Village of Stratton</i> , 536 U.S. 150 (2002).....	22, 23

*Wisconsin v. Yoder*,  
406 U.S. 205 (1972)..... *passim*

**STATUTES**

28 U.S.C. § 1254(1)..... 1  
28 U.S.C. § 1291..... 1  
28 U.S.C. § 1331..... 1  
Del. Ann. Stat. § 25.989..... 2, 25  
Del. Ann. Stat. § 163.732..... 12  
Or. Rev. Stat. § 30.835..... 13, 14

## **OPINIONS BELOW**

The opinion of the United States District Court for the District of Delmont, Western Division is unpublished and may be found at *Marshall v. Church of Light, LLC*, No. 25-CV-1994 (W.D. Delmont Dec. 8, 2025). Record (“R.”) at 2–29. The opinion of the United States Court of Appeals for the Fifteenth Circuit is unpublished and may be found at *Marshall v. Church of Light, LLC*, No. 25-CV-1994 (15th Cir. Dec. 29, 2025). R. at 30–43.

## **STATEMENT OF JURISDICTION**

The District Court granted The Church of Light, LLC’s motion for summary judgment on December 8th, 2025, with original jurisdiction pursuant to 28 U.S.C. § 1331. R. at 29. The United States Court of Appeals for the Fifteenth Circuit, with jurisdiction pursuant to 28 U.S.C. § 1291, reversed and denied the motion for summary judgment on December 29th, 2025. R. at 43. This Court granted The Church of Light, LLC’s Writ for Certiorari on January 7th, 2026. R. at 50. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

## **CONSTITUTIONAL PROVISIONS INVOLVED**

This case involves the Free Speech and Free Exercise Clauses of the First Amendment of the United States Constitution.

## **STATEMENT OF CASE**

### **I. Statement of Facts**

In 2024, the Delmont legislature began considering a plan to convert undeveloped land into zones for solar and wind energy production (dubbed the “Energy Farm”). R. at 4. The plan generated significant controversy and led to a contentious debate between advocates lobbying for (the “Energy Coalition”) and against (the “Nature Coalition”) the Energy Farm’s development. R. at 4–5. The conflict intensified dramatically, particularly on Delmont’s college campuses. R. at

4–5. Protests by both sides led to physical violence against students, administrators, and professors. R. at 5. Much of this violence was spawned by “flash shares” of a particular victim’s personal information—phone numbers, pictures, and location—a practice otherwise known as “doxxing.” R. at 5. This “flash sharing” allowed malicious actors to coordinate, swarm, and physically harm a victim before police could intervene. R. at 5–6.

In response to these incidents, the state legislature passed the “Campus Anti-Doxxing Statute of Delmont” (“CADS”) on September 12, 2025. R. at 6. CADS created a private cause of action against individuals who, without consent, disclosed on any communication platform the private personally identifiable information (“PII”) of an enrolled student, faculty member, or administrator at a Delmont college or university with intent to “stalk, harass, or physically injure.” R. at 6; Del. Ann. Stat. § 25.989 (2025). There have been two successful lawsuits for CADS violations in Delmont state court since its enactment. R. at 7.

Delmont State University (“DSU”), located in Delmont City, Delmont, includes among its student groups the DSU Chapter of the Church of Light (“Church”), affiliated with the Energy Coalition. R. at 7–8. The Church and its members, the “Lightbearers,” hold that a personal, live, and public proclamation of their faith is a foundational tenet of practicing their religion. R. at 8. Much of this proselytizing is done by Lightbearers on a requisite missionary year, between the ages of 18 and 22. R. at 9. Lightbearers disseminate a free, church-made publication (“The Lantern”), through TV broadcasts on community access channels, online livestreams, and vans bearing high-definition LED screens on their sides. R. at 8–9. The screens provide information such as local news, Lightbearer testimonials, weather, and event calendars. R. at 9–10.

During the week of September 22, 2025, these vans broadcast a speech given by a Nature Coalition activist, Laura Marshall, several times a day. Immediately following the clip of the

speech, the vans' screens displayed a still image of Marshall at the front desk of the Delmont Treatment Center, the non-profit clinic where she both works and seeks treatment for substance abuse. R. at 10–11. Within twenty-four hours of this broadcast, Ms. Marshall was accosted by around twenty Energy Coalition protesters. R. at 11. She was catcalled, insulted, and surrounded as she entered her car, which the protesters keyed. R. at 11. This happened again the following night, and in an attempt to flee her attackers, Ms. Marshall clipped a light pole and damaged her car. R. at 11. Although she called the police, by the time of their arrival, the perpetrators had dispersed, and CCTV cameras were unable to identify them. R. at 11. Ms. Marshall quit her job and withdrew from counseling at the Center, fearing for the safety of herself, her employer, and fellow patients. R. at 11. Ms. Marshall contacted the Lightbearer Missionaries and requested that they stop broadcasting her place of employment after her resignation, but they refused. R. at 12.

## **II. Procedural History**

On October 3, 2025, Ms. Marshall brought suit in the United States District Court for the District of Delmont, Western Division, under CADS against The Church of Light, LLC for damages and injunctive relief. R. at 12. The Church moved for summary judgment, claiming CADS violated its First Amendment Free Speech and Free Exercise rights. R. at 12. The District Court granted the Church's motion. R. at 29. Ms. Marshall then appealed to the United States Circuit Court of Appeals for the Fifteenth Circuit, which reversed the judgment of the District Court and denied summary judgment. R. at 43. This Court granted the Church's Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifteenth Circuit. R. at 50.

### **SUMMARY OF THE ARGUMENT**

The Fifteenth Circuit was correct in ruling that CADS violates neither the First Amendment Free Speech rights nor the First Amendment Free Exercise rights of the Church of

Light. Its judgment should be affirmed.

First, with regard to the Free Speech claim, CADS does not target speech on public issues. As such, the speech CADS targets should receive no special protection under the First Amendment. Furthermore, because the speech at issue is a true threat, it falls outside of First Amendment protections entirely. CADS should thus be reviewed under a rational basis standard. Under this test, CADS easily passes muster. Even if this Court were to find that CADS targets speech falling within the First Amendment's ambit, that speech is content-neutral. As such, it is reviewed by means of intermediate scrutiny. By preventing doxxing-with-intent-to-harm, CADS furthers the substantial governmental interest of public safety through narrowly tailored means; CADS thus survives intermediate scrutiny as well.

Even if strict scrutiny were applied, CADS would survive. CADS features several safeguards, including a subjective intent requirement and harm-specific elements, that ensure it regulates only the speech that is essential to uphold public safety. CADS solely targets speech integral to unlawful conduct, and thus should be treated like analogous, functionally similar statutes, which also satisfy strict scrutiny. As such, the Fifteenth Circuit was correct in ruling that the Church of Light's Free Speech Rights have not been violated.

Second, with regard to the Free Exercise claim, CADS is a neutral law of general applicability. It does not on its face, nor by means of any covert suppression, target religious expression. Furthermore, CADS does not include any mechanism for the granting of individualized exceptions to its prohibitions. As such, the Fifteenth Circuit was correct in reviewing the law under a rational basis standard, and finding CADS rationally related to a legitimate government purpose. Its judgment should be affirmed.

Petitioner's arguments to the contrary are unavailing. CADS does not fall into the *Yoder-*

*Mahmoud* exception to this test. It does not force children into an environment hostile to their religious beliefs and does not coerce them with views running directly counter to those beliefs. As such, CADS poses no substantial barrier to religious development. The incidental burden it imposes is far from sharing the same character as that in *Yoder* or *Mahmoud*. The exception outlined in those cases does not apply.

Finally, this case does not implicate the supposed hybrid-rights doctrine. The doctrine itself has never been applied by this Court, and no Circuit Court has ever affirmatively applied it. It is unworkable and does not bring with it the force of law—this case offers an opportunity to reject it altogether. The rational basis review applied by the Fifteenth Circuit was correct, and under this standard, CADS does not violate Petitioner’s Free Exercise rights.

## **ARGUMENT**

### **I. CADS DOES NOT VIOLATE THE CHURCH OF LIGHT’S RIGHTS UNDER THE FREE SPEECH CLAUSE.**

Although freedom of speech is a fundamental right that deserves robust First Amendment protection to preserve rigorous public debate, *Snyder v. Phelps*, 562 U.S. 443, 452 (2011), the Supreme Court has long recognized that free speech rights must have limitations. *Virginia v. Black*, 538 U.S. 343, 358 (2003). Practicalities like public safety necessitate that some kinds of speech receive no First Amendment protections, *id.* at 359 (holding that certain speech categories, like true threats, fall outside constitutional protection), and even protected speech can be regulated, *see Snyder*, 562 U.S. at 456 (holding that government can impose reasonable time, place, or manner restrictions on pure speech). As applied, CADS is a constitutional regulation of the Church’s speech, which disseminated Ms. Marshall’s PII by providing an image that revealed her employment at the clinic, along with her employer’s contact information. R. at 9 (the Church disclosed the clinic’s address, phone number, and hours of operation).

**A. The Church’s disclosure of Ms. Marshall’s PII does not concern a matter of public importance.**

Whether the First Amendment permits liability for the Church’s expression under CADS turns in part on whether the speech addresses a matter of public or private concern. *Snyder*, 562 U.S. at 451–52. Speech on public issues receives “special protection,” but speech on matters of “purely private significance” does not implicate robust political debate and thus receives less rigorous protection. *Id.* Speech involves a matter of public concern when, in light of its “content, form, and context,” it is “a subject of general interest and of value and concern to the public.” *Id.* Here, examining what the Church said in “the whole context of how and where it chose to say it,” *id.* at 458, shows that the Church’s disclosure of Ms. Marshall’s PII was not of public import.

The information conveyed must actually concern the public, not merely be tangentially related to a public issue; there must be a “nexus” between the specific information disclosed and the public’s concern with that information. *DeHart v. Tofte*, 326 Or. App. 720, 738–39 (2023). That nexus is clear when the content itself directly addresses the public issue. *See Bartnicki v. Vopper*, 532 U.S. 514, 535 (2001) (finding public interest where speech discussed political negotiations over local policy). The nexus was less straightforward in *DeHart*, where parents posted PII of school board members’ employers after the school board’s controversial policy decision. 326 Or. App. at 743–45. The court ruled that the public interest in the general policy was, by itself, insufficient to establish a nexus. *Id.* Establishing the nexus required showing that the PII disclosure—the specific content implicated by the relevant anti-doxxing statute—also advanced public debate. *Id.* Here, publishing footage of Ms. Marshall’s political speech plainly implicated public concern, but disseminating Ms. Marshall’s place of employment with timing cues did not. Her workplace is entirely unrelated to the Energy Farm debate, and the Church was not participating in that debate by revealing where Ms. Marshall works.

A nexus to public concern may also exist where the speech clearly expresses a political position, *e.g.*, *Snyder*, 562 U.S. at 444 (finding public interest, in part, because content clearly conveyed speaker’s political position), or where the speaker urges the public to use the information for lawful civic engagement, *DeHart*, 326 Or. App. at 740, 744 (finding public officials’ PII a matter of public importance when speakers instructed viewers to use it for forms of lawful protest, like boycotts). The Church’s disclosure cannot be characterized as protected counterspeech, as it neither took any position on Ms. Marshall’s employment nor urged viewers to engage in lawful protest. To be sure, speakers’ past speech can contextualize their current expression. *See Sheehan v. Gregoire*, 272 F. Supp. 2d 1135, 1139 (W.D. Wash. 2003) (finding call for lawful action where speaker’s website, on which he published police officers’ PII, also contained speech with explicit calls to use the PII for lawful civic engagement, like service of process for misconduct suits). Sheehan’s surrounding speech advocating for lawful protest provided immediate context for viewers that the PII advanced his political message of police accountability. *Id.* But here, the Church provided no such context for publicizing Ms. Marshall’s PII. R. at 9. Its past and current broadcasts and broader platform contain no advocacy for Nature-supporter accountability, no calls for lawful actions like workplace pickets, and no other publicization of clinic employees. *Id.* at 9–11 (the Church’s community-service coverage otherwise features generic information without images); *cf. Snyder*, 562 U.S. at 455 (noting speaker’s political engagement on the issue at hand “long before [it] became aware of” plaintiff).

Courts have not found “doxxing” to be public speech unless the subject is a government official or their PII was already readily accessible to the public. Courts distinguish government officials from private citizens, largely because officials represent and wield government authority, necessitating the public’s ability to contact them for lawful advocacy and protest. *DeHart*, 326

Or. App. at 744 (“[S]ociety’s interest in the officers of government is not strictly limited to the formal discharge of official duties.”). Conversely, Ms. Marshall has no decision-making authority over the Energy Farm debate or any other government matter, so her knowledge of her employment and whereabouts does nothing to advance public debate.

The Court’s differential treatment of public figures is likewise inapplicable. *See Milkovich v. Lorain J. Co.*, 497 U.S. 1, 14 (1990) (setting different defamation standards for public figures). Although not government officials, individuals must still wield significant influence to be considered public figures. *Id.* (Public figures are “nonpublic persons who are nevertheless intimately involved in the resolution of important public questions or, by reason of their fame, shape events in areas of concern to society at large.”). Ms. Marshall clearly does not meet this high bar; speaking at a few local protests does not give her the influence to substantially shape or resolve public issues. R. at 9.

Additionally, courts only consider PII as already public when the government or plaintiff had affirmatively publicized the information previously. *E.g.*, *Sheehan*, 272 F. Supp. 2d at 1145 (finding government would not supply police PII as public records if it did not serve a public interest); *DeHart*, 326 Or. App. at 724 (emphasizing that plaintiffs posted their own PII on social media). Ms. Marshall did not affirmatively publicize her place of employment, and that information was only publicly available to those who happened across her image on the clinic website, R. at 44, so it would not have appeared in an internet search for Ms. Marshall’s PII. The general public would not have known of her workplace until the Church repeatedly broadcast and livestreamed it. Accordingly, as Ms. Marshall has not voluntarily exposed her PII to the public and the record indicates no lawful reason the public needs to know Ms. Marshall’s employment details or whereabouts, the Church’s speech was not a matter of public concern.

**B. The Church’s speech is a true threat, rendering it outside of First Amendment protections.**

Given that First Amendment protections “are not absolute,” the Supreme Court has “long recognized” that no constitutional problems arise when the government regulates certain categories of unprotected speech, including true threats. *Black*, 538 U.S. at 359. “True threats” are “statements where the speaker means to communicate a serious . . . intent to commit . . . unlawful violence to a particular individual. . .” *Id.* Recklessness provides sufficient intent under the First Amendment because proving the speaker’s “subjective understanding of the threatening nature” of the statements mitigates chilling risks. *Counterman v. Colorado*, 600 U.S. 66, 79 (2023). This requires showing the speaker “consciously disregarded a substantial risk” that others would regard the statements as threats. *Id.* The Church’s speech constitutes a true threat because it meets the subjective intent requirement and served as a signal of impending violence.

Threats can be implicit, *e.g.*, *United States v. Turner*, 720 F.3d 411, 421 (2d Cir. 2013) (publicizing targets’ workplace location while referencing “actual acts of violence” tied to the same political issue motivating the doxxing would “clearly” be threatening, even without overt threats made); *Black*, 538 U.S. at 359–60 (“[G]iven the surrounding context, cross burnings may constitute unprotected threats of violence, despite the wholly implicit nature of the serious threat they convey.”), and can be invoked when speakers follow an established pattern of speech that signals “impending violence,” *e.g.*, *id.* (finding true threat even where non-Klansmen used cross burning, because Klan’s repeated use of cross-burnings right before enacting violence showed the risk of injury was “not just hypothetical”); *United States v. Hart*, 212 F.3d 1067, 1072 (8th Cir. 2000) (parking Ryder truck outside abortion clinic was implied threat given association with Oklahoma City bombing, where same kind of truck was parked outside building right before exploding).

*Planned Parenthood v. Am. Coal. of Life Activists (ACLA)* describes a pattern of speech that signals impending violence in a strikingly similar way to the present facts. 290 F.3d 1058 (9th Cir. 2002) (en banc). After several abortion providers who had been named on pro-life “Wanted” posters were murdered, ACLA issued similar posters featuring other providers. *Id.* at 1075–76. The Ninth Circuit ruled that, despite lacking explicitly threatening language, the posters constituted true threats “well beyond” political speech because “the poster format itself had acquired currency as a death threat for abortion providers.” *Id.* Visual and textual distinctions (e.g., “WANTED” vs. “GUILTY”) were “immaterial because . . . it is use of the ‘wanted’-type format in the context of the poster pattern—poster followed by murder—that constitutes the threat.” *Id.* at 1076.

Here, the “flash share” format in the context of the established pattern—“flash share” followed by attack—constituted the threat. This form of doxxing repeatedly preceded swarms of “violent confrontations,” including arson and assault so intense that “several students were hospitalized” and people were trapped in their workplaces. R. at 5–7, 38, 47. The severity of Delmont’s “contentious and volatile” political climate cannot be overstated; indeed, CADS was enacted to restrict these “flash shares” precisely because they preceded violence so reliably. R. at 3, 47. The Church’s speech fits this pattern because, despite immaterial differences (e.g., some different verbiage and using a livestream instead of text messages), the fundamental format was the same: a “flash share” of the victim’s image, PII, precise location, and timing cues to a large audience. R. at 4–6, 44. By sharing Ms. Marshall’s “fiery” speech video right before doxxing her, R. at 1, the Church unambiguously invoked the precise political issue that had motivated all the previous doxxing and attacks. The Church’s regular news coverage of Energy Farm protests, R. at 10, proves they knew the established pattern and violent context they were invoking.

Moreover, the Church refused to remove Ms. Marshall’s PII despite her requests after two attacks so severe she had to resign and withdraw from clinical treatment for her safety. R. at 10–11. Accordingly, the Church made a true threat when it consciously disregarded the substantial risk that Ms. Marshall would regard the doxxing as a threat.

Because the Church’s speech constitutes a true threat, Delmont may regulate it under CADS, subject to the rational basis test. *See Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 471 (2025). Rational basis upholds regulations that are “reasonable in relation to [their] subject and . . . adopted in the interests of the community.” *W. Coast Hotel Co. v. Parrish*, 300 U.S. 379, 391 (1937). CADS easily satisfies this standard because it proscribes doxxing-with-intent-to-harm, which bears a clear relationship to the community interest of public safety.

**C. CADS’s regulation of doxxing-with-intent-to-harm is content-neutral.**

If the Church’s broadcast is protected speech, the Court must assess CADS’s content neutrality to determine the appropriate scrutiny level. *See id.* at 382 (“Content-based regulations are . . . subject to a strict scrutiny analysis.”) The government cannot restrict public-forum speech based on the message or viewpoint, *McCullen v. Coakley*, 573 U.S. 464, 477, 482 (2014) (internal citations omitted); *e.g.*, *Snyder*, 562 U.S. at 457 (finding statute content-specific where it imposed no liability for the same expressive conduct if the political viewpoint was reversed), but content neutrality does not require statutes to ignore the speech’s content entirely.

As *Virginia v. Black* clarifies, statutes may regulate certain types of speech without being topic-based. 538 U.S. at 363. The Supreme Court rejected the argument that selectively banning cross burning for “its distinctive message” rendered a statute content-specific. *Id.* The Court held that it was constitutional to ban “only a particular type of threat” because “the First Amendment permits content discrimination based on the very reasons why the particular class of speech . . . is proscribable.” *Id.* (finding cross-burning ban content-neutral when it targets the intent to

intimidate, regardless of speaker’s ideological motivation); *see also* *ACLA*, 290 F.3d 1079 (finding content neutrality when “it is making a threat to intimidate that makes [the speaker’s] conduct unlawful, not its viewpoint.”). CADS parallels *Black*’s content-neutral cross-burning ban because the Church’s liability arises from its functional use of information to facilitate unlawful harm, not from its viewpoint. *See* R. at 6 (CADS has applied to parties on both sides of the Energy dispute). CADS proscribes doxxing only when done with the intent to harm, whether the underlying politics concern the Energy debate or otherwise. Del. Ann. Stat. § 163.732 (2020).

Statutes are still content-neutral if they regulate only the speech that threatens a particular class of vulnerable entities. *See McCullen*, 573 U.S. at 493 (regulating speech solely at abortion clinics is permissible when factual record showed those were the only vulnerable locations to the conduct). Given that Delmont’s doxxing-related violence has been overwhelmingly limited to university-affiliated individuals, R. at 5, CADS’s focus on doxxing with the intent to harm that particular category of people does not make it content-specific. In light of CADS’s content-neutral application to the Church’s speech, the Court should apply intermediate scrutiny.

**D. CADS’s application to the Church’s speech survives intermediate scrutiny.**

Even if CADS is deemed content-specific, intermediate scrutiny applies because any content distinction is incidental—the “content” serves as the instrumentality of the crime. As applied, CADS regulates doxxing-with-intent-to-harm, which is speech integral to criminal conduct. This parallels the speech components of stalking and harassment statutes, which courts routinely treat as conduct regulation for First Amendment purposes, *see United States v. Waggy*, 936 F.3d 1014, 1020 (9th Cir. 2019) (distinguishing cyberstalking and harassment statutes from content regulation because they “target[] conduct performed with serious criminal intent, not just speech.”) (collecting cases), and which do not require strict scrutiny, *e.g., id.* (applying intermediate scrutiny). Because CADS functionally regulates the same type of expression as

these statutes, the Court should treat CADS with the same level of intermediate scrutiny they receive. *See Southeastern Promotions, Ltd. v. Conrad*, 420 U.S. 546, 557 (1975) (reiterating that each form of expression “must be assessed for First Amendment purposes by standards suited to it” based on the particular constitutional problems it poses).

A law survives intermediate scrutiny when it “promotes a substantial government interest that would be achieved less effectively absent the regulation” and does not “burden substantially more speech than is necessary to further the government’s legitimate interests.” *Ward v. Rock Against Racism*, 491 U.S. 781, 799 (1989). The government interest in CADS is public safety, which is an “undeniably significant interest[.]” *McCullen*, 573 U.S. at 496–97. Public safety was achieved far less effectively without CADS. *See* R. at 4–5, 47 (“flash shares” are not proscribed by traditional statutes and their unique ability to facilitate rapid assaults prevented police from using existing laws to regulate unlawful conduct); *cf. McCullen*, 573 U.S. at 492 (determining unruly crowds at fixed location could “readily be addressed through existing” laws).

CADS does not substantially burden protected speech because it is not overbroad. *Cf. McCullen*, 573 U.S. at 490 (striking down statute when its broad scope also restricted protected expression). CADS only burdens PII disclosures made with the intent to stalk, injure, or harass, thereby excluding all other disclosures from its narrow scope. Furthermore, CADS adopted a near-identical version of Oregon’s anti-doxxing law. Or. Rev. Stat. § 30.835 (2025); *see McCullen*, 573 U.S. at 494 (considering regulations that other jurisdictions have found effective helps demonstrate that state worked to implement narrowly tailored solutions). Accordingly, CADS survives intermediate scrutiny because it furthers a substantial government interest that was achieved less effectively without CADS, and does not burden more speech than necessary for public safety.

**E. CADS’s application to the Church’s speech survives strict scrutiny.**

Even content-based laws survive strict scrutiny when they are narrowly tailored to serve compelling state interests. *R.A.V. v. City of St. Paul*, 505 U.S. 377, 395 (1992). Delmont’s interest in preventing harassment, stalking, and physical injury is plainly compelling. *See McCullen*, 573 U.S. at 486 (reiterating compelling state interest in public safety). CADS has built-in safeguards to ensure it is narrowly tailored to regulate only speech essential to public safety. Interpreting language identical to CADS in Or. Rev. Stat. § 30.835 (2025), *DeHart* held that the statute’s harm-specific elements confine liability to PII disclosures that would cause a reasonable person to be stalked, harassed, or injured, leaving other disclosures unregulated as protected speech. 326 Or. App. at 749.

CADS’s minimum intent requirement of recklessness further excludes accidental or benign PII disclosures from its reach, significantly reducing any risk of chilling pure speech. *See Counterman*, 600 U.S. at 77 (ruling that recklessness requirement for content-based threat laws sufficiently prevents statutory overbreadth and chilling effects). The recklessness threshold ensures CADS does not regulate disclosures of university affiliates’ PII made for journalistic or political purposes. For example, the Church would not be liable if it had either paired its speech with calls to use Ms. Marshall’s PII for lawful advocacy, thus making her PII a matter of public concern, or disclosed only PII that Ms. Marshall herself had already publicized, which would not qualify as “private” PII that CADS governs.

Courts have upheld similar safeguards to CADS’s as evidence of narrow tailoring in statutes regulating analogous conduct, such as “revenge porn,” which involves the malicious, nonconsensual dissemination of private, personally identifiable content. *E.g., State v. VanBuren*, 214 A.3d 791, 794–95 (2019) (finding “revenge porn” law with reasonable person standard for harm and intent-to-harm provisions narrowly tailored). Strict scrutiny also upholds content-based

statutes solely targeting speech that underlies concrete, unlawful conduct. *E.g.*, *Holder v. Humanitarian L. Project*, 561 U.S. 1, 31, 37 (2010) (upholding ban on speech that materially supports terrorists because ban was limited to speech with “real” potential to facilitate unlawful activity). CADS survives strict scrutiny because it narrowly restricts only the information that is responsible for the violence that Delmont has recurrently experienced, and nothing more.

Justice Jackson warned against a rigid conception of free speech that hampers states’ regulation of speech integral to unlawful conduct: “The choice is not between order and liberty. It is between liberty with order and anarchy without either.” *Terminiello v. Chicago*, 337 U.S. 1, 37 (1949) (Jackson, J., dissenting). The present dispute began with Ms. Marshall exercising her own First Amendment rights, until she was silenced by the Church’s threatening broadcast. Without narrow limits on the deliberate threats and injury that doxxing-with-intent-to-harm facilitates against lawful activists, the only pure speech that this Court risks chilling is that of individuals like Ms. Marshall.

## **II. CADS DOES NOT VIOLATE THE CHURCH OF LIGHT’S RIGHTS UNDER THE FREE EXERCISE CLAUSE.**

“[T]he First Amendment forbids an official purpose to disapprove of a particular religion or of religion in general.” *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993). Thus, if a “law . . . discriminates against some or all religious beliefs or regulates or prohibits conduct because it is undertaken for religious reasons . . . the protections of the Free Exercise Clause pertain.” *Id.* However, “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).” *Employment Div., Dept. of Human Resources of Oregon v. Smith*, 494 U.S. 872, 879 (1990) (internal citation omitted). Such a law is reviewed under a rational basis standard. *Emilee*

*Carpenter, LLC v. James*, 107 F.4th 92, 109 (2d Cir. 2024). CADS is just this sort of valid law, and despite the “incidental effect” it has on the Lightbearers’ religious practice, “the First Amendment has not been offended.” *Smith*, 494 U.S. at 878.

**A. The Circuit Court correctly found that CADS is a neutral law.**

This Court has made clear that the neutrality of a law hinges on “the object of [that] law.” *Lukumi*, 508 U.S. at 533. Inquiry into the object of a law “begin[s] with its text.” *Id.* Here, as noted by both the District Court and the Fifteenth Circuit, CADS “does not discriminate against the Church’s religion” on its face. R. at 21. CADS “makes no reference to religion, nor does it prohibit the disclosure of private information only by religious persons.” R. at 21. Petitioners, however, advance the position that despite its facial neutrality, CADS nevertheless fails the *Smith* test because it is a “covert suppression of [a] particular religious belief[.]” *Bowen v. Roy*, 476 U.S. 693, 703 (1986). To be sure, where the design of a law “accomplishes . . . a ‘religious gerrymander,’” and despite not saying so explicitly amounts to an “attempt to target . . . religious practices,” it is not neutral and thus triggers greater First Amendment protection. *Lukumi*, 508 U.S. at 535 (citing *Walz v. Tax Comm’n of New York City*, 397 U.S. 664, 696 (1970) (Harlan, J., concurring)). This Court looks to “the historical background of the decision under challenge, the specific series of events leading to the enactment or official policy in question, and legislative or administrative history” in making the neutrality determination. *Id.* at 540.

With regards to CADS, these factors fail to show any lack of neutrality in the object of the law. CADS was enacted to quell the flood of doxxing incidents occurring on Delmont college campuses. R. at 6. These incidents were perpetrated by activists on both sides of the Energy Farm Controversy, and only occasionally by Church members. R. at 5–7. The record does not show any intent by members of the Delmont legislature to attempt an end-around First Amendment protection by drafting a facially neutral statute that purposely targets religious

behavior. The District Court took Governor Morrison’s lack of response to Church lobbying efforts as indication of “covert suppression,” but with respect, this conclusion is untenable. R. at 22 (internal citation omitted). Were this enough to show lack of neutrality, then religious groups could transform any otherwise neutral law into an act of “covert suppression” simply by writing an unanswered letter to the enacting administration.

In *Lukumi*, this Court found that the object of the challenged law was not neutral where “almost the only conduct subject to [its purview was] the religious exercise of [Church] members.” 508 U.S. at 535. But there is no such “religious gerrymander” occurring here. *Id.* As the record shows, neither of the two successful lawsuits for CADS violations to this date were directed against Lightbearers—clearly, CADS does not limit itself to enforcement against religious groups. R. at 7. Further, in both *Lukumi* and in *Masterpiece Cakeshop*, the Court found ample evidence of “clear and impermissible hostility toward . . . sincere religious beliefs.” *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 584 U.S. 617, 634 (2018); *Lukumi*, 508 U.S. at 541 (describing “significant hostility . . . by residents, members of the city council, and other city officials toward” the religion in question). No such evidence exists in the record before the Court today. As such, CADS is a neutral law under *Smith*.

**B. The Circuit Court correctly found that CADS is generally applicable.**

In order to apply rational basis review, this Court must find that CADS is not only neutral, but also generally applicable. That is, in prohibiting doxxing, CADS must not “‘invite[]’ the government to consider the particular reasons for a person’s conduct by providing ‘a mechanism for individualized exceptions.’” *Fulton v. City of Philadelphia*, 593 U.S. 522, 533 (2021) (quoting *Smith*, 494 U.S. at 884). This prong of the test is easily satisfied. As the Fifteenth Circuit correctly noted, “nothing in the text of CADS provides for any individualized exceptions.” R. at 39. Further, while a law is not generally applicable “if it prohibits religious

conduct while permitting secular conduct that undermines the government’s asserted interests in a similar way,” CADS applies whether or not the conduct was religiously motivated. *Fulton*, 593 U.S. at 534. CADS is generally applicable, and even the District Court’s opinion failed to find to the contrary. Therefore, because CADS is a neutral and generally applicable law under *Smith*, the Fifteenth Circuit properly applied rational basis review, and its judgment should be affirmed. However, Petitioner makes two arguments to avoid this outcome in favor of strict scrutiny.

**C. The *Yoder-Mahmoud* exception does not apply.**

Petitioner first urges that even if this Court finds CADS to be neutral and generally applicable, it should analyze the statute under the rule in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), and *Mahmoud v. Taylor*, 606 U.S. 522 (2025). In those cases, this Court carved out an exception to the *Smith* test where “a law ‘substantially interferes with the religious development’ of a child.” *Mahmoud*, 606 U.S. at 550 (quoting *Yoder*, 406 U.S. at 218). This Court emphasized the “special” nature of the burden in *Yoder*, and determined that the burden in *Mahmoud* was “of the exact same character.” *Id.* at 565. That is, not only did the challenged regulations impede religious exercise, but they mandated that children be placed “into an environment hostile to [their] beliefs.” *Id.* at 550–51 (internal citation omitted). This environment carried “‘a very real threat of undermining’ the religious beliefs that . . . parents wish[ed] to instill in their children.” *Id.* at 553 (quoting *Yoder*, 406 U.S. at 218). It “impose[d] upon [these] children a set of values” and “exert[ed] upon [them] a psychological ‘pressure to conform’” to “specific viewpoints . . . that are ‘hostile’ to their parents’ religious” views. *Id.* at 554 (quoting *Yoder*, 406 U.S. at 211).

The incidental burden imposed on Lightbearers by CADS is far from sharing the “exact same character” as that at issue in *Yoder* and *Mahmoud*. *Id.* at 565. To begin with, both of those cases involved the religious development of minors. The *Mahmoud* court noted that the age of the children burdened was critical—in that case, the Court was dealing with “young,

impressionable” kids “likely to accept without question any moral message conveyed by their teachers’ instruction.” *Id.* at 551. Here, the Lightbearers affected by CADS are university students, well-accustomed to encountering ideas and theories that may challenge the religious doctrines to which they adhere. R. at 8–9.

Fundamentally, however, this case is distinguishable because while, perhaps, CADS can be said to impose some minute burden on Lightbearers (and, for that matter, any individual with a desire to broadcast university members’ personal information), CADS is not corrosive or hostile towards religious practice. *Yoder* and *Mahmoud* reflect concern about placing children in an environment that not only prevents religious exercise, but goes even further and challenges the tenets of their religious conviction. The *Yoder* court noted that a high school education would be “in marked variance with Amish values and the Amish way of life,” and thus would result in “impermissible exposure of [Amish] children to a[n] . . . influence in conflict with their beliefs.” *Yoder*, 406 U.S. at 211. Similarly, in *Mahmoud*, the “LGBTQ-Inclusive Books” at issue expressed views directly in opposition to those adhered to by the plaintiffs’ religions. *Mahmoud*, 606 U.S. at 554. And indeed, the *Mahmoud* court emphasized that crucially, the case went “far beyond mere exposure”—teachers were “encouraged . . . to reinforce [the opposing] viewpoint and to reprimand any children who disagree[d].” *Id.* at 556.

Here, however, not only is there no “hostility” or “coercive . . . instruction” towards the Lightbearers’ religious beliefs, there is not even any “mere exposure” to a contrary viewpoint to speak of. *Id.* at 554, 556, 568. CADS is not an assertion of any religio-social opinion of any kind. CADS does not “prevent the Church from promoting their religion in the requisite live and public way,” it simply bars one small category of information that Lightbearers can share while doing so. R. at 23. Indeed, the vast majority of information shared by Lightbearer vans, whether

it be “local news, weather, event calendars, etc” is entirely unaffected by CADS. R. at 9–10. To the extent that CADS in fact does interfere with Lightbearers’ religious exercise, the burden imposed is *de minimis*. It does not approach the situations at hand in *Yoder* and *Mahmoud*, and falls well short of religious burdens this Court has upheld as part of a neutral and generally applicable law designed to legislate on a social wrong. *See, e.g., Reynolds v. United States*, 98 U.S. 145, 162 (1878) (upholding a ban on polygamy where “it was the duty of male members of [the Mormon Church] to practice [it],” and where a Mormon’s “refusing to practise polygamy . . . would be punished [with] damnation in the life to come”); *Smith*, 494 U.S. at 878–79 (“We have never held that an individual’s religious beliefs excuse him from compliance with an otherwise valid law prohibiting conduct that the State is free to regulate.”).

Finally, the theory pressed by Petitioners and the District Court, that because the missionary year allows Church “members [to] become more resolute in their faith,” CADS imposes a “substantial burden” on their religious development, bears repudiating on its own terms. R. at 23. Any act of religious exercise can be framed as one that allows the practicing member to “become more resolute in their faith.” *Id.* And one would be hard-pressed to identify any religion whose adherents were not capable, by their religion’s own admission, of additional “religious development,” be they children, young adults, or elderly members of the faith. This theory would thus transform any burden whatsoever on religious exercise into a *Yoder-Mahmoud* burden—no principled distinguishing line can be drawn. And this result simply cannot be.

Because CADS is a neutral and generally applicable law under *Smith*, and the exception to the *Smith* test laid out in *Yoder* and in *Mahmoud* is inapplicable here, the Fifteenth Circuit was correct in applying rational basis review to determine CADS’s validity. However, Petitioner makes a final argument to avoid this proper standard, invoking the “hybrid-rights” doctrine.

**D. The “hybrid-rights” doctrine has been consistently disfavored by this Court and should be rejected here.**

The “hybrid-rights” doctrine stems from a single paragraph in *Smith*. See 494 U.S. at 881 (“The only decisions in which we have held that the First Amendment bars application of a neutral, generally applicable law to religiously motivated action involve not the Free Exercise Clause alone, but the Free Exercise clause in conjunction with other constitutional protections.”). Since *Smith*, however, this Court has never ruled on the basis of a hybrid right. The hybrid rights exception has only been discussed in any detail by members of this Court twice since *Smith*, in two concurrences sharply criticizing that conception of past cases, and the validity of such a doctrine. See *Lukumi*, 508 U.S. at 567 (Souter, J., concurring in part) (describing the hybrid rights exception “as ultimately untenable.”); *Fulton*, 593 U.S. at 599 (Alito, J., concurring) (explaining the hybrid rights “scheme is obviously unworkable and has never been recognized outside of *Smith*”). It is easy to see why. As Justice Souter explained in *Lukumi*, “if a hybrid claim is simply one in which another constitutional right is implicated, then the hybrid exception . . . swallow[s] the *Smith* rule.” 508 U.S. at 567. And “if a hybrid claim is one in which a litigant” raises a valid claim against a “formally neutral, generally applicable law under another constitutional provision,” then there is “no reason for the Court . . . to have mentioned the Free Exercise Clause at all.” *Id.*

More telling, however, are the cases in which the Court conceivably could have invoked hybrid rights, but conspicuously chose not to. Most clearly, in *Christian Legal Soc’y Chapter of the University of California, Hastings College of Law v. Martinez*, the Court was presented with claims under the First and Fourteenth Amendment rights to free speech, expressive association, and free exercise of religion. 561 U.S. 661, 668 (2010). In summarily rejecting the Free Exercise claim, the Court noted that *Smith* “foreclosed . . . argument” against “valid regulations of general

application that incidentally burden religious conduct.” *Id.* at 697, n. 27. Had the hybrid rights doctrine had any real power, the combination of a Free Exercise claim with a Free Speech claim should have triggered its protection. Yet no mention of the doctrine was made. And there are numerous examples of similar deliberate choice by this Court not to raise the hybrid rights analysis despite a clear opportunity to do so. *See, e.g., Hosanna-Tabor Evangelical Lutheran Church and School v. E.E.O.C.*, 565 U.S. 171 (2012) (declining to consider the intertwined nature of plaintiff’s Free Exercise and associational rights claims); *Masterpiece Cakeshop*, 584 U.S. at 634 (narrowly deciding for plaintiffs on grounds of religious hostility and lack of neutrality, rather than framing the claim as a hybrid Free Exercise and Free Speech right); *Fulton*, 593 U.S. at 543 (framing the case as a claim resting on impermissible discretionary exemptions under *Smith*, rather than considering the Free Exercise and Free Speech claims raised by plaintiff in conjunction as a hybrid right). The Court has had ample opportunity to solidify the existence of the hybrid rights doctrine, and has consistently chosen not to do so.

Furthermore, none of the cases described by *Smith* as relying on hybrid rights require the doctrine to stand comfortably in a post-*Smith* world. The ruling in *Cantwell* fits perfectly with the rule against “discretionary exceptions” as violative of general applicability, outlined in *Fulton*. Compare *Cantwell v. Connecticut*, 310 U.S. 296 (1940) (invalidating a licensing system where the administrator had discretion to deny a license to any cause he deemed nonreligious); with *Fulton*, 593 U.S. at 523 (explaining that “this inclusion of a mechanism for entirely discretionary exceptions renders the . . . provision not generally applicable”). The rulings in *Murdock* and in *Follett* can be understood through the restriction against prior restraints on the exercise of free speech, described in detail in *Watchtower Bible*. Compare *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) (invalidating license requirements for solicitation as applied

to religious proselytizing) and *Follett v. McCormick*, 321 U.S. 573 (1944) (same) with *Watchtower Bible and Tract Society of New York, Inc. v. Village of Stratton*, 536 U.S. 150, 164 (2002) (explaining the impermissibility of “requiring previous registration as a condition for exercising” free speech and free exercise rights). Finally, the holding in *Yoder* has been reaffirmed by *Mahmoud*, as described above, entirely without resort to any hybrid rights discussion. See *Mahmoud*, 606 U.S. at 565, n.14 (expressly declining to resolve the case on hybrid rights grounds, and describing *Smith*’s enunciation of the doctrine as a “speculat[ion]”). None of these cases relied on the hybrid rights doctrine when they were decided, and none of them needs the doctrine to fit with *Smith*’s rule today.

Finally, it is worth noting that the hybrid rights doctrine has engendered significant confusion in the Circuit Courts. See *Fulton*, 593 U.S. at 603–05 (Alito, J., concurring) (describing this confusion). Many reject it entirely. See, e.g., *Kissinger v. Board of Trustees of Ohio State Univ.*, 5 F.3d 177, 180 (6th Cir. 1993) (describing the doctrine as “completely illogical”); *Leebaert v. Harrington*, 332 F.3d 134, 144 (2d Cir. 2003) (noting there is “no good reason for the standard of review to vary simply with the number of constitutional rights that the plaintiff asserts have been violated”); *Combs v. Homer-Center School Dist.*, 540 F.3d 231, 247 (3rd Cir. 2008) (“Until the Supreme Court provides direction, we believe the hybrid-rights theory to be dicta.”). Others require the free-exercise claim to be joined by an “independently viable” companion claim. *Archdiocese of Washington v. WMATA*, 897 F.3d 314, 331 (D.C. Cir. 2018); see also *Gary S. v. Manchester School Dist.*, 374 F.3d 15, 19 (1st Cir. 2004) (holding that the exception only applies when “plaintiff has joined a free exercise challenge with another independently viable constitutional claim”). Finally, some Circuits require that the companion claim be “colorable.” See *Axson-Flynn v. Johnson*, 356 F.3d 1277, 1297 (10th Cir. 2004)

(describing a “colorable claim” as one with a “fair probability or likelihood . . . of success on the merits”). This third approach has been criticized by at least one member of this Court as “obviously unworkable.” *Fulton*, 593 U.S. at 599 (Alito, J., concurring). And despite some nominal recognition of the doctrine in theory, no Circuit Court has ever ruled for a plaintiff on the basis of a hybrid right.

The Court does not need to entertain Petitioner’s hybrid rights argument—it has never done so before. Neither of Petitioner’s two First Amendment claims can stand on its own, and this reality is enough to decide this case. However, the hybrid rights doctrine has only received negative treatment since its mention in *Smith*. This case offers an opportunity to reject it altogether, and resolve the current circuit split. In any event, neither the hybrid rights exception, nor the exception outlined in *Yoder* and *Mahmoud*, should be applied here. As such, Petitioner’s Free Exercise claim, under a straightforward application of the *Smith* test of neutral and general applicability, should receive rational basis review. *Emilee Carpenter, LLC*, 107 F.4th at 109.

**E. CADS easily satisfies rational basis review.**

“Rational basis review requires merely that the law at issue be rationally related to a legitimate governmental interest.” *Kim v. Board of Education of Howard County*, 93 F.4th 733, 749 (4th Cir. 2024). Delmont, in passing CADS, had the legitimate purpose of ensuring that its citizens would not be in danger of being attacked for their position on the Energy Farm Controversy. R. at 6–7. Preventing doxxing, or sharing of private and identifying information, bears a clear rational relation to that purpose—quite simply, it makes it more difficult to identify a target and carry out such an attack. As such, CADS should be upheld as a valid, neutral, and generally applicable law, and Petitioner’s Free Exercise claim should be dismissed.

Even in the event that the Court chose to apply strict scrutiny, CADS would still survive. Strict scrutiny requires a showing that the challenged law “serve[s] a compelling government

interest, and [is] narrowly tailored to further that interest.” *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 235 (1995). Here, and as recognized by the District Court, Delmont’s interest in protecting its citizens from being “stalk[ed], harass[ed], or physically injure[d]” is compelling. Del. Ann. Stat. § 25.989 (2025), R. at 27. Furthermore, the law is narrowly tailored—it “targets and eliminates no more than the exact source of evil it seeks to remedy.” *Frisby v. Schultz*, 487 U.S. 474, 485 (1988) (internal citation omitted). CADS only restricts the sharing of information that would be used in planning the attacks it seeks to prevent. It seeks to prevent “doxxing,” only targets information that would in fact “doxx” someone, and crucially, requires proof of malicious intent. Therefore, even under this form of review, CADS should survive as a valid law.

Notwithstanding the above, however, the fact remains that strict scrutiny is simply the inappropriate standard. Again, CADS is a neutral and generally applicable law under *Smith*, and it does not fit the exception outlined in *Yoder* and *Mahmoud*. The hybrid rights exception has never been applied by this Court, nor has any Circuit Court ever ruled on the basis of the doctrine. It has only survived in this Court’s opinions by means of the criticism it has engendered. As such, it should not be affirmatively applied here. CADS is subject to a rational-basis test, and easily passes. The Fifteenth Circuit’s judgment should be affirmed.

### **CONCLUSION**

For the foregoing reasons, Respondents did not place an unconstitutional burden on Petitioner’s First Amendment Free Speech and Free Exercise rights. As such, Respondent respectfully asks this Court to affirm the Fifteenth Circuit’s decision in favor of Respondent.

Respectfully submitted,  
/s/ Team 4  
**Team 4**  
*Counsel for Respondent*  
Dated: February 5, 2026

## APPENDIX

### *Constitutional Provisions*

#### **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.

### *Statutory Provisions*

#### **28 U.S.C. § 1331**

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

#### **28 U.S.C. § 1291**

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292(c) and (d) and 1295 of this title.

#### **28 U.S.C. § 1254(1)**

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

- (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree; . . .

**Or. Rev. Stat. Ann. § 30.835 (West)**

(1) As used in this section:

(a) “Disclose” includes, but is not limited to, transfer, publish, distribute, exhibit, advertise and offer.

(b) “Injure” means to subject another to bodily injury or death.

(c) “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.

(d) “Personal information” means:

(A) The plaintiff's home address, personal electronic mail address, personal phone number or Social Security number;

(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; or

(E) Identification of the school that the plaintiff's children attend. . . .

(2) A plaintiff has a cause of action for improper disclosure of private information if the plaintiff establishes by a preponderance of the evidence that:

(a) The defendant, with the intent to stalk, harass or injure the plaintiff, knowingly caused personal information to be disclosed; . . .

**CERTIFICATE**

Team 4 hereby certifies that:

1. The work product contained in this brief is our work only;
2. In preparing this brief, we have complied fully with our law school's honor code;
3. And in preparing this brief we have complied fully with the Rules of Competition.

/s/ Team 4  
**Team 4**

Dated: February 5, 2026