
IN THE
Supreme Court of the United States

THE CHURCH OF LIGHT, LLC

Petitioner,

v.

LAURA MARSHALL

Respondent.

**On Writ of Certiorari to
the United States Court of Appeals
for the Fifteenth Circuit**

BRIEF FOR PETITIONER

TEAM 6

QUESTIONS PRESENTED

I. Under the First Amendment, does CADS violate the Church of Light's free speech rights when applied to the Church's regular broadcast and dissemination of publicly available community information and religious content regarding a public figure on a matter of public concern?

II. Under the First Amendment, does CADS violate the Church of Light's free exercise rights when it broadly imposes a significant burden on the Church of Light's ability to engage in religious practices?

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CERTIFICATION

Dear Vice Chancellor,

Team 6 hereby certifies that the work product contained in this brief is the sole work of the team's members and only the team's members. We further certify that we have complied fully with our law school's governing honor code and all Competition Rules.

INTRODUCTION

This case presents a fundamental conflict between a state's regulatory power and the First Amendment's core protections of free speech and the free exercise of religion. Where these interests collide, the Constitution demands that the First Amendment prevail. Regulating speech and expression are important for a state to protect its citizens from potential harm. Indeed, those interests are legitimate. But a state cannot justify a sweeping regulation that trades fundamental liberties for only speculative or negligible gains. That is what happened when Delmont passed CADS. With the intention of protecting citizens from having their personal information exposed publicly, CADS effectively restricts protected speech by punishing truthful, lawfully obtained information regarding a matter of public concern. Furthermore, the statute's sweeping reach extends beyond mere privacy, burdening the Church's longstanding religious practices. Because a state already has more precise tools to address harm without sacrificing an individual's constitutional rights and CADS infringes upon protected expression and the Free Exercise Clause without the required narrow tailoring, it cannot survive the strict scrutiny the Constitution demands. This Court must vindicate the primacy of the First Amendment, the fundamental rights it affords to citizens, and declare that CADS, on its face or as applied, is unconstitutional.

STATEMENT OF THE CASE

This appeal arises out of the Fifteenth Circuit's reversal of the District Court's order, which granted summary judgment in favor of the Church of Light. The Church petitioned this Court for a Writ of Certiorari asking the Court to reverse the Fifteenth Circuit's decision.

The Energy Farm Controversy and Enactment of CADS

In Fall of 2024, the State of Delmont debated whether to convert a thousand undeveloped acres of state land into solar and wind energy production. R. at 4. Some of the land included woodlands and parts of the Delmont plains, all highly valued by the state’s residents. *Id.* This debate led to an extensive controversy between two coalitions: one group who believed the best way to achieve environmental objectives was through strict land and wildlife preservation and one group who believed the state should make major inroads in the development of alternative energy sources at the potential expense of some land. *Id.* These groups became better known as the “Nature Coalition” and the “Energy Coalition,” respectively. R. at 5.

The debate intensified in April 2025 after Delmont cleared land to install solar and wind. R. at 4. Both coalitions engaged in public campaigns including rallies, marches, resulting in several altercations. R. at 4–5. The debate became most pronounced on college campuses, where it was officially known as the “Energy Farm Controversy.” In August of 2025, protests erupted at faculty’ homes, libraries were ransacked, students were accosted, and bystanders were hospitalized. *See Morrison Aff.* ¶¶ 4–6; R. at 5. Student-led factions used intimidating calls and messages and engaged in “flash-shares” of a victim’s phone number, picture, location, and other personal information. *Morrison Aff.* ¶ 5; R. at 5. This tactic bypassed police, leaving victims swarmed, while perpetrators escaped. *Morrison Aff.* ¶ 5; R. at 5–6. In response, the Legislature passed CADS. This statute created a cause of action against an individual who, without consent, used a platform to disclose private information of a student, faculty member, or staff member at a

Delmont school with the intent to “stalk, harass, or physically injure.” R. at 6. The controversy made its way to Delmont State University (“DSU”) in fall of 2025. *Id.*

The Church of Light and Dissemination of the Church’s Message

The DSU Student Chapter of the “Church of Light” was a member of the Energy Coalition. R. at 7–8. The denomination was founded more than a century ago by Uriah Webster, a newspaper mogul who believed he was commissioned by divine revelation to form a church of “Lightbearers.” Rallston Aff. ¶ 4; R. at 8. A tenet of the faith is the live, personal, proclamation of their message. Rallston Aff. ¶ 5; R. at 8. While the format of outreach has evolved, it historically centered on a publication known as *The Lantern*; as the denomination grew, younger Lightbearers assumed responsibility in disseminating the message. Rallston Aff. ¶ 5; R. at 8.

As print media declined, the Church transitioned to TV broadcasts on community channels and, by 2024, utilized vans with LED screens to disseminate their message. Rallston Aff. ¶ 7; R. at 9. These screens displayed helpful community information including news, resources, weather, and event calendars alongside religious content. *Id.* At the height of the controversy, the Lightbearers filmed and looped an extensively covered, fiery speech given by Nature Coalition Activist Laura Marshall. R. at 10. During the week of September 22, 2025, this loop was followed by a photograph of Marshall wearing a t-shirt bearing the Nature Coalition willow tree symbol, sitting at the front desk of the Delmont Treatment Center. Rallston Aff. ¶ 9; R. at 10. In the picture, available online, the name of the center was visible with accompanying text of resources for those suffering from substance abuse including the address, phone number, and hours of operation of the center. R. at 10. Another treatment center, St. John’s Church

Counseling Center, was also listed. *Id.* Marshall was confronted by the Energy Coalition as she exited the Delmont Treatment Center. R. at 11. Marshall voluntarily quit her job. *Id.*

Marshall requested that the Lightbearers cease broadcasting her image and speech, but they refused, citing their commitment to coverage of the controversy, the denomination's message and the fact the information was publicly available. R. at 12. On October 3, 2025, Marshall filed suit alleging she was "injured," seeking damages and injunctive relief. The Church of Light moved for summary judgment, asserting that CADS infringed upon their free speech and free exercise rights. R. at 12. The District Court agreed, holding that the broadcast involved matters of public concern and was protected speech. R. at 18. The District Court also held that the CADS statute violated the Church's free exercise rights. R. at 28. The Fifteenth Circuit reversed the decision, finding that the District Court erred. R. at 30. The Church of Light petitioned this Court for a Writ of Certiorari and presented the questions for the Court's consideration. R. at 49. The Church respectfully asks this Court to reverse the Fifteenth Circuit.

SUMMARY OF THE ARGUMENT

This Court should reverse the Fifteenth Circuit's decision because the Church of Light is entitled to summary judgment as a matter of law. CADS is unconstitutional on its face, and violates the Church's protected speech and free exercise of religion rights.

CADS is unconstitutionally overbroad and fails strict scrutiny when applied to the Church of Light's speech. CADS' "reckless" standard for the disclosure of information, without exceptions for lawfully obtained or public accessible information, lacks the narrow tailoring required to restrict protected speech. CADS' vague prohibition of "any other personally

identifiable information” fails to provide fair notice, effectively criminalizing the sharing of information that would otherwise be legal. CADS also punishes the Church for speech regarding a matter of public concern, the Energy Farm Controversy. By broadcasting Marshall’s speech who thrust herself into the heart of the controversy, the Church engaged in a longstanding practice sharing community resources and displaying relevant and newsworthy clips along with its religious message. Because Marshall nor the State can demonstrate a compelling interest in suppressing the truthful, publicly available information CADS cannot survive strict scrutiny. This Court must shield the Church from liability for exercising its First Amendment rights.

Furthermore, CADS violates the Church of Light’s free exerciser rights because it imposes a significant burden on Lightbearer’s religious practices and is not outweighed by a compelling governmental interest. In reaching this conclusion, CADS must be analyzed under strict scrutiny. Strict scrutiny is appropriate because CADS is neither neutral nor generally applicable. Alternatively, strict scrutiny is warranted because CADS directly mirrors other burdens which has been found to necessitate strict scrutiny. Even still, CADS still warrants strict scrutiny because the Church of Light’s claim falls within the hybrid-rights exception. Given strict scrutiny is broadly applicable, CADS fails that test because the statute imposes a harsher burden on the Church of Light than is necessary to achieve the statute’s legitimate aims.

ARGUMENT

The First Amendment forbids Congress from making any law “prohibiting the free exercise [of religion], or prohibiting the freedom of speech.” U.S. Const. amend. I. These obligations have been extended to the states through the Fourteenth Amendment. *Gitlow v. New*

York, 268 U.S. 652, 666 (1925); *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940). Thus the First Amendment applies to the present case—a point both the District Court and Court of Appeals agreed on. R. at 20, 32.

I. The Church of Light’s First Amendment Free Speech rights were violated by CADS.

The Fifteenth Circuit’s decision must be reversed because CADS is unconstitutionally overbroad and its application to the Church of Light violates the First Amendment. On its face, the statute fails to distinguish between doxxing and the disclosure of truthful, publicly available information. As applied, the Church’s speech addressed a matter of public concern regarding a limited-purpose public figure, thus the speech is entitled to First Amendment protection and prohibits holding the Church of Light liable. Subsequently, CADS cannot survive strict scrutiny.

A. CADS, on its face, is unconstitutional because it is overbroad.

As a preliminary matter, a statute regulating speech must survive a facial challenge. A facial challenge attacks a law broadly. *See John Doe No. 1 v. Reed*, 561 U.S. 186, 194 (2010). The overbreadth doctrine applies when a statute is facially invalid under the First Amendment because it prohibits a substantial amount of protected speech, judged in relation to the statute’s “plainly legitimate sweep.” *Virginia v. Hicks*, 539 U.S. 113, 119–20 (2003). However, invalidation for overbreadth is a “strong medicine,” that is not causally employed. *Id.* at 120.

The first step in an overbreadth analysis is to construe the challenged statute to find what the statute covers. *United States v. Hansen*, 599 U.S. 762, 770 (2023). If a statute reaches too far, it is overbroad. *United States v. Williams*, 553 U.S. 285, 293 (2008). For example, in *Stevens*, a statute banning conduct and depictions of animal cruelty was overbroad because it extended to conduct that would be illegal in one jurisdiction, but not in others. *See United States v. Stevens*,

559 U.S. 460, 475 (2010). A depiction of lawful conduct, such as a hunting magazine, would run afoul of the statute if it made its way into the nation’s capital. *Id.* at 476.

Delmont passed CADS in 2025, which created an action against an individual “who without consent uses a communication platform...to disclose private information... with intent to ‘stalk, harass, or physically injure.’” R. at 6. The statute defines intent as “acting purposefully or recklessly to place a person in reasonable fear...” Del. Ann. Stat. § 163.732 (2020). “Harass” is defined as “to subject another to severe emotional distress such that the individual experiences anxiety, fear, torment or apprehension...” R. at 6. Among the relevant provisions, the statute defines private information as: A) The plaintiff’s home address, personal email address, personal phone number, or any other personally identifiable information; (B) Contact information for the plaintiff’s employer; or (C) for a family member. Del. Ann. Stat. § 25.989 (2025).

The CADS statute is overbroad and impermissibly regulates protected speech. The statute’s prescription of “private information” in subsections (A), (B), and (C) punishes the disclosure of lawfully obtained information based on a mere “reckless” intent. The statute does not have any exceptions for information about a plaintiff that could be found online.¹ For instance, imagine a journalist who finds out that a high-ranking Dean was planning to award a lucrative contract to a company owned by the Dean’s brother. In response, the journalist provides the business’s online information, including confirmation that the owner is the Dean’s brother.

¹ Governor Morrison and Respondent maintain that “CADS was drafted to be narrow,” Morrison Aff. ¶ 10, yet the statute’s plain language encompasses a vast range of information without providing exceptions for protected speech.

While one may call this good investigative journalism, it would be a violation of subsections (A), (B) and (C), even though the information is relevant, truthful, and a matter of public concern.

Relatedly, subsection (A) contains a problematic, “catch-all” phrase, “any other personally identifiable information,” which fails to provide fair notice of what is unlawful. In the digital age, anything can be considered “personally identifiable information” such as social media names, photos taken in public, or political donation history. While such information is inherently “personally identifiable,” its disclosure is not unlawful. In sum, the CADS statute is unconstitutional, on its face, because it prohibits a substantial amount of protected speech, judged in relation to the statute’s “plainly legitimate sweep.” *Hicks*, 539 U.S. at 119–20.

B. The Church of Light’s speech was at a public place on a matter of public concern, regarding a public figure therefore the First Amendment prohibits holding the Church liable for its speech

Even if the CADS statute could survive a facial challenge, it cannot survive an as-applied challenge. To determine whether the First Amendment prohibits holding a party liable for its speech turns on whether the speech is of public or private concern and the status of the speaker. *Snyder*, 562 U.S. at 451. “[S]peech on ‘matters of public concern’...is ‘at the heart of the First Amendment’s protection.’” *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 758–759 (1985) (quoting *First Nat. Bank of Boston v. Bellotti*, 435 U.S. 765, 776 (1978)). Meanwhile, speech on matters of private concern is given “less rigorous” protections because restrictions on private speech do not implicate the same concerns. *Snyder*, 562 U.S. at 452.

In determining whether speech is a public or private matter, a court must examine the “content, form, and context” of the speech and “make an independent examination of the whole record.” *Dun & Bradstreet, Inc.*, 472 U.S. at 758. “The boundaries of the public concern test are

not well defined.” *San Diego v. Roe*, 543 U.S. 77, 83 (2004) (*per curiam*). But, this Court has provided “guiding principles” for the inquiry including when speech relates “to any matter of political, social, or other concern to the community,” *Connick v. Myers*, 461 U.S. 138, 145 (1983), or when “[speech] is subject of legitimate news interests; that is, a subject of general interest and of value and concern to the public.” *Roe*, 543 U.S. at 83.

On the other hand, speech that “concerns no public issue” *Dun & Bradstreet, Inc.*, 472 U.S. at 762, or does not inform members of the public is considered a private matter. *Roe*, 543 U.S. at 84. For example, in *Dunn & Bradstreet*, at issue was a credit report containing false information about a company. *See Dun & Bradstreet, Inc.*, 472 U.S. at 751–52. The Court held that the report was a private matter because it was “in the individual interest of the speaker and its specific business audience.” *Id.* at 762. Furthermore, in *Roe*, an officer was fired after selling sexually explicit materials on eBay. *See Roe*, 543 U.S. at 78–79. The Court held that the officer’s speech did nothing to inform the public and exploited his employer’s image. *See id.* at 84.

Another consideration is the status of the speaker. Private figures receive greater protection than public figures when addressing matters of public concern. *See Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 345–46 (1974). Determining whether an individual is a “public figure,” or “private individual” is fact-specific. This Court has identified two types of public figures: (1) all purpose public figures, who hold positions of “persuasive power and influence,” and (2) limited purpose public figures who “thrust themselves to the forefront of particular public controversies.” *Gertz*, 418 U.S. at 345. Those who are involuntarily drawn into controversies are not public figures. *Time, Inc. v. Firestone*, 424 U.S. 448, 457 (1976). The Court in *Gertz*

established a two-step analysis to determine if an individual is a public figure: (1) whether a “public controversy” exists and (2) what is the “nature and extent” of an individual’s involvement. *Gertz*, 418 U.S. at 352. Three factors are relevant in determining the “nature and extent” including the extent to which participation in the controversy is voluntary, the extent to which there is access to channels of effective communication, and the prominence of the role played. *Id.* at 344–45.

The Fifteenth Circuit departed from precedent by arguing that the *Snyder* framework was not applicable because Delmont was “protecting public safety” while the state in *Snyder* was “weighing a state’s interest in protecting reputations from defamation.” R. at 33. However, this is a distinction without any constitutional difference. In both *Snyder*, and the present case, the statutes attempted to suppress some form of expression to prevent a perceived social harm. This Court has stated that speech on public issues is entitled to protection, a protection that does not go away because a state interest is invoked, nor because a state creates an exception for “public safety.” In addition, the CADS statute is not a direct safety regulation like criminal battery or a traffic code. The statute is a preemptive regulation of speech that Delmont believes may lead to public safety issues. Because this Court has never held that a state can create a public safety exception to avoid the *Snyder* framework, that framework remains the proper framework here.

Applying these principles to the case at hand lead to the conclusion that the Church of Light’s speech was a matter of public concern regarding Marshall, a limited public figure; First, the Church of Light spoke on a matter of public concern in a public place; therefore the First Amendment prohibits holding the Church liable for its speech, even if that speech is hurtful.

Snyder, 562 U.S. at 451. By examining the “content, form, and context” of the speech, the Church’s display of Marshall’s speech relates to a “matter of political, social, or other concern to the community.” *Connick*, 461 U.S. at 145. Since early 2025, the Energy Farm Controversy had dominated Delmont, prompting the enactment of CADS. At its peak, Marshall gave a speech, knowing the matter was covered by the media. Having played a large role in prior protests and rallies, Marshall’s speech was a “subject of general interest and of value and concern to the public.” The Church’s reproduction of the speech, found on the news, was not a grievance, but a continuation of important public dialogue and debate, distinguishable from *Dun & Bradstreet*.

Regarding the photograph of Marshall at the Delmont Treatment Center, the Church’s conduct was consistent with its long-standing practice of sharing relevant community resources and newsworthy clips. R. at 11–12. This photo was found on the center’s website. Rallston Aff. ¶ 9. This display was not “doxxing” but a meld of two pressing public issues: the Energy Farm Controversy and the availability of healthcare resources. The inclusion of the St. John’s Church Counseling Center further demonstrates a lack of animus; the display was a dissemination of community resources. Significantly, Marshall chose to wear the “Nature Coalition” symbol, the banner of her personal advocacy, at work. By doing so, Marshall effectively merged her private and public personas. She cannot now claim a privacy interest in the reality she created for any member of the public that walked into treatment center or viewed her speech.

Secondly, Marshall is a “limited public figure.” A limited public figure “thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues.” *Gertz*, 418 U.S. at 345. The Energy Farm Controversy is a significant public

controversy. Marshall sought to be a difference maker in the controversy by delivering a speech that included fiery rhetoric, at the height of the controversy, on local news. *See* Rallston Aff. ¶ 9. Unlike the plaintiff in *Firestone*, who was involuntarily drawn in, Marshall gave a speech to advocate and sway public opinion. Having sought the spotlight, Marshall cannot now retreat into the shadows. Marshall is a limited-purpose public figure in a matter of public concern.

Ultimately, the Church of Light’s speech must receive the First Amendment’s protections. This speech “cannot be restricted simply because it is upsetting or arouses contempt.” *Snyder* 562 U.S. at 451. By broadcasting a public speech on the controversy, and providing community resources, the Church engaged in speech that the Constitution protects. Marshall voluntarily assumed an important role in a heated public controversy and wore her affiliation to work, so she may not use CADS as a tool to silence the Church. Any consequences of Marshall’s entrance into the spotlight can be remedied by other statutes.² Because the Church’s speech addressed matters of public concern regarding a public figure, the Church is entitled to First Amendment protection and cannot be held liable for its protected speech.

C. The CADS statute, a content-based speech regulation, cannot survive strict scrutiny.

The Church of Light’s speech is not beyond regulatory reach as speech is “subject to reasonable time, place, or manner restrictions.” *Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 293, (1984). Yet, Marshall cannot argue that such a regulation existed. Having shown that the Church’s expression is within the First Amendment’s protection, CADS is presumptively

² Governor Morrison acknowledges the efficacy of alternatives such as “harassment, stalking, trespass and disorderly-conduct provisions.” Morrison Aff. ¶ 7. Despite the availability of these effective and “helpful” tools, the State opted for a broader law that regulates protected speech.

unconstitutional as a content-based regulation and must survive strict scrutiny. A content-based restriction is presumptively unconstitutional unless it is narrowly tailored to serve a compelling interest. *Reed v. Town of Gilbert*, 576 U.S. 155, 163–64 (2015). A content-based restriction targets “speech based on its communicative content” or because of the idea or message expressed. *Id.* at 163. A court must consider whether a regulation of speech “on its face” draws distinctions based on the message. *Sorrell v. IMS Health, Inc.*, 564 U.S. 552, 566 (2011).

Marshall must prove that applying CADS to the Church’s speech serves a compelling interest and is narrowly tailored to achieve that interest. She fails on both counts. While protecting privacy may be a legitimate interest, it is not “compelling” when it is used to shield a limited-purpose public figure from the disclosure of truthful, lawfully obtained, publicly available information on a matter of public concern. This Court established in *Daily Mail*, the publication of truthful, lawfully obtained information about a matter of public significance may not be punished absent a state interest “of the highest order.” *Smith v. Daily Mail Pub. Co.*, 443 U.S. 97, 103 (1979).

Furthermore, the statute is not narrowly tailored because it functions as a broad, chilling order on the Church’s speech. If Delmont’s goal in enacting CADS was to prevent harassment and “doxxing,” it could use more precise tools than a blanket prohibition. For example, Marshall can still rely on existing statutes for stalking, harassment, and true threats, which target conduct more so than speech. Finally, the CADS statute is fatally underinclusive because it punishes the Church for disclosing information that remains publicly available. Thus, the law is not “protecting” Marshall but punishing the Church. CADS cannot survive strict scrutiny.

II. The Church of Light’s First Amendment Free Exercise rights were violated by CADS.

The determinative issue in free exercise claims is ascertaining the extent that a government action intrudes on the ability to freely practice religion. *Emp. Div., Dep’t of Hum. Res. of Oregon v. Smith*, 494 U.S. 872, 879 (1990). A religious belief or practice burdened by a law “need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection.” *Thomas v. Rev. Bd. of Indiana Emp. Sec. Div.*, 450 U.S. 707, 713–14 (1981). A regulation that imposes a higher burden on free exercise requires a compelling government interest to survive strict scrutiny review. *Smith*, 494 U.S. at 878–82. This Court has articulated several tests that, if satisfied, necessitate analyzation under strict scrutiny. *See id.* at 878–79; *see, e.g., Fulton v. City of Philadelphia* 593 U.S. 522, 538–39 (2021). Because CADS satisfies these tests, and because CADS cannot subsequently survive strict scrutiny, it should be found to be unconstitutional and judgment should be entered for the Church of Light.

A. CADS should be analyzed under strict scrutiny per the Smith test

In *Smith*, this Court articulated the operative test to determine whether a law imposes a significant burden on the free exercise of religion. *Smith*, 494 U.S. at 878–82. Under this test, if a law is either not neutral or not generally applicable, then the law must be analyzed under the strict scrutiny standard and justified by a significant government interest. *Id.* “Neutrality and general applicability are interrelated, and . . . failure to satisfy one requirement is a likely indication that the other has not been satisfied.” *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 531 (1993). Because CADS is neither neutral nor generally applicable, this Court should analyze the statute under the strict scrutiny standard.

i. Neutrality

Neutrality is examined at several levels. Generally, the government “fails to act neutrally when it proceeds in a manner intolerant of religious beliefs or restricts practices because of their religious nature.” *Fulton*, 593 U.S. at 533 (citing *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm’n*, 584 U.S. 617, 628–30 (2018)). Courts begin their analysis of a law’s neutrality by looking at the facial meaning of a statute. *Lukumi*, 508 U.S. at 533. “A law lacks facial neutrality if it refers to a religious practice without a secular meaning discernable from the language or context.” *Id.* This, however, is not the end of the inquiry. *Id.* at 534 (“Facial neutrality is not determinative.”). “A regulation neutral on its face may, in its application, nonetheless offend the constitutional requirement for governmental neutrality if it unduly burdens the free exercise of religion.” *Wisconsin v. Yoder*, 406 U.S. 205, 220 (1972) (citing *Sherbert v. Verner*, 374 U.S. 398, 409 (1963)); see also *Kennedy v. Bremerton School District*, 597 U.S. 507, 526 (2022) (citing *Lukumi*, 508 U.S. at 533) (“A policy can fail this test if it ‘discriminate[s] on its face,’ or if a religious exercise is otherwise its ‘object.’”).

To determine if a law unduly burdens the free exercise of religion and is a “subtle departure[] from neutrality,” *Gillette v. United States*, 401 U.S. 437, 452 (1971), this Court has articulated a number of factors that courts should consider when determining if the object of a law is to burden a religious practice. See, e.g., *Lukumi*, 508 U.S. at 534–42. These factors include: “the historical background of the [challenged law], the specific series of events leading to the enactment or official policy in question, and the legislative or administrative history, including contemporaneous statements made by members of the decisionmaking body.” *Masterpiece Cakeshop*, 584 U.S. 617, 639 (quoting *Lukumi*, 508 U.S. at 540). Additionally, “the

effect of a law in its real operation is strong evidence of its object.” *Lukumi*, 508 U.S. at 535. The *Lukumi* Court also counseled that “[t]he neutrality of a law is suspect if First Amendment freedoms are curtailed to prevent isolated collateral harms not themselves prohibited by direct regulation.” *Id.* at 539. Both direct and circumstantial evidence is relevant to the inquiry. *Id.* at 540 (citing *Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977)).

Analyzing both the statute’s text, as well as its history, is critical to determining its object. *See Lukumi*, 508 U.S. at 534-42. In *Lukumi*, a group of congregants of the Santeria faith sought to establish a church in the city of Hialeah, Florida. *Id.* at 525–26. Locals opposed the church due to the Santeria faith’s practice of ritualistic animal sacrifice. *Id.* In response, the city council enacted several ordinances that had the effect of prohibiting ritualistic animal sacrifice in the city. *Id.* at 527–29. The church challenged the ordinances, and ultimately this Court found that they infringed on the church’s right to free exercise. *Id.* at 547. Articulating a number of reasons, this Court first found that there was evidence that the ordinances were not facially neutral, but this was not conclusive. *Id.* at 533-34. Next, this Court found that the ordinances had the effect of targeting the Santeria faith: the text of the ordinances included definitions that seemingly only applied the Santeria and the ordinances prohibited more action than was necessary to accomplish the city’s proffered goals. *Id.* at 535-40. Third, this Court found that hostile statements from city councilors was evidence that the statute targeted the Santeria. *Id.* at 541-42. Lastly, the Court found that the city’s assertion that it enacted the ordinances to address problems with animal sacrifice in the city was pretext since the city only enacted the ordinances after the church announced its intent to move to the city. *Id.* at 540-41.

As a preliminary matter, both the District Court and Court of Appeals agreed—and Petitioner does not contest—that CADS is facially neutral in regard to the Church’s religion. R. at 21, 38. This, however, is not the end of the inquiry. The Court of Appeals erred in finding that there was not a subtle departure from neutrality.

First, the Court of Appeals misunderstands the *Lukumi* factors. While it is true that CADS was adopted to solve the issue of “flash-shares,” the Court of Appeals erroneously broadened the statute’s purpose, claiming that it was also enacted to address other issues related to campus activity in response to the Energy Farm Controversy. *Compare* R. at 38 (“The statute was adopted in response to the increasing volatility on college campuses and the rise in ‘flash-shares’ of individuals’ personal information leading to sometimes violent confrontations.”), *with* R. at 48 (“CADS was drafted to be narrow. It focuses on the nonconsensual dissemination of another person’s identifying information.”). If the goal of the statute was indeed to address the volatility happening on campuses, CADS would have needed to additionally address the other types of harm happening on campuses at the time such as trespassing and violent protest. R. at 5.

Following the narrow purpose articulated by Governor Morrison, CADS runs into the same issues of timing found in *Lukumi*. Delmont had issues of doxxing before the outbreak of the Energy Farm Controversy. *See* R. at 6. If the issue of the dissemination of personally identifiable information was serious enough, as Governor Morrison claimed, Morrison Aff. ¶¶ 4–6, then the state of Delmont would have acted on the issue before the start of the Energy Farm Controversy. Indeed, the type of information that the Church disseminated prior to the

Energy Farm Controversy, falls under the broad definitions of information outlined in CADS.

Yet, Delmont did nothing to counter the problem prior to the Energy Farm Controversy.

If this Court were instead to follow the broad purpose of CADS as articulated by the Court of Appeals, the statute would still run into similar problems raised in *Lukumi*. In *Lukumi*, the ordinances were found to be overly broad for the proffered goals of the statute. Here, CADS faces the inverse situation. If CADS was enacted to generally address the issues that had arisen on college campuses because of the Energy Farm Controversy, the statute would also address the other forms of violence that occurred during the height of the controversy. Instead, it did not.

Even further, while the record does not disclose any contemporaneous statements from legislators that are openly hostile to the Church of Light, there is circumstantial evidence to suggest some disdain. Specifically, the Church of Light launched comprehensive lobbying efforts directed at Governor Morrison to voice their opposition to CADS. Rallston Aff. ¶ 11. To date, the Church of Light has not received a response to any of those outreaches. *Id.* While it cannot be expected that the governor would respond to every lobbying effort directed toward him, his unwillingness to even respond, given both the numerous avenues of outreach, as well as the Church of Light's prominent place in the history of the state of Delmont, suggests that the governor did not wish to consider the Church's valid concerns while drafting CADS.

Even more, the definitions in CADS, like *Lukumi*, are overbroad as to the purpose of the statute. Almost anything can be personally identifiable information, as discussed *supra*. Additionally, as the *Lukumi* court stated, “[t]he neutrality of a law is suspect if First Amendment freedoms are curtailed to prevent isolated collateral harms not themselves prohibited by direct

regulation.” *Lukumi*, 508 U.S. at 539. Here, CADS curtailed the First Amendment freedom of speech to address the Energy Farm Controversy, when means to address the problems already existed.³ Morrison Aff. ¶ 9. In totality, CADS was enacted to curtail the Church’s practices.

ii. General Applicability

A law is not generally applicable if it allows the government to establish exemptions to the general conduct proscribed by that statute. *Fulton*, 593 U.S. at 533. At the same time, “a law also lacks general applicability if it prohibits religious conduct while permitting secular conduct that undermines the government’s interests in a similar way.” *Id.* at 534 (citing *Lukumi*, 508 U.S. at 537); *see also Tandon v. Newsom*, 593 U.S. 61, 62 (2021) (citations omitted). For religious conduct to be comparable to secular conduct, “the two activities . . . must be judged against the asserted government interest that justifies the regulation at issue.” *Tandon*, 593 U.S. 62 (citing *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 18 (2020)). “Comparability is concerned with the risks various activities pose, not the reasons why [individuals engage in that activity].” *Id.* (citing *Roman Catholic Diocese of Brooklyn*, 592 U.S. at 18).

In the present case, Petitioner concedes that the text of CADS does not permit any individualized exemptions. This does not mean that CADS is generally applicable. CADS is not generally applicable because certain secular conduct is still permitted that undermines the goals of CADS. As Governor Morrison stated in his affidavit, “[CADS] . . . focuses on the nonconsensual dissemination of another person’s identifying information.” Morrison Aff. ¶ 10.

³ As previously noted, Governor Morrison conceded that alternative measures were available to the State, rendering the enactment of CADS unnecessary. *See supra* note 2, at 12.

Here, comparing these activities, one can see that local news organizations are permitted to engage in activities that directly undermine the stated goal of CADS.

First, following *Tandon*, it is clear that the Church of Light's proselytization and local news organizations' general reporting are comparable activities. Comparison is appropriate because the risks associated with each activity are the same: either activity can quickly disseminate personally identifiable information to the public. Next, it is worth noting that the Court of Appeals erred in stating that "CADS is not restricting anything specifically religious." R. at 39. The act of proselytizing, which includes the dissemination of local news stories, is fundamental to the Lightbearer faith. *See* R. at 45 ("[W]e are required to present a living witness to the world and have always found the use of local news coverage to be the key to our growth."). The Court of Appeals directly goes against *Thomas*, passing judgment on what constitutes a "religious purpose." *Thomas*, 450 U.S. at 714 ("The determination of what is a 'religious' . . . practice is more often than not a difficult and delicate task . . . the resolution of that question is not to turn upon a judicial perception.") Thus, the Church of Light's proselytization and local news organizations' general reporting are acceptable comparators.

Having established that these two activities are sufficient comparators, it is clear that CADS places a higher burden on the Church of Light's activities, rather than local news organizations. Local news organizations are largely unhampered by CADS. First, they have the general protections of the First Amendment regarding the Freedom of the Press; the Church of Light does not have these protections. Further, CADS specifically contemplates a specific definition of "intent" required to violate CADS. R. at 6. As the Court of Appeals implies within

its opinion, the Church of Light is not a journalistic organization. The fact that a large number of Lightbearers study journalism, R. at 7, is irrelevant to this point; the only information in the record regarding the Church of Light’s journalistic “training” or “direction” is that all information comes from publicly available sources. R. at 45. Because the Church of Light does not have as vigorous training or reporting standards as local news organizations, it is more likely that the Church of Light would be found to have acted “recklessly” in undertaking similar actions as local news organizations. Therefore, because CADS places a higher burden on the Church of Light compared to similar secular activities, it is not a generally applicable law.

B. CADS should be analyzed under strict scrutiny per the *Yoder* exception.

Even if this Court finds that CADS is neither neutral nor generally applicable, it must be analyzed under strict scrutiny due to *Yoder*, and the government must offer a compelling interest to justify CADS’ infringement. Under these cases, the inquiry begins by determining the burden a law places on a religious practice, and if the burden is analogous to that in *Yoder*. *Mahmoud v. Taylor*, 606 U.S. 522, 564 (2025). *Yoder* dealt with a law that burdened the religious development of children, in the context of school attendance. *Yoder*, 406 U.S. at 219–29.

The Free Exercise clause “protects ‘the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life through the performance of’ religious acts.” *Mahmoud*, 606 U.S. at 546–47 (quoting *Yoder*, 406 U.S. at 218). As a result, this Court has “recognized limits on the government’s ability to interfere with a student’s religious upbringing in a public school setting.” *Id.* at 547. “[T]he question whether a law ‘substantially interferes with the religious development’ of a child will always be fact-intensive[.]” *Id.* at 549 (quoting *Yoder*, 406

U.S. at 218), and courts should consider “the specific religious beliefs and practices asserted, as well as the specific nature of the [law that burdens the practice of the religion].” *Id.*

If a fact-intensive inquiry reveals that the enforcement of a law would endanger free exercise, then strict scrutiny must apply. *See Yoder*, 406 U.S. at 219. In *Yoder*, parents of Amish children challenged a law that required children to attend school through the age of 16. *Id.* at 207–08. Finding for the parents, this Court held that the law violated the parents’ right to free exercise. *Id.* at 236. Specifically, this Court found that there was uncontested evidence of historical adherence to the Amish belief against higher education. *Id.* at 215–19. Further, there was also evidence that the beliefs were so ingrained and necessary to the parents and children. *Id.* These factors supported a finding that the religious beliefs of the Amish were so vital to their upbringing that a law that invaded upon these beliefs warranted strict scrutiny analysis. *See id.*

This case is directly analogous to that of *Yoder*: CADS gravely endangers the ability of Lightbearers to practice an essential element of their faith. Here, the record establishes—and Respondent does not contest—that the Lightbearers have been engaging in the act of proselytization since the church’s founding over 100 years ago. Rallston Aff. ¶ 4. Further, the record also reveals that the missionary year is vitally important to Lightbearer upbringing. Rallston Aff. ¶ 7. In directly challenging core tenets of the Lightbearers’ faith—which are the vital actions of the missionary year—CADS directly endangers the religious upbringing of Lightbearers. This point has been acknowledged by the Church itself. Rallston Aff. ¶ 10.

The Court of Appeals erred in its casual dismissal of the viability of the *Yoder* exception. The lower court claimed that *Yoder* is inapposite because the law at issue in *Yoder* is different

than CADS. But the law at issue does not matter to the analysis. What matters is the effect that the law has on an individual's religious upbringing. Further, the language of the lower courts' opinion implicitly suggests that *Yoder* is inapposite because the Church of Light's method of religious upbringing is not directly analogous to upbringing in secular society (i.e. school education). This commits a *Thomas* error. The Court of Appeals should not—and indeed cannot, determine what a valid practice is for the course of religious upbringing. Lastly, the Court of Appeals' dismissal of *Yoder* directly contravenes the language of this Court: "*Yoder* is an important precedent of this Court, and it cannot be breezily dismissed as a special exception granted to one particular religious minority." *Mahmoud*, 606 U.S. at 558. Because the *Yoder* exception is directly analogous to the case at hand, CADS must be analyzed under strict scrutiny.

C. CADS should be analyzed under strict scrutiny per the hybrid rights exception.

Even if this Court finds that neither the *Smith* test nor *Yoder* exception warrant strict scrutiny, it is warranted due to the "hybrid rights" exception. Established in *Smith*, this Court found that even if a law is neutral and generally applicable, strict scrutiny is still warranted if a free exercise claim is asserted "in conjunction with other constitutional protections, such as freedom of speech and of the press." *Smith*, 494 U.S. at 881. While this Court has not articulated what it means to assert a claim "in conjunction," lower courts have provided some guidance. For example, the Eighth Circuit has found "in conjunction" means that the other constitutional claim is a necessary element. *See Telescope Media Grp. v. Lucero*, 936 F.3d 740, 759–60 (8th Cir. 2019). This aligns with this Court's own recognition of the interplay between free exercise and other constitutional claims. *E.g.*, *Kennedy*, 597 U.S. at 523 (citations omitted) ("These Clauses

work in tandem. Where the Free Exercise Clause protects religious exercises...the Free Speech Clause provides overlapping protection for expressive religious activities.”).

In the present case, the hybrid rights exception applies. The Church of Light’s free exercise claim burdens the Church’s religiously protected speech and actions. That is, the Church’s speech is a necessary element of its claim. This aligns with the Founders’ interpretation of how the First Amendment must function: the First Amendment was drafted in recognition of historical attempts to regulate religion and suppress dissent. *Id.* at 523. Thus, religious speech is an action protected by both clauses. Because CADS implicates the Church’s religious speech, it violates both their free exercise and free speech rights, an articulable hybrid rights claim.

It is true, as the Court of Appeals remarks, that this exception is not without controversy. But this does not disturb the applicability of the exception to the present case. Just as there is misunderstanding over the general applicability of the *Yoder* exception, that does not diminish its precedential value. Further, the lower courts’ suggestion that a hybrid-rights claim permits weaker claims to be analyzed under that standard is incorrect. The related constitutional claim must still be an element of the free exercise claim. Further, individuals would be discouraged from seeking redress in our judicial system if they were discouraged from seeking simultaneous meritorious claims. In essence, this Court would be telling plaintiffs to only pursue their strongest claim and push any other valid constitutional violation aside. This is inappropriate. The lower courts’ misgivings with the hybrid rights exception stem from a misunderstanding of the role of constitutional provisions, along with a misreading of precedent. Because the Church has a valid hybrid rights claim, CADS must be analyzed under strict scrutiny.

D. CADS fails strict scrutiny

As established *supra*, CADS should be analyzed under the strict scrutiny standard of review. Under this standard, “a law restrictive of religious practice must advance ‘interests of the highest order’ and must be narrowly tailored in pursuit of those interests.” *Lukumi*, 508 U.S. at 546 (quoting *McDaniel v. Paty*, 435 U.S. 618, 628 (1978)). If a law can achieve its interests in a manner that does not burden a religious practice, it must do so. *Fulton*, 593 U.S. at 541. It is rare for a law that targets religious conduct to survive strict scrutiny. *Id.*

Here, CADS fails strict scrutiny. While ensuring the safety of citizens is one of the state’s highest responsibilities, this is an overly general goal. CADS could have been drafted more narrowly to protect personally identifiable information. Instead, CADS includes a catch-all provision in one of its definitions that makes almost any type of information pertinent to CADS. Further, Respondent fails to show that the Church of Light’s speech meaningfully impedes CADS’ goals. If the Church of Light’s actions meaningfully obstructed this goal, then local news organizations would similarly be affected. That is not the case here. Because CADS fails strict scrutiny, it must be overturned and judgment must be entered in favor of the Church of Light.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests this Court reverse the Court of Appeals and enter judgment in the Church of Light’s favor.

Respectfully submitted on 6 of February 2026,

Team 6

ATTORNEYS FOR PETITIONER