No. 25-1994

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 RESPONDENT

February 6, 2026

Submitted by:

TEAM NUMBER 7
Counsel for Respondent

QUESTIONS PRESENTED

1. Whether the Campus Anti-Doxxing Statute ("CADS"), a content-neutral and narrow law seeking to protect campus community members from imminent harm, violates the Free Speech Clause of the First Amendment?

2. Whether CADS, a neutral and generally applicable law enacted to protect students from harassment and threats, violates the Free Exercise Clause of the First Amendment?

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The opinion of the United States Court of Appeals for the Fifteenth Circuit is unreported and provided in the Decision on Appeal. *See* Record ("R.") at 30–43. The opinion of the United States District Court for the District of Delmont, Western Division is unreported and provided in the Decision on Appeal. R. at 2–29.

STATEMENT OF JURISDICTION

This Court has jurisdiction to review the decision of the United States Court of Appeals for the Fifteenth Circuit upon granting certiorari pursuant to 28 U.S.C. § 1254(1). The Fifteenth Circuit had jurisdiction over the District Court's decision pursuant to 28 U.S.C. §1291. The District Court for the District of Delmont, Western Division had original jurisdiction pursuant to 28 U.S.C. §1331.

STANDARD OF REVIEW

This Court reviews an appellate court's reversal of summary judgment *de novo*. *Pierce v. Underwood*, 487 U.S. 552, 558 (1988).

CONSTITUTIONAL PROVISIONS INVOLVED

This case involves the Free Speech Clause and the Free Exercise Clause of the First Amendment of the United States Constitution. The full text of the First Amendment is set forth in the Appendix.

STATEMENT OF CASE

I. STATEMENT OF FACTS

Laura Marshall (hereinafter, "Ms. Marshall") is a student activist for the Nature Coalition in the state of Delmont. R. at 5, 10. Through the Nature Coalition, Ms. Marshall advocates for the preservation of animal habitats on Delmont's undeveloped land. R. at 5. The Nature Coalition emerged after Delmont's Legislature released a plan to convert unused land into zones for solar and wind energy production at the expense of Delmont's native species. R. at 4. Nature Coalition members advocate for Delmont's ecosystems in opposition to the Delmont Legislature's plan. R. at 4.

A second activist group, the Energy Coalition, emerged in opposition to the Nature Coalition, instead supporting the Delmont Legislature's plan to clear the state's vast array of plants and wildlife and use the land for alternative energy production. R. at 5. Each Coalition has lobbied and protested for their respective side during the Delmont Legislature's discussion over the plan, but the Coalitions clashed after the state cleared some of that land. R. at 4. This led to some physical altercations at rallies and marches, requiring police presence. R. at 4. The clash became most pronounced on Delmont's college campuses, including Delmont State University ("DSU"). R. at 5, 7. The conflict became known as the Energy Farm Controversy ("Controversy"), and student factions began to form for each Coalition. R. at 5.

DSU's Student Chapter of The Church of Light, LLC ("The Church" or "Petitioner") became one of the Energy Coalition's constituents, circulating general news about the Controversy and disseminating editorial videos that favored the Energy Coalition's view. R. at 8, 12. Petitioner and its members, the Lightbearers, share this news in conjunction with their religious message through a livestream on the internet and a TV broadcast of their publication, *The Lantern*. R. at 8–9. *The Lantern's* broadcast is prominently displayed on LED screens attached to the side of Petitioner's

vans. R. at 9. To maximize potential converts, the Lightbearers disseminate *The Lantern* by parking the vans in popular campus areas and standing nearby to address questions. R. at 10.

The Controversy escalated violently across DSU and other college campuses in August of 2025. R. at 5. Protests broke out, libraries were stormed, students were hospitalized, and attacks were coordinated using victims' personal information—regardless of the target's affiliation. R. at 5. Doxxing, or the "publishing [of] private information in order to intimidate someone," surged by 150% in one month. R. at 6. Student organizers carried out "flash-share" attacks by disseminating personal information (i.e., the victim's phone number, location, picture, place of work, etc.) and ambushing the person with texts, calls, e-mails, social media messages, and physical confrontations. R. at 5–6. During most attacks, the police could not arrive in time to help the victim or apprehend the perpetrators. R. at 6.

In direct response to these violent incidents, on September 12, 2025, Delmont's Legislature passed the "Campus Anti-Doxxing Statute of Delmont" ("CADS"), Delmont Annotated Statutes § 25.989 (2025). R. at 6. This statute created a private cause of action for persons affiliated with Delmont university against any individual who disseminates the plaintiff's private information—including a home address, email address, phone number, employer's address, and employer's contact information—with the intent to "stalk, harass, or physically injure" the plaintiff. R. at 6.

Ms. Marshall gave her first—and last—speech for the Nature Coalition at a protest on campus shortly after CADS was enacted. *See* R. at 10. The Lightbearers filmed the speech. R. at 10. Shortly after, the Church's members broadcasted a shortened clip of Ms. Marshall's speech "in a loop as part of their weekly news rotation." R. at 10. Directly afterwards, Petitioner displayed a still photograph of Ms. Marshall behind the front desk of the Delmont Treatment Center (the "DTC" or "the Center"), where she worked to assist those who suffer from substance abuse and

where she received treatment herself. R. at 10. Ms. Marshall's t-shirt featured a Nature Coalition logo. R. at 10. The Lightbearers included text next to the image of Ms. Marshall, providing the Center's address, phone number, and hours of operation. R. at 10. The Lightbearers had not previously included photographs with information regarding these resources. R. at 12.

Less than twenty-four hours after Lightbearers broadcasted Ms. Marshall's speech, photo, and the Center's information, Ms. Marshall was confronted by roughly twenty individuals wearing ski masks and Energy Coalition t-shirts. R. at 11. They insulted, catcalled, and photographed Ms. Marshall as she left DTC. R. at 11. The group then followed Ms. Marshall to her car, surrounded it, and keyed her car as she fled. R. at 11. A similar attack occurred the next night. R. at 11. While dodging the protesters surrounding her car this time, Ms. Marshall clipped a light pole, damaging the front of her car and inflating its airbag. R. at 11. By the time police arrived, the perpetrators had dispersed, and officers were unable to identify any suspects. R. at 11.

Ms. Marshall resigned from her position at the Center and withdrew from the counseling program after the two consecutive assaults. R. at 11. She wanted to protect herself, her employer, and her fellow patients. R. at 11. Ms. Marshall then reached out to the Lightbearers and requested they stop broadcasting her photo alongside the clip of her speech. R. at 12. Petitioner's members refused, insisting that they must follow their "customary protocol." R. at 12.

II. PROCEDURAL HISTORY

Ms. Marshall sued Petitioner under CADS on October 3, 2025, seeking damages and injunctive relief. R. at 12. She alleged that Petitioner violated CADS: by sharing her private information, the Church caused the two attacks she endured. R. at 2–3. Soon after, Petitioner moved for summary judgment. R. at 12. Petitioner raised a First Amendment defense, arguing that CADS infringed its free speech and free exercise rights. R. at 12.

The District Court for the District of Delmont, Western Division, granted Petitioner's motion for summary judgment, holding CADS was unconstitutional as applied because it imposed a content-based restriction on protected speech, failed strict scrutiny, and burdened Petitioner's religious exercise. R. at 29. Ms. Marshall appealed to the United States Court of Appeals for the Fifteenth Circuit. R. at 30. The Fifteenth Circuit unanimously reversed the grant of summary judgment on both the free speech and free exercise grounds. As to the free speech issue, the court of appeals rejected the district court's holding that CADS was a content-based restriction. The panel reasoned that Ms. Marshall was not a public figure, nor was her personal information a public concern. R. at 32–34. The court then explained that regardless of whether CADS was content-neutral or content-based, it survived all three levels of constitutional review. *See* R. at 32–34. And as to the free exercise issue, the Fifteenth Circuit held CADS was a neutral, generally applicable law that comported with the Free Exercise Clause and did not severely burden religious practice, entering judgment in favor of Ms. Marshall. R. at 37–43. The Church of Light petitioned for a Writ of Certiorari, which this Court granted. R. at 49–50.

SUMMARY OF ARGUMENT

This Court should affirm the Fifteenth Circuit's holding that CADS withstands First Amendment analysis for two reasons. First, the Free Speech Clause does not immunize Petitioner from otherwise constitutional laws. CADS regulates conduct, not content, and is therefore content-neutral. As a content-neutral law, CADS is constitutional because Delmont's interest in protecting campus safety is unrelated to the suppression of ideas, and CADS regulates the manner of particular speech. But even if this Court categorizes CADS as a content-specific law, Petitioner's speech is still not protected under the First Amendment. The messages Petitioner's broadcasted involved private concerns about Ms. Marshall, a private person. Therefore, the messages fall into several categories of unprotected speech. And even if this Court finds that Petitioner's messages

involved public concerns or public people, it survives a strict scrutiny analysis because it sets out precise and narrow means for furthering Delmont's compelling interest in the safety of university community members.

Second, the Fifteenth Circuit was correct in finding that CADS is a neutral, generally applicable law designed to protect individuals like Ms. Marshall from coordinated harassment. CADS applies uniformly to Delmont's citizens, contains no discretionary exemptions or facial discrimination, and therefore satisfies rational basis review by serving the State's legitimate interest in curbing a 150% surge in campus violence. Moreover, CADS does not substantially burden Petitioner's religious practice because they are permitted to continue sharing their religious message so long as they do not disclose nonconsensual private information with the intent to injure. Additionally, Petitioner's reliance on the "hybrid rights" exception is misplaced because that narrow doctrine is non-binding dicta and it cannot convert two deficient claims into a constitutional violation. Even under strict scrutiny, CADS is narrowly tailored and the least restrictive means of achieving Delmont's compelling interest in maintaining campus safety and order because it targets only the sharing of private information with the intent to harm, harass, or stalk.

ARGUMENT

I. CADS DOES NOT VIOLATE PETITIONER'S RIGHT TO FREE SPEECH BECAUSE IT REGULATES THE PURPOSEFUL ABUSE OF PERSONAL INFORMATION, NOT THE EXPRESSION OF PROTECTED SPEECH.

The First Amendment mandates that "Congress shall make no law . . . abridging the freedom of speech." U.S. CONST. AMEND. I. This clause extends to the states through the Fourteenth Amendment, *Gitlow v. New York*, 268 U.S. 652, 666 (1925), and generally, "means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 470 (2025). But "this principle, like other First Amendment principles, is not absolute," *Ashcroft v. Am. C.L. Union*, 535 U.S. 564,

573 (2002), and "not all speech is protected." *Free Speech Coal.*, 606 U.S. at 471. This Court's determination of whether a law regulates free speech hinges on two considerations: "the burden imposed by the law and the nature of the speech at issue." *Id.* at 470–71. Content-neutral statutes trigger intermediate scrutiny and must be "narrowly tailored to serve a significant government interest," *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989), whereas content-based laws must satisfy strict scrutiny. *Reed*, 576 U.S. at 171. Furthermore, content-based laws "target[] speech based on its communicative content," whether due to "the topic discussed or the idea of the message received." *City of Austin, Texas v. Reagan Nat'l Advert. of Austin, LLC*, 596 U.S. 61, 69 (2022) (quoting *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 69 (2015)). They must further a "compelling" government interest and be "narrowly tailored to achieve that interest." *Id.*

The Fifteenth Circuit correctly held that CADS is constitutional under the First Amendment because it comports with each level of scrutiny. The statute is content-neutral—it only targets doxxing and its secondary effects on campus safety. But even if CADS is content-based, the First Amendment does not shield Petitioner's speech because it serves as a functional vehicle for illegal violence. CADS nonetheless survives strict scrutiny and all lower forms of scrutiny. This Court may affirm the Fifteenth Circuit's decision on any of these three bases alone.

A. CADS is a content-neutral regulation of conduct subject to intermediate scrutiny.

CADS regulates conduct, not content. The First Amendment permits the government to adopt "reasonable restrictions on the time, place, or manner of protected speech." *Ward*, 491 U.S. at 791 (1989). Such regulations are subject to intermediate scrutiny. *See Regan v. Time, Inc.*, 468 U.S. 641, 648 (1984). The Fifteenth Circuit correctly held that CADS targeted the secondary effects "on political speech" and would survive this analysis. R. at 33, 35

CADS is a content-neutral regulation because it targets the injurious practice of "doxxing" and its harmful secondary effects—such as campus violence—rather than the communicative

message of any speaker.[1] "[G]overnment regulation of expressive activity is 'content neutral' if it is justified without reference to the content of the regulated speech," *Hill v. Colorado*, 530 U.S. 703, 720 (2000), even when the statute "has an incidental effect on some speakers or messages but not others." *McCullen v. Coakley*, 573 U.S. 464, 480 (2014). Courts consider whether a statute "applies to particular speech because of the topic discussed or the idea or message expressed," *City of Austin*, 596 U.S. at 69 (quoting *Reed*, 576 U.S. at 163), or whether a statute targets "secondary effects of such [speech] on the surrounding community." *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 47 (1986). CADS is content-neutral and survives intermediate scrutiny because Delmont's interest in maintaining campus safety is unrelated to the suppression of ideas, and CADS regulates the manner of particular speech. *See City of Austin*, 596 U.S. at 74.

1. CADS is content-neutral because it targets the secondary effects of doxxing rather than the Petitioner's message.

CADS is content-neutral because it primarily serves to curb the physical violence and harassment triggered by doxxing rather than suppress religious or political expression. R. at 5–7. A regulation of expressive activity is content-neutral when it targets the secondary effects of speech—such as crowding, obstruction, or violence—on the surrounding community. *Hill*, 530 U.S. at 715; *McCullen*, 573 U.S. at 486.

In *Ward*, the Court upheld a New York City ordinance limiting the volume a park's bandshell created to preserve the park's character and prevent intrusion into nearby residential areas. 491 U.S. at 792. The rule was content-neutral because the city's justification, protecting residents from excessive noise, was unrelated to the content of the music played. *Id.*; *but see Reed*,

[1] CADS targets "doxxing," the act of "publicly identify[ing] or publish[ing] private information about (someone) especially as a form of punishment or revenge." Dox, MERRIAM-WEBSTER DICTIONARY, https://www.merriam-webster.com/dictionary/dox (last visited Jan. 30, 2026); R. at 6 (similar).

576 U.S. at 163 (holding that an ordinance regulating ideological, political, or directional signs differently was content-based).

Like *Ward*'s ordinance, Delmont enacted CADS to address campus unrest and a "150% increase" in the doxxing incidents that led to physical altercations and hospitalizations. R. at 6. The statute targets the manner of communication: the practice of flash-sharing private data with the specific "intent to stalk, harass, or physically injure." Del. Ann. Stat. § 25.989 (2025). This safety concern is independent of the Petitioner's religious or political viewpoints. *See* R. at 5–6 (discussing the dangers of doxxing without suggesting affiliation).

And just as the noise guidelines in *Ward* addressed the secondary effect of volume at a specific venue, CADS narrowly focuses on time and place considerations inherent to doxxing. *See also Hill*, 530 U.S. at 731 (upholding a sidewalk counseling regulation because it did not "ban" any messages, but "merely regulate[d] the places" they occurred). CADS protects individuals in "sensitive contexts closely associated with campus life," including a student's workplace or residence—where the risk of doxxing is most acute. R. at 5. By restricting only sensitive locations and timing disclosures that enable sudden harm, the law targets dangerous contexts, not the speech's content. R. at 5. Because CADS focuses on the sensitive manner and location of disclosure rather than a speaker's ideas, it is a valid time, place, and manner restriction subject to intermediate scrutiny.

2. CADS is narrowly tailored to further Delmont's substantial government interests and leaves open ample alternative channels for communication.

Under intermediate scrutiny, a time, place, and manner restriction must: (1) serve a substantial governmental interest; (2) be narrowly tailored to that interest; and (3) leave open ample alternative channels for communication. *Regan*, 468 U.S. at 648. The Court has recognized public safety as a compelling government interest in the First Amendment context. *Hill*, 530 U.S.

at 715 (upholding "police powers to protect the health and safety of their citizens."). CADS's narrow goal arose only after the Controversy became violent and dangerous for campus community members. *See* R. at 4. CADS targets only the initial communication that creates the risk: the nonconsensual release of private information disclosed with malicious intent. *See* R. at 6.

Moreover, the narrow tailoring requirement is satisfied if the regulation "promotes a substantial government interest that would be achieved less effectively absent the regulation." *Ward*, 491 U.S. at 799. That ordinance was narrowly tailored where it only targeted concerns about disrupting tranquility by setting limits on volume and mix control. *Id.* at 801–02. CADS similarly seeks to promote the security of university members and does so in a way that would be less effective if it did not punish doxxing. *See* R. at 6; Aff. Gov. Morrison ¶¶ 5–8.

In *Hill*, the Court held a statute passed intermediate scrutiny where it barred persons at healthcare facilities from "knowingly approach[ing]" within eight feet of another person to pass out pamphlets, display signs, or "engag[e] in oral protest, education, or counseling." 530 U.S. at 702–03. The Court upheld Colorado's statute because it "le[ft] open ample channels for communication." *Hill*, 530 U.S. 726–27 (reasoning the buffer zone still allowed for conversations and emphasizing the "knowing" requirement prevented inadvertent violations). Here, like in *Hill*, CADS only punishes the knowing dox of a college-affiliated person and provides reasonable alternatives for a speaker's message. It does not prevent Lightbearers from publicly proclaiming their faith or reporting on the Energy Farm Controversy. *See* Del. Ann. Stat. §25.989; R. at 8–9. It only prohibits the nonconsensual use of sensitive data to facilitate injury. R. at 6.

B. Even if this Court deems CADS as content-specific, the statute remains constitutional because its goals of safety and privacy outweigh the low value speech it regulates.

Even if this Court determines CADS is content-based, Petitioner's speech remains unprotected because it falls into historically recognized "unprotected categories" that the state may

freely restrict. *Chaplinsky v. New Hampshire*, 315 U.S. 568, 571–72 (1942). The First Amendment does not unequivocally shield speech that is integral to criminal conduct or constitutes a targeted tort. *See Giboney v. Empire Storage*, 336 U.S. 490, 498–99 (1949) (holding that free speech does not invalidate otherwise valid civil and criminal penalties); *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 761–62 (1985) (holding a false credit report is a private concern and subject to a defamation suit).

Petitioner violated CADS by disclosing the precise location of Ms. Marshall's workplace and treatment center and by acting with the intent to stalk, harass, or physically injure her. *See* R. at 10–12. Petitioner's violation was not merely news coverage, but the intentional vehicle through which she was attacked. R. at Ms. Marshall suffered physical and emotional harm as a result. R. at 11–12. Because Petitioner directed its messages at a private person on a purely private matter and acted with the specific intent to "stalk," "harass," or "physically injure," the speech lacks the social value required for constitutional protection. R. at 6, 32–33; *Milkovich v. Lorain J. Co.*, 497 U.S. 1, 22 (1990) ("[s]ociety has a pervasive and strong interest in preventing and redressing attacks upon reputation."). Petitioner mistakenly relies on the claim that even if its speech falls within an unprotected category, Ms. Marshall is a public figure speaking on matters of public concern. But while "speech on matters of public concern is at the heart of the First Amendment's protections," *Snyder v. Phelps*, 562 U.S. 443, 451 (2011), "speech regarding [a private figure's] purely private conduct [is] not." *Id.* at 470 (Alito, J., dissenting). CADS easily survives rational basis review by furthering Delmont's legitimate interest in public safety on its college campuses.

1. Petitioner's doxxing of Ms. Marshall is not entitled to First Amendment protection because it constitutes speech about a private figure and discusses private concerns.

First, the Fifteenth Circuit correctly held that Ms. Marshall is not a public figure. A public figure either: (1) has "pervasive fame or notoriety," transforming her into "a public figure for all

purposes," or (2) "voluntarily injects [herself] or is drawn into a particular public controversy," making her a "limited" public figure for limited issues. *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 351 (1974); *see Waldbaum v. Fairchild Publications, Inc.*, 627 F.2d 1287, 1292 (D.C. Cir. 1980) (defining a limited public figure as one who seeks to influence the outcome of a specific public dispute beyond its immediate participants), *cert. denied* 499 U.S. 898 (1980)). Because Delmont's citizens only know Ms. Marshall for her campus speech, the limited public figure framework applies.

In *Gertz*, the Court held that a lawyer who had "long been active in community and professional affairs" was not a limited public figure. 418 U.S. at 351. Even in the context of a high-profile case, the man did not discuss the litigation with the press, "thrust himself into the vortex of this public issue, nor [] engage the public's attention in an attempt to influence its outcome." *Id.* at 352. Similarly, in *Hutchinson v. Proxmire,* the Court rejected the notion that a scientist was a limited public figure, despite the scientist's publications, a senator's defamatory speech about him, and press coverage about his work, highlighting that the plaintiff had no ability to control his image. *See* 443 U.S. 111, 134–36 (1979) ("Those charged with defamation cannot, by their own conduct, create their own defense by making the claimant a public figure."). Courts have applied this principle to infrequent speakers in political contexts. *La Liberte v. Reid*, 966 F.3d 79, 91 (2d Cir. 2020).

Ms. Marshall is similarly not a public figure. Nor did she "voluntarily expose [herself] to increased risk of injury" as a private individual. *Gertz*, 418 U.S. at 345. Ms. Marshall spoke once at a Nature Coalition protest on DSU's campus. R. at 10. She is not a leader or a founder of the movement. R. at 10. In fact, it was Petitioner's followers who filmed Ms. Marshall's speech and catapulted her into notoriety. R. at 10. Now Petitioner seeks to make her a public figure for

purposes of its defense. *See Hutchinson*, 443 U.S. at 135. Petitioner's use of Ms. Marshall's role in organizing Nature Coalition events is irrelevant: Instead, the questions are "whether she can be expected to have [] a major impact on the resolution of [the Energy Farm Controversy]," *Waldbaum*, 627 F.2d at 1292, and whether she "enjoy[s] significantly greater access to the channels of effective communication" than an ordinary person. *Gertz*, 418 U.S. at 344. The answer to both is no.

And second, the Fifteenth Circuit correctly held that Petitioner's speech is also not of public concern. A topic of "public concern" "'relat[es] to any matter of political, social, or other concern to the community,' or [] 'is a subject of legitimate news interest; that is, a subject of general interest and of value and concern to the public.'" *Id.* at 453. Conversely, a "private concern" is a topic "solely in the individual interest of the speaker and its specific business audience." *Dun & Bradstreet, Inc.*, 472 U.S. at 762. Courts must "examine the context, form, and context of a given statement." *San Diego v. Roe*, 543 U.S. 77, 83 (2004).

Ms. Marshall's speech, the photo of her at work, and DTC's information are matters of private concern alone: "A controversy is not a public controversy solely because the public is interested in it." *Jankovic v. Int'l Crisis Grp.*, 822 F.3d 576, 585 (D.C. Cir. 2016). First, the photo of Ms. Marshall at DTC alongside the Center's information function like a false credit report (*Dun & Bradstreet*, 472 U.S. at 762) or an ugly divorce, (*Firestone v. Time, Inc.,* 424 U.S. 448, 454 (1978)), not a funeral protest. *Snyder*, 562 U.S. at 454. Limiting speech on these topics creates "no potential interference with a meaningful dialogue of ideas concerning self-government." *Dun & Bradstreet*, 472 U.S. at 759. The information does not enhance "free discussion and robust debate" about rehabilitation centers or about DTC itself. *Firestone v. Time, Inc.*, 271 So. 2d 745, 752 (Fla. 1972), *aff'd* 424 U.S. at 454. Like the precedent, Petitioner's displayed information about Ms.

Marshall does not further any political, social, or other concern. It instead "was speech solely in the individual interest of the speaker and its [] specific audience." *Dun & Bradstreet*, 472 at 762. And Petitioner's faith in *Snyder* is misplaced: Those protesters commented on public concerns like "the fate of our Nation" and "homosexuality in the military." *Snyder*, 562 U.S. at 454. Petitioner simply played a recording its followers took of Ms. Marshall without commentary. R. at 10.

Further, as with *Dun & Bradstreet*, the context of Ms. Marshall's messages indicates these were private concerns. There, the Court found that the defendant's publication of a false credit score was for business purposes, not a public critique of the plaintiff. *See* 472 U.S. at 762. Here, Petitioner is broadcasting the information for private purposes—doxxing. *See* R. at 33. Separate from *Snyder*, Ms. Marshall asserts a good faith claim that "speech on public matters was intended to mask an attack . . . over a private matter." 562 U.S. at 455. Petitioner deviated from its religious practices by displaying on its vans a video of Ms. Marshall at a rally alongside her photo and rehabilitation resources, rather than text alone. *See* R. at 12. The display identified her workplace and hours. R. at 10, 15–16. The correlation and causation are clear: Within twenty-four hours of Petitioner's publication, Ms. Marshall was attacked by a mob of roughly twenty people as she left work. R. at 11. Petitioner provided the mob with means to attack Ms. Marshall by doxxing her, as prohibited by CADS.

Finally, the form of Ms. Marshall's speech indicates that her employment and rehabilitation information are private, not public, concerns. *Dun & Broadstreet* held that a private concern involved "speech solely in the individual interest of the speaker and its specific business audience." 472 U.S. at 762. There, the business consensually provided the false report to a few subscribers that the business interacted with. Similarly, Ms. Marshall spoke at a rally on DSU's campus—her audience being other members of the DSU community—not the public at large. *See Firestone*, 424

U.S. at 454 ("Nor did respondent freely choose to publicize issues as to the propriety of her married life."). It was Petitioner's followers who filmed her, put the recording on their vans, and manufactured the "extensive news coverage" Ms. Marshall received. R. at 10. Similarly, Ms. Marshall's photo and DTC's information appeared on the Center's website for the limited audience of those seeking treatment. The record does not mention DTC's advertisement of this information. It only refers to a website that individuals sought out themselves. *See* R. at 17. This extends to Ms. Marshall's 2024 statements about her medical treatment, made in a Substance Abuse Survivors chat room. Given the content, context, and form of Petitioner's display of Ms. Marshall's information, this Court should find Ms. Marshall's information is private, not public.

Ms. Marshall is a private figure, and the intimate details of her life are private concerns. Because the First Amendment does not protect Petitioner's tortious messages about Ms. Marshall, rational basis review applies. "Under that standard, a law will be upheld 'if there is any reasonably conceivable state of facts that could provide a rational basis' for its enactment." *Free Speech Coal.*, 606 U.S. at 472 (internal quotation omitted). "The existence of facts supporting the legislative judgement is to be presumed." *United States v. Carolene Prods. Co.*, 304 U.S. 144, 152 (1938). Delmont enacted CADS in response to a 150% surge in doxxing over a few weeks, almost exclusively on college campuses. R. at 6. The rise was fueled by a "heated political controversy" that led to assaults like those Ms. Marshall suffered. R. at 3, 11. CADS meets this low threshold.

2. CADS still prevails should this Court apply strict scrutiny because Delmont has a compelling interest in campus safety, and the Legislature narrowly tailored it to that goal.

Even if this Court chooses to apply strict scrutiny, CADS satisfies the standard. Strict scrutiny "requires a restriction to be the least restrictive means of achieving a compelling governmental interest." *Free Speech Coal.*, 606 U.S. at 484. Public safety is a compelling government interest in the First Amendment context. *Hill*, 530 U.S. at 715 (upholding "police

powers to protect the health and safety of their citizens."); *McCullen*, 573 U.S. at 486 (similar). Both courts below have recognized this interest. *See* R. at 19, 34–35. So, the inquiry then turns to the narrow tailoring requirement.

This analysis centers around whether a regulation is overinclusive or underinclusive. *See*, *e.g.*, *McCullen*, 573 U.S. at 487–88 (finding sidewalk counseling ban within thirty-five feet of a medical center was overinclusive because counselors were effectively banned from doing it); *Reed*, 576 U.S. at 172 (finding sign ordinance was not underinclusive of aesthetic concerns because it allowed unlimited large ideological signs but set stricter limits on small temporary signs). CADS avoids the pitfalls of this Court's precedent because Delmont thoroughly considered its options before enacting the statute, Aff. Gov. Morrison ¶¶ 7–8 (contemplating other insufficient options given the unpredictable nature of doxxing); R. at 5–6 (noting several mediums for doxxing and police's inability to act in time). The statute limits only conduct recognized as threatening a compelling government interest.

The district court reasoned that CADS is overinclusive because it prohibits protected speech like counter speech. R. at 19. It also reasoned that the speech included was already covered by other statutes. R. at 19. But this logic is erroneous. CADS is not overinclusive because it attaches a scienter requirement to a defendant's publication of a plaintiff's information. Del. Ann. Stat. §25.989. Plaintiffs must show that a defendant "acted with the intent to 'stalk, harass, or physically injure.'" *Id.* This protects those who simply seek to participate in the "free trade of ideas." *Abrams v. United States*, 250 U.S. 616, 630 (1919). Protected counter speech has nothing to do with the malicious spread of a "home address, . . . social security number, . . . photo[s] of the plaintiff's children, . . . or identification of the school that the plaintiff's children attend." Del. Ann. Stat. §25.989 (listing the sensitive information at issue). The statute only protects nonconsensual

publication of information. *Id.* But moreover, CADS is not underinclusive because it narrowly targets "only the information that is responsible for the violence that Delmont city has experienced and no more." R. at 35. Each of these pieces is a core part of doxxing. The Legislature has carefully placed them within the statute, and a plaintiff cannot sue without meeting each element. For these reasons, the Fifteenth Circuit should be affirmed because CADS survives strict scrutiny review and any level of scrutiny below it.

II. CADS IS A NEUTRAL, GENERALLY APPLICABLE LAW PROTECTING STUDENTS, LIKE MS. MARSHALL, FROM HARASSMENT AND VIOLENCE.

CADS is a neutral and generally applicable law enacted to address documented threats and violence, not religious activity, and is therefore subject to rational basis review. The Free Exercise Clause of the First Amendment, which has been made applicable to the states by incorporation into the Fourteenth Amendment, provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." *See Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940); U.S. CONST. AMEND. I. Nevertheless, the right to free exercise does not relieve an individual from complying with a neutral, generally applicable law, even if the law prohibits conduct that their religion requires. *Employment Division v. Smith*, 494 U.S. 872, 890 (1990).

The Free Exercise Clause is implicated when a law discriminates against religion or regulates conduct solely on religious grounds. *Church of the Lukumi Babalu, Aye, Inc. v. Hialeah*, 508 U.S. 520, 532 (1993). Without evidence of religious discrimination, neutral laws satisfy constitutional review if they serve a legitimate government interest. *Bowen v. Roy*, 476 U.S. 693, 708 (1986). CADS is a neutral and generally applicable law because it does not target religious practice but instead serves a legitimate government interest in maintaining public safety and order. Morrison Aff. ¶ 10.

A. CADS is a neutral, generally applicable law enacted to address documented threats and violence, not to suppress religious conduct.

The right of free exercise does not excuse an individual from complying with a neutral, generally applicable law, even if it conflicts with their religious practices. *Smith*, 494 U.S. at 879. Whether a law is neutral turns on its text, historical background, events leading up to its enactment, and legislative history. *Lukumi*, 508 U.S. at 533; *Masterpiece Cakeshop v. Colorado C.R. Comm'n*, 584 U.S. 617, 639 (2018). A law is not generally applicable when it (1) "creates a mechanism for individualized exemptions," or (2) "prohibits religious conduct while permitting secular conduct that undermines the government's asserted interest in a similar way." *Fulton v. Philadelphia*, 593 U.S. 522, 533–34 (2021). Where a law is neutral and generally applicable—like CADS—it is subject to rational basis review. *City of Boerne v. Flores*, 521 U.S. 507, 514 (1997).

1. CADS is a neutral, generally applicable law that does not target religion.

The Fifteenth Circuit correctly upheld CADS as a neutral and generally applicable law because there is no evidence of discriminatory targeting, and it imposes only an incidental burden on Petitioner. The government may impose incidental burdens on religious exercise so long as the law is neutral and generally applicable. *Smith*, 494 U.S. at 878. In *Smith*, members of the Native American Church challenged the State's criminal classification of peyote as a violation of the Free Exercise Clause. *Id.* at 874–76. The Court held the Free Exercise Clause does not excuse compliance with neutral laws, even if those laws incidentally burden religious practices, because allowing religious exemptions would let individual beliefs override the law. *Id.* at 878–79.

To determine whether a law is neutral, courts begin by examining the text of the law to see if it discriminates on its face against a religious practice. *Lukumi*, 508 U.S. at 533. In *Lukumi*, a church challenged ordinances that prohibited a central practice of the church's religion: animal sacrifice. *Id.* at 533–34. The Court found the ordinances were not neutral because their text singled

out religious conduct, with terms like "sacrifice" and "ritual" being used. *Id.* at 533–34. The Court held the ordinances were not facially neutral based on the text. *Id.* at 542.

After reviewing the text, courts then look to the law's historical background, the events leading to its enactment, and the legislative or administrative history. *Masterpiece Cakeshop*, 584 U.S. at 639. In *Masterpiece Cakeshop*, a baker refused to create a cake for a same-sex wedding on religious grounds and subsequently challenged the state commission's finding of discrimination. *Id.* at 621. The Court found that the state commission violated the Free Exercise Clause by showing hostility toward the baker's religious beliefs, including disparaging public comments and unequal treatment compared to secular objections. *Id.* at 634–39.

A law is not generally applicable if it allows individualized exemptions or permits secular conduct that similarly undermines the government's asserted interest while restricting religious conduct. *Fulton*, 593 U.S. at 534; *Lukumi*, 508 U.S. at 533. In *Fulton*, Catholic Social Services ("CSS") sued the City after it refused to contract with CSS unless it agreed to certify same-sex couples as foster parents. *Id.* at 526–29. The Court found the City's policy was not generally applicable because it permitted individualized exemptions while denying religious hardship exemptions. *Id.* at 534. Similarly, in *Lukumi*, the Court found the ordinances were drafted to include religious killings of animals but exclude secular killings. *Id.* at 522. The Court concluded the ordinances were not neutral because the permitted secular killings still fell within the City's interest in preventing cruel treatment of animals. *Id.* at 543.

Here, CADS is a neutral and generally applicable law that imposes only an incidental burden on religious exercise. R. at 6. Petitioner remains free to spread its religious message and is only barred from disclosing private information about university members with the intent to stalk, harass, or injure. R. at 6. Where the Court in *Smith* warned that allowing religious exemptions from

neutral laws permits personal beliefs to override the law, an exemption would similarly undermine CADS's purpose of maintaining public safety. Morrison Aff. ¶ 5. Therefore, the Fifteenth Circuit correctly upheld CADS under *Smith*. R. at 43.

Further, CADS's text contains no reference to religious practice and does not target the Petitioner. R. at 6. Unlike *Lukumi*, where the ordinance expressly targeted religious conduct through terms like "sacrifice" and "ritual," CADS contains no language relating to Petitioner's religious practices and instead regulates conduct without regard to religion. R. at 6. Therefore, CADS is facially neutral, and the Fifteenth Circuit's judgment should be affirmed. R. at 43.

The historical context, legislative history, and events leading up to the enactment of CADS also support the conclusion that it is a neutral law. *See* R. at 5–7. CADS arose in response to coordinated "flash-share" incidents in which individuals, like Ms. Marshall, had their phone numbers, photos, locations, and other personal information disclosed, resulting in confrontations, threatening communications, and physical altercations between the opposing Coalitions. R. at 6–11. Prior to its enactment, such disclosures led to harassment, violence, and hospitalization while perpetrators avoided accountability. Morrison Aff. ¶ 6. Unlike *Masterpiece Cakeshop*, where the commission disparaged the baker's religious beliefs, there is no evidence that CADS was enacted to target Petitioner's religious practices. Morrison Aff. ¶ 8. Accordingly, the Fifteenth Circuit correctly found CADS neutral. R. at 43.

Additionally, CADS provides no individualized exemptions and applies uniformly to all conduct, religious and secular, that threatens public safety. R. at 6. Unlike *Fulton*, where the City's policy allowed discretionary exemptions, CADS permits no exemptions. R. at 6. In fact, CADS prohibits all non-consensual disclosures of private information with the requisite intent and does not permit comparable secular conduct, unlike the ordinance in *Lukumi*, thereby ensuring uniform

application to all persons. R. at 6. Therefore, the Fifteenth Circuit properly found CADS to be neutral and generally applicable. R. at 43.

2. CADS does not fall under the *Yoder*/*Mahmoud* exception because it does not severely burden Petitioner's religious practice or beliefs.

Petitioner's reliance on the *Yoder/Mahmoud* exception is misplaced because *Yoder* was explicitly limited to "a free exercise claim of the nature revealed by [that] record," "one that probably few other religious groups or sects could make." *Wisconsin v. Yoder*, 406 U.S. 205, 233–36 (1972); *see generally Mahmoud v. Taylor*, 606 U.S. 522 (2025). There, the Court applied strict scrutiny to invalidate a compulsory high-school attendance law because it imposed a severe burden on Amish families to choose between abandoning their faith or leaving their community. *Id.* at 218–36. *Smith* later recognized *Yoder* as a narrow exception to the general rule that neutral, generally applicable laws may burden religious exercise due to the unusually severe burden in that case. *Smith*, 494 U.S. at 881. Similarly, *Mahmoud* involved the limited intersection of Free Exercise and parental rights where a compulsory LGBTQ+ curriculum permitted no parental opt-outs, and the Court applied strict scrutiny. 606 U.S. at 528.

The Fifteenth Circuit correctly held that CADS falls outside the *Yoder/Mahmoud* exception because CADS is a neutral, generally applicable law that does not impose a severe burden on religious exercise. R. at 42. Unlike the two cases, which involved parents' rights to direct religious upbringing in educational contexts, this case implicates freedom of speech and freedom of exercise in the public safety context. R. at 39. Further, CADS imposes no substantial restriction on Petitioner's ability to practice their religion or share their message, so long as they refrain from disclosing private information with harmful intent—which is distinguishable from the severe burdens in *Yoder* and *Mahmoud*. R. at 6. Therefore, the Court should affirm the lower court's finding that CADS falls outside the *Yoder*/*Mahmoud* exception. R. at 43.

3. CAD's ban on nonconsensual private information disclosures is rationally related to public safety.

The Fifteenth Circuit correctly held CADS satisfies rational basis review because prohibiting nonconsensual disclosures advances Delmont's legitimate public-safety goal. R. at 42. As CADS is a neutral and generally applicable law, it is subject to rational basis review. *City of Boerne*, 521 U.S. at 514. And because it is "rationally related to a legitimate government purpose," the Fifteenth Circuit was correct to uphold it. *Stormans, Inc. v. Wiesman*, 794 F.3d 1064, 1084 (9th Cir. 2015); *Kelley v. Johnson*, 425 U.S. 238, 247 (1976) (recognizing that promoting public safety constitutes a legitimate government purpose).

Here, Delmont enacted CADS to protect public safety and maintain order in response to a 150% surge in campus violence arising out of the Energy Farm Controversy. Morrison Aff. ¶ 6. Prohibiting the sharing of personal information, such as addresses and contact details, is rationally related to this purpose, given the documented attacks on individuals, like Ms. Marshall, following the doxxing of their information. R. at 6–11. Accordingly, CADS's prohibition on harmful, nonconsensual disclosure of private information is rationally related to Delmont's interest in preserving public safety and preventing harassment and violence. R. at 42.

4. CADS does not warrant strict scrutiny because *Smith*'s reference to "hybrid rights" was dicta and has never been adopted by this Court.

The Fifteenth Circuit was correct in holding that strict scrutiny is unwarranted because the "hybrid rights" exception derives only from dicta and has never been endorsed by this Court. *See Combs v. Homer-Center Sch. Dist.*, 540 F.3d 231, 247 (3d Cir. 2008) (declining to adopt the hybrid rights exception because the Supreme Court never recognized it); *Kissinger v. Bd. Of Trs. of Ohio St. Univ.*, 5 F.3d 177, 180 (6th Cir. 1993) (same); *Leebaert v. Harrington*, 332 F.3d 134, 143 (2d Cir. 2003) (same).

The "hybrid rights" exception is a narrow doctrine that emerged from dicta in *Smith*, which stated: "[T]he only decisions in which we have held that the First Amendment bars application of a neutral, generally applicable law to religiously motivated action have invoked not the Free Exercise Clause alone, but the Free Exercise Clause in conjunction with other constitutional protections . . . ." *Smith*, 494 U.S. at 881. That passing language has created a deep divide among federal courts. *Combs*, 540 F.3d at 243. Several circuits, including the Second, Third, and Sixth, have correctly rejected the hybrid rights exception on the ground that the language in *Smith* is dicta and illogical. *Leebaert*, 332 F.3d at 143; *Combs*, 540 F.3d at 247; *Kissinger*, 5 F.3d at 180. Other circuits have adopted inconsistent approaches, with some requiring an independently viable companion constitutional violation and others requiring only a colorable claim. *E.E.O.C. v. Catholic University of America*, 83 F.3d 455, 467 (D.C. Cir. 1996); *Axson–Flynn v. Johnson*, 356 F.3d 1277, 1296–97 (10th Cir. 2004); *Miller v. Reed*, 176 F.3d 1202, 1204 (9th Cir. 1999).

As recognized by the Third Circuit, the lack of doctrinal clarity confirms that the "hybrid rights exception does not provide a basis for heightened scrutiny absent further guidance from the Court." *Combs*, 540 F.3d at 246–47; *McTernan v. City of York, Pa.*, 564 F.3d 636, 647 n. 5 (3d Cir. 2009). Similarly, the Sixth Circuit held that the Free Exercise Clause does not require different standards when other rights are implicated and that adopting such a rule would be illogical. *Watchtower Bible & Tract Soc. of New York, Inc. v. Vill. of Stratton, Ohio*, 240 F.3d 553, 562 (6th Cir. 2001), *rev'd on other grounds*, 536 U.S. 150 (2002) ("Based in part upon the lack of an explanation from the Court, we declined to alter the standard of scrutiny for laws affecting hybrid rights until the Supreme Court provided guidance."). Since the Court has never recognized the hybrid rights exception as binding, the Fifteenth Circuit rightly treated *Smith*'s language as dicta and declined to apply strict scrutiny. *See Combs* at 246–47; R. at 40.

Moreover, the Second Circuit emphasized that there is no sound basis for changing the standard of review based on the number of constitutional claims asserted. *Leebaert*, 332 F.3d at 144; *Knight v. Conn. Dept. of Pub. Health*, 275 F.3d 156, 167 (2d Cir. 2001). In *Leebaert*, the court held that, without a binding precedent or a principled basis to change the standard, neutral and generally applicable laws challenged on multiple constitutional grounds are properly reviewed under rational basis. 332 F.3d at 143. Accordingly, the Fifteenth Circuit properly rejected the application of strict scrutiny to a generally applicable law.

The Circuits that claim *Smith* mandates strict scrutiny rely on dicta that provides no concrete standards. *See Kissinger*, 5 F.3d at 180. And these courts often dismiss or decide these claims on other bases, thus providing no support for the heightened standard. *See, e.g.*, *E.E.O.C. v. Catholic University of America*, 83 F.3d 455, 470 (D.C. Cir. 1996) (invoking the hybrid rights exception as an alternative basis for its holding); *Miller*, 176 F.3d at 1208 (holding the plaintiff did not sufficiently allege a hybrid rights claim entitled to strict scrutiny). With no sound principles grounding it, the Fifteenth Circuit correctly rejected the hybrid rights exception.

B. Even under strict scrutiny, CADS serves a compelling public-safety interest while targeting only harmful private disclosures.

If strict scrutiny applies, CADS survives the standard because it advances a compelling public-safety interest and narrowly targets only harmful disclosures of private information. Morrison Aff. ¶ 10. To survive strict scrutiny, a government must demonstrate its policy serves a compelling government interest and is narrowly tailored to further that interest. *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 235 (1995); *see McCullen*, 573 U.S. at 486 (2014) (recognizing the legitimacy of the government's interest in "ensuring public safety and order").

In *Yoder*, the Court struck down a compulsory high-school attendance law under strict scrutiny. *Yoder*, 406 U.S. at 215–36. Although the State asserted a strong interest in universal

education, the Court found the interest less substantial because Amish children were adequately educated and the community was a self-sufficient social unit. *Id.* at 222–25. The Court held compulsory school attendance beyond age sixteen was unnecessary to achieve the State's goals and imposed a severe burden by forcing Amish families to choose between assimilating or migrating. *Id.* at 218. The Court similarly applied strict scrutiny in *Mahmoud* and held that the board's policy was unconstitutional. *Mahmoud*, 606 U.S. at 565. Despite the board's asserted compelling interest in "maintaining a safe and conducive learning environment," the Court held the policy was not narrowly tailored because the board had a robust system of exemptions but denied them in this circumstance. *Id.* at 566. The Court also rejected the board's claim of administrative impossibility, noting the school already allowed various opt-outs and that any burden was self-imposed. *Id.* at 567.

Here, Delmont has a compelling interest in ensuring public safety and in preventing the nonconsensual disclosure of personal information that caused a 150% surge in violence, mainly on campuses. Morrison Aff. ¶ 10. Doxxing incidents resulted in threats, physical confrontations, property damage, and emergency responses. R. at 5–6. Ms. Marshall was targeted after Petitioner disclosed her employment information, leading to harassment, vandalism, and a car crash. R. at 11. Unlike *Yoder*, where the Court found the asserted interest less substantial, the core interest here is preventing immediate threats to physical safety and public order. Morrison Aff. ¶ 6. Thus, CADS advances an interest of the highest order by ensuring public safety. R. at 6.

CADS is narrowly tailored because it prohibits only the nonconsensual disclosure of private information in sensitive contexts closely associated with campus life. Morrison Aff. ¶ 10. Unlike *Yoder*, where the law forced the Amish to choose between assimilation and migration, CADS leaves Petitioner free to disseminate their religious message so long as they do not disclose

private identifying details to harm others. R. at 6. Unlike *Mahmoud*, where the policy permitted broad exemptions, CADS is narrowly tailored because it permits no exceptions. R. at 6. Finally, before enacting CADS, the State considered less restrictive alternatives, including enhanced enforcement and campus safety measures, but concluded they were insufficient to address the risks. Morrison Aff. ¶ 9. Therefore, CADS is constitutional because it is narrowly tailored to achieve the Delmont's compelling public safety interest. Morrison Aff. ¶ 10.

CADS applies equally to all persons, contains no religious targeting or discretionary exceptions, and directly protects students like Ms. Marshall from harassment. Because CADS is a neutral, generally applicable law and survives heightened review, the Court should respectfully affirm the Fifteenth Circuit's decision.

CONCLUSION

For the aforementioned reasons, this Court should affirm the judgment of the Fifteenth Circuit.

Respectfully submitted,
/s/ Team 7
Team 7
Attorneys for
Respondent, Laura Marshall

APPENDIX

First Amendment to the Constitution of the United States of America provides:

> 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.

Campus Anti-Doxxing Statue of Delmont provides:

> A private cause of action against any individual who, without consent, uses a communication platform of any type to disclose private information of an enrolled student, faculty member, administrative, or staff member at a Delmont college or university with the intent to "stalk, harass, or physically injure."
>
> "Intent" is defined as "acting purposefully or recklessly to place a person in reasonable fear of bodily injury, death, or property damage as to cause severe emotional distress to such person."
>
> A plaintiff who prevails under CADS is entitled to economic and non-economic damages, punitive damages, and injunctive relief.
>
> The terms "stalk," "harass," and "injure" are all defined in the statute,1 and "private information" is defined as:
>
> A) The plaintiff's home address, personal email address, personal phone number, social security number, or any other personally identifiable information;
>
> B) Contact information for the plaintiff's employer;
>
> C) Contact information for a family member of the plaintiff;
>
> D) Photographs of the plaintiff's children;
>
> E) Identification of the school that the plaintiff's children attend.

CERTIFICATION

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

Respectfully submitted,
Team 7