

IN THE
SUPREME COURT OF THE UNITED STATES

No. 25-CV-1994

THE CHURCH OF LIGHT, LLC,

Petitioner

v.

LAURA MARSHALL,

Respondent

Writ of Certiorari to the
United States Court of Appeals
For the Fifteenth Circuit
(D.C. Civ. No. 25-CV-1994)
Appellate Judge: Hon. Maria Shelley

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JURISDICTIONAL STATEMENT

Petitioner (Defendant-Appellant) Church of Light, hereinafter “The Church,” petitioned for a writ of certiorari to review the judgement of the United States Court of Appeals for the Fifteenth Circuit. (R.R. at 2.) The Church alleged the Campus Anti-Doxxing Statute (“CADS”), Del. Ann. Stat. §25.989 (2025) violated its First Amendment rights. (R.R. at 2.);U.S. Const. amend. I. Respondent (Plaintiff-Appellee) Laura Marshall, hereinafter “Marshall” contends that CADS is constitutional, and The Church violated CADS. (R.R. at 2.) The Church filed a Motion for Summary Judgement in the U.S. District Court for the District of Delmont Western Division, which was subsequently granted. (R.R. at 29.)

Marshall initially filed this action in the United States District Court for the Fifteenth Circuit. (R.R. at 2.) The District Court’s grant of summary judgement on December 8, 2025, in favor of The Church, was a final judgement. (R.R. at 29.) Marshall appealed the decision to the United States Court of Appeals for the Fifteenth Circuit, in which she argued the lower court erred in granting a motion for summary judgement to The Church. (R.R. at 30.) The United States Court of Appeals for the Fifteenth Circuit reversed the District Court’s decision and denied The Church’s motion for summary judgement on December 29, 2025. (R.R. at 43.)

The Church petitioned the United States Supreme Court for a writ of certiorari to review the judgement of the United States Court of Appeals for the Fifteenth Circuit on December 30, 2025. (R.R. at 49.) The cert petition was granted on January 7, 2026. (R.R. at 50.) Therefore, this Supreme Court has jurisdiction over this appeal. 28 U.S.C. §1254.

STATEMENT OF ISSUES

- I. Whether CADS violates the Free Speech clause of the First Amendment.
 - A. Whether The Church’s broadcast constitutes incitement with the First Amendment.
 - B. Whether Marshall is a public figure.
 - C. Whether The Church’s broadcast of Marshall’s employment is a matter of private concern.
 - D. Whether CADS is facially constitutional.
- II. Whether CADS violates the First Amendment Free Exercise rights of The Church.
 - A. Whether CADS is both neutral and generally applicable.
 - B. Whether CADS triggers a hybrid-rights claim.
 - C. Whether CADS survives rational basis.

STATEMENT OF FACTS

Marshall, a student at DSU was a member of the Nature Coalition, a group who was in opposition of a potential development of energy farms in Delmont, a state known for its vast environmental features (R.R. at 4, 10.) The issue, which came to be known as the Energy Farm controversy, sparked in the Fall of 2024 when the Delmont legislature began debating whether to convert a total of nearly a thousand undeveloped acres around the state into zones for solar and wind energy production. (R.R. at 4.) Two sides formed over the issue: the Nature Coalition, which favored habitat preservation, and the Energy Coalition, which favored the farms. (R.R. at 4-5.) The controversy was most pronounced on college campuses throughout Delmont. (R.R. at 5.) A rash of protests broke out at the homes of school administrators and students were attacked, sometimes even physically at their private residences. (R.R. at 5.) Both sides of the Energy Farm Controversy were contributing to sharing personal information through phone calls and

messaging. (R.R. at 5.) The police departments in college towns caught onto the trend that these incidents were occurring when student organizers shared a particular victim's phone number, picture, location, and other personal information through different formats that allowed them to be easily identifiable. (R.R. at 5-6.) Police data showed that from August to early September, 2025, publications of private information in order to intimidate someone, was on a rise by nearly 150%, almost exclusively taking place on Delmont college campuses. (R.R. at 6.) To control these "flash mob attacks," the state legislature passed CADS on September 12, 2025. (R.R. at 6.) CADS created a private cause of action against any individual who without consent uses any communication platform 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," which are well-defined within the statute. (R.R. at 6.) "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." (R.R. at 6.);Del. Ann. Stat. § 163.732 (2020).

Among the Energy Coalition is the DSU Student Chapter of The Church. (R.R. at 8.) The Church's members, known as "Lightbearers," practice their faith through personal, live, and public proclamation. (R.R. at 8.) The Church's public proclamation became known as *The Lantern*. (R.R. at 8.) With modern technology, The Church ultimately decided that *The Lantern* would be dispersed by way of live TV broadcasts, including vans driving high-definition LED screens, in Delmont college towns. (R.R. at 9.)

In mid-September 2025, when tensions at DSU were at their peak and shortly after the enactment of CADS, The Church recorded a speech delivered by Marshall. (R.R. at 10.) Although she had participated in rallies and assisted with organization in some protests, she had

not previously given a speech during the controversy. (R.R. at 10.) However, her remarks drew media attention because of the rhetoric presented. (R.R. at 10.) During the week of September 22, 2025, The Church's vans broadcasted a recording of Marshall's speech on a loop as part of their weekly news rotation. Immediately following the clip of the broadcast featuring Marshall's speech, the vans' screens displayed a still photograph of Marshall wearing a T-shirt with the Nature Coalition symbol, where Marshall was sitting at the front desk of the Delmont Treatment Center. (R.R. at 10) The Delmont Treatment Center assists those suffering from substance abuse, a place in which Marshall was employed and a patient. (R.R. at 10-11.). In the photograph, the name of the center, along with the address, phone number, and the hours of operation were clearly visible in a logo behind Marshall. (R.R. at 10.)

Within twenty-four hours of the speech and photograph appearing on The Church's van, Marshall was confronted while coming out of the Delmont Treatment Center with approximately 20 people wearing ski masks and Energy Coalition t-shirts. (R.R. at 11.) This group came to photograph, catcall, and insult Marshall about her addictions, and followed her to the parking lot. (R.R. at 11.) When Marshall attempted to drive away, the group surrounded her car on both sides and keyed it, which damaged her vehicle. (R.R. at 11.) Another incident occurred the following night, resulting in Marshall running into a light pole as she attempted to escape from the protesters. This incident caused damage to her car and deployed her airbag. (R.R. at 11).

The next day, Marshall felt compelled to withdraw from counseling and quit her job, in fear of her and her patients' safety. (R.R. at 11.) The Church posted information on various resources available to students, including substance abuse resources, but had only listed them in text form without photographs prior to the Marshall's speech. (R.R. at 11.) Marshall contacted

The Church after she resigned and withdrew from counseling and asked them to stop running the image in conjunction with her speech, but they refused. (R.R. at 11.)

SUMMARY OF ARGUMENT

The Appellate Court's decision should be affirmed because CADS does not violate the Free Speech clause of the First Amendment. In addition, CADS does not violate the Free Exercise rights of The Church. CADS is constitutional, and The Church violated the statute.

First, CADS does not violate the Free Speech clause. The Church's broadcast of Marshall's employment information is not protected speech. Although Marshall's protest speech addressed a matter of public concern, The Church's displayed Marshall's private information. This communication functioned as incitement. Under Brandenburg, speech is unprotected when it is directed at producing imminent lawless action and is likely to produce such action. The Church displayed Marshall's information during the Energy Farm Controversy, when flash mob attacks were occurring. Marshall was attacked leaving work within 24 hours of The Church's speech. The Brandenburg test has been met, and The Church's conduct is not protected.

Marshall is not a public figure under either the general-purpose or limited-purpose framework. Marshall is not a household name amongst the Nature Coalition and did not hold a leadership position. Marshall's singular speech was recorded and rebroadcasted by others, which does not constitute her a public figure. Treating students as public figures based on isolated political participation would chill speech and undermine the First Amendment's core purpose.

The Church's display of Marshall's employment is a matter of private concern, rather than public concern. Although Marshall concedes that her protest speech addressed a public issue, her workplace information did not. Where an individual works is not political, social, or

newsworthy information. The Church's broadcast directly targeted Marshall during a volatile period, with knowledge that the disclosure of private information had resulted in violence. Speech addressing matters of private concern does not receive heightened First Amendment protection and can be regulated to prevent harm.

Although CADS is content based, it survives strict scrutiny. Delmont has a compelling interest in protecting public. CADS is narrowly tailored to that interest as it applies only to the disclosures of private information concerning members of the college community and only when made with intent to stalk, harass, or physically injure. Like the narrowed statute in Boos, CADS targets only a specific harm without broadly suppressing protected speech.

CADS does not violate the Free Exercise Clause rights of The Church because it is a neutral and generally applicable law, requiring The Church to comply with the law. The Free Exercise Clause does not apply when a law is considered a "valid and neutral law of general applicability." When determining the neutrality of a law, the text is analyzed first. CADS is neutral and generally applicable because the purpose of the law is to protect the DSU community. There is no mention of The Church or religion in general.

"Hybrid rights" does not apply to CADS because of the skepticism it receives and the lack of implementation of the exception by the court. The "hybrid rights" exception is when a neutral and generally applicable law can be subject to violation of the First Amendment when it contains both a Free Exercise claim and another constitutional protection. Here, "hybrid rights" does not apply to CADS because to comply with and follow judicial precedent, this courts should be reluctant to adopt the exception.

To determine whether CADS is constitutional, rational basis is applied. The law must be "rationally related to a legitimate government purpose." Here, the purpose of CADS is to ensure

the safety of the members of DSU which is legitimate. CADS is rationally related to this government purpose because by prohibiting the disclosure of a DSU member's private information, this ensures their safety from potential injury, harm, or harassment.

ARGUMENT

The Court should affirm the Appellate Court's order denying summary judgement for The Church because CADS is constitutional, and The Church violated the statute. The Supreme Court can review an appellate court's decision through a writ of certiorari de novo. 28 U.S.C. §1254; Fed. R. Civ. 56.

I. CADS does not violate the Free Speech Clause of the First Amendment.

This Court has previously held that not all speech is entitled to the same First Amendment protections. This Court held that speech falling within a limited number of categories does not receive First Amendment protections, allowing for governmental restrictions. Brandenburg v. Ohio, 395 U.S. 444 (1969); Virginia v. Black, 538 U.S. 343 (2003); League of Women Voters of Kan. v. Schwab, 549 P.3d 363 (2024). These categories aim to keep public debates open while maintaining governmental interests, such as public safety. McCullen v. Coakley, 573 U.S. 464 (2014). One category of unprotected speech is incitement, which is speech calling for imminent lawless action. Reed v. Town of Gilbert, 576 U.S. 155 (2015). The Church's broadcast of Marshall's employment is incitement because it meets the two prongs of the Brandenburg test and is therefore unprotected speech.

This Court held that First Amendment protections depend on whether a person is a public or private figure. Time, Inc. v. Hill, 385 U.S. 374, 383 (1967). When a person is considered a public figure, the Court has held that speech against them is less protected because as a

public figure, there is an opportunity for them to respond. Waldbaum v. Fairchild Publications, 627 F.2d 1287, 1291 (1980). This Court has defined two categories of public figures, those who are a public figure for general purposes and those who are public figures for limited purposes. Id. at 1292. Marshall is not a public figure under either category of public figures and therefore should be granted protections under the First Amendment.

The broadcast of Marshall's employment is not protected by the First Amendment because Marshall's employment is a matter of private concern and is met with "less rigorous" First Amendment protections. Snyder v. Phelps, 562 U.S. 443, 452 (2011). Speech is a matter of private concern when it is "solely in the individual interest of the speaker." Dun & Bradstreet v. Greenmoss Builders, 472 U.S. 749, 762 (1985). The Church's broadcast of Marshall's employment was a matter of private concern because where she worked is of interest to her.

Content based regulations are presumptively unconstitutional unless it's shown that the regulation can survive strict scrutiny. Reed, 576 U.S. at 163. A regulation is content based when what is said determines whether the regulation applies. Id.; Police Dep't of Chicago v. Mosley, 408 U.S. 92, 94 (1972). Strict scrutiny requires there to be a compelling government interest which the regulation is narrowly tailored. Reed, 576 U.S. at 164. CADS is a content-based regulation but nevertheless is constitutional because it survives strict scrutiny.

A. The Church's broadcast is incitement.

Speech "advocating' violent means to effect political change involves such danger to the security of the State that the State may outlaw it."

Brandenburg, 395 U.S. at 447. To be "advocating" the speech must be "directed

to any person. Hess v. Indiana, 414 U.S. 105, 108 (1973). To determine whether speech is incitement the Court should apply the Brandenburg test. Prong one establishes intent by requiring speech to be “directed to inciting or producing imminent lawless action,” while prong two requires speech to be “likely to incite or produce such action.” Brandenburg, 395 U.S. at 447. Cases refined this rule, placing an emphasis on the requirement of imminent action holding that “advocacy of illegal action at some indefinite future time” does not equate to imminent lawless action. Hess, 414 U.S. at 108.

The Third Circuit Court of Appeals found in United States v. Fullmer that online posts praising past lawless actions were not incitement while posts encouraging future actions were incitement. United States v. Fullmer, 584 F.3d 132, 155 (2009). Huntingdon Life Sciences (“Huntingdon”) was a life sciences research company that conducted animal testing. Id. at 138. Huntingdon was originally located in the United Kingdom but moved its financial base to New Jersey. Id. at 138-39. This move was a result of the attacks launched on directors and shareholders by Stop Huntingdon Animal Cruelty (“SHAC”) because UK laws required names and addresses of shareholders to be released publicly. Id. After Huntingdon moved to New Jersey, SHAC established in New Jersey to protest Huntingdon and created the website at issue in the case. Id. at 139. This website included a list of “accomplishments” of SHAC which was largely lawless actions against shareholders and “how to” style guides. Id. at 139-40.

The court applied the Brandenburg test to determine whether the website was protected speech. Id. at 154. The court found that some speech on the website

did not meet Brandenburg because sharing “accomplishments” after the fact do not call for imminent action. Id. at 155. In this case, the speech occurs before lawless action occurs; The Church broadcasts Marshall’s image and then she was attacked at work. Two other successful lawsuits were brought under CADS, where attacks occurred within 24 hours of the private information being shared. In Fullmer, SHAC also provided updates about ongoing attacks which the court found to be incitement. Id. The court reasoned that these updates provided encouragement which compelled imminent unlawful actions that ultimately did result. Id. The Church’s broadcast was encouragement which compelled imminent lawless action. The Church first broadcasted Marshall’s speech on the energy debate, providing Marshall’s stance to the public. Then, The Church showed an image of Marshall at her job with the hours and address, essentially telling the public where to find Marshall. This encouragement compelled imminent lawless action against Marshall within 24 hours of the broadcast. The Church’s broadcast meets the first prong of the Brandenburg test. In Fullmer, the encouragement of imminent lawless action led to actual lawless action by SHAC website viewers. Id. On two occasions after The Church shared their broadcast, Marshall was met with harassment and injury to her personal property. The District Court tried to downplay the lawless action by pointing to the fact that her car was “only” keyed, she caused the damage to the front of her car by her own fault, and she chose to leave her employment following the attacks. Harassment and damage to personal property are lawless action, even if not a “severe” attack. The second prong of

Brandenburg was met. For those reasons, The Church's broadcasts were incitement and not protected by the First Amendment.

B. Marshall is not a public figure and should be granted First Amendment protections.

The Court held that a private individual and public figure have different protections under the First Amendment. Waldbaum, 627 F.2d at 1291-292. The Court provides greater protection to those deemed to be a private individual because a private individual has less power to respond. Id. at 1291. There are two categories of public figures, general and limited. Id. at 1292. First, a public figure for general purposes is when "absent clear evidence of general fame or notoriety in the community, and pervasive involvement in the affairs of society, an individual should not be deemed a public personality for all aspects of life." Id. Second, a public figure for limited purposes when they have "thrust[ed] themselves to the forefront of particular public controversy in order to influence the resolution of the issues involved." Id.

The DC Court of Appeals upheld that Waldbaum qualified as a public figure for limited purposes. Id. at 1292. Eric Waldbaum ("Waldbaum") was President and Chief Executive Officer of Greenbelt Consumer Services ("Greenbelt"). Id. at 1290. Waldbaum, through his position at Greenbelt, promoted policies that became part of both general and industry specific debate. Id. Waldbaum took an active role in promotion of these policies as a leading advocate, controlled what Greenbelt published in its monthly newspaper, and was

found to be the “mover and shaper” of the controversy. Id. at 1299. Following Waldbaum’s dismissal from Greenbelt, Fairchild Publications published an article that stated Greenbelt was “losing money the last year and retrenching.” Id. at 1290.

First the court determined that Waldbaum is not a public figure for general purposes. Id. at 1295. Then, the court analyzed whether Waldbaum was a public figure for limited purposes. Id. at 1296. The analysis began with whether there was a public controversy. Id. In Waldbaum the court found there was a public controversy because the policies involved were not merely of public concern but were a real dispute in which the resolution would have an effect on the general public. Id. at 1297-99. The court then analyzed Waldbaum’s role in the controversy, finding that his involvement was not trivial and his actions were expected to have an impact on the controversy. Id. at 1300.

This case is different than Waldbaum and should be treated differently. In Waldbaum the court found Waldbaum was not a public figure for general purposes because his fame was not such that he became a “household name.” Id. at 1295. The same is true for Marshall, she is likely not a household name based on the one speech she gave. Therefore, Marshall is not a public figure for general purposes.

Marshall does not meet the standards for public figure for limited purposes either. Waldbaum was found to be a public figure for limited purposes because there was a public controversy in which he heavily shaped. Id. at 1297-1300. A public controversy exists when there is a real dispute with a resolution that would

affect the public. Id. at 1297-99. There is a public controversy in this case because there is a real dispute as to whether or not Delmont should install energy farms. Not only is there real dispute, but the resolution will also have an effect on the general public. However, unlike Waldbaum, Marshall has not made herself a leading advocate in the controversy. Marshall gave a singular speech that was recorded and is now being shared by The Church. While Marshall does assist with planning and organizing rallies, she does not have the control that Waldbaum did. She is not recognized as having a role in shaping the rallies. Therefore, Marshall is not a public figure for limited purposes.

If this Court were to find that Marshall is a public figure, under either category, it would risk a chilling effect on speech. Because public figures receive less First Amendment protections, people would be less likely to speak up if one speech could make them a public figure. The First Amendment serves to protect free, open, and robust debate. Putting people in fear that one speech will take away their First Amendment protections will undoubtedly prevent people from using their voice.

C. The Church's broadcast of Marshall's employment is a private matter and is not protected by the First Amendment.

Crucial to First Amendment protection is whether speech relates to matters of public or private concern. Snyder, 562 U.S. at 451-52. Speech relates to a matter of public concern when it “can be fairly considered as relating to any matter of political, social, or other concern to the community” or is a “legitimates

news interest that is a subject of general interest and of value and concern to the public.” Connick v. Myers, 461 U.S. 138, 146 (1983); Snyder, 562 U.S. at 453.

When determining whether speech addresses a matter of public concern, the Court should consider the content, form, and context as “revealed by the whole record” which includes the time, place, and manner of the speech. Connick, 461 U.S. at 147-48, 52.

Marshall concedes the fact that The Church’s broadcast of her speech is of public concern. The speech was on the ongoing energy controversy in Delmont which is connected to politics and is of legitimate news interest to the individuals of Delmont. However, The Church’s broadcast of Marshall’s employment is a matter of private concern and is not protected by the First Amendment.

This Court in Snyder v. Phelps held that speech by Westboro Baptist Church (“Westboro”) at Snyder’s son’s funeral was protected by the First Amendment because it was on matters of public concern. Snyder, 562 U.S. at 454. Phelps, on behalf of Westboro, had traveled to various military funerals with picketing signs to comment on the “political and moral conduct of the US and its citizens, the fate of the nation, homosexuality in the military, and scandals involving the Catholic ministry.” Id. at 445, 447. Snyder brought suit after seeing the signs at the funeral and what they said on the news. Id. at 449. After seeing the signs, Snyder described emotional injuries including tearfulness, anger and physical illness at the thought of his dead son and Westboro’s picketing which were inseparable to Snyder. Id. at 450.

The facts of this case are different from those of Snyder and therefore, should be treated differently. In Snyder, the court applied the standard set by Connick to determine whether the picketing signs were a matter of public concern. Id. at 453-54. The court in Snyder found that the picketing signs met Connick's definition of public concern because the signs displayed Westboro's view on the politics and moral conduct of the country. Id. The Church's display of Marshall's employment does not meet that standard. Where Marshall works is not a matter of political, social, or other community concern. Marshall's employment is also not of legitimate news. Marshall's employment is "solely in the individual interest." Dun & Bradstreet, 472 U.S. at 762.

The Court in Snyder considered the content, form, and context as "revealed by the whole record" including time, place, and manner of Phelps's speech. Snyder, 562 U.S. at 455. The Court found that there were no prior conflicts between Snyder and Phelps which made it unlikely that Phelps's signs were directly targeted at Snyder. Id. The Church did directly target its speech at Marshall because it displayed her speech and then her image. The Church could have used an image of the outside of the treatment center, or the front desk without Marshall in it, and the speech would not have been directed at her. Phelps had called the local police for guidelines and had followed them by remaining on public property and being non-violent. Snyder, 562 U.S. at 457. The context of The Church's speech is different. The energy controversy in Delmont had grown violent, flash mob attacks were the result of private information being released. In these attacks, those with opposing views to the victim would use the private

information to seek out the victim, and violence and harassment would result. The Church displayed Marshall's speech showing her support for the nature coalition and then broadcasted her employer, its address, and its hours, knowing it was likely that a flash mob attack would occur. Because this case involves matters of private concern, the Court should find that the First Amendment does not protect The Church's broadcast.

D. CADS is facially constitutional because it survives strict scrutiny, despite it being content based.

The purpose of the First Amendment is to protect the free flow of ideas and debate, but content-based regulations directly oppose this purpose. Regulations that are content based are therefore presumptively unconstitutional unless shown to pass strict scrutiny. Reed 576 U.S. at 163. A regulation is content based when the topic of the speech triggers the enforcement of a statute. Id. Therefore, content-based regulations must pass strict scrutiny to be held constitutional. Id. at 163-64. Strict scrutiny requires the government have a compelling governmental interest and the regulation be narrowly tailored to that interest. Id. at 163.

CADS is content based because the statute is applied based on what the specific speech says. The statute prevents individuals from "disclos[ing] private information" but permits publication of public information. (R.R. at 6.) In order for the Court to determine whether CADS applies to the speech, it has to first be determined whether the speech involves disclosing private information. This is a

content-based regulation and is presumptively unconstitutional. However, this statute overcomes the presumption because it survives strict scrutiny.

Under strict scrutiny the government must have a compelling interest in regulating speech. The interest of Delmont is public safety which is inarguably a compelling government interest as held by this Court. McCullen, 573 U.S. at 486. As a result of the ongoing energy controversy, there was an increased risk to public safety when private information was disclosed. By restricting speech that discloses private information, Delmont was able to reduce risks of stalking, harassment, and physical injury resulting from exposing one's private information.

It is not enough that Delmont has a compelling interest, the statute must also be narrowly tailored to that interest. To be narrowly tailored, the government must be using the least restrictive means which means that the statute is aimed at reducing the risk and is not over or under inclusive. CADS is not overbroad as suggested by the District Court but is narrowly tailored to reducing harm to Delmont citizens.

In Boos v. Barry, the Court addressed the constitutionality of a content restrictive statute holding that the narrowed congregation clause by the Court of Appeals to be narrowly tailored. Boos v. Barry, 485 U.S. 312, 316-317 (1988). The statute at issue in Boos prohibited congregating within 500 feet of the embassies of foreign governments in DC to display signs that bring "foreign government into public odium or disrepute." Id. at 315. The Court found, as written, the congregation clause was unconstitutional because on its face, it

prevented any congregation within 500 feet of an embassy. Id. at 330. The court held this was over inclusive because it prohibited all congregations, including constitutionally protected ones. Id. However, the court held that the Appellate Court's narrowing of the statute, which made the statute applicable only when the congregation was aimed at an embassy and when police could reasonably believe that a threat to security was present, was not over broad. Id. at 330-31. CADS is like the narrowed congregation statute and should be found to be constitutional.

The narrowed version of the congregation clause applies only when the congregating is directed at the embassy, and it does not prevent all congregation. Id. at 330. CADS is similarly narrowed as it only applies to the disclosure of "an enrolled student, faculty member, administrative or staff member at a Delmont college of university." (R.R. at 6.) This means, The Church, and others in Delmont, would still be able to share the private information of others whom they wish to protest. The District Court argued that CADS was over broad because it prevented the disclosure of a CEO's address for purposes of protest. However, CADS does not prevent that unless the CEO is a student or employee of a Delmont college or university. The Court found that the narrowed congregation clause was not overbroad because it applied only when police reasonably believed there was a threat to security. Boos, 485 U.S. at 330. CADS is narrowly tailored to public safety because it requires there to be "intent to stalk, harass, or physically injure." The requirement of intent to stalk, harass or physically injure acts as the narrowed congregation clause. This Court should find that CADS is

narrowly tailored because it is narrowed in a way that mirrors the narrowed congregation clause, which was found to be constitutional.

II. CADS does not violate the free exercise clause rights of The Church.

The Free Exercise Clause states that “[C]ongress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” U.S. Code Service Amend. 1. For laws that are neutral and generally applicable, “the right of free exercise does not relieve an individual of the obligation to comply with a ‘valid and neutral law of general applicability on the ground that the law proscribes (or prescribes) conduct that his religion prescribes (or proscribes).” Emp’t Div. v. Smith, 494 U.S. 872, 879 (1990). When a neutral and generally applicable law raises a Free Exercise claim paired with another constitutional protection, a hybrid rights claim may be applied at the discretion of the Court and First Amendment protections would apply. Id. at 881.

A. CADS is both neutral and generally applicable.

The Free Exercise Clause is not applicable and does not relieve individuals regarding a law that is considered a “valid and neutral law of general applicability.” Id. at 879. When examining the neutrality of a law, the text is always first analyzed.” Church of the Lukumi Babalu, Aye, Inc. v. City of Hialeah, 508 U.S. 520, 533 (1993). A law is not neutral when, after examining the language and context, it specifically refers to a religious practice without additional secular meaning. Id.

When determining whether a law is neutral and generally applicable, the text is always examined first. Id. In Church of the Lukumi, the Santeria religion performed the practice of animal sacrifice, a principal ritual in their faith to ensure the survival of orishas (spirits). Id. at 525. When the Church of the Lukumi Babalu Aye planned to develop a worship site, school, and cultural center in Hialeah, Florida, many members of the Hialeah community were against this proposition as they believed the practices of the religion, like animal sacrifice, were against public morals and safety. Id. at 526. Ordinance 87-40 was passed which incorporated Florida's animal cruelty laws including the act of animal sacrifice; a fundamental piece of the Santeria religion. Id. The Court held that the laws were void and violated the Free Exercise clause rights of the church and Santeria religion. Id. at 547. This is because the court found that the laws against animal cruelty, when reading the text, derived from animosity toward the Santeria faith and the church being established in Hialeah.

The Free Exercise Clause is not applicable when the law in question is a neutral law of general applicability. Emp't Div., 494 U.S. at 879. In Emp't Div., Alfred Smith and Galen Black were terminated from their jobs after ingesting peyote during a ceremony at a Native American Church, where they are members. Id. at 874. Smith and Black were denied unemployment compensation from the Employment Division because their discharge was deemed work-related misconduct violating Oregon Law. Id. The Employment Division argued that the denial of benefits was allowed because the consumption of peyote is a crime under a neutral and generally applicable law. Id. at 875. The Court held that the

Oregon law was neutral and generally applicable and that the denial of unemployment compensation, in this case, was constitutional. Id. at 890. This is because when a law is neutral and generally applicable, an individual's religious beliefs do not excuse them from compliance with the law. Id. at 878-879.

When reading the text of the statute, CADS is a neutral and generally applicable law and therefore does not violate the Free Exercise Clause rights of The Church. This case is different from Church of the Lukumi and similar to Emp't Div. In Church of the Lukumi, the Santeria religion was unable to build a church in Hialeah as Florida law prohibited animal cruelty which would include animal sacrifice, a critical aspect of their faith. Church of Lukumi, 508 U.S. at 525. To determine if a law is neutral and generally applicable, the court found that the text is always examined first. Id. at 533. The court held that Florida's animal cruelty laws were in violation of the Free Exercise clause. Id. at 547. This is because the text of the law indicated that it was created specifically to restrict the Santeria religion. In contrast to the Church of the Lukumi, when reading the text of CADS first, it states that disclosing private information of a DSU student, faculty, administrator, or staff member is prohibited if its intent is to "stalk, harass, or physically injure." (R.R. at 6.) This is intended to protect students like Marshall. Unlike Florida's animal cruelty laws that were specifically targeted at the Santeria religion, CADS does not target The Church and its religion. When reading the text of the statute, The Church or the topic of religion was not mentioned and discussed. This was a law that prohibits the intentional dissemination of personal information by anyone and not targeted to specific

individuals or religious groups. CADS is not directed towards any religion and, instead, is directed toward the general public to ensure the safety of those at DSU at other Delmont campuses.

CADS is a neutral and generally applicable law that does not violate the Free Exercise Clause. This case is similar to Emp't Div. In Emp't Div., Smith and Black were terminated from their employment after violating Oregon law banning the consumption of drugs including peyote; a plant used during a Native American Church ceremony. Emp't Div. v. Smith, 494 U.S. at 874. Smith and Black were denied unemployment compensation from the Employment Division because the Oregon law was neutral and generally applicable. Id. at 875. The court held that the Oregon law was neutral and generally applicable, and the religious beliefs of Smith and Black do not excuse them from complying with the law. Id. at 890. Similarly, CADS is a neutral and generally applicable law and does not excuse The Church from complying with the law. CADS was implemented to protect the safety of the DSU community in ensuring that private information was not disclosed if there was intent to “stalk, harass, or physically injure.” (R.R. at 6.) As a result of the Church’s broadcast and photograph that featured Marshall sitting at the front desk of Delmont Treatment Center with the name and logo of the facility being clearly visible, Marshall was insulted, catcalled, and her car was keyed. (R.R. at 10.) The injury to Marshall and her property was the direct result from The Church failing to comply with a law that is neutral and generally applicable. When a law is adopted to solve a wide-ranging problem and is directed toward the public as a whole, it is the obligation of all

constituents, including The Church, to comply with the law. Although The Church believes that live communication of local news and events is foundational in practicing and sharing its faith, CADS does not restrict it from continuing to do so. CADS only restricts the targeting of individuals of DSU through the exposure of private information, which limits not only The Church, but all citizens within Delmont.

Overall, CADS does not violate the Free Exercise Clause rights of The Church because when looking to the text of the law first, it is found to be neutral and generally applicable.

B. CADS does not trigger a “hybrid rights” claim.

The “hybrid rights” exception is triggered when a neutral and generally applicable law may violate the First Amendment. This occurs when the law involves “the Free Exercise Clause in conjunction with other constitutional protections, such as freedom of speech and of the press.” Emp’t Div. 494 U.S. at 881. The skepticism of “hybrid rights” is apparent when there are cases in which “hybrid rights” applies but is not implemented. Mahmoud v. Taylor, 606 U.S. 522 (2025).

Even when “hybrid rights” are applicable, courts tend to disfavor the use of this exception. *Id.* In Mahmoud, the Board of Education of Montgomery County, Maryland introduced “LGBTQ+ inclusive” storybooks into the curriculum of elementary schools. *Id.* at 529. The Board informed parents that despite the request of some to opt their children out of this curriculum because of their religious beliefs, there was going to be no notice given of when the books

would be taught and attendance for the children was mandatory. Id. at 530.

Although the implementation of “LGBTQ+ inclusive” storybooks in schools is a neutral and generally applicable regulation, the raised question of the Free Exercise Clause in conjunction with freedom of religion could qualify under the “hybrid rights exception.” Despite the opportunity for the court to apply and adopt the “hybrid rights exception”, the court does not accept the exception.

The “hybrid rights” exception does not apply to CADS because legislative history indicates that “hybrid rights” has received skepticism and has not been implemented by the courts. This case is similar to Mahmoud. In Mahmoud, despite having a Free Exercise and freedom of religion claim, the court in this case did not apply and accept the exception. While the present case raises the right of Free Exercise and freedom of religion concerns, the lack of courts adopting this exception and the doubt within the judicial system concludes that the “hybrid rights” exception will not be accepted or applied. Although the “hybrid rights” exception has been considered amongst several courts and the court system is aware of its advanced protections, adopting such an exception would create an influx of claims that may likely have no merit.

Therefore, CADS does not violate the Free Exercise Clause under the “hybrid rights” exception because the exception itself is viewed skeptically by the courts and historically has not been implemented by the courts.

C. CADS survives rational basis.

When applying the level of scrutiny, rational basis is examined first as CADS is a neutral and generally applicable law. Under rational basis, the law

must be “rationally related to a legitimate government purpose.” Stormans, Inc. v. Wiesman, 794 F.3d 1064, 1084 (9th Circ. 2015). Here, there is a legitimate government purpose as CADS was enacted to ensure the safety of the DSU community. (R.R. at 6.) Protecting the safety and wellbeing of the public is a legitimate government interest. CADS is rationally related to this legitimate government interest because prohibiting individual’s private information from being disclosed to the public to prevent harassment and injury is furthering the goal of protecting the safety of the Delmont community. Under the rational basis analysis, CADS is a law that is rationally related to a legitimate government interest.

CADS does not violate the Free Exercise Clause of the Church because it is a neutral and generally applicable law and the “hybrid rights” exception does not apply.

CONCLUSION

For the foregoing reasons, respondent Marshall respectfully requests this honorable court to affirm the judgement of the appellate court in denying The Church’s request for summary judgement.

CERTIFICATE OF COMPLIANCE

We hereby certify that the work contained in all copies of Respondent’s brief are the work product of the members of the team only. The team has fully complied with its law school honor code and with all the Rules of the Competition.