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 PETITIONERS

TEAM NUMBER 10

QUESTIONS PRESENTED

1. Did the Fifteenth Circuit err when it failed to hold that the Campus Anti-Doxxing Statute (CADS) violates First Amendment Free Exercise rights by preventing members of The Church of Light, LLC from honoring their fundamental tenet of public proclamation of their faith?
2. Did the Fifteenth Circuit err when it failed to hold that the Campus Anti-Doxxing Statute (CADS) unconstitutionally limits the First Amendment Free Speech rights of The Church of Light, LLC when the disseminated information is a matter of public concern?

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STANDARD OF REVIEW

This Court has authority to review decisions appealed from lower federal courts at its discretion. U.S. Const. art. III, § 2. Under the Federal Rules of Civil Procedure, courts must grant a motion for summary judgment when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). This Court reviews both issues of summary judgment and issues of constitutional fact, such as First Amendment matters, *de novo*. *See Bose Corp. v. Consumers Union of U.S., Inc.*, 466 U.S. 485, 508 n. 27 (1984) ("The simple fact is First Amendment questions of 'constitutional fact' compel this Court's de novo review.").

STATEMENT OF THE CASE

This case concerns whether the Campus Anti-Doxxing Statute of Delmont ("CADS") unconstitutionally limits First Amendment rights to Free Speech and Free Exercise of Religion. Del. Ann. Stat. § 25.989 (2025). The Delmont legislature passed CADS to address public safety concerns after reports showed a 150 percent increase in doxxing incidents in the state, with most occurring on Delmont college campuses. R. at 5–6. The increase in doxxing incidents was partially attributed to protests about the legislature's consideration to convert roughly one thousand acres of undeveloped land around the state for alternative energy production. R. at 4. Two main groups developed around the land development issue. Proponents of the land development, known as the "Energy Coalition," believe that using the land for alternative energy sources best serves environmental goals. R. at 5. Meanwhile, the opposing camp, known as the "Nature Coalition," believe wildlife preservation is "paramount." *Id.*

The two groups bitterly clashed at various rallies resulting in emergency services interventions. R. at 4–5. In August 2025, the clashes came to a head during what has been

dubbed the "Energy Farm Controversy." R. at 5. The Energy Farm Controversy mainly involved Delmont college campuses with events including protests at campus libraries, resulting in class disruptions, and at administrators' homes. *Id.* Students also reported receiving intimidating messages, as well as being ambushed and accosted at their homes. *Id.* Several students were hospitalized following these incidents. *Id.* Members of both coalitions engaged in messaging students via phone, email, and social media. *Id.* Following investigation, police reported that the incidents resulted from student organizers coordinating targeted "flash-shares" of a target student's personal information. R. at 5. The doxxing incidents allowed perpetrators to quickly find the student before police could intervene. R. at 5–6. In response the Delmont legislature passed CADS which was signed into law by the Governor on September 12, 2025. R. at 6.

CADS gives affected individuals a private cause of action against any individual who engages in doxxing activities against enrolled students, faculty members, administrators, or staff at a Delmont college or university. R. at 6. Under the statute, "doxxing" refers to the non-consensual publication of an individual's "private information" with the intent to "stalk," "harass," or cause bodily injury, death, or damage to personal property. *Id.* "Private information" is defined as the plaintiff's home address, personal email, personal phone number, social security number, employer contact information, or other personally identifiable information. R. at 7. Additionally, CADS also classifies plaintiff's family members' contact information, photographs of their children, and any information identifying schools where their children are enrolled as "private information." *Id.*

Statute defines "intent" as "acting purposefully or recklessly" resulting in the victim's reasonable fear of "bodily injury, death, or property damage as to cause severe emotional distress." Del. Ann. Stat. § 163.732 (2020); R. at 6. CADS uses this definition of intent but

further defines harassing and stalking. CADS defines harassing as subjecting an individual to prolonged severe emotional distress resulting in clinically diagnosed anxiety, fear, torment, or apprehension which may also manifest through physical symptoms. R. at 6 note 1(b). Stalking is defined as when a reasonable person feels threatened or fears for their safety after being subjected to another's pattern of unwanted, obsessive, and intrusive behavior. R. at 6 note 1(c).

Since its passage, there have been two significant lawsuits under CADS. R. at 7. The first involves a Delmont Technical College professor who enforced a school policy resulting in the expulsion of several Nature Coalition members. *Id.* In response, a student posted the professor's address in a group chat and urged others to punish the professor—damage to the home occurred within ten minutes. *Id.* The court granted the professor's motion for summary judgment and awarded damages. *Id.* The second was brought by a prominent Nature Coalition activist. *Id.* An Energy Coalition leader posted the activist's place of employment and called for fellow members to "decisively address[]" the activist. *Id.* Within twenty minutes Energy Coalition members blocked the entrance, prevented employees from leaving, and called for that activist's firing. *Id.* Finding for the activist, the court enjoined members of the Energy Coalition from going to the activist's place of employment. R. at 7.

Petitioners are The Church of Light, LLC ("the Church"), a religious denomination with over a one-hundred-year history in the Delmont community. R. at 8, 44. A fundamental tenet of the Church requires public and live proclamation of the faith in hopes of inspiring others through their testimony. *Id.* Members of the Church, known as "Lightbearers," regularly honor this tenet through public events and distribution of printed materials. *Id.* Early in their history, Lightbearers began publishing *The Lantern*, a free local interest and religious tract. *Id.* By publishing local

news and events in conjunction with religious tracts, Lightbearers created a reliable news source for locals and furthered the Church's mission of publicly proclaiming their faith. *Id.*

In later years, younger members took up the mantle of disseminating the Church's message including distributing *The Lantern*. *Id.* Believing that young members could strengthen their faith through advocacy, the Church amended its creed to include a one-year missionary requirement for members aged eighteen to twenty-two. R. at 8–9. Accordingly, the Church established campus organizations knowns as "Lightbearer Missionaries." R. at 9. With the demise of print media, Church Elders ("Elders") felt called to similarly update the format of their public proclamations. *Id.* While an online version of *The Lantern* may have been a viable option, Elders stressed that it was insufficient for the Church's "living witness" requirements. *Id.* Wanting to ensure a "live, personal, public proclamation of their message," the Church transitioned *The Lantern* to a live television broadcast on Delmont community access channels. *Id.* Broadcasts followed a similar format to the print publication, mixing religious programming, local news, information, and music features. *Id.* Produced by members of Lightbearer Missionaries in college campus studios, the updated version of *The Lantern* provided both important outreach for the Church and practical experience for young members—over seventy percent of whom major in communications or journalism. *Id.* In 2024, continuing the tradition of innovative public messaging, Lightbearer Missionaries began driving vans around their campuses. R. at 9. These vans had exterior side mounted high-definition LED screens that displayed local news, information, and Lightbearer live-streams. *Id.*

The respondent is Laura Marshall, a student at Delmont State University ("DSU") from Bathalska. R. at 1. Her extracurricular activities include an instrumental student-activist role organizing protests for the Nature Coalition movement. R. at 10. At one protest in mid-

September 2025, Ms. Marshall gave a notable speech supporting the cause and received "extensive news coverage" for her strong rhetoric. *Id.* DSU Lightbearer Missionaries, though aligned with the Energy Coalition, were present and recorded her speech. *Id.* In addition to her studies and activism, Ms. Marshall also worked part-time as a receptionist at Delmont Treatment Center—a substance abuse support center located five blocks from DSU. R. at 10–11. Ms. Marshall both worked and received counseling at the Delmont Treatment Center. R. at 11. She has been candid about her substance abuse. In 2024, Ms. Marshall posted about her substance use issues and ongoing therapy in a public internet chat room for Substance Abuse Survivors. *Id.*

The week of September 22, 2025, following Ms. Marshall's speech, DSU Lightbearer Missionary vans broadcasted a clip from her speech as part of their weekly news feature. R. at 10–11. The addition of Ms. Marshall's speech to the rotation was not unusual as they had previously featured coverage from both sides of the Energy Farm Controversy. R. at 11. Immediately following the news feature, the broadcast displayed resources for substance abuse support as part of their usual local resource information segment. R. at 11–12. The featured text included information about two local support/treatment centers including Delmont Treatment Center and St. John's Church Counseling Center. *Id.* The text was accompanied by a photograph from the Delmont Treatment Center featuring Ms. Marshall, wearing a distinctive Nature Coalition t-shirt, sitting at the front desk with the Center's logo behind her. R. at 5, 10–12.

The day after the feature began, Ms. Marshall was confronted by around twenty people wearing ski masks and Energy Coalition shirts. R. at 11. After following her to her car, the masked individuals surrounded her car and keyed it. *Id.* The following night, Ms. Marshall experienced a similar incident and, while fleeing the protesters, she clipped a light pole damaging her car and setting off the airbag. *Id.* She called police who arrived after the

perpetrators had already left. *Id.* During their investigation, police reviewed CCTV footage from around the Delmont Treatment Center but were unable to make any positive identifications. *Id.* Following the incidents, Ms. Marshall left her job and discontinued using their services. R. at 11. She also contacted Lightbearer Missionaries and requested they stop running the image in conjunction with her speech, which they declined. R. at 12.

On October 3, 2025, Laura Marshall sued Church of Light claiming a CADS violation. R. at 12. The district court granted the Church of Light's motion for summary judgment, finding that CADS infringed upon both their First Amendment free speech and free exercise rights. R. at 12, 19, 28–9. Ms. Marshall then appealed to the Fifteenth Circuit, who reversed the District Court decision and denied the Church's motion for summary judgment. R. at 43.

SUMMARY OF THE ARGUMENT

CADS violates the Church's right to free exercise of their religion under the First Amendment. Even if incidentally, the fact that it substantially affects the Lightbearer's expression of their faith implicates the Free Exercise Clause. By imposing civil penalties for engaging in the exercise of live and public proclamations of their faith, CADS unconstitutionally restricts the ability for Lightbearers to freely express their faith and uphold the public testimony tenet of their faith. Despite being facially neutral, because CADS imposes a predictable and unavoidable legal liability on Lightbearers engaging in regular religious activities courts must not only analyze its language and intent, but also the practical implications. So, while CADS may intend on protecting the public welfare, use facially neutral language, and is generally applied, the fact that it places a burden on the Church's practice requires additional analysis. Additionally, CADS should be subject to a strict scrutiny analysis and, again, it would fail to meet the necessary constitutional burden. In cases where a law coerces abandonment of a

sincerely held religious tenet, strict scrutiny should be applied. Under that lens, the record lacks facts demonstrate that CADS is a novel regulation and provides the least restrictive means to prevent doxxing behavior.

CADS unconstitutionally burdens the citizens of Delmont as it violates the First Amendment's protections of free speech. The First Amendment applies to matters of public concern. The Church's broadcast concerns the statewide political topic of the Energy Farm Controversy and, therefore, constitutes a matter of public concern. Additionally, the content displayed on the screens was already available to the public, further emphasizing the fact that the Church's display of the video and photo were related to public matters. The Church's broadcast is also protected under the First Amendment because it does not pose a true threat of violence nor does it incite any imminent lawless action. Further, because the content of the broadcast consisted entirely of a video and photo that were readily available to the public, the sharing of the footage does not violate Marshall's privacy. Strict scrutiny must be applied because the statute is a content-based regulation enacted to protect Delmont students from doxxing intended to stalk, harass, or physically injure them. CADS fails to survive strict scrutiny, as is required for content-based regulations, because it is not narrowly tailored to accomplish the goal of reducing doxxing. Instead, the statute broadly includes provisions to prohibit the dissemination of any personally identifiable information, even if that information is entirely harmless in nature. Because CADS is not narrowly tailored, the statute unconstitutionally overburdens Delmont citizens and their right to free speech.

ARGUMENT

I. The Campus Anti-Doxxing Statute violates the Church's Free Exercise rights because when applied to the practices of the Lightbearer Missionaries, it imposes legal penalties

for engaging in personal, live, and public proclamations of their beliefs and threatens the continued practice of a core religious tenet.

A. The Free Exercise Clause applies to the Campus Anti-Doxxing Statute because it, even if incidentally, regulates religious actions.

The Free Exercise Clause of the First Amendment protects religious beliefs *and* actions informed by those beliefs. *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940). In *Cantwell v. Connecticut*, the Court held that under the Free Exercise Clause an action—when undertaken because of a sincerely held religious belief—cannot be burdened by law, even if incidentally, unless the government can demonstrate that the conduct presents a clear and substantial danger to public interests. *Id.* at 311.

Cantwell broadens the application of the Free Exercise Clause to include actions undertaken as part of a sincerely held religious belief. *Id.* at 310. The Court held that "[f]reedom of conscious and freedom to adhere to such religious organization or form of worship . . . cannot be restricted." *Id.* at 304. The addition of the right to "adhere" to religious beliefs implies that the First Amendment allows for both "freedom to believe and freedom to act." *Id.* Acknowledging that while the former is "absolute," logically the latter cannot be. *Id.* at 303–04. To allow an absolute freedom to act on religious beliefs without requiring further definition violates the government's right to regulate behavior in the public interest. *Id.* at 304. Applying this to *Cantwell*, the Court found that a Connecticut statute requiring organizations to apply to the secretary of the public welfare before soliciting monetary donations for religious, charitable, or philanthropic causes was unconstitutional under the Free Exercise Clause because it regulated religious actions. *Id.* at 305. Though the statute also regulated non-religious causes, the Court

held that the law implicated Free Exercise rights because it conditioned religiously motivated actions on the granting of a license at the discretion of a government actor. *Id.* at 307.

CADS similarly regulates general behavior and incidentally affects religious exercise by interfering with the Lightbearers ability to practice live and public proclamations of their beliefs. R. at 8. Because CADS, even incidentally, interferes with the exercise of a fundamental tenet of the Church, Free Exercise rights are implicated. Notably, unlike *Cantwell*, CADS does provide additional definitions for the regulated behavior. R. at 6–7 (citing existing statutory definitions). But despite this, CADS fails to tie these definitions to the specific behavior it attempts to regulate, instead adopting traditional broad definitions. R. at 6. So, while the actions are defined, the definitions provided do not add any specificity to meet the threshold suggested by the Court in *Cantwell*. R. at 6; *Cantwell*, 310 U.S. at 308–09 ("[T]he judgment is based on a common law concept of the most general and undefined nature").

B. Neutrality is not dispositive because the Campus Anti-Doxxing Statute imposes a predictable and unavoidable legal liability for Lightbearers in the regular course of their religious practice.

A facially neutral law violates the Free Exercise Clause when, in its practical application, compliance predictably imposes legal penalties as a consequence of regular religious exercise and coerces religious institutions, or their members, to abandon sincerely held religious beliefs. *See Wisconsin v. Yoder*, 406 U.S. 205, 235–36 (1972) (holding compulsory education laws as applied to the Amish violated the Free Exercise Clause); *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 534 (1993) (holding that a facially neutral law that predicably impacts religious activity violates Free Exercise); *Employment Division v. Smith*, 494 U.S. 872,

878 (1990) (excluding incidental burdens on religious exercise when the law is neutral and generally applicable).

Across these cases, the Court has continually addressed the issue of coercion. In *Wisconsin v. Yoder*, the Court held that Wisconsin's compulsory education laws violated the Free Exercise rights of the Old Order Amish community because they established legal penalties unless Amish parents acted against core tenets of their religion. *Yoder*, 406 U.S. at 235–36. In Yoder, members of the Old Order Amish religion were convicted of violating the compulsory attendance law requiring children under sixteen to attend either a public or private school. *Id.* at 208. As was their custom, the members of the Old Order Amish withdrew their children from formal education after eighth grade. *Id.* at 210. Because their beliefs emphasize informal hands-on learning, community welfare, and separation from "contemporary worldly society," the families argued that traditional high school education was inherently contradicted these beliefs because of it emphasized competition, conformity, and removal of the students from their community and that compelling compliance would force parents to abandon sincerely held religious beliefs. *Id.* Additionally, expert testimony showed that current Amish practices properly prepared high school-aged Amish children to be productive members of their community and compliance with the law would cause "great psychological harm to Amish children" and "result in the destruction of the Old Order Amish." *Id.* at 212. Citing a nearly 300-year religious history and the compelling expert testimony, the Court held that Wisconsin's otherwise neutral law unconstitutionally burdened the Old Order Amish community's religious exercise. *Id.* at 235–36.

A Free Exercise analysis is not limited to the text of the statute and must consider practical implications. In *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, the Court held that the Free Exercise Clause "extends beyond facial discrimination." *Lukumi*, 508 U.S. at 534.

Members of the Church of Lukumi Babalu Aye sued the City of Hialeah claiming that ordinances prohibiting possession of animals for slaughter or sacrifice unconstitutionally limited their practice of Santeria rituals. *Id.* at 533, 551. The Court noted that the record clearly demonstrated animus intent despite the secular language. *Id.* at 536. Additionally, the practical consequences of the ordinances reinforced the fact that "these ordinances target[ed] Santeria sacrifice" and were just as consequential as if the City had used non-neutral language. *Id.* at 535.

Contrasting the targeted practical consequences in *Lukumi*, the Court in *Employment Division v. Smith* noted that incidental effects of otherwise neutral and generally applicable laws do not violate the Free Exercise Clause and do not require religious exemptions. *Smith*, 494 U.S. at 878–79 ("We have never held that an individual's religious beliefs excuse him from compliance with an otherwise valid law prohibiting conduct that the State is free to regulate."). *Smith* considered whether the denial of unemployment benefits to employees who were fired after ingesting peyote during a religious ceremony violated the Free Exercise Clause. *Id.* at 874. The Court ultimately declined to require a strict scrutiny analysis where the State had the right to establish generally applicable criminal laws. *Id.* at 885. Noting that the religious activity at issue was solely a free exercise claim and precedent did not address situations of a blanket prohibition of criminal conduct, the Court held that imposing a strict scrutiny requirement only when conduct is "central" to a religion would amount to "a private right to ignore generally applicable laws." *Id.* at 882–86. *Smith*, therefore, operates as a limit to the coercion exception for generally neutral laws.

CADS runs counter to the Church's sincere beliefs because it, although inadvertently, exposes Lightbearer Missionaries to penalties if they include the "wrong" publicly available information. R. at 6–7. Like *Yoder*, where the State was the arbiter of what constituted

"appropriate" higher education, the arbiter of what is "wrong" under CADS is the State. *Id.*; *Yoder*, 406 U.S. at 230–32. The record does not show that Lightbearer Missionaries distribute information obtained illegally or with the intent to engage in malicious activity. R. at 10, 17. Given that, the question remains as to why the State is better positioned than members of the Church to discern what information best supports the Church's mission and message. Regardless of any reason the State may offer, the fact remains that like the Court held in *Yoder*, the State cannot overrule the judgment of the church and its members. 406 U.S. at 232, 235–36.

The practical result of CADS is the potential extinguishing of the Lightbearer's public messaging activities and a coerced abandonment of that part of their faith. Like the statute in *Lukumi*, even if animus was not part of the Delmont legislature's motivation, CADS predictably chills the Lightbearer's exercise of their faith. R. at 6; *Lukumi*, 508 U.S. at 534–35. As CADS has predictable and continuing consequences for Lightbearer Missionaries that will ultimately affect the ability for young members to meaningfully engage in this fundamental practice of their faith, CADS should be found to violate the Church's Free Exercise rights through coercion.

C. Because CADS requires Lightbearer Missionaries to cease engaging in a core and mandated form of proclamation, it should be reviewed under heightened scrutiny.

A law that predictably interferes with the collective practice of a religion can trigger heightened scrutiny, even if it is facially neutral. When a statute predictably and repeatedly interferes with a religion's core tenets the burden is no longer incidental and may merit heightened scrutiny. *See Fulton v. City of Philadelphia*, 593 U.S. 522, 542 (2021); *Mahmoud v. Taylor*, 606 U.S. 522, 565 (2025).

Citing its decision in *Smith*, the Court noted in *Fulton v. City of Philadelphia*, a law that excludes participation in public programs by requiring, without exception, abandonment of long-standing religious doctrine is unconstitutional. *Fulton*, 593 U.S. at 535, 542. In *Fulton*, the Court held that the City of Philadelphia violated the Free Exercise Clause when, absent a compelling reason, it refused to grant Catholic Social Services an exception to its requirement that foster care agencies certify same-sex parents as foster parents. *Id.* at 542.

Invoking *Fulton* and *Yoder*, the Court in *Mahmoud v. Taylor* held that when a law imposes a categorical burden on religious exercise such that the parents' right to oversee their child's religious development is infringed, strict scrutiny applies. *Mahmoud*, 606 U.S. at 565. In *Mahmoud*, a group of parents ("Parents") from diverse religious backgrounds brought action against the Board of Education of Montgomery County, Maryland ("Board") requesting that the Board allow them to opt their children out of lessons where "LGBTQ+-inclusive" storybooks would be used. *Id.* at 528, 540–43. The policy required all students attend lessons where the books would be used and the Board refused to provide the Parents with notice of the lessons or a religious exemption for their children. *Id.* at 528–29. The Parents claimed that the Board's "abject refusal to heed widespread and impassioned pleas for accommodation" violated their parental rights to raise their children in their chosen faiths. *Id.* at 540–42. Noting the long history of honoring "the rights of parents to direct 'the religious upbringing' of their children," the Court held that rules which compel action against one's sincerely held religious beliefs and lack any religious exception must be analyzed under strict scrutiny. *Id.* at 546, 566–70 (quoting *Espinoza v. Montana Dept. of Revenue*, 591 U.S. 464, 486 (2020)).

Like *Fulton*, CADS requires compliance without exception, or compelling reason, while predictably interfering with Lightbearer's religious exercises. *Fulton*, 593 U.S. at 535. The

Church has a one-hundred-year history in Delmont and has been continuously involved in the community. R. at 8, 44. Because of this history and presence, the government and representatives should have been aware of the practices of the Church and should have foreseen the coercive impact CADS would have on Church activities. CADS's effect on Lightbearer Missionary activity is like the issues presented in *Yoder* and *Mahmoud*, where in both cases parents were forced into compliance by abandoning their sincerely held religious beliefs. *Yoder*, 406 U.S. at 210–11; *Mahmoud*, 606 U.S. at 540–43. Lightbearer Missionaries are young adults participating in a religious missionary program established by Church Elders who created the program in hopes of fostering a welcoming environment where young members can develop their faith. R. at 8–9. Like the regulations in *Yoder* and *Mahmoud*, CADS coerces Lightbearer Missionaries into abandoning a sincere religious practice without exception. *Yoder*, 406 U.S. at 210–11; *Mahmoud*, 606 U.S. at 540–43. As the government should have been aware and predicted the continued detrimental effect CADS would impose on the Church's activities it should be subject to heightened scrutiny.

D. CADS fails under heightened scrutiny because the government's interest in public safety can be effectively achieved by less restrictive means.

When a facially neutral law is shown to interfere, even inadvertently, with the collective practice of religion it must be analyzed under strict scrutiny and the government bears the burden to demonstrate that the law is narrowly tailored to serve a compelling government interest. *See Mahmoud*, 606 U.S. at 565 (citing *Fulton*, 593 U.S. at 541; *Lukumi*, 508 U.S. at 546). The legislature passed CADS in response to an increase in doxxing incidents. R. at 5–6. Analyzing CADS under a strict scrutiny framework, the record fails to demonstrate that CADS is the least restrictive means to regulate this behavior. In fact, the record alludes to existing

statutes that address the same behaviors regulated by CADS. R. at 6. Unlike the policies and statutes reviewed in *Mahmoud*, *Yoder*, *Fulton*, and *Lukumi*, CADS is a redundant regulation and is not the least restrictive means to do so.

While Respondents may suggest that the Church is requesting a categorical exception to neutral laws, that is not what is being requested here. Instead, we are respectfully requesting that where a law imposes unavoidable liability for the predictable exercise of a fundamental religious practice and where that law also threatens the continued exercise of a fundamental religious tenet, this Court continues to uphold its precedent and find that law in violation of the Free Exercise Clause.

II. CADS violates the Church of Light's First Amendment Free Speech rights because Delmont's energy policy is a matter of public concern, the information the Church broadcasted does not fall into one of the unprotected speech categories, and the statute is not narrowly tailored and overburdens the Church's freedom of speech.

A. The First Amendment protects the Church's broadcast of Marshall's video and photo because statements involving matters of public concern are protected under the First Amendment.

Whether the First Amendment may protect speech depends on a determination of whether the speech in question is of public or private concern. *Snyder v. Phelps*, 562 U.S. 443, 451–52 (2011). Matters of public concern relate to anything political, social or otherwise of value to the community, and are "at the heart of the First Amendment's protection." *Id.* (quoting *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 758–59 (1985) (internal citation omitted)). It is critical that the First Amendment does not stifle public debate and incidentally create a chilling effect that prevents people from speaking freely in public. *Id.* at 461. The

potential for content of certain messages to be upsetting, hurtful, or controversial, are irrelevant to the consideration of whether speech deals with a matter of public concern. *See id.* at 453; *Rankin v. McPherson*, 483 U.S. 378, 387 (1987).

The playing of Marshall's speech is certainly a matter of public concern because it is directly about the highly social and political topic of Delmont's Energy Farm Controversy. R. at 5; *see Snyder*, 562 U.S. at 453. With such a hot button topic, the public has a deeply vested interest in seeing or hearing opinions from an opponent just as much as a proponent. Further, the Delmont Treatment Center provides critical services to the Delmont community, which in turn makes it a place of public concern.

Not only was the content of the display of public concern, but both the video and photo were already available to the public. Marshall's speech was made at a public rally on campus for all to hear, so it cannot be said that she intended to keep her words private. R. at 17; *see Time, Inc. v. Hill*, 385 U.S. 374, 388 (1967). The photograph of Marshall at the Center's reception desk can be easily found on the Center's publicly accessible website, which is precisely where the Church found it. R. at 17. With both pieces of content easily made public, Marshall fails to prove that the information the Church disseminated was in any way private information that should escape the protection of the First Amendment.

B. The Church's broadcast is protected by the First Amendment because it does not fall into any category of speech, such as true threat or incitement, that is considered unprotectable.

The First Amendment protects a citizen's right to free, unabridged speech. U.S. Const. Amend. I. However, there are certain categories of speech that are not protected and may, therefore, "be freely restricted by the state so long as the regulations fall within the scope of its

police power." *League of Women Voters of Kansas v. Schwab*, 539 P.3d 1022, 1029 (Kan. 2023). Such unprotected categories include true threats and incitement of lawless action, among others. *League of Women Voters of Kansas v. Schwab*, 549 P.3d 363, 374 (Kan. 2024). The Church's broadcast does not constitute a true threat, because a true threat requires an expression of intent to commit some act of unlawful violence. *See Virginia v. Black*, 538 U.S. 343, 359–60 (2003). Displaying the video of Marshall giving a public speech followed by a photograph of her at her place of work, does not create any expression of intent to commit unlawful violence against her. *See id.* The Church had made no commentary about Marshall nor suggests that anything should be done in response to the content they played, but merely displayed footage of her speaking freely about her own beliefs. R. at 10, 30. The Church has in no way, expressed intent to commit serious unlawful violence against Marshall, and, therefore, the display is not a "true threat." *See Black*, 538 U.S. at 344.

The image and video on the screens are also not incitement of lawless action. *See Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969). Incitement of lawless action are not protected under the First Amendment because the amendment does not seek to protect or allow advocacy of use of force or violence. *See id.* The Church's display of Marshall's speech and the photo of her at the treatment center reception desk do not advocate for any particular course of action and especially do not attempt to encourage individuals to commit any violent acts. The fact that some members of the Church did gather to engage with Marshall shortly after the release of the video and photo does not in itself prove that the content was an incitement. *See id.* at 448 ("the mere abstract teaching of the moral propriety or even moral necessity for a resort to force and violence, is not the same as preparing a group for violent action . . . ." (quoting *Noto v. United States*, 367 U.S. 290, 297–98 (1961) (citation modified))).

Since the Church's conduct does not fall into any of the unprotected categories of speech, the First Amendment's free speech protections must apply.

C. CADS is a content-based regulation that fails strict scrutiny because it is not narrowly tailored to achieve the goal of preventing doxxing against Delmont college students.

Government regulations that restrict speech based on content, are only constitutional if they survive strict scrutiny. *See Reed v. Town of Gilbert*, 576 U.S. 155, 163–64 (2015). Such regulations are presumed to be unconstitutional unless the government can meet the heavy burden of showing that the regulation has been narrowly tailored to serve a compelling interest by the least restrictive means possible. *See id.*; *McCullen v. Coakley*, 573 U.S. 464, 478 (2014).

CADS is, without a doubt, a content-based regulation because it was enacted with the direct intent to prohibit potentially harmful language used to cause students distress based on the communicative content. *See Reed*, 576 U.S. at 163. The statute particularizes information that is banned from being shared or discussed on any communication platform, thereby target the "content" that one may say, write, or post. R. at 6. While CADS may serve a compelling interest in attempting to reduce instances of stalking, harassment, or injury, it is not narrowly tailored to accomplish that goal. R. at 6. Its vague language creates an overbroad restriction that burdens residents of Delmont, including the Church. In part, CADS describes the protected private information as "any other personally identifiable information . . . ." R. 6–7. By including such a non-specific reference to "any other" identifiable information, CADS expands its prohibition to speech and facts that may be perfectly harmless or already available to the public. Personally identifiable information can include anything that "may reveal, or help create inferences about, a user's traits and preferences." *Yershov v. Gannett Satellite Info. Network, Inc.*, 820 F.3d 482, 485

(1st Cir. 2016) (citation modified). Something as simple as a person's name or age, which are not inherently harmful when revealed to the public. *See id.*at 484. By saying "any other" CADS creates a highly subjective standard for what may constitute private information to be protected or prohibited. R. at 6. The broad applicability of CADS is, therefore, too great a burden on the free speech rights of Delmont citizens, as it prevents them from being able to freely share personal information.

Without a more narrowly tailored specification of protected information, disseminated information may be harshly restricted by the highly subjective and vague provisions of CADS. It will unduly burden the free speech of the citizens of Delmont; therefore, it fails to survive strict scrutiny.

Because the information is publicly accessible, of public concern, and does not fall into an unprotected category of speech, the First Amendment readily applies and protects the Church's right to free speech. Additionally, the overbroad language of CADS fails the narrowly tailored requirement for content-based regulations and, therefore, fails strict scrutiny. Since CADS fails strict scrutiny for both free speech and free expression purposes, the statute must be deemed unconstitutional against the First Amendment.

CONCLUSION

For the foregoing reasons, the decision of the circuit court should be reversed.

Respectfully submitted,

/s/TEAM 10

CERTIFICATE

We hereby certify that all work products contained in the above brief are entirely work products produced by the undersigned team. Further, this team has fully complied with all honor code provisions of the law school that the members of Team 10 attend. Lastly, the above brief and Team 10 have complied with all Competition Rules set forth by the Chancellor and Vice Chancellor of the Seigenthaler-Sutherland Cup National First Amendment Moot Court Competition.

Date: February 6, 2026 /s/TEAM 10