No. 25-CV-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 THE RESPONDENTS

Team 19

QUESTIONS PRESENTED

1. Does the Campus Anti-Doxxing Statute (CADS) violate the First Amendment Free Speech Rights of The Church of Light, LLC?

2. Does the Campus Anti-Doxxing Statute (CADS) violate the First Amendment Free Exercise rights of The Church of Light, LLC?

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Constitutional Provisions

OPINIONS BELOW

The Fifteenth Circuit's opinion is not published in the Federal Reporter but is available at C.A. No. 25-CV-1994. Similarly, the opinion of the district court is not published but is available at C.A. No. 25-CV-1994.

JURISDICTION

The court of appeals entered final judgment. R. at 43. This Court granted a timely petition for a writ of certiorari. R. at 49. The jurisdiction of this Court rests on 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The First Amendment to the Constitution of the United States provides that "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." U.S. CONST. amend. I.

The Campus Anti-Doxxing Statute (CADS), Del. Ann. Stat. §25.989 (2025), is reproduced at App. at 51. Other statutory provisions defining the terms of CADS are similarly reproduced in the affixed appendix. *Id.*

STATEMENT OF THE CASE

A. Delmont's Enactment of CADS

The Delmont Legislature announced that it was considering converting land that was previously protected as a state park into sites for energy production. R. at 4. This announcement led to intense, incredibly polarized public debate between pro-environment and pro-energy factions. *Id.* These polarized groups eventually became known as the "Energy Coalition" and the "Nature Coalition." R. at 5. The polarization was the most intense and violent on college campuses throughout the State. *Id.* Administrators and students were particularly at-risk, being

the targets of incredible violence and harassment by actors involved in the debate. *Id.* Worse, the police could not prevent the violence or successfully identify the perpetrators. R. at 5–6.

The harassment of students and faculty was driven by "'flash-shares' of a particular victim's phone number, picture, location, and other personal information through a multitude of formats that allowed [the victim] to be identified and found [] quickly." R. at 5. So, Delmont enacted CADS to promote public safety, the general welfare, and prevent the dangers stemming from doxxing. Delmont Annotated Statutes §25.989 (2025).

B. The Petitioner, The Church of Light, Doxxed the Respondent, Laura Marshall

Respondent Laura Marshall is a student at Delmont State University ("DSU"). R. at 2. While attending DSU, Respondent decided to finally speak up in the political debate on campus. *See* R. at 10. In mid-September, 2025, Respondent delivered a speech while participating in a political protest on DSU's campus. *Id.* The DSU Lightbearer Missionary ("Missionary"), a campus organization of the Petitioner, an evangelical faith whose mission is to proselytize, recorded her speech. *Id.* It was her very first speech on the matter, but it was a powerful moment that received news coverage. *Id.*

During the week of September 22, 2025, the DSU Lightbearer Missionary vans broadcasted a video clip of Respondent's speech in a loop that occurred over and over again. R. at 10. Immediately following each repetition of Ms. Marshall's speech, the Missionary vans broadcasted an image of the Respondent, wearing a Nature Coalition t-shirt, clearly sitting at the front desk of the Delmont Treatment Center ("Center"), where she worked. *Id.* The logo of the Center was clear and central to the image. *Id.* Text accompanied the image, explicitly broadcasting the address, phone number, and hours of operation of the Center. R. at 10. The image's text purported to be sharing this information for "those suffering from substance abuse." *Id.*

In addition to being employed there, the Respondent also received treatment at the Center. R. at 11. The record reflects that this intimate fact of Respondent's substance abuse struggles was disclosed only twice in an online support group. *Id.*

Less than twenty-four hours of the Petitioner's doxxing of Respondent, Ms. Marshall was accosted by approximately twenty individuals as she exited the treatment center. R. at 11. Those individuals donned ski masks, obscuring their identities, and Energy Coalition t-shirts. *Id.* The mob "gathered to photograph, catcall, and insult Respondent about her addictions". *Id.* The encounter did not end there. *See id.* Instead, the mob followed Respondent all the way to her car. *See id.* As she attempted to flee, the mob of twenty surrounded her car and keyed her vehicle on both sides of the vehicle. *Id.*

A similar attack happened the very next night. *See id.* But this time, the second mob caused Respondent to clip a light pole while attempting to flee to safety. *See id.* The crash caused by the mob led to the inflation of her airbags. *Id.* Once she was physically capable of contacting the police, the perpetrators had already fled the scene. *See id.*

The police could not identify a single perpetrator from either attack, *id.*, reinforcing the State of Delmont's conclusion that CADS's private right of action would be the only realistic method to make victims whole and prevent future harassment. *See* R. at 6. With the police unable to protect her, Respondent was forced to quit her job and her treatment.

C. Procedural Posture

On October 3, 2025, Respondent filed her CADS action against the Petitioner for damages caused by the Petitioner's broadcast doxxing her personally identifying information and injunctive relief. R. at 12. The Petitioner moved for summary judgment, claiming that Respondent's suit infringed upon their First Amendment rights under the Free Speech and Free

Exercise Clauses. *Id.* In granting summary judgment for the Petitioner, the district court misinterpreted this Court's First Amendment jurisprudence, thereby improperly narrowing Delmont's power to enact reasonable legislation that promotes public safety and the general welfare. Respondent filed a timely appeal. R. at 30. The appeals court reversed the summary judgment on the grounds that the district court applied the wrong legal standards for both of Petitioner's claims. R. at 30-46.

SUMMARY OF THE ARGUMENT

I. Respondent's CADS Claim Is Not Prohibited By The Free Speech Clause Of The First Amendment.

First, Petitioner brings an as-applied challenge. Accordingly, this Court's role is not to consider all applications of CADS, but to consider whether Respondent's application of CADS passes constitutional muster.

Second, the courts below disagree on the appropriate level of scrutiny to apply to Respondent's CADS claim. Ultimately, CADS deserves no more than intermediate scrutiny. Regardless of the standard this Court finds appropriate, Respondent's CADS claim survives any level of scrutiny.

Third, no precedent relied upon by the Petitioner changes the analysis. This Court generally applies different standards to those laws that regulate speech through public enforcement and those that regulate speech through private enforcement. While CADS grants victims a private right of action in tort, CADS is sufficiently distinguishable from the private enforcement statutes previously examined such that those cases have no bearing here.

II. Respondent's CADS Claim Is Not Prohibited By The Free Exercise Clause of the First Amendment.

First, Petitioner brings an as-applied challenge asserting that CADS violates their free exercise rights because it limits their ability to broadcast their religious beliefs through their live programming. In this case, CADS is a generally applicable and neutral law does not pose anything but an incidental burden to Petitioner's ability to exercise their religious beliefs.

Second, Asserting the Free Exercise Clause alongside Free Speech Clause *may* give rise to a hybrid rights claim under the First Amendment. However, the hybrid rights claim asserted here is an attempt to turn two weak claims into a strong one. The burden Petitioner faces as a result of CADS is not of the same nature as the burden imposed in *Yoder*. Therefore, *Yoder* does not automatically trigger strict scrutiny. Moreover, even if strict scrutiny was applied here, Respondent's CADS claim would still prevail because CADS is the least restrictive means employed to address the issue of doxxing and harassment in the state of Delmont.

ARGUMENT

Rights under the First Amendment have never been absolute. *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 470 (2025). Rather, these rights are subject to the states' police powers to legislate for public safety and general welfare. *Id.* at 471. This is true whether it is the Free Speech clause or the Free Expression clause at issue.

In the context of ordinary speech, the First Amendment does not bestow an unburdened right of free speech. *Id.* at 470. First, there are several—albeit narrow—categories of speech that this Court has held to be outside the scope of First Amendment protections. *Id*. For example, the First Amendment does not provide absolute protection to defamatory speech, *see Dun & Bradstreet v. Greenmoss Builders*, 472 U.S. 749, 763, nor false advertising, *Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748 (1976). States also retain the

power to prohibit the use of "insulting or 'fighting' words," true threats, or obscenity to protect its citizens and maintain the public peace. *See Chaplinsky v. New Hampshire*, 315 U.S. 568, 573 (1942). Second, it is well established that states can impose "time, place, and manner" restrictions on one's speech. *See Ward v. Rock Against Racism*, 491 U.S. 781 (1989). Even still, states can impose other restrictions on speech so long as those restrictions survive strict scrutiny. *Williams-Yulee v. Fla. Bar*, 575 U.S. 433, 444 (2015).

In the context of religious activity, the First Amendment similarly does not bestow an unburdened right of free exercise, even though the Amendment does protect one's absolute right to hold religious beliefs. *Emp. Div. v. Smith*, 494 U.S. 872 (1990). In fact, states retain the right to enact legislation to achieve legitimate state interests even if that legislation burdens religious expression. *See id.* This Court has required that the First Amendment permits such legislation as long as the law is neutral and generally applicable. *See id.*

Here, to escape liability under CADS, Petitioner invokes both the Free Speech and the Free Expression clauses. R. at 12. Petitioner raises only an as-applied challenge to the constitutionality of CADS. R. at 49–50. No facial challenge has been made, and therefore, an examination of "the full range of activities the laws cover, and measure the constitutional against the unconstitutional applications" is unnecessary. *Cf. Moody v. NetChoice, LLC*, 603 U.S. 707, 722, 724–25 (2024) (ruling that the lower courts incorrectly analyzed the First Amendment challenge as applied to the parties, even though the parties had brought facial challenges). Accordingly, the question before this Court is *not* whether CADS is wholly unconstitutional, but whether Respondent's lawsuit violated the First Amendment rights of the Petitioner.

Generally, the answer to that question turns on the level of scrutiny that the underlying statute deserves based on its very nature. *See, e.g., Reed v. Town of Gilbert* 576 U.S. 155, 163–65

(2015) (explaining that a town's regulation on what kinds of signs can be publicly displayed was "content based on its face" and thus subject to strict scrutiny). Doxxing poses a serious threat to privacy rights, public and individual safety, and the general public welfare. At bottom, CADS survives any level of scrutiny under both the Free Speech clause and the Free Expression clause.

I. Petitioner's As-Applied Challenge Fails Because CADS Does Not Violate the Speech Clause Under Any Level of Scrutiny And Is Not Barred by Any Precedents.

The Speech Clause of the First Amendment is not so strong as to entirely deprive states of the ability to protect its citizens from doxxing and the harms that flow from such unwelcome and dangerous conduct. While the First Amendment broadly prohibits federal and state laws "abridging the freedom of speech," that prohibition "is not absolute." *Paxton*, 606 U.S. at 470 (quoting *Ashcroft v. American Civil Liberties Union*, 535 U.S. 564, 573 (2002)). In reviewing speech regulations, courts balance the interest in free speech against the state's interests compelling the particular law. Here, that balance weighs in favor of CADS and, thus, in favor of Respondent. Whichever level of scrutiny this Court applies here, the Respondent's lawsuit is permitted by the Speech Clause of the First Amendment. And no other precedent by this Court changes that outcome.

A. CADS Survives Any Level of Scrutiny Under the Free Speech Clause.

Generally, the level of scrutiny speech regulations receive is determined by whether the regulation targets speech by its content. *Id.* at 470–72. "Content-based" regulations are subject to this Court's most exacting standard: strict scrutiny. *See Reed*, 576 U.S. at 163–65. On the other hand, "regulations that are unrelated to the content of speech are subject to an *intermediate level* of scrutiny because in most cases they pose a less substantial risk of excising certain ideas or viewpoints from the public dialogue." *Turner Broad. Sys. v. FCC*, 512 U.S. 622, 642 (*Turner I*) (1994) (emphasis added) (citation omitted).

However, this Court has departed from this content-based framework for "certain 'historic and traditional categories' of speech." *Paxton*, 606 U.S. at 471. Those categories of speech include "obscenity, defamation, fraud, incitement, and speech integral to criminal conduct," and are generally subject to rational basis review. *Id.*

1. *Respondent's CADS lawsuit survives intermediate scrutiny.*

Respondent's CADS lawsuit against Petitioner passes intermediate scrutiny because it is content-neutral, advances important government interests unrelated to suppression of freedom of speech, and does not burden substantially more speech than necessary.

A law is content-neutral if it "serves purposes unrelated to the content of expression . . . even if it has an incidental effect on some speakers or messages but not others." *Rock Against Racism*, 491 U.S. at 791. That means that "laws that confer benefits or impose burdens on speech *without reference to the ideas or views expressed* are in most instances content-neutral." *Tuner I*, 512 U.S. at 643 (citation omitted) (emphasis added).

Intermediate scrutiny is the constitutional standard applied to content-neutral speech regulations "because in most cases [content-neutral regulations] pose a less substantial risk of excising certain ideas or viewpoints from the public dialogue." *Id,* at 642. However, a law survives intermediate scrutiny "if it advances important government interests unrelated to the suppression of free speech and does not burden substantially more speech than necessary to further those interests." *Turner Broad Sys. v. FCC*, 520 U.S. 180, 189 (*Turner II*) (1997). Importantly, to survive intermediate scrutiny, the law "need not be the least restrictive . . . means of" furthering the State's interest. *Rock Against Racism*, 491 U.S. at 798.

CADS is a quintessential content-neutral law: It advances Delmont's interest not to police speech or take sides in public debates, but to prevent harassment that results from doxxing. Though passed in light of contentious political disputes, CADS does not take a side in the

dispute or permit some doxxing based on the ideas or views of the speaker. Instead, CADS impartially prohibits the nonconsensual disclosure of intimate, personally identifying information, which is defined to include the plaintiff's home address and photographs of the plaintiff's children, among other personally identifying information. R. at 6–7. CADS does not consider the speaker's expressive message when prohibiting the nonconsensual sharing that sort of personal information.

The same is true of Petitioner's video message about Respondent. Petitioner shared revealing personal information—including Respondent's place of employment and her employer's contact information. Respondent's suit against Petitioner is not targeted at the content of Respondent's speech but narrowly focused on the promulgation of that private information. Regulating the distribution of this video can be justified without considering the political views of either Petitioner or Respondent. Simply put, Respondent's application of CADS is not a "prohibition of public discussion of an entire topic." *Reed*, 576 U.S. at 169 (quotation omitted). Rather, Respondent's suit is a content-neutral means of protecting her privacy and safety. Her CADS lawsuit does not burden Petitioner's speech on their opinions or on matters of public concern but is solely focused on the information revealed by Petitioner.

CADS also "advances important government interests … and does not burden substantially more speech than necessary to further those interests." *Turner II*, 520 U.S. at 189. The State of Delmont undoubtedly has an interest in protecting its citizens from harassment. *See McCullen v. Coakley*, 573 U.S. 464, 486 (2014) (citation omitted) ("We have, moreover, previously recognized the legitimacy of the government's interests in 'ensuring public safety and order'").

Respondent's CADS lawsuit advances this interest. The Delmont legislature found that doxxing is substantially likely to cause harassment. To disincentivize and prevent doxxing, CADS provides victims with a private cause of action, allowing them to seek a remedy in the form of injunctive relief and damages – but only against speech which reveals sensitive information. It does not burden substantially more speech than necessary. Respondent – herself a victim of doxxing and the harassment that followed – is interested in nothing more than her own safety.

Thus, CADS is a content-neutral regulation that deserves no more than intermediate scrutiny—a level of scrutiny that Respondent's CADS claim surely survives.

2. *Respondent's CADS lawsuit survives strict scrutiny.*

In contrast to content neutral laws, "[c]ontent-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be served only if the government proves that they are narrowly tailored to serve compelling state interests." *Reed*, 576 U.S. at 163 (citations omitted). Speech regulation is content based if it "applies to particular speech because of the topic discussed or the idea or message expressed. This commonsense meaning of the phrase 'content based' requires a court to consider whether a regulation of speech 'on its face' draws distinctions based on the message a speaker conveys." *Id.* (citations omitted). "[I]t is well established that '[t]he First Amendment's hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic." *Id.* at 169 (quoting *Consolidated Edison Co. v. Public Service Comm'n*, 447 U.S. 530, 537 (1980)).

Content-based laws are subject to strict scrutiny, a standard which demands "that a law be 'the least restrictive means of achieving a compelling state interest.'" *Paxton*, 606 U.S. at 471 (quoting *McCullen v. Coakley*, 573 U.S. 464, 478 (2014). This Court has upheld speech

regulations where "a State demonstrates that a speech restriction is narrowly tailored to serve a compelling interest." *See e.g.*, *Williams- Yulee*, 575 U.S. at 444 (explaining that Florida's narrowly tailored restrictions on the speech of a judicial candidate is "a speech restriction [which] withstands strict scrutiny."). This Court has repeatedly explained that while this standard is "demanding," *"*[successful] cases *do arise*." *Id.* (cleaned up) (emphasis added). This is one such case.

CADS is a content neutral law and by extension Respondent's lawsuit is content-neutral. But imagining, *arguendo*, that it is a content-based speech regulation, Respondent's CADS lawsuit would need to survive strict scrutiny. *See Reed*, 576 U.S. at 163–64. And it does.

First, Respondent's CADS lawsuit is narrowly tailored. It does not attack all of Petitioner's speech about Petitioner. Nor does it target all of Petitioner's speech on the subject of the energy farms and surrounding disputes. On the contrary, it targets *only* Petitioner's disclosure of Respondent's personally identifying information. As the facts demonstrate, a lawsuit against Respondent's specific harassers was unfeasible because they could not be identified. R. at 5–6, 11–12. The ability to sue the party who originally doxes the victim allows the victim to seek justice or prevent further harm. Without that private right of action, victims would be entirely helpless to protect themselves from harassment and other forms of danger. Respondent's application of CADS is thus "narrowly tailored to avoid unnecessarily abridging speech," *Williams-Yulee*, 575 U.S. at 444, and based on "the least restrictive means," of remedying Respondent's injury. *Paxton*, 606 U.S. at 471 (quotation omitted).

Second, Respondent's CADS lawsuit furthers the State of Delmont's compelling interest in protecting the public's safety. *McCullen*, 573 U.S. at 486. That interest undoubtedly extends to—and remains compelling—in the face of harassment prompted by doxxing.

The First Amendment protects a great deal of speech, particularly speech dealing with contentious matters of public concern. *Snyder v. Phelps*, 562 U.S. 443, 460-61 (2011). But the Speech Clause's protections are not limitless. *Paxton*, 606 U.S. at 470. Its protections do not reach Respondent's CADS lawsuit against Petitioners. Accordingly, this Court should Affirm the Court of Appeals as to Petitioner's Speech Clause claim.

3. *Respondent's CADS lawsuit survives rational basis scrutiny.*

Laws that fall under "certain 'historic and traditional categories' of speech . . . have been understood to fall outside the scope of the First Amendment." *Paxton*, 606 U.S. at 471 (cleaned up). The States may prohibit these categories of speech, such as incitement, and these prohibitions will be subject to the highly deferential rational basis review. *Id.* "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." *Id.* at 471-72 (quoting *FCC v. Beach Communications, Inc.*, 508 U.S. 307, 313 (1993)).

CADS clearly passes this test. The Delmont legislature had a rational basis for protecting its citizens against doxxing. The harm that flows from doxxing, like harassment, cannot be properly prevented through traditional policing. Additionally, it is well within Delmont's broad police powers to allow victims to sue perpetrators in tort for the harms caused by the perpetrators' actions.

However, rational basis review may not be the proper test to apply here. The speech regulated by CADS does not easily fall under any of the traditional categories of unprotected speech. *See* R. at 17–18 (explaining that Petitioner's broadcast was "neither a 'true threat,' . . . nor incitement of imminent lawless action." (citation omitted)).

B. No Other Precedent Supports The Petitioner's Argument That The Speech Clause Bars Respondent's CADS Suit.

Laws that create private rights of action in tort for harm caused by speech are generally subject to additional First Amendment requirements that depend on the underlying nature of the tort. *See, e.g.*, *N.Y.Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964) (explaining that public officials cannot recover for defamation liability unless they can prove the defendant acted with "actual malice"). But Respondent's CADS lawsuit is not barred by these constitutional requirements.

1. *Snyder does not prohibit Respondent's CADS lawsuit.*

In some narrow contexts, the First Amendment may provide protection against tort liability depending on the speaker's chosen forum. *Snyder*, 562 U.S. at 458. Speech on matters of public concern, promulgated at public places, can be "entitled to 'special protection' under the First Amendment." *Id.* Speech delivered in that context "cannot be restricted simply because it is upsetting or arouses contempt." *Id.* Speech touches matters of public concern "when it can 'be fairly considered as relating to any matter of political, social, or other concern to the community,' or when it '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 (citations omitted). Where the speech is made at "public place[s]" the speech may receive further First Amendment protections for being "the archetype of a public forum." *Id.* at 456.

Still, where speech is made in a public forum, it is only protected from tort liability when liability turns on "highly malleable standard[s] with . . . inherent subjectiveness." *Id.* at 458. For example, in *Snyder*, this Court found that "outrageousness" is a "highly malleable standard." *Id.* There, a defendant raised a First Amendment challenge to Maryland's intentional infliction of emotional distress (IIED) law. *Id.* Under that law, defendants would be liable if the jury found

that the defendants' speech was "outrageous," which turns entirely on the subjective whims of individual jurors. *Id.* at 458.

The *Snyder* rule reflects the idea that highly malleable, subjective standards pose "a real danger of becoming [] instrument[s] of [speech] suppression." *Id.* (citation omitted). At bottom, the question here is whether the applicable standard invites "a jury to impose liability on the basis of the jurors' tastes or views, or perhaps on the basis of their dislike of a particular expression" rather than some objective standard. *Id.* (citation omitted). Still, this Court has never suggested that *Snyder* strikes down all state tort laws aimed at speech given in public places on matters of public concern. Indeed, this Court even recognized that some speech regulations that appear to fail *Snyder*'s test may still be permissible under the First Amendment. *See id.* at 456–57 (cleaned up) ("That said, even protested speech is not equally permissible in all places and at all times.").

Snyder does not change the analysis here because liability under Respondent's CADS lawsuit turns on an objective standard, making it wholly unlike Maryland's IIED law. It is true that Petitioner's speech—the publication of a video of Respondent's pro-Nature Coalition speech and a photograph of Respondent sitting at the front desk of the Delmont Treatment Center with a Nature Coalition pin—undoubtedly touched on matters of public concern in a public space. R. 10–11. The speech touched on public debate over whether the Delmont legislature should convert undeveloped acres into zones for solar and wind energy, R. 10–11, which is undoubtedly a "matter of political, social, or other concern to the community," and "a subject of legitimate news interest." *Snyder*, 562 U.S. at 453. Petitioner's speech was promulgated in public spaces. R. at 10.

But crucially, CADS requires juries to make objective, specified findings to impose liability on speech. Specifically, CADS requires that a jury find defendants "without consent use[d] 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.'" Del. Ann. Stat. § 25.989 (2025). It offers definitions of "intent," "stalk," "harass," and "physically injure" based on standards that can be objectively, not subjectively, defined. Del. Ann. Stat. § 163.732 (2020). And private information is defined as one or more of five discreet, enumerated categories. R. at 6–7.

That level of objectivity and specificity is a far cry from the laws under scrutiny in *Snyder*. Neither *Snyder* nor the Speech Clause immunize Petitioner from CADS liability.

2. *Florida Star does not prohibit Respondent's CADS lawsuit.*

There is a line of cases that suggest that republishing personally identifying information that is already in the public domain, like a person's address listed in a phone book, is protected by the First Amendment. *See, e.g.*, *Fla. Star v. B.J.F.*, 491 U.S. 524, 533, 541 (1989). This line of cases, however, does *not* absolutely bar tort liability for the truthful publication of lawfully obtained information. *Id. a*t 541. Instead, this Court has made clear that "the sensitivity of the interests presented in clashes between First Amendment and privacy rights counsel relying on limited principles that sweep no more broadly than the appropriate context of the instant case." *Id.* at 533.

The particular clash here comes out in favor of Respondent. The alleged facts demonstrate that, in today's particular media environment, the broadcasting of private individuals' personal whereabouts is incredibly dangerous, especially in a heightened polarized political setting. The Petitioner does not allege that the Respondent's place of work was widely advertised, unlike the information published in a phone book.

The digital age is unforgiving. Doxxing someone's personal information and whereabouts puts them at incredible risk, which is escapable only by moving from your home, quitting your job, or avoiding the place in question. The First Amendment does not prohibit lawsuits which protect individuals against these risks.

II. Petitioner's As-Applied Challenge Fails Because CADS Does Not Violate The Free Exercise Clause Under Any Level Of Scrutiny.

The Church of Light has a right to exercise its religion, but this right 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).'" *Smith*, 494 U.S. at 879. In two months, "doxxing" and "flash shares" increased by 150%, resulting in the hospitalization of students and an instance of arson against a college administrator. *Marshall v. The Church of Light, LLC*, No. 25-CV-1994, at *6 (W.D. Del. Dec. 8, 2025). To ensure public health and safety in what previously was a respectful marketplace of ideas turned mob rule, the Delmont government passed the Campus Anti-Doxxing Statute (CADS).

There is no doubt that the Church of Light's practice of disseminating information via broadcast is a sincerely held religious belief. The aims of the religious activity or the belief at issue "need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment Protection." *Thomas v. Rev. Bd. Of Ind. Emp't Sec. Div.*, 450 U.S. 707, 714 (1981). CADS imposes an incidental burden on this practice. However, "under our precedents, the government is generally free to place incidental burdens on religious exercise so long as it does so pursuant to a neutral policy that is generally applicable." *Mahmoud v. Taylor*, 606 U.S. 522, 565 (2025) (quoting *Smith*, 494 U. S., at 878-879). If the policy is deemed to satisfy both requirements, it is subject to rational basis review. *Id*. If CADS misses one or both prongs, it

must be reviewed using strict scrutiny. *Id*. CADS satisfies both requirements of neutrality and general applicability, but even so, it also satisfies both rational basis and strict scrutiny.

C. CADS is Subject to Rational Basis Review Because The Burden CADS Places On the Petitioner Is Incidental Pursuant to CADS' Neutral and Generally Applicable Policy.

The easier question to resolve is that of general applicability. CADS easily satisfies this requirement, applying to everyone in Delmont, with no indication it singles out any group or individual discriminately or specifically. To resolve the question of neutrality, a plain reading of CADS is the starting point. *Church of the Lukumi Babalu, Aye, Inc. v. Hialeah*, 508 U.S. 520, 533 (1993) ("To determine the object of a law, we must begin with its text, for the minimum requirement of neutrality is that a law not discriminate on its face"). On its face, CADS is a neutral law applying to any individual who publishes another's personal information without consent. Del. Ann. Stat. § 25.989 (2025). From the text, CADS "makes no reference to religion, nor does it prohibit the disclosure of private information only by religious persons. *Marshall v. The Church of Light*, LLC, No. 25-CV-1994, at *21 (W.D. Del. Dec. 8, 2025). Moreover, "there is no explicit targeting of the Lightbearer religion—or any religion for that matter—by the terms of the statute" and "[i]nstead, the statute is directed to any individual." *Id*.

Framing CADS as religious oppression masked in neutrality is a serious mischaracterization and ignores the positive impact it has on the marketplace of ideas and the peace of mind for citizens in the state of Delmont. After ascertaining facial neutrality through the plain reading of the text, courts must look for "subtle departures of neutrality." *Lukumi*, 508 U.S. at 534 (quoting *Gillette v. United States*, 401 U.S. 437, 452 (1971)). To look for more covert forms of religious expression, courts must "survey meticulously the circumstances of governmental categories to eliminate, as it were, religious gerrymanders." *Id.* (quoting *Walz v. Tax Comm'n of New York City*, 397 U.S. 664, 696, (1970) (Harlan, J., concurring)).

Petitioners contend that the governor of Delmont was aware of the burden that CADS presented to the Church of Light as they lobbied his office before its passage, sending letters, broadcasting their disapproval, and publishing public proclamations (Rallston Aff. ¶ 11, November 17, 2025). While the government was allegedly "on notice" because the Petitioner lobbied against CADS, this does not result in a "subtle departure from neutrality." *Lukumi*, 508 U.S. at 534 (quoting Gillette, 401 U.S. at 452). In a democratic society, all groups can lobby for and against laws, much like the Energy and Nature Coalitions in the background of this dispute. That lobbying does not mean that laws passed that are contrary to a lobbyist's beliefs were done with the intent to target that lobbyist group.

The Governor of Delmont reviewed existing laws, law enforcement capabilities and campus safety measures and determined that the tools while "helpful" were "generally reactive...often [requiring] harm to occur or escalate before relief was available and did not address the initial disclosure practice that created the risk" (Morrison Aff. ¶ 11, November 24, 2025). This stands in sharp contrast with a case like *Lukumi*, where the widespread disdain for adherents of Santeria was palpable and on the record. 508 US 495. In *Lukumi*, there was evidence that a Councilmember even went so far as to say, "If we could not practice this [religion] in our home-land [Cuba], why bring it to this country?" *Id*. at 496. The record is devoid of such evidence here.

The Church of Light has a storied history in Delmont and is part of the framework of Delmontian society, but there is no evidence CADS was conceived of or even passed with the pretext of targeting them covertly. The Delmont legislature saw widespread harm occurring on the state's college campuses and proceeded to take swift action to proactively prevent the harm from reoccurring, squashing these disturbing instances of violence definitively. Many of the

Church's members themselves come within the scope of individuals CADS itself aims to protect. Young members of the Church of Light comprise the Student Chapter at Delmont State University, preventing any individual from sharing their information whether intentionally or recklessly intending to cause them harm.

D. Even If Strict Scrutiny Is Applied, CADS Still Prevails Under The Free Exercise Clause.

While CADS is generally applicable and neutral and therefore able to be reviewed under a rational basis framework, it also overcomes strict scrutiny. If a law is deemed not to be neutral and/or generally applicable, it must be evaluated under strict scrutiny. *Mahmoud*, 606 U.S. at 564. To prevail in this case, "the government must demonstrate that 'its course was justified by a compelling state interest and was narrowly tailored in pursuit of that interest.'" *Id*. (quoting *Kennedy v. Bremerton Sch. Dist.*, 597 U. S. 507, 525 (2022)).

A law unduly burdens the free exercise of religion when its impact is coercive and juts up sharply against someone's religious belief, putting them between a rock and a hard place. In *Thomas*, Indiana's legislation would have forced the petitioner to continue working at a job that required him to offend his religious beliefs by making materials directly used in weapons. Here, CADS is not stopping the Lightbearers from broadcasting; it merely restricts them from disseminating private information of Delmont University/College students, faculty, and staff without consent.

CADS does not substantially burden the religious exercise rights of the Lightbearers because it does not hinder their ability to proselytize through live broadcast. Petitioners argue that CADS "puts its members at risk of being sued while following their religiously mandated practice of providing a living witness of their faith," but CADS nowhere outlaws or prevents the Lightbearers from sharing news clips and other interviews. *Marshall v. The Church of Light,*

LLC, No. 25-CV-1994, at *20 (W.D. Del. Dec. 8, 2025). CADS does not restrict the Lightbearers from proselytizing in the state of Delmont. It does not restrict the Lightbearers from proselytizing at all, in fact. CADS simply prevents the sharing of any "private information" of an enrolled DSU student, faculty, or staff member, including home addresses, contact information for the plaintiff's employer, without an individual's consent. The nature of this burden is highly specific and narrow. Through broadcasting her speech out in the open, Ms. Marshall consented to her speech becoming a part of the "marketplace of ideas." *Id*. at *17. She did not consent to the Lightbearers broadcasting her place of work.

If CADS could not apply to the Church of Light, this would leave a massive legislative gap. The Church of Light would be exempt from the consequences of bringing about the exact harm that CADS sought to eliminate. The legislature of Delmont did not target the Church of Light when it passed CADS, nor is the Church of Light unduly burdened by CADS. The difference between proselytizing through the sharing of locally relevant news clips and doxxing is significant. While our society is one of diversity, filled with hundreds of belief systems, "the necessity of providing governments with sufficient operating latitude, some incidental neutral restraints on the free exercise of religion are inescapable." *Bowen v. Roy*, 476 U.S. 693, 712 (1986). Further, although the Lightbearers' religious beliefs are held with conviction, it does "not automatically entitle [them] to fix unilaterally the conditions and terms of dealings with the Government." *Id*. at 702.

The Delmont legislature saw a problem where members of the community endured harassment simply for sharing their beliefs in the marketplace of ideas during a heated time in the state's history. Delmont has articulated a compelling interest "in protecting people from doxxing, harassment, and threats" and "ensuring public safety." See *McCullen*, 573 U.S. at 486

(stating "We have, moreover, previously recognized the legitimacy of the government's interests in, "ensuring public safety and order"). Moreover, it achieves this aim in a narrow way, only targeting enrolled DSU students, faculty, or staff members. The statute protects college students — no doubt a small portion of the larger Delmont population. Most notably, the statute is completely silent on alumni of DSU colleges/universities, which is a huge carveout that ensures the statute's reach does not go farther than it needs in addressing a pressing issue of public concern.

While CADS captures categories of protected speech, it narrowly limits the reach of the statute through its *mens rea* requirement and clear target of college campuses. For example, it would not hinder any citizen of Delmont from publishing the business address of a CEO whose company engages in practices they do not support. The prohibition would only apply to that individual if they were a faculty member at a Delmont State University/College. However, even if that was the case, the Lightbearers could still publicize the company's business address because a corporation is a separate entity from the corporation without referencing particular employees.

E. The Burden That The Church f Light Faces Under CADS is not of the Same Nature as that of Yoder and Does not Warrant the Hybrid Rights Exception.

The hybrid rights exception was first articulated in *Smith*. The exception was created to encompass instances where "a neutral, generally applicable law to religiously motivated action" was held to a strict scrutiny standard of judicial review because it involved "the Free Exercise Clause in conjunction with other constitutional protections." *Smith*, 494 U.S. at 881. Although within the case law there is disagreement, as stated in Justice O'Connor's concurrence in *Smith*, explaining that *Yoder* and *Cantwell* can read as "expressly [relying] on the Free Exercise clause" rather than even labeling them "hybrid" decisions. *Id*. at 849 (O'Connor, J., concurring).

However, in both cases, the companion rights claim was strong. Here, the Free Exercise Claim is paired with the Free Speech claim to bootstrap it to a higher level of scrutiny when it does not fit that standard.

In a Free Exercise case, "when the burden imposed is of the same character as that imposed in *Yoder*, we need not ask whether the law at issue is neutral or generally applicable before proceeding to strict scrutiny." *Mahmoud*, 606 U.S. at 526. The burden in this case is not similar to *Yoder*. The only overlap the Petitioner shares with *Yoder* is the impact of a secular education system on members of their religious body.

However, the nature of this impact is not the same. The Lightbearers at issue are adults between the ages of 18 and 22 pursuing tertiary education. In this age group, they can make their own decisions, guide their own destinies, and are less susceptible to succumbing or even feeling "pressure to conform to the styles, manners, and ways of [their] peer group." *Wisconsin v. Yoder*, 406 U.S. 205, 211 (1972). The compulsory education law in *Yoder* impacted the religious and spiritual development of minors between the ages of 13 and 17, who were still growing and developing their thoughts, habits, and belief systems. Similarly, *Mahmoud* dealt with the influence of required reading of LGBTQ+ books on elementary-age children —an even more impressionable population.

The fundamental "hybrid right" in both *Yoder* and *Mahmoud* was not simply a free exercise/free speech claim, but one tied deeply to parental rights and autonomy. This is vastly different than the "hybrid right" being asserted here. Moreover, CADS does not threaten the Lightbearers' way of life in the same way compulsory education programs threatened the parents' ability to raise their kids in the Amish way of life in *Yoder*. The Lightbearers can still broadcast their religious programming and clips of local news and information. In fact, CADS

does not prevent the Lightbearers from showing respondents' publicly available speech. What CADS prevents the Lightbearers from doing is disclosing private information, including the respondent's workplace, in their broadcasts.

A hybrid rights claim simply cannot be one "in which a litigant would actually obtain an exemption from a formally neutral, generally applicable law under another constitutional provision." *Lukumi*, 508 U.S. at 567 (J. Souter concurrence). More specifically, allowing simply putting together the free exercise claim with the free speech claim and using it as a formula to warrant a higher level of scrutiny is a mechanism that is liable to "swallow the *Smith* rule." *Id*. If the other claim is strong enough to prevail under its own standard of scrutiny, there would be no need to have mentioned the Free Exercise Clause at all." *Id*.

A law that is neutral and generally applicable "does not run afoul of the Free Exercise Clause even when it prohibits religious exercise in effect." *Id*. at 559 (Souter, J., concurring). Petitioners should not prevail on their as-applied challenge under the free speech clause for the reasons listed above. Simply having two weak claims and putting them together does not alchemize them into a winning claim requiring stricter scrutiny to evaluate.

CONCLUSION

Because the First Amendment permits her CADS claim, Respondent respectfully requests that this Court affirm the denial of Petitioner's motion for summary judgment.

Respectfully submitted,

Team 19
Counsel for the Respondent
February 6, 2026

CERTIFICATE OF COMPLIANCE

We, the undersigned members of Team 19, certify the following:

1. The work product contained in all copies of the team's brief is the work product of team members.
2. We have fully complied with our law school's governing honor code.
3. We acknowledge that we have complied with all competition rules.

Signed,
Team 19

No. 25-CV-1994

LAURA MARSHALL,
***Respondent*,**
v.

CHURCH OF LIGHT, LLC
***Petitioner*.**

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

APPENDIX A TO BRIEF FOR THE RESPONDENTS ON WRIT OF CERTIORARI FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTEENTH CIRCUIT

Team 19

TABLE OF CONTENTS

DISTRICT COURT OPINION:

In the United States District Court for the District of Delmont
Western Division

LAURA MARSHALL	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 25-CV-1994
	)	
THE CHURCH OF LIGHT, LLC	)	
	)	
Defendant.	)	

MEMORANDUM OPINION AND ORDER

INTRODUCTION

The dispute before us asks whether the First Amendment permits this Court to grant summary judgment for the Church of Light in this case brought under the recently enacted Campus Anti-Doxxing Statute ("CADS"), Del. Ann. Stat. §25.989 (2025). The statute was passed in response to rising incidents of major unrest on state college campuses. It prohibits the use of a communication platform of any type to disclose certain defined categories of "private information" belonging to members of Delmont university communities when made with the intent to stalk, harass, or injure.

The plaintiff, Laura Marshall, a student at Delmont State University ("DSU"), and a resident of the neighboring state of Bathalska, argues that the Church of Light violated CADS. Its members use vans equipped with high definition LED screens on their sides to drive about campus and park in various campus locations. On those screens, they broadcast footage of Marshall giving a fiery speech about the state's energy policy that was immediately followed by the display of a photograph of her sitting at the front desk of a substance-abuse treatment facility

in town where she was employed and undergoing treatment. She alleges that those broadcast violated CADS by doxxing her private information and caused a violent attack on her. This forced her to leave her job and treatment program.

The Church of Light has moved for summary judgment, alleging that CADS violates their First Amendment right to free expression and exercise of religion because communicating their religious message through live television broadcasts is a key tenet of their faith and abandoning this practice would be akin to Christians abandoning baptism or Jews ceasing to abide by kosher laws. Marshall alleges that CADS is constitutional under the First Amendment and that the Church violated CADS by sharing her private information with the intent to injure her.

The state of Delmont has no small interest in protecting students from harassment and intimidation; but when that interest collides with the publication of truthful, lawfully-obtained information about a participant in a heated political controversy, the First Amendment insists that speech, not silence, is the default.

With those considerations in mind, and because CADS, as applied to the Church's speech that was displayed on a public street and was about a matter of public concern, was a content-based restriction that fails strict scrutiny, we hold that CADS, as applied here, violates the First Amendment Free Speech and Free Exercise Clauses. Since we hold that CADS is unconstitutional as applied to the Church, we do not reach the issue of the Church's intent in broadcasting the video and picture of Marshall. Therefore, there is no genuine dispute of material fact. We grant summary judgment for the Church.

BACKGROUND

Factual History

Delmont is one of the largest states in the nation and contains a vast array of scenic features. It is home to several national parks and tourism is a leading industry.

Delmont has attracted a great many environmental groups dedicated to preserving and maintaining its natural features. These groups share a common goal of protecting the State's natural wonders and developing progressive ecological policies. But various non-profit groups have conflicting views about how best to achieve those ends.

In the fall of 2024, 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. Under consideration was whether woodlands near the Delmont mountain range and stretches of the interior Delmont plains, all state-owned, would be cleared and used for solar panel arrays and windmill farms. The change in usage would further one of the goals valued by the state's populace—alternative energy sources—but would also permanently disrupt another—the natural habitat for plants and wildlife.

Two sides formed over this issue, one led by the non-profits who believe the best and most efficient way to achieve environmental objectives is the development of alternative energy resources, and the other led by non-profits who contend that land and wildlife preservation is paramount. Both sides organized, protested, and lobbied for their viewpoints.

The issue over the energy farms soon became contentious and volatile, and each side accused the other of bad faith. In April of 2025, when the state cleared some of the sites and started to install solar arrays and windmills, the conflict became inflamed. The two sides clashed at rallies and marches, sometimes leading to physical altercations that required police

involvement. While the Governor sought to tamp down the problem and the fate of the rest of the planned acreage was left uncertain, the issue had become bitterly entrenched. Politicians, celebrities, and corporations entered the fray on both sides and press coverage has been extensive.

By the summer of 2025, the two camps had taken on well-defined characteristics. Those in favor of the energy farms became known as the "Energy Coalition," and associated themselves with a stylized symbol of a sunburst. Those in favor of the habitat preservation efforts became known as the "Nature Coalition," and associated themselves with a stylized symbol of a willow tree, the state tree of Delmont.

On college campuses throughout Delmont, the clash was at its most pronounced and came to be known as the Energy Farm Controversy. In August of 2024, it rose to an acute level. Libraries were stormed by activists and classes were disrupted. A rash of protests broke out at the homes of administrators; students were ambushed and accosted, sometimes physically, at their residences. Several students were hospitalized after these instances and the fire department had to be called in once to put out a blaze that started in a trash can at the home of a college administrator. In addition, intimidating calls were made to students' personal phone lines and belligerent messages overwhelmed email accounts and social media presences. Student factions of the Energy Coalition and the Nature Coalition both engaged in such telephone calls and messaging.

The police departments in the college towns discovered that these incidents typically happened in sudden bursts of activity, as if on cue. Student organizers were coordinating "flash-shares" of a particular victim's phone number, picture, location, and other personal information through a multitude of formats that allowed them to be identified and found so quickly that the

police could not intervene in time. The victim would be swarmed by a wave of physical confrontations, calls, and e-mail or social media messages. By the time the police arrived, the situation would either be out of control already, endangering both the victims and the police, or the perpetrators would have escaped.

Publishing private information in order to intimidate someone is commonly known as "doxxing." From late August to early September, police data shows that doxxing instances in Delmont increased exponentially by 150%. The instances were almost exclusively on Delmont college campuses.

The state legislature passed a law signed by the Governor on September 12, 2025, entitled the "Campus Anti-Doxxing Statute of Delmont" ("CADS"), Delmont Annotated Statutes §25.989 (2025). It created 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." Del. Ann. Stat. § 163.732 (2020). 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:

[1] (a) "Injure" means to subject another to bodily injury or death or property damage.

(b) "Harass" means to subject another to severe emotional distress such that the individual experiences anxiety, fear, torment or apprehension that may or may not result in a physical manifestation of severe emotional distress or a mental health diagnosis and is protracted rather than merely trivial or transitory.

(c) "Stalk" means to engage in a pattern of unwanted, obsessive, and intrusive behavior that would cause a reasonable person to feel threatened or fear for their safety or the safety of others.

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.

There have been two successful lawsuits for CADS violations filed in state court in Delmont: 1) after a student at Delmont Technological College published a message on a group chat calling for the "punishment" of a Delmont Tech professor who had enforced a school policy that led to the expulsion of several Nature Coalition protesters. The message was accompanied by the professor's home address and resulted in a barrage of rocks thrown through the professor's residence windows within ten minutes of the posting. The court ruled in favor of the professor, granting him summary judgment and damages; 2) after the employer of a prominent Nature Coalition activist was swarmed by Energy Coalition protesters who blocked the jobsite entrance, prevented employees from leaving, and called for the activist's firing. The protesters had learned of the activist's place of employment from a text published by an Energy Coalition leader calling for the activist to be "decisively addressed"; the protesters had appeared at the jobsite within twenty minutes of the text. The court found for the activist and enjoined the protestors from going to the jobsite.

Delmont State University ("DSU") is located in Delmont City, Delmont. It is a four-year state-funded public institution, chartered in 1877, and has an enrollment of 18,000. The Energy Farm Controversy that rocked other campuses in Delmont made its way to DSU in the fall of 2025.

Among the Energy Coalition constituents is the DSU Student Chapter of the "Church of Light." The Church of Light is a religious denomination formed in Delmont during the nineteenth century by Uriah Webster, an early newspaper mogul who claimed that he was commissioned by divine revelation to form a church that is itinerant in nature. From the Church of Light's early days, its members, known as "Lightbearers," have proselytized through the countryside by way of public proclamation and printed witness. A foundational dimension of practicing the Church of Light faith is the personal, live, and public proclamation of their religious message and then sharing the same through some kind of communicative format. The personal interaction and the printed witness are deemed inseparable under the Church of Light's tenets which require an individual encounter that leaves testimony of its impact through a message left in its wake.

In the early years of the Church of Light, the Lightbearers dedicated some time to travelling through Delmont, proclaiming their message in public places and disseminating a free, church-made publication known as *The Lantern*. The publication covered news of local interest as well as religious tracts. Its strategy of combining localized information along with its religious witness was successful. Residents of the various locales where the Lightbearers spread their message grew dependent upon *The Lantern* for free and easy access to local news and event calendars.

As the denomination grew, the role of public proclamation fell to the younger Lightbearers. Unlike their adult co-religionists, the youth had more time to spread the word and disseminate *The Lantern*. It was also thought that during their young adult years, while pursuing higher education and preparing for careers, Lightbearers would become more resolute in their faith through becoming advocates for it. A missionary year became requisite to the faith and was

written into the Church's creed. In the present day, during the missionary year, Lightbearers between the ages of 18 and 22 devote a substantial portion of their week to proselytizing and disseminating *The Lantern*. Every Lightbearer must serve a missionary year sometime during that stated span of years. Their campus organizations are known as "Lightbearer Missionaries."

When print media became increasingly supplanted by other communicative formats in the 1990s, the Church faced a dilemma. Internet presence alone, by way of a website version of *The Lantern*, was untenable due to the faith's requirement for a living witness—a live, personal, public proclamation of their message, accompanied by *The Lantern*. Radio was not an option because the Church Elders did not consider it sufficiently "live."

The Elders then struck upon a solution. Instead of using print, *The Lantern* would be disseminated by way of live TV broadcasts on community access channels in Delmont college towns, produced by Lightbearer Missionaries in studios on college campuses. The studios were also open to visitors interested in the faith. The general format followed the approach of *The Lantern*—live religious programming interspersed with local news and information, including music performances by local musicians and interviews of local interest. In time, the community access format was transformed into a livestream on the internet. Given their faith's foundational emphasis on communication, over 70% of Lightbearer Missionaries on average are communications and journalism majors.

In 2024, the Lightbearer Missionaries—who by way of necessity are constantly upgrading their communications skills—struck upon another idea to reach more potential converts to their faith. Through resources provided by the Church of Light, the Lightbearer Missionaries drive vans around their campuses bearing high-definition LED screens on the sides. The screens provide local news, information, Lightbearer live-streamed broadcasts, weather,

event calendars, etc. The Lightbearer Missionaries take shifts during the week—driving the vans about, parking outside popular campus areas, and standing alongside the vans to field questions.

The DSU Lightbearer Missionaries have taken the side of the Energy Coalition during the Energy Farm Controversy. At the height of the campus conflicts in Delmont in mid September, 2025, after the passage of CADS, the DSU Lightbearer Missionaries filmed a powerful speech given by a student activist for the Nature Coalition, Laura Marshall, during a protest on campus. She is not a founding leader in the Nature Coalition movement, though she has attended many rallies and has played a substantial organizational role in some major protests. Her speech was the first that she had ever given during the controversy, but it received extensive news coverage due to the strength of her rhetoric.

During the week of September 22, 2025, DSU Lightbearer Missionary vans broadcast a video clip of Marshall's speech in a loop as part of their weekly news rotation. It played several times a day. Immediately following the clip of the broadcast featuring Marshall's speech, the vans' screens displayed a still photograph of Marshall wearing a T-shirt bearing the Nature Coalition willow tree symbol. In this picture, Marshall was sitting at the front desk of the Delmont Treatment Center, a non-profit that assists those suffering from substance abuse. It is located five blocks from DSU. In the photograph, the name of the center was clearly visible in a logo behind Marshall. The text accompanying the photograph listed a number of resources for those suffering from substance abuse, including the address, phone number, and the hours of operation for each. Delmont Treatment Center was first on the list. Another picture appeared in the same frame, this one of St. John's Church Counseling Center in downtown Delmont City, Delmont. There are seven treatment centers in Delmont City, but only those two were featured in the picture.

The clip of the Laura Marshall speech at the Nature Coalition protest, followed by the photograph of her sitting at the front desk of the Delmont Treatment Center, was part of the weekly rotation of publications on the DSU Lightbearer Missionary vans driven about and parked at DSU.

At the time the speech and photograph were published on the vans, Ms. Marshall was both a part-time employee of the Delmont Treatment Center, working at the front desk, as well as a patient under treatment. In an internet chat room for Substance Abuse Survivors in 2024, she twice posted that she has had drug and alcohol issues and is part of an ongoing therapy group.

Within twenty-four hours of the speech and photograph appearing on the DSU Lightbearer Missionary van, Ms. Marshall was confronted while coming out of the Delmont Treatment Center. Around 20 people wearing ski masks and Energy Coalition t-shirts had gathered to photograph, catcall, and insult Ms. Marshall about her addictions. They followed her to the parking lot. As she pulled away, a group of those following her surrounded her car on both sides and keyed it. A similar incident occurred the next night, and she clipped a light pole while accelerating in an attempt to get around the protesters, causing damage to the left front portion of her car. Her car airbag inflated as a result. By the time she was able to call the police after the incidents, the perpetrators had dispersed. CCTV around the Delmont Treatment Center was available, but the police could not identify anyone. The next day, Marshall felt compelled to quit her job for her own safety, as well as that of her employer, and her fellow patients. She also withdrew from counseling at the Delmont Treatment Center.

Prior and subsequent to the Marshall incident, the DSU Lightbearers covered the news of the Energy Farm protests in reportorial fashion, including video clips from speeches—Ms. Marshall's speech included— and news from both sides of the issue. They posted that coverage

in their livestreams and ran video clips on their van and included the customary local information such as the Delmont Treatment Center image featuring Ms. Marshall. They also posted separate editorial videos favoring the Energy Coalition position. The DSU Lightbearers customarily post 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 incident. Ms. Marshall contacted the Lightbearer Missionaries after she resigned and told them to stop running the image in conjunction with her speech, but they said that they would follow their customary protocol and not stop.

Procedural Posture

On October 3, 2025, Ms. Marshall brought suit under CADS against the Church of Light for damages and injunctive relief, alleging that she was "injured" under the statutory definition of "injured". The Church of Light has moved for summary judgment, claiming that CADS infringes upon both their free speech and free exercise rights guaranteed by the First Amendment of the United States Constitution.

SUMMARY JUDGMENT STANDARD

Summary judgment is appropriate when "the movant shows that 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. 65(a). A dispute is genuine when, on the evidence, a reasonable jury could find a verdict in favor of the nonmoving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A fact is material if it "might affect the outcome of the suit under the governing law." *Id.* at 248. On summary judgment, the court must view all facts and reasonable inferences drawn from them

in the light most favorable to the nonmoving party. *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587–88 (1986) (citing *United States v. Diebold, Inc.*, 369 U.S. 654, 655 (1962)). The court "may not resolve genuine disputes of fact in favor of the party seeking summary judgment." *Tolan v. Cotton*, 572 U.S. 650, 656 (2014). Summary judgment should be entered "after adequate time for discovery and upon motion, against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986).

LEGAL STIPULATIONS

First, it is stipulated that there is no state Religious Freedom Restoration Act ("RFRA") in the state of Delmont. Second, it is stipulated that there is no state Anti-SLAPP statute in the state of Delmont. Third, it is stipulated that there are no issues as to Ms. Marshall's standing to bring this suit. Fourth, it is stipulated that there is state action in this case. Finally, it is stipulated that the Delmont state constitution affords the same freedoms of speech and religion that the U.S. Constitution does.

DISCUSSION

Freedom of Speech Claim

Whether the First Amendment Applies in This Case

As a preliminary matter, we must first address Ms. Marshall's arguments that the First Amendment generally, and the Free Speech Clause specifically, do not apply in this case. The First Amendment states, in relevant part, that "Congress shall make no law . . . abridging the

freedom of speech." U.S. Const. Amend. I. This proscription against the federal government applies to state legislatures through the Fourteenth Amendment. *Gitlow v. New York*, 268 U.S. 652, 666 (1925). As the Court said in *Gitlow*: "[F]reedom of speech and of the press—which are protected by the First Amendment from abridgment by Congress—are among the fundamental personal rights and liberties protected by the Due Process Clause of the Fourteenth Amendment from impairment by the states." *Id.* (internal quotes omitted). Therefore, the First Amendment, specifically the Freedom of Speech Clause, applies here, where the state of Delmont has acted by passing a law that the Plaintiff claims infringes upon her First Amendment rights.

Marshall also argues that the First Amendment does not apply because the statute at issue is a tort statute and torts are largely a creature of state law. This argument is not persuasive because it is a well-established rule that parties may raise constitutional arguments as a defense to tort actions. *See Snyder v. Phelps*, 562 U.S. 443, 451 (2011) (stating ″The Free Speech Clause . . . can serve as a defense in state tort suits."); *see, e.g.*, *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46, 50–51 (1988). Thus, though "this is a civil lawsuit between private parties," Ms. Marshall is suing under a state statute that the Church "claim[s] . . . impose[s] invalid restrictions on [its] constitutional freedoms of speech." *New York Times Co. v. Sullivan*, 376 U.S. 254, 265 (1964). Therefore, the Church is allowed to put forward defenses that sound in constitutional law to confront accusations that sound in tort law. *Snyder v. Phelps*, 562 U.S. 443, 451 (2011).

Whether CADS Violates Free Speech

Putting aside that preliminary matter, the first substantive issue before this Court is whether CADS violates the First Amendment on freedom of speech grounds. On this issue, we

find for the Church and hold that CADS, as applied here, violates the Free Speech Clause of the First Amendment.

The First Amendment provides that "Congress shall make no law . . . abridging the freedom of speech, or of the press." U.S. Const. Amend. I. Whether the First Amendment prohibits liability under CADS for the Church's expression on its vans "turns largely on whether that speech is a matter of public or private concern." *Snyder v. Phelps*, 562 U.S. 443, 451 (2011). The Supreme Court has stated that the "First Amendment's primary aim is the full protection of speech upon issues of public concern[.]" *Connick v. Myers*, 461 U.S. 138, 154 (1983). To decide if a matter is of public or private concern, a court must "examine the content, form, and context of that speech, as revealed by the whole record." *Snyder*, 562 U.S. 443, 453 (2011) (internal quotes omitted) (quoting *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 761 (1985)). In making its determination, a court must "evaluate all the circumstances of the speech, including what was said, where it was said, and how it was said." *Snyder*, 562 U.S. 443, 454 (2011). There is no one factor that decides the issue either way, *id.*, and it does not turn on whether the message is unpopular or upsetting, *id.* at 453–54; *Texas v. Johnson*, 491 U.S. 397, 398 (1989); *Rankin v. McPherson*, 483 U.S. 378, 387 (1987).

A matter is "of public concern," and therefore protected by the First Amendment, when it relates "to any matter of political, social, or other concern to the community," or is "a subject of general interest and of value and concern to the public." *Snyder v. Phelps*, 562 U.S. 443, 453 (2011) (internal quotes omitted) (quoting first *Connick v. Myers*, 461 U.S. 138, 145, 146 (1983), then *San Diego v. Roe*, 543 U.S. 77, 83–84 (2004)). It does not matter for the purposes of this inquiry if the statement is "inappropriate or controversial." *Rankin v. McPherson*, 483 U.S. 378, 387 (1987). For example, the Supreme Court found in *Snyder* that Westboro Baptist Church's

picket signs at a military funeral were protected speech under the First Amendment, even though they used language that some might find offensive, because they involved "matters of public import" and "convey[ed] Westboro's position on those issues, in a manner designed . . . to reach as broad a public audience as possible." *Snyder v. Phelps*, 562 U.S. 443, 454 (2011).

In contrast, a matter is of private concern, and therefore not protected by the First Amendment, if it is "solely in the individual interest of the speaker and its specific business audience," *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 762 (1985) (holding that the content of a credit report is of private concern); *e.g.*, *Connick v. Myers*, 461 U.S. 138, 138–39 (1983) (holding that a public employee's speech at work that led to her discharge is of private concern).

Here, the Church's broadcast of Ms. Marshall's speech about the Energy Farm Controversy and its subsequent display of the photograph of her at the Delmont Treatment Center are related to matters of public concern within the core protections of the First Amendment. Ms. Marshall's impassioned speech in favor of the Nature Coalition during a campus rally concerned Delmont's energy policy and land use, which is a matter of public concern as a political and social issue dominating debate statewide. *See, e.g.*, *DeHart v. Tofte*, 326 Or. App. 720, *review denied*, 539 P.3d 787 (2023) (dismissing the school board members' claims under a state doxxing law as an impermissible strategic lawsuit because the ban on BLM and Pride symbols was a matter of public concern and significant public debate).

The photograph of Marshall working at the Delmont Treatment Center presents a closer question. The Church argues that the Center provides services of value to the community, so its address, phone number, and the hours that it operates is information of general interest and value to the public. But Ms. Marshall contends that showing her seated at the front desk of the Center

lets people know that she works there, which does not relate to a legitimate public issue. That disclosure of information, according to Ms. Marshall, goes beyond the sphere of protected speech and encroaches upon Ms. Marshall's sphere of privacy. However, the Church alleges that they found the photograph on the Center's website, so they are merely disseminating information that had already been made public.

At the same time, Ms. Marshall arguably inserted herself into this public debate when she gave her speech at the rally on campus, so she cannot now claim foul because people sought her out to express their opposing views. *See Time, Inc. v. Hill*, 385 U.S. 374, 388 (1967) (stating "Exposure of the self to others in varying degrees is a concomitant of life in a civilized community. The risk of this exposure is an essential incident of life in a society which places a primary value on freedom of speech and of the press.") (quoting *Thornhill v. Alabama*, 310 U.S. 88, 102 (1940)). It is important to this court and to historic First Amendment jurisprudence not to "stifle public debate." *Snyder*, 562 U.S. at 461. If Ms. Marshall can express her viewpoint, we must allow those who oppose her to do the same. Otherwise, we would outlaw counterspeech. Therefore, the Church's broadcast of Ms. Marshall's speech, like Westboro Baptist's speech in *Snyder*, is protected. Ms. Marshall shared her views publicly in the marketplace of ideas, so she can have no reasonable expectation that those views remain private.

Nor does the record place the broadcast in any category of expression that is unprotected by the First Amendment. The broadcast is neither a "true threat," which requires a serious expression of intent to commit unlawful violence, *Virginia v. Black*, 538 U.S. 343, 359–60 (2003), nor incitement of imminent lawless action, *Brandenburg v. Ohio*, 395 U.S. 444, 447–49 (1969). It is not a true threat because there is a substantial difference between adamantly protesting someone's viewpoint and threatening him or her with bodily harm. The protesters

catcalled Ms. Marshall and keyed her car extensively; she also caused significant damage to her car in evading the protesters. It is true that she lost her job, but that was her choice; she decided to quit. The broadcast is not incitement because it did not call for or threaten imminent violence. It does not logically follow that because her car was keyed by protesters or that she damaged it in trying to leave the premises, the broadcasts called for or threatened physical injury or property damage. The protesters may have learned the Center's hours of operation from the broadcasts, or even that Ms. Marshall worked there, but that information was publicly available and they could have found it out by other means, such as visiting the Center's website.

Considering all of the interests at play, this Court holds that the public interest in the political issues outweighs Ms. Marshall's privacy interest because she injected herself into public debate, the information published was not of a significantly private nature, and the information was not unlawfully obtained. Therefore, because the video of Ms. Marshall's speech and the subsequent image of the Delmont Treatment Center involve matters of public concern, they are both protected speech under the First Amendment.

Whether CADS Overcomes Strict Scrutiny

Having decided that the Church's expression is within First Amendment protection, we must determine whether CADS is presumptively unconstitutional as a content-based regulation. CADS makes speech lawful if it omits identifying information and unlawful if it includes it, which makes it a content-based rule because "[i]t suppresses expression out of concern for its likely communicative impact." *United States v. Eichman*, 496 U.S. 310, 317 (1990).

A content-based regulation is presumptively unconstitutional unless it satisfies strict scrutiny. *Reed v. Town of Gilbert*, 576 U.S. 155, 163–64 (2015); *see City of Chicago v. Mosley*,

408 U.S. 92, 95 (1972) (stating "But, above all else, the First Amendment means that the government has no power to restrict expression because of its message, its ideas, its subject matter, or its content."). To overcome this presumption requires a showing that the State had a "compelling state interest," *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015), and that the restriction is narrowly tailored, i.e. the "least restrictive means" to achieve that interest, *McCullen v. Coakley*, 573 U.S. 464, 478 (2014).

Here, the state has a strong interest in protecting people from doxxing, harassment, and threats. Such an interest in ensuring public safety is compelling. *See McCullen v. Coakley*, 573 U.S. 464, 486 (2014) (stating "We have, moreover, previously recognized the legitimacy of the government's interests in "ensuring public safety and order"). However, CADS is not narrowly tailored. It is overinclusive because it prohibits protected speech, like counterspeech, as well as unprotected speech. *See United States v. Stevens*, 559 U.S. 460, 473 (2010); *Broadrick v. Oklahoma*, 413 U.S. 601, 615 (1973). It also sweeps in speech that is already covered by other laws, like privacy laws and civil rights statutes. Additionally, it makes no provision for information that is already public. By criminalizing speech that merely includes identifying information, without regard to context or likely effects, CADS burdens more speech than necessary to achieve the state's aims. *See Reed*, 576 U.S. at 171.

CADS imposes a content-based restriction on speech that is protected by the First Amendment. Because it is not narrowly tailored, it cannot satisfy strict scrutiny, and it is unconstitutional as applied to the Church of Light.

Since we hold that CADS is unconstitutional as applied to the Church, we do not reach the issue of the Church's intent in broadcasting the video and picture of Ms. Marshall. Therefore, there is no genuine dispute of material fact as to the Free Speech claim.

Free Exercise Claim

First Amendment Applicability

We turn now to the second issue before the Court: whether CADS violates the First Amendment on free exercise of religion grounds. The First Amendment of the Constitution provides that "Congress shall make no law . . . prohibiting the free exercise [of religion]". U.S. Const. Amend. I. This right has been incorporated against the states by the Fourteenth Amendment. *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940).

The Church argues that CADS unconstitutionally burdens the religious exercise of its members. The Church says that the statute puts its members at risk of being sued while following their religiously mandated practice of providing a living witness of their faith. The Church fears that the suits brought under CADS will reverse the Church's growth in membership.

Ms. Marshall counters by first arguing that the Free Exercise Clause does not apply in this case because the Church's dissemination of information via live broadcasts is a secular activity, not a religious one. This is unpersuasive. It is settled law that "religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection." *Thomas v. Rev. Bd. Of Ind. Emp't Sec. Div.*, 450 U.S. 707, 714 (1981). The Church has an "honest conviction" that the live broadcast of its message and news is required by its faith, and as "[c]ourts are not arbiters of scriptural interpretation," we must accept their religious motivations at face value. *Id.* at 716. Therefore, the First Amendment's Free Exercise Clause applies here.

Neutrality and General Applicability

The U.S. Supreme Court held in *Employment Division v. Smith*, 494 U.S. 872, 879 (1990), that "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).'" *Id.* at 879. We find that CADS is not neutral and generally applicable and thus is subject to strict scrutiny.

Smith holds that laws that are neutral and generally applicable and only burden religion incidentally are not subjected to strict scrutiny. *Smith*, 494 U.S. at 878-82. For defendants to avoid *Smith*'s exacting standard, they must show that CADS is either not neutral or not generally applicable. *Fulton v. Philadelphia*, 593 U.S. 522, 533 (2021). Meeting this standard will trigger review of CADS under strict scrutiny, "the most demanding test known to constitutional law." *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997).

When examining whether a law is neutral, "we must begin with its text" as "the minimum requirement of neutrality is that a law not discriminate on its face." *Church of the Lukumi Babalu, Aye, Inc. v. Hialeah*, 508 U.S. 520, 533 (1993). On its face, CADS does not discriminate against the Church's religion. The text of the statute makes no reference to religion, nor does it prohibit the disclosure of private information only by religious persons. There is no explicit targeting of the Lightbearer religion—or any religion for that matter—by the terms of the statute. Instead, the statute is directed to any individual.

However, the facial neutrality of a statute is not determinative. *Lukumi*, 508 U.S. at 534. The Free Exercise Clause extends beyond facial discrimination, *id.*, and "[it] 'forbids subtle departures from neutrality,'" *id.* (quoting *Gillette v. United States*, 401 U.S. 437, 452 (1971)),

and similarly forbids "'covert suppression of particular religious beliefs,'" *id.* (quoting *Bowen v. Roy*, 476 U.S. 693, 703 (1986)).

While CADS is facially neutral, there is undisputed evidence that the application of the statute would unfairly target the Church, whose founding stretches back to the nineteenth century. It was formed in Delmont, and its members are mostly Delmont residents; as such, the Church of Light is part of the fabric of Delmontian society. A crucial—perhaps the most crucial—aspect of the Church's religious beliefs is that members of the church must proclaim their message personally, publicly, and in live settings. Live settings include vans driving about with LED TVs broadcasting the Church's videos from *The Lantern* (the Church's publication forum). Given the long tradition of the Church in the state of Delmont, as well as the Church's lobbying against the law, the government was on notice, before enacting CADS, as to the effect this statute would have on the Church. The lack of attention that the Church's lobbying efforts received from the governor shows that CADS is a "'covert suppression of [a] particular religious belief[].'" *Lukumi*, 508 U.S. at 534 (quoting *Bowen*, 476 U.S. at 703). While this departure from neutrality might be considered "subtle," it is nonetheless a departure from neutrality. This is particularly so given the history of the Church in Delmont and their lobbying efforts against CADS. Thus, we find the statute to fail the neutrality prong of the *Smith* test, making it subject to strict scrutiny.

Even if CADS were neutral and generally applicable, it would also be subject to strict scrutiny if we follow the Court's approach in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), further developed in *Mahmoud v. Taylor*, 606 U.S. 522 (2025). In *Yoder*, the Court found that requiring Amish children to go to the public school during their high school years was a burden on their Free Exercise rights, as it would, "substantially interfer[e] with the religious development of the

Amish child." *Yoder*, 406 U.S. at 218. The school requirement "contravene[d] the basic religious tenets and practice of the Amish faith, both as to the parent and the child." *Id.* at 218. In *Mahmoud*, the Court explained that "when a law imposes a burden of the same character as that in *Yoder*, strict scrutiny is appropriate regardless of whether the law is neutral and generally applicable." 606 U.S. at 564–65.

We find that CADS would impose a burden "of the same character as that in *Yoder*" on the Church. *Id*. The Church believes that "during young adult years, while pursuing higher education and career life, members would become more resolute in their faith and advocate for it, specifically through serving a missionary year during the ages of eighteen and twenty-two." Furthermore, the Lightbearer religion requires any witness to be "living". This requires that any proclamation of the message be "live, personal, and public." Given the changes in communication since the advent of the internet and other telecommunication formats since 1990, the Church has had to make some adjustments to what counts as "live, personal, and in public." This is how the TV broadcasts at issue here came to be. The broadcasts were a way of ensuring that young adult Lightbearers could live out their missionary year and so "become more resolute in their faith and advocate for it."

While the burden in *Yoder* focused specifically on the "interfer[ence] [of] the religious development of the Amish *child*, 406 U.S. at 218 (emphasis added), a burden can be the same regardless of whether it affects a child or a young adult. Here, CADS would "interfer[e] with the religious development" of the Lightbearers. *Id.* As stated previously, the Church sees the young adult years as a time where members "would become more resolute in their faith", i.e., *develop* in their faith. A statute like CADS that would effectively prevent the Church from promoting their religion in the requisite live and public way "contravenes the basic religious tenets and

practice" of the Church. *Yoder*, 406 U.S. at 218. Thus, the burden imposed by CADS is similar enough to the burden in *Yoder*, that strict scrutiny would apply—even if the statute were found to be neutral and generally applicable. 606 U.S. at 564–65.

General Applicability and Substantial Burden

Even if we found *Yoder* and *Mahmoud* inapplicable to CADS, and concluded that it were a neutral, generally-applicable statute for which the baseline *Smith* rule would require us to apply rational basis review, the majority in Smith articulated an exception to the rule. 494 U.S. at 878–79. This exception is triggered when a party alleges violations of "not [just] the Free Exercise Clause alone, but the Free Exercise Clause in conjunction with other constitutional protections, such as freedom of speech and of the press . . . or the rights of parents[.]" *Id.* at 881.

The Smith court's recognition of "hybrid rights" to overcome neutral and generally-applicable laws was retrospective, in that the Court identified prior cases in which parties alleged more than just free exercise claims. *See id.* at 881; *see also Cantwell v. Connecticut*, 310 U.S. 296 (1940) (invalidating an anti-solicitation law applied against Jehovah's Witnesses infringing their free speech and free exercise rights); *Yoder*, 406 U.S. 205 (finding that blanket compulsory education laws applied to Old Order Amish children violated free exercise and parental rights to direct their children's education).

Courts since Smith have explicitly applied this hybrid rights doctrine. *See Telescope Media Grp. v. Lucero*, 936 F.3d 740, 758–60 (8th Cir. 2019) (finding that videographers properly alleged a hybrid rights claim under the Free Exercise and Free Speech Clauses in declining to produce videos for same-sex weddings); *Henderson v. McMurray*, 987 F.3d 997, 1005–06 (11th Cir. 2021) (recognizing the hybrid rights doctrine articulated in *Smith*).

Though the *Yoder* Court makes no explicit mention of hybrid rights, it nevertheless established that "[a] regulation neutral on its face may, in its application, nonetheless offend the constitutional requirement for governmental neutrality if it unduly burdens the free exercise of religion." 406 U.S. at 220. The Court recently revitalized *Yoder*'s compelling interest test in *Mahmoud v. Taylor*, where it held that "when a law imposes a burden of the same character as that in *Yoder*, strict scrutiny is appropriate regardless of whether the law is neutral or generally applicable."[2] 606 U.S. at 566–67 (applying strict scrutiny to a county school board's decision to mandate LGBTQ-affirming literature in the school curriculum and refusing to consider religiously motivated opt out requests).

Though *Smith*'s hybrid rights exception has been met with some skepticism by the lower courts, *see, e.g.*, *Kissinger v. Bd. of Trs. of Ohio St. Univ.*, 5 F.3d 177, 180 (6th Cir. 1993), *Knight v. Conn. Dept. of Pub. Health*, 275 F.3d 156, 167 (2d Cir. 2001), we find *Smith*'s hybrid rights exception to be precedential for the same reason that the Eighth Circuit did in *Lucero*. Rather than overruling precedents like *Yoder* and *Cantwell* that would have failed strict scrutiny under the new rule, the Court instead "described the operation of an *existing* [but as-yet unnamed] doctrine"—that of hybrid rights. *Lucero*, 936 F.3d at 759–60. Furthermore, far from the exception swallowing the rule, courts are loath to find hybrid situations where parties do not sufficiently allege necessary facts, and in fact they rarely do so. *See Leebaert v. Harrington*, 332 F.3d 134, 143 (2d Cir. 2003) (noting that many hybrid rights claims are either insufficiently pled or are offered as alternative bases for holding).

[2] The Court declined to expound upon the hybrid rights doctrine in *Mahmoud*, though it noted that "the burden imposed [t]here [was] of the exact same character as that in *Yoder*. *Id.* at 2362 n.14. However, we find compelling evidence that though the *Mahmoud* plaintiffs did not do so, they *could* have advanced the same hybrid rights claim as those in *Yoder* did—free exercise and parental rights—given that parents not only have the right "to direct the religious upbringing of their children" but also to make "choices . . . for their children outside the home," including the "decision to send his or her child to a private religious school instead of a public school." *Mahmoud*, 606 U.S. at 547.

Here, the Church alleges claims under both the Free Speech Clause and the Free Exercise Clause for the religiously-mandated dissemination of their message. *Smith* and other hybrid-rights cases specifically countenance the combination of these two fundamental rights as successfully evading rational basis review. *See Smith*, 494 U.S. at 881–82; *Lucero*, 936 F.3d at 758–60; *Cantwell*, 310 U.S. at 304–07. Strengthening the hybrid nature of their claim is the unique fact that the Church's free speech and free exercise rights cannot be separated from one another. Their faith requires a living witness who publicly proclaims their message while disseminating *The Lantern*. Further, assigning the responsibility of this live testimony to the Church's younger generation of missionaries is essential to its growth and formation—its elders profess that this advocacy not only draws others to the Church but also deepens the missionary's own faith as well. In other words, their speech *is* the exercise of their religion, making it a fully-integrated whole. Far from cobbling together an amalgamation of paltry constitutional claims, the Church alleges a truly hybrid right.

Further, as was the case in *Mahmoud*, the burden imposed on the Church is akin to that of *Yoder*. Ms. Marshall argues CADS is a neutral and generally applicable statute enacted to protect persons against injury resulting from the public revelation of their personal information. It applies to everyone, though its application to the Church here is particularly onerous, as was the application of Wisconsin's compulsory education law to a handful of Amish children. There, not only would the parents' efforts to inculcate their children in the faith be stymied, but so would their right as parents to direct their education. *Yoder*, 406 U.S. 234–36. In the matter before the court today, the live broadcasting of the Lightbearer's message and other news is integral to the Church's mission; this statute not only hampers the free exercise of what they believe the Church

of Light requires of them, but also stifles their Constitutionally-protected right to free speech as they spread their news.

The burden CADS places on the Church is yet more ponderous. In preventing the young missionaries from spreading their message, they severely hamper the Church from growing; the burden could perhaps instigate its decline. Delmont, "by substantially interfering with the religious development of the [missionaries] and [their] integration into the way of life of the [Lightbearer] faith community at the crucial . . . stage of [live witnessing], contravenes the basic religious tenets and practice of the [Lightbearer] faith." *Yoder*, 406 U.S. at 218. Whether hybrid rights or *Yoder*-esque, CADS's application to the Church is subject to strict scrutiny.

Strict Scrutiny

Strict scrutiny is "the most demanding test known to constitutional law." *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997). When a law is subject to strict scrutiny, that law must be shown to "serve a compelling government interest, and must be narrowly tailored to further that interest." *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 235 (1995). Interests that will survive strict scrutiny are "only those [] of the highest order." *Yoder*, 406 U.S. at 215. Here, the state's purported interest in protecting its citizens from being "stalk[ed], harras[ed], or physically injure[d]" is sufficiently compelling. Del. Ann. Stat. § 25.989 (2025). CADS, however, fails the narrowly tailored prong of the strict scrutiny test.

A law is narrowly tailored "if it targets and eliminates no more than the exact source of 'evil' it seeks to remedy." *Frisby v. Schultz*, 487 U.S. 474, 485 (1988) (quoting *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 808 (1984)). Furthermore, "a complete ban can be narrowly tailored, but only if each activity within the proscription's scope is

an appropriately targeted evil." *Id*. CADS goes far beyond targeting and eliminating the exact source of evil it seeks to remedy. *Id.* The statute defines private information unable to be platformed 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.

Del. Ann. Stat. § 25.989 (2025). This prohibition would extend far beyond the targeted evil. Under such a rule, a Lightbearer lawfully encouraging others to lobby a CEO to change some business policy could not even share the CEO's business address. Given that it is a tenet of the Church's faith to share their religious message, this would overly burden their religious exercise. The statute, while well-intentioned, restricts actions beyond the scope it is intended to. While it may be effective in preventing so-called "doxxing", the statute eliminates more than the exact evil attempting to be remedied. *See Frisby*, 487 U.S. at 485. In short, it is overbroad. Therefore, the statute cannot survive strict scrutiny.

Because the statute fails strict scrutiny, we find that CADS violates the free exercise rights of the Church and cannot be applied against them.

CONCLUSION

For the foregoing reasons, Defendant's motion for summary judgment is GRANTED. The Clerk of Court is directed to enter judgment accordingly.

It is so **ORDERED**.

Bryan C. Thanatopsis
Hon. Bryan C. Thanatopsis
Judge

FIFTEENTH CIRCUIT APPELLATE OPINION

In the United States Court of Appeals for the Fifteenth Circuit

LAURA MARSHALL	)	
	)	
Plaintiff/Appellee,	)	
	)	
v.	)	C.A. No. 25-CV-1994
	)	
THE CHURCH OF LIGHT, LLC	)	
	)	
Defendants/Appellant.	)	

MEMORANDUM OPINION AND ORDER

Before J. Donne, G. Hopkins, and M. Shelley, *Circuit Judges*.

M. Shelley, *Circuit Judge*

INTRODUCTION

Ms. Laura Marshall appeals a decision by the District Court for the District of Delmont, Western Division granting a motion for summary judgment in favor of The Church of Light, LLC. Ms. Marshall argues that the lower court erred in granting a motion for summary judgment to The Church of Light. After careful review of the record and applicable law, we now reverse the grant of The Church of Light's motion for summary judgment.

BACKGROUND

The underlying dispute in this case centers around the recently enacted Campus Anti-Doxxing Statute ("CADS"), De. Ann. Stat. §25.989 (2025), and whether that statute violates the First Amendment, as applied to The Church of Light. Ms. Marshall filed a complaint against the Church of Light in the United States District Court for the District of Delmont, Western Division, alleging that the Lightbearer Missionaries' display of a video of Ms. Marshall giving an impassioned speech at a Nature Coalition rally followed by a photograph of Ms. Marshall at her place of work, along with the address, phone number, and hours of operation of her place of work, violated CADS because the Church of Light disclosed her private information with the intent, or at least recklessness, that she would be subject to injury, harassment or stalking. Soon after the display on the van, two groups of masked Energy Coalition protestors confronted her at her workplace with catcalls and insults that caused her to flee in her car, which suffered damage as she did so. We will dispense with a full recitation of the facts and instead adopt the facts as the lower court and the affidavits described them.

The Church of Light moved for summary judgment, arguing that CADS violated their rights to Free Speech and Free Exercise of Religion, as they have been incorporated against the states by the Fourteenth Amendment.

The lower court granted the Church of Light's motion for summary judgment, finding that CADS violated the Church's Free Speech and Free Exercise rights and that no genuine dispute of material fact existed. Ms. Marshall now appeals that court's decision.

STANDARD OF REVIEW

This case comes as an appeal of a ruling of summary judgment. We have jurisdiction to review "all final decisions of the district courts of the United States." 28 U.S.C. § 1291. We review decisions regarding motions for summary judgment *de novo*. *Thompson v. D.C.*, 832 F.3d

339, 344 (D.C. Cir. 2016). In its review, this court must "view the evidence in the light most favorable to the party opposing summary judgment, draw all reasonable inferences in that party's favor, and avoid weighing the evidence or making credibility determinations." *Id.* Under the Federal Rules of Civil Procedure, a court can only grant summary judgment if "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). A genuine dispute of material fact exists if "the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986).

DISCUSSION

Free Speech

We first review the District Court's holding that CADS violates the Free Speech Clause, as applied to the Church of Light. For reasons stated below, we disagree and reverse.

First Amendment Applicability

This Court agrees with the District Court that the First Amendment applies to this case, so we will not comment further on that point here.

CADS Does Not Violate Free Speech

The Supreme Court has held that "not all speech is of equal First Amendment importance," *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 758 (1985), and that the "First Amendment protection of particular types of speech must be balanced against a state's interest in protecting its residents from wrongful injury. *Gertz v. Robert Welch Inc.*, 418 U.S. 323, 342–43 (1974). Speech that can "reasonably be interpreted as stating actual facts about

an individual" is not protected by the First Amendment. *Milkovich v. Lorain J. Co.*, 497 U.S. 1, 2 (1990) ("[T]hus assuring that public debate will not suffer for lack of 'imaginative expression' or the 'rhetorical hyperbole' which has traditionally added much to the discourse of this Nation."). Other "[u]nprotected categories of speech include . . . defamation, incitement, speech integral to criminal conduct, fighting words, true threats, [and] speech presenting some grave and imminent threat the government has the power to prevent[.]" *League of Women Voters v. Schwab*, 549 P.3d 363, 374 (Kan. 2024). These categories of unprotected speech "may be freely restricted by the state so long as the regulations fall within the scope of its police power." *League of Women Voters v. Schwab*, 539 P.3d 1022, 1029 (Kan. 2023). Here, the Church of Light has shared information that makes it easy to find Ms. Marshall at her place of work directly after showing her speaking about a controversial topic. There can be no motivation behind this carefully orchestrated presentation of the information other than to endanger Ms. Marshall's safety. The lower court is concerned about the chilling effect on counterspeech, but this Court is concerned about the chilling effect on political speech. If people must live in fear of their personally identifiable information being leaked to those who oppose their viewpoints, then they will be less likely to express those viewpoints in the first place.

The District Court analogizes this case to *Snyder v. Phelps*, 562 U.S. 443 (2011), but the framework the court contemplates in *Snyder* is not the most applicable to this case. In *Snyder*, the court was weighing a state's interest in protecting reputations from defamation. Here, the state is protecting public safety. It is one thing to counter the arguments made by the opposing side within the marketplace of ideas—that is a concept referred to as "counterspeech," which is lawful under the First Amendment and makes up the core foundation of the American political sphere. However, that is not what is happening in this case. As much as the Church of Light has

tried to obfuscate its purposes in sharing the video and photo of Ms. Marshall, their arguments are a mere pretext for exactly the sort of doxxing that is prohibited by CADS in the interest of public safety.

Even if the *Snyder* framework were applicable, Ms. Marshall can hardly be classified as a public figure for limited purposes because she gave a speech at a rally and organized some protests. A public figure for limited purposes is instead someone who is "attempting to have, or realistically can be expected to have, a major impact on the resolution of a specific public dispute that has foreseeable and substantial ramifications for persons beyond its immediate participants." *Waldbaum v. Fairchild Publications, Inc.*, 627 F.2d 1287, 1292 (D.C. Cir. 1980). That is not the case for Ms. Marshall. Rather, she was involuntarily drawn into the fray by the Church of Light's displays. The court has held that those who are involuntarily drawn into controversies are not public figures. *Time, Inc. v. Firestone*, 424 U.S. 448, 457 (1976) (stating "There appears little reason why these individuals should substantially forfeit that degree of protection which the law of defamation would otherwise afford them simply by virtue of their being drawn into a courtroom."). Further, the entire "public figure" analysis important to reputational harms in torts—grounded as it is in the belief that figures who have inserted themselves into the public sphere must expect some level of reputational risk— is inapt here. CADS seeks to protect the protected class from injury, which would logically apply to all, regardless of whether they are "public figures" in the sense that that term has been known.

Strict Scrutiny

Even if the law is content-based as the lower court held and strict scrutiny applies, the state's interest in the public welfare would overcome it. If the Church of Light has a right to

share the news with the public, Ms. Marshall has as much of a right not to have her whereabouts blasted in the public square. It is a situation of opposing fundamental rights—speech and privacy. In that case, CADS' restriction on the dissemination of personally identifiable information protects rather than infringes upon a fundamental right.

Moreover, it is narrowly tailored because it is restricting only the information that is responsible for the violence that Delmont City has experienced, and no more. This is the best and least-restrictive means for protecting public safety. Therefore, because Delmont has a compelling state interest in protecting public safety, and the means chosen are narrowly tailored, CADS survives strict scrutiny.

Intermediate Scrutiny

If the law is content-neutral, the Supreme Court has held that "content-neutral restrictions that impose an incidental burden on speech" are analyzed using intermediate scrutiny. *Turner Broad. Sys., Inc. v. F.C.C.*, 512 U.S. 622, 662 (1994). This level of scrutiny asks if the law "furthers an important or substantial governmental interest; if the governmental interest is unrelated to the suppression of free expression; and if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest." *United States v. O'Brien*, 391 U.S. 367 (1968). Under intermediate scrutiny, the means do not need to be the least restrictive. *Turner Broad. Sys., Inc. v. F.C.C.*, 512 U.S. 622, 662 (1994). Instead, they just need to "promote[] a substantial government interest that would be achieved less effectively absent the regulation." *Ward v. Rock Against Racism*, 491 U.S. 781, 799 (1989). If CADS overcomes strict scrutiny, *a fortiori* it overcomes intermediate scrutiny and rational basis review because they are less-stringent tests.

Rational Basis Review

If the speech falls outside of the scope of the First Amendment, then the rational basis test, rather than the strict scrutiny test should be applied. *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 471 (2025).

Rational basis review asks whether the statute is "not . . . unreasonable, arbitrary, or capricious, and that the means selected . . . have a real and substantial relation to the object sought to be attained. *Nebbia v. New York*, 291 U.S. 502, 525 (1934). Put another way, the statute must be "reasonable in relation to its subject and . . . adopted in the interests of the community." *W. Coast Hotel Co. v. Parrish*, 300 U.S. 379, 391 (1937).

In making their review, courts must assume that the legislation "rests upon some rational basis within the knowledge and experience of the legislators." *United States v. Carolene Prods. Co.*, 304 U.S. 144, 152 (1938). In other words, there is a presumption of constitutionality of the statute, and the burden of proving otherwise lies with the party challenging that constitutionality. The "wisdom, need, or appropriateness of the legislation" is not something for courts to decide, but should rather be left to the states and to Congress. *Olsen v. Nebraska*, 313 U.S. 236, 246 (1941).

There is no requirement of close tailoring of the legislation, and the means of achieving legislative goals need not be the best or most efficient. *Williamson v. Lee Optical*, 348 U.S. 483, 487–88 (1955). Rather, it is sufficient "that there is an evil at hand for correction, and that it might be thought that the particular legislative measure was a rational way to correct it." *Id.* The essential rationale behind rational basis review is the understanding that "states have power to legislate against what are found to be injurious practices in their internal commercial and business affairs, so long as their laws do not run afoul of some specific federal constitutional

prohibition, or of some valid federal law." *Lincoln Fed. Lab. Union v. Nw. Iron & Metal Co.*, 335 U.S. 525, 536 (1949).

Here, the "evil at hand" in Delmont was the harassment, stalking, and physical injuries suffered by individuals as a result of "flash shares" of their personal identifiable information. The Delmont legislature in its wisdom chose to combat the problem by passing CADS, and it is beyond this court's authority to second guess that decision absent compelling evidence from the Church of Light that the statute is unconstitutional. There is no such evidence in this case.

For the above reasons, we hold that CADS does not violate the First Amendment and overcomes strict scrutiny.

Free Exercise

We next review the District Court's holding that CADS violates the Free Exercise Clause as applied to the Church of Light. For reasons stated below, we disagree and reverse.

CADS is Neutral and Generally Applicable

In *Employment Division v. Smith*, 494 U.S. 872, 879 (1990), the Supreme Court held that "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).'" *Id.* at 879. If a law is neutral and generally applicable, then, it is reviewed not under strict scrutiny, but under rational basis scrutiny. *City of Boerne v. Flores*, 521 U.S. 507, 514 (1997) ("*Smith* held that neutral, generally applicable laws may be applied to religious practices even when not supported by a compelling governmental

interest.") The District Court found that CADS is not neutral and therefore applied strict scrutiny. We find that CADS is neutral and generally applicable for the reasons below.

Examinations of a law's neutrality always "begin with the text." *Church of the Lukumi Babalu, Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993). The Court in *Lukumi* explained that "a law lacks facial neutrality if it refers to a religious practice without a secular meaning discernable from the language or context." *Id.* The text of CADS is devoid of any language referring to any religious practice and certainly avoids any language targeting the Lightbearers specifically. The District Court acknowledged this.

The District Court, however, found a "subtle departure[] from neutrality" and a "'covert suppression of particular religious beliefs.'" *Id.*, at 534 (quoting *Bowen v. Roy*, 476 U.S. 693, 703 (1986)). The Supreme Court has identified some "factors relevant to the assessment of governmental neutrality." *Masterpiece Cakeshop v. Colorado C.R. Comm'n*, 584 U.S. 617, 639 (2018). These factors include "the historical background of the decision under challenge, the specific series of events leading to the enactment or official policy in question, and the legislative or administrative history, including contemporaneous statements made by members of the decisionmaking body." *Id*. (quoting *Lukumi*, 508 U.S. at 540).

Here, CADS was adopted to solve a wide-ranging problem in Delmont, not to target the Lightbearers. The statute was adopted in response to the increasing volatility on college campuses and the rise in "flash-shares" of individuals' personal information leading to sometimes violent confrontations. While the Lightbearers might be affected by the restrictions imposed by CADS, the statute is neutral.

But our analysis does not end here. For rational basis scrutiny to apply, the reviewed law must be *both* neutral and generally applicable. In *Fulton v. Philadelphia*, the Court said that "a law is not generally applicable if it "'invite[s]' the government to consider the particular reasons for a person's conduct by providing 'a mechanism for individualized exceptions.'" 593 U.S. 522, 533 (2020) (quoting *Smith*, 494 U.S. at 884). Here, nothing in the text of CADS provides for any individualized exceptions—the law prohibits the intentional dissemination of personal information by anyone. A law may also fail to be generally applicable "if it prohibits religious conduct while permitting secular conduct that undermines the government's asserted interests in a similar way." *Id*. Here again, CADS is not restricting anything specifically religious and places the same restrictions on the sharing of personal information regardless of whether it is shared for a religious or non-religious reason. CADS, then, is both neutral and generally applicable.

The District Court found that it could apply strict scrutiny even if CADS were neutral and generally applicable under *Mahmoud v. Taylor*, which held that strict scrutiny applies when the burden on religious exercise is "of the same character of that in *Yoder.*" *Mahmoud v. Taylor*, 245 S.Ct. 2332, 2361 (2025). This argument is inapposite. *Yoder* involved a law that compelled parents to send their children to school in tension with their religious upbringing. *Smith* itself held *Yoder* to be an outlier case that received strict scrutiny due to the combination of free exercise rights and parental rights (discussed further below). *Yoder* was meant to be a very limited case and applied only to that set of facts. This regulation does not fall into *Yoder's* limited exception.

CADS Does Not Trigger the Supposed "Hybrid Rights" Exception Articulated in Smith

Even though the District Court found that CADS avoids *Smith* due to its non-neutral, non-generally applicable construction, it further held that it falls within *Smith*'s "hybrid rights" exception. In *Smith* the Court characterized a number of its earlier cases in which neutral, generally applicable laws still ran afoul of the First Amendment as "hybrid"—involving "the Free Exercise Clause in conjunction with other constitutional protections, such as freedom of speech and of the press. *Emp't Division v. Smith*, 494 U.S. 872, 881 (1990). There, the Court found that the case did not present such a hybrid situation. Neither has it found the exception to apply in *any other case*, and indeed has specifically declined to characterize cases as such when they had the opportunity to do so. *See Mahmoud v. Taylor*, 606 U.S. 522, 565 n.14 (2025) (refusing to "consider whether the case before [the Court] qualifies as such a 'hybrid rights' case").

Smith's hybrid rights exception has been met with some skepticism by the lower courts. Some argue that a nominal articulation of more constitutional rights cannot transform a dubious First Amendment claim into a viable one. *See Kissinger v. Bd. of Trs. of Ohio St. Univ.*, 5 F.3d 177, 180 (6th Cir. 1993) (stating "We do not see how a state regulation would violate the Free Exercise Clause if it implicates other constitutional rights but would not violate the Free Exercise Clause if it did not implicate other constitutional rights."). Indeed, Justice Souter found the exception "untenable," and argued that "[i]f a hybrid claim is simply one in which another constitutional right is implicated, then the hybrid exception would probably be so vast as to swallow the *Smith* rule." *Lukumi*, 508 U.S. at 567 (Souter, J., concurring in part and concurring in the judgment). Other courts note that "the language relating to hybrid claims is dicta and not

binding on th[e] court[s].” *Knight v. Conn. Dept. of Pub. Health*, 275 F.3d 156, 167 (2d Cir. 2001); *see also Combs v. Homer-Center Sch. Dist.*, 540 F.3d 231, 247 (3d Cir. 2008).

In light of these criticisms, we find the validity of *Smith*’s supposed hybrid rights exception lacking. Justice Souter’s concurrence in *Lukumi* is particularly persuasive as to why: if a litigant’s Free Exercise claim standing alone is not enough to avoid strict scrutiny, it does not become more compelling when one simply combines it with another constitutional claim. Instead, it indicates that the other constitutional claim is strong enough standing alone to evade the general rule in *Smith*, and thus there is “no reason for the [litigant] . . . to have mentioned the Free Exercise Clause at all. *Lukumi*, 508 U.S. at 567 (Souter, J., concurring in part and concurring in the judgment). Indeed, the only case that the District Court cites which affirmatively invoked the so-called hybrid rights exception made this same point, noting that “it is not at all clear that the hybrid-rights doctrine will make any real difference in the end. After all, the [plaintiff]’s free-speech claim already requires the application of strict scrutiny.” *Telescope Media Grp. v. Lucero*, 936 F.3d 740, 760 (8th Cir. 2019).

In any event, other courts have noted the division among the circuits as to the validity of the hybrid rights exception, *see, e.g., Leebaert v. Harrington*, 332 F.3d 134, 143–44 (2d Cir. 2003), and have declined to adopt a stricter standard for such claims, “at least until the Supreme court holds that legal standards under the Free Exercise Clause vary depending on whether other constitutional rights are implicated.” *Kissinger*, 5 F.3d at 180.

We similarly decline to do so here, and instead find that the Church of Light’s Free Exercise claim may only be evaluated through the general rule in *Smith*, under which it fails for the reasons stated above. Neither do we find the burden placed on the Church of Light by CADS to be anything like that of the Amish children in *Wisconsin v. Yoder*. There, the very fact that the

Old Order Amish children might be required to attend school for those additional one to two years would inescapably "compel[] them, under threat of criminal sanction, to perform acts undeniably at odds with fundamental tenets of their religious beliefs. 406 U.S. at 215–18. CADS does not prevent the Lightbearer Missionaries from continuing to publicly proclaim their faith;. It merely requires that the additional material they display during their broadcasts not fall into one of the statute's explicit prohibitions. It does not stop them from proselytizing, from disseminating *The Lantern*, or even from reporting on Delmont's energy farm controversy. In short, it does not "substantially interfere[]" with the free exercise of their faith, and remains subject to rational basis review.

Rational Basis Review

As CADS is neutral and generally applicable and falls neither into the *Yoder/Mahmoud* exception nor the "hybrid rights" exception, we apply rational basis. When applying rational basis we must uphold rules "if they are rationally related to a legitimate government purpose." *Stormans, Inc. v. Wiesman*, 794 F.3d 1064, 1084 (9th Cir. 2015). Here, Delmont's purpose in enacting CADS was to ensure the safety of its citizens from violent attacks arising out of the Energy Farm Controversy. This is undoubtedly a legitimate interest for the government to pursue. Restricting the ability of individuals to share another individual's personal information, including her address and contact information, is unquestionably rationally related to that purpose, especially given the numerous attacks on citizens already after their information was "doxxed."

CONCLUSION

For the foregoing reasons, we **REVERSE** the judgment of the lower court and **DENY** the Church of Light's motion for summary judgment. The Clerk of Court is directed to enter judgment accordingly.

It is so **ORDERED**.

Maria Shelley

Hon. Maria Shelley
Judge

LAURA MARSHALL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 25-CV-1994
	)	
CHURCH OF LIGHT, LLC,	)	
	)	
Defendant.	)	

AFFIDAVIT OF HARRIS RALLSTON

1. I am over the age of eighteen and competent to testify as to the matters set forth below.
2. My name is Harris Rallston. I am a 75-year-old native of the town of Webster, Delmont.
3. I currently serve as President of the Church of Light.
4. The Church of Light is a religious denomination with a long history in Delmont. The Church was founded here in 1873 by Uriah Webster, who was commissioned by divine revelation to form a church itinerant in nature, proselytizing through the nation by way of public proclamation and printed witness.
5. Members of our church, known as Lightbearers, dedicate our lives to travelling through Delmont, proclaiming our message in public places and disseminating a free, church-made publication called *The Lantern*.
6. Though our evangelization began with Lightbearers proclaiming their witness on streetcorners and distributing physical copies of *The Lantern*, our church has been required to adapt to the advancement of technology to ensure that we can continue to be living witnesses to the faith and continue making our live, personal, and public proclamations.

7. In recent years, we turned to live TV broadcasting on community access channels in Delmont college towns, produced by Lightbearer Missionaries in studios at Delmont college campuses. This content is now livestreamed on the internet as well as through LED screens on mobile vans that drive about and park on campuses. These broadcasts are currently the only way to spread our faith while remaining true to our tenet of serving as living witnesses while disseminating *The Lantern*.
8. Our mission of evangelization relies on our young people. It is our firm belief that during their young adult years, while pursuing higher education and career life, members would become more resolute in their faith and advocate for it, specifically through serving a missionary year during the ages of eighteen and twenty-two.
9. We take particular care to ensure our missionaries obtain the information and images they broadcast only from publicly available sources. The picture of the Delmont Treatment Center was obtained from the Delmont Treatment Center's website following this protocol. Similarly the video of Ms. Marshall's speech was clipped from a local public television broadcast.
10. CADS presents a grave threat to the very existence of our church. To honor our faith and remain true to its precepts, we are required to present a living witness to the world and have always found the use of local news coverage to be the key to our growth. If we continue to practice our faith as we have done for more than a century, we run the risk of a flood of lawsuits brought against the Church under CADS, which would sink us through bankruptcy. If we stop our broadcasting, I fear our church's growth will not only grind to a halt, but begin to reverse as we decline.

11. We have appealed to Governor Morrison through numerous means: our television broadcasts, public proclamations, and letters from Lightbearers. I myself have written to the Governor repeatedly to impress upon him the immense burden that CADS will place on our ability to grow and thrive as a church; as yet, we have received no answer.
12. While we are Lightbearers first, we are also Americans, and deeply proud that through the practice of our faith we are simultaneously exercising our right to free speech while we share both the good news—and the daily news—with the world around us.
13. I solemnly swear under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Harris Rallston
Harris Rallston
Affiant

SUBSCRIBED AND SWORN TO before me this the day of November 17, 2025, in Delmont City, Delmont.

P. Turner
P. Turner
Notary Public
My Commission expires January 9, 2029

LAURA MARSHALL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 25-CV-1994
	)	
CHURCH OF LIGHT, LLC,	)	
	)	
Defendant.	)	

AFFIDAVIT OF GOVERNOR MORRISON

1. I am over the age of eighteen and competent to testify as to the matters set forth below.
2. My name is John Morrison. I am a 45-year-old native of the town of Wellington, Delmont.
3. I currently serve as the Governor of Delmont. I have served in this position since January 2021.
4. In the period leading up to CADS, Delmont experienced campus-centered incidents in which students, faculty and staff were subject to non-consensual dissemination of personally identifiable information. These incidents arose amid intense campus activity related to debates over the Energy Farm Controversy.
5. Organizers would coordinate a "flash-share" of a targeted person's information across multiple platforms. Within a short time, victims experienced violence and harassment and police often arrived after escalation or after the perpetrators had dispersed.
6. Campus conditions became extremely volatile. Libraries were stormed, classes were disrupted, and students were ambushed and accosted at their residences. Several students required hospitalization.

7. My office reviewed enforcement under harassment, stalking, trespass and disorderly-conduct provisions. Those tools were helpful, but generally reactive. They often required harm to occur or escalate before relief was available and did not address the initial disclosure practice that created the risk.
8. As a result, the Delmont State Legislature enacted CADS to address the specific disclosure practice described above by creating a private cause of action against any individual that, without consent, discloses private information of an enrolled student with the intent to stalk, harass, or physically injure that student.
9. Before supporting CADS, my office and relevant agencies evaluated alternatives, including enhanced enforcement of existing criminal and campus safety measures and nonbinding institutional guidance. Those measures alone did not address the predictable risks created by pairing identity with sensitive location and timing cues.
10. CADS was drafted to be narrow. It focuses on the nonconsensual dissemination of another person's identifying information in defined, sensitive contexts closely associated with campus life.
11. I solemnly swear under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Bill Morrison
Bill Morrison
Affiant

SUBSCRIBED AND SWORN TO before me this the day of November 24, 2025, in Delmont City, Delmont.

Q. Jones
Q. Jones
Notary Public
My Commission expires March 17, 2028

THE FIRST AMENDMENT

"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." U.S. CONST. amend. I.

CAMPUS ANTI-DOXXING STATUTE OF DELMONT ("CADS")

The state legislature passed a law signed by the Governor on September 12, 2025, entitled the "Campus Anti-Doxxing Statute of Delmont" ("CADS"), Delmont Annotated Statutes §25.989 (2025). CADS creates 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."

a) "stalk" means to engage in a pattern of unwanted, obsessive, and intrusive behavior that would cause a reasonable person to feel threatened or fear for their safety or the safety of others.

b) "harass" means to subject another to severe emotional distress such that the individual experiences anxiety, fear, torment or apprehension that may or may not result in a physical manifestation of severe emotional distress or a mental health diagnosis and is protracted rather than merely trivial or transitory.

c) "injure" means to subject another to bodily injury or death or property damage.

d) "private information" is defined as:

   i. The plaintiff's home address, personal email address, personal phone number, social security number, or any other personally identifiable information;

   ii. Contact information for the plaintiff's employer;

   iii. Contact information for a family member of the plaintiff;

   iv. Photographs of the plaintiff's children;

   v. Identification of the school that the plaintiff's children attend.

e) "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." Del. Ann. Stat. § 163.732 (2020).