

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 RESPONDENT

Team 20
Seigenthaler-Sutherland Cup

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?

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JURISDICTION

The judgment of the Court of Appeals was entered and the petition for writ of certiorari was subsequently filed. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

STATEMENT OF THE CASE

Laura Marshall is a young student at Delmont University (“DSU”) who behaved as a model citizen in a democracy, speaking out for her beliefs and working for a non-profit to help others. *Marshall v. Church of Light, LLC*, No. 25-CV-1994, at *2 (D. Del. 2025). In response to Ms. Marshall’s public advocacy, the Church of Light (“The Church”) doxxed her, sharing her personal information via television and internet broadcast, and linking her speech to her workplace and where she received medical treatment, resulting in immediate harassment, property damage, and the loss of her job and medical treatment because of a tumultuous university campus disagreement. *Id.* at *10-11.

I. Public Advocacy Turns to Violence

Between 2024 and 2025, a debate over converting nearly a thousand acres of State land into solar and wind farms erupted at DSU and spiraled into what officials described as the Energy Farm Controversy. With the “Energy Coalition” on one side and “Nature Coalition” on the other battling over how to best use the state-owned land, tensions rose, and Delmont’s campuses became dangerous. *Id.* at *5. Protestors stormed libraries, disrupted classes, targeted administrators’ homes, and ambushed students at their residences, some leading to hospitalization. *Id.* All of this occurred while victims’ phone numbers, photos, and locations were published and in-person confrontations escalated. *Id.* at *5-6.

This publication of people’s private information, known as “doxxing,” surged by 150 percent in just a few weeks according to police data. *Id.* at *6. Energy Coalition and Nature

Coalition organizers posted their opponents' personal information to incite an onslaught of harassing calls, messages, and physical confrontations. *Id.* at *5-6. Recognizing that existing harassment and trespass laws failed to prevent this harm, the Delmont legislature enacted the Campus Anti-Doxxing Statute (CADS) on September 12, 2025, narrowly targeting nonconsensual disclosures of defined "private information" of students and campus personnel made with intent to stalk, harass, or injure, and authorizing damages and injunctive relief. *Id.* at *6.

DSU is a four-year, state-funded institution in Delmont City, with roughly 18,000 students. *Id.* at *7. Ms. Marshall, a DSU student and resident of neighboring Bathalska, became active in the Nature Coalition. *Id.* at *10. She attended many rallies and played a substantial role in organizing major protests, even though she was not a founding leader or public figure in the movement. *Id.*

II. Ms. Marshall's Advocacy

In mid-September 2025, during a campus Nature Coalition protest, Ms. Marshall delivered her first public speech about the controversy. *Id.* This was an impassioned address on Delmont's energy policy and land use that drew extensive media coverage because of the strength of her rhetoric. *Id.* At the same time, Ms. Marshall was quietly working at the front desk of the Delmont Treatment Center, a non-profit substance-abuse facility five blocks from DSU. *Id.* She was herself a patient in treatment there, and previously disclosed this in a 2024 Substance Abuse Survivors chat room, sharing that she struggled with drug and alcohol issues and was proactively pursuing ongoing group therapy. *Id.* at *11.

Ms. Marshall's role there as both employee and patient meant that exposing her connection to the Center revealed the location and timing of her medical care as well as her livelihood. *Id.* However, nothing about the Energy Farm Controversy required disclosing where she received substance-abuse treatment to those who opposed her political views. *Id.*

III. The Lightbearers Strike Back

Among the Energy Coalition's campus supporters was the DSU student chapter of the Church of Light, whose "Lightbearer Missionaries" operate vans with high-definition LED screens that circulate and park around campus broadcasting religious content, local news, and information. *Id.* at *10. The Church openly took the Energy Coalition's side in the controversy and produced both reportorial coverage and separate editorial videos favoring that position. *Id.* They used their vans and livestreams to push the viewpoint to students as they walked across campus. *Id.*

During the week of September 22, 2025, following the passage of the CADS legislation, the DSU Lightbearer vans began running a looping segment several times a day which combined Ms. Marshall's political speech with intimate details about where she could be found. *Id.* First, the vans played a video clip of her impassioned Nature Coalition speech. *Id.* Immediately afterward, the screens displayed a still photograph of Ms. Marshall wearing a Nature Coalition T-shirt, seated at the front desk of the Delmont Treatment Center with the Center's name clearly visible in the logo behind her. *Id.*

The accompanying text listed two treatment centers, including addresses, phone numbers, and hours of operation for the Delmont Treatment Center. *Id.* Ms. Marshall's workplace and treatment site was placed first on the list next to her image. *Id.* Out of seven treatment centers in Delmont City, only her Center and St. John's Church Counseling Center were visually featured, ensuring that viewers could effortlessly connect her controversial speech to a precise physical location and time window where she would predictably be present. *Id.* at *11.

The Church later claimed it pulled the photo from the Delmont Treatment Center's website and the video from a local public broadcast, admitting that it "takes particular care" to use only public-source material. *Id.* at *45. The Church further refused to remove the segment even after Ms. Marshall personally contacted the Lightbearer Missionaries and told them to stop running her

treatment-center image alongside her speech. *Id.* at *12. The Church insisted they would “follow their customary protocol and not stop.” *Id.*

IV. Ms. Marshall is Attacked by Swarms of Protestors Multiple Times

The consequences were immediate. *Id.* at *11. Within twenty-four hours of the vans first displaying the sequence, a group of about twenty people wearing ski masks and Energy Coalition T-shirts lay in wait for Ms. Marshall outside the Delmont Treatment Center. *Id.* As she exited, they photographed her, catcalled, and hurled insults about her addictions. *Id.* They then followed her to the parking lot and surrounded her car, keying it on both sides as she tried to leave. *Id.*

The violence continued into the next night. *Id.* Another group of Energy Coalition supporters appeared at the Delmont Treatment Center, causing Ms. Marshall to flee for her safety, clipping a light pole while accelerating around them. *Id.* This caused damage to the left front of her car and triggered the airbag. *Id.* By the time she was able to call the police after each incident, the masked perpetrators had dispersed. *Id.* Although CCTV footage existed, law enforcement could not identify anyone and Ms. Marshall was left with no meaningful protection or accountability. *Id.*

In light of these escalating attacks, Ms. Marshall reasonably concluded that continuing to work and receive treatment at the Delmont Treatment Center would endanger not only her own safety but also that of her employer and fellow patients. *Id.* She felt compelled to resign her job and to withdraw from counseling, sacrificing both her employment and ongoing substance-abuse care as a direct result of the orchestrated disclosure of her employer’s contact information and visual association with her controversial speech. *Id.*

V. The Delmont Legislature Responds to Doxxing Harms with CADS

The Delmont legislature enacted CADS to protect individuals harmed by doxxing attacks such as the one that Ms. Marshall faced. There have been two other successful lawsuits arising out

of CADS violations. *Id.* at *7. In one, a Delmont Technical College student called for the “punishment” of a Delmont Tech Professor who had enforced a school policy leading to the expulsion of several students who are Nature Coalition Protestors. *Id.* The other successful lawsuit involved the employer of a Nature Coalition activist being swarmed and blocked from their jobsite entrance after an Energy Coalition leader texted the Nature activists place of employment to Energy activists. *Id.* Infringement of Free Speech and Free Exercise rights protected by the First Amendment were either not raised as defenses, or unsuccessfully raised in these two prior lawsuits.

Procedural History

On October 3, 2025, Ms. Marshall filed suit against the Church in the U.S. District Court for the District of Delmont under CADS, seeking damages from and injunctive relief against the Church for the harms it caused her. *Id.* at *12. The Church moved for summary judgment, claiming that CADS violated both the Church’s Free Speech and Free Exercise rights under the First Amendment of the United States Constitution. *Id.* The District Court granted the Church’s motion for summary judgment after holding that CADS failed to survive strict scrutiny and thus violated the Church’s Free Speech and Free Exercise rights. *Id.* at *29.

Ms. Marshall appealed to the United States Court of Appeals for the Fifteenth Circuit, which reversed the District Court’s grant of summary judgment in favor of the Church. *Id.* at *30. With respect to the Church’s Free Speech claim, the Circuit Court found that CADS, properly evaluated, survives strict scrutiny. *Id.* at *35. And with respect to the Church’s Free Exercise claim, the Circuit Court found that CADS was neutral and generally applicable, thus subject to rational basis review, which it readily passed. *Id.* at *42.

The Church, unsatisfied with the Circuit Court’s holding, petitioned for certiorari in this Court.

Summary of the Argument

One of the most compelling interests a State can have is promoting the health and safety of its citizens by protecting them from unnecessary harm. As technology has advanced over the years, so too has the public's ability to instantaneously communicate with ever-growing numbers of people thanks to modern communicative devices such as live streams on the internet and social media messaging. And with this expanded power to communicate broadly comes the expanded ability to cause harm to others with that communication.

The State of Delmont faced this very problem in the Summer of 2025 when individuals began sharing the personal information of their political opponents on the internet. The doxxing of students, faculty, and staff of Delmont's universities led to acts of intimidation, harassment, and violence on its university campuses, so the Delmont legislature enacted the Campus Anti Doxxing Statute ("CADS") to provide individuals harmed by such conduct a cause of action against those who shared their personal information with the intent of causing them harm.

Now, facing the threat of accountability for doxxing Ms. Marshall and causing her harm, the Church is attempting to hide behind spurious claims of First Amendment infringement, but this Court should not let it. The rights to Free Speech and Free Exercise of religion were not enumerated in the First Amendment to protect intentionally harmful conduct, which is why this Court should affirm the judgment of the Circuit Court and hold that CADS does not violate the First Amendment as applied to the Church.

Argument

CADS does not violate the Church's Free Speech right nor the Church's Free Exercise right protected by the First Amendment of the United States Constitution. CADS is an appropriately tailored response by the Delmont legislature to address a serious harm that was facing the Delmont community.

With respect to the Church's Free Speech claim, doxxing belongs in the same category of speech as true threats and incitement, and, as such, should not be afforded First Amendment protection. Alternatively, because CADS proscribes conduct and not content, it should not be evaluated under strict scrutiny if the Court determines that doxxing does deserve First Amendment protection.

With respect to the Church's Free Exercise claim, CADS is an incidental burden on the Church's right to spread their religious message throughout Delmont. Since CADS is both facially neutral and generally applicable, it should be evaluated under rational basis review under the Court's precedent in *Employment Division v. Smith*, 494 U.S. 872 (1990). The facts here are distinguishable from any of the Court's alternative precedents, and undeserving of establishing a new precedent of a hybrid rights claim.

Thus, because CADS does not violate either of the First Amendment rights alleged to be infringed by the Church, the Court should affirm the lower court's ruling and deny the Church's motion for summary judgment.

I. CADS Does Not Violate the Free Speech Right of The Church of Light, LLC

The Church of Light's display of Ms. Marshall's speech in addition to her photo at Delmont Treatment Center is doxxing that constitutes a true threat, is likely to incite imminent lawless action, is a matter of private concern, and is therefore not protected under the First Amendment. Furthermore, if the Court finds that the Church did not engage in speech, the Court should find that the display of Ms. Marshall constitutes expressive conduct that satisfies the test in *United States v. O'Brien*, 391 U.S. 367, 377 (1968) and therefore, Delmont's regulation on expressive conduct is sufficiently justified. Overall, Delmont has an interest in protecting its citizens and CAD is the best way to achieve the interest of protecting its citizens.

A. The First Amendment should not protect the Church's speech

The First Amendment does not protect true threats or speech that is likely to incite imminent lawless action, as the Church engaged in here. *Virginia v. Black*, 538 U.S. 343, 359 (2003). Furthermore, the location of Ms. Marshall's workplace and treatment center is of private concern. Overall, CADS protects free speech by protecting individuals like Ms. Marshall from physical harm upon expressing their political beliefs.

i. The Church of Light Displaying Ms. Marshall's Speech in Conjunction with Her Photo at the Delmont Treatment Center is doxxing that constitutes a true threat which is not protected under the First Amendment

The Church of Light engaged in doxxing when they displayed the location and contact information of the Delmont Treatment Center. "Publishing private information in order to intimidate someone is commonly known as "doxxing." Although doxxing alone does not typically rise to the level of a true threat, it becomes a true threat if it subjects individuals to a fear of violence and that violence naturally follows the distribution of their information. *United States v. Cook*, 472 F. Supp. 3d 326, 335 (N.D. Miss. 2020); *Counterman v. Colorado*, 600 U.S. 66, 74 (2023). Here, the violence that Ms. Marshall suffered is a direct result of the portrayal of her private information by the Church without her consent.

Since the Church's broadcast of Ms. Marshall constitutes a true threat, it is not protected under the First Amendment. "The Free Speech guarantee of the Federal Constitution's First Amendment permits a State to ban a "true threat." *Virginia v. Black*, 538 U.S. 343, 347 (2003). The Church knew of the tension and violence surrounding the Energy Farm Controversy and was therefore reckless in broadcasting Ms. Marshall's speech in addition to her photo at the Delmont Treatment Center. A reasonable person would understand that broadcasting Ms. Marshall's speech in connection with the location of her treatment center and place of work would subject her to

violence or the potential of violence. “The State must show that the defendant consciously disregarded a substantial risk that his communications would be viewed as threatening violence. The State need not prove any more demanding form of subjective intent to threaten another.” *Counterman*, 600 U.S. at 69.

Here, the Church as a constituent of the Energy Coalition of the Energy Farm Controversy, was reckless in broadcasting Ms. Marshall as they disregarded a substantial risk that other Energy Coalition members would invoke violence upon her. The Church regularly drives around campus and generally parks alongside popular areas during the Lightbearer missions. Therefore, the Lightbearers and Church of Light should have been aware of the violent and physical attacks associated with the energy controversy around campus such as in the Campus Library, classrooms, and homes of administrators. The Church disregarded a substantial risk that Ms. Marshall would be subject to physical attacks as a result of the Church’s broadcast of her speech in combination with the display of her workplace and treatment center.

The present actions of the Church are comparable to the facts in *Counterman*. In *Counterman*, the petitioner sent hundreds of messages to a local musician that included asking if the musician was at a particular location and telling the musician “they are not being good for human relations.” *Id.* at 70. The court determined that since a reasonable person would understand the petitioner's actions as threats that they constitute a true threat. “The State had to show only that a reasonable person would understand his statements as threats. It did not have to show any awareness on his part that the statements could be understood that way.” *Id.* at 82.

In the present situation, a reasonable person would understand the Church of Light’s display of Ms. Marshall as a threat, even if the Church of Light did not view it as such. *Id.* Given the violence arising out of the energy controversy, a reasonable person would understand the

broadcasting of Ms. Marshall's speech in connection with her photo at the Delmont treatment center with its location, hours of operation, and phone number as threatening. “[A] mental state of recklessness is sufficient. The State must show that the defendant consciously disregarded a substantial risk that his communications would be viewed as threatening violence. *Id.* at 69.

The Church was reckless in its broadcast of Ms. Marshall, and therefore the Church’s action constitutes a true threat according to *Counterman. Id.* To constitute a “true threat” the speaker does not actually need to intend to carry out the threat; a prohibition on true threats protects individuals from the fear of violence and its possibility. *Black*, 538 U.S. at 347.

Here, if the Church of Light wanted to broadcast news, they would have just displayed Ms. Marshall's speech and not her photo at Delmont Treatment Center, or they wouldn’t have displayed the speech and photo simultaneously. All in all, there was no other intention from the Church of Light other than to endanger. Although Lightbearers or Church members did not carry out direct physical violence, they had reasonable belief that other Energy Coalition members would invoke physical violence as a result of their broadcast of Ms. Marshall. Since the Church of Light carried out a true threat, their broadcast of Ms. Marshall is not protected under the First Amendment.

ii. The Church of Light’s Actions Were Likely to Incite Imminent Lawless Action and Therefore are Not Protected Under the First Amendment

In addition to a true threat, the Church’s display of Ms. Marshall was likely to incite imminent lawless action, and it inevitably led to Ms. Marshall's attack. Since the Church’s display of Ms. Marshall is likely to incite imminent lawless action, this further demonstrates that the First Amendment should not apply. “[T]he constitutional guarantees of Free Speech and free press do not permit a State to forbid or proscribe advocacy of the use of the force or of law violation except

where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.” *Brandenberg v. Ohio*, 395 U.S. 444, 447 (1969).

Here, the State of Delmont is not prohibited from preventing physical harm and private attacks on its citizens. “[T]he Supreme Court has distinguished between ‘mere abstract teaching’ of the ‘moral propriety’ or ‘necessity’ of violence, on the one hand, and ‘preparing a group for violent action and steeling it to such action,’ on the other.” *Id.* at 448; *United States v. Al-Timimi*, No. 14-4451, 2026 LEXIS 52495, at *16-17 (4th Cir. Jan. 9, 2026).

Here, the Church of Light prepared the energy coalition to carry forth violence against Ms. Marshall. By broadcasting the address, phone number, and general information of the Delmont treatment center, and its hours of operation, the Church provided all necessary information to violent energy coalition members to carry out such violent attacks. The photograph of Ms. Marshall was a “still Photograph” of Ms. Marshall bearing the Nature Coalition tree symbol at Delmont treatment center, and listed two out of seven treatment centers in Delmont city, therefore making it easy for violent protestors to locate and identify Ms. Marshall.

In general, the Church broadcasted Ms. Marshall's speech, therefore providing a reason for the violent attack and subsequently provided the information to violent energy coalition members leading them to attack Ms. Marshall. *Id.* Overall, the Church both prepared energy coalition members to attack Ms. Marshall and gave them a way to carry out such an attack. *Id.* Overall, the State of Delmont is permitted to create laws such as CADS to prevent the incitement of imminent lawless action. Since the Church’s portrayal of Ms. Marshall constitutes a true threat and is likely to incite imminent lawless actions, Free Speech protections are not applicable.

iii. Ms. Marshall's Private Information is a Matter of Private Concern and Therefore the Church's Speech Should be Afforded Less Protection Than Matters of Public Concern

Although the District Court analogizes this case to *Snyder v. Phelps*, 562 U.S. 443, 456 (2011), *Snyder* involved speech that was a matter of public concern, while the workplace and treatment center of Ms. Marshall is a matter of private concern and therefore not awarded First Amendment protection.

In *Snyder*, Westboro Baptist congregation members picketed on public land adjacent to public streets near Matthew Snyder's funeral, a formal Marine Lance Corporal. *Id.* at 448. The Westboro picketers carried signs that stated things such as “Thank God for Dead Soldiers,” “God Hates Fags,” “You're Going to Hell,” and “God Hates You.” *Id.* The Court held that Westboro's speech was a matter of public concern. *Id.* at 451.

“Speech deals with 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 443 (internal quotation marks omitted).

In the present case, although Ms. Marshall's speech may be of general political interest to the community; the location of her workplace and treatment center, however, are not. The disclosure of Ms. Marshall's workplace and treatment center is a private concern, comparable to *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 762, (1985), where the Court determined that disclosure of an individual's credit report was a matter of private concern. Here, just like an individual's credit report is a matter of private concern, Ms. Marshall's workplace and treatment center is a matter of private concern. *Id.* “To determine whether speech is of public or private concern, this Court must independently examine the “content, form, and context” of the speech “as revealed by the whole record.” *Snyder*, 562 U.S. at 444 (citing *Dun & Bradstreet*, 472 U.S. at 761).

Here, the content of Ms. Marshall's workplace and treatment center does not concern a broad public issue or display a message of political or social importance. As to the context of the Church's display, they displayed Ms. Marshall's workplace and treatment center on DSU's campus, the heart of where the violent attacks and doxxing were taking place. Overall, the content and context reveal that the Church's display of Ms. Marshall is a matter of private concern, has no social importance, and is therefore not protected under the First Amendment.

Snyder varies from the present situation in several other ways. Here, the Church did not merely present offensive rhetoric, they supplied energy coalition members with the information and motivation they needed to enact violence. In *Snyder*, “[n]one of the picketers entered church property or went to the cemetery. They did not yell or use profanity, and there was no violence associated with the picketing.” *Snyder*, 562 U.S. at 449. In the present situation, Energy Coalition members directly approached Ms. Marshall outside of the Delmont Treatment Center, followed her to the parking lot, keyed her car, catcalled, insulted her, and eventually led her to getting into a car accident. Overall, the present situation varies greatly from *Snyder*, as the Energy Coalition members hid their identities, used insults, and directly approached Ms. Marshall at the Delmont Treatment Center.

B. If the Court determines the Church's speech deserves First Amendment Rights, CADS passes the *O'Brien* test and is therefore lawful

The State of Delmont initiated CADS to protect its citizens against threats and harms, and regulation through CADS is lawful as it passes the test under *O'Brien*, 391 U.S. at 377. The State of Delmont has a duty to its citizens to provide protection against violent attacks, and CADS does just that.

i. Under the O’Brien Test, the State of Delmont is Lawfully Enabled to Restrict the Conduct of Disseminating Sensitive Information Through CADS

Although the Court should find the Church of Light’s display of Ms. Marshall’s private information constitutes a true threat that is likely to incite imminent lawless action and is a matter of private concern, even if the court does not find so, the Court should hold that the Church engaged in unprotected expressive conduct.

Here, the State of Delmont is permitted to enact generally applicable legislation such as CADS to restrict the disclosure of private information. “To qualify as inherently expressive, an action must possess two traits. The actor must intend to express a particularized message by engaging in the action. And a high likelihood must exist that the audience who sees the action will understand its message. “*Lichtenstein v. Hargett*, 83 F.4th 575, 579 (6th Cir. 2023).

Here, Church of Light intended to distribute a particularized message of Ms. Marshall’s stance in the Energy Farm Controversy by displaying her speech and portraying identifying information by displaying her photo at the Delmont Treatment Center that contained the address, phone number, and hours of operation of her workplace. Since the Lightbearers frequently drive around campus and have done so since 2024, they should have known about the violent attacks associated with the Energy Farm Controversy and the uprising in Summer of 2025. Therefore, the Church should have known that displaying Ms. Marshall’s speech in addition to her photo at the Delmont Treatment Center would subject her to violence. Overall, the Church’s Broadcast of Ms. Marshall constitutes expressive conduct under *Lichtenstein* 83 F.4th at 579.

Although expressive conduct is typically awarded First Amendment protections, no such protections exist if the O’Brien test is satisfied. *Brownell v. City of Rochester*, 190 F. Supp. 2d 472, 485 (citing W.D.N.Y. 2001). The *O’Brien* test states that a government regulation on expressive

conduct is sufficiently justified if it meets the following criteria. *O'Brien*, 391 U.S. at 377. If the regulation

“[] it is within the constitutional power of the Government, it furthers an important or substantial governmental interest, [] the governmental interest is unrelated to the suppression of free expression, and [] the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.”

White v. Walla Walla Cnty., No. 4:20-CV-05009-SAB, 2020 U.S. Dist. LEXIS 251299, at *17 (E.D. Wash. Nov. 24, 2020) (citing *O'Brien*, 391 U.S. at 377).

Here, it is the duty of the State of Delmont to take action to prevent violence against public citizens. *NLRB v. Fla. Dep't of Bus. Regulation, Div. of Pari-Mutuel Wagering*, No. TCA 88-40079-WS, 1988 U.S. Dist. LEXIS 16175, at *4 (N.D. Fla. Apr. 14, 1988). “[The] state, through exercise of its police power, can enjoin a violent strike, or prohibit conduct which poses a danger to public safety.” *Id.* The State of Delmont has an interest in protecting its citizens against private attacks, and CADS is unrelated to free expression as it does not prohibit the Church of Light from carrying out its mission of spreading news. CADS does not prohibit the Church of Light from broadcasting news, it only prohibits them from displaying private information that leads to physical harm. Here, CADS is not more restrictive than necessary to prevent harm to private individuals such as Ms. Marshall. It still enables both the Energy Coalition and the Nature Coalition to fully express their views, while protecting private individuals from physical attack. Therefore, CADS is expressive conduct that satisfies the *O'Brien* test, and therefore government regulation by the State of Delmont is sufficiently justified.

Overall, the Church of Light’s display of Ms. Marshall, has no social value and is not an action of sharing religious values or news to educate the public, but instead is a reckless action taken as a result of the Church's stance in the energy controversy. According to Harris Rallston, the President of the Church of Light, the Church’s goal is to “exercis[e] our right to Free Speech

while we share both the good news—and the daily news—with the world around us.” *Rallston Affidavit*, p. 46. CADS would not prevent the goal of the church of light, as the church would still be able to distribute the Lantern, and would be able to distribute news just as they have done in the past. However, CADS would prevent the Church of Light from distributing harmful information that would put an individual in danger by subjecting them to violence. CADS is not targeted at the Church of Light and their mission, but instead addresses an issue in which the State of Delmont has an important and substantial interest. Since CADS allows the Church of Light to continue their mission of spreading news, but provides protection to private citizens, CADS does not violate the First Amendment Free Speech rights of the Church of Light.

II. CADS Does Not Violate the Free Exercise Right of The Church of Light, LLC

CADS, as applied here, does not violate the Church’s Free Exercise right protected by the First Amendment of the United States Constitution because it readily passes rational basis review. Because CADS is a facially neutral and generally applicable statute that only incidentally burdens the Church’s Free Exercise right, the Court’s precedent established in *Employment Division v. Smith*, 494 U.S. 872 (1990), dictates that the Court should evaluate CADS under rational basis review. And because CADS has a rational relationship to an important government interest here, it does not violate the Church’s First Amendment Free Exercise right.

Moreover, the facts before the Court in the instant case are easily distinguishable from those in *Mahmoud v. Taylor*, 606 U.S. 522 (2025), and *Wisconsin v. Yoder*, 406 U.S. 205 (1972), thus the right burdened here is equally distinguishable. Because the Church’s Free Exercise right burdened by CADS is distinguishable from the parental rights burdened in both *Mahmoud* and *Yoder*, there are insufficient grounds for the Court to apply strict scrutiny to CADS under that line of precedent.

Furthermore, the Church's intentional act of harming Ms. Marshall in contravention of Delmont law should not inspire the Court to officially adopt the hybrid rights theory first mentioned in *Smith* and erroneously applied by the District Court. The purported validity of the hybrid rights theory notwithstanding, because the Court did not adopt the hybrid rights theory in *Mahmoud v. Taylor*, the Court should not adopt that theory to apply strict scrutiny to the Church's claim here.

Thus, because CADS is facially neutral, generally applicable, and only incidentally burdens the Church's Free Exercise right, and because the Court should not apply strict scrutiny on either of the alternative bases on which the District Court grounded its decision, the Court should hold that CADS does not violate the Church's First Amendment Free Exercise right and affirm the Circuit Court's decision with respect to the Church's Free Exercise claim.

A. CADS is Neutral, Generally Applicable, and Only Incidentally Burdens The Church's Free Exercise Right, therefore, Rational Basis is the Proper Scrutiny Under *Smith*

Under *Smith*, rational basis review is the proper scrutiny to apply to the Church's Free Exercise claim because CADS is facially neutral, generally applicable, and only incidentally burdens the Church's Free Exercise right. "The Free Exercise Clause of the First Amendment, applicable to the States under the Fourteenth Amendment, provides that 'Congress shall make no law ... prohibiting the Free Exercise' of religion." *Fulton v. City of Philadelphia*, 593 U.S. 522, 532 (2021), (quoting U.S. Const. Amend I). But "if prohibiting the exercise of religion ... is not the object of the [statute] but merely the incidental effect of a generally applicable and otherwise valid provision, the First Amendment has not been offended." *Smith*, 494 U.S. at 878. Thus, under the precedent established in *Smith*, "laws incidentally burdening religion are ordinarily not subject

to strict scrutiny under the Free Exercise Clause so long as they are neutral and generally applicable.” *Fulton*, 593 U.S. at 533.

CADS should therefore be evaluated not under strict scrutiny, but instead rational basis review because the statute is neutral, generally applicable, and only incidentally burdens the Church’s Free Exercise of religion.

i. CADS Passes the Neutrality Prong of *Smith*

“Government fails to act neutrally when it proceeds in a manner intolerant of religious beliefs or restricts practices because of their religious nature.” *Fulton*, 593 U.S. at 533. Thus, “if the object of a law is to infringe upon or restrict practices because of their religious motivation, the law is not neutral.” *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 533 (1993). “To determine the object of a law, [courts] must begin with its text, for the minimum requirement of neutrality is that a law not discriminate on its face. A law lacks facial neutrality if it refers to a religious practice without a secular meaning discernible from the language or context.” *Id.*

Here, CADS restricts doxxing not because of any inherent religious nature in the act, but because of the harm that it causes members of Delmont’s campus communities. The text of the statute makes no reference to the Lightbearer faith specifically, nor to any religion generally. Instead, CADS targets the purposeful or reckless sharing of an individual’s private information with the intent to harm that individual, and it does so without any reference to religion whatsoever.

Beyond the text of the statute, “the effect of a law in its real operation is strong evidence of its object,” but an adverse impact on the Free Exercise of religion does not necessarily constitute “impermissible targeting,” especially where the government has legitimate concerns for social harms that are distinguishable from discrimination. *Id.* at 535; see *Reynolds v. United States*, 98 U.S. 145, 168 (1879) (affirming Congress’s power to criminalize bigamy and polygamy); *Davis v. Beason*, 133 U.S. 333, 348 (1890) (same) .

Here, the real operation of CADS has been to empower three plaintiffs to seek redress for the serious harms they suffered as the result of the doxxing epidemic on Delmont’s college campuses. And importantly, in the two prior lawsuits brought under CADS, neither involved any claim of an impermissible restriction of Free Exercise. If the real effect of the law were to target religious exercise, the Court should expect the majority of suits brought under CADS to be defended on impermissible restraint of Free Exercise grounds, which is not the case here.

The context in which the legislature enacted CADS shows that its intent was not discrimination, but actually the mitigation of a serious social harm. Prior to CADS’s enactment, a protest at an administrator’s home required a response by the fire department, and protestors were ambushing and physically accosting students, several of whom required hospitalization to treat the injuries sustained in the attacks. And even after the Delmont legislature enacted CADS, one group of protestors threw rocks through a professor’s home windows, while another blocked the entrance to a jobsite. These were the serious social harms doxxing was causing in Delmont, and the legitimate concern of the legislature when it enacted CADS.

Thus, because CADS does not target religious belief or practices because of their religious nature, because it is textually neutral, and because its operation is to punish doxxing and not to empower religious discrimination, the statute is facially neutral and should be evaluated under *Smith*.

ii. CADS Passes the General Applicability Prong of *Smith*

CADS is also generally applicable, thus *Smith* controls and rational basis is the proper level of scrutiny to apply to the Church’s Free Exercise claim.

“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 exemptions.’” *Fulton*, 593 U.S. at 533 (quoting *Smith*, 494 U.S. at 884). Moreover, “[a] law also lacks general

applicability if it prohibits religious conduct while permitting secular conduct that undermines the government's asserted interest in a similar way." *Fulton*, 593 U.S. at 543. Thus, the underinclusiveness of a statute can cause it to fail *Smith*'s test of general applicability. *See Lukumi*, 508 U.S. at 545-46.

Here, CADS has no mechanism of exemptions, nor does it permit secular conduct while prohibiting religious conduct. All individuals who impermissibly share another's personal information with the intent to harm them may be subject to a private claim by those who have been harmed. Moreover, the statute only prohibits the sharing of personal information for a select group of individuals: the enrolled students, faculty members, administrative staff, or staff members at a Delmont college or university, the groups of people who were almost exclusively the targets of the doxxing harms. Because CADS targets the particular groups of people being harmed here, it is not underinclusive in remedying the social harm of doxxing.

Therefore, because CADS has no mechanisms for the government to exempt liability under the statute, and because the statute is not underinclusive with respect to Delmont's interest in discouraging "doxxing" on its university campuses, CADS is generally applicable and satisfies the second prong of the *Smith* test.

B. These Facts Do Not Support Alternative Bases to Apply Strict Scrutiny

Although the District Court found two alternative bases to review CADS under strict scrutiny, the Circuit Court found those arguments unconvincing, and this Court should do the same.

The facts of this case distinguish it from both *Mahmoud* and *Yoder*, thus the burden on the Church's Free Exercise right is distinguishable from the burden on parental rights in those cases. Because the burden that CADS imposes on the Church's Free Exercise right is distinguishable

from the rights burdened in *Mahmoud* and *Yoder*, the Court is not bound by that line of precedent to apply strict scrutiny to the Church's claim here.

Additionally, these facts should not compel the Court to officially adopt the hybrid rights theory applied by the District Court in evaluating the Church's claim under strict scrutiny. Given the serious harms posed by doxxing and the incidental burden on the Church's Free Exercise right, and the fact that the Court did not adopt the hybrid rights theory in *Mahmoud*, despite having opportunity to do so, the Court should affirm the Circuit Court's rejection of applying the hybrid rights theory here.

Thus, rational basis review prescribed by *Smith* remains the proper standard to apply to the Church's Free Exercise claim.

i. *Mahmoud* and *Yoder* Do Not Apply to the Burden on the Church Here

The District Court's application of the analysis developed in *Mahmoud v. Taylor* and *Wisconsin v. Yoder* in deciding to apply strict scrutiny to the Church's Free Exercise claim was inappropriate because the parental rights in *Mahmoud* and *Yoder* are distinguishable from the Church's right burdened here.

In *Mahmoud*, the Court described its holding in *Yoder* as "recogniz[ing] that parents have a right 'to direct the religious upbringing of their children,' and that this right can be infringed by laws that pose 'a very real threat of undermining the religious beliefs and practices that parents wish to instill in their children.'" 606 U.S. at 543. Thus, the nature of the right involved in both *Mahmoud* and *Yoder* was that of the parent's right to raise their children according to their faith. And in both *Mahmoud* and *Yoder*, the challenged laws imposed the parents with a choice: either freely exercise your religion or face a consequence.

No such burden on the right of parents raising their children according to their faith exists here. The Church's members here are beyond the age of majority and attending Delmont State

University. The parents of these church members have already been afforded the right to raise their children according to their faith, the very right that was denied to the parents in *Mahmoud* and *Yoder*.

The Circuit Court was correct in rejecting the District Court's application of *Mahmoud* and *Yoder* to the facts of the case here, and this Court should do the same.

ii. This is Not the Case to Officially Adopt the Hybrid Rights Theory

The Church's doxxing of Ms. Marshall by sharing her private information with the intent of causing her harm and its subsequent claim of CADS violating its Free Exercise right should not compel the Court to adopt the hybrid rights theory now.

As Justice Douglass noted in his concurring opinion in *Samuels v. Mackell*, "violence has no sanctuary in the First Amendment, and [violence] may not constitutionally masquerade under the guise of 'advocacy.'" 401 U.S. 66, 75 (1971) (Douglas, J. concurring). But adopting the hybrid rights theory on this record would allow the Church to do just that.

Here, members of Delmont's campus community were suffering real harm as a result of the Energy Farm Controversy, and the Delmont legislature responded by enacting CADS to protect the deteriorating public health and safety on the State's college campuses. And allowing the Church to disregard the Delmont legislature's concern for public health and safety by allowing the Church to hide from accountability behind claims of First Amendment infringement would abrogate the very principle Justice Douglas espoused in *Samuels*.

Moreover, the discussion of hybrid rights undertaken in *Smith* is rightly considered dicta, and the theory was recently rejected by the Court in *Mahmoud*, despite the occasion for the Court to officially adopt the new test for a challenged law's constitutionality.

In *Smith*, immediately after mentioning the idea of "hybrid rights," and the line of cases the Court thought the theory might apply, Justice Scalia quickly noted that the circumstances in

Smith did not present a “hybrid rights” situation for the Court to consider. *Smith*, 494 U.S. at 882. Thus, the hybrid rights discussion was unnecessary for the Court to reach its conclusion in *Smith*, and the Court should consider the theory of a hybrid rights challenge as mere dicta.

Further, in *Mahmoud*, the Court describes the hybrid rights language in *Smith* as speculation as to why the rule of neutrality and general applicability did not apply in *Yoder* and clarified that the reason why the general rule did not apply in *Yoder* was “because of the special character of the burden in that case.” *Mahmoud*, 606 U.S. at 565; *Id.* n. 14. Thus, the Court dismissed the notion of hybrid rights in one of the very cases Justice Scalia speculated that it existed, and declined the opportunity to adopt the hybrid rights theory, despite a ripe opportunity to do so.

Here, the Court should follow its reasoning in *Mahmoud* and elect not to adopt the hybrid rights theory to the Church’s First Amendment claim. The Church’s doxxing of political opponents on college campuses and subsequent hiding from accountability behind twin claims of First Amendment infringement should not be the circumstances surrounding the Court’s adoption of a novel legal theory.

Thus, because the burden on the Church’s Free Exercise right is not of the same nature as the right burdened in *Mahmoud* and *Yoder*, and because the Court has yet to adopt the hybrid rights theory requiring strict scrutiny, the Church’s claim here remains under the precedent in *Smith* that rational basis review is appropriate.

C. CADS is a Rationally Related to a Legitimate Government Interest

Under *Smith*, rational basis review is the appropriate scrutiny to evaluate the Church’s Free Exercise claim. This is because “*Smith* held that neutral, generally applicable laws may be applied to religious practices even when not supported by a compelling governmental interest.” *City of Boerne v. Flores*, 521 U.S. 507, 514 (1997).

Under rational basis review, “the law need not be in every respect logically consistent with its aims to be constitutional. It is enough 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.” *Williamson v. Lee Optical of Okla., Inc.*, 348 U.S. 483, 487-88 (1955).

Here, the evil at hand is straightforward. School administrators, students, professors, and even employers have been subject to harassment, property damage, arson, and physical violence resulting in hospitalization. All of this has flown from the flash-sharing of personal information of political opponents on college campuses in Delmont, and the Delmont legislature’s response to this social evil was to target the flash-sharing of this personal information.

It is rational for the Delmont legislature to conclude that creating a disincentive for the flash-sharing of political opponents’ personal information would lead to a reduction in such information sharing. The legislature’s choice of creating a private cause of action for persons harmed by the flash-sharing of personal information is rationally related to the evil it was attempting to address, even if there may be better ways for the legislature to address that evil.

Thus, under rational basis review, CADS does not burden the Church’s Free Exercise Right established by the First Amendment of the United States Constitution, and this Court should affirm the judgment of the Circuit Court with respect to the Church’s Free Exercise claim.

CONCLUSION

CADS violates neither the Church’s Free Speech right nor the Church’s Free Exercise right under the First Amendment of the United States Constitution, thus this Court should affirm the judgment of the lower court and deny the Church’s motion for summary judgment.

Respectfully Submitted,

Team 20

CERTIFICATE

We, the members of Team 20, hereby certify the following:

1. The work product contained in all the copies of this team's brief is in fact the work product of Team 20.
2. Team 20 has complied fully with our law school's honor code.
3. Team 20 has complied with all competition rules.
4. This brief complies with the word count limit under Supreme Court Rule 33.1(g).

Respectfully submitted,

Team 20