

Brief on the Merits

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 PETITIONER

TEAM 21
Attorneys for Petitioner

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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OPINIONS BELOW

The order of the United States District Court for the District of Delmont is unreported and contained in the Record on Appeal (“R”). The opinion of the United States Court of Appeals for the Fifteenth Circuit is unreported and contained in the Record on Appeal (“R”).

STATEMENT OF JURISDICTION

The District Court entered judgment on December 08, 2025, and the Fifteenth Circuit released its opinion on December 29, 2025. The cert petition was filed on December 30, 2025. This Court has jurisdiction under 28 U.S.C. § 1254(1) and exercised that jurisdiction by granting the petition on January 07, 2026.

STATEMENT OF THE CASE

Petitioner, the Church of Light, LLC (the “Church”), is a religious denomination established in Delmont in the nineteenth century. (R. at 8). The Church has a Student Chapter at Delmont State University (“DSU”). (R. at 8). Respondent, Laura Marshall, is a student at DSU. (R. at 2).

I. The Energy Farm Controversy and the Campus Anti-Doxxing Statute

The proposed conversion of undeveloped land in Delmont into solar and wind energy production zones caused widespread controversy throughout the state. (R. at 4). As the dispute grew, two distinct camps formed, the Energy Coalition and the Nature Coalition. (R. at 5). This conflict, known as the Energy Farm Controversy, became most prominent on Delmont’s college campuses, including DSU. (R. at 5, 7). Numerous protests broke out, and during a protest on the DSU campus, Ms. Marshall, a student activist for the Nature Coalition, gave a powerful speech that received large-scale news coverage. (R. at 5, 10). As the dispute between the two groups progressed, violence escalated on college campuses, and individuals received floods of intimidating calls and messages after their personal information was shared. (R. at 5). Ms. Marshall’s personal information was shared in the context of the Church’s standard publication rotation. (R. at 11).

In response, the Delmont State Legislature enacted the Campus Anti-Doxxing Statute (“CADS”), Del. Ann. Stat. §25.989 (2025), to protect state college and university students from the non-consensual publication of their private, personally identifiable information with the intent to stalk, harass, or physically injure. (R. at 6).

II. The Church of Light's Practice

An essential component of the Church of Light's practice is to publicly proclaim and communicate their religious message. (R. at 8). To do so, the Church's members, known as Lightbearers, distribute to their community the church-made publication, *The Lantern*, which contains local news and their religious message. (R. at 8). In the 1990s, the Lightbearers began to disseminate *The Lantern* through live-streamed broadcasts and, in 2024, the Lightbearers began displaying the broadcast on screens attached to vans that were driven throughout college campuses. (R. at 9).

The DSU Lightbearers broadcasted news of the Energy Farm protests in a reportorial fashion that included news from both sides of the dispute. (R. at 11). This reporting included video clips from speeches, including the speech Ms. Marshall gave at a protest on the DSU campus. (R. at 10-11).

III. Proceedings Below

Ms. Marshall filed suit against the Church in the United States District Court for the District of Delmont, Western Division alleging the Church violated the Campus Anti-Doxxing Statute ("CADS"), Del. Ann. Stat. §25.989 (2025). (R. at 2). The district court granted summary judgment in favor of the Church, holding that CADS violates the First Amendment Free Speech and Free Exercise Clauses, and that no genuine dispute of material fact exists. (R. at 18, 28-30).

The United States Court of Appeals for the Fifteenth Circuit reversed the grant of the Church's motion for summary judgment, finding that CADS does not violate the Free Speech Clause or the Free Exercise Clause, as applied to the Church. (R. at 32, 37). This Court granted certiorari and limited briefing and argument to the two issues described above. (R. at 50).

SUMMARY OF THE ARGUMENT

The Fifteenth Circuit erred in finding that CADS does not violate the Church of Light's free speech rights. CADS cannot withstand strict scrutiny because its prohibition on non-consensual publication of personally identifiable information is overly broad and makes no exceptions for public figures and matters of public concern. Discussion on public figures and matters of public concern has long been protected under the First Amendment. For these reasons, this Court should reverse the Fifteenth Circuit's holding and find that CADS infringes upon the Church's free speech rights.

The Fifteenth Circuit also erred in finding that CADS does not violate the Church of Light's free exercise rights. CADS fails to satisfy the neutral and general applicability requirements established in *Smith*; thus, strict scrutiny applies – the most demanding test known to constitutional law. Strict scrutiny also applies because CADS imposes a burden on the Church of the same character as *Yoder*. CADS fails strict scrutiny because the statutory language is not narrowly tailored and excessively burdens the Church's free exercise. Accordingly, this Court should reverse the Fifteenth's Circuit's holding and find that CADS violates the Church's free exercise rights.

ARGUMENT

I. THE CAMPUS ANTI-DOXXING STATUTE INFRINGES UPON THE CHURCH OF LIGHT'S FREE SPEECH RIGHTS.

“Those who won our independence believed . . . that public discussion is a political duty; and that this should be a fundamental principle of the American government.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964) (citation omitted). The commitment to robust public discussion is enshrined in the Free Speech Clause of the First Amendment. Instruments of government that aim to limit free speech, as the state of Delmont did in the Campus Anti-Doxxing Statute (“CADS”) run afoul of the American commitment to protecting robust public discussion.

Limiting speech by regulating doxxing is not itself problematic. In fact, such regulation is consistent with the police powers afforded to states to promote the public health, safety, and welfare of their citizens. *See Chicago, B. & Q.R. Co. v. State of Illinois*, 200 U.S. 561, 592 (1906). But such regulation becomes problematic where, as here, the state takes it a step too far and infringes upon other protections afforded to their citizens; in this case, those protections are housed in the Free Speech Clause. *See, e.g., Smith v. Daily Mail Publ'g Co.*, 443 U.S. 97, 102 (1979) (reaffirming that “state action to punish the publication of truthful information seldom can satisfy constitutional standards.”).

This Court should reverse the Fifteenth Circuit’s holding and find that CADS violates the Free Speech Clause as applied to the Church. As a restriction of an entire type of speech, namely, personally identifiable information, CADS is a content-based speech restriction that must withstand strict scrutiny. *See Reed v. Town of Gilbert, Arizona*, 576 U.S. 155, 163 (2015). The district court rightly concluded that the state of Delmont cannot overcome this burden. (R. at 19). The state of Delmont cannot overcome this burden because CADS is overly broad. Specifically,

CADS does not include exceptions for speech about public figures and matters of public concern, both of which have long been protected under the First Amendment.

A. CADS is a content-based restriction on speech that cannot withstand strict scrutiny.

1. CADS is a content-based restriction because it plainly restricts an entire class of speech.

CADS is a content-based restriction because it plainly restricts an entire class of speech. The First Amendment guarantees, in no uncertain terms, a commitment to free speech: “Congress shall make no law . . . abridging the freedom of speech.” U.S. Const. amend. I. This guarantee extends to state governments, including the state of Delmont. *See Gitlow v. New York*, 268 U.S. 652, 666 (1925) (holding that the First Amendment is applicable to the states through the Fourteenth Amendment). Generally, the First Amendment requires that government not restrict speech in *any* form, including “its message, its ideas, its subject matter, or its content.” *Reed*, 576 at 163 (quoting *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 95 (1972)). Such restrictions are only tolerable if the state can prove that the restriction is narrowly tailored in service of a compelling state interest. *See, e.g., R.A.V. v. City of St. Paul*, 505 U.S. 377, 395 (1992).

CADS is a facially content-based statute. A content-based statute can be identified plainly on its face, or upon review of the statute’s purpose. *Reed*, 576 U.S. at 163-64. In either case, the statute is subject to strict scrutiny. *Id.* CADS restricts an entire class of speech on its face: the personally identifiable information of students and faculty at a Delmont college or university. (R. at 6). Even though the state of Delmont was motivated by broader public safety needs in so restricting, such “benign” motivations do not make CADS content neutral. *Reed*, 576 U.S. at 165; *see also Boos v. Barry*, 485 U.S. 312, 334-35 (1988) (Brennan, J., concurring) (“[A]n otherwise content-based restriction on speech can [effectively] be recast as ‘content-neutral’ if the restriction

‘aims’ at ‘secondary effects’ of the speech . . . [S]uch secondary effects offer countless excuses for content-based suppression . . .”). Thus, notwithstanding its non-speech motivations, the state of Delmont must survive strict scrutiny when restricting an entire class of speech.

2. CADS cannot withstand strict scrutiny because it uses overly broad language without any clear limiting principles.

CADS cannot withstand strict scrutiny because it uses overly broad language without any clear limiting principles. The state of Delmont cannot withstand this burden. Promoting public safety, particularly that of students and faculty, is indisputably a compelling state interest. (R. at 19). But CADS is not narrowly tailored to achieve this interest. First, the definition of “private information” in subsection (A) is overly broad. Specifically with respect to the plaintiff, “private information” includes “[t]he plaintiff’s home address, personal email address, personal phone number, social security number, *or any other personally identifiable information.*” Del. Ann. Stat. § 25.989(A) (2025) (emphasis added). Thus, the publication of *any* personally identifiable information, irrespective of its source, is actionable under CADS.

Such a broad catch-all provision without any limiting principle is problematic. An analysis of similar civil anti-doxxing statutes is instructive. For example, Washington’s version defines “personally identifiable information” as including “*any* information that can be used to distinguish or trace an individual’s identity” Wash. Rev. Code. § 4.24.792(6)(h) (2023) (emphasis added). Illinois’s version includes the same language. 740 Ill. Comp. Stat. § 195/5 (2024). But unlike CADS, these broad statutes are not without limiting principles. Specifically, both statutes include a list of clear exceptions for acceptable publications of personally identifiable information. Free speech is among those exceptions. Washington, for example, provides that it is not a violation to “[p]rovid[e] personal identifying information in connection with an exercise of the right of

freedom of speech . . . guaranteed by the United States Constitution or Washington state constitution.” Wash. Rev. Code. § 4.24.792(2)(b) (2023).

Applying CADS to the Church offers an empirical study of the implications of doxxing statutes not including such free speech exceptions. CADS prohibits the publication of personally identifiable information about *any* member of a Delmont college or university. (R. at 6). But this class of people can be, and often are, public figures. This cannot be more clearly highlighted than by the example of Ms. Marshall: a student at DSU who, of her own accord, gave a public speech at a campus protest. (R. at 2, 10). A more dramatic example would be a former politician who is now serving as an adjunct political science professor at a Delmont college or university. Under CADS, *any* publication of either party’s personally identifiable information is equally actionable, even though such publications are squarely within this Court’s jurisprudence on public figures.

Doxxing statutes, then, need to be clearly limited to interpersonal disputes between private figures on matters of purely private concern. *See Snyder v. Phelps*, 562 U.S. 443, 452 (2011) (“[R]estricting speech on purely private matters does not implicate the same constitutional concerns as limiting speech on matters of public interest”). The state of Delmont did not account for the reality of public figures in crafting CADS. Governor Morrison only spoke of students and faculty generally. (R. at 47). Limiting the protected class to those affiliated with a Delmont college or university is not sufficiently narrow to allow CADS to withstand strict scrutiny.

3. The intent provision incorporated into CADS does not save it from being overly broad and unworkable as applied to the Church of Light.

The intent provision incorporated into CADS does not save it from being overly broad and ultimately unworkable as applied to the Church. CADS requires that the party disclosing personally identifiable information do so with the “intent to ‘stalk, harass, or physically injure.’”

Del. Ann. Stat. § 25.989 (2025). “Intent” is defined elsewhere in the Delmont statutory scheme as “acting purposefully or recklessly.” Del. Ann. Stat. § 163.732 (2025). This mens rea requirement only functions to chill more speech. At the risk of being held liable under CADS for doxxing, parties may cease to engage in activities that they, in good faith, have long believed to be permissible under the First Amendment. For the Church, that activity is their longstanding practice of discussing public issues in their publications. (R. at 8-9).

Again, an analysis of similar civil anti-doxxing statutes is instructive. The statutes in California, Illinois, and Washington all include a list of clear exceptions for activities that are not actionable. Common among all three statutes, for example, are exceptions for reporting of criminal activity and reporting of conduct that is reasonably believed to be unlawful. *See* Cal. Civil Code § 1708.89(i) (2025); 740 Ill. Comp. Stat. § 195/10(b) (2024); Wash. Rev. Code. § 4.24.792(2)(a) (2023). Reporting criminal activity is understood as serving a necessary role in the smooth functioning of civic society. No one would reasonably think that the reporting of criminal activity, generally, is done with the intent of causing harm to the individual whose information is being reported. And yet, these statutes specifically included exceptions for such activity. Such an approach can be best understood as the state legislatures recognizing that there are certain activities in which competing concerns are at issue. This CADS fails to do.

B. CADS as written infringes upon free speech rights by sweeping in protected speech about public figures.

CADS as written infringes upon free speech rights by sweeping in protected speech about public figures. This Court has long held that public figures and matters of public concern are afforded distinct protections under the First Amendment. *New York Times Co. v. Sullivan*, 376 U.S. at 270; *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974). An individual, although not elected to any public office, can be a “public figure.” This status includes both “public figures for all

purposes,” who have broad influence within their community in general, and “limited-purpose public figures,” who more specifically aim to influence the outcome of a single controversy. *Gertz*, 418 U.S. at 345. This public figure analysis established in this line of defamation cases should similarly apply to doxxing. This Court reasoned in *Sullivan* that public figures effectively assume the risk of negative publicity. 376 U.S. at 270. Such is the cost of doing business under the First Amendment: “[D]ebate on public issues should be uninhibited, robust, and wide-open, and . . . it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” *Id.* (citing *Terminiello v. City of Chicago*, 337 U.S. 1, 4 (1949)).

Ms. Marshall readily qualifies as a limited-purpose public figure. Ms. Marshall voluntarily “thrust” herself into the Energy Farm Controversy (the “Controversy”) “in order to influence [its] resolution” when she gave a speech as an activist for the Nature Coalition. *Gertz*, 418 U.S. at 345. Importantly, her speech was given against the backdrop of a student protest, and the speech was ultimately impactful enough to garner large-scale news coverage. (R. at 10). And by the time Ms. Marshall gave this speech, the Controversy had been ongoing for months. (R. at 5). Ms. Marshall, then, cannot reasonably have expected that her public speech, at a protest, on such a contentious issue as the Controversy, would not bring her to the forefront of public discourse.

This Court’s examples of purely private figures are instructive. First, in *Time, Inc. v. Firestone*, this Court held that a wealthy socialite was not a “public figure” because she had not “assume[d] any role of especial prominence” or aimed to influence the outcome of a controversy. 424 U.S. 448, 453 (1976). Second, in *Wolston v. Reader’s Digest Association*, this Court held that a subject of local publicity was not a “public figure” because he, too, did not aim to influence the outcome of a controversy. 443 U.S. 157, 168 (1979). This Court, thus, only finds individuals to be “public figures” when they clearly and voluntarily “thrust” themselves into public affairs with the

express aim of playing an influential role, even if just within a particular controversy. *See Gertz*, 418 U.S. at 345. In this case, Ms. Marshall voluntarily “thrust” herself into the ongoing Controversy when she gave an impassioned speech at the campus protest. (R. at 10).

C. CADS as written infringes upon free speech rights by sweeping in protected speech about matters of public concern.

CADS as written infringes upon free speech rights by sweeping in protected speech about matters of public concern. The Controversy is clearly a matter of public concern. A matter is sufficiently “public” when it can “be fairly considered as relating to any matter of political, social, or other concern to the community.” *Snyder*, 562 U.S. at 453 (quoting *Connick v. Myers*, 461 U.S. 138, 146 (1983)). The Controversy readily meets this requirement. Each side of the Controversy has organized themselves into distinct camps and lobby for their interests before the Delmont legislature. (R. at 5). And this Controversy is of great importance to the public at large, with the Governor having to intervene to quell unrest at rallies and marches. (R. at 4-5). The people of Delmont, then, that are known for their involvement in this controversy, such as Ms. Marshall, can be fairly classified as engaging with a matter of public concern.

The Church’s speech about the Controversy, therefore, deals with a matter of public concern. This Court in *Snyder v. Phelps* outlined the framework for assessing whether particular speech deals with a matter of public concern: the speech must be assessed against its “content, form, and context.” 562 U.S. at 453.¹

First, the content of the Church’s speech: the video of Ms. Marshall’s public speech on the Controversy followed by the photo of Ms. Marshall, in a Nature Coalition shirt, at the Delmont

¹ This Court in *Snyder* did not analyze the speech’s form at length, so this assessment will be limited in kind to the speech’s content and context. *Snyder*, 562 U.S. at 453-54.

Treatment Center. (R. at 10). Importantly, the photo also included resources for students suffering from substance abuse, which included the phone number, address, and hours for both the Delmont Treatment Center and another treatment center in downtown Delmont. *Id.* The content of the video and the photo, especially when taken together, “plainly relate[] to broad issues of interest to society at large[.]” *Snyder*, 562 U.S. at 454. Here, those societal interests are the broader Controversy and treatment for substance abuse. This Court clarified in *Snyder* that even if some of the speech’s content seemed “personal” to the plaintiff, the overall “dominant theme” of the Church’s speech clearly speaks to “broader public issues.” *Id.*

Second, the context of the Church’s speech: the Church’s longstanding religious practice of addressing local events in a “reportorial fashion.” (R. at 11). The Church first did so with *The Lantern* pamphlets, and the Church now does so through its DSU Lightbearer Missionary vans. (R. at 8-10). As to the Controversy specifically, the Church has published news and video speeches from both sides of the issue. (R. at 11). And as to the photo of the Delmont Treatment Center, the Church “customarily” provides resources to students of all forms, including substance abuse resources. (R. at 12).

Just as the Westboro Baptist Church in *Snyder* had long been speaking on issues of public concern before it became aware of the plaintiff, so, too, has the Church long been publishing information on issues of public concern to the Delmont community before it became aware of Ms. Marshall. (R. at 8-9); *Snyder*, 562 U.S. at 455. As in *Snyder*, there was not an interpersonal, “pre-existing relationship or conflict” between the Church and Ms. Marshall that would suggest that the Church was really intending to air out some private, personal dispute with Ms. Marshall. (R. at 10-11); *Snyder*, 562 U.S. at 455. The Church had been indiscriminately publishing speeches and information from both sides. (R. at 11). Thus, the video and photo were not, as the Fifteenth Circuit

characterized, a “carefully orchestrated presentation” intended to “endanger Ms. Marshall’s safety.” (R. at 33). Rather, the Church was publishing information about local events and resources for students as it always had. (R. at 8-9). In this case, the matter of public concern that the Church included in its routine broadcast was Ms. Marshall’s role in the Controversy. (R. at 10-11).

D. Discussion of public information about a matter of public concern is erroneously restricted under CADS.

1. The good-faith publication of personally identifiable information, especially when public, is protected under the First Amendment.

The good-faith publication of personally identifiable information is protected under the First Amendment. This is especially true when the information is already public. The protections afforded to the press in privacy cases are illustrative.² In *Cox Broadcasting Corporation v. Cohn*, this Court held that a state could not impose sanctions for the accurate publication of public information obtained in judicial records. 420 U.S. 469, 496-97 (1975). The right to privacy, this Court reasoned, must be balanced against the rights to speech and press provided for in the First Amendment. *Id.* at 494-95 (“[I]nterests in privacy fade when the information involved already appears on the public record.”).

In this case, CADS erroneously tips the scale in favor of privacy at the expense of the First Amendment. By broadly allowing the publication of “any other personally identifiable information” to be actionable, CADS allows Ms. Marshall to sue the Church for publishing public

² Even though many of the Church’s students are journalism majors, they are not per se members of the “press.” (R. at 9). But this Court has extended protections to parties that are not “press,” such as social media platforms. *See Moody v. NetChoice, LLC*, 603 U.S. 707, 716 (2024) (holding that social media platforms that “create expressive products” are afforded the same protections as traditional media); *see also Turner v. Wells*, 879 F.3d 1254, 1271 (1st Cir. 2018) (“The First Amendment [in defamation actions] protects both media (‘freedom ... of the press’) and non-media (‘freedom of speech’) defendants.”).

information in its broadcasts. (R. at 7). Here, the photo of Ms. Marshall at the Delmont Treatment Center was available on the Center’s publicly available website. (R. at 17).³

Ms. Marshall’s right to privacy, thus, is not implicated by the Church’s publishing of her photo at the Center. This Court held in *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.* that the right to privacy is implicated when an individual’s “own good name” and “private personality” are at stake. 472 U.S. 749, 757-58 (1985) (quoting *Gertz*, 418 U.S. at 341). This is not the case here. Not only is the photo of Ms. Marshall publicly available, but the context of the Controversy also makes the photo a matter of public concern. In *Dun*, the information was a confidential credit report. *Id.* at 751. This was clearly not a matter of public concern. *Id.* at 757. Here, by contrast, the photo was *public* information on a matter of *public* concern. (R. at 17). The Church was well within its rights under the First Amendment. *Id.* at 759. (“[S]peech on matters of purely private concern is of less First Amendment concern.”).

2. The good-faith publication of personally identifiable information serves important public and political functions.

The good-faith publication of personally identifiable information serves important public and political functions. This form of speech, thus, stands apart from those forms of speech that this Court has held to be of such “slight social value” that they are wholly beyond this Court’s protection. *Chaplinsky v. New Hampshire*, 315 U.S. 568, 572 (1942). Last year, this Court reaffirmed its narrow list of unprotected speech forms.⁴ Doxxing with the intent to harm a *private*

³ See, e.g., *U.S. v. Cook*, 472 F. Supp. 3d 326, 339 (N.D. Miss. 2020) (“[R]e-sharing a public record doesn’t arise to the severity of sharing someone’s bank records or social security number.”).

⁴ See *Free Speech Coalition, Inc. v. Paxton*, 606 U.S. 461, 471-72 (2025) (quoting *United States v. Stevens*, 559 U.S. 460, 468 (2010) (confirming that “obscenity, defamation, fraud, incitement, and speech integral to criminal conduct” are unprotected); see also *Chaplinsky*, 315 U.S. at 572 (holding that “fighting words” are unprotected); see also *Watts v. United States*, 394 U.S. 705, 708 (1969) (holding that “true threats” are unprotected).

party may align with incitement or true threats, for example, but any alignment falls away when the publication of personally identifiable information is about a *public* figure on a matter of *public* concern. See David Cremins, Note, *Defending the Public Quad: Doxxing, Campus Speech Policies, and the First Amendment*, 76 Stan. L. Rev. 1813, 1825-26 (2024).

Applying these principles to the Church illustrates why such overly broad statutes as CADS do more harm than good. Young people, particularly college students, play an important role in civic society through political engagement and impassioned activism. See *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 512 (1969) (underscoring that “[t]he Nation’s future depends upon leaders through wide exposure to that robust exchange of ideas which discovers truth[.]”). Ms. Marshall is a perfect example of a student who advocated publicly and effectively on an issue that is important to her and her community. (R. at 10). And so, too, should the students of the Church be able to advocate publicly and effectively in a manner consistent with their religious beliefs. (R. at 8-9). To now require, under CADS, that students be restricted in their on-campus microcosm of a “robust exchange of ideas” is exactly the kind of restriction that the Framers aimed to prevent with the Free Speech Clause. *Tinker*, 393 U.S. at 512. For these reasons, this Court should reverse the Fifteenth Circuit’s holding and find that CADS infringes upon the Church’s free speech rights.

II. THE CAMPUS ANTI-DOXXING STATUTE EXCESSIVELY BURDENS AND VIOLATES THE CHURCH OF LIGHT’S FREE EXERCISE RIGHTS.

A law that is neutral on its *face* but excessively burdensome in its *application* to a religious institution’s free exercise and its sincere beliefs is unconstitutional. In *Smith*, this Court established 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).” *Employment Div. v. Smith*, 494 U.S. 872, 879 (1990). CADS does not meet this threshold. Although on its face CADS does not include language that overtly targets the Church or other religious institutions, the statutory context and historical background expose a targeted effort to silence a religious institution and burden its free exercise.

A. CADS fails to satisfy the neutral and general applicability requirements established in *Smith*.

A statute that burdens the exercise of religion must be neutral *and* generally applicable to avoid the monumental challenge of strict scrutiny. *Smith*, 494 U.S. at 879; *see City of Boerne v. Flores*, 521 U.S. 507, 534 (1997) (holding that strict scrutiny is “the most demanding test known to constitutional law.”). CADS fails to satisfy either. This Court in *Lukumi* held that “[n]eutrality and general applicability are interrelated, and failure to satisfy one requirement is a likely indication that the other has not been satisfied.” *Church of the Lukumi Babalu Aye v. Hialeah*, 508 U.S. 520, 521 (1993). Such is the case here.

1. CADS is not neutral as applied to the Church of Light.

CADS deliberately targets the Church’s free exercise under a guise of facial neutrality – a scheme that is repugnant to the First Amendment and scheme of ordered liberty set forth in the Constitution. This Court in *Lukumi* established the following factors as guideposts when assessing a statute’s neutrality: (1) The historical background of the decision under challenge; (2) The specific series of events leading to the enactment or official policy in question; and (3) The legislative or administrative history, including contemporaneous statements made by members of the decision-making body. *Lukumi*, 508 U.S. at 540. Prior to the passage of CADS, Governor Morrison and the legislature were well apprised of the debilitating effect that CADS would have on the Church’s ability to engage in activity consistent with its deeply held beliefs, and particularly the Lightbearer’s ability to satisfy their missionary duty. (R. at 23). The President of the Church,

Harris Rallston, described CADS as “a grave threat to the very existence of our church” and creating a “risk of a flood of lawsuits brought against the Church, which would sink us through bankruptcy.” (R. at 45). From the time of its founding by Uriah Webster in the nineteenth century, the Church of Light has consistently proselytized via public proclamation and printed witness. (R. at 8). Notwithstanding the State of Delmont having full knowledge that personal interaction and printed witness was fundamental to the Church of Light’s free exercise, CADS was passed without considering sufficient alternative legislation that would achieve the same outcome via less restrictive means. (R. at 48).

A statute cannot escape strict scrutiny and satisfy the neutrality requirement in *Smith* simply by including language that, on its face, does not target a particular religion – context matters. Although the constitutionality of CADS has primarily been analyzed through the lens of the First Amendment, this Court should also consider analogous equal protection cases. For example, in *Dothard* this Court struck down a facially neutral statute that established height and weight requirements for prison guards on the basis that it discriminated against women. *Dothard v. Rawlinson*, 433 U.S. 321, 432 (1977). This Court ruled that Alabama’s 5’2” height minimum had a “significantly discriminatory pattern” of excluding 41% of women, in violation of Title VII of the Civil Rights Act of 1964. *Id.* at 1329. Despite an equal protection claim proceeding under a different analytical framework, the principle to be extracted from such a case as *Dothard* can be applied to the present case, to wit: merely because a statute is neutral in its *form* does not per se establish the statute is neutral in *substance*. *Lukumi*, 508 U.S. at 534 (holding that the facial neutrality of a statute is not determinative).

2. CADS is not generally applicable as applied to the Church of Light.

CADS is not generally applicable because it prohibits the dissemination of not only private information, but also publicly available information; thus, uniquely burdening the Church and its members, more so than any other religion subject to CADS, and impeding the free exercise of their faith via live witnessing and the distribution of its newspaper *The Lantern*. The Church made its dissent known via extensive lobbying efforts directed toward Governor Morrison and the legislature, all of which were ignored. (R. at 46). Notwithstanding the disproportionate impact CADS would have on the Church’s free exercise comparative to other similarly situated religious institutions, CADS was enacted into law. Because the Church has well established itself as a pillar of the community with its founding dating back to the nineteenth century, and the Church’s practice of disseminating its message via live witnessing and journalism are axiomatic to its free exercise, CADS is not generally applicable and is therefore subject to strict scrutiny. (R. at 22).

B. CADS imposes a burden on the Church of the same character as *Yoder* and is therefore subject to strict scrutiny.

Even if this Court finds that CADS satisfies the neutral and general applicability requirement in *Smith*, the deleterious effect of CADS on the Church’s free exercise is analogous to the compulsory obligation in *Yoder*, therefore strict scrutiny applies. *Mahmoud v. Taylor*, 606 U.S. 522, 564-65 (2025) (holding 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.”); *see also Wisconsin v. Yoder*, 406 U.S. 205, 219 (1972) (“enforcement of the State’s requirement of compulsory formal education after the eighth grade would gravely endanger if not destroy the free exercise of respondents’ religious beliefs.”).

In *Yoder*, this Court held that “the values and programs of the modern secondary school were in sharp conflict with the fundamental mode of life mandated by the Amish religion,” and

“the impact of the compulsory-attendance law on respondent’s practice of Amish religion is not only severe, but inescapable” *Yoder* 406 U.S. at 217-18. The compulsory law in *Yoder* prevented the Amish youth from receiving educational instruction that was consistent with their sincerely held religious beliefs. *Id.* Likewise, in the present case, CADS vitiates the ability of young Lightbearers to spread the word and disseminate *The Lantern* as their faith demands. Lightbearers are required, pursuant to the Church’s creed, to serve for one year as a missionary, a time that allows a Lightbearer to further develop their faith and establish themselves in the teachings of the Church. (R. at 8-9). CADS not only impacts the ability of Lightbearers to distribute *The Lantern*, but it also, and more consequently, stunts the development of impressionable young adolescents in the Church. The preeminent concern at the forefront of the Court’s decision in *Yoder*. 406 U.S. at 218.

Because CADS outlaws the dissemination of truthful lawfully-obtained publicly-available personal identifying information, suppresses the Church’s ability to exercise its faith via live witnessing, and imposes a burden of the same character as *Yoder*, this Court’s decision in *Mahmoud* demands the application of strict scrutiny. (R. at 6-7); *Mahmoud*, 606 U.S. at 564-65; *Yoder*, 406 U.S. at 217-18.

1. The Fifteenth Circuit misapplied the compelling interest test from *Mahmoud*.

The Fifteenth Circuit misapplied the compelling interest test from *Mahmoud* and erroneously held that the burden placed on the Lightbearers was not “anything like that of the burden placed on Amish children in *Yoder*.” (R. at 41); *Mahmoud*, 606 U.S. at 564-65; *Yoder*, 406 U.S. at 218. The role of a parent in guiding their child’s religious development is markedly similar to the Church’s role in mentoring and raising up young Lightbearers devoted to the faith, thus

triggering the compelling interest test set forth in *Mahmoud*. (R. at 8); 606 U.S. at 564-65. Knowing that factually unique circumstances would arise following its decision, this Court acknowledged that even laws that do not directly impact a parental relationship but implicate other fundamental rights, e.g., free speech, in conjunction with free exercise may still warrant heightened scrutiny, as evinced by its deliberate choice to not require a burden *identical* to *Yoder* but rather “of the same character.” *Id.*

Because DSU exists as an institution of higher learning and is made up of students who identify with various religious organizations, the facts of the present case closely align with the context in *Yoder*. Like the parents in *Yoder* that were presented with an onerous choice to subject their children to educational methods in contravention of their beliefs or face criminal prosecution, the youth in this case must choose between: (a) exercising their faith; or (b) violating an overbroad statute that bans the publication of public information. The two factual bases are distinct, yet inseparable as a matter of principle. The Fifteenth Circuit’s ruling that the association between the Church and Lightbearers is entirely incommensurate with the student-parent relationship in *Yoder* is flawed and warrants reversal.

2. The Fifteenth Circuit acted beyond the scope of its authority by serving as an arbiter of free thought and scriptural interpretation.

The Free Exercise Clause bars the government from selectively allowing one religious organization to freely exercise its faith while prohibiting others. U.S. Const. amend. I. This Court’s decision in *Thomas* serves as a clear illustration of the Court declining to serve as an “arbiter of scriptural interpretation.” *Thomas v. Review Bd. Of Indiana Emp. Sec. Div.*, 450 U.S. 707, 716 (1981). In *Thomas*, rather than a religious organization relying upon the Free Exercise Clause, a laid off factory worker challenged the government’s denial of employment compensation after he was terminated due to his refusal to work on military vehicles. *Id.* *Thomas* was a religious

pacifist. *Id.* The state responded to Thomas' claim by arguing that other co-workers within the company, who also claimed to be religious pacifists, had no issue with working on the vehicles, thus Thomas was misapplying the teachings of his faith. *Id.* at 715-16. The Supreme Court rejected the state's argument, holding that "Thomas drew a line, and it is not for us to say that the line he drew was an unreasonable one. *Courts should not undertake to dissect religious beliefs . . .*" . *Id.* at 715 (emphasis added). However, the Fifteenth Circuit deviated from this established principle.

Instead, the Fifteenth Circuit inappropriately downplayed the developmental and spiritual value the Church places on its youth spreading the word, disseminating *The Lantern*, and engaging in live witnessing. The court held that "CADS is not restricting anything 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." (R. at 39). This ruling is the product of a flawed understanding of the Church's beliefs and how those beliefs are directly impacted by CADS. The court failed to acknowledge that a facially neutral statute can still excessively burden free exercise if the content restricted or regulated is disproportionately utilized and relied upon by a particular religious institution, to wit: the Church in the present case. *See United States v. Ballard*, 322 U.S. 78, 87 (1944) (establishing that the First Amendment prohibits courts from examining the truth or falsity of religious beliefs and instead requires a focus on the sincerity of the belief).

The Fifteenth Circuit also held that CADS does not preclude the Lightbearer Missionaries from sharing their faith publicly and instead "*merely* requires that the additional material they display . . . 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." (R. at 42) (emphasis added). This logic is nearsighted. The court failed to acknowledge the heightened risk of liability the Church will face because of CADS, particularly

when reporting on matters of public concern that frequently involve employees of the University, members of the student body, and residents of the community. The original meaning of the First Amendment and this Court’s jurisprudence has long guarded against laws that “stifle public debate.” *Snyder*, 562 U.S. at 461. Providing coverage of current events on campus serves as an opportunity for the Church to share their message via live witnessing, broadcasting, and publication – a compulsory obligation of the faith. The Fifteenth Circuit failed to grasp that through witnessing and disseminating publicly available information the Church is de facto exercising its faith, therefore a statute that excessively burdens a Lightbearer’s ability to engage in these activities must satisfy “the most demanding test known to constitutional law” – strict scrutiny. *City of Boerne*, 521 U.S. at 534.

C. The threat of civil liability cannot be used to quell the exercise of constitutional rights.

To require a religious organization to decide between practicing its deeply held sincere beliefs; or, in the alternative, face debilitating civil liability, is an ultimatum that is unconstitutional. *EEOC v. Catholic Univ. of Am.*, 83 F.3d 455, 467 (D.C. Cir. 1996). The D.C. Circuit has made clear that it is inappropriate for the “prospect of future investigations and litigation” to dictate a religious organization’s activities and structure. *Id.* As expressed in the Affidavit of Harris Rallston, CADS would lead to irreversible financial and legal consequences that would stunt the Church’s growth and potentially lead to its dissolution. (R. at 45). If the Church cannot follow its religiously mandated practice of providing a living witness of their faith absent crippling liability, then little remains, if any, of the First Amendment protections that have served as a polestar of the spirit of liberty in this Nation from the time of the Founding.

The First Amendment grants “a spirit of freedom for religious organizations, an independence from secular control or manipulation—in short, power to decide for themselves, free

from state interference, matters of church government as well as those of faith and doctrine.” *Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 116 (1952). Similarly, in *Milivojevich* the Court held that the First Amendment permits religious organizations to “establish their own rules and regulations for internal discipline and government” and that civil authorities must defer to the decisions of such organizations “on matters of discipline, faith, internal organization, or ecclesiastical rule, custom, or law.” *Serbian E. Orthodox Diocese for U. S. of Am. & Canada v. Milivojevich*, 426 U.S. 696, 713-14 (1976).

In this case, the Free Exercise Clause protects the Church’s right to freely broadcast its message to the public and include within that messaging publicly-available personal-identifying information, especially when live dissemination of its message is a core tenet of the Church’s religious practice and deeply held religious belief. If the restrictions of CADS remain in effect, then the Church’s very existence will be in jeopardy, and the threat of impending litigation could result in the Church losing membership to the point of ruin. (R. at 45).

D. Even if this Court finds that CADS is neutral, generally applicable, and not analogous to *Yoder*, the Church of Light’s free exercise claim is based upon a hybrid right and subject to strict scrutiny.

The Church’s independently viable free exercise claim has a requisite nexus to its communicative claim, thus triggering the hybrid exception. *See, e.g., Henderson v. Kennedy*, 253 F.3d 12, 19 (D.C. Cir. 2001) (noting that a successful hybrid-rights argument requires a “violat[ion]” of the Free Exercise Clause and having a “viable” claim under another constitutional clause). Because the communicative activity of live witnessing and dissemination of *The Lantern* is the functional equivalent of speech itself, a viable communicative claim exists and therefore attaches to the Church’s implicated free-exercise interest that is interdependent with the free speech claim. In other words, the free speech claim and free-exercise claim are inseparable, i.e.,

the Church has asserted a hybrid right that this Court acknowledged was possible in *Smith*. 494 U.S. at 881 (citing *Cantwell v. Connecticut*, 310 U.S. 296, 304 (1940) (declaring that the only times the Court has held that the First Amendment bars application of a neutral and generally applicable law to religiously motivated action “involved not 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). This Court in *Smith* interpreted *Cantwell* to stand for the principle that the First Amendment prohibits prosecution of religious free exercise when doing so would concomitantly abridge the freedom to communicate information within the Free Speech Clause. William J. Haun, *A Standard for Salvation: Evaluating “Hybrid-Rights” Free-Exercise Claims*, 61 Cath. U. L. Rev. 265 (2012). However, courts are certainly divided as to the legal soundness of constitutional claims premised on hybrid-rights, and many circuits have wrestled with this issue therefore demonstrating the need for this Court to provide clarity on this matter for the judiciary and litigants.⁵

Through engaging with the community via live witnessing, broadcasting its message on public networks, and distributing *The Lantern*, the Lightbearers are per se engaging in religious free exercise. (R. at 8). In denying the Church the right to freely exercise its faith and disseminate publicly available information, the lower court acted as an arbiter of religious liberty and sought to define what religious beliefs are worthy of First Amendment protections. See *Hernandez v. Commissioner*, 490 U.S. 680, 699 (1989) (holding that “[i]t is not within the judicial ken to

⁵ *Soc’y of Separationists, Inc. v. Herman*, 939 F.2d 1207, 1209-16 (5th Cir. 1991) (noting that the court’s holding is consistent with a hybrid claim exception from the general rule in *Smith* because this case implicated “religion-plus-speech”— the plaintiff was compelled to state an oath or affirmation that she claimed violated her freedom of speech and religion), aff’d on reh’g, 959 F.2d 1283, 1288-89 (5th Cir. 1991); but cf. *Ass’n of Christian Sch. Int’l. v. Stearns*, 362 F. App’x 640, 646 (9th Cir. 2010) (quoting *Jacobs v. Clark Cnty. Sch. Dist.*, 526 F.3d 419, 440 n.45 (9th Cir. 2008)) (refusing to acknowledge the hybrid-rights doctrine).

question the centrality of particular beliefs or practices to a faith, or the validity of particular litigants' interpretation of those creeds.”). Therefore, this Court should find that the Church alleged: (1) an independently viable free exercise claim; (2) an independently viable communicative claim; and (3) these claims are interdependent on one another and share a common nexus. For these reasons, the hybrid exception applies, and CADS should be subject to strict scrutiny.

E. CADS does not survive strict scrutiny.

CADS furthers a compelling government interest: preserving safe college campuses free from acts of harassment, stalking, and violence; but the means through which it accomplishes this goal is certainly not narrowly tailored, therefore running afoul of constitutional principles and the First Amendment. *Bowen v. Roy*, 476 U.S. 693, 728 (1986) (“Only an especially important governmental interest pursued by narrowly tailored means can justify exacting a sacrifice of First Amendment freedoms as the price for an equal share of the rights, benefits, and privileges enjoyed by other citizens.”). An incremental reduction in a general problem cannot be obtained at the expense of the First Amendment. *Id.*

In the present case, the church-made publication *The Lantern* routinely covers news of local interest while intertwining religious tracts and material that is proselytizing in nature. However, the sweeping restrictions imposed by CADS on broadcasting publicly-available personal identifying information excessively burdens the Church's freedom to share their religious message in-person and via print – a core tenet of their faith. A statute is facially unconstitutional if it seeks to prohibit such a broad range of protected speech that it is unconstitutionally overbroad. *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 796 (1984).

The specific statutory language that renders CADS unconstitutional is found in section § 25.989(A) which provides that “private information” includes, among other things, “*any other personally identifiable information.*” (emphasis added). Such broad language sweeps in publicly available information that is routinely broadcast on national news networks and published in newspapers, to wit: an individual’s name and occupation. *See Stevens*, 559 U.S. at 462-63 (striking down a federal statute criminalizing animal cruelty depictions, finding it “substantially overbroad” because it could apply to legal, harmless speech). Section § 25.989(B) defining “private information” as “[c]ontact information for the plaintiff’s employer” is also problematic. Del. Ann. Stat. § 25.989(B) (2025). Assuming, arguendo, that the President of DSU was under investigation for embezzling tuition funds and the Lightbearers desired to inform the public of this developing story via *The Lantern*, CADS as written would prohibit the inclusion of elementary publicly-available personal-identifying information such as the President’s name and the specific university he was entrusted to lead. This is an unacceptable outcome that tramples First Amendment protections and excessively burdens the Church’s free exercise rights.

CONCLUSION

Because CADS violates the Church’s free speech and free exercise rights, we respectfully ask this Court to: (1) reverse the decision of the Fifteenth Circuit; (2) hold that CADS, as applied to the Church, is unconstitutional; and (3) remand with instructions to enter judgment for the Church.

Respectfully submitted.

BRIEF CERTIFICATE

1. The work product contained in all copies of Team 21's brief is in fact the work product of the team members only.
2. Team 21 complied fully with their law school's governing honor code.
3. Team 21 has complied with all Competition Rules.

APPENDIX

Cal. Civil Code § 1708.89

- (a) For purposes of this section, the following terms apply:
- (1) "Doxes" means an act when a person, with intent to place another person in reasonable fear for their safety, or the safety of the other person's immediate family, by means of an electronic communication device, and without consent of the other person, and for the purpose of imminently causing that other person unwanted physical contact, injury, or harassment, by a third party, electronically distributes, publishes, emails, hyperlinks, or makes available for downloading, personal identifying information, including, but not limited to, a digital image of another person, or an electronic message of a harassing nature about another person, which would be likely to incite or produce that unlawful action.
 - (2) "Electronic communication" has the same meaning as the term is defined in paragraph (12) of Section 2510 of Title 18 of the United States Code.
 - (3) "Electronic communication device" includes, but is not limited to, telephones, cell phones, computers, internet web pages or websites, internet phones, hybrid cellular/wireless devices, personal digital assistants, video recorders, fax machines, or pagers.
 - (4) "Harassment" means a knowing and willful course of conduct directed at a specific person that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing the person and that serves no legitimate purpose.
 - (5) "Identifying characteristics" means name or any part thereof, address or any part thereof, city or unincorporated area of residence, age, marital status, relationship to defendant, and race or ethnic background, telephone number, email address, social media profiles, online identifiers, contact information, or any other information, including images of the plaintiff, from which the plaintiff's identity can be discerned.
 - (6) "Of a harassing nature" means of a nature that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing of the person and that serves no legitimate purpose.
 - (7) "Online identifiers" means any personally identifying information or signifiers that would tie an individual to a particular electronic service, device, or internet application, website, or platform account, including, but not limited to, access names, access codes, account names, aliases, avatars, credentials, gamer tags, display names, handles, login names, member names, online identities, pseudonyms, screen names, user accounts, user identifications, usernames, Uniform Resource Locators (URLs), domain names, Internet Protocol (IP) addresses, and media access control (MAC) addresses.
- (b) A private cause of action lies against a person who doxes another person.
- (c) A prevailing plaintiff who suffers harm as a result of being doxed in violation of subdivision (b) may recover any of the following:
- (1) Economic and noneconomic damages proximately caused by being doxed, including, but not limited to, damages for physical harm, emotional distress, or property damage.
 - (2) Statutory damages of a sum of not less than one thousand five hundred dollars (\$1,500) but not more than thirty thousand dollars (\$30,000).
 - (3) Punitive damages.

(4) Upon the court holding a properly noticed hearing, reasonable attorney's fees and costs to the prevailing plaintiff.

(d) In addition to any other relief available at law, the court may order equitable relief against the person violating subdivision (b), including a temporary restraining order, or a preliminary injunction or a permanent injunction ordering the defendant to cease doxing activities. The court may grant injunctive relief maintaining the confidentiality of a plaintiff using a pseudonym as provided in subdivision (e).

(e) (1) A plaintiff in a civil proceeding pursuant to subdivision (b) may proceed using a pseudonym, either John Doe, Jane Doe, or Doe, for the true name of the plaintiff and may exclude or redact from all pleadings and documents filed in the action other identifying characteristics of the plaintiff. A plaintiff who proceeds using a pseudonym and excluding or redacting identifying characteristics as provided in this section shall file with the court and serve upon the defendant a confidential information form for this purpose that includes the plaintiff's name and other identifying characteristics excluded or redacted. The court shall keep the plaintiff's name and excluded or redacted characteristics confidential.

(2) In cases where a plaintiff proceeds using a pseudonym under this section, the following applies:

(A) All other parties and their agents and attorneys shall use this pseudonym in all pleadings, discovery documents, and other documents filed or served in the action, and at hearings, trial, and other court proceedings that are open to the public.

(B) (i) Any party filing a pleading, discovery document, or other document in the action shall exclude or redact any identifying characteristics of the plaintiff from the pleading, discovery document, or other document, except for a confidential information form filed pursuant to this subdivision.

(ii) A party excluding or redacting identifying characteristics as provided in this section shall file with the court and serve upon all other parties a confidential information form that includes the plaintiff's name and other identifying characteristics excluded or redacted. The court shall keep the plaintiff's name and excluded or redacted characteristics confidential.

(C) All court decisions, orders, petitions, discovery documents, and other documents shall be worded so as to protect the name or other identifying characteristics of the plaintiff from public revelation.

(3) The responsibility for excluding or redacting the name or identifying characteristics of the plaintiff from all documents filed with the court shall be the responsibility of the parties and their attorneys. This section does not require the court to review pleadings or other papers for compliance with this subdivision.

(4) Upon request of the plaintiff, the court shall limit access to the court records in an action filed under this section to the following individuals:

(A) A party to the action, including a party's attorney.

(B) A person by order of the court on a showing of good cause for access.

(C) A person 60 days after judgment is entered unless the court grants a plaintiff's motion to seal records pursuant to Chapter 3 of Division 4 of Title 2 of the California Rules of Court.

(f) In an action pursuant to this section, the plaintiff shall state in the caption of the complaint "ACTION BASED ON CIVIL CODE SECTION 1708.89."

- (g) This section does not alter or negate any rights, obligations, or immunities of an interactive service provider under Section 230 of Title 47 of the United States Code. This section does not limit or preclude a plaintiff from securing or recovering any other available remedy.
- (h) On or before January 1, 2026, the Judicial Council shall adopt or revise as appropriate rules and forms to implement subdivision (e).
- (i) This section shall not apply against a person who solely does either of the following:
- (1) Provide a person's personal identifying information or sensitive personal information in connection with the reporting of criminal activity to an employee of a law enforcement agency or with any lawfully authorized investigative, protective, or intelligence activity of any law enforcement agency or of an intelligence agency of the United States and the person making the report reasonably believes it is true.
 - (2) Disseminate the personally identifiable information for the purpose of, or in connection with, the reporting of conduct reasonably believed to be unlawful.
- (j) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Del. Ann. Stat. § 25.989

“Private information” is defined as:

- (A) The plaintiff’s home address, personal email address, personal phone number, social security number, or any other personally identifiable information;
- (B) Contact information for the plaintiff’s employer;
- (C) Contact information for a family member of the plaintiff;
- (D) Photograph of the plaintiff’s children;
- (E) Identification of the school that the plaintiff’s children attend.

Del. Ann. Stat. § 163.732

“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.

Wash. Rev. Code. § 4.24.792

- (1) No person may publish an individual's personal identifying information when:
 - (a) The publication is made without the express consent of the individual whose information is published;
 - (b) The publication is made with: (i) Intent or knowledge that the personal identifying information will be used to harm the individual whose information is published; or (ii) reckless disregard for the risk the personal identifying information will be used to harm the individual whose information is published; and
 - (c) The publication causes the individual whose information is published to suffer: (i) Physical injury; (ii) significant economic injury; (iii) mental anguish; (iv) fear of serious bodily injury or death for themselves or a close relation to themselves; or (v) a substantial life disruption.
- (2) A person does not violate this section by:
 - (a) Providing personal identifying information with the reporting of criminal activity, which the person making the report reasonably believes occurred, to an employee of a law enforcement agency, intelligence agency, or other government agency in the United States; or in connection with any existing investigative, protective, or intelligence activity of any law enforcement agency, intelligence agency, or other government agency in the United States. This subsection (2)(a) only applies if the person providing the personal identifying information reasonably believes it to be accurate and provides the information in good faith and not for a malicious, fraudulent, or unlawful purpose;
 - (b) Providing personal identifying information in connection with an exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or Washington state Constitution;
 - (c) Providing personal identifying information to, or in the course of acting as or on behalf of, "news media" as defined in RCW 5.68.010(5);
 - (d) Providing personal identifying information to a requestor in response to a request under the public records act, chapter 42.56 RCW;
 - (e) Providing personal identifying information when required to do so by any federal, state, or local law or regulation, or court rule or court order. This subsection (2)(e) only applies if the person providing the personal identifying information reasonably believes it to be accurate and provides the information in good faith and not for a malicious, fraudulent, or unlawful purpose;
 - (f) Providing personal identifying information in connection with a lawful requirement for a court filing or recording, including but not limited to recording judgments or filing claims of liens;
 - (g) Providing personal identifying information as permitted under the federal Gramm-Leach-Bliley act and consumer financial protection bureau Regulation P, 12 C.F.R. Part 1016, consistent with privacy policy disclosures provided pursuant to such regulation;
 - (h) Providing personal identifying information in compliance with the fair credit reporting act (84 Stat. 1127; 15 U.S.C. Sec. 1681 et seq.) or fair debt collection practices act (91 Stat. 874; 15 U.S.C. Sec. 1692 et seq.);

- (i) Providing personal identifying information in a consumer alert or public notice arising from a regulatory, civil, or criminal investigation, complaint, or enforcement action. This subsection (2)(i) only applies to publications made by government agencies;
 - (j) Providing personal identifying information within or to a government agency, corporation, company, partnership, labor union, or another legal entity, or to any employees or agents thereof, but only if the following requirements are satisfied:
 - (i) The personal identifying information is provided for a legitimate and lawful purpose, including without limitation the reporting of criminal or fraudulent activity, facilitating a lawful commercial transaction, or furthering an existing business relationship;
 - (ii) The personal identifying information is provided through a private channel of communication, and is not provided to the public;
 - (iii) The person providing the personal identifying information:
 - (A) Reasonably believes it to be accurate; or
 - (B) Has reasonable suspicion to believe it is being used fraudulently; and
 - (iv) The person providing the personal identifying information provides it in good faith, and not for a malicious or fraudulent purpose; or
 - (k) Providing personal identifying information on behalf of a state agency, the health benefit exchange, a tribal nation, a contracted service provider of a state agency or the health benefit exchange, or the lead organization or a data vendor of the all-payer health care claims database under chapter 43.371 RCW, if the information was provided in a manner legally permitted under federal or state law or regulation.
- (3) It is not a defense to a violation of this section that the personal identifying information at issue was voluntarily given to the publisher, has been previously publicly disclosed, or is readily discoverable through research or investigation.
- (4) Nothing in this section shall be construed in any manner to:
- (a) Conflict with 47 U.S.C. Sec. 230;
 - (b) Conflict with 42 U.S.C. Sec. 1983; or
 - (c) Prohibit any activity protected under the Constitution of the United States or the Washington state Constitution.
- (5)(a) An individual whose personal identifying information is published in violation of this section may bring a civil action against: (i) The person or persons who published the personal identifying information; and (ii) any person who knowingly benefits, financially or by receiving anything of value, from participation in a venture that the person knew or should have known has engaged in an act in violation of this section.
- (b) A prevailing claimant who brings a civil action pursuant to this section is entitled to recover any or all of the following remedies upon request: (i) Compensatory damages; (ii) punitive damages; (iii) statutory damages of \$5,000 per violation; (iv) costs and reasonable attorneys' fees; (v) injunctive relief; and (vi) any other relief deemed appropriate by the court.
 - (c) When an action is brought under this section, a court may, on its own motion or upon the motion of any party, issue a temporary restraining order, or a temporary or permanent injunction, to restrain and prevent the disclosure or continued disclosure of a party's personal identifying information.

- (d) A civil action may be brought in any county in which an element of any violation of this section occurred, or in which an individual resides who is the subject of the personal identifying information published in violation of this section.
- (6) The definitions in this subsection apply throughout this section and section 2, chapter 381, Laws of 2023 unless the context clearly requires otherwise.
- (a) "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepchild, stepparent, grandparent, any person who regularly resides in the household or who within the prior six months regularly resided in the household, or any person with a significant personal or professional relationship.
- (b) "Course of conduct" means a pattern of conduct composed of two or more acts, evidencing a continuity of purpose.
- (c) "Doxing" means unauthorized publication of personal identifying information with intent or knowledge that the information will be used to harm the individual whose information is published, or with reckless disregard for the risk the information will be used to harm the individual whose information is published.
- (d) "Electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic communication" includes, but is not limited to, email, internet-based communications, pager service, and electronic text messaging.
- (e) "Harassment" has the same meaning as in R.C.W. 9A.46.020, 9A90.120, and 9.61.230.
- (f) "Harm" means bodily injury, death, harassment, or stalking.
- (g) "Mental anguish" means emotional distress or emotional suffering as evidenced by anxiety, fear, torment, or apprehension that may or may not result in a physical manifestation of mental anguish or a mental health diagnosis. The mental anguish must be protracted and not merely trivial or transitory.
- (h) "Personal identifying information" means any information that can be used to distinguish or trace an individual's identity, including without limitation name, prior legal name, alias, mother's maiden name, or date or place of birth, in combination with any other information that is linked or linkable to an individual such as:
- (i) Social security number, home address, mailing address, phone number, email address, social media accounts, or biometric data;
 - (ii) Medical, financial, education, consumer, or employment information, data, or records;
 - (iii) Any other sensitive private information that is linked or linkable to a specific identifiable individual, such as gender identity, sexual orientation, or any sexually intimate visual depiction; or
 - (iv) Any information, including without limitation usernames and passwords, that enables access to a person's email accounts, social media accounts, electronic forum accounts, chat or instant message accounts, cloud storage accounts, banking or financial accounts, computer networks, computers or phones, teleconferencing services, video-teleconferencing services, or other digital meeting rooms.
- (i) "Publish" means to circulate, deliver, distribute, disseminate, post, transmit, or otherwise make available to another person, through any oral, written, visual, or electronic communication.

(j) "Regularly resides" means residing in the household with some permanency or regular frequency in the resident's living arrangement.

(k) "Stalking" has the same meaning as in RCW 9A.46.110.

(l) "Substantial life disruption" means that a person significantly modifies their actions, routines, employment, residence, appearance, name, or contact information to avoid or protect against an actor who has obtained or is using the person's personal identifying information, or because of the course of conduct of an actor who has obtained or is using the person's personal identifying information. Examples include, without limitation, changing a phone number, changing an electronic mail address, deleting personal electronic accounts, significantly decreasing use of the internet, moving from an established residence, changing daily routines, changing routes to and from work, changing employment or work schedule, or losing time from work or a job.

(7) The legislature does not intend this section to allow, and this section shall not allow, actions to be brought for constitutionally protected activity.

740 Ill. Comp. Stat. § 195

Sec. 1. Short title. This Act may be cited as the Civil Liability for Doxing Act.

Sec. 5. Definitions. As used in this Act:

“Course of conduct” means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose.

“Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system.

“Emotional distress” means significant mental suffering, anxiety, or alarm. “Emotional distress” is limited to emotional suffering that is protracted and not merely trivial or transitory.

“Family or household member” has the meaning given to the term “family or household members” in Section 103 of the Illinois Domestic Violence Act of 1986.

“Personally identifiable information” means any information that can be used to distinguish or trace a person’s identity, such as name, prior legal name, alias, mother’s maiden name, and date or place of birth in combination with any other information that is linked or linkable to a person such as:

- (1) social security number, home address, phone number, email address, social media accounts, or biometric data;
- (2) medical, financial, education, consumer, or employment information, data, or records;
- (3) any other sensitive or private information that is linked or linkable to a specific identifiable person, such as gender identity, sexual orientation, or any sexually intimate visual depiction; or
- (4) any information that provides access to a person’s teleconferencing, video-teleconferencing, or other digital meeting room.

“Post” means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available to 2 or more persons through electronic communication.

“Publish” means to circulate, deliver, distribute, disseminate, post, transmit, or otherwise make available to another person. “Publish” does not include writing or electronically communicating to one other person in private communications for which an individual has a reasonable expectation of privacy.

“Regularly resides” means residing in the household with some permanency or regular frequency in the person’s living arrangement.

“Stalk” or “stalking” has the meaning provided in Section 12-7.3 of the Criminal Code of 2012, except that “stalking” does not include an activity that is part of a protest that is protected by the United States Constitution or the Illinois Constitution.

“Substantial life disruption” means a material and significant alteration of an individual’s livelihood. “Substantial life disruption” may include, but is not limited to, moving from an established residence, changing routes to and from work, changing employment or work schedule, or losing time at work or a job.

Sec. 10. Doxing.

(a) An individual engages in the act of doxing when that individual intentionally publishes another person's personally identifiable information without the consent of the person whose information is published and:

(1) the information is published with the intent that it be used to harm or harass the person whose information is published and with knowledge or reckless disregard that the person whose information is published would be reasonably likely to suffer death, bodily injury, or stalking; and

(2) the publishing of the information:

(i) causes the person whose information is published to suffer significant economic injury or emotional distress or to fear serious bodily injury or death of the person or a family or household member of the person; or

(ii) causes the person whose information is published to suffer a substantial life disruption; and

(3) the person whose information is published is identifiable from the published personally identifiable information itself.

(b) It is not offense under this Act for an individual to:

(1) provide another person's personally identifiable information or sensitive personal information in connection with the reporting of criminal activity to an employee of a law enforcement agency or in connection with any lawfully authorized investigative, protective, or intelligence activity of any law enforcement agency or of an intelligence agency of the United States and the person making the report reasonably believes the alleged criminal activity occurred or the existing investigative, protective, or intelligence activity is legitimate;

(2) disseminate the personally identifiable information for the purpose of, or in connection with, the reporting of conduct reasonably believed to be unlawful; or

(3) provide a person's personally identifiable information in connection with activity protected under the United States Constitution or the Illinois Constitution pertaining to speech, press, assembly, protest, and petition, as well as the provision of personally identifiable information to the press.

(c) Nothing in this Act shall be construed in any manner to:

(1) conflict with Section 230 of Title II of the Communications Act of 1934 (47 U.S.C. 230);

(2) conflict with 42 U.S.C. 1983; or

(3) prohibit any activity protected under the Constitution of the United States or the Illinois Constitution.

Sec. 15. Civil action.

(a) A person who is aggrieved by a violation of this Act may bring a civil action against (i) the individual who committed the offense of doxing or (ii) any individual or entity that directs one or more persons to violate this Act and that knowingly benefits, financially or by receiving anything of value, from participation in a venture that the individual or entity knew involved a violation of this Act.

(b) A person who is aggrieved by a violation of this Act may recover damages and any other appropriate relief, including reasonable attorney's fees.

(c) An individual who is found liable under this Act shall be jointly and severally liable with each other individual, if any, who is found liable under this Act for damages arising from the same violation of this Act.

(d) When a judgment is entered in favor of an individual alleged to have committed the offense of doxing, the court may award reasonable costs and attorney's fees to the defendant for defending any claim that the court finds was brought by the plaintiff and that the court finds was frivolous, baseless, or brought in bad faith.

Sec. 20. Injunctive relief.

(a) A court in which a suit is brought under this Act, on the motion of a party, may issue a temporary restraining order, emergency order of protection, or preliminary or permanent injunction to restrain and prevent the disclosure or continued disclosure of a person's personally identifiable information or sensitive personal information. Upon a motion by a party in a civil action brought under this Act, and following a full evidentiary hearing, a court may issue an order pursuant to this Section to prevent the publishing of a person's personally identifiable information or sensitive personal information if the court finds by clear and convincing evidence each of the following:

(1) the individual to be enjoined published personally identifiable information or sensitive personal information in violation of this Act;

(2) continued or further publishing of the personally identifiable information or sensitive personal information poses a present and ongoing risk of death, bodily injury, or stalking to another individual; and

(3) the individual to be enjoined has no lawful or constitutional purpose for continued or further publishing of the personally identifiable information or sensitive personal information.

(b) Any injunctive relief granted under this Section shall state the following with sufficient particularity to allow appellate review:

(1) the required findings in subsection (a) of Section 20 and the evidentiary basis and reasoning for the findings;

(2) the expiration date of the injunction, which shall be no more than one year from the date of its entry;

(3) that the enjoined individual may seek relief from the injunction, if the court determines, after notice and hearing, that one or more of the required findings in subsection (a) of Section 20 no longer apply; and

(4) that the person who sought the injunction may seek an extension of the order of no more than one year if the court determines, after notice and hearing, that the required findings in subsection (a) of Section 20 continue to apply.

(c) If a person violates any order issued under this Section, the court, in its discretion, may grant any civil remedy under State law.

Sec. 25. Venue.

A civil action may be brought in any county in which an element of the offense occurred, or in which a person resides who is the subject of personally identifiable information published in violation of this Act.

Sec. 30. Constitutionality.

The General Assembly does not intend this Act to allow, and this Act shall not allow, actions to be brought against constitutionally protected activity.

Sec. 97. Severability.

The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.