No. 25-CV-1994

IN THE

Supreme Court of the United States

OCTOBER TERM, 2025

CHURCH OF LIGHT, LLC
Petitioner,

v.

LAURA MARSHALL,
Respondent.

On Writ of Certiorari from the
United States Court of Appeals
for the Fifteenth Circuit

BRIEF FOR PETITIONER

TEAM 23
Counsel for Petitioner
February 6, 2026

QUESTIONS PRESENTED

1. Whether CADS violates the Church of Light's First Amendment right to free speech when the Church engaged in protected public speech, the statute is content based on its face, and the statute is not sufficiently tailored to survive strict scrutiny?
2. Whether CADS violates the Church of Light's First Amendment right to free expression when the law is not neutral in its object, overburdens the religious development of young adherents, implicates both the Free Exercise and Free Speech Clause of the first Amendment, is not narrowly tailored, and cannot survive strict scrutiny?

TABLE OF CONTENTS

TABLE OF AUTHORITES

Cases

Statutes

Rules

Constitutional Provisions

PARTIES TO THE PROCEEDINGS

The Petitioner is The Church of Light, LLC.

The Respondent is Laura Marshall.

OPINONS BELOW

The opinion of the United States Court of Appeals of the Fifteenth Circuit's decision in *Marshall v. The Church of Light*, No. 25-CV-1994 (15th Cir. Dec. 29, 2025) is unpublished and included in the Record on Appeal ("R.") at 30-44. The opinion of the United States District Court for the District of Delmont, Western Division is similarly unreported and available in the Record on Appeal. R. at 2-29.

STATEMENT OF JURISDICTOIN

On Dec. 8, 2025, the United States District Court for the District of Delmont approved the Church of Light's Fed. R. Civ. P. 56 motion for summary judgement under its jurisdiction pursuant to 28 U.S.C. § 1331. On Dec. 29, 2025, the Fifteenth Circuit reversed, and denied the Church's motion pursuant to the Court's jurisdiction under 28 U.S.C. § 1291. The Church timely filed a writ of certiorari on Dec. 30, 2025, which this Court granted on Jan. 7, 2026. This Court has jurisdiction over the Circuit Courts pursuant to U.S. Const. art III, § 2.

RELEVANT CONSTITUTIONAL PROVISIONS

This case invokes both the Free Exercise and Free Speech Clauses of the First Amendment of the United States Constitution.

STATEMENT OF CASE

In 1873, a Delmontian newspaper mogul Uriah Webster founded the Church of Light based on "a divine revelation to form a church that is itinerant in nature." R. at 8. Since its founding, the Church's followers, known as "Lightbearers," have proselytized around the state of Delmont "by

way of public proclamation and printed witness." R. at 8. The Lightbearers' proclamations initially took shape as disseminating a free, church-made publication called *The Lantern.* R. at 8. Soon, the paper became so pervasive that local Delmontians were dependent on it for news coverage. R. at 8. Naturally, "a foundational dimension of practicing the Church of Light faith is the personal, live, and public proclamation of their religious message and then sharing the same through some kind of communicative format." R. at 8.

The Church has rules regarding which communicative formats are sufficiently "live," as "[t]he personal interaction and the printed witness are deemed inseparable [and] require an individual encounter that leaves testimony of its impact through a message left in its wake." R. at 8. Church-approved methods include TV broadcasts, print media, and now vans equipped with LED screens. R. at 9-10.

Today, the young members of the faith carry this practice on. R. at 8. At this developmental stage of life it is the Church's belief that the "[young] Lightbearers would become more resolute in their faith through becoming advocates for it." R. at 8. In keeping with this tradition, young Lightbearers must complete a missionary year between the ages of 18-22 where they "devote a substantial portion of their week" to the proclamations. R. at 8-9. The missionaries take shifts driving the LED vans around campus and standing by the screens to field questions. R. at 9-10, 45. The young membership takes the tenets of the church seriously, as over 70% of Lightbearer missionaries study communications and journalism. R. at 9. The President of the Church sees the missionary year as "key to [the Church's] growth," and without it, he "fear[s] [the] church's growth will not only grind to a halt, but begin to reverse as [the practice] decline[s]." R. at 45. Since the Church's inception, the live proclamations have strategically combined "localized information along with its religious witness," to gain a broader appeal. R. at 8.

Since Delmont is one of the largest states in the nation and equipped with vast natural resources, the Church regularly comments on environmental issues and news. R. at 4. Clean energy and conservation are hot topics in the state, especially in fall of 2024 when the Delmont legislature began to debate on whether to convert nearly 1,000 acres of the state's undeveloped land into solar and wind energy production zones. R. at 4. Two camps developed, those who supported Delmont's green energy goals and those more concerned with preserving the state's natural resources. R. at 4.

The two camps "organized, protested, and lobbied for their viewpoints." R. at 4. However, around April 2025, the debate became more volatile after the government began clearing woodlands to prepare for the production zones. R. at 4. Activists held "rallies and marches" around the state, public figures started weighing in, and "press coverage [was] extensive." R. at 5. The two camps became more well defined, those in favor of the development labeled the Energy Coalition, and the conservationists labeled the Nature Coalition. R. at 5. The Lightbearer missionaries were members of the Energy Coalition at Delmont State University (DSU). R. at 7, 10.

Organizing ramped up on Delmont college campuses in August 2025. Protests broke out at a new level, and some students on both sides got hurt at the demonstrations. R. at 5. Students on both sides began systematically sharing personal information in an effort to intimidate the opposition, otherwise known as "doxxing." R. at 5. This practice seemed to be escalating, so the Delmont legislature passed the Campus Anti-Doxxing Statute (CADS), which created a cause of action for these information-sharing acts. R. at 6. There have been two successful lawsuits under the statute, the first against Nature Coalition members who published the home address of a professor calling for his "punishment," which resulted in people going to the professor's house

and throwing rocks through his windows. R. at 7. The second was against Energy Coalition members who published a Nature Coalition activist's place of employment and called for the activist to be "decisively addressed." R. at 7. People showed up at the activist's work and blocked a jobsite. R. at 7.

The Church worried about the effect CADS would have on their mission. So, the Church tried to appeal to the governor through "[the Church's] television broadcasts, public proclamations, and letters from Lightbearers. [The President of the Church himself had] written to the Governor repeatedly to impress upon him the immense burden that CADS will place on [the Church's] ability to grow and thrive as a church; as yet, [the Church] received no answer." R. at 46.

During the week of September 22, 2025, the Church broadcast a video of Laura Marshall speaking at a protest. R. at 10. Although this was her first speech, and she was not a founder of the Nature Coalition, she still had "attended many rallies and has played a substantial organizational role in some major protests." R. at 10. This speech gained "extensive news coverage due to the strength of [Marshall's] rhetoric." R. at 10.

After the video of her speech, the Church included a picture of Marshall at the front desk of the Delmont Treatment Center, a substance abuse facility in town. R. at 10. The Church had a policy of only broadcasting publicly available information, so they obtained this picture from the Treatment Center's website. R. at 17, 45. The picture had text with a list of different treatment centers, including Delmont, along with contact information. R. at 10. There was no call to action in this picture. In the same frame, a picture of John's Church Counseling Center appeared. R. at 10. This sequence became part of the missionary vans' weekly rotation, as it was customary for the Church to post clips of speeches on the energy debate, or resources for students. R. at 11-12.

During this same time, Marshall was a part-time employee and patient at the treatment center. R. at 11. Within 24-hours of the Church's first broadcast of her speech, Marshall was confronted outside her place of work by about twenty people. R. at 11. They followed her and keyed her car. R. at 11. The next night, a similar event occurred, and when Marshall attempted to flee, she clipped a light pole which caused some damage to her car. R. at 12. Following the event, she quit her job, withdrew from treatment at the Center, and asked the Church to stop broadcasting the picture, which they declined to do. R. at 12.

The Church's fear of a lawsuit became a reality when Marshall instituted a cause of action under CADS alleging that, by doxxing her private information, they caused a violent attack and forced her to leave her job and treatment. R. at 1-2. The Church now moves for Summary Judgment, arguing the statute is unconstitutional under the Free Speech and Free Exercise Clauses of the First Amendment. R. at 3. The District Court for the District of Delmont granted the Church's motion, and the Fifteenth Circuit reversed. R. at 29; 43. This Court granted the Church's writ of certiorari to determine whether CADS violates the Church's First Amendment rights. R. at 50.

STATEMENT OF THE ARGUMENT

The Church of Light files this writ of certiorari to ask this Court to grant their motion for summary judgement based on CADS' unconstitutional violation of the Church's right to free speech and freedom to exercise their religion guaranteed by the First Amendment.

The Church of Light's proclamations on public issues constitute speech in the purest sense and therefore are protected by the full force of the First Amendment. CADS is a content-based law on its face, as it only restricts speech that fits into certain categories of information, and is unconstitutional unless shown to survive strict scrutiny. Although the state has an interest in public safety, the statute's overbroad definitions are not narrowly tailored to achieve the government's

intended purpose. Additionally, the statute expands already-recognized exceptions to the First Amendment. Therefore, the statute is unconstitutional under this Court's recognized free speech protections.

The statute is similarly unconstitutional under the Free Exercise Clause of the First Amendment. First, the young Lightbearers' mandatory testimonials constitute religious activity, as they are integral to the fabric of the Church. CADS is an unconstitutional burden on this religious exercise unless it survives strict scrutiny because (1) the statute is not neutral and generally applicable in its object, as the legislature knew about the devastating effects the statute would have on practitioners, (2) it overly burdens the religious right of passage of the young missionaries, and (3) it implicates two constitutionally enshrined rights, and therefore represents a unique hybrid rights case. Regardless of how this statute reaches strict scrutiny, it fails because it is overly broad and burdensome to the Church's proclaimed commitment to religious advocacy.

Therefore, this statute is a direct violation of both the Free Exercise and Free Speech Clauses of the First Amendment.

ARGUMENT

I. CADS IS OVERBROAD AND VIOLATES THE CHURCH OF LIGHT'S CONSTITUTIONAL FREEDOM TO SPEAK ON PUBLIC ISSUES.

The First Amendment states that "Congress shall make no law . . . abridging the freedom of speech, or of the press." U.S. Const. amend. I. The First Amendment's protection against government intrusion applies to both Federal and State action. *Gitlow v. New York*, 268 U.S. 652, 666 (1925). The First Amendment also serves as a defense to tort actions, and defendants may allege that state-created causes of action are unconstitutional restrictions on free speech. *Snyder v. Phelps*, 562 U.S. 443, 451 (2011).

The First Amendment "was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Connick v. Myers*, 461 U.S. 138, 145 (1983) (quoting *Roth v. United States*, 354 U.S. 476, 484 (1957)). Consequently, the Amendment's "primary aim is the full protection of speech upon issues of *public concern*." *Id.* at 154 (emphasis added). Therefore, determining whether speech is protected by the First Amendment "turns largely on whether [the speech at issue] is a matter of public or private concern." *Snyder*, 562 U.S. at 451.

When speech is of public concern, the next line of inquiry is whether the statute is content based. Under the First Amendment, the government cannot "restrict expression because of its message, its ideas, its subject matter, or its content." *Police Dep't of City of Chicago v. Mosley*, 408 U.S. 92, 95 (1972) (citations omitted). A statute regulating speech "is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed." *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 162 (2015) (citations omitted). However, in the context of the First Amendment, the constitutionality of a law or policy rests on the law's restrictive *effects*, not the intent of the legislature. *Id.* at 168.

When a content-based regulation restricts speech of public concern, it is presumptively unconstitutional. To overcome this presumption, the law must survive "the most demanding test known in constitutional law," strict scrutiny. *City of Borne v. Flores*, 521 U.S. 507, 534 (1997). Strict scrutiny "which requires the Government to prove that the [content-based] restriction furthers a compelling interest and is narrowly tailored to achieve that interest." *Reed*, 576 U.S. at 171 (quoting *Ariz. Free Enter. Club's Freedom Club PAC v. Bennett*, 564 U.S. 721, 734 (2011)).

In this case, CADS violates the First Amendment's guarantee on freedom of speech because (1) the Church's speech was of public concern, (2) CADS is a content-based regulation,

and the law is therefore unconstitutional unless it rises to the standard of (3) strict scrutiny, meaning, (a) the law must further a compelling state interest and (b) be narrowly tailored to achieve that interest. CADS is overly broad and fails strict scrutiny. The statute's burden on the Church's free speech is simply too great to justify its existence.

A. The Church's speech falls squarely within First Amendment protection as an issue of public concern.

This Court has held that speech on "matters of public concern" is "at the heart of the First Amendment's protection." *First Nat. Bank of Bos. v. Bellotti*, 435 U.S. 765, 776 (1978) (citing *Thornhill v. Alabama*, 310 U.S. 88, 101 (1940)). This includes speech on "any matter of political, social or other concern to the community," *Connick*, 461 U.S. at 146, and speech that is "a subject of general interest and of value and concern to the public." *San Diego v. Roe*, 543 U.S. 77, 84 (2004). In contrast, speech on matters of private concern is "solely in the individual interest of the speaker and its specific business audience," and therefore not as vigorously protected under the First Amendment. *Dun & Bradstreeet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 762 (1985).

Additionally, for the purpose of the private-public inquiry, it does not matter whether speech is "inappropriate or controversial," *Rankin v. McPherson*, 483 U.S. 378, 387 (1987), nor does speech "lose its protected character . . . simply because it may embarrass others or coerce them into action." *N.A.A.C.P v. Claiborne Hardware Co.*, 458 U.S. 886, 910 (1982); *See also Texas v. Johnson,* 491 U.S. 397 (1989). With this protection, the government cannot lawfully "grant the use of forum to people whose views it finds acceptable but deny use to those wishing to express less favored or more controversial views." *Mosley*, 408 U.S. at 96. Therefore, the inquiry is not whether the speech in question is socially acceptable to the public, but instead whether it is on matters of public concern.

To determine whether speech is of public concern, this Court "examine[s] the content, form, and context of a given statement, as revealed by the whole record." *Connick*, 461 U.S. at 147-48. However, "no factor is dispositive, and it is necessary to evaluate all the circumstances of the speech, including what was said, where it was said, and how it was said." *Snyder*, 562 U.S. at 454. In the present case, an examination of the entire record reveals that the Church of Life was undeniably commenting on a matter of public concern.

In *Snyder*, to evaluate the content of the speech, this Court looked at the larger political landscape and refused to view the statements in a vacuum. *Id.* . In that case, the Westboro Baptist church stood outside a soldier's funeral with a variety of inflammatory signs, including "God Hates You," "Thank God for IEDs," "You're Going to Hell," and "America is Doomed." *Id.* This Court reasoned that these signs were attempting, however offensively, to "highlight" several "matters of public import," including "the political and moral conduct of the United States and its Citizens [and] the fate of our Nation." *Id.* This Court added that "even if a few of the signs . . . were viewed as containing messages related to [the soldier and his family] specifically, that would not change the fact that the overall thrust and dominant theme of Westboro's demonstration spoke to broader public issues." *Id.*

As was the case in *Snyder*, the Church of Light's broadcast "spoke to broader public issues." *Id.* Since fall 2024, there has been an ongoing public debate in Delmont regarding proposed state legislation to use hundreds of acres of undeveloped land for solar and wind energy. R. at 4. The Church broadcast a speech given by Marshall opposing this development project. Like in *Snyder*, the Church's broadcast related to "matters of public import:" the clean energy issue, which had been a heated debate in Delmont for nearly a year. R. at 4. In fact, the public interest in this issue is so pervasive that Marshall's speech also received "extensive news coverage due to the

strength of her rhetoric." R. at 10. The amount of news coverage indicates the Delmont community was invested in this debate; the Lightbearers are not the only ones who believed Marshall's words deserved public attention. Therefore, the Church's broadcast was of public concern.

Additionally, the picture of Marshall included at the end of the Church's broadcast cannot be viewed in isolation from the video and the larger public debate. As this Court stated in *Snyder*, directing speech at a specific individual does not necessarily "change the fact that the overall thrust and dominant theme of [the] demonstration [speaks] to broader public issues." 562 U.S. at 454. The Church of Light's "overall thrust" was to participate in the public debate on renewable energy. Even if the Church included the picture simply to characterize Marshall in a negative way, this would still be permissible, as public speech does not "lose its protected character simply because it may embarrass others" or because the speech is socially reprehensible. *Claiborne Hardware Co.*, 458 U.S. at 910. Therefore, when viewing the content of the Church's speech as a whole, it is clear that the Church was commenting on an issue of public concern.

The form and context of the Church's broadcast further show that the speech was of public concern. This Court has held that "'public places' such as streets, sidewalks, and parks, are considered, without more, to be 'public forums.'" *United States v. Grace*, 461 U.S. 171, 177 (1983) (citations omitted), and the First Amendment's protection "applies with full force in a traditional public forum." *McCullen v. Coakley,* 573 U.S. 464, 477 (2014) (quoting *Mosley*, 408 U.S. at 95). For that reason, "the government's ability to restrict speech in such locations is 'very limited.'" *Id.* (quoting *Grace*, 461 U.S. at 177).

The Church of Light's broadcast took place in public streets, at a public university, in front of public buildings. R. at 10-11. The Church's speech therefore took place at a "public forum" historically associated with public debate. If the Church's speech is permitted anywhere, it is

permitted in a public forum. The heightened protections provided to public forums by this Court and the First Amendment apply with "full force" in this case.

Additionally, the Church exercised their First Amendment rights in a "manner designed . . . to reach as broad a public audience as possible." *Snyder*, 562 U.S. at 454. The use of video and images is conducive to reaching a larger audience. Video and picture are accessible to consume quickly on a cursory glance, even if someone only sees the van in passing. Additionally, driving around a busy college campus, strategically parking a vehicle in front of a public place, and having representatives stand outside a vehicle are all attempts at reaching a broader audience and making sure as many people as possible engage with the material. R. at 10-11. Therefore, speech in this form indicates the Church was commenting on an issue of public concern.

In conclusion, the content of the broadcast contributed to a larger public debate on a contested policy issue, the public forum aligned with the historic tradition of community discussion, and the accessible and visible nature of the form all support the conclusion that the Church spoke on a topic of public concern.

B. CADS is content based on its face and presumptively unconstitutional.

Protected public speech is never subject to content-based regulation unless such regulation proves to survive strict scrutiny. *See Reed*, 576 U.S. at 163. To determine whether speech is content based, courts ask "whether a regulation of speech 'on its face' draws distinctions based on the message a speaker conveys." *Reed*, 576 U.S. at 163 (quoting *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 563 (2011)). A statute with a "prohibition of public discussion of an entire topic," is just as content based as statutes that make distinctions between "particular viewpoints." *Id.* at 169 (quoting *Consol. Edison Co. of N.Y. v. Pub. Serv. Comm'n of N.Y.*, 447 U.S. 530, 537 (1980)). To clarify, "a speech regulation targeted at specific subject matter is content based even if it does not

discriminate among viewpoints within that subject matter." *Id.* A statute that turns "entirely on the communicative content" of the speech at issue is content based on its face. *Id.* at 164.

CADS is content based on its face. The statute creates a private cause of action against any individual who "uses a communication platform of any type to *disclose private information*" of protected individuals. R. at 4. (emphasis added). Whether a "communication . . . disclos[ed] private information," can only be determined after examining the *content* of the "communication" for any private information protected by the statute. The speech is similarly examined to determine if the private information concerns a protected individual. R. at 4. Since liability under the statute is based on the content of the speech, the statute is content based on its face and presumptively unconstitutional.

C. CADS is not narrowly tailored and cannot survive strict scrutiny.

CADS is a content-based rule and therefore is presumptively unconstitutional and subject to strict scrutiny. Strict scrutiny's exacting standard is necessary because "[a]ny restriction on expressive activity because of its content would completely undercut the 'profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open.'" *Mosley*, 408 U.S. at 96 (citing *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964)). Therefore, the statute is justified only if it "furthers a compelling governmental interest and is narrowly tailored to that end." *Reed,* 576 U.S. 163, 171 (citations omitted). More specifically, the statute must employ the "least restrictive means of achieving a compelling state interest." *McCullen*, 573 U.S. at 478 (citing *United States v. Playboy Ent. Grp., Inc.*, 529 U.S. 803, 813 (2000)). Courts mandate that "[i]f a less restrictive alternative would serve the Government's purpose, the legislature must use that alternative." *Playboy Ent. Grp.*, 529 U.S. at 813 (citing *Rino v. Am. C.L. Union*, 521 U.S. 844, 874 (1997)).

In the present case, the government of Delmont could have taken several less restrictive steps to further their interest in public safety while still protecting the Lightbearers' free speech. For example, the statute should be more aligned with recognized limits on free speech, and the statute should also narrow the definition of private information.

States may only regulate "narrowly limited classes of speech." *Hess v. Indiana*, 414 U.S. 105, 107 (1973) (quoting *Gooding v. Wilson*, 405 U.S. 518, 521-22 (1973)). More specifically, although a state may regulate speech that is "likely to incite or produce [imminent lawless action]," this Court has strictly limited this exception and clarifies that "mere advocacy" for lawless action does not rise to this standard. *Brandenburg v. Ohio*, 395 U.S. 444, 447, 449 (1969). A speaker is only criminally or civilly liable when their "words were 'intended' (not just likely) to produce imminent disorder." *Counterman v. Colorado*, 600 U.S. 66, 76 (2023) (quoting *Hess*, 414 U.S. at 109). The "intent" required by this rule is a more demanding standard, equivalent to "purpose or knowledge." *Id.* at 81. This Court created such a stringent standard because "incitement to disorder is commonly a hair's-breadth away from political 'advocacy.'" *Id.* (citing *Brandenburg*, 395 U.S. at 447).

Additionally, states may limit "true threats," which are carefully defined to "encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals." *Virginia v. Black*, 538 U.S. 343, 360 (2003) (citing *Watts v. United States*, 394 U.S. 705, 708 (1969)).

The true threat and incitement exceptions are already expressly limited by this Court and distinct from protected speech that states cannot limit, even if they want to. For example, "[s]peech does not lose its protected character . . . simply because it may embarrass others or coerce them into action." *Claiborne Hardware Co.*, 458 U.S. at 910.

Under CADS, individuals are liable for speech that would cause a "reasonable person to feel threatened" or subject someone to more than merely trivial "anxiety, fear, torment or apprehension." R. at 6, n.1. This waters down the Court's standard requiring a "serious expression of an intent to commit an act of unlawful violence." *Black,* 548 U.S. at 360 (citations omitted). The statute does not clarify what feeling "apprehension" means in this context: it could be apprehension of social isolation or even being followed. These examples are distinct from expressions of intent to commit *unlawful violence* prohibited by true threats. Therefore, CADS is much closer to prohibiting speech that "may embarrass others or coerce them into action," *Claiborne Hardware Co.*, 458 U.S. at 910, than prohibiting "true threats."

Additionally, CADS defines "intent" as "acting purposefully or recklessly to place a person in reasonable fear of bodily injury, death, or property damage as to cause severe emotional distress to such person." R. at 6. The statute's inclusion of "recklessness" lowers this Court's already-recognized standard for intent in incitement cases which "demand more" than intent for true threats. *Counterman*, 600 U.S. at 81. This court requires "purpose or knowledge," in incitement cases, not recklessness. *Id.* This statute therefore sweeps in protected speech where intent to incite cannot be shown under the recognized test. CADS is therefore not narrowly tailored to serve the compelling interest of regulating incitements of imminent violence and cannot survive on this basis.

Next, the statutory definition of "private information" is similarly overbroad. The statute prohibits disseminating "contact information for the plaintiff's employer," even if this information is already available to the public. R. at 7. In the present case, the Church obtained the picture of Marshall at her place of work, as well as her employer's contact information, from the Delmont Treatment Center's website. R. at 17. CADS should not classify available information, free for

anyone to look up, as "private." Under this definition, the Church's advocacy is severely limited. Imagine if a prominent legislator opposing the energy coalition took a job as an adjunct professor at a Delmont university; the Church could not ask students to call this legislator's office and express their support for the Energy Coalition without being liable for this action. The legislator's office phone number would be considered "private information" under the statute. Limiting activity such as this would overly burden the public debate on the energy issue and do nothing to protect public safety. Consequently, the statutory definition of "private information" is not narrowly tailored.

Furthermore, acknowledging the unconstitutionality of this statute would not leave Marshall without a remedy. She can still file a cause of action against the individuals who actually damaged her property and intimidated her if she is able to find them. R. at 11-12. These people would not have the defense of free speech available to them since they took illegal action against Marshall, which resulted in tangible harm. It is not the Church's position that no one should be held responsible, but public safety will not be achieved by punishing people for protected speech when there are other causes of action available against already-recognized illegal activities, which were present in this case.

Therefore, CADS would be more narrowly tailored if the statute was more aligned with First Amendment jurisprudence and revised the definition of "private information." CADS is unconstitutional on the foregoing grounds.

II. CADS SUBSTANTIALLY AND UNCONSTITUTIONALLY BURDENS THE CHURCH'S RIGHT TO FREELY EXERCISE THEIR RELIGION.

Under the First Amendment, "Congress shall make no law . . . prohibiting the free exercise [of religion]." U.S. Const. amend. I. This Amendment forbids this character of intrusion at both

the state and federal level. *Cantwell v. State of Connecticut,* 310 U.S. 296, 303 (1940) (holding that the Fourteenth Amendment "has rendered the legislatures of the states as incompetent as Congress" to enact any law that prohibits free exercise of religion). This right protects "first and foremost, the right to believe and profess whatever religious doctrine one desires." *Emp. Div., Dep't of Hum. Res. Of Oregon v. Smith*, 494 U.S. 872, 877 (1990) (citation omitted). Courts must respect a claimant's "honest conviction" in their religious beliefs, even if the beliefs may "not be acceptable, logical, consistent, or comprehensible to others." *Thomas v. Rev. Bd. of Indiana Emp. Sec. Div.*, 450 U.S. 707, 716, 714 (1981). However, this right "does not relieve an individual of the obligation to comply with a 'valid and neutral law of general applicability.'" *Smith*, 494 U.S. at 879 (quoting *United States v. Lee*, 455 U.S. 252, 263, n. 3 (1972) (STEVENS, J., concurring in judgement)).

If the law is not neutral and generally applicable, it must withstand strict scrutiny, meaning it "must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest." *Church of Lukumi Babalu Aye, Inc., v. City of Hialeah*, 508 U.S. 520, 531-32 (1993). However, there are two exceptions where laws that are neutral and generally applicable are still subject to strict scrutiny.

First, in *Yoder,* this Court held that the constitution protects against a law that "substantially interfere[es] with the religious development" of youth. *Wisconsin v. Yoder*, 406 U.S. 205, 218 (1972). Religious upbringing is "beyond the power of the State to control, even under regulations of general applicability." *Id.* at 220. Therefore, "when a law imposes a burden of the same character as that in *Yoder*, strict scrutiny is appropriate regardless of whether the law is neutral or generally applicable." *Mahmoud v. Taylor*, 606 U.S. 522, 565 (2025).

Second, this Court recognizes there are certain "hybrid situation[s]" where "the First Amendment bars application of a neutral, generally applicable law to religiously motivated action have involved not the Free Exercise Clause alone, but [the Clause] in conjunction with other constitutional protections, such as freedom of speech." *Smith*, 494 U.S. at 881.

In the present case, the law is not neutral and generally applicable, it interferes with religious development, and it represents a hybrid situation. Therefore, the statute is presumptively unconstitutional under all three theories. This presumption cannot be rebutted, as the statute is not sufficiently tailored and unnecessarily overburdens the Lightbearers' rights to freely exercise their religion.

A. The Church's practice of mandating living testimonials is protected under the Free Exercise Clause.

This Court reasons that "the 'exercise of religion' often involves not only belief and profession but the performance of . . . physical acts" including the act of "proselytizing." *Id.* at 877. However, to be protected by the Free Exercise Clause, the belief or practice must be "rooted in religion" and an "honest conviction." *Thomas*, 450 U.S. at 713, 716 (citations omitted).

Determining whether a belief or practice is an honest conviction rooted in religion "is not to turn upon a judicial perception of the particular belief or practice in question; religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection." *Id.* at 714; *See also United States v. Ballard*, 322 U.S. 78 (1944). Historical associations between a practice and a particular religion mean that such practice "cannot be deemed bizarre or incredible." *Lukumi*, 508 U.S. at 531 (quoting *Frazee v. Illinois Dep't of Emp. Sec.*, 489 U.S. 829, 834, n.2 (1989)).

In this case, the activity in question is a central practice of the Church's religion, and the First Amendment's Free Exercise Clause therefore applies. Lightbearers have practiced "personal, live, and public proclamation of their religious message" through "some kind of communicative format" since the Church's inception. R. at 8-9. The method of disseminating information must be sufficiently "live" to meet the Church's requirements, as the "personal interaction and the printed witness are deemed inseparable under the Church of Light's tenets." R. at 8. Although the Church's news reports might seem secular, this practice, like their methods, is well thought out. Reporting news is rooted in the Church's historic practice of "combining localized information along with its religious witness" to reach a wider audience. R. at 8. Therefore, the public proclamations at issue in this case are the exact type of activity the Free Exercise Clause intends to protect: traditional religious practices with documented history.

B. Strict scrutiny applies because CADS is neither neutral nor generally applicable.

Although free exercise is a fundamental right enshrined in our Constitution, it does not exempt individuals from complying with a law that is neutral and generally applicable. *Smith*, 494 U.S. at 879-880. To determine whether a law is neutral or generally applicable, "we must begin with its text, for the minimum requirement of neutrality is that a law not discriminate on its face." *Lukumi*, 508 U.S. at 533. However, "[f]acial neutrality is not determinative. The Free Exercise Clause . . . 'forbids subtle departures from neutrality.'" *Id.* at 534 (quoting *Gillette v. United States*, 401 U.S. 437, 452 (1971)). The Clause also forbids "covert suppression of particular religious beliefs," or masked government hostility towards a particular religion. *Id.* (quoting *Bowen v. Roy*, 476 U.S. 693, 703 (1986)).

Evidence establishing subtle departure or covert suppression can be "both direct and circumstantial," and can include "the historical background of the decision under challenge, the

specific series of events leading to the enactment or official policy in question, and the legislative or administrative history." *Id.* at 540 (citing *Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977)). Additionally, "the effect of a law in its real operation is strong evidence of its object." *Id.* at 535.

Although CADS is neutral and generally applicable on its face, the state of Delmont enacted the law knowing it would have a chilling effect on the Lightbearer's ability to practice an integral aspect of their religion. Therefore, it is not neutral and generally applicable. The statute's departure from neutrality is demonstrated by the legislature's knowledge of (1) the Church's lobbying efforts, (2) the Church's practices, and (3) the Church's role in the energy debate.

First, the Church actively lobbied against this law. R.at 22. The President of the Church testified that "[w]e have appealed to Governor Morrison through numerous means: our television broadcasts, public proclamations, and letters from Lightbearers. I myself have written to the Governor repeatedly to impress upon him the immense burden that CADS will place on our ability to grow and thrive as a church." R. at 46. In this way, the Lightbearers explicitly told Delmont lawmakers that CADS would affect church members' ability to complete their mission. However, the lawmakers chose to discard this reality and pass the law anyways.

Second, the Delmont legislature knew about the Church's communicative practices. Soon after the Church's founding in Delmont in the 19th century, the Lightbearers began their ritual of public proclamations, and traveled throughout the state to hand out their newspaper. R. at 7. The newspaper was so prolific that people in Delmont relied on it for their local news. R. at 7. The Church continues to publicly proclaim their message today, through news and testimony, which makes the Church uniquely visible. This, combined with the Church's prominent history in the

state, shows the legislature was put on notice that a law creating a cause of action for certain types of public communication would make the Church especially vulnerable to liability.

Finally, the legislature should have known that the Church was part of the energy debate. The legislature supposedly enacted CADS to help cool tensions between the Energy and Light Coalitions at DSU. R. at 6. The Church was part of the DSU Energy Coalition and conceivably reported on the energy issue as part of their public proclamations, so the legislature should have anticipated that a law aimed at students involved in the debate would negatively impact the Lightbearer's ability to complete their mission. R. at 8.

This evidence only leads to one conclusion: the Delmont legislature knew CADS would affect the Lightbearer's right to freely exercise their religion, and they passed it anyway. This law therefore represents covert suppression, and this departure from neutrality is unconstitutional unless it can withstand strict scrutiny.

C. The law is also subject to strict scrutiny under Yoder because it substantially interferes with the religious development of the Church's young membership.

This Court has held that when a law "contravenes the basic religious tenants and practice[s]" of a faith, and substantially interferes with the religious development of young adherents, the law "carries with it precisely the kind of objective danger to the free exercise of religion that the First Amendment was designed to prevent." *Yoder*, 406 U.S. at 218. If a law fits this description, it is automatically subject to strict scrutiny, regardless of whether it is neutral or generally applicable. *Mahmoud*, 606 U.S. at 564. Determining whether "the burden imposed [by a law] is of the same character as that imposed in *Yoder*" is a "fact-intensive" inquiry. *Id.* at 564, 550 (citation omitted). This exception can apply to situations dissimilar from *Yoder*, as this Court has "never confined *Yoder* to its facts." *Id.* at 558.

In *Yoder,* this Court held that mandating school attendance for children until sixteen would force Amish citizens "to perform acts undeniably at odds with fundamental tenants of their religious beliefs," and that the law violated the Free Exercise Clause. *Yoder*, 406 U.S. at 218 (citation omitted). The Court reasoned that compulsory high school education was unconstitutional because it came at "the child's crucial adolescent period of religious development." *Id.* at 223. The Court also reasoned that compulsory education "carries with it a very real threat of undermining the Amish community and religious practice as they exist today." *Id.* at 220. Due to the affect the law had on the Amish youth, and despite the law being neutral and generally applicable, it still had to withstand strict scrutiny to remain in effect. *Id.* at 234. Additionally, when a statute substantially burdens a claimant to the point where they must choose between their religious observances or the state interests, this Court has applied strict scrutiny. *Sherbert v. Verner*, 374 U.S. 398 (1963).

In the present case, CADS similarly affects a crucial stage of the Lightbearer's religious development. Younger members of the Church are expected to complete a "missionary year," usually sometime after high school and before they turn 22, where they "devote a substantial portion of their week to proselytizing" through communicative media. R. at 8-9. This is so the young Lightbearers may "become more resolute in their faith through becoming advocates for it." R. at 8. This missionary year is so important that it "was written into the Church's creed." R. at 8. CADS deprives impressionable young Lightbearers, some only two years older than the Amish children forced to go to school in *Yoder*, of the opportunity to strengthen their faith through advocacy.

The statute would force young members of the Church to be more concerned with liability than on strengthening their advocacy and faith. Like the compulsory education laws in *Yoder* and *Mahmoud*, CADS would deprive the young Lightbearers of fully embracing and growing in their

religion by fundamentally changing the Church's mission ritual, which is a religious right of passage. Since CADS "carries with it the very real threat of undermining [the Church] community and religious practice as they exist today," it should be subject to strict scrutiny regardless of whether the law is neutral and generally applicable. *Yoder*, 406 U.S. at 220.

D. Alternatively, CADS is still subject to strict scrutiny under the hybrid rights doctrine, as the Church claims infringement of free exercise in conjunction with its right to freedom of speech.

Even if this Court finds that CADS is neutral and generally applicable, the statute would still be subject to strict scrutiny as it implicates the "hybrid rights" exception established in *Smith*. *Smith*, 494 U.S. at 881-82 (citations omitted). This Court has "held that the First Amendment bars application of a neutral, generally applicable law to religiously motivated action have 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." *Id*. The Church of Light has legitimate claims that the statute violates the Free Exercise Clause "in conjunction with other constitutional protections," specifically the freedom of speech. *Id*. Since the Church has a colorable claim that CADS infringes on both free speech and free exercise clauses, the statute must pass strict scrutiny review.

When issues arise that involve two constitutionally protected rights, especially when both are intertwined within the same restriction, heightened judicial scrutiny is required. *See Cantwell*, 310 U.S. 296, 300 (invalidating laws restricting religious proselytizing); *Yoder*, 406 U.S. 205 (affirming that the parents' right to free exercise required strict scrutiny). Lower courts have upheld the hybrid-rights exception, although this Court has yet to clarify a standard for analyzing such cases. *See Miller v. Reed*, 176 F.3d 1202, 1208 (9th Cir. 1999) (stating a "hybrid-rights claim"

required the plaintiff to provide a "'colorable claim' that a companion right has been violated-that is, a 'fair probability' or a 'likelihood,' but not a certitude, of success on the merits") (citation omitted); *Axson-Flynn v. Johnson*, 356 F.3d 1277 (10th Cir. 2004)*; Telescope Media Grp. v. Lucero*, 936 F.3d 740, 759-60 (8th Cir. 2019). Circuits that criticize the hybrid rights doctrine disregard *Smith*'s intent to preserve precedent, like *Cantwell* and *Yoder*, by discarding carelessly the doctrine as mere "dicta." *Combs v. Homer-Ctr. Sch. Dist.*, 540 F.3d 231, 247 (3d Cir. 2008)*; See also Kissinger v. Bd. Of Trs. Of Ohio State Univ.*, 5 F.3d 177 (6th Cir. 1993).

The present case undoubtedly qualifies as a hybrid-rights situation and presents the perfect opportunity for the Court to create an applicable standard, as the right to free exercise and speech are inseparable for the Lightbearers. The founder of the religion was a newspaperman, and the Lightbearers have continued to provide news across Delmont as part of their mission since the Church's inception. R. at 8. Public proclamations in front of live audiences are an integral practice to Lightbearer's faith, as young practitioners are required to complete "missions" to refine their proselytizing and reporting skills. R. 8-9. In fact, this religious practice even defines the career aspirations of most young church members, as 70% of Lightbearers on mission are communications and journalism majors. R. at 9. As established in section I of this brief, CADS is a content-based regulation of speech, which covertly suppresses the Lightbearer's ability to practice their right to free speech *and* exercise their religion. Consequently, CADS presents a hybrid rights situation and is therefore subject to strict scrutiny.

E. This statute is not sufficiently tailored and overly burdens the Lightbearers' right to freely exercise their religion.

A law burdening the free exercise of religion under any of the three theories described above is considered unconstitutional unless it survives strict scrutiny. To pass this exacting test,

the law "must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest." *Lukumi*, 508 U.S. at 531-532. A law is only narrowly tailored "if it targets and eliminates no more than the exact source of 'evil' it seeks to remedy." *Frisby v. Schultz*, 487 U.S. 474, 485 (1988) (quoting *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 808 (1984)). Therefore, a statute is too broad unless "each activity within the proscription's scope is an appropriately targeted evil." *Id.*

Although CADS intends to protect public safety, it is not narrowly tailored to achieve this end. Individuals are subject to liability for situations that are not appropriately targeted by the statute. For example, the Church can no longer reference the place of work of any guest lecturer that comes to campus, including prominent CEOs, policymakers, and well-known activists, even for the simple purpose of boycotting a business or product. This type of activity could conceivably be characterized as harassment under the statute, even if the information is already publicly available, or the guest lecturer is readily identifiable. In this situation, the statute would not eliminate the threat to public safety but instead prevent the Lightbearers from performing their live witness, and lobbying for causes important to the Church's mission. The Church mandates that Lightbearers share the Church's perspective with the community of Delmont, and the statue's overbreadth limits their ability to fulfill this central tenant of their religion.

CONCLUSION

The Church members have a demonstrated interest in free speech and free exercise through their historic practice of public proclamations. Their rights were violated with the passage of CADS, which is unconstitutional under the First Amendment. The law is both a content-based regulation on speech and is not neutral to the free exercise of religion in its object. Additionally, the Church's rights to freely exercise their religion must be protected to preserve the religious

development of youth, and also must be protected as a hybrid rights issue under the Free Speech and Free Exercise Clauses of the First Amendment. Regardless, the law is subject to strict scrutiny under both the Free Speech and Free Exercise Clause, and the statute does not survive as it is overbroad. There are simply too many scenarios where the statute will be unevenly or sweepingly applied. Therefore, the law is unconstitutional under the First Amendment.

For the foregoing reasons, the Church asks this Court to reverse the Fifteenth Circuit's decision and grant its motion for summary judgement based on CADS' unconstitutionality.

Respectfully submitted,

TEAM 23

Counsel for Petitioner

February 6, 2026

APPENDIX

Constitutional Provisions

U.S. Const. amend. I

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Statutory Provisions

28 U.S.C. § 1331

"The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

28 U.S.C. § 1291

"The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292(c) and (d) and 1295 of this title."

Campus Anti-Doxxing Statute of Delmont (CADS). Del. Ann. Stat. § 25.989 (2025)

"Created a private cause of action against any individual who without consent uses a communication platform of any type to disclose private information of an enrolled student, faculty member, administrative or staff member at a Delmont college or university with the intent to 'stalk, harass, or physically injure.' A plaintiff who prevails under CADS is entitled to economic and non-economic damages, punitive damages, and injunctive relief. . . "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) Photographs of the plaintiff's children;

(E) Identification of the school that the plaintiff's children attend.

(a) 'Injure' means to subject another to bodily injury or death or property damage.

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

(c) "Stalk" means to engage in a pattern of unwanted, obsessive, and intrusive behavior that would cause a reasonable person to feel threatened or fear for their safety or the safety of others." R. at 6-7.

Del. Ann. Stat § 163.732 (2020)

"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."

Rules

Fed. R. Civ. P. 56(a)

"Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense — or the part of each claim or defense — on which summary judgment is sought. The court shall grant summary judgment if the movant shows that

there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion."

BRIEF CERTIFICATE

In accordance with Rule III.C.3 of the Official Rules of the 2025 Seigenthaler-Sutherland Moot Court Competition, Team 23 hereby submit this certificate of compliance to further certify that:

1. The work product contained in all copies of Team 23's brief is in fact the work product of the team members only;
2. Team 23 has complied fully with the governing honor code of our school; and
3. Team 23 has complied with all Competition Rules

TEAM 23

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February 6, 2026