

No. 25-CV-1994

IN THE  
**Supreme Court of the United States**

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THE CHURCH OF LIGHT, LLC,  
*Petitioner,*

v.

LAURA MARSHALL,  
*Respondent.*

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

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**BRIEF FOR THE PETITIONER**

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*Team 25*

*Counsel for the Petitioner*

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### **Questions Presented**

1. Does a state law regulating the content of speech other than true threats or incitement violate the First Amendment's Free Speech Clause?
2. Does a state law which restricts important religious rites of passage violate the First Amendment's Free Exercise Clause?

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## **List of Parties**

The parties to this controversy are as follows: The Church of Light, LLC, Petitioner (defendant-appellee below); and Laura Marshall, Respondent (plaintiff-appellant below).

## **Opinions Below**

The decisions of the United States District Court for the District of Delmont, Western Division, and the United States Court of Appeals for the Fifteenth Circuit are unreported. Pages 1-29 of the record provide the District of Delmont's opinion. Pages 30-43 of the record provide the Fifteenth Circuit's opinion.

## **Constitutional Provisions and Statutes Involved**

**The First Amendment to the United States Constitution** provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." U.S. Const. amend. I.

**The Campus Anti-Doxxing Statute of Delmont** created a private cause of action against individuals who, without consent, use any communication platform to disclose private information of an enrolled student, faculty member, administrative or staff member of a Delmont college or university with the intent to "stalk, harass, or physically injure." "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; [or]
- (E) Identification of the school that the plaintiff's children attend.

Del. Ann. Stat. §25.989 (2025).

**The Delmont Annotated Code** 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.” Del. Ann. Stat. § 163.732 (2020).

### **Jurisdictional Statement**

The United States District Court for the District of Delmont had jurisdiction over Laura Marshall’s claim under Delmont’s Campus Anti-Doxxing Statute pursuant to 28 U.S.C. § 1332. The Fifteenth Circuit held appellate jurisdiction to review of the District Court’s final order under 28 U.S.C. § 1291. This Court has jurisdiction to review under 28 U.S.C. § 1254(1).

### **Introduction**

This case asks whether legislatures can restrict the free speech and religious practices of a religion by hiding behind a law’s purpose and facially neutral language.

Petitioner, the Church of Light (“The Church”), is a centuries-old religion with the sincerely held belief that its message must be spread through live testimony. Today, that testimony takes the form of a live broadcast displayed by missionaries in public areas. As part of this testimony, the Church broadcast a speech given by Respondent Laura Marshall. Later, crowds began to harass Respondent. In response, Respondent filed suit under the new Campus Anti-Doxxing Statute of Delmont (“CADS”), which prohibits certain speech regarding college students, staff, or professors. The District Court for the District of Delmont granted the Church of Light’s motion for summary judgment on the grounds that CADS violated both the Free Speech and Free Exercise Clauses of the First Amendment. On appeal, the Fifteenth Circuit reversed the District Court, allowing Marshall’s action against the Church to proceed.

That ruling cannot stand. By creating liability for selected protected speech and religious practices, CADS unnecessarily burdens the Church’s First Amendment rights. Further, CADS’

content-based restrictions on speech infringe the First Amendment, and fails strict scrutiny because it is not narrowly tailored. Even if this Court rules that CADS is not subject to strict scrutiny, CADS fails intermediate scrutiny because it is overbroad and under-inclusive. CADS also violates the Free Exercise Clause because it substantially burdens religious development and triggers *Smith*'s Hybrid Rights Doctrine. CADS' burdens on religious liberties fail strict scrutiny because CADS does not use the least restrictive means to prevent doxxing.

This Court should rule that CADS is unconstitutional because it unnecessarily hampers the Church's freedoms of speech and religion as set out in the First Amendment.

## **Statement of the Case**

### **I. Statement of Facts**

During the fall of 2024, legislative deliberation over energy and land use policy in the State of Delmont led to fierce public debate. R. at 4-5. This became an important and hotly debated issue across multiple college campuses in Delmont, known as the "Energy Farm Controversy." This controversy spurred clashes between opposed groups, often on Delmont college campuses. R. at 5. Groups with strong positions on how to manage the Energy Farm Controversy often coordinated "flash shares," distributing the personal information of others, commonly university students, professors, and administrators. R. at 5-6. These flash shares had led to physical confrontations and threatening internet messages. R. at 5-6.

In response to these instances, the Delmont State Legislature passed the Campus Anti-Doxxing Statute of Delmont ("CADS"). R. at 6. The statute created a private cause of action against any individual who used "a communication platform of any type" to disclose the "private information" of Delmont college or university students, staff, or faculty with the intent to stalk, harass, or injure. Private information is defined as the plaintiff's home address, email address,

phone number, social security number, employer contact information, family contact information, photographs of the plaintiff's children, or where the plaintiff's children attended school. R. at 6-7; Del. Ann. Stat. § 163.732 (2020). The statute makes no distinction between information that is or is not already publicly available. R. at 6-7. After its passing, two plaintiffs successfully brought suits under CADS. R. at 7. One of the suits involved protesters who blocked an activist's jobsite entrance after employer information was shared. R. at 7. There was no evidence of violence or property damage by the protesters, and the activist's connection to any Delmont college or university is unclear. R. at 7.

Delmont State University ("DSU") was not immune to the Energy Farm Controversy, which made its way onto campus after the state legislature passed CADS. R. at 7. Among those embroiled in the controversy at DSU are Petitioners, the Church of Light ("the Church"). R. at 8. The Church was founded in the nineteenth century, and from its earliest days, its members, the "Lightbearers," believed that live, public proclamation of their faith was foundational to their religion. R. at 8. Young members of the Church are obligated to spend time spreading their public proclamation of faith, and this practice is essential to their religious development. R. at 8. In modern times, this proclamation takes the form of a live TV broadcast (*The Lantern*), which is produced by Lightbearer Missionaries. R. at 9. *The Lantern* consists of religious programming interspersed with other clips of community interest, such as local news, public interest announcements, and music performances. R. at 9.

The Lightbearers became involved in the Energy Farm Controversy, and included messaging about the issue as an element of their *Lantern* broadcasts. R. at 10. During one broadcast, the Church played clips of a televised speech given by Respondent, a DSU student and organizer from Bathaska, who opposed the Lightbearers' position, without further

commentary. R. at 2, 10. After the clip of the speech, the screens showed a publicly available picture of Respondent working at the Delmont Treatment Center, a local substance rehabilitation center. R. at 10. Alongside the photographs, the broadcast showed a photograph of another clinic and listed resources for those struggling with substance abuse, including Delmont Treatment Center’s contact information. R. at 10.

At the time the picture was taken, Respondent was both an employee and a patient of the treatment center. R. at 11. After the airing of the speech and photograph, Respondent was harassed by protesters at the treatment center, and a similar incident occurred the following night, resulting in property damage. R. at 11. In response to these incidents, Respondent quit her job and filed suit against the Church of Light under CADS. R. at 11-12.

## **II. Procedural History**

On October 3, 2025, Respondent brought this suit against the Church of Light under CADS seeking damages and injunctive relief. R. at 12. The Church of Light moved for summary judgment. R. at 12. On December 8, 2025, the trial court granted summary judgment to the Church, ruling that CADS violated the Church’s First Amendment rights to free speech and free exercise and did not survive strict scrutiny. R. at 29. Respondent appealed, and the Fifteenth Circuit reversed on December 29, 2025, holding that CADS did not violate any of the Church’s First Amendment rights and survived rational basis review. R. at 43. The Church appealed, and this Court granted certiorari. R. at 50.

### **Standard of Review**

The case at bar is an appeal arising from a Motion for Summary Judgment. R. at 12. A Motion for Summary Judgment is granted when the record shows “no genuine dispute of material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a).

When determining whether to grant such a motion, courts review the evidence in the light most favorable to the party opposing summary judgment. *See Green v. Brennan*, 578 U.S. 547, 550 (2016). This Court reviews appellate decisions on motions for summary judgment *de novo*, considering the record and legal issues without deference to the District Court opinion. *See Howlett v. Rose*, 496 U.S. 356, 366 (1990).

### **Summary of the Argument**

State laws that restrict speech are presumptively unconstitutional unless all the restricted speech falls within narrow categories of unprotected speech, such as incitement or true threats. CADS goes beyond those narrow categories by restricting protected speech. The law is a content-based restriction that picks and chooses which speech is permissible. Such content-based restrictions are unconstitutional unless they survive strict scrutiny. CADS fails strict scrutiny because its restrictions are both under-inclusive (protecting only a small group) and over-inclusive (prohibiting distribution of already-public information). Even under intermediate scrutiny, CADS is still unconstitutional because it restricts more speech than necessary, extending its restrictions to counter speech and public information. Even if CADS was not facially unconstitutional, it was impermissibly used here to stifle the Church of Light's protected speech. The Church was engaged in protected speech of public interest, involving a public figure, and was thus entitled to the highest level of constitutional protection.

Religious communities are protected from burdens on their members' religious development under the Free Exercise Clause. This Court protects essential religious rites of passage by subjecting laws that restrict such exercises of faith to strict scrutiny. Additionally, laws which are crafted to subtly disadvantage religious communities are subject to strict scrutiny, as are laws that hamper free exercise along with other constitutional protections, such as speech.

CADS cannot survive strict scrutiny because it is not narrowly tailored: the law restricts more religious expressions than necessary to protect citizens from doxxing. This overbroad restriction renders CADS an unconstitutional infringement of the Church’s free exercise rights.

Because the Campus Anti-Doxxing Statute unconstitutionally restricts the Church of Light’s freedoms of speech and exercise, this Court should *reverse* the Fifteenth Circuit’s ruling.

### **Argument**

#### **I. The Campus Anti-Doxxing Statute is an Unconstitutional Restriction of Speech, and the Church of Light’s Re-sharing of Respondent’s Speech and Clinic Image are Protected Under the First Amendment.**

By picking and choosing what speech is protected, the Campus Anti-Doxxing Statute (CADS) is an impermissible restriction of speech. *See Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). The First Amendment protects speech unless it falls in specific categories, including incitement and true threats. *See Counterman v. Colorado*, 600 U.S. 66, 73-74 (2023). CADS restricts speech beyond such categories, and since it is a content-based restriction, the law is unconstitutional unless it survives strict scrutiny. *See Reed*, 576 U.S. at 163.

This law fails strict scrutiny because it is not narrowly tailored to its goal of protecting people from doxxing-related violence. Even if CADS is found to not be a content-based restriction of speech, the law still burdens speech and is unconstitutional unless it survives intermediate scrutiny. *See Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 293 (1984). The law fails intermediate scrutiny because it burdens more speech than necessary to achieve its goal. Since the Church of Light’s (“the Church”) speech here does not involve a restricted category, it receives First Amendment protection. *Snyder v. Phelps*, 562 U.S. 443, 451 (2011). Further, the Church’s speech here is entitled to the highest level of protection, as it involves a

public issue and a public figure. *See id.* at 452. Even if not ruled facially unconstitutional, CADs was impermissibly used as a sword to restrict the Church’s protected speech.

**A. CADs is a Content-based Restriction of Speech that is Not Narrowly Tailored to Delmont’s Goal of Preventing Violence Through Doxxing.**

1. CADs is a Content-based Restriction of Speech Because it Limits Speech Based on Subject Matter.

The state of Delmont’s Campus Anti-Doxxing Statute (CADs) restricts speech based on the subject matter of that speech, making the law a presumptively unconstitutional content-based restriction of speech. *See Reed*, 576 U.S. at 163. The First Amendment, as applied through the Fourteenth Amendment, prohibits states from enacting laws that restrict citizens’ freedom of speech. *See id.* States like Delmont do not have the power to restrict speech because of message, subject matter, or content. *Police Dep’t of Chi. v. Mosley*, 408 U.S. 92, 95 (1972). When a state law on its face restricts citizens’ speech based on the content of that speech, such laws are presumptively unconstitutional. *See Reed*, 576 U.S. at 163. A town forcing different tiers of regulation to different types of road signs or a state restricting pharmaceutical information based on educational or marketing purposes are both facially content-based speech restrictions. *See Reed*, 576 U.S. at 164, 169; *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 564 (2011). Both laws were unconstitutional due to facially restricting speech based on content. *See Reed* 576 U.S. at 173; *Sorrell* 564 U.S. at 580.

There is nothing content-neutral about the law here. CADs targets a specific subset of persons and picks which “private information” may not be disclosed. *See R.* at 6. Under this law, information about a Delmont college professor may not be disclosed, while disclosing information about a high school teacher in Delmont would not be covered. Like the town in *Reed*

targeting a church’s directional signs over other political signs, CADS creates content-based restrictions on its face by picking and choosing what “private information” may be disclosed. *See Reed* at 173; R. at 7.

2. CADS Restricts Speech Beyond the Narrow Categories of Unprotected Speech.

Certain types of speech are not protected by the First Amendment, and CADS is a presumptively unconstitutional restriction of speech unless its restrictions are limited to such speech. *See Counterman*, 600 U.S. at 73-74. However, such speech only falls in narrow and well-defined categories, such as incitement, defamation, obscenity, or true threats. *See id.* The only categories arguably relevant to Delmont’s goal of preventing doxxing would be incitement or true threats. *See id.*

Incitement requires the speech to be directed at producing imminent lawless action, and such imminent action must be likely at the time of speech. *Brandenburg v. Ohio*, 395 U.S. 444, 448 (1969). Even teaching or advocating violence is not within the narrow incitement category when actual violence is not likely to be an imminent result. *See id.* Ku Klux Klan members threatening to march on cities and burning crosses did not fall within the narrow incitement category, as they were abstract threats not likely to give rise to imminent lawless action. *See id.* at 446; *see also NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 902, 928 (1982) (a public speech containing the phrase “[w]e’re gonna break your damn neck” did not rise to incitement because it was “emotionally charged rhetoric” merely advocating violence).

To convey a true threat, the speaker must communicate an actual expression of an intent to commit violence against a specific person or group. *Counterman v. Colorado*, 600 U.S. 66, 74 (2023). Like incitement, this category is narrow. *See id.* Such a threat must be a “serious

expression,” and unserious or hyperbolic expressions remain protected. *See id.* To avoid the “hazard of self-censorship,” a subjective threatening mental state is required of the speaker at the time of speech. *See id.* (quoting *Mishkin v. New York*, 383 U.S. 502, 511 (1966)). Despite accepting that *Counterman* sent hundreds of objectively threatening messages, the Court overturned his conviction because awareness of the threatening nature is required, but was not proven there. *See id.* at 82-83. The Court understood this may prevent states from prohibiting otherwise threatening speech recognized the chilling effects on speech as too great a danger to permit. *See id.* at 75.

CADS fails to limit speech restrictions to only incitement and true threats, instead capturing speech well outside of those categories. The law prevents disclosure of an individual’s personal information with the intent to stalk, harass, or physically injure. R. at 6. Intent here requires “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. Nowhere in the statute does CADS require an intent to produce imminent lawless action as needed for incitement. R. at 6. The Church merely played a recording of a public speech by Respondent and shared a publicly available picture from the clinic where she worked. R. at 10. The Church made no commentary on these, much less any statement designed to produce imminent lawless action. *See Brandenburg* at 447-48. Instead, the picture was part of a broadcast section providing counseling resources. R. at 10. *The Lantern* is even more abstract than the protected speech of Evers in *Claiborne Hardware* or *Hess* claiming “[w]e’ll take the fucking street again” in *Hess v. Indiana*. *See* 414 U.S. 105, 107, 109; *Claiborne Hardware Co.*, 458 U.S. at 902. Like *Hess*, the Church’s speech here was not directed to any specific person or group and did not advocate any action. *See Hess*, 414 U.S. at 109.

CADS also goes beyond restricting only true threats. To meet the restricted category, speech must be a serious expression of intent to commit violence. *See Virginia v. Black*, 538 U.S. 343, 359 (2003). This law’s intent element is much broader than threatening violence and can include stalking or harassment. R. at 6. This overreach was reflected in the prior lawsuit utilizing CADS, where the speaker called for an activist to be “decisively addressed,” and activists blocked a workplace entrance, but there was no evidence of any violence or violent intent. R. at 7. Because the law restricts speech beyond incitement or true threats, CADS is a content-based restriction of protected speech.

3. CADS Fails Strict Scrutiny as it is Not Narrowly Tailored to Delmont’s Interest of Preventing Harassment and Violence from Doxxing.

If a law is a content-based restriction on speech and is not limited to those unprotected categories of speech, the law is unconstitutional unless it can survive strict judicial scrutiny. *See Reed* 576 U.S. at 171. Under this test, the burden is on Respondent to show both that CADS serves a compelling governmental interest, and the law is narrowly tailored to that interest. *See id.* CADS is not narrowly tailored to Delmont’s interest in preventing harassment and violence resulting from doxxing and is thus unconstitutional. R. at 6.

For a law to be narrowly tailored, it must use the least restrictive means possible to achieve the state’s goal. *See Reno v. ACLU*, 521 U.S. 844, 874 (1997). If the law is underinclusive, meaning it fails to capture all the activity affecting the compelling interest, such a law is not narrowly tailored and is unconstitutional. *See Reed*, 576 U.S. at 172. A law will likewise be unconstitutional if it is overinclusive, restricting more speech than is necessary to achieve that compelling interest. *See Reno*, 521 U.S. at 875. Further, if less restrictive alternatives are available, such alternatives must be used. *See id.* CADS fails on all three fronts.

Like the town of Gilbert failing to capture all signs that harm the town's aesthetics by treating directional signs more harshly than ideological ones, CADS fails to protect all those who may be harmed by doxxing. *See Reed*, 576 U.S. at 172; *see also Cincinnati v. Discovery Network*, 507 U.S. 410, 417-18 (1993) (where the city's ban on commercial handbills but not newspapers was underinclusive in addressing the goal of preventing litter). The goal of CADS was to protect those targeted by doxxing from violence and harassment. R. at 6. While recent events most commonly occurred on college campuses, the law fails to protect everyone who may be at risk. R. at 47-48. CADS limits its protection to only students, faculty, or staff of Delmont colleges and universities when doxxing would be just as harmful to anyone else. R. at 6. Like the unconstitutional burden on only California pregnancy centers' speech, CADS restricts "a curiously narrow subset of [speech]." *Nat'l Inst. of Family & Life Advocates v. Becerra*, 585 U.S. 755, 758 (2018). Further, the CADS listing of "private information" is also underinclusive, missing many categories of information that may also be effective in tracking persons, such as places of worship or associated organizations. R. at 6-7. Had Respondent been merely volunteering at the Delmont Treatment Center and not employed there, an arbitrary difference, CADS would not apply.

The law here is also overinclusive because it restricts speech that does not prevent doxxing. CADS fails to do so in two ways: it potentially restricts arranging legitimate activity, such as peaceful protests, and restricts dissemination of information that is already public. Like how the Communications Discovery Act unconstitutionally prevented internet transmission of legitimate information that may fall under the vague term of "indecent," or New York's "Son of Sam" law that prevented income from legitimate writing, CADS captures legitimate counter speech. *See Reno*, 521 U.S. at 878; *Simon & Schuster, Inc. v. Members of the N.Y. State Crime*

*Victims Bd.*, 502 U.S. 105, 121, (1991). In addition to preventing the sharing of one’s address to encourage violence against that person, CADS also prevents organizing peaceful protests at someone’s workplace. Disruptive activity, which CADS captures, is a common and legitimate goal of peaceful protests. R. at 6.

This law also restricts disseminating “private information” regardless of the source. R. at 6. Under CADS, it would be irrelevant if such information was common knowledge. A similar Oregon anti-doxxing statute was unconstitutional because it went too far by including publicly available information. *DeHart v. Tofte*, 533 P.3d 829, 847-48 (2023). The court ruled “severe emotional distress” was an unreasonable response to the sharing of already published employer information. *See id.* Similarly, here, resharing information already available to the public is unlikely to increase the risk of violence in Delmont.

The overbroad nature of CADS also leads it to fail the narrow tailoring requirement of having no less restrictive alternatives. While Delmont did explore alternatives to enacting the law, it ignored less restrictive drafting options. *See* R. at 47-48. When ruling the Communications Discovery Act unconstitutional, the Court noted that less restrictive versions of the law were available, including providing parents flexibility to determine if “indecent” material contains other value that may be worthwhile for their children. *See Reno*, 521 U.S. at 879. Similarly, CADS could easily have been drafted to carve out public information for which restriction is unlikely to further Delmont’s goal of protecting those affected by doxxing.

**B. Even if Subjected to Intermediate Scrutiny, CADS Would Still be Unconstitutional as it Burdens More Speech than Necessary.**

Laws that do not restrict speech based on content are also subject to judicial scrutiny when they only restrict how speech may occur, not what speech may occur, such as restricting

the time, place, or manner of speech. *See Clark*, 468 U.S. at 293 (blanket camping restrictions regardless of purpose); *Heffron v. Int'l Soc'y for Krishna Consciousness*, 452 U.S. 640, 643 (1981) (a blanket requirement that everyone wishing to sell or distribute materials at a State Fair must do so only at fixed locations). If this court were to find CADS content-neutral, CADS must still survive intermediate-level scrutiny because it restricts protected speech. *See Clark*, 468 U.S. at 293. To pass such scrutiny, Respondent must show CADS is narrowly tailored to serve a significant governmental purpose and leaves open other channels for communication. *See id.* Narrow tailoring in intermediate tests requires the law not restrict substantially more speech than necessary. *See Ward v. Rock Against Racism*, 491 U.S. 781, 799-800 (1989).

In attempting to restrict information designed to inflict violence, CADS fails intermediate scrutiny by burdening substantially more speech than required. CADS also restricts counter speech, arranging peaceful protests, and resharing information that may already be public, all of which are unlikely to cause doxxing violence. Laws that meet this narrow tailoring requirement provide ample opportunities to share the same message. *See Frisby v. Schultz*, 487 U.S. 474, 489 (1988) (where the law only preventing any picketing in front of or around personal residences); *Heffron*, 452 U.S. at 655 (the law only prevented members of ISKON (and anyone else) from approaching people within the fairgrounds, but did not prevent them from getting a booth at the fair or approaching people outside the grounds). Like the blanket restriction on social media in *Packingham v. North Carolina*, such alternative opportunities are not available here. *See* 582 U.S. 98, 117 (2017) (a categorical North Carolina ban of social media usage by registered sex offenders unconstitutionally restricted legitimate speech, despite content neutrality). CADS is a restriction of certain categories of information and does not leave other outlets open to engage in the disallowed legitimate speech.

The overinclusive restriction of information that is already made public leads to an additional issue. If CADS restricts “private information” that may already be publicly available or common knowledge, it may be applied unequally. In *Cox v. Louisiana*, a content-neutral statute restricting obstruction of sidewalks was used to arrest a protester, but was unconstitutionally broad and unequally applied. *See* 379 U.S. 536, 553, 556-57 (1965). CADS places a student’s social security number and the Dean of Delmont State University’s employer contact information in the same “private information” category. *See* R. at 6-7. However, it is unreasonable to expect the same response to both disclosures. The former involves very private information that could do much greater harm, while the latter is easily accessible knowledge. If the state treats these types of information the same, it will lead to unconstitutionally disparate results.

**C. Even if CADS is Not Facially Unconstitutional, the Church of Light’s Speech Here Receives the Highest Level of First Amendment Protection and Cannot Be Restricted, as it Does Not Involve an Unprotected Category of Speech.**

If CADS is not found facially unconstitutional, the law still unconstitutionally stifles the Church of Light members’ protected right to speech. The First Amendment, through the Fourteenth Amendment, prevents states from making any law “abridging the freedom of speech” of its citizens. *Snyder v. Phelps*, 562 U.S. 443, 451 (2011) (quoting U.S. Const. Amend. I). This protection extends even to otherwise facially constitutional laws by preventing such laws from being used as a sword to restrict protected speech. *See id.* By being sued under CADS for sharing information of public interest that did not involve any restricted category of speech, the Church of Light’s protected right to speech was violated.

First Amendment protection is most rigorous for speech regarding public concerns, such as the Energy Farm Controversy. *See Snyder*, 562 U.S. at 452; R. at 5. “[S]peech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.” *Snyder*, 562 U.S. at 452. (quoting *Connick v. Myers*, 461 U.S. 138, 145 (1983)). Speech dealing with political, social, or other community issues is discussing a public concern. *See id.* at 453. The information at issue here was directly related to Delmont’s ongoing energy conflict and the sharing of local crisis resources. *See R.* at 10. Both address local community concerns and are entitled to the highest tier of First Amendment Protection.

The First Amendment also provides heightened protection for speech involving a public figure, as restrictions of such a topic are more likely to cause a chilling effect on speech with constitutional value. *See Hustler Magazine v. Falwell*, 485 U.S. 46, 52 (1988). One does not need to be famous to be a public figure. *See Gertz v. Robert Welch*, 418 U.S. 323, 351 (1974). Instead, limited public figure status can be applied to issues an individual has injected herself into. *See id.* The Church of Light’s speech here was regarding the Energy Farm Controversy, an issue Respondent injected herself into. R. at 10. Unlike Gertz, who was thrust into the public eye due to representing a private client at a coroner’s inquest, Respondent was a substantial organizer of major protests and gave a speech that received significant news coverage. *See Gertz*, 418 U.S. at 352. Instead, Respondent’s status is much more akin to Higgins, who chose to officiate a high-profile basketball game and whose employment information had already been shared after a controversial refereeing decision. *See Higgins v. Ky. Sports Radio, LLC*, 951 F.3d 728, 736 (6th Cir. 2020).

When displaying *The Lantern*, the Church covered a wide variety of public interest topics. *See R.* at 11-12. Respondent’s speech and picture from her clinic’s website were just one

of many clips. *See R.* at 11-12. This information was presented in a neutral manner without comment or call to action. *See R.* at 11-12. Respondent provides no evidence showing the Church intended Respondent harm other than the general history of doxxing activity in the area. *See R.* at 5-6. Even if the Church knew some response by protesters may have been possible, mere “tendency” of a result does not place speech in an unprotected category. *See Higgins*, 951 F.3d at 737; *see also League of Women Voters of Kan. v. Schwab*, 549 P.3d 363, 375 (Kan. 2024) (where mere knowledge of listener misunderstanding did not make speech unprotected). Again, there is no evidence here that these small parts of *The Lantern* contained the intent, likelihood, or imminence to be incitement or a true threat. *See Brandenburg*, 395 U.S. at 447; *Counterman*, 600 U.S. at 73, 74.

The First Amendment protection of speech is at its peak when speech involves a public issue or figure, and the speech here involves both. The Church’s speech cannot be restricted by CADS, as it did not qualify as any category of restricted speech, and by covering a public issue and figure, is afforded the highest level of First Amendment protection. *See Snyder*, 562 U.S. at 460-61.

## **II. CADS Violates the Free Exercise Clause of the First Amendment Because it Significantly Burdens Religious Freedoms and is Not Narrowly Tailored.**

The First Amendment establishes strong protections for religious expression, prohibiting the government from restricting, regulating, or censoring the free exercise of religion. U.S. Const. Amend. I. This Court’s decision in *Smith* limited protections against neutral and generally applicable laws. *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U.S. 872 (1990). However, as acknowledged in *Smith*, neutral and generally applicable laws are subject to heightened scrutiny under specific circumstances. *Id.* at 881. When a law significantly burdens

religious expression and development, was crafted with disdain for the freedoms of a religious community, or restricts multiple fundamental rights at once, this Court reviews that law under strict scrutiny. *See e.g., Wis. V. Yoder*, 406 U.S. 205 (1972); *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993); *Smith*, 393 U.S. at 872. Because CADS falls within the above exceptions and fails to use the narrowly tailored means required by strict scrutiny, this Court should overturn CADS as a violation of the Church of Light’s free exercise rights.

**A. CADS is Subject to Strict Scrutiny Under *Yoder*, *Lukumi*, & *Smith*.**

Neutral and generally applicable laws that burden religious freedoms have typically been reviewed under rational basis since *Smith*, but this Court has recognized several circumstances that demand greater scrutiny. *See Smith*, 393 U.S. at 872. *See also Yoder*, 406 U.S. at 205; *Lukumi*, 508 U.S. at 520. Facially neutral laws are subject to strict scrutiny when they substantially burden the religious development of believers, (*Yoder*, 406 U.S. at 235) subtly target religious expression (*Lukumi*, 508 U.S. at 534), or burden both religious freedom and other fundamental rights (*Smith*, 494 U.S. at 872). In these cases, courts apply strict scrutiny, and only uphold the law when the state can show that it (1) advances a compelling state interest, and (2) uses the least-restrictive possible means of achieving that interest. *Lukumi*, 508 U.S. at 546.

1. CADS is Subject to Strict Scrutiny Under *Yoder* Because it Interferes with the Lightbearers’ Religious Exercise and Development.

This Court’s decision in *Yoder* held that a compulsory education law was neutral and generally applicable, but still impermissibly burdened the Free Exercise Clause by burdening the religious development of the Amish. *Yoder*, 406 U.S. at 205. There, this Court analyzed whether the law regulated conduct that was “inseparable” from Amish religious expression to the extent that the law amounted to regulation of their religious expression. *Id.* at 215. Despite the

neutrality and general applicability of that law, this Court determined that “by substantially interfering with the religious development” of the Amish community, Wisconsin’s law “would gravely endanger if not destroy the free exercise of respondents’ religious beliefs.” *Id.* at 218-19.

This Court’s recent decision in *Mahmoud v. Taylor* illustrates the importance of *Yoder*’s Religious Development Doctrine well, explicitly reprimanding courts for unduly confining or dismissing the precedent *Yoder* set. 606 U.S. 522, 558 (2025). In the 6-3 majority opinion, this Court upheld the Religious Development Doctrine as “an important precedent [which] cannot be breezily dismissed as a special exception[.]” *Id.* This Court’s decision in *Mahmoud* applied *Yoder* to invalidate a neutral and generally-applicable statute regarding school curricula, holding that policies which “substantially interfere with [] religious development” present an “objective danger to the free exercise of religion”—affirming that the key test for application of *Yoder*’s strict scrutiny was the extent to which a law impacts religious development. *Id.* at 546.

In the years since *Yoder*, courts have further extended religious protections from neutral statutes. In *Watchtower Bible v. Vill. of Stratton*, this Court reversed a lower court’s application of *Smith* to a neutral and generally applicable ordinance preventing door-to-door proselytization. 536 U.S. 150 (2002). This Court struck down Stratton’s neutral and generally applicable statute because it made impossible the “*free and unhampered*” exercise of religion—expanding *Yoder* beyond its focus on religious development. *Id.* at 162. This Court has struck down similar laws aimed at preserving peace and order, ruling they do not supersede the right to practice and preach one’s religion established in the Free Exercise Clause. *See Cantwell v. Conn.*, 310 U.S. 296 (1940); *Murdock v. Penn.*, 319 U.S. 105 (1943).

The practice of *Lantern* dissemination is a central religious tenet of the Church of Light, and active dissemination of *The Lantern* as a missionary act is considered a “foundational

dimension” of the Lightbearers’ faith and religious development. R. at 8. The practice is so essential that it is considered a religious requirement. R. at 9. As in *Yoder* and *Mahmoud*, CADS hampers the free exercise of religion by burdening the process of religious development young Lightbearers undergo. R. at 9. In those cases, neutral statutes were found to inhibit religious development by placing believers in an environment that exposed them to values contrary to their religious instruction. *See Yoder*, 406 U.S. 205; *Mahmoud*, 606 U.S. at 522. Here, the burden is more pernicious: instead of mere exposure to values that contradict their religion, the Lightbearers are forced to censor their religious message. R. at 26. CADS combines the most damaging effects of *Yoder* and *Watchtower*, erecting roadblocks to the Lightbearers’ religious development *and* censoring the delivery of religious messages. Because CADS is more burdensome to the religious expression and development than the statutes in *Yoder*, *Watchtower*, and *Mahmoud*, CADS must be reviewed under strict scrutiny.

2. CADS is Not Neutral Because its Effect in Real Operation is Discriminatory Against the Church of Light.

While the text of CADS maintains a guise of neutrality, its effect is to place a singly high risk of liability on the Church’s longstanding and well-known religious rites. As the District Court for the District of Delmont noted, courts go beyond the four corners of a statute to determine if it affects impermissible discrimination. R. at 22. In *Lukumi*, this Court recognized extratextual factors showing subtle policies of discrimination could subject an otherwise neutral and generally-applicable law to strict scrutiny. *Lukumi*, 508 U.S. at 535. Most importantly, this Court held that “[t]he effect of a law in its real operation is strong evidence of its object.” *Id.* Additional factors there included lawmakers’ awareness of adverse impacts on religious communities; outsized impacts on particular religious groups; and evidence in the record of

animus or disdain for the religious communities impacted by the law. *See Masterpiece Cakeshop v. Colorado C.R. Comm’n*, 584 U.S. 617, 639 (2019) (quoting *Lukumi*, 508 U.S. at 540).

Here, the Governor of Delmont was aware of the immense burden that CADS would place on the Church of Light. R. at 46. The practice of live witness is a longstanding and well-known element of the cultural tapestry in Delmont and surrounding regions. R. at 8, 9. Religious leaders in the community forcefully and frequently communicated the impact that CADS would have on their ability to freely practice their religion. R. at 22, 46. In spite of the Church’s pleading, in spite of the centuries of Lightbearer practice in the region, and in spite of CADS’ obvious impact on the Lightbearers, Delmont moved to curtail the Lightbearer’s ability to fulfill religious obligations. R. at 3. The effect of CADS on the Church was so clear that Delmont’s refusal to so much as discuss concerns with Church leadership casts aspersions on Delmont’s motives—commanding strict scrutiny of the statute under *Lukumi*. R. at 46; *Lukumi*, 508 U.S. at 535. Between the burden placed on the Lightbearers’ religious freedoms and the Governor’s refusal to engage with the Church, Delmont has demonstrated precisely the kind of “subtle departure from neutrality” that this Court’s ruling in *Lukumi* was designed to address. *Lukumi*, 508 U.S. at 535; R. at 22, 46. Because the record indicates a “subtle departure from neutrality,” this Court should rule that CADS is not neutral in its operation and subject it to strict scrutiny.

### 3. The Hybrid Rights Doctrine Requires Strict Scrutiny of CADS’

#### Simultaneous Burden of the Church’s Free Speech and Expression Rights.

When a statute is neutrally and generally applicable, strict scrutiny can still apply when the claim involves “the Free Exercise Clause in conjunction with other constitutional protections.” *Smith*, 494 U.S. at 881 (citing *Cantwell*, 310 U.S. at 304-307; *Yoder*, 406 U.S. at 205). This is known as the Hybrid Rights Doctrine. *See, e.g., Telescope Media Grp. v. Lucero*,

936 F.3d 740, 760 (8th Cir. 2019) (stating that *Smith* “described the operation of an existing doctrine”). Because *Smith* and *Yoder* remain good law, the lower court erred in refusing to apply the Hybrid Rights Doctrine. This Court should apply the Hybrid Rights Doctrine here and review CADS under strict scrutiny.

The Hybrid Rights Doctrine originates in this Court’s decisions in *Yoder* and *Smith*. *See Smith*, 494 U.S. at 881. The doctrine is applied to statutes which burden both free exercise rights and another fundamental right, and results in strict scrutiny review of the statute. *See Id.* Successful hybrid rights claims generally fall into two categories: parental rights claims and free speech claims. *See, e.g., Wisconsin v. Yoder*, 406 U.S. 205 (1972) (invalidating compulsory education laws because they interfered with the religious development of Amish children). This Court has repeatedly applied the doctrine to hybrid Free Exercise/Free Speech claims, recognizing several such cases in *Smith*. *Smith*, 494 U.S. at 881 (citing *Cantwell v. Connecticut*, 310 U.S. 296 (1940) (invalidating discretionary designation of religious organizations for purposes of prohibiting public solicitation); *Murdock v. Pennsylvania*, 319 U.S. 105 (1943) (invalidating a tax applied to religious solicitations) (recognizing *Cantwell*, *Murdock*, and others as applications of the Hybrid Rights Doctrine).

Lower courts have taken three positions on the applicability of the Hybrid Rights Doctrine. *Fulton v. City of Philadelphia*, 593 U.S. 522, 603, 604 (2021) (Alito, J., concurring). The Second, Third, and Sixth Circuits refuse to recognize the doctrine.<sup>1</sup> The First and D.C.

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<sup>1</sup> *See, e.g., Leebaert v. Harrington*, 332 F.3d 134 (2d Cir. 2003); *Combs v. Homer-Center Sch. Dist.*, 540 F.3d 231, 244 (3d Cir. 2008) (describing circuit split and declining to apply the Hybrid Rights Doctrine); *Kissinger v. Bd. Of Trs. Ohio St. Univ.*, 5 F.3d 177 (6th Cir. 1993) (objecting that the Hybrid Rights Doctrine would be so widely applied as to overturn *Smith*).

Circuits require the Free Exercise claim to be paired with an independently viable claim.<sup>2</sup> The Fourth, Fifth, Seventh, Eighth, Ninth, Tenth, and Eleventh Circuits only require the non-Free Exercise claim to be colorable.<sup>3</sup> The Sixth Circuit’s refusal to apply the Hybrid Rights Doctrine stems from concerns that it could be applied so widely as to effectively eliminate *Smith*. See *Kissinger*, 5 F.3d at 180 n.1. This concern fails to consider the threshold pleading requirements for the Hybrid Rights Doctrine’s secular claim—despite use of such a threshold by other circuits. Other circuits use such pleading thresholds as a filter to prevent plaintiffs from pleading every possible constitutional claim to reach a heightened standard of review, addressing the Sixth Circuit’s concerns. See, e.g., *Gary*, 374 F.3d at 15.

Here, the Church’s claim is strongly analogous to the hybrid Speech/Expression claims described in *Smith*’s discussion of the Hybrid Rights Doctrine’s origins. See 494 U.S. at 881. CADS significantly burdens the free speech and free exercise of the Church by limiting Lightbearers’ proclamations of their beliefs as required by the religion’s practice of live witness. While Respondent may claim that Delmont’s interest in reducing crime and promoting safety justifies these burdens, this Court rejected those same justifications in the recent *Watchtower* decision. See 536 U.S. at 164 (deciding that the burdens on speech and free exercise outweighed the a law’s potential to prevent crime). This Court’s decisions in *Watchtower*, *Murdock*, and *Cantwell* should guide this Court’s application of the Hybrid Rights Doctrine: here, as there, the Church has a religious obligation to spread their religious message. Here, as there, statutes

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<sup>2</sup> *Combs*, 540 F.3d at 245. See, e.g., *Gary S. v. Manchester Sch. Dist.*, 374 F.3d 15 (1st Cir. 2003); *EEOC v. Catholic Univ. of Am.*, 83 F.3d 455, 467 (D.C. Cir. 1996).

<sup>3</sup> See, e.g., *Mahmoud v. McKnight*, 688 F. Supp. 3d 265, 306 (4th Cir. 2023) (rev’d on other grounds); *Cornerstone Christian Schs. v. Univ. Interscholastic League*, 563 F.3d 127 (5th Cir. 2009); *Nat’l Inst. of Fam. & Life Advocates v. Treto*, 777 F. Supp. 3d 867, 899 (7th Cir. 2025); *Olsen v. Mukasey*, 541 F.3d 827, 832 (8th Cir. 2008); *San Jose Christian College v. City of Morgan Hill*, 360 F.3d 1024, 1032 (9th Cir. 2003); *Axson-Flynn v. Johnson*, 356 F.3d 1277, 1297 (10th Cir. 2004); *Henderson v. McMurray*, 987 F.3d 997, 1006 (11th Cir. 2021).

regulating the content of speech also create barriers to religious practice. Here, as there, this Court should hold such burdens to infringe the First Amendment’s Free Speech and Free Exercise Clauses, and apply strict scrutiny accordingly.

**B. CADS Fails Strict Scrutiny Because it is Places Greater Burdens on Religious Expression than Are Necessary to Prevent Doxxing.**

A law subject to strict scrutiny is unconstitutional unless it advances “a compelling state interest, and [is] narrowly tailored in pursuit of that interest.” *Mahmoud*, 606 U.S. at 564. A law is narrowly tailored if it uses “the least restrictive means” of achieving the state’s interest. *Smith*, 494 U.S. at 899. It is “the most demanding test known to constitutional law.” *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997). The Church concedes that Delmont’s interest in preventing doxxing is compelling. However, the means used to achieve that interest are not narrowly tailored. *See McCullen v. Coakley*, 573 U.S. 464, 486 (2014).

A law is narrowly tailored “if it targets and eliminates no more than the exact source of ‘evil’ it seeks to remedy.” *Frisby v. Schultz*, 487 U.S. 474, 485 (1988) (quoting *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 808 (1984)). Here, CADS’s language extends its burdens far beyond what is necessary to address the evil it seeks to remedy, extending its restrictions to “any communication platform.” Del. Ann. Stat. § 25.989 (2025). CADS does not define the term “communication platform.” *Id.* Even presuming from context that the term refers exclusively to *digital* communication platforms, CADS still restricts the religious expression of Lightbearers in private, online services, and other forms of religious exercise (like one-on-one discussions with spiritual leaders) which present no real threat of doxxing. By forcing the Church of Light to aggressively self-censor during religious activities, including those which present no threat of doxxing, CADS prevents the “*free and unhampered*”

exercise of the Lightbearers' faith. *Watchtower Bible*, 536 U.S. at 162. The Church of Light relies on communication platforms to spread its religion and facilitate the spiritual development of its membership. R. at 9. Like in *Yoder*, the free exercise of Lightbearers is unnecessarily burdened by an over-inclusive statute that restricts their religious development. An equally effective but less restrictive statutory scheme could focus on communications that are public in nature, avoiding unnecessary burdens while disincentivizing doxxing. Because CADS fails to apply the least-restrictive possible means to prevent doxxing, it fails strict scrutiny, and unconstitutionally infringes the Free Speech and Free Exercise clauses.

### **Conclusion**

Delmont's Campus Anti-Doxxing Statute unconstitutionally restricts the Church of Light's freedom of speech and freedom of religious expression. Accordingly, the Church of Light requests that this Court reverse the Fifteenth Circuit and reinstate the District Court's ruling that CADS impermissibly censors the content of the Church's speech and substantially burdens the Lightbearers' religious expression.

Respectfully Submitted,

/s/ Team 25  
Attorneys for the Petitioners