

No. 25-CV-1994

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2025

LAURA MARSHALL,
Petitioner,

v.

CHURCH OF LIGHT, LLC,
Respondent.

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

BRIEF FOR PETITIONER

Attorneys for Petitioner

QUESTIONS PRESENTED

- I. Whether the Campus Anti-Doxxing Statute (“CADS”) violates the First Amendment Free Speech rights of The Church of Light, LLC, when it restricts core First Amendment speech and does not pass strict scrutiny.
- II. Whether the Campus Anti-Doxxing Statute (CADS) violates the First Amendment Free Exercise rights of The Church of Light, LLC, when it diverts from neutrality, chills religious exercise protected by First Amendment, and does not pass strict scrutiny.

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OPINIONS BELOW

The opinion of the United States District Court for the District of Delmont is unpublished and may be found at *Marshall v. The Church of Light, LLC*, C.A. No. 25-CV-1994 (D. Delmont Dec. 8, 2025). The opinion of the United States Court of Appeals for the Fifteenth Circuit is unpublished and may be found at *Marshall v. The Church of Light, LLC*, C.A. No. 2022-1392 (15th Cir. 2025).

STATEMENT OF JURISDICTION

The United States Court of Appeals for the Fifteenth Circuit entered final judgment on this matter. R. at 43. Petitioner then filed a writ of certiorari, which this Court granted. R. at 50. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves the First Amendment to the United States Constitution. U.S. Const. amend. I. This case also involves the Campus Anti-Doxxing Statute. R. at 6.

STATEMENT OF THE CASE

I. STATEMENT OF THE FACTS

Formation of the Church of Light. The Church of Light is a religious denomination that was founded in, and has been a Delmont institution, since the 1800s. R. at 8. Since its founding, members of the Church of Light—known as “Lightbearers”—have proselytized by way of public proclamation and printed witness. R. at 8. A central tenet 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 personal interaction and dissemination of the religious message are deemed inseparable under the Church of Light’s faith. R. at 8.

In its early days, the Church of Light would travel across Delmont proclaiming their message in public places and disseminating its message in a church-made publication known as *The Lantern*. R. at 8. *The Lantern* combined the Church of Light’s religious message and local news in the same publication. R. at 8. By doing so, many Delmont residents grew dependent on *The Lantern* for free and easy access to local news, and the Church of Light’s following grew. R. at 8. As the Church of Light grew, the responsibility of public proclamation fell to younger Lightbearers. R. at 8. The Church of Light sincerely believes that during their young adult years, while pursuing higher education and preparing for their careers, Lightbearers would become more resolute in their faith. R. at 8. A missionary year requirement was later written into the Church of Light’s creed, requiring all Lightbearers between the ages of 18 and 22 to serve a missionary year during that span of years. R. at 9. During a Lightbearer’s missionary year, they must devote a substantial portion of their week to proselytizing and disseminating *The Lantern*. R. at 8-9. The campus organizations of these Lightbearers—over 70% of whom are communications and journalism majors—are known as “Lightbearer Missionaries.” R. at 9.

The Church of Light became conflicted when print media was replaced by other communicative means. R. at 9. Because the Church of Light required a live, personal, public proclamation of its message, neither internet presence nor radio was a tenable means of disseminating *The Lantern*. R. at 9. The Church of Light then found its solution: live TV broadcasts on community access channels in Delmont college towns, produced by Lightbearer Missionaries in studios on college campuses. R. at 9. These studios were also open to visitors interested in the religion to preserve the “living witness” requirement. R. at 9. The format of these live broadcasts followed the approach in *The Lantern*—live religious programming interspersed with local news,

performances from local musicians, and interviews of local interests. R. at 9. The community access format has since evolved further into a livestream on the internet. R. at 9.

The Lightbearer Missionaries developed another idea to reach more potential converts, as required by their faith. R. at 9. Using resources provided by the Church of Light, Lightbearer Missionaries drove vans equipped with LED screens on the sides around their campus. R. at 9. These screens would display the Lightbearer live-streamed broadcasts, local news, information, and weather. R. at 9. Lightbearer Missionaries would each take shifts driving the vans around popular campus areas and waiting outside the vans to field questions. R. at 10.

The Energy Farm Controversy and CADS. The State of Delmont has attracted many environmental groups who are dedicated to protecting its natural wonders and developing progressive ecological policies. R. at 4. Various non-profit groups, however, have conflicting views on how to achieve this goal. R. at 4. In the fall of 2024, the Delmont legislature began debating whether to convert nearly a thousand undeveloped acres around the State into zones for solar and wind energy production. R. at 4. The change in usage of the land would further one of the goals of the State’s populace—production of alternative energy—but at the expense of another goal—preservation of Delmont’s natural beauty. R. at 4. Two factions formed over this “Energy Farm Controversy”: the “Energy Coalition”—which included the DSU Lightbearer Missionaries—who supported developing energy farms, and the “Nature Coalition” who favored habitat preservation. R. at 5, 10. Both coalitions had taken on well-defined characteristics, such as associating themselves with distinct symbols. R. at 5.

This issue became contentious and volatile in April 2025 when the State cleared some of the land and started to install solar arrays and windmills. R. at 4. Both coalitions clashed at marches and rallies which sometimes led to physical violence requiring police involvement. R. at 4-5. This

violence was most prominent on college campuses throughout Delmont, where students, teachers, administrators, and property were all harmed. R. at 5. Politicians, celebrities, and businesses all expressed their respective positions on the Energy Farm Controversy, causing the press coverage to be even more extensive. R. at 5.

Police Departments discovered that student organizers were coordinating “flash-shares” of a particular person’s phone number, picture, location, and other identifiable information. R. at 5. Police departments were typically not able to intervene in time, and the victims would be swarmed by a wave of physical confrontations, calls, and e-mail or social media messages. R. at 6. “Doxxing”—publishing private information to intimidate someone—increased dramatically on Delmont college campuses. R. at 6. To combat this, the State legislature passed the “Campus Anti-Doxxing Statute of Delmont” (“CADS”), Delmont Annotated Statutes §25.989 (2025), on September 12, 2025. R. at 6. CADS 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 or staff at a Delmont college or university with the intent to “stalk, harass, or physically injure.” R. at 6.

Laura Marshall and the Unfortunate Incident. At the height of the Energy Farm Controversy in mid-September 2025, a prominent student activist for the Nature Coalition, Laura Marshall (“Marshall”), gave a powerful speech during a protest on the campus of Delmont State University (“DSU”) which she attended. R. at 10. DSU is a state-funded public university with 18,000 students. R. at 7. Although being the first speech she gave during the Energy Farm Controversy, Marshall’s speech was filmed by DSU Lightbearer Missionaries and received extensive local news coverage because of the strength of her rhetoric. R. at 10.

After Marshall's speech was clipped and shown on local news, DSU Lightbearer Missionary vans broadcasted the same clip as part of their weekly news rotation. R. at 10. After showing the clip of Marshall's speech, the Church of Light's broadcast displayed a still photo of the front desk of the Delmont Treatment Center, a nonprofit five blocks away from DSU that assists those suffering from substance abuse. R. at 10. The photo showed Marshall in front of the logo clearly displaying the name of the center, wearing a shirt with the Nature Coalition symbol. R. at 10. The photo was accompanied by text listing a number of resources for those suffering from substance abuse, including public information such as the address, phone number, and hours of operation. R. at 10. St. John's Church Counseling Center—another one of seven treatment centers in Delmont City—appeared in the same frame and displayed similar info in text as the Delmont Treatment Center. R. at 10. The DSU Lightbearer Missionary vans played the clip of Marshall's speech followed by the information relating to the Delmont Treatment Center as part of its weekly rotation. R. at 11.

Marshall was both an employee and patient of the Delmont Treatment Center at the time her public speech was being covered and circulated by the press. R. at 11. Within 24 hours of the speech and photograph appearing on the DSU Missionary vans, Marshall was unfortunately confronted while leaving the Delmont Treatment Center by multiple masked activists wearing Energy Coalition t-shirts. R. at 11. Marshall was verbally accosted and had her car keyed. R. at 11. After a similar incident happened the next night resulting in Marshall clipping a light pole while evading the activists, Marshall resigned from the Delmont Treatment Center. R. at 11. Prior to these incidents, Marshall herself had posted online that she had drug and alcohol issues and was part of an ongoing therapy group. R. at 11.

The DSU Lightbearers covered the Energy Farm Controversy in reportorial fashion at all times, playing favorable clips from speeches and news from both coalitions of the controversy. R. at 11-12. Although Marshall had requested that the DSU Lightbearer Missionaries stop running the photo of the Delmont Treatment Center that she was featured in, the Lightbearer Missionaries exercised their editorial judgment and followed their customary protocol to not stop. R. at 12.

II. PROCEDURAL HISTORY

The District Court. Respondent Marshall sued Petitioner Church of Light under CADS in the United States District Court for the District of Delmont on October 3, 2025, seeking damages and injunctive relief. R. at 12. The Church of Light moved for summary judgment, claiming that CADS infringes on both its First Amendment rights of Free Speech and Free Exercise guaranteed by the United States Constitution. On December 8, 2025, the district court granted summary judgment for the Church of Light, finding that CADS violated the Church of Light's Free Speech and Free Exercise rights and that no genuine dispute of material fact existed. R. at 29.

The Court of Appeals. On December 29, 2025, the Court of Appeals for the Fifteenth Circuit reversed the district court's judgment in favor of Petitioner and denied the Church of Light's motion for summary judgment. R. at 43.

This Court. On December 30, 2025, Petitioner the Church of Light appealed the ruling of the Court of Appeals for the Fifteenth Circuit. R. at 49. On January 7, 2026, this Court granted certiorari over two issues: (1) whether the Campus Anti-Doxxing Statute (CADS) violates the First Amendment Free Speech rights of the Church of Light and (2) whether the Campus Anti-Doxxing Statute (CADS) violates the First Amendment Free Exercise rights of the Church of Light. R. at 50.

SUMMARY OF THE ARGUMENT

I.

The United States Court of Appeals for the Fifteenth Circuit erred in concluding that the Campus Anti-Doxxing Statute complied with the First Amendment. The Statute unconstitutionally restricts protected speech in the name of privacy. The Statute imposes a content-based restriction on core First Amendment speech—religious proclamation, political expression, and journalistic reporting—by subjecting speakers to civil liability for disclosing private information, even if such information is protected speech. Because the Statute makes speech unlawful if it includes identifying information, it is a content-based rule that suppresses expression out of concern for its communicative impact. Content-based restrictions are presumed unconstitutional unless it can pass strict scrutiny. While the Statute was passed for a compelling state interest, it is not narrowly tailored, because it targets and eliminates more than the exact evil the Statute was passed to target. The Statute sweeps both protected and unprotected speech into its restrictions, making it overbroad. This Court should reverse the judgment of the United States Court of Appeals for the Fifteenth Circuit.

II.

This Court should reverse the judgment of the United States Court of Appeals for the Fifteenth Circuit because the Campus Anti-Doxxing Statute violates the Church of Light's free exercise right. Although facially neutral, the Statute departs subtly from neutrality in how it operates in effect by predictably burdening the Church of Light's core religious practice. The Church of Light requires young adult members to proclaim their religious message publicly and also disseminate the Church's message through another communicative format. The Statute chills the Church of Light's required method of practicing its faith.

Even if the Statute was considered neutral and generally applicable, it imposes a burden of the same character as the burden imposed on the Amish in *Yoder*. This Court has found such a burden to be constitutionally impermissible, as it coerces members of a religion to reduce or even relinquish their mandatory religious practice to avoid being held liable under the Statute. This Court should reverse the judgment of the United States Court of Appeals for the Fifteenth Circuit.

ARGUMENT AND AUTHORITIES

Standard of Review. Both issues before this Court pose questions of law, which are reviewed de novo. *Highmark Inc. v. Allcare Health Mgmt. Sys., Inc.*, 572 U.S. 559, 563 (2014).

I. CADS VIOLATES THE CHURCH OF LIGHT’S FIRST AMENDMENT FREE SPEECH RIGHTS BECAUSE THE BROADCAST SEGMENTS ARE COVERED SPEECH UNDER THE FIRST AMENDMENT AND CADS IS NOT NARROWLY TAILORED TO SATISFY STRICT SCRUTINY.

The First Amendment provides a constitutional safeguard for freedom of speech and the press. As this Court has recognized, the protections provided by the First Amendment are essential to the “free flow of ideas and opinions on matters of public interest and concern.” *Hustler Mag. v. Falwell*, 485 U.S. 46, 50 (1988). The First Amendment means that the government has no power to restrict speech “because of its message, its ideas, its subject matter, or its content.” *Ashcroft v. American Civil Liberties Union*, 535 U.S. 564, 573 (2002) (internal quotation marks omitted). Since the signing of the Constitution in 1791, only a few classes of speech have been categorically excluded from First Amendment protection, including obscenity, defamation, fraud, incitement, and speech integral to criminal conduct. *United States v. Stevens*, 559 U.S. 460, 468-69 (2010). Today, Respondent asks this Court to add another class of speech to this list: *foreseeably harmful speech*. Such a request is incompatible with the Constitution and a long line of this Court’s First Amendment jurisprudence.

A. Because Marshall’s Speech Relates to a Matter of Public Concern, It is Protected by the First Amendment.

The “First Amendment’s primary aim is the full protection of speech upon issues of public concern[.]” *Connick v. Myers*, 461 U.S. 138, 154 (1983). Whether speech addresses a matter of public concern is determined by the statement’s content, form, and context, as revealed by the whole record. *Id.* at 147-48. While all the circumstances surrounding the speech must be evaluated, no one factor is dispositive on whether the speech is of public or private concern. *Snyder v. Phelps*, 562 U.S. 443, 454 (2011). How a statement is perceived is irrelevant in determining whether the statement is of public or private concern. *Texas v. Johnson*, 491 U.S. 397, 398 (1989); *Rankin v. McPherson*, 483 U.S. 378, 387 (1987).

1. Marshall’s passionate speech advocating on behalf of the Nature Coalition in the Energy Farm Controversy is undoubtedly protected political speech.

Matters “of public concern” are those that relate to “any matter of political, social, or other concern to the community,” or are “subject[s] of general interest and of value and concern to the public.” *Id.* (internal quotes omitted) (quoting first *Connick*, 461 U.S. at 146, then *San Diego v. Roe*, 543 U.S. 77, 83-84 (2004)). The freedom to espouse sincerely held political beliefs, especially in heated public debates, is too important to democracy for it to be abridged simply due to the hostility of reactionary listeners who may be offended by a speaker's message. *Bible Believers v. Wayne Cnty., Mich.*, 805 F.3d 228, 252 (6th Cir. 2015).

Here, the Church of Light’s broadcast of Marshall’s speech about the Energy Farm Controversy is political speech related to matters of public concern at the core of the First Amendment’s protections. The Energy Farm Controversy concerned Delmont’s energy policy and land use, generating substantial debate statewide. Marshall’s speech on behalf of the Nature Coalition—advocating in favor of Delmont preserving the undeveloped land at issue—is surely a

matter of public concern relating to a matter of political concern to the community. *See, e.g., DeHart v. Tofte*, 326 Or. App. 720, review denied, 539 P.3d 787 (2023) (dismissing the school board members’ claims under a state doxxing law as an impermissible strategic lawsuit because the ban on BLM and Pride symbols was a matter of public concern and significant public debate).

2. Marshall became a limited-purpose public figure by injecting herself into the Energy Farm Controversy, and the Constitution does not permit suppressing the Church of Light’s right to rebroadcast her speech.

To ensure debate on public issues remains uninhibited and robust, plaintiffs have to prove the higher burden of “actual malice” to prevail in defamation cases. *New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964). One type of public figure is a limited-purpose public figure, who is an individual who is “attempting to have, or realistically can be expected to have, a major impact on the resolution of a specific public dispute that has foreseeable and substantial ramifications for persons beyond its immediate participants. *Waldbaum v. Fairchild Publications, Inc.*, 627 F.2d 1287, 1292 (D.C. Cir. 1980). Marshall checks all the boxes.

Contrary to the Court of Appeals for the Fifteenth Circuit’s holding that Marshall was “involuntarily drawn into the fray by the Church of Light’s displays,” Marshall voluntarily injected herself into the Energy Farm Controversy in an attempt to have a major impact on its resolution.

First, Marshall “played a *substantial* role in some *major* protests” (emphasis added). R. at 10. Second, Marshall—with such passion for the Nature Coalition’s cause—decided to give a speech at the protest with such strong rhetoric it caught the attention of not only students on campus, but the local news as well. It was in fact from these other news sources that the Lightbearer Missionaries obtained the clip of Marshall’s speech that they regularly used in their broadcasts. In other words, Marshall was in the public’s eye *before* the Lightbearer Missionaries obtained and used a clip of her speech.

The Court of Appeals for the Fifteenth Circuit’s suggestion that Marshall only obtained media exposure because of the Church of Light’s broadcasts, and thus her participation was involuntary, is misplaced. *Gertz* states with clarity that the court’s focus must be on the “nature and extent of an individual’s participation in the particular controversy.” 418 U.S. at 352. Accordingly, Marshall certainly attempted to effectuate change through her activism, which would not only affect the 18,000 students at DSU, but also all residents of Delmont.

B. The Church of Light’s Display of a Publicly Available Photo of the Delmont Treatment Center with Marshall in It is Not Categorically Prohibited, and Other Factors in the Balancing Calculus Weigh in Favor of Free Speech Protection.

The doctrine of stare decisis has consistently played a crucial role in this Court’s decision-making process. Specifically, stare decisis “plays an important role” in protecting the interests of those who have acted in reliance on past decisions. *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 263 (2022). Under this doctrine, this Court should affirm well-reasoned and consistent precedent when it provides a workable framework developed through the application of strong reasoning. *Id.* at 280-86.

1. The photo of the Delmont Treatment Center cannot be considered incitement or a true threat because it is neither an expression of intent to commit unlawful violence nor does it call for or threaten imminent violence.

The First Amendment bars the government from dictating what we see, read, speak, or hear. *Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 245 (2002). Freedom of speech, however, is not unlimited—notably, the First Amendment excludes inciting speech and true threats from its protection. *Id.* at 245-46. While the harm Marshall suffered is unfortunate, displaying the photo of the Delmont Treatment Center featuring Marshall does not qualify as inciting speech or a true threat, and the Constitution prohibits its suppression by CADs.

This Court has not deviated from the framework it established in *Brandenburg v. Ohio*, 395 U.S. 444 (1969), to determine if speech can be deemed incitement. Speech that advocates violence is protected by the First Amendment, so long as the speech is not directed to inciting or producing imminent lawless action and is not likely to incite or produce such action. *Brandenburg*, 395 U.S. at 447. This standard requires more than mere abstract advocacy of violence or lawlessness. *Id.* at 448. This burden is high, and there are few examples of federal circuit courts affirming criminal convictions under *Brandenburg*. *United States v. Al-Timimi*, 164 F.4th 292, 306 (4th Cir. 2026).

The hostile reaction of third parties does not transform protected speech into incitement. *Bible Believers*, 805 F.3d at 246; *Nwanguma v. Trump*, 903 F.3d 604, 610 (6th Cir. 2018). Accordingly, although a group of Energy Coalition protestors confronted Marshall, the Church of Light’s use of a publicly available photograph of the Delmont Treatment Center alongside its contact information remains protected speech.

“True threats” are another class of speech that is categorically excluded from First Amendment protection, and States are permitted to ban. *Watts v. United States*, 394 U.S. 705, 708 (1969) (per curiam). This class of speech encompasses statements meant to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group. *Virginia v. Black*, 538 U.S. 343, 359 (2003). The ability to carry out the threat is not required to qualify as a true threat. *Id.* at 360. Here, the photograph itself could not be construed as a statement expressing, implying, or signaling a directive to commit physical violence.

2. The photo displayed was publicly available, related to the subject matter of the segment, and its use was within the Lightbearer Missionaries’ editorial discretion, all of which provide support for protecting this speech.

Given the balancing of protections at issue, the District Court considered all facts, which ultimately led him to rule in favor of the Church of Light. R. at 29.

The photo of the Delmont Treatment Center containing Marshall was publicly available online at the time it was used in the Church of Light’s broadcast. R. at 45. This Court has held that privacy interests fade when the information is already available to the public. *Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 494–95 (1975). An individual may have no privacy interest in information he has left open to the public eye. *Harrison v. Washington Post Co.*, 391 A.2d 781, 784 (D.C. 1978) (citing Restatement (Second) of Torts s 652D, Comment b (1977)). Here, the constitutional analysis focuses on whether the photo featuring Marshall was publicly available at the time it was used by the Church of Light and not necessarily whether it pertained to a matter of public concern. *Cox Broad. Corp.*, 420 U.S. at 475.

Additionally, this Court has acknowledged that editing is the selection of material for a newspaper or broadcast, and it is the job of the editor to make these selections. *Columbia Broad. Sys., Inc. v. Democratic Nat. Comm.*, 412 U.S. 94, 124 (1973). Notably, editing is a calculated risk “taken in order to preserve higher values,” and the authors of the Bill of Rights accepted that this reality believing “there was no acceptable remedy other than...a sense of responsibility—and civility—on the part of those who exercise the guaranteed freedoms of expression.” *Id.* at 125.

Editors are given broad discretion in determining what news to cover and it is not for a court or jury to say how best to cover a particular story. *Shulman v. Grp. W Prods., Inc.*, 955 P.2d 469, 485 (Cal. 1998). Newsworthiness is not limited to only “news,” but extends also to the use of names and likenesses “in giving information to the public for education, when they public may reasonably be expected to have a legitimate interest in what is being published.” *Id.* at 485-86. While certain images may not be *necessary* to enable the public to understand the significance of a story or certain information, *necessity* is not the standard by which editors must follow. *Id.* at 488. Courts do not, and constitutionally could not, act as superior editors of the press. *Id.*

Providing the public with the Delmont Treatment Center’s and other treatment centers’ contact information is a matter of public concern. *See Firestone v. Time, Inc.*, 271 So. 2d 745, 749 (Fla. 1972) (stating matters of real public concern “include such matters... relating generally to health, well-being and general comfort of the public as a whole.”). A matter of public or general concern does not become less so because a private individual is involved. *Id.* Because providing the Delmont Treatment Center’s contact information was a matter of public concern, editors have broad discretion in how to display the news, and the photo of the Delmont Treatment Center is related to the contact information provided, the Church of Light’s freedom of speech rights weigh heavier than Marshall’s privacy rights.

C. CADS is Unconstitutional Because It is a Content-Based Regulation That Cannot Satisfy the High Burden of Strict Scrutiny Because It Sweeps Protected Speech Into Its Restriction, and thus is Not Reasonably Tailored.

Regulations restricting speech because of its content will rarely ever be permissible. *United States v. Playboy Entm’t Group, Inc.*, 529 U.S. 803, 818 (2000). The Constitution “demands that content-based restrictions on speech be presumed invalid... and that the Government bear the burden of showing their constitutionality.” *United States v. Alvarez*, 567 U.S. 709, 715–17, (2012) (quoting *Ashcroft v. American Civil Liberties Union*, 542 U.S. 656, 660 (2004)). Content-based rules are those that suppress speech out of concern for its communicative impact. *United States v. Eichman*, 496 U.S. 310, 317 (1990). Because CADS focuses only on the content of the speech and the speech’s direct impact on listeners, it is a content-based regulation. *Playboy Entm’t Group, Inc.*, 529 U.S. at 811 (citing *Boos v. Barry*, 485 U.S. 312, 321 (1988)).

A content-based regulation may be constitutional if it can satisfy strict scrutiny. *Reed v. Town of Gilbert*, 576 U.S. 155, 163-64 (2015). To satisfy strict scrutiny, the State must have a “compelling state interest,” *id.* at 163, and the restriction must be narrowly tailored, i.e., the “least

restrictive means” to achieve the state interest. *McCullen v. Coakley*, 573 U.S. 464, 478 (2014). Here, Delmont’s interest in ensuring public safety is a compelling interest for enacting CADS. *Id.* at 486. CADS is not narrowly tailored, however, because it is overinclusive, and prohibits both protected and unprotected speech. *Stevens*, 559 U.S. at 473.

For First Amendment purposes, a statute is “narrowly tailored” if it “targets and eliminates no more than the exact source of the evil it seeks to remedy.” *Frisby v. Schultz*, 487 U.S. 474, 485 (1988). Here, CADS does not provide for any exceptions and thus includes protected speech—such as publicly available information, lawfully obtained, truthful information, and speech relating to matters of public concern—in speech that it prohibits. Because CADS sweeps protected speech and unprotected speech into its restrictions, it eliminates “more than the exact source of the evil it seeks to remedy.” *Id.*

II. CADS VIOLATES THE FREE EXERCISE CLAUSE AS APPLIED TO THE CHURCH OF LIGHT BECAUSE IT IS NOT NEUTRAL AND IS NOT NARROWLY TAILORED TO SATISFY STRICT SCRUTINY.

The Free Exercise Clause, which applies to the states through the Fourteenth Amendment, provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” U.S. Const. amend. I; *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940). Religious “exercise” applies not only to the exercise of religious beliefs but also to the performance of physical acts. *Emp. Div., Dep’t of Hum. Res. of Or. v. Smith*, 494 U.S. 872, 877 (1990). In *Smith*, this Court established the test used to evaluate whether a law violates the Free Exercise Clause. A law that incidentally burdens religion is valid if it is both neutral and generally applicable. *Id.* at 879. A neutral and generally applicable law will avoid strict scrutiny analysis and be upheld as constitutional if it can satisfy a rational basis review. *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 531 (1993). If a law is valid, neutral, and generally applicable, the Free Exercise Clause does not relieve an individual from the obligation of complying with the

law. *Smith*, 494 U.S. at 878. Because CADS is not a neutral law, it is not permissible under the First Amendment and must satisfy strict scrutiny—“the most demanding test known to constitutional law.” *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997).

A. CADS is Not Neutral Towards Religion and Therefore Triggers Strict Scrutiny.

The circuit court incorrectly held that CADS is facially and operationally neutral. A law is neutral if its purpose does not infringe upon or restrict a practice because of its religious motivation. *Lukumi*, 508 U.S. at 533. Thus, the State does not act neutrally if “it proceeds in a manner intolerant of religious beliefs or restricts practices because of their religious nature.” *Fulton v. City of Philadelphia*, 593 U.S. 522, 533 (2021). Although the text of CADS is facially neutral because it neither makes any reference to religion nor explicitly targets any religion, facial neutrality is not dispositive of the neutrality inquiry. *Lukumi*, 508 U.S. at 534.

The Free Exercise Clause forbids “*subtle* departures from neutrality[,]” *Id.* (quoting *Gillette v. United States*, 401 U.S. 437, 452 (1971)) (emphasis added), and “*covert* suppression of particular religious beliefs.” *Id.* (quoting *Bowen v. Roy*, 476 U.S. 693, 703 (1986)) (emphasis added). The effect of the law in real-world operation is also strong evidence of the law’s object. *Id.* at 535. Accordingly, the State cannot impose regulations that depart from religious neutrality—whether covertly or overtly—even where the resulting burden on religious exercise is minimal, without satisfying strict scrutiny. *Id.*

1. CADS is not neutral because it disproportionately burdens the Church of Light’s core religious practice.

CADS essentially gives members of the Church of Light two options: exercise your faith true to the tenet of serving as a living witness but remain in fear that you could be personally sued for publishing protected speech; or exercise your faith less, if at all. *Rallston*, Aff. ¶ 10. Because the

Church of Light relies on its young members to continue the mission of evangelization, it is mostly this group of college students who will be forced to make this difficult decision. Rallston, Aff. ¶ 18.

2. Delmont was put on notice of CADS' particular burden on the Church of Light's religion, and enacted CADS anyways.

This Court has always understood the principle that the State may not enact laws that suppress religious belief or practice. *Lukumi*, 508 U.S. at 523. Government neutrality can be assessed using various factors, such as the background of the decision being challenged, the specific series of events leading up to the enactment, legislative or administrative history, and contemporaneous statements made by members of the state legislature. *Masterpiece Cakeshop, Ltd. V. Colo. Civ. Rights Comm'n*, 584 U.S. 617, 639 (2018).

Similar to the legislators in *Lukumi*, Governor Morrison also did not understand, failed to perceive, or chose to ignore the fact that his official action violated the Nation's commitment to religious freedom. 508 U.S. at 524. Here, the Church of Light notified the Governor through numerous means about the substantial burden CADS will place on the Church of Light. Rallston, Aff. ¶ 10. Furthermore, CADS presents a grave threat to the Church of Light, since local news has been the key to the growth but doing so creates the risk of a flood of lawsuits. Rallston, Aff. ¶ 10.

B. Even if CADS is Neutral and Generally Applicable, Strict Scrutiny Still Applies Because CADS Imposes a Burden of the Same Character as *Yoder and Mahmoud*.

This Court established in *Mahmoud v. Taylor*, 606 U.S. 522 (2025), that “when a law imposes a burden of the same character as that in *Yoder*, strict scrutiny is appropriate regardless of whether the law is neutral and generally applicable.” 606 U.S. at 564-65. In *Wisconsin v. Yoder*, 406 U.S. 205 (1972), this Court found that compelling Amish children to attend public school during their high school years was a burden on their free exercise rights. 406 U.S. at 218. Specifically,

compelling education would “substantially interfere[e] with the religious development of the Amish child,” and this requirement “contravene[d] the basic religious tenets and practice of the Amish faith, both as to the parent and the child.” *Id.* While the ages of relevant persons differ slightly between *Yoder* and this case, an overwhelming number of facts provide support for the conclusion that CADS imposes a “burden of the same character as in *Yoder*” on the Church of Light.

First, both the Amish *Yoder* and the Church of Light in this case acknowledge a critical age range where members of each religion focus on religious development. *Yoder* refers to this time as a child’s “crucial adolescent period of religious development,” 406 U.S. at 223; the Church of Light firmly believes that the ages 18-22 is when its members “become more resolute in their faith and advocate for it.” Rallston, Aff. ¶ 8. Similarly, *Yoder* states that during this crucial period of religious development, “the Amish child must also grow in his faith and his relationship to the Amish community...” 406 U.S. at 211. Both religions’ objections to the laws at issue in each case are firmly grounded in their religious beliefs. 406 U.S. at 210; Rallston, Aff. ¶ 8.

Second, both cases deal with an issue of state compulsion that undermines each religion’s community and religious practice. *Yoder*, 406 U.S. at 218 (stating “compulsory school attendance to age 16...carries with it a very real threat of undermining the Amish community and religious practice”); Rallston, Aff. ¶ 10 (stating that CADS makes it riskier for members “[t]o honor our faith and remain true to our precepts”).

Finally, both religions have maintained the same religious beliefs and “life style” since their founding. The Amish have had the same consistent practice for almost 300 years, *Yoder*, 406 U.S. at 219, while the Church of Light has been around for about 150 years, proselytizing by way of public proclamation and printed witness, with minor adaptations for the modern era. Rallston, Aff.

¶¶ 4, 6. Additionally, both religions fear that compliance with the respective state statutes in each case would ultimately lead to the demise of each religion. *Yoder*, 406 U.S. at 212; Rallston, Aff. ¶ 10.

This Court in *Yoder* noted that “probably few other religious groups or sects could make” the showing that the Amish did in that case in objecting to a state statute, *Yoder*, 406 U.S. at 236; however, CADS is imposing a burden on the Church of Light that is of the same character as the compulsory high school statute in *Yoder*. Consequently, strict scrutiny should apply in this case.

C. In the Alternative, Strict Scrutiny Still Applies Because CADS Burdens a Hybrid Right of Free Exercise and Free Speech.

Even if this Court holds that CADS is neutral, generally applicable, and does not impose a burden of the same character as in *Yoder*, this Court should still require CADS to survive strict scrutiny because of *Smith’s* hybrid rights exception. *Smith*, 494 U.S. at 878-79. The recognition of this “hybrid rights” was retrospective, identifying numerous cases where parties alleged a violation of their Free Exercise right and another constitutional violation. *Id.* at 881.

This hybrid rights exception has not been universally accepted. See *Kissinger v. Bd. of Trs. Of Ohio St. Univ.*, 5 F.3d 177, 180 (6th Cir. 1993); *Knight v. Conn. Dept. of Pub. Health*, 275 F.3d 156, 167 (2d Cir. 2001). Courts are loathe to find hybrid situations when parties do not plead sufficient facts or when parties solely offer the exception as an alternative basis for holding. See *Leebaert v. Harrington*, 332 F.3d 134, 143 (2d Cir. 2003).

Unlike other cases, the facts in this case provide strong support for each claim independently and under this exception, since the freedom of speech claim is inseparable from the free exercise claim. The Church of Light faith requires a living witness to publicly proclaim their religious message while disseminating *The Lantern*. This means that a missionary’s speech *is* the exercise

of the Church of Light religion. Thus, CADS not only impedes the free exercise of what members believe the Church of Light requires, but it also restricts their First Amendment right to free speech.

Regardless of the basis this Court finds most convincing, CADS must be subject to strict scrutiny. For the same reasons listed above, CADS fails strict scrutiny and should be deemed unconstitutional as applied to the Church of Light.

CONCLUSION

For the foregoing reasons, this Court should REVERSE the judgment of the United States Court of Appeals for the Fifteenth Circuit and GRANT Petitioner's Motion for Summary Judgment.

Respectfully submitted,

ATTORNEYS FOR PETITIONER

BRIEF CERTIFICATE

Team 27 certifies that the work product contained in all copies of Team 27's brief is in fact the work product of the members of Team 27 only; and that Team 27 has complied fully with its law school's governing honor code; and that Team 27 has complied with all Competition Rules.

TEAM 27