

No. 25-CV-1994

In The
Supreme Court of the United States

THE CHURCH OF LIGHT, LLC,

Petitioner,

v.

LAURA MARSHALL

Respondent.

On Writ of Certiorari from the United States
Court of Appeals for the Fifteenth Circuit
Civ. Action No. 25-CV-1994

**BRIEF FOR RESPONDENT,
LAURA MARSHALL**

Oral Argument Requested

/s/ Team 30
Attorneys for Respondent,
Laura Marshall

QUESTIONS PRESENTED FOR REVIEW UNDER RULE 14.1(a)

I. Does the Campus Anti-Doxxing Statute (CADS) violate the First Amendment Free Speech rights of The Church of Light, LLC?

II. Does the Campus Anti-Doxxing Statute (CADS) violate the First Amendment Free Exercise rights of The Church of Light, LLC?

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JURISDICTIONAL STATEMENT

The district court opinion was released on December 8, 2025.¹ The judgment of the court of appeals was entered on December 29, 2025.² The petition for a writ of certiorari was filed on December 30, 2025, and granted by this Court on January 7, 2026.³ The jurisdiction of this Court rests on 28 U.S.C. § 1254(1).

STATEMENT OF THE CASE

Plaintiff, Laura Marshall, brought a claim for damages and injunctive relief against Defendant, Church of Light, LLC, under the “Campus Anti-Doxxing Statute of Delmont” (“CADS”), Delmont Annotated Statutes § 25.989 (2025).⁴ The Western Division of the District Court of Delmont granted summary judgment in favor of the Defendant, holding that CADS violated the Church’s Free Speech and Free Exercise rights and that no genuine dispute of material fact existed.⁵ Plaintiff Marshall appealed the decision of the District Court to the United States Court of Appeals for the Fifteenth Circuit, which reversed the District Court’s grant of summary judgment.⁶

STATEMENT OF FACTS

Respondent, Laura Marshall, is a student at Delmont State University and an environmental activist aligned with the Nature Coalition, which is a non-profit organization focused on habitat preservation efforts.⁷ Ms. Marshall has overcome substance abuse and was

¹ R. at 2.

² R. at 43.

³ R. at 49-50.

⁴ R. at 30-31.

⁵ R. at 30-31.

⁶ R. at 30.

⁷ R. at 5, 10.

employed at the front desk of the Delmont Treatment Center, where she was also a patient until the events giving rise to this action.⁸

Petitioner, Church of Light, LLC (“the Church”), is a local church whose missionary members are known as “Lightbearers.”⁹ The self-titled Lightbearers proselytize their message through public proclamation and personal witness, which are deemed inseparable under the tenets of the church.¹⁰ The Church disseminates a free television broadcast on public access and internet livestream containing live religious programming.¹¹ To spread their message further, the Church Lightbearers drive vans equipped with LED screens around campus.¹² These screens broadcast the live religious programming created by the church.¹³

Delmont is currently embroiled in a conflict regarding conversion of state woodlands and plains into solar and wind energy farms.¹⁴ The dispute has divided the populace into two camps: the Energy Coalition, which favors alternative energy development, and the Nature Coalition, which prioritizes land and wildlife preservation.¹⁵ The Church supports the Energy Coalition, while Ms. Marshall advocates for the Nature Coalition.¹⁶

Activists from both sides have engaged in “flash-shares,” which are coordinated releases of a target’s private information, including photos, home and work addresses, and locations, to facilitate immediate physical swarming and harassment.¹⁷ Targeted Delmont students were

⁸ R. at 11.

⁹ R. at 8.

¹⁰ R. at 8.

¹¹ R. at 8-9.

¹² R. at 9.

¹³ R. at 9.

¹⁴ R. at 4-5.

¹⁵ R. at 4-5.

¹⁶ R. at 10.

¹⁷ R. at 5-6.

hospitalized and had their property damaged as police response time was delayed.¹⁸ These “doxxing” incidents increased by 150% between late August and early September 2025, which overwhelmed police resources in Delmont.¹⁹

In response, the Delmont legislature enacted CADS, Del. Ann. Stat. § 25.989 (2025).²⁰ The ACT created a private cause of action against any individual who, without consent, discloses the private information of a Delmont college campus community member with the intent to “stalk, harass, or physically injure.”²¹ Under the statute, “intent” includes acting “recklessly to place a person in reasonable fear of bodily injury” or cause “severe emotional distress.”²² Private information specifically includes home addresses, personal phone numbers, and contact information for a plaintiff’s employer.²³

In September 2025, following the passage of CADS, the Lightbearers began broadcasting a video of a speech given by Ms. Marshall in a continuous loop on their mobile vans.²⁴ Following her speech, the Lightbearers displayed a still photograph of Ms. Marshall sitting at the front desk of the Delmont Treatment Center wearing a Nature Coalition T-shirt.²⁵ Text overlaid on the photograph showed the address, phone number, and hours of operation for a list of treatment centers for substance abuse.²⁶ Delmont Treatment Center was first on the list.²⁷

¹⁸ R. at 5-6.

¹⁹ R. at 6.

²⁰ R. at 6-7.

²¹ R. at 6-7.

²² R. at 6-7.

²³ R. at 6-7.

²⁴ R. at 10.

²⁵ R. at 10.

²⁶ R. at 10.

²⁷ R. at 10.

Although Ms. Marshall had previously shared her recovery status in an online survivor chat room, her specific place of employment and treatment was not public information.²⁸

Within twenty-four hours of the broadcast, a group of approximately twenty masked individuals wearing Energy Coalition attire swarmed Ms. Marshall as she left the treatment center.²⁹ The group followed her to her car, photographed her, catcalled her, and insulted her about her addictions.³⁰ After Ms. Marshall made it to her car, the mob surrounded her and used keys to damage the exterior paint of her car.³¹

A group again surrounded her the following night.³² Ms. Marshall accelerated to escape, clipping a light pole in the process, which made her airbag deploy and damaged her vehicle.³³ Ms. Marshall alerted the resource drained police department, but by the time they responded, the group had dispersed.³⁴ Fearing for her safety and the safety of other patients, Ms. Marshall resigned from her job and withdrew from her concurrent medical counseling.³⁵ Despite Ms. Marshall's plea to the Lightbearers to cease the broadcasts, Petitioner has refused to stop.³⁶

SUMMARY OF THE ARGUMENT

CADS does not violate the Church's First Amendment free speech rights. The Church's doxxing is not speech protected by the Constitution. If the Court recognizes the doxxing as speech, it is categorically excluded from First Amendment protection. If the Court finds CADS restricts the Church's constitutionally-protected speech, it is a content-neutral regulation. CADS

²⁸ R. at 11.

²⁹ R. at 11.

³⁰ R. at 11.

³¹ R. at 11.

³² R. at 11.

³³ R. at 11.

³⁴ R. at 11.

³⁵ R. at 11.

³⁶ R. at 12.

is narrowly tailored to serve a compelling governmental interest and survives any level of constitutional scrutiny.

CADS does not violate the Church of Light's religious liberty because it does not violate the *Smith* test. CADS is neutral because it lacks any language that targets religion, it was not passed under suspicious circumstances, and there is no evidence CADS targets religion in either its passage or implementation. The law is generally applicable because it lacks any exceptions and does not treat comparable secular activity more favorably than religious conduct. Even if the court finds either that CADS does not pass the *Smith* test or that it simply does not apply, the law passes strict scrutiny. Under the specific test for religious liberty, the Church of Light cannot be exempted because their actions directly undermine both public safety and CADS' legislative goals. CADS is narrowly tailored because it encompasses only doxxing carried out with the intent to "stalk, harass, or physically injure." Therefore, it is not overinclusive because it does not outright ban any type of religious conduct. The law is not underinclusive because it applies to all individuals. There are no exceptions. Accordingly, CADS does not violate the Church's First Amendment free exercise rights.

ARGUMENT

I. CADS Does Not Violate the Free Speech Rights of The Church of Light.

The First Amendment protects the "freedom of speech" of the people from government infringement.³⁷ Nothing could be more vital for a flourishing republic built on self-

³⁷ U.S. Const. amend. I.

government.³⁸ And yet, the Court has always distinguished between constitutionally-protected speech and unlawful conduct that is incidentally packaged within expression.³⁹

Delmont has created a civil cause of action for doxxing with intent to cause harassment, stalking, or injury.⁴⁰ The Church of Light doxxed Ms. Marshall with such intent. CADS does not violate the Church's free speech rights because its doxxing is not constitutionally-protected speech. The Church's doxxing also falls within one or more of the categorical exclusions from First Amendment protection. Even if the Court views CADS as a restriction on speech, it is a content-neutral regulation, warranting only intermediate scrutiny. If the Court applies strict scrutiny, CADS is narrowly tailored to serve a compelling governmental interest such that it does not violate the Free Speech Clause.

A. The Church's Doxxing Is Not Constitutionally-Protected Speech.

The First Amendment prohibits government infringement of "the freedom of speech."⁴¹ However, not every instance of verbal or written expression or conduct that occurs within the context of expression receives First Amendment protection.⁴² Government may distinguish between constitutionally-protected speech and unlawful conduct that incidentally occurs within speech.⁴³ CADS does not disturb the Church's First Amendment right to broadcast its livestreams. Rather, CADS regulates the Church's distinct act of doxxing with intent to injure. This doxxing is not constitutionally-protected speech. Nor is the Church immunized from CADS

³⁸ *Garrison v. Louisiana*, 379 U.S. 64, 75 (1964) (stating that protection of the freedom of speech is "the essence of self-government.").

³⁹ *United States v. O'Brien*, 391 U.S. 367, 376 (1968) ("We cannot accept the view that an apparently limitless variety of conduct can be labeled "speech" whenever the person engaging in the conduct intends thereby to express an idea.").

⁴⁰ Del. Ann. Stat. § 25.989; R. at 6-7.

⁴¹ U.S. Const. amend. I.

⁴² *Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490, 498 (1949).

⁴³ *Id.*; *Packingham v. North Carolina*, 582 U.S. 98, 107 (2017).

simply because its doxxing incidentally occurred within an otherwise constitutionally-protected livestream.

As the Court stated in *Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490 (1949), “it has never been deemed an abridgment of freedom of speech . . . to make a course of conduct illegal merely because the conduct was in part initiated, evidenced, or carried out by means of” speech, for such “an expansive interpretation of the constitutional guaranties of speech . . . would make it practically impossible ever to enforce laws against [acts] deemed injurious to society.”⁴⁴

In *Giboney*, Missouri enacted a generally applicable antitrust law.⁴⁵ A labor union peacefully picketed a local business because of a labor dispute.⁴⁶ This picketing, by itself, constituted speech protected by the First Amendment.⁴⁷ However, the Court noted that the picketing could not be “treated in isolation,” and instead analyzed the context and determined the union used picketing to violate Missouri’s antitrust statute.⁴⁸ The Court held that because the union’s picketing “constituted a single and integrated course of conduct, which was in violation of Missouri’s valid law,” the lawsuit brought under the antitrust statute “did no more than enjoin an offense against Missouri law,” and thus left the First Amendment unoffended.⁴⁹

Here, Delmont passed a generally applicable anti-doxxing law.⁵⁰ In her suit, Marshall alleges the Church doxxed her with intent to injure.⁵¹ As the union in *Giboney* was not immune from Missouri’s antitrust law just because its violation occurred in the context of

⁴⁴ *Giboney*, 336 U.S. at 502.

⁴⁵ *Id.* at 491.

⁴⁶ *Id.* at 492.

⁴⁷ *Id.* at 498.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ R. at 6-7, 48.

⁵¹ R. at 2-3.

constitutionally-protected picketing, the Church is not immune from CADS simply because its violation occurred within a constitutionally-protected livestream. As the Court distinguished in *Giboney* between the constitutionally-protected picketing and the unlawful antitrust activity that occurred within picketing, so here the Court ought to distinguish between the Church's constitutionally-protected livestream and its doxxing that occurred within the livestream.

The Court reaffirmed these principles in *Cohen v. Cowles Media Co.*, 501 U.S. 663 (1991), when it held that enforcement of Minnesota's promissory estoppel law in a lawsuit against a newspaper did not violate the Free Speech Clause even though the newspaper's challenged action occurred within the context of a constitutionally-protected reporting.⁵² The Court reiterated that, "generally applicable laws do not offend the First Amendment simply because their enforcement . . . has incidental effects on" constitutionally-protected speech.⁵³ Likewise here, enforcement of CADS in Marshall's suit does not violate the First Amendment because it is a generally applicable law that targets doxxing and only incidentally burdens speech within which that doxxing occurs.

Thus, the Church's doxxing is not speech protected by the First Amendment and the Church is not immune from CADS simply because its doxxing occurred within a livestream otherwise protected by the First Amendment.

B. The Church's Doxxing is Categorically Excluded from First Amendment Protection.

The Free Speech Clause broadly protects expression, but as noted above, its "unconditional phrasing . . . was not intended to protect every utterance."⁵⁴ The Clause was particularly designed to "assure unfettered interchange of ideas for the bringing about of political

⁵² *Cohen v. Cowles Media Co.*, 501 U.S. 663, 671-72 (1991)

⁵³ *Id.* at 669.

⁵⁴ *Roth v. United States*, 354 U.S. 476, 483 (1957).

and social changes desired by the people.”⁵⁵ This Court’s precedent recognizes various forms of expression that technically constitute speech but are nevertheless categorically excluded from First Amendment protection.⁵⁶ The government may regulate “certain well-defined and narrowly limited classes of speech,” which are of “such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.”⁵⁷

Doxxing with intent to injure as defined by CADs possesses no “social value as a step to truth.” Such doxxing in fact chills the free flow of ideas by intimidating and injuring people who are doxxed because of their own expression. While CADs accounts for modern communications technology, the kind of harmful doxxing it encompasses is perfectly in line with traditional categorical exclusions like incitement and true threats and should be treated as such.

i. The Church’s Doxxing Falls Within the Categorical Exclusion of Incitement.

For speech to constitute incitement, it must (1) intend or be directed to “inciting or producing” lawless action, (2) that lawless action must be “imminent,” and (3) the speech must be “likely” to produce such action.⁵⁸ The Church’s doxxing of Marshall covered by CADs satisfies these elements and is thus categorically excluded from First Amendment protection.

First, the intent element is met because CADs only covers doxxing that is committed with “intent” to cause stalking, harassment, or physical injury.⁵⁹ While the trial court has not yet

⁵⁵ *Id.* at 484.

⁵⁶ See *Chaplinski v. New Hampshire*, 315 U.S. 568 (1942); see also *Brandenburg v. Ohio*, 395 U.S. 444 (1969).

⁵⁷ *Chaplinski*, 315 U.S. at 572. Categorical exclusions must be rooted in the nation’s history. See *United States v. Stevens*, 559 U.S. 460 (2010).

⁵⁸ *Brandenburg*, 395 U.S. at 447; *Hess v. Indiana*, 414 U.S. 105, 108-09 (1973).

⁵⁹ R. at 6-7.

determined whether the Church acted with intent in this case, this element of CADS expressly satisfies the intent element of *Brandenburg* for incitement.⁶⁰

Second, doxxing used to cause stalking, harassment, or injury would certainly result in “lawless action.” The question is whether this action would be “imminent” as required by *Brandenburg*. Imminence depends on the overall context surrounding the speech; it is not merely a mechanical question of the words themselves.⁶¹ In context, the doxxing attacks covered by CADS resulted in “flash-shares” of victim information followed by rapid physical or virtual attacks that occurred “so quickly that the police could not intervene in time.”⁶² The Church’s doxxing of Marshall fit exactly this pattern, especially as it shared her private information with agitators on the other side of the state’s “Energy Farm Controversy” which generated almost all of these flash doxxing attacks.⁶³ Given that the Church shared Marshall’s private information on a Delmont campus within the context of the Energy Farm Controversy and that this doxxing actually resulted in an imminent attack on Marshall, CADS satisfies the imminence requirement under *Brandenburg*.⁶⁴

Third, the Church’s doxxing was “likely” to cause this imminent lawless action. CADS applies specifically to instances of harmful doxxing directed at members of the Delmont college

⁶⁰ R. at 3, 6-7. CADS defines intent as “acting purposefully or recklessly...” The Church may argue that recklessness fails to satisfy *Brandenburg*’s intent requirement. At this summary judgment stage, however, it is reasonable for the Court to infer that the Church in fact acted purposefully to cause Marshall injury in this case, thus satisfying *Brandenburg*.

⁶¹ See *Hess*, 414 U.S. at 108-09 (analyzing the overall context of the defendant’s statement as opposed to the words in isolation to determine whether the imminence element was met).

⁶² R. at 5-6.

⁶³ R. at 5, 10.

⁶⁴ To some extent, whether imminence was met in this case is a factual question. At this summary judgment stage, however, and based on the record of facts, it is reasonable for the Court to infer imminence in the Church’s doxxing.

community.⁶⁵ Based on the factual record developed below, almost all instances of doxxing and subsequent attacks occurred in and around Delmont college.⁶⁶ Furthermore, these attacks were so frequent they accounted for a 150% increase in statewide doxxing over just a couple of months.⁶⁷ As noted above, the Church doxxed Marshall within the exact context that had produced such a wave of flash attacks.⁶⁸ The Church’s doxxing was thus “likely” to cause imminent lawless action and CADS thus satisfies the third element for imminence under *Brandenburg*.⁶⁹ Thus, CADS itself and the Church’s doxxing fit within the *Brandenburg* framework and should receive categorical exclusion from First Amendment protection as incitement.

ii. *The Church’s Doxxing Falls Within the Categorical Exclusion of a True Threat.*

A true threat is a statement “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.”⁷⁰ The speaker must intend to place “the victim in fear of bodily harm or death,” and a mental state of recklessness satisfies this intent requirement.⁷¹ This does not entail a purely objective analysis of the words themselves; it rather turns on the victim’s perception of the threat in the overall context.⁷² The Church’s doxxing under CADS meets the Court’s definition of a true threat and is thus categorically excluded from First Amendment protection.

⁶⁵ R. at 6-7, 47.

⁶⁶ R. at 5.

⁶⁷ R. at 6.

⁶⁸ R. at 5, 10.

⁶⁹ Likelihood here is also a factual question. At the summary judgment stage, it is reasonable for the Court to infer the Church’s doxxing attack was likely to result in imminent lawless action based on these facts and on the actual attack.

⁷⁰ *Virginia v. Black*, 538 U.S. 343, 359 (2003).

⁷¹ *Id.* at 360; *Counterman v. Colorado*, 600 U.S. 66, 69 (2023).

⁷² *Id.* at 74; *see Black*, 538 U.S. at 365 (noting that whether cross burning constitutes a true threat depends on the context of the case).

Taken alone, the Church’s doxxing may not appear to constitute a statement threatening to cause Marshall bodily harm. In context, however, the threat could not be more clear. The Church’s “Lightbearers” constitute a significant voice across Delmont campuses, including within the heated Energy Farm Controversy.⁷³ As noted above, the act of doxxing a Delmont campus community member, especially in the context of the Energy Farm Controversy, fit within a wave of violent flash attacks that injured a great number of students throughout the state.⁷⁴ Thus, when the Church doxxed Marshall within this exact context, it sent a resounding message of intimidation to her. CADS clearly satisfies the intent requirement for true threats as it expressly requires the doxxer to act purposefully or recklessly to cause stalking, harassment, or injury.⁷⁵ Thus, the Church’s doxxing constituted a true threat categorically excluded from First Amendment protection.

C. If CADS Restricts the Church’s Speech, it is a Content-Neutral Regulation.

If the Court determines that the Church’s doxxing is entitled to First Amendment protection, it should hold that CADS is a content-neutral speech restriction. A speech restriction is deemed content-neutral if it satisfies two requirements. First, it must be facially neutral as to content such that the law’s application does not turn on the substance of the regulated speech.⁷⁶ Second, the regulation must be justifiable without reference to the speech’s content.⁷⁷ In content-neutrality analysis, “the principal inquiry . . . is whether the government has adopted a regulation of speech because of disagreement with the message it conveys,” such that “a regulation that serves purposes unrelated to the content of expression is deemed neutral, even if it has an

⁷³ R. at 8-10.

⁷⁴ R. at 5-6.

⁷⁵ R. at 6-7.

⁷⁶ *City of Austin v. Reagan Nat’l Adver. of Austin, LLC*, 596 U.S. 61, 69 (2022).

⁷⁷ *Reed v. Town of Gilbert*, 576 U.S. 155, 164 (2015).

incidental effect on” speech.⁷⁸ Thus, a law may be content-neutral even if enforcement officials examine the words used to determine applicability of the law.⁷⁹ CADS is content-neutral because it neither turns on nor references any “substance” or “message” of doxxing and because it primarily regulates the manner of doxxing – namely, doxxing committed with intent to injure.⁸⁰

First, CADS does not turn on or reference any message communicated by the Church’s doxxing.⁸¹ CADS restricts the conduct of doxxing a person with intent to injure; any effect on the written speech used to carry out that doxxing is purely incidental.⁸² In *Rumsfeld v. Forum for Academic & Institutional Rights, Inc.*, 547 U.S. 47 (2006), this Court held that the Solomon Amendment did not infringe law schools’ free speech rights even though it required them to send written emails with military recruitment information against their will.⁸³ The Court reasoned that the mandatory emails, though they constituted pure speech, were “plainly incidental to the Solomon Amendment’s regulation of conduct.”⁸⁴ In context, the emails did not express any substantive message regarding the schools’ positions, and the Solomon Amendment was unconcerned with any such content; it was thus, content-neutral.

Likewise, CADS regulates the Church’s conduct of doxxing; its impact on the communication of doxxing is “plainly incidental.” Like the recruitment emails in *Rumsfeld*, the Church’s doxxing itself does not convey any substantive message, and CADS is unconcerned with any such message.⁸⁵ Additionally, CADS is analogous to a content-neutral time, place,

⁷⁸ *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

⁷⁹ *See Hill v. Colorado*, 530 U.S. 703, 721 (2000).

⁸⁰ R. at 6-7.

⁸¹ R. at 6-7.

⁸² R. at 6-7.

⁸³ *Rumsfeld v. F. for Acad. and Inst’l Rts., Inc.*, 547 U.S. 47, 60-62 (2006).

⁸⁴ *Id.* at 62.

⁸⁵ R. at 6-7, 47.

manner restriction in that it does not regulate all written disclosures of private information as such; it regulates the “manner” of doxxing committed with intent to injure. Therefore, if the Court finds that the Church’s doxxing is constitutionally-protected speech, it should deem CADS content-neutral.

D. CADS is Narrowly Tailored to Serve a Compelling Governmental Interest.

If the Court holds the Church’s doxxing is constitutionally-protected speech, it must apply either strict scrutiny (if CADS is content-based) or intermediate scrutiny (if CADS is content-neutral). If the Court holds the Church’s doxxing does not implicate the First Amendment, CADS only faces rational basis review. CADS survives any level of scrutiny because it is narrowly tailored to serve a compelling governmental interest.

i. CADS Serves a Compelling Governmental Interest.

Both lower courts correctly held that CADS serves the compelling governmental interest of public safety.⁸⁶ Specifically, CADS works to combat violent “flash attacks” caused by doxxing of college community members.⁸⁷ This Court has repeatedly held that preserving public safety and order is among the most compelling governmental interests.⁸⁸ CADS thus serves the compelling governmental interest of combatting an acute wave of violence in Delmont.⁸⁹

ii. CADS is Narrowly Tailored.

Strict scrutiny requires the state use the “least restrictive means” possible to achieve its compelling interest.⁹⁰ Thus, a law may neither be “overinclusive” nor “underinclusive” in

⁸⁶ R. at 19; R. at 34-35.

⁸⁷ R. at 5-6.

⁸⁸ *See Black*, 538 U.S.; *see also Chaplinski*, 315 U.S. at 517 (recognizing the state’s interest in preventing “breach of the peace” in upholding a restriction on “fighting words.”).

⁸⁹ R. at 6.

⁹⁰ *United States v. Playboy Entm’t Grp.*, 529 U.S. 803, 813 (2000).

serving the governmental purpose.⁹¹ CADS is neither overinclusive nor underinclusive and thus survives strict scrutiny.

CADS avoids overinclusiveness because it only targets incidents of doxxing that intend to cause harassment, stalking, or injury.⁹² As noted above, Delmont put CADS into effect to combat the violent flash doxxing attacks that spread throughout campuses statewide.⁹³ Given that doxxing lacks much substance or message, it may be difficult to discern between doxxing incidents that pose a real risk of violence and those that will turn out fruitless. In crafting CADS, Delmont designed the law to only cover those incidents of doxxing that actually pose a threat of violence – and no more.⁹⁴ Because CADS requires specific intent to cause harassment, stalking, or injury, the law only concerns those incidents of doxxing that threaten public safety. CADS thus perfectly “fits” the compelling governmental interest of public safety without sweeping in any more speech than necessary.

CADS avoids underinclusiveness because it applies to doxxing attacks that pose myriad threats to public safety.⁹⁵ If CADS only applied to doxxing with intent to cause physical injury, it may have become underinclusive by failing to address doxxing incidents that intended to cause non-physical breaches of public safety like harassment or stalking. However, CADS applies to doxxing attacks that intend to result in both physical and non-physical breaches of public safety and thus avoids underinclusiveness.⁹⁶

⁹¹ See *Brown v. Entm't Merchs. Ass'n.*, 564 U.S. 786 (2011) (holding the California law failed strict scrutiny for both over-and-under-inclusiveness).

⁹² R. at 6-7.

⁹³ R. at 6.

⁹⁴ R. at 6-7, 47.

⁹⁵ R. at 6-7.

⁹⁶ R. at 6-7.

Additionally, CADS specifically applies to members of Delmont campus communities.⁹⁷ The Church may argue this renders the law underinclusive because it fails to cover doxxing victims who are not college community members. However, CADS was designed not to address the issue of doxxing in general, but specifically to address the wave of violent doxxing “flash attacks” that had spiked because of the Energy Farm Controversy on college campuses.⁹⁸ These flash attacks occurred almost exclusively on Delmont college communities.⁹⁹ Thus, CADS’ focus on these community members is not a bug, but a feature; CADS is designed to protect the very people who have been affected by doxxing flash attacks.

In *Williams-Yulee v. Florida Bar*, 575 U.S. 433 (2015), this Court held that a state law that prohibited elected judges from soliciting campaign funds did not violate the Free Speech Clause.¹⁰⁰ The Court held the law was not underinclusive even though it permitted judges’ campaign committees to solicit donations because, “the solicitation ban aim[ed] squarely at the conduct most likely to undermine” the governmental interest of trust in the judiciary.¹⁰¹ The Court clarified that states “need not address all aspects of a problem in one fell swoop; policymakers may focus on their most pressing concerns . . . even under strict scrutiny.”¹⁰² Here, Delmont lawmakers designed CADS to “aim squarely at the conduct most likely” to cause violent doxxing attacks based on the surrounding context.¹⁰³ CADS is thus not underinclusive but rather effectively designed to protect the public.

iii. *CADS Also Survives Intermediate Scrutiny and Rational Basis Review.*

⁹⁷ R. at 6-7.

⁹⁸ R. at 6-7, 47.

⁹⁹ R. a 5.

¹⁰⁰ *Williams-Yulee v. Fla. Bar*, 575 U.S. 433 (2015).

¹⁰¹ *Id.* at 449.

¹⁰² *Id.*

¹⁰³ R. at 6-7.

The above analysis demonstrates that CADS is narrowly tailored to serve a compelling governmental interest, thus surviving strict scrutiny. For the same reasons, CADS survives the lower tiers of intermediate scrutiny and rational basis review.¹⁰⁴

E. Conclusion.

In sum, CADS does not violate the Church's free speech rights. The Church's doxxing is not constitutionally-protected speech. The doxxing also fits within one or more of the categorical exclusions from First Amendment protection. If CADS does restrict the Church's speech, it only does so on a content-neutral basis. Finally, regardless of the level of scrutiny, CADS is narrowly tailored to serve a compelling governmental interest and is thus constitutional.

II. CADS Does Not Violate the Church's Free Exercise Rights.

The current standard for religious liberty originates from *Employment Division v. Smith*, 494 U.S. 872 (1990), and states, “[t]he right of free exercise does not relieve an individual of the obligation to comply with a valid and neutral law of general applicability on the ground that the law proscribes or prescribe conduct that his religion prescribes or proscribes.”¹⁰⁵ This test is broken into two prongs: neutrality and general applicability.¹⁰⁶ If both prongs are satisfied, then “[i]t is a permissible reading of U.S. Const. Amend. I to say that if prohibiting the exercise of religion is not the object of a law, but merely the incidental effect of a generally applicable and otherwise valid provision, the First Amendment has not been offended.”¹⁰⁷ A neutral and

¹⁰⁴ See *Clark v. Jeter*, 486 U.S. 456, 461 (1988).

¹⁰⁵ *Fulton v. City of Philadelphia*, 593 U.S. 522, 533 (2021); *Emp't Div., Dept. of Hum. Res. of Or. v. Smith*, 494 U.S. 872, 879 (1990).

¹⁰⁶ *Fulton*, 593 U.S. at 533 (“[L]aws incidentally burdening religion are ordinarily not subject to strict scrutiny under the Free Exercise Clause so long as they are neutral and generally applicable.”); *Smith*, 494 U.S. at 878-82.

¹⁰⁷ *Smith*, 494 U.S. at 878.

generally applicable law does not violate the First Amendment even if it incidentally burdens religion.¹⁰⁸

A. *CADS is Both Neutral and Generally Applicable under the Smith Test.*

i. *CADS is Neutral Because it Lacks Hostile Language and Does Not Target Religion.*

Under *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993), the government does not need a “compelling reason” to pass a general law that incidentally burdens religious exercise, provided the law applies to everyone equally and does not target a specific faith.¹⁰⁹ The reason the challenged law was not neutral in *Lukumi* was because it used language that targeted a specific religion.¹¹⁰ The local municipality passed the ordinance with one religion in mind, as confirmed by contemporaneous meeting notes.¹¹¹ Separately, in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 584 U.S. 617 (2018), the Supreme Court held a challenged law was not neutral because the officials enforcing the ruling were hostile to the religious beliefs of the plaintiff.¹¹²

Here, CADS is neutral because it makes no mention of religion at all, neither in the statute itself, nor in the notes that describe the passage of the law.¹¹³ CADS was passed to accomplish the goal its name describes: to prevent doxxing intended to cause injury.¹¹⁴ The Delmont legislature passed CADS to address the rising unrest and violent incidents without respect to a specific religion.¹¹⁵ Unlike *Lukumi*, where a new religion faced opposition from

¹⁰⁸ *Id.* at 878-79.

¹⁰⁹ *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 531 (1993) (citing *Smith*, 494 U.S. at 893-94).

¹¹⁰ *Id.* at 534-37.

¹¹¹ *Id.*

¹¹² See *Masterpiece Cakeshop, Ltd. v. Colo. Civ. Rts. Comm'n*, 584 U.S. 617, 635 (2018).

¹¹³ R. at 6-7.

¹¹⁴ R. at 6-7, 47.

¹¹⁵ R. at 6-7, 47.

established residents, the Church of Light has a decades-long presence in the community.¹¹⁶ The record is devoid of any hostile intent, implementation, or application of CADS.¹¹⁷ Instead, a defenseless student was doxxed, resulting in violence, property damage, harassment, intimidation, and the deployment of state resources.¹¹⁸ In sum, CADS is neutral because it neither targets nor concerns religion whatsoever.¹¹⁹ Any impact it has on religious exercise is the merely incidental result of a neutral, general law.

ii. *CADS is Generally Applicable Because It Makes No Room for Exemptions.*

The second prong of the *Smith* test is general applicability.¹²⁰ When a law includes any system of potential exemptions, irrespective of their use, the law is not generally applicable.¹²¹ Furthermore, when any secular activity is treated more favorably than religious activity that law is not generally applicable.¹²²

The leading case outlining general applicability is *Fulton v. City of Philadelphia*, 593 U.S. 522, (2021). The Supreme Court held that a policy is not generally applicable when a formal process for granting exemptions exists “because it ‘invite[s]’ the government to decide which reasons for not complying with the policy are worthy of solicitude.”¹²³ In *Fulton*, the government denied exemptions for religious entities even though it could have allowed exemptions for secular activity.¹²⁴ This allowed the government to judge the reasons for

¹¹⁶ *Lukumi*, 508 U.S. at 525-26; R. at 44.

¹¹⁷ R. at 6-7, 47.

¹¹⁸ R. at 11-12.

¹¹⁹ R. at 6-7, 47.

¹²⁰ *Smith*, 494 U.S. at 879 (citations omitted).

¹²¹ *Fulton*, 593 U.S. at 537 (citing *Smith*, 494 U.S. at 884)

¹²² *Tandon v. Newsom*, 593 U.S. 61, 62 (2021) (citing *Roman Cath. Diocese v. Cuomo*, 592 U.S. 14, 18 (2020)).

¹²³ *Fulton*, 593 U.S. at 537.

¹²⁴ *Fulton*, 593 U.S. at 533.

someone's conduct and decide whether or not they were worthy of an exemption from the law.¹²⁵ In *Tandon v. Newsom*, 593 U.S. 61 (2021), secular businesses including “hair salons, retail stores, personal care services, movie theaters, private suites at sporting events and concerts, and indoor restaurants” were all treated more favorably than religious houses of worship during COVID lock-down policies.¹²⁶

Here, CADS makes no allowance for exemptions to any entity, whether religious or secular.¹²⁷ No party may avoid compliance. Unlike *Fulton*, there is no committee who decides who may or may not dox and who cannot. Under CADS, no one is permitted to dox with intent to injure consequence free.¹²⁸ Unlike *Tanden*, there is no secular entity that is excepted from CADS, or allowed to dox without the possibility of suit. Therefore, CADS is generally applicable.

iii. Because Smith Applies Rational Basis Applies

Because the law is neutral and generally applicable, the government does not need to provide a compelling government interest, but instead only a rational basis.¹²⁹ Here, the government has a valid interest in protecting students on college campuses and stopping mob violence like the violence that happened to Marshall resulting in injury, permanent damage to her car, resignation from her job, and withdrawal from treatment.¹³⁰ Preventing individuals from undertaking actions that promote this violence is rationally related to that goal. Thus, CADS passes rational basis review.

¹²⁵ *Id.*

¹²⁶ *Tandon*, 593 U.S. at 62, 63.

¹²⁷ R. at 6-7.

¹²⁸ R. at 6-7.

¹²⁹ *Lukumi*, 508 U.S. at 531.

¹³⁰ R. at 11-12.

iv. *The Smith Test Should Continue to be Used*

When *Fulton* was decided many religious liberty advocates thought and hoped it would overturn *Smith* and the *Smith* test, but it did not. The *Smith* test remaining is for the best and the Supreme Court continues to use it. Even in *Fulton*, Justice Barrett remarked in her concurrence if the court discarded *Smith*, “what should replace *Smith*?”¹³¹ Thus, the Court should continue to apply the *Smith* framework because it is a workable test that still provides ample protection for religion but allows the government to combat real violence and issues in society, as Delmont has with CADS.

III. CADS Satisfies Strict Scrutiny: The Statute is Narrowly Tailored and Granting Exemptions Would Substantially Frustrate its Compelling Mandate

In the alternative, CADS satisfies strict scrutiny because protecting students on campus from real and present danger is a compelling government interest and this non-discriminating statute prohibiting limited surgical conduct is narrowly tailored.

The Court made clear in *Lukumi* that, “[a] law failing to satisfy these requirements [the *Smith* test] must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest.”¹³² Strict scrutiny follows a familiar format “but the First Amendment demands a more precise analysis.”¹³³ The issue here “is not whether the City has a compelling interest in enforcing its non-discrimination policies generally, but whether it has such an interest in denying an exception.”¹³⁴ In *Fulton*, the city’s goal was to maximize adoptions and

¹³¹ *Fulton*, 593 U.S. at 543.

¹³² *Lukumi*, 508 U.S. at 531-32.

¹³³ *Fulton*, 593 U.S. at 541.

¹³⁴ *Id.*

foster care placements; granting an exemption to allow religious organizations certification to facilitate adoptions did not pose a risk, but rather aided that goal.¹³⁵

First, the reason that this case exists is the reason that the Church of Light cannot be provided with an exemption. The stated goals of CADS are to stop doxxing and violent attacks on individuals.¹³⁶ Displaying photos of Ms. Marshall at a substance abuse treatment center is releasing private information and this led to violence against her.¹³⁷ If an exemption is granted, this will lead to more individuals receiving this treatment from the Church of Light and undermine the legislative purpose of CADS. Granting such an exemption would cross the line from religious freedom into anarchy. As this Court warned, permitting religious belief to become “superior to the law of the land” would essentially allow “every citizen to become a law unto himself.”¹³⁸

Second, the government must show that this “is the least restrictive means of furthering that compelling governmental interest.”¹³⁹ In the case of *Lukumi*, the law was not narrowly tailored because it did not extend to the nonreligious analogs.¹⁴⁰ Additionally, the law could have achieved the same result with a much narrower effect on religion, showing that the law was both under and overinclusive.¹⁴¹

CADS is not overinclusive because it only bans conduct committed with intent to cause violent and disruptive activity.¹⁴² There is no way to achieve the compelling government interest

¹³⁵ *Id.* at 542.

¹³⁶ R. at 6-7.

¹³⁷ R. at 11.

¹³⁸ *Reynolds v. United States*, 98 U.S. 145, 167 (1878).

¹³⁹ *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 424 (2006).

¹⁴⁰ *Lukumi*, 508 U.S. at 546.

¹⁴¹ *Id.*

¹⁴² R. at 6-7, 47.

while allowing religious groups to continue to promote violence against specific individuals. This means violent rhetoric with the intent to dox must be banned, whether or not it is religious. In fact, no religious conduct per se is affected by CADs.¹⁴³ The law only concerns doxxing with intent to cause injury. If such doxxing happens to occur within the context of religious exercise, then CADs only incidentally burdens that exercise. Accordingly, CADs is not overinclusive.

Here, there are no exceptions for non-religious organizations or any organization at all showing that this is not underinclusive unlike the rule in *Lukumi*. CADs is not underinclusive because it applies to all entities – religious and secular – who pose a risk of causing injury through doxxing. While CADs only applies to members of college campus communities in Delmont, it applies to those parties equally, regardless of religious identity.¹⁴⁴ As noted above, CADs applies to this particular group of Delmont residents because the violent doxxing “flash attacks” the law seeks to combat occurred almost exclusively on college campuses.¹⁴⁵ CADs applies to those at greatest risk of violence caused by doxxing and applies to religious and secular entities equally.¹⁴⁶ CADs thus avoids underinclusiveness. This law passes strict scrutiny further showing that it is constitutional under the first amendment.

A. The Hybrid Rights Exception Does Not Apply

There is no “hybrid rights” exception that would elevate the level of scrutiny applied to CADs. Combining an inadequate Free Exercise claim with an inadequate Free Speech claim should not transform a neutral law into one subject to strict scrutiny.¹⁴⁷ Unlike the parents in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), the Church is not being forced to perform acts that

¹⁴³ R. at 6-7, 47.

¹⁴⁴ R. at 6-7, 47.

¹⁴⁵ R. at 5-7.

¹⁴⁶ R. at 6-7, 47.

¹⁴⁷ *Kissinger v. Bd. of Trs. of Ohio State Univ.*, 5 F.3d 177, 180 (6th Cir. 1993).

“undeniably” contradict their faith and they remain free to proselytize and distribute The Lantern.¹⁴⁸

CONCLUSION

For all the reasons set forth above, Respondent, Laura Marshall, respectfully requests that this Court affirm the Court of Appeals and find in favor of Ms. Marshall.

Respectfully submitted,

Team 30

CERTIFICATE OF SERVICE

I hereby certify that on this 6th of February 2026, I caused a true and correct copy of the foregoing Brief on behalf of Respondent to be served upon counsel for Petitioner.

/s/ Team 30

Team 30

CERTIFICATE OF COMPLIANCE

I hereby certify the following: the work product contained in all copies of this team’s brief is in fact the work product of the team members; this team has complied fully with the law school’s governing honor code and the competition rules; this brief complies with all applicable Supreme Court Rules, including Rules 33.1 and 34.

Date: 2/6/2026

/s/ Team 30

Team 30

Counsel for Laura Marshall

¹⁴⁸ See *Wisconsin v. Yoder*, 406 U.S. 205 (1972); R. at 6-7, 47.