No.25-CV-1994

IN THE

SUPREME COURT

of the

UNITED STATES

CHURCH OF LIGHT, LLC.
Petitioner-Appellants,

v.

LAURA MARSHALL,
Respondent-Appellee.

On Writ of Certiorari to the

United States Court of Appeals

for the Fifteenth Circuit

BRIEF FOR PETITIONER

TEAM 34
Attorneys for the Petitioner

QUESTIONS PRESENTED

I. **Whether the United States Court of Appeals for the Fifteenth Circuit correctly found that the Campus Anti-Doxxing Statute (CADS) was promoting the public interest of public safety, and therefore did not violate the Church of Light, LLC's First Amendment right to Free Speech.**

II. **Whether the United States Court of Appeals for the Fifteenth Circuit correctly found that the Campus Anti-Doxxing Statute (CADS) was neutral and generally applicable, and therefore did not violate the Church of Light, LLC's First Amendment right to Free Exercise.**

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The opinion of the District Court for the District of Delmont, Western Division, is unreported, but may be found as *Laura Marshall v. The Church of Light, LLC*, No.25-CV-1994 (D. Dm 2024) (R. at 1-29). The United States Court of Appeals for the Fifteenth Circuit opinion is likewise unreported but may be found at *Laura Marshall v. The Church of Light, LLC*, C.A. No. 25-CV-1994 (15th Cir. 2025) (R. at 30-43).

JURISDICTION

The United States District Court for the District of Delmont the Church of Light, LLC's motion for summary judgment through Federal Rule of Civil Procedure 65. R. at 29. The United States Court of Appeals for the Fifteenth Circuit reversed the District Court's ruling and denied the Church of Light's motion for summary judgment. R. at 43. This Court granted the Church of Light's petition for a writ of certiorari. R. at 49. This Court has jurisdiction under 28 U.S.C. §1254(1).

CONSTITUTIONAL PROVISIONS INVOLVED

This case concerns the Free Speech and Free Exercise Clause of the First Amendment of the United States Constitution which provides, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech . . ." U.S. Const. amend I.

STATEMENT OF THE CASE

A. STATEMENT OF THE FACTS

The Church of Light. The Church of Light was established in Delmont in the nineteenth century. R. at 8. Integral to the Church's belief system, the Church's members, known as "Lightbearers", are responsible for the personal, live, and public proclamation of their religious message, and further sharing their message through a communicative format. R. at 8. From the Church's inception, the Lightbearers would travel around the town proclaiming their message and issuing its free, church-made publication *The Lantern*. R. at 8. *The Lantern* covered local news and furthered the Church's work in spreading their gospel. R. at 8.

As time went on, the Church's membership grew, and an increasing number of its members and the city of Delmont's locales relied on *The Lantern* for easy access to local news and events. R. at 8. To further aid in the church's growth, the responsibility fell upon the young adult population of the Lightbearers to spread the church's religious message. R. at 8.

Lightbearers also were required to do a "missionary year," where they had to disseminate the creed and faith of the Church weekly. R. 8–9. On the campus of Delmont State University, the Church of Light established a student-run chapter. R. at 10.

Lightbearer Missionaries. The Lightbearers sought to disseminate their faith and *The Lantern* by utilizing evolving technological means. R. at 9. The Elders of the Church of Light expanded their definition of sufficiently "live." R. at 9. Although radios were deemed insufficient, they found live TV broadcasts properly executed the Church's mission by airing *The Lantern* across Delmont college towns. R. at 9. The broadcasts mirrored the aims and historical approach of the Lantern, which included live religious programming mixed with local news and information and interviews of local interest. R. at 9. Moreover, in 2024, the Lightbearer Missionaries began driving vans around their campuses with attached high-definition TVs, broadcasting local news information and church programs. R. at. 9.

Energy Farm Controversy. In the fall of 2025, land usage disputes led to lobbying efforts by environmental, and nonprofit groups over their adverse interests. R. at 4. Of the two factions, the "Energy Coalition" is in favor of energy farms, while the "Nature Coalition" is in favor of habitat preservation. R. at 5. The two sides were often involved in physical and verbal altercations across the town and on college campuses across Delmont. R. at 5. This conflict was known as the "Energy Farm Controversy." R. at 5.

Delmont State Unrest. Student-led factions of the Nature Coalition and the Energy Coalition were jointly involved in the chaos. R. at 5. Students were being assaulted and harassed in person and through several communication channels, such as phone calls and social media. R. at. 5. Students from both factions were engaged in harassing telephone calls and messaging. R. at 5.

Student organizers engaged in a form of doxxing colloquially known as "flash shares." R. at 5. The flash shares disseminated a victim's personal information, which led to the quick identification and location of victims.[1] R. 5–6. The flash shares were happening so fast that police were unable to intervene in time to stop victims from being harassed or confronted with physical violence. R. 5–6. From late August 2025 to early September, police data tracked the increase of doxxing instances in Delmont and found that most of them occurred on college campuses. R. 5–6.

Anti-Doxxing Statute. Due to the increases in doxxing incidents and the dangers posed to Delmont citizens, the state legislature enacted the "Campus Anti-Doxxing Statute of Delmont" ("CADS"), Delmont Annotated Statutes § 25.989 (2025). R. at 6. CADS created a private cause of action against individuals who, without the party's consent, used any communication platform to disclose the private information of an enrolled student, faculty member, or administrative

[1] Personal information of the victims includes but is not limited to their phone number, picture, and location.

member at a Delmont college or university with the intent to "stalk, harass, or physically injure."[2] R. at 6. A plaintiff who prevails under CADS in entitled to receive economic and non-economic damages, punitive damages, and injunctive relief. R. at 6.

Respondent, Laura Marshall. Despite the Energy Farm Controversy reaching its climax in mid-September of 2025, the DSU Lightbearer Missionaries continued their news coverage and spreading of *the Lantern*. R. at 9–10. The Lightbearer Missionaries filmed a speech given by Respondent, Nature Coalition activist, Laura Marshall. R. at 10. Her speech received "extensive news coverage" because of its power and influence. R. at 10. The week of September 22, 2025, the DSU Lightbearer Missionary vans broadcast a brief clip of Respondent's speech. R. at 10. Following the video, the vans' screens displayed a photo of the Respondent accompanied by information about Delmont Treatment Center. R. at 10. Delmont Treatment Center is a non-profit that assists individuals suffering from substance abuse. R. at 10. The photograph included information regarding additional resources for those recovering from substance abuse such as a phone number, address, and hours of operation. R. at 10.

The video of Respondent was a part of the weekly rotation of broadcasts and publications on the DSU missionary vans driven around DSU. R. at 11. A year prior to Respondent's speech, she posted in an internet chat that she had substance control issues and was involved in therapy. R. at 11. At the time the Respondent's speech and photograph were displayed, she was a patient under treatment at the Delmont Treatment Center, and a part-time employee. R. at 11.

[2] The definition for the terms "injure", "harass", and "stalk" as defined in the statute.

Soon after Respondent's speech and photograph were aired, she was confronted at the Delmont Treatment Center and her vehicle was damaged. R. at 11. The next day, a similar incident occurred, and Respondent's car was damaged while she was driving. R. at 11.

B. Procedural History.

On October 3, 2025, Respondent brought an action under CADS against the Church of Light for damages and injunctive relief. R. at 12. The United States District Court for the District of Delmont granted the Church of Light's Motion for Summary Judgement. R. at 12. There, the court found that CADS, as it related the Church's broadcast of Respondent's speech, was a content-based restriction which failed strict scrutiny and therefore violated the Church's First Amendment Free Speech rights. R. at 3. Further, CADS was not found to be neutral and generally applicable and therefore violated the Church of Light's First Amendment Free Exercise Rights. R. at 3.

The United States Court of Appeals for the Fifteenth Circuit reversed the District Court's rulings, thereby reversing the Church of Light's motion for summary judgment. R. at 30.

SUMMARY OF THE ARGUMENT

I.

This Court should reverse the Fifteenth Circuit Court of Appeals because CADS violates the Church of Lights' free speech rights. Statutes that regulate speech based on the content are deemed content-based regulations and are presumptively unconstitutional. A statute is content-based when it requires enforcement to examine speech to determine whether the statute can be enforced. CADS is a content-based regulation because it seeks to restrict speech that contains what it deems as personal information, and not the time, place, or manner of speech. CADS seeks to

restrict constitutionally protected speech that was lawfully obtained and pertains to a public concern, which the Supreme Court has determined to be impermissible. The restriction on constitutionally protected speech triggers strict scrutiny. CADS fails strict scrutiny due to the fact that it is not narrowly tailored to achieve the state's asserted interest. CADS is not narrowly tailored to achieve the state's asserted interest, failing to regulate the conduct it seeks to prevent, and is therefore unconstitutional.

II.

This Court should reverse the Fifteenth Circuit Court of Appeals because CADS violates the Church of Lights' free exercise rights. Statutes which impose a substantial burden on the exercise of religion are subject to strict scrutiny and must be narrowly tailored to serve a compelling government interest. To determine whether the statute violates the Church of Lights' free exercise rights, the Court must consider whether the statute is discriminant on its face, and if so Court must determine if the law is neutral and generally applicable. CADS is not neutral and generally applicable because the Delmont government imposed a Yoder level burden on the statute. This Yoder level burden came in the form of the government targeting the practices of the Church of Light religion while permitting secular conduct. Further, the statute's impact burdens the future of the Church of Light faith.

The nature of the Church of Light faith rests on interconnectedness of their free speech rights, and their free exercise rights. So even if CADS passed strict scrutiny under Free Exercise, it would still be subject to strict scrutiny because of the hybrid rights doctrine.

ARGUMENT

I. This Court should reverse the reverse the Court of Appeals for the Fifteenth Circuit's decision because CADS violates the Church of Light's First Amendment right to Free Speech.

The First Amendment of the United States Constitution prevents the establishment of any law prohibiting the freedom of speech. U.S. Const. amend. I. "[T]he First Amendment does not 'belong' to any definable category of persons or entities: it belongs to all who exercise its freedoms." *First Nat. Bank. of Boston v. Bellotti*, 435 U.S. 765, 802 (1978) (Burger, C.J., concurring). Generally, the First Amendment prohibits the government from restricting speech based on the messages, ideas, subject matter, or content therein. *Ashcroft v. ACLU*, 535 U.S. 564, 573 (2002). Laws that aim to silence or limit particular speakers violate core First Amendment principles. *United States v. Playboy Ent. Grp.*, Inc., 529 U.S. 803, 812 (2000). A statute poses a danger when it imposes self-censorship even without prosecution. *Virginia v. Am. Booksellers Ass'n, Inc.*, 484 U.S. 383, 393 (1988).

Considering precedent established by the Supreme Court and followed by lower courts, Church of Light's First Amendment protections were violated. This Court should reverse the decision below because (1) the statute is content-based, (2) prohibits the publication of protected speech, and (3) fails strict scrutiny.

A. This Court should reverse the Appellate Court's decision because CADS is a content-based restriction in violation of the First Amendment.

A law is considered content-based if it requires the government to examine the speech to determine whether there has been a violation. *McCullen v. Coakley*, 573 U.S. 464, 479 (2014) (finding a statute to be content-neutral because it regulated conduct based on location, not content of speech). Laws tailored towards speech based on their communicative content are

unconstitutional and can only be justified if t they are narrowly tailored to serve a compelling state interest. *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). "[G]overnmental regulation of the content of speech is more likely to interfere with the free exchange of ideas than to encourage it. *Reno v. ACLU*, 521 U.S. 844, 885 (1997).

A statute is content-based on its face when it applies only to speech containing specific content, such as personal information about particular individuals. *Publius v. Boyer-Vine*, 237 F. Supp. 3d 997, 1013 (E.D. Cal. 2017) (citing *Reed v. Town of Gilbert* 576 U.S. 155, 163 (2015)). In *Publius*, plaintiffs challenged a state statute that prohibited posting or displaying the home address or telephone number of government officials if the official made a written demand for removal. *Id.* at 1005. Plaintiffs made a blog post featuring the names, home addresses, and phone numbers of forty legislators who supported gun legislation, which resulted in senators being harassed and subsequently issuing written demand letters requesting the removal of the personal information. *Id.* at 1004-06. Because the statute targeted required certain content to be within the speech, the Court determined it was content-based on its face. *Id.* at 1021.

Like in *Publius*, where the statute only protected the private information of government officials, CADS only protects private information of individuals within the Delmont University community. R. at 6. CADS is an impermissible content-based restriction because its selective coverage requires the government to further determine whether the content is implicated. R. at 6. This Court should recognize that CADS focuses on the subject of the speech, not the manner it was communicated, as the court found in *Publius*. R. at 6. CADS also reflects the legislature's intent in targeting speech because of the topic of the messages expressed: private information. R. at 6. The legislature in CADS believes the best way to mitigate the consequences of sharing private information, is to only regulate its subject matter. R. at 48. Akin to the "written demand" provision

in *Publius*, the Delmont government feared the "nonconsensual dissemination of another person's identifying information" because the access to that information could lead to threats, or worse, violence. Id. at 47–48. However, the violence in the Delmont community preexisted the "flash shares" crisis, and CADS merely prohibits the sharing of private information, not the harassment and violence in the Delmont community. R. at 4–5, 48.

The Governor's affidavit and the facts presented above negate any contention that the statute is content-neutral. Respondent argues that CADS is content-neutral because it applies to any communication platform of any type, applying its restrictions to blog posts, social media messages, and various other mediums. Yet platform neutrality does not equate to content neutrality; a statute can be neutral as to where speech occurs and still be content-based as to what is said. The unconstitutional statute in *Publius* was similarly platform neutral, and the Court correctly dismissed that fact, as this Court should here. The Appellate Court expresses concerns regarding the chilling effect of speech, but the Supreme Court established in *Reno* that the content-based nature of the statute contributes to it. Thus, this Court should hold that CADS is content-based because it imposes liability only when speech conveys specified information about a defined class of individuals, requiring enforcement authorities to examine the substance of the message itself.

B. This Court should reverse the Appellate Court's decision because CADS punishes the publication of lawfully obtained information pertaining to a public issue.

This Court has made clear that speech addressing public concern is afforded the highest form of First Amendment protection. *Connick v. Myers*, 461 U.S. 138, 145 (1983); *Curtis Pub. Co. v. Butts*, 388 U.S. 130, 149 (1967). To determine whether speech is a matter of public concern, the court must consider its content, form, and context, based on the entirety of events. *Connick*, 461 U.S. at 147-48. "In considering content, form, and context, no factor is dispositive, and it is

necessary to evaluate all the circumstances of the speech, including what was said, where it was said, and how it was said. *Snyder v. Phelps*, 562 U.S. 443, 454 (2011). Speech pertains to a matter of public concern when it receives public attention or news coverage. See *City of San Diego v. Roe*, 543 U.S. 77, 84 (2004).

State regulation to punish the publication of truthful information can rarely satisfy constitutional standards. *Bartnicki v. Vopper*, 532 U.S. 514, 527 (2001) ("[I]nterests in privacy fade when the information involved already appears on the public record."); *Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 495 (1975). Privacy interests must yield to First Amendment protections when the speech concerns lawfully obtained truthful information about matters of public importance, unless the government demonstrates a compelling state interest narrowly tailored to restrict the speech. *Bartnicki*, 532 U.S. 514, 527-28, 534 (2001); see also *Ostergren v. Cuccinelli*, 615 F.3d 263, 271 (4th Cir. 2010) (holding that displaying individuals' social security numbers obtained from public records constituted protected speech because the publication addressed an issue of public concern). In advocacy of a political viewpoint, the First Amendment protects speech that utilizes inflammatory or offensive rhetoric, as well as threats of social vilification. *Planned Parenthood of Columbia/Willamette, Inc. v. Am. Coal. of Life Activists*, 290 F.3d 1058, 1086 (9th Cir. 2002) (citing *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 903, 909-12 (1982)). The Supreme Court has firmly established that it will not create a new category of unprotected speech. *United States v. Stevens*, 559 U.S. 460, 470 (2010). "Those who, by reason of the notoriety of their achievements or the vigor and success with which they seek the public's attention, are properly classed as public figures." *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 342 (1974).

When dealing with the attempt to punish truthful publications regarding matters of public concern that were lawfully obtained, regulations are considered impermissible absent the need to

further a compelling state interest. *The Florida Star v. B.J.F.*, 491 U.S. 524, 533 (1989) (quoting *Smith v. Daily Mail Publishing Co.*, 443 U.S. 97, 103 (1979). In *The Florida Star*, a Florida statute made it unlawful to print, publish, or broadcast in mass the name of any victim of a sexual offense to protect the privacy and safety of victims. *Id.* at 526. The local newspaper, with a circulation of about 18,000 copies, obtained the name of a rape victim from a police document left available in the pressroom and published the entire report with the victim's full name. *Id.* at 526-27. The Court determined easily that the "matter of public significance" for First Amendment analysis was not the personal information disclosed, but rather the public issue it was concerned with was the commission and investigation of a violent crime that had been reported to authorities. *Id.* at 536-37. Although the victim argued the statute served three compelling state interests, namely protecting sexual offense victims' privacy, ensuring their physical safety, and encouraging crime reporting without fear of exposure, the court found it was not narrowly tailored because punishing the press for disseminating publicly available information would unlikely advance those objectives. *Id.* at 537-38. In its analysis, the Court provided that there are less drastic means than publishing truthful information in order to guard against the spread of private facts. *Id.* at 534. Allowing this restriction would be seriously detrimental to the expression of speech, causing publishers to be stalled in determining what is and is not permissible. This Court struck down the statute, determining that publication of lawfully obtained information lies at the core of First Amendment protection. *Id.* at 533, 541.

Like the statute in *Florida Star*, CADS was enacted to ensure the protection of those affiliated with a college or university. R. at 6. While it is a compelling interest, CADS fails constitutional scrutiny because it is not narrowly tailored, as it regulates legally obtained, publicly available information. Truthful, lawfully obtained, publicly available information is protected

under the First Amendment, especially when it pertains to a public issue. In this case, Respondent posted on her own accord to a platform regarding her substance abuse and treatment of such. This information was widely publicized. The Church of Light did not illegally obtain this information or make any new information available to the public. CADS imposes liability solely for the republication of legally obtained public information, a legislative action that this Court has already deemed unconstitutional in *Florida Star*. R. at 4, 10. Here, Respondent was merely subjected to unwanted words and photographs. But in *Florida Star*, where the victim experienced harassment to the point that police protection and a change of address were required, the Court still determined there was an insufficient basis to find a violation. R. at 11. Similar to *Florida Star*, DSU has an enrollment of 18,000, yet CADS cannot receive any heightened level of importance due to the number of people that the speech may reach. R. at 7.

The argument that doxxing should be a form of unprotected speech holds no merit because the Supreme Court has already established it will not create a new category of unprotected speech. Moreover, the Appellate Court incorrectly suggested that because Respondent is not a public figure, her information lacks public concern protection. However, that analysis fundamentally misunderstands *Snyder v. Phelps* and *Florida Star*, which makes clear that the public concern inquiry is not dependent on the status of the individual affected, but rather what was said, where it was said, and how it was said in relation to matters of political or social concern to the community. The Appellate Court's claim that Respondent was "involuntarily drawn into the fray," completely ignores the fact that at a campus protest, she voluntarily gave a powerful speech that received extensive news coverage, and she played a substantial role in various protests. The news coverage also emphasizes that the matter is of public concern, as established in *Roe*. R. at 10. Even if the Court were to follow the Appellate Court's belief that Respondent is not a public figure, this Court

firmly established in *Bartnicki* that privacy interests must yield to First Amendment protections. Nevertheless, a public figure determination is unnecessary, as *Florida Star* illustrated that a private figure's publicly available information was not entitled to heightened protection. The argument that the Respondent's place of employment was not publicly available information holds no merit because Respondent worked at the front desk of the treatment center. Anyone and everyone could discover that Respondent worked at the center through a phone call or visit to the establishment, making it publicly available information.

This Court's precedent firmly establishes that concerns of safety and privacy interest cannot triumph over First Amendment protections afforded to the dissemination of lawfully obtained publicly available information. Thus, the Court should reverse the Appellate Court's decision and find in favor of Church of Life.

C. This Court should reverse the appellate court's decision because CADS fails strict scrutiny.

To be upheld, content-based regulations on speech in public forums such as streets and parks, must survive strict scrutiny, while content-neutral regulations in public forums must pass intermediate scrutiny, leaving open ample alternative channels of communication. *Perry Educ. Ass'n v. Perry Loc. Educators' Ass'n*, 460 U.S. 37, 45 (1983). Under strict scrutiny, a law must be narrowly tailored to achieve a compelling government interest, with no less restrictive alternatives. *United States v. Playboy Ent. Grp.*, Inc., 529 U.S. 803, 804 (2000). This Court has established that content-based regulations targeting the primary effects of protected speech cannot receive the lower scrutiny applied to regulations addressing secondary effects like crime or property values. *United States v. Playboy Ent. Grp.*, Inc., 529 U.S. 803, 815 (2000) (stating that strict scrutiny is the clear standard). How listeners react to speech or the motivating influence that impactful speech

has on its audience are not considered secondary effects. *R.A.V. v. St. Paul,* 505 U.S. 377, 394 (1992). When the purpose of content-based restriction is to protect listeners from distress, the standard is that the freedom of speech prevails, even if no less restrictive alternative is available. *United States v. Playboy Ent. Grp.*, Inc., 529 U.S. 803, 813 (2000). The Court will not allow an unconstitutional statute to survive simply because the government ensures it will be enforced responsibly. *United States v. Stevens* 559, U.S. 460, 480 (2010).

A law cannot successfully protect an interest of the highest order by restricting truthful speech while allowing substantial harm to that interest to go unpunished. *The Florida Star v. B.J.F*., 491 U.S. 524, 541–42 (1989) (Scalia, J., concurring). In *Florida Star*, the Court determined that a content-based statute punishing information already publicly available is unlikely to advance the interest that the state seeks to achieve. *Id.* at 535. The Court further found that it was profoundly irregular fand rash for a statute to attempt to advance the states interest by sanctioning those who expressed already information. *Id*. at 535–37. The fact that the statute lacked a case-by-case determination that information posted would be detrimental to an individual, and that liability followed automatically, left truthful speech even less protected by the First Amendment than historically unprotected categories of speech. *Id.* at 540. The court emphasized its history, establishing the impermissibility of categorical prohibitions on media access when there are First Amendment interests at stake. *Id.* at 540. The statute restricting speech from "instruments of mass communication", which was not defined , was found to be underinclusive because it did not probit the spreading of information through other means, allowing the possibility for harm to still occur. *Id.* Further, The Court determined a ban on disclosures effected by "instrument [s] of mass communication" simply cannot be defended on the ground that partial prohibitions may effect partial relief. *Id.* Therefore, the Court determined that the content-based statute that prohibited the

publication of lawfully obtained public information was not narrowly tailored to protect an interest of the highest order violating the First Amendment.

Similar to *Florida Star*, CADS does not deploy a case-by-case analysis to determine the impact dissemination of information may have; it instead broadly prohibits any publication, being overinclusive. R. at 6. Like in *Florida Star*, publication of this information automatically imposes liability under CADS. This type of individualized finding causes the speech to fall outside of First Amendment protection, as it fails to be narrowly tailored in its application. R. at 6. CADS conducts a categorical ban on a public concern where First Amendment interests are a stake with the allowance on respective sides to speak out, being overinclusive. R. at 6. Unlike *Florida Star*, CADS does not just regulate speech through mass communication platforms, but through "communication platform of any type," this is overinclusive, providing a boundless scope in prohibiting the dissemination of speech. R. at 6. Similar to *Florida Star*, where the statute still allowed for harm to occur, in this case, CADS does nothing to regulate the violence that occurs, which was the government interest asserted behind the statute. R. at 6, 48. CADS fails to be narrowly tailored because of the lack of specificity to an unprotected form of speech, and it further proscribes to all matters that may disclose personal information. R. 6. Furthermore, ample alternatives exist; the state can alter conduct provisions to make them more preventative instead of reactive, or seek to enforce laws that regulate true threats. R. at 48

Even if the Court were to accept the Appellate Court's argument of intermediate scrutiny, this statute significantly fails at achieving the state's asserted interest. Violence surrounding the nature conflict has occurred regardless of the release of private information, with outbreaks occurring at marches and rallies to the extent that police involvement was required. R. at 4. The Governor provides that the motive behind the statute was due to violent conduct occurring, but the Supreme

Court in *Bartnicki* provides how out of scope that logic is. R. at 48. CADS further fails under intermediate because it does not leave open alternative channels of communication, regulating speech that uses any type of communication platform. R. at 6. The speech falls squarely within First Amendment protection stipulated by both the Appellate and District Courts, so the statute cannot be analyzed under rational basis.

Because CADS is both underinclusive and overinclusive, failing to directly regulate the harmful conduct it seeks to prevent while sweeping broadly across protected speech, it is not narrowly tailored. Therefore, the Court should reverse the lower court's decision and find in favor of Petitioner.

II. This Court should reverse the Court of Appeals for the Fifteenth Circuit's decision because CADS violates the Church of Light's First Amendment right to Free Exercise.

The Free Exercise Clause of the First Amendment, provides "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). While courts often find substantial burdens on religion unconstitutional, they have maintained that the free exercise clause does not relieve an individual of the obligation to comply with a valid law of neutral and general applicability. *Employment Div. v. Smith*, 494 U.S. 872, 879 (1990). Thus, if the law is short of an explicit discrimination or burden on the free exercise of a religion, the Court must consider whether the laws are neutral and generally applicable. *Fulton v. Philadelphia*, 593 U.S. 522, 533 (2021).

Laws which incidentally burden the free exercise of religion are permissible so long as they are neutral and generally applicable. *Smith*, 494 U.S. at 878–82. However, laws lack neutrality and generally applicability if they: invite the government to opine on an individuals' conduct

and further provide a mechanism for individualized exemptions; treat secular activity more favorably than the religious practices; or indicate hostile behavior on behalf of the government. *Fulton*, 593 U.S. at 552; *Church of the Lukumi Babalu, Aye, Inc. v. Hialeah*, 508 U.S. 520, 543 (1993); see *Wisconsin v. Yoder*, 406 U.S. 205, 218 (1972).

Neutrality and general applicability go hand in hand, as the failure to satisfy one, likely indicates the other is not satisfied. *Lukumi*, 508 U.S. at 531. Laws which are neither neutral nor generally applicable are subject to strict scrutiny because of the substantial burden they place on the free exercise of a religion. *Smith*, 494 U.S. at 878–82; *Yoder*, 406 U.S. at 218–20. Under strict scrutiny, the laws must be narrowly tailored to serve a compelling government interest. CADS is neutral on its face because the statute does not mention religion in its text, nor "prohibit the disclosure of private information only by religious persons." R. at 21. However, CADS reflects an intolerance of the Church of Light's beliefs because of the substantial burden the statute places on their practice of religion. As a result, CADS is subject to strict scrutiny and it further fails under strict scrutiny because the statute is underinclusive in accomplishing the government's interest in promoting public safety.

A. The Fifteenth Circuit erred in their holding because CADS' is not neutral and generally applicable and further; the statute fails under strict scrutiny.

1. CADS is not neutral and generally applicable because it displays the legislature's intent to burden the Church of Light's basis of religion while permitting secular conduct.

CADS impermissibly targets the Church of Light's Free Exercise by undermining the Church's basis for growth and existence; simultaneously, CADS fails to cover secular conduct. Facially neutral laws nonetheless depart from neutrality when they target or forbid the practices

the religion requires. *Yoder*, 406 U.S. at 218 (1972)[3]; see also *Bowen v. Roy*, 476 U.S. 693, 703 (1986). Further, a law that is neutral on its face may lack general applicability when the law permits secular activity. *Lukumi*, 508 U.S. at 543; *Fulton*, 593 U.S. 533; *M.A. v. Rockland Cnty. Dep't of Health,* 53 F. 4th 29, 37–39 (2d Cir. Nov. 2022) (holding that public school assemblies exempting unvaccinated children for medical reasons but not religious reasons indicated non-neutrality under *Smith*); *FOP Newark Lodge No. 12 v. City of Newark*, 170 F.3d 359 (3d Cir. 1999) (finding secular exemptions to officer grooming requirements were not extended to religious grooming was evidence of non-neutrality).

Facially neutral laws can still burden religious practices if they target or forbid religious conduct. In *Yoder*, the state of Wisconsin penalized Amish families for violating its compulsory school attendance laws, which mandated attendance up to the age of 16. This Court ruled in favor of the Amish families because the school attendance policy coerced the Amish into actively partaking in acts at odds with the core principles of their religion. Further, the state's laws would damage the Amish children's acquiescence into their way of life at a critical time in their religious development. The Court also found that despite the facial neutrality of the law, its departure from neutrality was unconstitutional because of the burden it posed on the Amish free exercise of religion.

Laws which favor or permit secular activity over religious activity in spite of government interests, also lack general applicability. *Lukumi*, 508 U.S. at 593. In *Lukumi*, the city enacted three ordinances prohibiting animal sacrifice in rituals. *Lukumi*, 508 U.S. at 527–28. The city council statute defined sacrifice as the "unnecessary killing nor primarily for food consumption and

[3] In Justice Sotomayor's dissent, she distinguishes the nature and impact of the school attendance mandate on the Amish. *Mahmoud v. Taylor*, 606 U.S. 522, 605–07 (2025).

included individualized exemptions for other forms of animal killing such as sport hunting." *Lukumi*, 508 U.S. at 527 –28. Central to the Santerían religion was the use of animal sacrifice in their rituals. *Lukumi*, 508 U.S. at 525. This Court concluded that the ordinances together were not neutral because they targeted the Santerían practice of animal sacrifice, while allowing secular forms of animal killing. *Lukumi*, 508 U.S. at 535–37. The Court further reasoned that the government's discriminatory behavior was contradictory because the secular activity undermined the local interests in the same way the Santerían religion did. *Lukumi*, 508 U.S. at 535–37.

Here, the Church of Light faith requires a missionary year in which Lightbearers devote a substantial portion of their weeks to publicly proclaiming their faith using technological advancements. R. at 8–9. CADS impedes the missionaries' ability to fulfill their religious duties because they seek to regulate the mode of information transmission the Lightbearers rely on. R. at 45. The present case parallels *Yoder* because of the relationship of the adolescents fulfill their religious duties and the growth of the religion's membership. R. at 8–9. Like the Amish reliance on adolescent education, the Church of Light has relied on the live public proclamations because they have been instrumental to the expansion of the Church's membership. R. at 8–9. Without those adolescent years for the Amish and the live public proclamations for the Church of Light, both religions are incapable of acclimating their younger followers into the adulthood of ministry and therefore unable to increase their official membership. As a result, they are susceptible to losing their faith altogether.

This Court erroneously based its *Mahmoud* decision on the premise that the Amish in *Yoder* faced the "very real threat of undermining the religious beliefs and practices . . ." they hoped to instill. *Mahmoud*, 606 U.S. at 522; *Yoder,* 406 U.S. at 220. The challenged law in *Yoder* posed more than the potential for undermining religious beliefs, in fact it was coercive and a hinderance

to the Amish faith. *Yoder*, 406 U.S. at 218–220. The attendance law necessitated the children's removal from an environment in which they would fulfill their religious duties. *Id*. at 217–218. And further, the Amish children would actively go against the core tenets of their religious faith and ultimately abandon the faith altogether. *Id.* at 217. CADS similarly threatens the Church of Light's long-standing practice of live public proclamations by using civil penalties to discourage the missionaries from following their faith. The statute forces the Lightbearers to abandon core tenets of their faith for fear of incurring civil liability. As a result, the Church of light must either reinvent its religious practices, or risk losing membership and the future existence of the Church.

CADS empowers individuals to file an action when their private information is uploaded onto communication platforms with the intent to "stalk, harass, or physically injure." R. at 6. While CADS is facially neutral in that the religious spread of information is not directly cited, the statute implicitly leaves room for secular forms of spreading private information. R. at 6–7. Like the city ordinances regulated the practice of Santerían animal sacrifice in *Lukumi*, CADS limits the Lightbearers' spreading of information on communication platforms. R. at 6. If the Lightbearers want to provide information regarding how to identify and contact members of their faith or other individuals of local interest, the Lightbearers can be punished if it leads to those individuals suffering harm from the Energy Farm Controversy. R. at 28. Another area of tension with CADS is that non-observers of the Lightbearer faith may employ other methods to dox their counterparts without using communication platforms such as through word of mouth. Narrowly, CADS punishes the Church of Light because of a minute overlap in the missionaries' tech reliant public proclamations, and their coverage of news of local interest. But if Delmont wanted to prevent doxxing in the interest of public safety, they need find narrower methods to do so, without directly targeting the Church of Light faith. Because of these burdens, strict scrutiny is appropriate.

2. CADS fails under strict scrutiny because the statute is not narrow enough to meet Delmont's compelling interest in preventing the harm posed by doxxing.

The government is underinclusive in their attempt to regulate doxxing incidents as reflected in the enactment of CADS. Laws which pose a *Yoder*-level burden on the free exercise of religion are subject to strict scrutiny. *Mahmoud*, 606 U.S. at 564–65. For the law to pass strict scrutiny, it must be narrowly tailored to the compelling government interest. *Fulton*, 593 U.S. at 540–42; see also *Frisby v. Schultz*, 487 U.S. 474, 485 (1988). Determining whether the law is narrowly tailored to achieve that interest, necessitates a precise analysis of whether the harm posed accomplishes that interest. *Fulton*, 593 U.S. at 542; *Gonzales v. O Centro Espirita Beneficiente Uniao Vegetal*, 546 U.S. 418 (2006) (where the court's analysis of the harm posed by granting a religious exemption indicated it would not harm the government interest and was therefore sufficiently narrow); *see also Calvary Chapel Dayton Valley v. Sisolak*, 982 F.3d 1228, 1233–34 (9th Cir Dec. 2020) (where there were less restrictive measures to balance religious gatherings with limiting the spread of COVID-19).

In *Fulton*, the City of Philadelphia refused to renew their contract with the Catholic Social Services, CSS, because of their foster care's policies of discrimination against same sex couples. *Fulton*, 593 U.S. at 526–27. CSS and the foster parents alleged in part that their First Amendment free exercise rights were impinged because the City's Fair Practices Ordinance conflicted with their religion and the contractual nondiscrimination provisions. *Id*. at 531. This Court found that the City's Fair Practices Ordinance were too narrow to meet their compelling interest in maximizing foster families and ensuring equal treatment because the religious exemption would accomplish the local interests. *Id*. at 541–42. The religious exemption would allow CSS to appropriately direct same sex couples and increase the number of families, and the speculative nature of unequal treatment proved immaterial. *Id*. at 542.

Here, CADS still allows for widespread dissemination of private information across the State of Delmont and Delmont campuses. The Statute prohibits the nonconsensual upload of private information onto "communication platforms" with the intent to bring harm or danger to members of the Delmont University community. R. at 6. If the legislature wanted to constitutionally limit doxxing, it would need to equally regulate all information sharing methods for doxxing, not just the communication platforms the Lightbearers rely on. The interwoven nature of Church of Light's live public proclamations and spread of local news existed prior to the doxxing incidents. R. at 45. Further, like *Fulton* and *Calvary*, a religious exemption could equitably balance the local interests without jeopardizing the sanctity of the religion.

Even if CADS were found to survive strict scrutiny under the Free Exercise clause, the Church of Light's free speech and free exercise rights are built off one another. The Church of Light's core tenets rely on their free speech rights. R. at 44–45. As a result, the Church of Light, falls squarely under the hybrid rights exception.

B. The Fifteenth Circuit erred because CADS simultaneously burdens the Church of Light's free speech and free exercise rights, thus invoking strict scrutiny.

The interlocutory nature of the Church of Light's practices and beliefs necessitates the First Amendment freedom of speech and further the hybrid rights exception. Litigants may invoke the hybrid rights exception when their Free Exercise rights, in tandem with other constitutional protections, are implicated and resultantly violated. *Smith*, 494 U.S. at 881; *Yoder*, 406 U.S. When the fundamental tenets of a religion necessitate additional constitutional protection(s), the hybrid rights doctrine is applicable. *Smith*, 494 U.S. 881–82.

Here, the missionaries' free speech and free exercise go hand in hand. R. at 44–45. Their faith requires a living witness that provides a live proclamation of their message with technology

that has featured tv broadcasts. R. at 44–45. Their speech is the exercise of their religion. Id. at 44–45. In *Yoder*, the Amish children no longer attended school, because of Amish teaching past the age 16, was integrated to their beliefs. *Yoder*, 406 U.S. at 218–20. Here, the missionaries need to practice their speech, and hence their religion, to affirm their beliefs but also to grow. R. at 44–45. Applying strict scrutiny is appropriate because it imposes a substantial burden on the Church of Light's Free Exercise rights and their Freedom of Speech.

CONCLUSION

This Court should REVERSE the judgment of the United States Court of Appeals for the Fifteenth Circuit. CADS violates the Church of Light's First Amendment rights to free speech and their free exercise of religion.

Respectfully submitted,

TEAM 34,
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APPENDIX

Constitutional Provisions

U.S. Const. amend I.

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

Statutory Provisions

28 U.S.C. §1254

The Supreme Court of the United States may review cases from the court of appeals if they are either:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

(2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instruction are desired, and upon such certification the Supreme Court may give binding instruction or require the entire record to be sent up for decision of the entire matter in controversy.

CERTIFICATE OF COMPLIANCE

Pursuant to rule IV of the Seigenthaler-Sutherland Moot Court Competition's Official Rules, counsel for Petitioner certify that:

1. The work product contained in all copies of the team's brief is in fact the work product of the team members;
2. We have complied with our law school's governing honor code; and
3. We have complied with all Competition Rules

/s/ Team No. 34

Counsel for Petitioner