Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF MAYFLOWER

Syllabus

EX PARTE SENATE RESOLUTION 16

APPLICATION FOR ADVISORY JUDGMENT

No. 07–17. Decided June 25, 2023

The Mayflower State Senate of the Thirteenth Congress adopted Senate Resolution 16, which invoked the legislature's abilities to request an advisory judgment from this Court. The question that the legislature requested advice upon was to resolve the extent and application of the Central Authority's immunity when its powers are used for purposes of law enforcement in coordination with the Player Government. The purpose of this request is to resolve a dispute between a member of the Senate and the Immigrations and Customs Force for a prior incident involving a removal order. There exists no pending legislation regarding this issue.

Held: The question presented by the state legislature is inappropriate for advisory judgment and therefore cannot be answered by this Court. We therefore decline to do so. The Supreme Court is only bound to provide advisory opinion to "important questions" of law that are related to the duties of the body which requests the opinion of the justices. In this case, the legislature holds no stake on our answer nor does it have any relevance to their legislative duties. A superficial review of the jurisprudence of other states with similarly worded provisions in their constitutions affirm this reading. Pp. 1–5.

TAXESARENTAWESOME, J., delivered the opinion for a unanimous Court.

SUPREME COURT OF MAYFLOWER

No. 07–17

EX PARTE SENATE RESOLUTION 16

ON APPLICATION FOR ADVISORY JUDGMENT

[June 25, 2023]

JUSTICE TAXESARENTAWESOME delivered the opinion of the Court.

On June 18th, the Mayflower Legislature adopted Senate Resolution 16 to invoke its abilities to request an advisory judgment on a question of law. The question we are positioned with is to resolve the extent and application of immunities retained by the Central Authority when the departments confederated under their power intervene with the Player Government for penal enforcement. The extent of this question is a continuance of a previous case in the District Court for New Haven that was dismissed on mootness. We must first examine and reason to whether this exercise of advisory judgment is sufficient for its purpose.

We hold that it is not and that we cannot answer this question through advisory judgment.

I

The Immigrations and Customs Force (ICF) is a department organized under the leadership and oversight of the Central Authority. They are tasked as the enforcement agency of immigration customs and the investigative extension of the Central Authority. A citizen is removable upon a violation of their rules which are adopted outside the realm

of Player Government in the name of community management.

Ms. KeepCalmAndParty is a Senator for the State of Mayflower and is the author of Senate Resolution 16. Earlier this year, ICF issued a removal order finding that the Ms. Party was affiliated with criminal syndicate organizations and that her conduct was sufficient for deportation. Soonafter, Senator Party filed suit in the District Court for New Haven alleging that their removal constituted an infringement of due process and that removal as a criminal penalty was a cruel and unusual punishment. In that case, ICF invoked its immunities retained as an organization under the Central Authority provided by the State Constitution. Mayf. Const. art. X, §2. The lower court agreed and the claims against ICF were dismissed. Senator Party filed appeal which this Court took around that time. Since then, the matter has been moot after ICF reversed their findings and rescinded the removal order.

Senator Party then introduced Senate Resolution 16, which was engrossed and adopted by the Senate at-large. The resolution requested this Court give advisory judgment and provided us with one question: "Does the Immigrations and Customs Force retain absolute immunity under the Central Authority in matters where the purpose of their action is to address criminal activities?" We now view the purposes of this case as a continuation of the previous one, given that it specifically names Senator Keeps' deportation order.

II

"The Supreme Court shall issue its opinion upon important questions when required by the Governor, Lieutenant Governor, Attorney General, or the State Senate." Mayf. Const., art XI, §9. The biggest hurdle that the Senate faces in their question is that a question must be "important" for us to hear it. We note the significance of this

word because we are "to consider that the Framers knew and adopted the cluster of ideas that were attached to each borrowed word in the body of learning from which it was taken and the meaning its use will convey to the judicial mind." *Ex parte Syneths*, 6 M. S. C. 25, 29 (2022).

"In many instances of our review, we consistently notice a one-on-one mirror between our laws, protections, and constitutional provisions and the same of the United States. The result of this mirroring has led us to look persuasively to the judicial decisions of the United States as our *stare decisis*." *M1keaswell* v. *Stanley_Labson*, 7 M. S. C. __, __ (2023) (TAXESARENTAWESOME, J., respecting the denial of certiorari) (citations omitted). Though in this case, we operate absent this mirroring. Exercises of judicial power in the United States "extend [only] to all Cases, in Law and Equity, arising under the Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority." U.S. Const. art. III, §2, cl. 1. But as just noted, our abilities extend further than that to allow advisory judgment in absence of an actual case or controversy. To resolve this, we must look persuasively at other states that are similarly situated with courts that possess advisory judgment abilities. We emphatically note that these cases are not always binding, as different states may have vastly differing jurisprudence on the variety of legal subjects. Our review consists of a strictly persuasive review.

We look towards our neighbor, the State of Massachusetts, whose state constitution has a similarly worded provision that allows the Governor or their state legislature to request the opinion of the state supreme court. Mass Const. ch. III, art. 2. Their provision also includes the use of the word "important" that guides the questions they may take. And their past decisions agree that this word is intended to do such.

The State of Michigan also has a similar provision and, when reviewing whether they are bound to an advisory

judgment request, they base their review "on the nature of the questions, the nature of an advisory opinion, and the limitations of time." *Advisory Opinion re Constitutionality of 1872 PA 294*, 389 Mich. 441, 482 (1973) (Levin, J., concurring). The question we are faced with today would fail on the first and second ground.

On the first prong, the nature of this question comes after a withdrawal of Senator Party's civil suit in the New Haven District Court because of the matter being moot after her removal was reversed. The nature of this question is strictly personal and unrelated to the duties of the State Senate. The body of the Senate itself has no stake in this case at-all, rather the members that make up the Senate do in their personally vested interests. This is insufficient and plagues the nature of the question that we are asked to opine on.

On the second prong, Massachusetts notes that "an advisory opinion is appropriate only where there is a pending matter and the opinion of law would assist in the performance of a duty." *In re Opinion of the Justices to the Governor*, 461 Mass. 1205, 1207 (2012). Though we note that a key difference in the language of our Constitution and theirs is the explicit requirement of a "solemn occasion" which they have interpreted to give its own meanings, we provide the same attributes to the term "important." At the present juncture, this case serves little purpose to the Senate and is merely being used to circumvent justiciability requirements in a case in which a member of the Senate has a personal investment. No matter how we answer this question, we cannot find that it would make any effect on the Senate's duties.

We are aware that the precedents that we have looked towards so far have originated solely out of two different states – Michigan and Massachusetts. So now we extend our view to another state – the State of Colorado. Colorado's Constitution provides a near identical provision that provides for advisory judgment from their state supreme court.

Colo. Const. art. VI, §3. Similarly to Massachusetts, their court adjudges the form of an advisory judgment on identical grounds, namely that they do not answer "questions affecting private or corporate rights." *In re Lieutenant Governorship*, 129 P. 8111, 814 (Colo. 1913). The purposes of advisory judgment, they hold, is for questions that "must be connected with pending legislation and must concern either the constitutionality of the legislation or matters connected to the constitutionality of the legislation concerning purely public rights." *In re Submission of Interrogatories on House Bill 99-1325*, 979 P.2d 549, 554 (Colo. 1999).

Throughout our review, we cannot find a possible interest that the legislature can have in this case. The Immigrations and Customs Force operates outside the reach of the Player Government and so, even if we return an answer to this question, the legislature certainly cannot act on our answer. Provided the context of this question, we can specifically say that it is likely connected to a personal interest rather than an interest connected to the legislature itself. Our jurisdiction for advisory judgment was not written to be used as such, and a historical review of the amendment which adopted this provision agrees so; likewise does a review of other similarly situated states.

* * *

Accordingly, we return our answer and opinion to the State Senate pursuant to Senate Resolution 16.