Syllabus

IPADPUPPYDOGDUDE1ALT *v.* MAYFLOWER DEPARTMENT OF STATE

ON SUBMISSION THROUGH ORIGINAL JURISDICTION

No. 06-11. Argued December 19, 2022—Decided December 29, 2022.

The Mayflower Department of State was entering into a variety of treaties with foreign nations. As a result of the entrance into a foreign entity, Petitioner ultimately was terminated from his role in the Mayflower Department of State due to ongoing conflicts with the aforementioned foreign entities. Petitioner qualifies for standing to bring such matter to our Court, through a submission of original jurisdiction. See Art. XI, sec. 5 of the Mayflower Constitution We find that the termination was unlawful as the attempts—whether successful or in the midst of—were unconstitutional. See Art. 1, sec. 11 of the Mayflower Constitution; see also Art. 1, sec. 10, cl. 1 of the United States Constitution ("[n]o State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder; ex post facto Law; or Law impairing the Obligation of Contracts, or grant any Title of Nobility.").

Held: The attempts to join a United Nations or enter into any treaty with a foreign sovereignty, institution, or organization is unconstitutional. Pp. 80–83.

(a) The Petitioner satisfies our constitutionally required necessity of achieving standing to bring forth this case. Pp. 83–86.

(b) The Petitioner's termination from the Department of State was unconstitutional. Pp. 85–86.

Judgment affirmed

PARMENIONN, J., delivered the opinion of the Court, in which BLCVLCL, C. J., and TURNTABLE5000, J., joined. TURNTABLE5000, J., filed a concurring opinion. TAXESARENTAWESOME, J., filed an opinion, dissenting in part, in which LIAMDOSEN, J., joined.

Justice PARMENIONN delivered the opinion of the Court.

"No State shall enter into any Treaty, Alliance, or Con- federation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder; *ex post facto* Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility." Art. 1, sec. 10, cl. 1 of the United States Constitution. This is a provision of the United States Constitution that the State is ready to ignore to pursue a political agenda. While it was understood early on in Ro-Nations that if your government was a member of the United Nations, you were considered the legitimate version of that government—and all other versions were deemed knock-offs or copy-cats. It is irrelevant here, however. But that does not stop the government.

They are prepared, at all costs, to ignore the Constitution, which is "the Supreme Law of the Land." See *Shelley* v. *Kramer*, 334 U. S. 836 (1948). They ignore the Supreme Law of the Land when they argue that "the Constitution explicitly gives the states the power to 'enter into any Agreement or Compact with another State." See Respondent's Merits Brief, p. 4, quoting Art. 1, sec. 10, cl. 3. Now, I am not sure if they thought we would not read that clause in its entirety, but we are not that gullible to follow the blatant disregard for the Constitution's text. The entirety of the clause would be that "No State shall, without the Consent of Congress, … enter into any Agreement or Compact with another State." *Ibid*. Yes, there is no Congress for the State of Mayflower to receive consent from, so we may hopefully achieve the goal of entering and being

admitted into Member Status of the United Nations. That said, it is also not the place of the Supreme Court to re-write the Constitution—especially when it is the Federal Constitution, one that affects all states of the union.

I

In our own State's Constitution, Art. 1, sec. 11 reads, "[t]he State of Mayflower shall never secede, and forever re- main a member of the United States America; the people thereof are part of the Union." As my colleague wisely said, "[w]hen interpreting our State Constitution, we hold that [it is] to be interpreted, [sic] and constructed like statutes." See *Ex parte Syneths*, 6 M. S. C._ (2022). Our State, within its current legal ecosystem, has no means to obtain membership in the United Nations. It would have to require the language of our Constitution to change if the State wanted to be a member of the Union and the United Nations concurrently.

Even if we were to assume, however, contrary to all reason, that every constitutional claim is *ipso facto* more worthy, and every statutory claim less worthy, of judicial review, there would be no basis for writing that preference into a statute that makes no distinction between the two. The view has been rejected of rewriting legislation even in the more appealing situation where particular applications of a statute are not merely less desirable but in fact raise "grave constitutional doubts." That, it has been said, only permits us to adopt one rather than another permissible reading of the statute, but not, by altering its terms, to "ignore the legislative will in order to avoid constitutional adjudication." See *Webster* v. *Doe*, 486 U. S. 592, 619

(Scalia, J., dissenting). With this sense of textualism established, we ought to revisit the debated clause, "[n]o State shall enter into any Treaty, Alliance, or Confederation." *Ibid*. While our being a State is not disputed, it is imperative to understand the direct objects—Treaty, Alliance, or Confederation. The word "treaty" in this context would be understood as "a contract in writing between two or more political authorities (such as states or sovereigns) formally signed by representatives duly authorized and usually ratified by the lawmaking authority of the state." See Merriam-Webster Dictionary. The only one, per our Constitution, to engage in foreign affairs and the conjoined policy would be the Governor of the State of Mayflower. See Art. V, sec. 3, cl. 3 ("[t]he Governor shall communicate with other states, foreign powers, and accredits, remove, receive, expel ambassadors, and diplomats."); see also Art. V, sec. 3, cl. 2 ("[t]he Governor shall have the power, with two-thirds of the Senate, to make treaties.").

However, we exclude the latter clause from consideration because of our understanding with the word "treaty." With the word "alliance," we understand that to mean "a group of countries, political parties, or people who work together because of shared interests or aims, or the act of forming such a group." See Cambridge Dictionary. This context would never find merit in our purposes in relation to this case; we are not a country. Therefore, we could not be party to a group of countries. The same can be said for our understanding of "confederation," which means to be "united in a league." The Respondents are at a loss; they have no means to challenge the soft meaning of the "alliance" component. "[T]he act of a forming such a group" "be-

cause of shared interests," *ibid*, the Respondents hold no merit to prove Petitioners wrong.

The question of whether Petitioners maintained standing to pursue a case of this calibration was also brought before our Court.

Respondents initially argue that Petitioners lack standing because they have suffered no injury, or at least no injury that will be remedied by a decision in their favor. See *Spokeo, Inc.* v. *Robins*, 578 U. S. ____, ____ (2016) (slip op., at 6) (explaining that, for Article III standing, a plaintiff must have "(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision").

A

The "law of Art. III standing is built on a single basic idea—the idea of separation of powers." *Raines* v. *Byrd*, 521 U. S. 811, 820 (1997) (internal quotation marks omitted). The judicial power is limited to "Cases" and "Controversies." There must be a controversy for the plaintiff to have "'personal stake'" in the case. We refer to this a standing. *Raines*, 521 U. S., at 819. To demonstrate their personal question: "'What's it to you?'" Scalia, The Doctrine of Standing as an Essential Element of the Separation of Powers, 17 Suffolk U. L. Rev. 881, 882 (1983).

To answer that question in a sufficient way to establish standing, a plaintiff must show (i) that he suffered an injury in fact that is concrete, particularized, and actual or imminent; (ii) that the injury was likely caused by the defendant; (iii) that the injury would likely be redressed by judicial relief. *Lujan* v. *Defenders of Wildlife*, 504 U. S. 555, 560–561 (1992). If "the

plaintiff does not claim to have suffered an injury that the defendant does not claim to have suffered an injury that the defendant caused and the court can remedy, there is no case or controversy for the courts to resolve." *Casillas* v. *Madison Avenue Assocs.*, Inc., 926 U. S. F. 3d 329, 333 (CA7 2019) (BARRETT, J.).

Requiring a plaintiff to demonstrate a concrete and particularized injury caused by the defendant and redressable by the court ensures that courts decide only "the rights of individuals," *Marbury* v. *Madison*, 1 Cranch 137, 170 (1803), and that the courts exercise "their proper function in a limited and separated government, Roberts Article III Limits on Statutory Understanding, 42 Duke L. J. 1219, 1224 (1993). Courts do not adjudicate hypothetical or abstract disputes. Courts do not possess a roving commission to publicly opine on every legal question. Courts do not exercise general legal oversight of the Legislative and Executive Branches, or of private entities. As Madison explained in Philadelphia, courts instead decide only matters "of a Judiciary Nature." 2 Records of the Federal Convention of 1787, p. 430 (M. Farrand ed. 1966).

A court may resolve only "a real controversy with real impact on real persons." *American Legion* v. *American Humanist Assn.*, 588 U. S. ____, ____ (2019) (Gorsuch, J., concurring in judgment) (slip op., at 10).

As a general matter, the Supreme Court has explained that "history and tradition offer a meaningful guide to the types of cases that empowers courts to consider." *Sprint Communications Co.* v. *APCC Services, Inc.*, 554 U. S. 269, 274 (2008); see also *Steel Co.* v. *Citizens for Better Environment*, 523 U. S. 83, 102 (1998). And with respect to the concrete-harm requirement in particular, the Court's opinion in *Spokeo*

v. *Robins* indicated that courts should assess whether the alleged injury to the plaintiff has a "close relationship" to harm "traditionally" recognized as providing a basis for a lawsuit in American courts. 578 U. S., at 341. That inquiry asks whether plaintiffs have identified a close historical or common-law analogue for their asserted injury. *Spokeo* does not require an exact duplicate in American history and tradition. But *Spokeo* is not an open-minded invitation for courts to loosen their jurisdiction based on contemporary, evolving beliefs about what kinds of suits should be heard in courts.

As *Spokeo* also explained, certain harms readily qualify as concrete injury as well under our Constitution. The most obvious are traditional intangible harms—physical or monetary.

Various intangible harms can also be concrete. There are potential injuries with a close relationship to harms previously recognized as providing a basis for lawsuits in American courts. Id., at 340–341. Those include, for example, reputational harms, disclosure of private information, and intrusion upon seclusion. See, *e.g.*, *Meese* v. *Keene*, 481 U. S. 465, 473 (1987) (reputational harms); *Davis* v. *Federal Election Comm'n*, 554 U. S. 724, 733 (2008) (disclosure of private information); see also *Gadelhak* v. *AT&T Services, Inc.*, 950 F. 3d 458, 462 (CA7 2020) (BARRETT, J.) (intrusion upon seclusion).

With this background and history of standing, it is very well true and valid that Petitioner maintained standing. The Department of State engaged in an unconstitutional agreement with the foreign and international community. Given the "ongoing conflicts with

the aforementioned foreign entities," see Petitioner's Merits Brief, p. 6, Petitioner was "fired," *ibid*.

* * *

The attempts and successful efforts of interacting with the international community is deemed unconstitutional under current law.

It is so ordered.

Justice Turntable5000, concurring in judgment.

I agree with the Court's opinion and join it in full, but I write separately to highlight the glaring inadequacies forwarded by the dissent. On first glance, one may think that the dissent is purportedly fighting for a just cause; when in reality, they are merely dumbfounded and indisputably erroneous in their judgment. The dissent would have us subvert the very document that enhanced the ability of the Union, and in doing so, its sustenance was replenished.

The supremacy of the federal government is a steadfast tenet that has been respected and adhered to since the infancy of our judicial system in the United States. We, as a member of the Union, are bound to the federal Constitution. In fact, we acknowledge this in our own state Constitution. Art. I, Sec. 11, Mayf. St. Const. ("The State of Mayflower shall never secede, and forever remain a member of the United States of America; the people thereof are part of the Union"). We are bound to the contents of our federal Constitution, to stray from that would be a grave error.

The dissent is correct in stating that we are "the protectors of this Constitution." *Post*, at 85 (TAXESARENTAWESOME, J., dissenting in part). But when our own Constitution acknowledges, and recognizes its master,

who are we to declare that the state Constitution reigns supreme above that of our *federal* government? To strike away at the skeletal structure that has upheld our government heretofore is an atrocious view. Nothing can be more deplorable than the ideology that the dissent is pushing forward. To claim that it is sometimes acceptable to disregard the federal Constitution is unheard of in the judicial sphere.

It has always been our duty "to say what the law is." *Marbury* v. *Madison*, 1 Cranch, 137, 177 (1803). We have a "limited role to read and apply the law," *Romag Fasteners, Inc.* v. *Fossil, Inc.*, 140 S. Ct. 1492, 1497 (2020), and that is precisely what the dissent fails to understand. The dissent seeks "an unprecedented expansion of judicial power." *Rucho* v. *Common Cause*, 139 S. Ct. 2484, 2507 (2019). We cannot hold our state Constitution above that of our federal Constitution, doing so would disregard the supremacy of our Union. The very Union that we have sworn our fealty to. "Our duty is to apply the law, not to make it," *Pine Grove* v. *Talcott*, 86 U. S. 666, 677 (1874), we cannot disregard the supremacy of our federal Constitution simply because it "would do more harm than has been caused in this case." *Post*, at 86. This is an absurd metric that can never feasibly be entertained; to employ a judicial straitjacket that prevents us from interpreting and acknowledging the supremacy of our federal Constitution, simply because of these dumbfounded claims would be erroneous.

The dissent would also have us disregard the supremacy of our federal Constitution, because of the lack of a federal government. This is an extremely dangerous proposition that cannot seek refuge in this

Court. It is emphatically our duty to acknowledge and adhere to the Supremacy Clause of our federal Constitution. We have no power to abrogate its supremacy, but the dissent misplaces their logic in an area of law that is abhorrent. "We live under a Constitution which is the supreme law of the land." *French* v. *Barber Asphalt Paving Co.*, 181 U. S. 324, 367 (1901). We cannot cherry-pick provisions of our federal Constitution that "best" suit the acclimated situation; we also cannot act as catalysts that are delicately arranged in a manner that "activates" certain provisions of our federal Constitution while disregarding other key portions that ultimately impact us. "Our duty is to declare the law, not to modify it." *Bein* v. *Heath*, 47 U. S. 228 (1848). We are in no position to disregard our federal Constitution—the ultimate document that we can trace our survival to.

The dissent would have us disregard the document that has held the Union together in times of dire need. Justice TAXESARENTAWESOME repeatedly mentions the tangible "harms," that will arise out of the Court's position on this matter. *Post*, at 85 (TAXESARENTAWESOME, J., dissenting in part) ("We have released a power and have made ourselves vulnerable to the overarching hand of federal bureaucracy and rule"); *Ibid*., ("This ruling would constrict a necessary power in a manner that would do more harm than has been caused in this case"). The dissent seems to have misplaced the duties of the judiciary and swapped it with the mind of a policymaker. The penultimate harm here would be their blatant disregard for the federal Constitution, but the only thing that ranks superior to their feigned stature would be that of our duty to adhere to the legion of precedents that bind us to the

whims of our federal Government. It certainly isn't our role to disregard the correct interpretation in lieu of one that better suits the general climate. *Department of Homeland Sec.* v. *MacLean*, 135 S. Ct. 913 (2015). After all, we "do[] not sit to satisfy a scholarly interest in such issues," nor we "sit for the benefit of the particular litigants," *Rice* v. *Sioux City Memorial Park Cemetery, Inc.*, 349 U. S. 70 (1955). "We are a court of law, not policymakers of last resort," *Arizona* v. *Mayorkas*, 598 U. S. ____, ____ (2022) (GORSUCH, J., joined by JACKSON, J., dissenting from grant of stay), and the dissent would have us act as something that we inherently are not.

We are the ultimate "protectors of this Constitution." Art. XI, Sec. 2, Mayf. St. Const. And when our state Constitution acknowledges the supremacy of the Union, and wishes to enter the Union, the implications and the constraints of our federal Constitution wholeheartedly apply. Through a thorough analysis of the text of both our federal and state Constitution, we yield the correct answer, and it is not the one forwarded by the dissent. After all, "[t]he evidence that does exist points in the opposite direction and provides ample support for today's decision." *Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819 (1995) (THOMAS, J., concurring).

Justice TAXESARENTAWESOME, with whom Justice LIAMDOSEN joins, dissenting in part.

It has long been practice that the State of Mayflower has participated in foreign engagements and agreements involving other nations and states. In this case, the Mayflower Department of State applied and was

registered as a signatory to an international organization between many foreign powers. The results of this agreement led to countless enemies of the state declaring a state of war existing by the lack of caution displayed by the State Department. We are now presented with this case, brought through extraordinary writ for review, to determine whether the original act of entering into the agreement was within the bounds of the state.

The majority held that "no state shall enter into any treaty" nor "enter into any agreement or compact with another state, or with a foreign power" as a prohibition applied by the U. S. Constitution. U. S. Const. art. X, § 10. The application of the U. S. Constitution in this matter would require us to find that the Mayflower Department of State lacked authority to enter an international organization on behalf of the state. This is factual, concrete, and a true application of the law. There is no dispute that the actions of the Mayflower Department of State were unlawful under the provisions of the federal government. However, I do not agree that we are bound under such in the absence of a federal government.

I

The Constitution is the founding contract that outlines the ability between the government and the governed. It is an important document that must be read with due regard to the effect of the decisions we make. As part of the union, we are also bound by the U. S. Constitution and the precedents that come along with its reading. However, an issue arises as the State of Mayflower is a fictitious state on the Roblox platform that does not actually have a federal government to be

subordinate to.

It is true that the U. S. Constitution prohibits states from carrying out their own foreign envoys and interacting with international organizations. This is a power that is reserved solely to the federal government. That is not the dispute that I raise here. But the analysis of our State Constitution is, for a lack of a better term, shortsighted and not thorough enough to consider the long-lasting damages that we are imposing to our state as a result of this decision made. The ability to have international and interstate trade, as well as other agreements that are necessary, is a power that must be executed by someone to have the basics of a civilization. While we may be at an impasse between our Constitution and the U. S. Constitution, we must tread carefully to ensure that the choice we make is proper.

A

It is important to see that we operate with the absence of a federal government. We face various constraints associated with the Roblox platform, such as a significantly low population compared to other states. These constraints require that we have limited government abilities compared to other real-life states that have thousands of employees working for the state. We cannot have this.

Our duty is to apply the law of the United States and of our own jurisdiction in a manner that makes sense with the constraints that we are given. The field of law on this Roblox platform has been doing this for ages. This Court has even been doing so for long time. See *Clifford2* v. *Tactical_pancakes*, 6 M. S. C. __ (2022) (TAXESARENTAWESOME, J., in-chambers opinion); *Ex*

parte State of Mayflower ("Review on EO#13") (2018). We have been entrusted with this duty to apply the law on Roblox as best as we can. The words inscribed into our sacred Constitution empower us to act as the "protectors of this Constitution" and no other Constitution. Mayf St. Const. art. XI., § 2.

In this case, the majority has refused this mandate and has placed its allegiance towards a government that does not exist. This ruling opens the Court's doors to nullifying so many aspects of our government that are conflicting with federal law. We have released a power and have made ourselves vulnerable to the overarching hand of federal bureaucracy and rule.

B

The Framers of our State Constitution knew what they were doing when they explicitly prescribed the power of making treaties with the Governor. This was a power they fully intended to have even if it does not fit with the Federal Constitution. We must assume that they "kn[ew] and adopt[ed] 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. 22, 26 (2022) (citing *Morissette* v. *United States*, 342 U. S. 246, 263 (1952)). This was not an implied power that was conjured because of some far-reach interpretation of law, it is an explicit power that is written in stone on our Constitution. They absolutely knew what they were doing when they wrote that provision in and intended on its effects entirely.

II

However, I do not entirely disagree with the decision made today. The majority correctly notes that our

State Constitution only entrusts the power of presenting foreign diplomatic agreements to the Governor, with advice and consent from the Senate. In the case before us, this was not done. Instead, the Mayflower Department of State joined into alliance without the permission of the Governor nor the consent of the Senate. That is why I concur in the judgment.

* * *

The majority has not taken into consideration of the consequence of their actions. This ruling would constrict a necessary power in a manner that would do more harm than has been caused in this case. I respectfully dissent.