

**CASES ADJUDGED**  
in the  
**SUPREME COURT OF MAYFLOWER**  
at  
2022 A.D. TERM

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BLACKOUT AGENCY ET AL. *v.* TACTI-  
CAL\_PANCAKES, ATTORNEY GENERAL  
ON APPEAL FROM THE DISTRICT COURT FOR THE DISTRICT  
OF NEW HAVEN COUNTY

No. 09-36.      Argued January 20, 2022—Decided January 24,  
2022.

On January 13, 2022, the Appellant filed for declaratory and injunctive relief with the lower court on a pre-enforcement challenge to the Racketeering Act (2022). The act incriminates those that associate with “criminal organizations” based on a declaration made by the State Governor. The inferior court ruled in favor of Appellant but only granted injunctive relief, declining to grant declaratory relief on the basis that the act just needed a slight amendment. An injunction was issued enjoining law enforcement from utilizing the provision outlined by the act. Appellant filed appeal to this Court.

*Held:*

(a) The judicial power extends to allow the Court to declare a specified statute or provision thereof as unconstitutional to remove it from its enforcement. To allow the inferior court to selectively choose when to use this power is to allow a court to selectively choose when to read and enforce the constitution. Pp. 2–4.

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(b) The Court is entitled to give relief in matters of constitutional significance. Pp. 4–5.

Judgment vacated.

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

JUSTICE TAXESARENTAWESOME delivered the opinion of the court.

On January 13, 2022, the Appellant filed for declaratory and injunctive relief with the lower court on a pre-enforcement challenge to the Racketeering Act (2022). The act incriminates those that associate with “criminal organizations” based on a declaration made by the State Governor.

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## I

When addressing the first question, the Court explored whether it is in the power of the lower court to issue relief and, if so, how to address the matter before this Court.

## A

In the American Judicial system, one of the most important powers exercised by the courts is that of judicial review on statutes passed by a legislative body in which such an act goes against the supreme law that rules that jurisdiction. See *Marbury v. Madison*, 5 U.S. 137 (1803). In the case of Mayflower, that supreme law is our State Constitution. Art. XI(2) of the

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Mayflower State Constitution explicitly grants the judiciary the power of striking statutes that contradict its words.

In the matter before us, the Racketeering Act (2022) was under examination of the inferior court for violating an individual's right to freely associate. See Mayf. St. Const. Art. I(4). The act provides for the arrest of individuals associating with an organization of criminal intent, regardless of whether such individuals actually perpetrated or had any form of liability in that organization's actions.

The lower court, believing that Appellant had merit to their claim, issued injunctive relief to enjoin enforcement of the law but not declaratory relief on the same question. No reason has been provided as to the purpose of this, but rather more cause has been provided as to why such an action is highly detrimental to the upkeep of an individual's rights when faced with a statute of unconstitutional power.

The purpose of giving declaratory relief in a matter such as this is to read the statute before a court and "decide on the operation of each." *Marbury* at 137. When the lower court found enough cause to grant injunctive relief, it found enough cause to read the statute and declare the operation as defunct — which is what declaratory relief is for. Without giving an official declaration and reading of the statute, it has not completed its job. Rather, it is more akin to finding a criminal defendant not-guilty but still sentencing them to imprisonment on the charges they faced.

For this reason, the judicial power extends to allow the Court to declare a specified statute or provision thereof as unconstitutional to remove it from its en-

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forcement. To allow the inferior court to selectively choose when to use this power is to allow a court to selectively choose when to read and enforce the constitution. The handling of this case was inappropriate and should be discouraged.

## B

It is important that this Court exercise restraint when it gives an opinion, as we are not here to give relief but instead to read the law and hand our opinion out. In this case, however, we are presented with a severe dilemma of activism versus restraint in-which the balance tips in favor of the former. This matter is of basic constitutional defense which requires our word to be clear and unmistakable for the lower court and courts in future. Chief Justice John Marshall was criticized for his opinion in *Marbury* for exercising too much activism when bringing to life the doctrine of judicial review, we face the same issue here.

To give only an opinion in a matter that involved an authority as powerful as judicial review would be to simply opine quietly as the constitution faces attack by a pack of wolves. This Court was intended to be charged as the protectors of the State Constitution, but we cannot protect what we cannot grant relief on behalf of. This is especially given that this Court engaged in this practice in the past. See *Ex parte State of Mayflower* (“Review of EO#14”) (2018).

Because of this, we hold that this Court is entitled—if not required by its mandate—to give relief instead of simply remanding.

\* \* \*

Therefore, the ruling of the lower court is reversed. The Court issues injunctive and declaratory relief in

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favor of the Petitioner, declaring the Racketeering Act (2022) to be nullified from law as unconstitutional.

*Judgment vacated.*