How Charlatans Like Antonin Scalia Filter Rights
Through A Child World View To Overwrite Federal Law With Marxism

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Among the many tricks courts use to abdicate their jurisdiction to politics, is accepting or dismissing injuries, which is almost as powerful as accepting or dismissing facts to contrive an outcome. In general, "conservative" judges have elevated injuries to the collective above injuries to the individual, because they have elevated the collective as a decision-maker and collective decision-making, over the individual as a decision-maker and distributed decision-making which they are not educated about. Pursuant to this scheme, justices call psychic interests of the collective such as revenge "real", and real injuries to individuals merely "psychic". The purpose is to then say Article III only gives us jurisdiction to protect real injuries. And only psychic injuries to the collective are real. Therefore Article III dictates courts must protect whatever is politically popular. Once accepted as real, all injuries are protected by some legal principle, standing to seek it, and jurisdiction to enforce it. We can see this across a large variety of cases where if something is politically popular, justices manufacture an interest, standing, and federal jurisdiction, then find some legal principle to protect what the crowd wants over actual written rights.

I. FILTERING AND REPLACING RIGHTS WITH A PSYCHIC PERCEPTIONS OVERLAY

Written rights have to be interpreted and defined with details. That gives sophists and charlatans an opportunity to replace them with something totally different. Rights have to be A, A means B, and only person X has a right ask a court for B. The trick justices use to overwrite a new Constitution in the details of this cookbook that courts actually use, is to replace written laws with "interests", and then say things like the only interests are public ones or concrete physical ones, only the executive branch can enforce interests, and so on.

An "interest" is simply something a judge believes is popular. It is just a word trick, to switch from written rights to politically popular things. Just because a bunch of people perceive a popular interest exists, doesn't mean that Congress or any legislator ever wrote a law protecting that interest. But the Supreme Court has become a representative legislative body even more populist than the House of Representatives. The Supreme Court represents popular things that no legislator would write into law, by standing up for the will of the crowd represented in "interests". In other words, Fidel Castro.

To understand what an "interest" is, consider the one used in Trump v. Anderson "a uniquely important national interest". This was not written or voted on by any legislator, rather the right of states to choose their own electors is written clearly in the Constitution (with a psychic interest in "finality" of knowing who is on their ballot). In Texas v. Pennsylvania when it was unpopular to overturn the election, the Supreme Court said Texas and other states had no "cognizable" interest in how Pennsylvania chose their electors. If Trump had chosen not to intervene, no member of the executive branch would have represented this national "interest". Trump did not raise any personal liberty interest, like the right of association. And the Supreme Court could have invented that of course New York could have kept Confederate generals off their Presidential ballot. But because having Trump on the ballot was nationally popular, the Supreme Court said the federal government had an "interest" in who is on Colorado's ballot.

And so the written and traditional Article II power to keep scofflaws of their ballot had been removed from the states and had to be granted back.

By "uniquely", they mean it is not written in law or a traditional liberty interest, rather it is something judges invented to replace written law, based on their psychic connection with the people. Certainly we all agree that what we feel is important is what is important. But sometimes as we will see in Lujan, what we see as rights are not important, only the executive branch knows what is important, reducing rights to things the executive branch wants. Unlike actual rights, the "interests" primarily accepted by justices are "public" ones, and the party with standing to enforce them is usually the executive branch. (One might wonder if instead of acting as intervenor Trump had come the next day as petitioner, if Colorado removing Trump could have been called the important interest actually written somewhere, of not having insurrectionists. If Colorado initiates as accuser, they must be interpreting written federal law in error, because of the unwritten interest. But if Trump initiates as accuser, will he be confined to asserting personal liberty interests against states rights or the written national interest of not having insurrectionists, or can he ask the court to invent a national interest against these? Do courts give parties what they want because of who they are, meaning who is asking is what makes it an interest, where anything the executive branch wants is by definition an interest?)

When talking about "states rights" in criminal justice, justices like Scalia are very generous with "psychic" interests of the community (against federal law), in things like "justice" and "finality" in criminal judgments (*"victims of crime move forward knowing the moral judgment will be carried out. Unsettling these expectations inflicts a profound injury to the powerful and legitimate interest in punishing the guilty" Calderon v. Thompson, 523 U.S. 538, 539 (1998)*). No taxpayer suffers a direct "wallet injury" when a murderer escapes justice. The purely "psychic" nature of such interests as interpreted by courts, is illustrated by the value courts place on using jailhouse confession witnesses to convict innocent people whom the public has been told are guilty, while letting the actually guilty remain undiscovered. Having murderers on the street is of no real cost to the individual, as long as the public is blissfully unaware, whereas locking up the innocent is very valuable to psychic interests like "finality".

But when the government is spending money to cultivate Christian schools, the injury to the individual citizen plaintiff is dismissed for being merely "psychic" (*"Psychic Injury, on the other hand, has nothing to do with the plaintiff's tax liability. Instead, the injury consists of the taxpayer's mental displeasure that money extracted from him is being spent in an unlawful manner. This shift in focus eliminates traceability and redressability problems." Hein v. Freedom from Religion Foundation, Inc., No. 06-157, 2 (2007)*). Religion is the genetic code communities use to survive. Financing competing religions creates as real an injury as dropping coyotes into the range of cougars to compete with them for food. The justices might have perceived a more concrete injury if the government financed mosques, which then tried to recruit their children and preached that their society should be destroyed.

Doesn't matter if the Constitution has been interpreted as saying the government can't finance a religion. The violation only becomes real if the majority of the collective decides they don't like it. It's not what's written in the law that matters, its the dominant social consensus that matters. So the Supreme Court makes a "prudential" decision not to spend their time protecting written rights, but to worry about what is politically popular. So people show up in court claiming to have standing as an individual, and the Supreme Court then uses their case as an occasion to do something popular. (As we will see, this is often just granting for once the rights already protected in law, rather than saying "if the legislature really doesn't want the 10 Commandments posted, they can pass yet another law to stop it since we ignored the first one they passed".)

"Offended observer standing" implies that federal courts perceive the role and effect of religion in society, is limited to either offending or pleasing people who witness the religion's existence. Justices honestly believe spreading religion has no role in or effect on society, or on members of competing religions. One wonders if states could not find a legally cheaper way to offend or please people than posting the 10 Commandments, given that state legal arguments accept that offending or pleasing people is the only effect of religion. Unlike a political advertisement which has a real effect and can be regulated, a religious display is merely abstract art which you

like or don't. So in other words the government can establish a religion but not promote a political party, because promoting a religion has no real or uniquely religious effect beyond psychic pain and pleasure to third parties.

Actual injuries to an individual can be reduced to "psychic" preferences if they are unpopular, which preferences are then unpopular for only being preferred by one person. Whereas popular psychic preferences, such as to have Trump on the ballot, are called an "interest" and then treated as a law. The Supreme Court often overcomes their inventions not being written anywhere, by saying this is what people did back in tribal times, meaning unwritten common law. And they say the collective, and the powerful, never explicitly gave up their right to do whatever they want, and so they still have it.

Replacing rights with what is popular by saying individual rights are merely "psychic", is harder to do when someone has all his money taken away or a gash cut in his side. So these special rights which are harder to overwrite with political popularity, are called "concrete and particular" or "wallet injuries". "Psychic" could perhaps be defined as witnessed without immediately or directly affecting your body or wallet, but we will see there is no such consistent logic for creating these things that are not written in the Constitution, it is just what is politically convenient.

There is nothing in the Constitution that says the only violations of the rights or interests of individuals which can be detected by courts are "wallet injuries", or some classification of things justices have discretion to call "direct", with the rest being outside the jurisdiction of courts and instead enforced by voters through their influence on the discretion of elected executives. On the other side, there is nothing to stop the Constitution being amended to cure psychic injuries to the public to enable the Supreme Court to consider these injuries. Voters and legislators could stop Colorado removing Trump from their ballot and making other states unhappy, using "political surveillance" (United States v. Richardson) in the absence of a written right or liberty interest to weigh against Colorado's Article II "core power" (Shinn v. Ramirez) to remove him. But instead of enforcing written rights and letting the legislators amend

unpopular parts of the Constitution, the Supreme Court enforces popular perceptions of values by pretending popular "interests" serve as laws. And only becomes self-aware that this is what they are doing in abortion cases.

The government violating your Fourth Amendment rights has also been dismissed, like attacking your religion, as a minimal matter of fleeting "mental angst" without real costs or injuries. Justices remake the right of people "to be secure in their papers and effects" as "privacy and dignity" (Hudson v. Michigan), with which words they define down the right, and create ambiguity and discretion to say what qualifies as an injury to it or not. The injury from a police search without real reason to believe there is a crime, is portrayed as the momentary unpleasantness of having cops in your house (*"The wrong condemned is the unjustified governmental invasion of these areas of an individual's life. That wrong... is fully accomplished by the original search without probable cause. ” United States v. Calandra, 414 U.S. 338, 354 (1974), "the use of fruits of a past unlawful search or seizure works no new Fourth Amendment wrong.” United States v. Leon, 468 U.S. 897, (1984)*).

This ignores that the real injuries from privacy violations, is that the privacy violation can be used to create some other undesired consequence. The harm of a privacy violation is not that people are in your house or your computer. It's that they use the information or opportunity to harm you and take advantage of you. A person who sees a draft Supreme Court opinion doesn't make justices unhappy by looking at it, but by sharing it on the Internet days later. Cops can find out you were not home on Friday night, and use that to falsely accuse you of a murder that happened Friday night. Cops can find a common knife in your kitchen, and tell a judge it matches the knife used in a murder. The judge can then say "I find this man guilty, therefore despite the reasons for the search being faked by government, the jury must be allowed to see the knife to make sure they reach this same correct conclusion."

So when cops get information and use it to get an advantage and harm or accuse you, often falsely and certainly before it has been determined whether you are guilty, that is a real cost to you that is called "psychic" or an offense to "dignity". And it is a psychic benefit to the public

which is called real, where only one of these two is worthy of a court's protection. This is just a trick to portray what the 51% majority wants as legitimate, whereas what the individual wants is not legitimate. The way they contrive this is by saying psychic injuries to the collective are real, whereas real injuries to the individual are merely psychic. The emotional and impulsive interest of the majority in cops being able to lie and do whatever they want to harm and find angles to take advantage of unpopular people is real and virtuous, and overrides the merely psychic injury of an individual victimized by state action in an illegal search.

The Fourth Amendment does not protect your "dignity" (Herring's gun was his "effects" not his "dignity" in Herring v. United States). And the Fourth Amendment does not call for federal courts to theorize about whether local voters generally protect rights through "political surveillance" so that federal courts don't need to (Hudson v Michigan). It calls for judges to act as a finder of fact of probable cause in individual case circumstances (which is what the Fourth Amendment creates a hearing and jurisdiction for courts to do). But the actual written right is minimized to a psychic interest, and handing the regulation of police action and protection of your rights over to the local collective regulating the executive branch through politics is interpreted to be what is actually in the text of the Fourth Amendment ("extant factors" Hudson v. Michigan).

"Privacy and dignity" (Hudson v. Michigan) are measures of whether the collective witnesses your secrets and perceives you as respectable, not of whether cops have taken your property ("effects"). It's like there is no physical reality for judges only social consensus which makes psychic interests real. When one person doesn't like something that is merely "psychic", where a whole lot of people disliking it (or at least perceiving it) would be required to make it real. So the violation of your Fourth Amendment rights is the public perception of your dignity or your secrets, not cops taking your effects. Antonin Scalia thinks Fourth Amendment rights have to do with whether the social consensus worships him or perceives him as Jabba the Hutt after seeing him naked, and then has the arrogance to point out that the right to abortion is not written anywhere.

Federal courts have said that defamation, such as falsely portraying someone as a criminal without any witness or non-negligent process as due to establish it is true, is an injury in state courts, but not itself an injury to "liberty interests" protected against state action in federal courts. Not unless the defamation results in a real injury to a liberty interest (the "stigma plus" standard in Paul v. Davis). So the very real costs to the individual of being harmed by being defamed, are considered psychic when the same harm is done by the State with popular voter support, rather than done by an individual. (The "dignity" liberty interest which is eagerly accepted in Hudson v. Michigan as a substitute for being secure against police using your papers, is no longer recognized as a liberty interest when it is not useful to overwrite and erase actual rights.) Whereas state actors being immunized to lie to voters about private citizens and their own state activity, is seen as having a real benefit and a wallet benefit to the community.

Costs and injuries to the community are very easy for courts to imagine and recognize and calculate and weigh against an individual's psychic interests, when individuals are suing the executive branch (e.g. the "public interest" in Imbler of a prosecutor being fearless to lie). But the costs to individuals are very hard for courts to recognize and calculate, when individuals are run over. In this manner violations of your Constitutional rights are minimized to your own capricious tastes and dismissed. That is promoting totalitarian Marxism in federal law.

In Lujan, Scalia shifts from written rights to political perceptions or social consensus, by replacing the word "Laws" in the Constitution, with "the public interest" as what the executive branch pursues (*"Vindicating the public interest is the function of the Congress and the Chief Executive. To allow that interest to be converted into an individual right by a statute denominating it as such and permitting all citizens to sue, regardless of whether they suffered any concrete injury, would authorize Congress to transfer from the President to the courts the Chief Executive's most important constitutional duty, to 'take Care that the Laws be faithfully executed,' Art. II, § 3" (Lujan v. Defs. of Wildlife, 504 U.S. 555, 556 (1992)*).

Scalia's whole argument boils down to individual environmental rights don't exist and injuries to them are not real harms. But he doesn't cite the Constitution to say this, he simply invents

that such harms are not "concrete". Congress, under political surveillance, has said the harms are concrete. We will see later, this is a common pattern where legislatures create popular rights, and the executive branch gets courts to erase those rights in unpopular actual cases. But for lack of any real law to say the harms are not concrete, Scalia just said "executive branch".

Scalia presented some gobbledygook that is only accepted as brilliant because it is used to say the executive branch can do what is popular. He said something like laws are public interests, and therefore individuals cannot ask courts to enforce laws because an individual does not represent the public interest. Because the Constitution has not made individuals elected public officers. Or because when laws are public interests, injuries to legal rights are by definition injuries to the public, not legal rights of the individual. So the only legal rights which exist are public interests enforced by the executive branch. Or something like that, where the sophistry of saying individuals are excluded from suing for their rights because of separation of powers, is only accepted out of political popularity.

What Scalia might have said is environmental rights are not real individual rights, or environmental rights have to be written in the Constitution. These are not rights they are majority preferences. They were never passed by a super-majority nor selected by tradition. Scalia might have said this is different from the rights enforcement created in the Ku Klux Klan Act in some way. (Scalia had a problem in that he had already erased all real rights by calling them interests, so pointing out these new rights really were just interests, had lost its bang.)

What Scalia actually said or is interpreted as saying, is that individuals can't sue for their rights or to make the government follow the law. Not limited to environmental things, and which might include the supposedly "psychic" injuries such as religious, of multiple individuals injured by the executive branch. Probably because Scalia had difficulty making the argument these were not real harms to individuals. He really believed it is the job of public officials to build a park or protect collective land, but could not find that written in the Constitution or clearly articulate why.

This makes one wonder who the intervenor could be, if instead of the Supreme Court inventing the "national interest" of Trump being on the Colorado ballot, the legislature had actually written that there was such a national interest. Would that then have denied Trump the standing to respond as intervenor, or denied Trump as citizen a venue to create a federal law case somehow?

Harming the environment is different from, for example, a law being passed to spend money building a state park, and the executive branch neglects to do it. Because having the park is created differently by the legislature as the will of the majority, not the right of any minority. Such a law is a way for the majority to decide how to spend their money and express their political will, not a way for courts to restrain and check the action of the executive branch against minorities, in defiance of the expressed political will of the majority.

Assume Congress created both a majority interest in the environment enforced by the executive branch, and a minority right in the environment enforced by individuals. This is not something like spending money on a new state park, which is only an interest to the extent it is a majority interest. There is no right of a minority on the other side, of the expressed will of the majority whether to build a state park or not build it. There is nothing that says political surveillance can't be used to create such minority rights. And once the legislature takes that step to create unpopular court outcomes (and assuming they can), it is handed off to no longer be a matter for the executive branch or political surveillance, but individual rights. Between political surveillance and court enforcement, unpopular court outcomes can only be achieved by court enforcement.

Harming the environment is different from building a park, it is destroying collective property. Property which Congress had determined that individuals somehow had a property right to. Transferring a property right in public property is different from making a collective decision to build a park on public property. They transferred the right to individuals. Congress created a private property right, in effect to create distributed private decision makers, who are presumably better prepared to discover and articulate their own injuries. This is another way of

discovering values and preferences other than majority vote. But Scalia doesn't contemplate distributed decision-making, rather than government central planning, to discover costs and preferences.

(In a democracy the executive branch will not, and by definition cannot survive trying to, protect minority interests. Those interests would first have to be made politically popular, before the executive branch could protect them. The collective has a crude attention span. It's unlikely the public would be aware of some little lagoon somewhere, that a public official lets his friend build a factory on and pollute. But nor can private citizens who become aware of local damage to public property, raise awareness politically. Because there could be a thousand web pages, all claiming that each one of their thousand local lagoons has been polluted, most of them lying in a political hustle. Each voter cannot go through the whole list and visit each lagoon to research it. So there has to be a distributed decision maker, to discover in which case there really is a government official letting his business friend pollute the lagoon. If we want someone to produce information to be balanced against the benefit to consumers of the factory's product.

The difference between a minority right, and a property right, is a person with a property right is presumed to add unique information from his vantage point. So we delegate decisions to him. Whereas a minority right is simply a right that is not asserted by the executive branch. Every landlord who sues a contractor that cheated him, enforces the law on behalf of tenants. The collective assigns and delegates decision making, where there is no law that says Congress can't cultivate various kinds of decision makers. There is nothing in the Constitution that says a harm to a minority value cannot be protected against politics and corruption by making it a judiciable injury to a private party.)

A defining characteristic of "interests" is they are not understood to have two different locations. They are merely weighed against each other. So it's like if one collective had two interests, one that we use our gas to drive to the beach, the other that we save our gas for an emergency. So we take a vote whether to go to the beach. In this manner private rights are

turned to universally-perceived interests. Whereas if there are two different locations, then you have one interest that is 100% known and important at one location which is a right, and a competing interest which is 100% important at another location which either is or is not a right. Two people have an interest to drink the beer in my fridge, only one person has a right to it. Rights create distributed decision making, not votes.

But Scalia doesn't understand property rights and distributed decision making. Scalia understands psychic interests, discovered by crowd psychology, and wallet injuries. So in Scalia's world there's First Amendment rights, there's wallet injuries, and then there's interests. And all that other stuff is non-existent except when popular. But in Lujan he can't figure out a way to say the harms are only psychic, his usual trick of making rights vanish to give power to the executive branch. So he goes straight to saying only the executive branch can enforce interests, according to the Constitution. It's not that the harms don't exist so the executive branch can proceed like in other cases. It's that only the executive branch can protect you from these harms. One way or another, Scalia just says "executive branch".

Scalia became a little puffed up by the fan club he got after defending President Reagan's supreme power in Morrison v. Olsen, when he said only the executive branch can enforce the law (as opposed to Congress or the Supreme Court - "The executive Power shall be vested in a President of the United States"). Scalia was like wow, any time I say the executive branch can do whatever they want, I am worshipped as a hero by all these KKK people! An Italian-American even! So he said hey, how about I try just saying the same thing again in Lujan, that private parties accusing people of crimes with petitions initiating civil court actions violates the separation of powers. And big surprise, his fan club cheered Scalia saying the executive branch can run over your rights.

Rights are in the Constitution to protect them from the executive branch supervised by the political will of the majority. Rights are designed to only need a small minority of people to support them, to prevent them from being repealed with amendment. Scalia argues that the only laws which should be enforced, are popular ones that elected executives want to enforce,

effectively repealing rights. In any case it seemingly cannot be the job of the executive branch to enforce the separation of powers itself, to enforce laws within the separation of powers, but not the separation of powers itself. That's the job for courts using orders and injunctions, initiated sua sponte or by accusers other than the executive branch, and irresistible by the executive branch.

The public interest is brought to courts through competing channels, including a) rights which may only be supported by a minority large enough to prevent amendments to repeal them (and by individuals who assert those rights as parties), b) present and past legislative majorities who argue in court using written law, and c) the executive branch which argues for case outcomes based on the will of the 51% majority. Some sort of public interests are presumably represented by the rights in the Bill of Rights, which require a super-majority to create or overturn. But the executive branch of every state asks to violate and is stopped by courts from violating these criminal process rights every day. You would think after reading Scalia, that the only person who ever files anything in court is the executive branch, and only to report to courts what voters want.

The executive branch does whatever voters want done, and is only constrained to executing the actual laws by courts, through the separation of powers. Article II saying "he shall take Care that the Laws be faithfully executed" does not limit this function to the executive branch, much less eliminate the role of courts. This line in Article II does not really do much of anything relevant to the standing of individuals to ask courts to make executives follow the law faithfully, the plain text is silent on individual standing. It is certainly the responsibility of individuals to ask courts to enforce the law upon the executive branch when individuals are being held without evidence of a crime. It is only by translating "Laws" to "public interests", that Scalia then makes the inane argument that an individual does not represent public interests, when what an individual is asking for is his rights, which protect some interest against political currents.

Justices created an entirely new scheme of rights and law that is only tenuously connected to

the original rights written in the Constitution, and did not need the Constitution at its foundation for the justices to logically construct it. The Constitution plays a role more like simply inspiring debate, like "stone soup". And big surprise, the logical construction of a bunch of academics lacks the life experience and legislative wisdom of those who wrote the Constitution, and strips away and conflicts with its basic principles.

Based on being totally blind to the real world and what rights actually protect, Justices like Scalia make spurious and circular arguments replacing rights with "interests". Where you can only obtain legal protection for "legally protected interests", and even then the rights violations have to be "concrete" where some rights violations are not concrete (*"concrete and particularized, actual or imminent invasion of a legally protected interest" Lujan v. Defs. of Wildlife, 504 U.S. 555, (1992)*). This overlay reinterprets what courts protect to something other than written rights. That something is generally the political will of the majority, the opposite of rights.

Courts launder political decisions by portraying it as courts only have jurisdiction to address real injuries, rather than saying courts do whatever is politically convenient. They then use the intermediate step of saying things are real or not depending on whether they are politically popular or done by the executive branch. And then say Article III only gives us jurisdiction to remedy these real injuries, forgetting for the moment that we have combined this with the step of defining real as politically popular. This is a common trick of using a two-step process, where the State uses two steps to evade the regulation of state actions that are more obviously forbidden when done in one step. Courts can't simply do what is politically popular. So they camouflage it with this intermediate classification layer calling rights "psychic" versus "legitimate" or "historical" interests. Or whatever word they use as a substitute for "politically popular". Which sophistry is quickly swallowed because it is politically popular.

II. DISTRIBUTED DECISION MAKING

Laws in court, and the price system in commerce, convey the costs and benefits to different

people of actions other people take as incentives, more completely than the perceptions of the majority in the town square do. Justices prefer collective methods for discovering facts and values because they are not educated about and do not understand distributed decision making and how it separates us from and advances away from historical forms of society. The only decision mechanism they accept is social consensus (they don't think about property rights as delegating decision makers, only as creating wallet injuries). Collective decisions utilize less information, and are more likely to be wrong and therefore less virtuous than individual decisions.

The justices have gotten this wrong based on the common human error of assuming information is more perfect than it is. They ignore information costs to assume or imagine everyone has the same information, to then imagine things like that a single central planner can match resources to values based on discovered consensus. Such justices even seem to believe that the values perceived and decisions made by the collective are more virtuous than the values and decisions of the individual, and that the human impulses of the crowd are somehow more virtuous than the laws and institutions used to constrain and mitigate and improve upon those impulses. As a result, justices like Antonin Scalia have conserved Marxism rather than individual rights in federal case law at the expense of our nation.***

Democracy is shortsighted, by being able to make decisions that benefit 51% of people at the expense of 49%. In an extreme oversimplified example, consider 10 people vote 6 to 4, for the 6 to eat the 4. The 6 then vote 4 to 2 to eat the 2, and so on. This is shortsighted, because all 10 will be better off if all 10 engage in farming and ranching rather than eating each other. The people who are eaten are perceived as a cost or injury using distributed decision making, but perceived as a benefit using collective decision making. So civilizations that have rights which prevent people from eating each other, and instead use them to process information and make decisions that benefit each other, will displace civilizations that don't in a Darwinian process.

If the human mind is created for the environment in which people originally existed, where like animals their survival depended on land resources, people may have a shortsighted impulse to

cull competitors for land resources, rather than to cultivate specialization and trading partners, despite the second one being more profitable in the long run. People may be inclined to perceive a greater benefit from harming others and reducing population, rather than perceive the actual benefit where individual wealth increases with population, in a capitalist rather than hunter-gatherer society. Because of such destructive inclinations, the collective decision is not guaranteed to be good for the community (unless you incorrectly imagine like Supreme Court justices that people are rational and informed and virtuous).

Put another way, social consensus is not a complete perception of benefits and injuries. It does not perceive costs and benefits to individuals as exhaustively as capitalism and the price system do. The price system is the way that these values are transmitted to strangers who then perceive them as benefits and injuries. Social consensus does not perceive the value of individual rights, or the economic value to the community of individual rights, to create the massive productive efficiency of distributed decision makers. Justices emphasizing social consensus as a way of perceiving values and injuries, is inherently Marxist and promotes primitive conflict in society rather than prosperity. A society which protects individual rights against such social perceptions of values has a survival advantage, rather than gravitating to self-destructive conflict.

The only point is to say that to the extent the community is a single perceiving mind, which perceives costs and benefits when it chooses laws by simple majority, those perceptions can be imperfect or shortsighted. This has been mitigated by requiring various supermajorities and unanimous decisions to attack individuals. And by trying to exclude the will of the simple majority using rights and juries which are insulated against political currents. Society has advanced by combining these decision processes in some imperfect mix that is too complicated to dig into here, at the psychic expense of taking away power over property and rights from the dominant social consensus of the collective.

Suppose 10% of the time cops kick in someone's door, it is accidentally the wrong person. The 90% of the time they kick in the right door, it creates a benefit to the community of size C. Each instance creates a cost to an individual criminal I, but that cost is implicitly assumed by

law to create a greater or equal benefit to the community of B. The sum of the profit on all these transactions of harming criminals is C, Sum(B-I) = C, the benefit to the community of police activity. So the cost to the individual criminal, I, and the benefit B, are included in C. The collective perceives that criminals create a cost to the community and kicking in their doors creates a benefit.

But the 10% of the time cops accidentally kick in the wrong door, there is a cost to that individual I, but no benefit B, so there is a loss of size I. That loss is suffered by an individual who is a member of the community. So the community takes a loss kicking in the wrong person's door. But because that loss is suffered by an individual rather than spread around to the whole community, that loss will be underperceived in a democracy. So the individual is supposed to be able to sue to transmit this loss to the whole community, so it will be correctly perceived and weighed in the decision of how recklessly to kick in doors. (Kicking in innocent people's doors will negatively impact the survival of a society in the long run, whether or not these costs are ever consciously perceived.)

If the individual is a member of the community, then the injury to the community from illegal searches is the sum of I, the injuries to individuals from illegal searches. Any civil court process which somehow calculates that injury and transmits the entire cost the community to be perceived when deciding what laws to pass and what cops should do, would seem to promote rational decision making. But judges say that the community considering the cost to individual members of the community, would lead to irrational decisions. Judges assume the benefit of catching criminals is rational to imagine and weigh, but the cost to individuals harmed in illegal searches is somehow irrational to weigh. Or would be weighed too much if transmitted as an immediate wallet cost, rather than an immediate psychic perception (depending whether you like or dislike some rando getting his door kicked in).

Federal judges would say that kicking in doors is profitable to the community, even when we kick in the wrong person's door 10% of the time. Meaning Sum(B-I) for the 90% of the time we kick in the right door, minus Sum(I) for the 10% of the time we kick in the wrong door, is

profitable. Particularly when democracy overweighs the benefits of kicking in strangers' doors, and underweighs the cost to individuals of having their doors kicked in (and underweighs longer-term costs to the community).

Rights and lawsuits are supposed to fix this distorted perception, and improve the weighing of costs and benefits to find what is most profitable by doing what the price system does: Transmitting costs and benefits to people you never heard of, to be perceived by the larger society. Whereas judges think that social processes and the imagination of judges discover what is most profitable. So judges think immunity is the necessary fix to insert, to optimize the balance of how costs and benefits are perceived, using a decision process that reverts to primitive society (which has a "psychic" benefit because people like communism).

But suppose by kicking in 10% fewer doors with more hesitance by police and courts, we lost some Sum(B-I) = A from criminals who got away, but gained more in sum(I) = B from innocent people who are no longer harmed. If B is greater than A, that is a profitable adjustment. We are kicking in doors beyond the point of diminishing marginal returns, and can profit by kicking in fewer doors. But whether the decision to kick in fewer people's doors would be perceived as profitable by the collective, depends on whether the collective perceives only the psychic costs (and joys) of kicking in strangers' doors, or has the full actual costs to those individuals transmitted to the collective wallet (which still does not mean individual members of the collective notice or care, often years later).

Federal judges say the optimal level of door-kicking-in happens when we use the psychic costs perceived by the collective of kicking in the doors of innocent strangers, rather than transmit the real costs to those individuals to the collective as "wallet injuries" (which individual cost is also a long-term cost to the community in a capitalist rather than hunter-gatherer society). Federal judges say considering the costs to individuals and minorities when we decide how many doors to kick in, would somehow harm the community. Federal judges say the optimal level of door-kicking can only be discovered, when we ignore costs to the individual and community as psychic, and only include psychic benefits perceived by the community of

kicking in people's doors as real. This results in a less optimized level of door-kicking, which is what Marxism always does and why overwriting federal law based on it is bad.

Calling both monarch immunity and majority immunity "sovereign immunity", to erase the differences between monarchs and elected executive-branch actors in a democracy, is a trick to argue the historical power of tribal monarchs means the crowd or 51% majority has a legal right to do whatever they want. Or should have such a right, because collective decisions and the information process used to make them are virtuous. The immunity of monarchs was never the product of legislative wisdom but emerged from the field of battle. Monarch immunity existing in primitive agricultural societies does not mean "sovereign immunity" is useful in industrial trading societies. A Constitution designed to use rights, to progress civilization to distributed decision making, by insulating rights against central planning, is overwritten by Supreme Court justices with an invention that the crowd has the traditional rights of a tribal king.

In summary, federal judges say the optimal level of door kicking in is discovered by the religions and culture, the myths and lies and crowd psychology, of the community. The optimal level is stored in their minds and habits, rather than in their laws and institutions, and therefore discovered in their impulses rather than in courts (*"Nor can a handful of federal judges begin to match the collective wisdom the American people possess" City of Grants Pass v. Johnson, 144 S. Ct. 2202, 2226 (2024)*). Rights have no role in recording or transmitting or perceiving costs and benefits to discover this optimal level. And a more rigid system of rights externally imposed on these organic impulses, to improve human action and increase prosperity, is unvirtuous and illegal.

Courts dislike law itself, and their role, because they are communists. Their job is much easier when they veer downhill, using a few word games to say the politically popular thing and social consensus is legal, and is what the Constitution really calls for (and if we reincarnate the primitive tribal societies from which have advanced as "common law").

III. USING STANDING TO LEGISLATE

There is nothing more clearly written in the Constitution than the jurisdiction of federal courts over due process, and of states over how they pick their electors. But when an individual criminal defendant sues in federal court for due process, justices cite all kinds of unwritten psychic interests of states in criminal justice which override individual rights and federal jurisdiction. Then when Trump intervened over how Colorado picked their electors without raising any individual "liberty interest" of his own that had been violated by it, the Supreme Court said they had jurisdiction to give Trump what he wanted based on the standing of and injury to "a uniquely important national interest" (*Trump v. Anderson, 144 S. Ct. 662, 670 (2024)*). But when Texas sued over how Pennsylvania chose their electors resulting in the clear injury of Biden winning the election, the Supreme Court said "Texas has not demonstrated a judicially cognizable interest in the manner in which another State conducts its elections" (*Texas v. Pennsylvania, US Supreme Court 220155*). Supreme Court decisions are dictated by political popularity, unaffected by changing the plaintiff-accuser or written law.

The Supreme Court added "as applied to petitioners" in the question presented for Tiktok v. Garland. They certainly did not do that for Trump. The Supreme Court acts sua sponte as a legislative body, under color of such party disputes. They don't answer clearly articulated narrow abstract questions of law that could be applied to unknown cases. They often are not even acting sua sponte like a legislative body, but more like an executive using his discretion to divine the will of the people in the immediate matter. And most cases when nobody is looking, they throw away with some garbage unpublished opinion written by an intern.

For TikTok they didn't ask 1) is a federal law narrowly tailored to foreign ownership of a business, where this requires assuming an enterprise can be separated from its owners, and 2) if the effect of a law on ownership is to silence some people who speak through the business, is that specific to the viewpoint of the people silenced or viewpoint the customers lean towards (such as the viewpoint of dissidents or "the little guy")? For Trump they didn't ask 1) do federal courts have jurisdiction to examine how states choose electors when it is not framed as equal

protection or First Amendment and when they are enforcing state but not federal law, and 2) when the federal government creates a new legal interest in a certain activity such as insurrection or whether undesirables are on a state's ballot, does that exclude states from taking an interest in the same activity until Congress grants power back to them?

The Supreme Court instead asks what's the politically popular outcome, narrowly tailored for these specific cases. The ambiguity these decisions create as to how they can be applied to other cases which they are not meant to be, then creates discretion for district courts to find in these decisions, the politically convenient outcomes they need in their own cases.

Justices say the government promoting a religion, or a President serving three terms, does not directly harm you, but harms everyone equally, and so the costs to you the individual are merely psychic. The psychic costs of these violations of the Constitution only become real when the state or collective sues to stop these wrongs. Then when an individual Trump intervened, the Supreme Court gave him what he wanted based on standing and injury not pursuant to an individual liberty interest, but a national interest. The US Attorney General did not intervene or petition against Colorado, Trump did. The Supreme Court said there was no federal law, but then interpreted Colorado's Article II power's as used pursuant to federal law. They then said federal law was interpreted incorrectly, in part because of an interest that was never written in any law in the history of the country and was rejected in Texas v. Pennsylvania.

Booker Hudson asked Scalia to create a deterrent which would protect every citizen from illegal searches. And in his opinion Scalia said the Supreme Court could create such deterrent to protect everyone, on the occasion of Booker Hudson asking for it. Scalia then chose not to do it.

The Supreme Court has no problem with whether injuries are psychic or actual or traceable by which problem they are constrained, and will quickly manufacture standing and jurisdiction, to do something politically popular. If something is politically popular, justices manufacture an interest, standing, and federal jurisdiction, then find some principle according to which they

can protect that interest. Once it is accepted an injury is real (which they invent on the spot), all injuries are protected by some legal principle, standing to seek it, and jurisdiction to enforce it.

IV. THE MYTHICAL VIRTUE OF THE CROWD AS KNOWLEDGE INSTITUTION

One of the only areas where judges have given individuals standing to seek relief in court for injuries suffered by other members of the community, and not dismissed the injury as merely psychic to the plaintiff and saying only Congress has jurisdiction to redress it, is First Amendment cases. Judges perceive members of the community not being able to talk to each other, as more important than the other interests the Constitution protects, which other injuries are merely "psychic" when an individual rather than the State complains about them. This fits in with judges only understanding collective decision making. Speech is how the collective mind makes its decisions, and it is how judges interact with each other. Therefore injuries to speech are seen as real, not merely the mental anguish of an individual bringing a lawsuit. Protecting speech from government interference is seen as important because it is the government dictating the public perception, rather than the public perception dictating the government.

There are two very different paradigms along the spectrum of standing burden, "political surveillance" where injuries that affect a lot of people are imagined to be solved in the political process, and "relaxed" for First Amendment violations where people can complain of injuries to others (*"the subject matter is committed to the surveillance of Congress, and ultimately to the political process." United States v. Richardson, 418 U.S. 166, 179 (1974) , "the mere existence of an allegedly vague or overbroad [law] can be sufficient injury to support standing" Speech First, Inc. v. Fenves, 979 F.3d 319, 336 (5th Cir. 2020)*). Political speech is politically popular, or at least those who advocate for it make themselves heard, so it is considered a real injury and given standing.

Not speaking doesn't actually hurt you any more than speaking a religion hurts someone who hears you, according to the logic of justices. The injury from not being able to shout on the

corner is not "concrete". No doctor or banker could examine you the next day to tell whether you spoke or not. And your political candidate cannot be proven to have lost the election thus costing you money, because you didn't get to shout his name on the corner. Justices would say the pleasure or displeasure from speaking or not, is purely "psychic" until you can prove a particular flesh injury or wallet harm. That is what they would say logically, if their logic was not fake sophistry to promote the will of the collective.

Justices say speaking has a real benefit to you which is not psychic or moving your lips, without needing to prove anyone paid attention. But the cost to you of the government posting the 10 commandments where the person you are speaking to can see it but you can't, is zero. If I say "become Muslim" to someone, and the government says "become Christian" to that same person when I can't hear, only one creates a non-psychic cost or benefit to me. It is inconceivable, how the cost of violating my First Amendment rights by stopping me speaking on one side or establishing a religion on the other side, could be calculated as certainly different or less concrete.

If you want to say the difference is speech restrictions affect your use of your own body, suppose the government just shuts down your Internet. Then you can shout all you want, and whether anyone hears you because they cut off your internet, is a psychic injury, meaning something you witnessed rather than something which touches your body. The effect of whether anyone on Twitter sees your "vote Biden" Tweet, is certainly less measurable or imminent than the effect of whether the executive branch is regulated by separation of powers, or is allowed to lie to juries to fix case outcomes to lock up innocent people you never met. The "concrete" cost to you of not posting "vote Biden" on Twitter because your Internet goes out for five minutes, is less measurable than the fraction of a cent you spend as a taxpayer to do something you don't like.

Being tried by a judge versus a jury doesn't directly affect your body or constrain your action. It does indirectly by whether you go to prison or not. But it's very hard for you to say it's traceable that the reason you were found guilty was because it was a judge rather than a jury,

rather than that the choice of judge or jury was indifferent to whether you were found guilty. It's not the case that the judge lying to the jury injures you, because you hear it and suffer a psychic displeasure from hearing it. So that if the judge did it behind closed doors where you didn't hear it, then the injury wouldn't exist. So this scale of whether rights are real depending on whether they touch your body or harm your wallet does not really explain rights like the right to a jury trial, and can't really be what is going on.

If you want to say speech is your own action which is restricted, then who can measure whether the actions you force on others of trying you by judge rather than jury have created a measurable impact to you? You don't know that the jury wouldn't have convicted you the same as the judge either way. A jury is other people talking about you and making a decision, you would seem to not have an interest to demand they do it one way or another, if you cannot prove the method of decision directly affected you. But being tried by a judge rather than a jury trial is (presumably) curable by a petition to have a jury trial, even if you cannot prove the outcome would be different.

There is nothing to protect or explain the right to a jury trial, in the primitive logic of "concrete and particularized" harms to "interests". Jury trials and the right to bear arms are treated as interests (such as when judges decide what the jury can hear either by what testimony is allowed, or whether a process violation justifies a new jury trial). And speech seems to be treated like a right only because it is considered a very important interest. We cannot find explanations for these differences in rights interpretations in history, any more than we can explain the differences using law or the logic presented. The only way we can explain these difference in rights interpretations, is by applying the logic that justices like Scalia value the collective will enacted by the executive branch, and don't perceive much real value for other rights.

Judges see the benefit of speaking in a crowd as more concrete (more understandable to them) than the benefit of not having the government speak religion in that crowd. And while judges recognize your right to a jury trial, they tend to slide toward replacing the jury decision with the

decision made by the crowd. Justices protect speech because it is the manifestation of and way to measure what is popular. So rights are realigned to the pole of what is popular, rather than the pole of stopping the government harming people, or harming them in a shortsighted or irrational or destructive manner which rights improve upon.

All these rights have one thing in common. They protect you from the government harming you in ways it historically did, and are real to the extent they achieve that affect. The right to free speech is the right against government stopping you airing grievances about government harming you. The First Amendment was not because the crowd figures out great things, but because the government controlling speech does bad things. This improves decision making in society to increase prosperity, by using distributed decision making rather than a collective or monarch deciding things. But the key to distributed decision making, and how it appears at the moment it happens, is it stops the executive branch from deciding who to harm. But judges begin by assuming the executive branch enacting the whim of the crowd is virtuous. They are then forced to try to find an interest in your own joy or displeasure or something, that makes a right valid or not.

A jury rather than a judge, or a unanimous jury rather than the whim of the 51% majority or dominant social faction, stops the government harming you based on the immediate whim of the crowd rather than according to law. This is only a personal or public benefit, if you assume the crowd is evil or inclined to irrational violence against their fellow man. If you ignore that the executive branch is evil or corrupted by the whims of the majority (*"we have chosen to rely on the integrity of government agents and prosecutors not to introduce untrustworthy evidence into the system," U.S. v. Bernal-Obeso, 989 F.2d 331, 335 (9th Cir. 1993)*), then there is no need for the right to a jury trial. The executive branch can do what the crowd wants without needing the middleman of laws and courts. If you ignore that the crowd is not as good a decision maker of court outcomes as measuring fact against law, then there is no need for a jury trial.

If facts measured against law to decide who is guilty makes more beneficial decisions for society than the whim of the majority in the town square does, then having you tried by a jury

rather than by a judge or by the executive branch fixing the outcome with lies, is a public interest not a personal one. Without needing to have any injury or benefit to you as individual defendant, which injury is directly traceable or traced to having a judge versus a jury. Someone who is tried by a lynch mob is often guilty, and someone who is freed when the public demands a pardon, is worse off with a jury trial than the with public deciding. While the public might be better off using a jury, rather than deciding whom to imprison and pardon based on celebrity endorsements and misinformation. The fact that a person who is convicted by judge will then petition for his right to a jury trial, does not itself prove that strangers being tried by juries is an individual rather than a public interest. People who are found not guilty by judges will not then demand their right to a trial by jury, but that does not prove that the public didn't lose out from whatever local political convenience or corruption decided the outcome.

So the original logical rule according to which all rights could be understood to make sense, is that they protect both individuals and society from the worst tendencies of man, represented by the whims of the 51% majority enacted by the executive branch. And they create distributed decision making. Whereas the new pole based on which all rights are logically aligned is to serve the conscious political whim of the 51% majority. Plus wallet injuries. And all these intermediate steps used by judges to shift the rights, by saying they are psychic plus exceptions for wallet injuries or whatever, is all just little adjustments which sum up to this realignment, regardless of what logic is offered to explain each adjustment. Courts had not much choice but to project their own childish understanding of the world onto rights.

Nobody says courts shouldn't consider First Amendment injuries, because the injuries require multiple participants, or the injuries affect so many people with so little to each participant that they can be fixed at the ballot box, by electing a different executive or passing a law. Public speech is the thought process of the collective and tangible manifestation of their will. Whereas executive action and laws passed by Congress are only responses to or representations of this collective consciousness. Judges are sensitive to government injuring the thought process of the collective whose impulses government is supposed to respond to. Judges relax standing for the First Amendment because they like the collective decision process, not because of whatever

reason judges say is the justification for considering First Amendment cases while dismissing other rights.

V. USING PERJURY TO MOVE FACT-FINDING TO POLITICAL SPEECH

It is likely that justices see someone's right to not "be compelled in any criminal case to be a witness against himself" as a psychic injury to the individual, something like "offended observer standing". Like making your wife testify against you is aesthetically offensive. When at the same time there is a public interest in hearing what you have to say, and forcing you to say it. (*"Coerced testimony is testimony that a witness is forced by improper means to give" Fields v. Wharrie, 740 F.3d 1107, 1110 (7th Cir. 2014)*)

Having never been outside a classroom much less in chains, justices don't realize that when people in chains testify, it is the executive branch selecting testimony and therefore case outcomes. People in chains nearly always say what they think the keyholder wants them to say. Which is a cost to the public, relative to fact being measured against written law, without fact being influenced by political agendas or social consensus. It is a cost to the public, the same as government encouraging and influencing speech in the public square is a cost. Certainly they would agree that putting you in handcuffs during a political protest, would put a "chill" on your speech. But when the executive branch selects speech by having people in custody testify in criminal court, it is done in service of psychic benefit to the discovered public consensus, by having them testify to what is already the public consensus, after immunizing the government to lie to the public. Whereas the law's interest, and the innocent defendant's interest, in having people do something other than say what the executive branch wants them to say, is weighed as an unpopular and therefore distasteful individual interest.

Allowing jailhouse confession witnesses to recite popular gossip in courts, to fix the jury decision by inputting lies and achieve the politically expedient outcome, is warmly perceived by justices as like the opposite of a First Amendment violation. It allows the animal speech of the crowd in the public square to be input into the decisions of juries, and thereby into the

decisions of government. Justices are much less libertarian about speech informing the jury, when it comes to curing the bias of jurors who imagine state actors who lie would be punished and deterred, by telling the jury the true fact that state witnesses are allowed to lie and always only rewarded for it. Because that information reflects the minority interest of real injuries to a handful of defendants, whereas letting state witnesses lie reflects the dominant social beliefs of the crowd. Justices see letting defendants tell juries that state witnesses are allowed to lie, as government interfering by inserting individual rights into the will of the crowd. Judges carry on the ancient charade that hearsay produced with coercion by the executive branch might really be an honest confession, to give legal color to overwriting jury trials with Marxism.

The problem of witness reliability is then also shifted from being discovered in courts to being discovered in the town square. Where one side promotes a religion that cops are good people (who either don't lie or achieve a good outcome by lying). And certainly we believe the people we elected because we believe them. And the other side is forced to disseminate the information that cops and public officials lie without ever being penalized for it rather rewarded at the ballot box (where this achieves a bad outcome while tricking the voters, or is approved by voters to subvert courts which is a bad idea). In this manner letting the government lie in court, is simply reverting to natural processes by letting the crowd have their way with witch trials. It creates a court process which basically answers the question "Whom would people want to lock up if there were no law or rights?" Justices ultimately prefer First Amendment or crowd social processes rather than distributed court decision processes measuring fact against law, to process information, discover preferences, and decide whom to put in prison. If the wrong people are going to prison, it is ultimately subject to "political surveillance".

The utopian perception of crowd decision-making is illustrated in people's reaction when they find out that 70% of wrongful convictions in the United States overturned by surprise DNA evidence, are the result of incorrect eyewitness identifications. Their immediate reaction is not "Tell jurors that!" No, they would leave jurors clueless for not even perceiving a role for jurors, when we can solve cases by watching TV news. People's immediate reaction is to somehow stop cops encouraging witnesses to lie, as if that is possible or even the problem. As if cops are

creating misidentifications for lack of knowledge, rather than because they have an incentive to win cases or to convict the people they are suspicious of, and they know giving witnesses chances to misidentify people serves this incentive. I am sure the cop and witness are going to say "I am not really sure" to comply with the law.

The problem of wrongful convictions, does not result from the fact that people can't remember what strangers look like after seeing them for a second. It results from not giving jurors the information actually available. And instead, just telling jurors whom the crowd has decided is guilty. People think about it as if the person who reads that misidentification statistic sitting in his armchair is the one who determines guilt and what police do, and our solution is to get together with these good cops and witnesses who all want the same things, and talk about it and figure out who is really guilty, before sending it to the jury. The real problem is that naive jurors are never told the empirical unreliability of the process, revealed in the number of eyewitness misidentification convictions overturned. Rather, hiding these known facts is used as a trick to exploit naive jurors to move the decision to the executive branch and crowd. Eyewitness identifications are always going to be wrong, and that can never be fixed to where jurors should blindly accept them.

The real solution is to transmit this expert knowledge about the unreliability of eyewitness identifications, and testimony about the identification process used in the particular case, to the actual decision makers, the jurors. But that would be breaking the religious taboo against saying "cops lie". And that would be leaving the decision to use actual information to the jurors, rather than try to bring our minds together to fix the outcome by establishing who is guilty before it gets to the jurors, which is impossible and misguided to think cops would do. All you have to do is tell jurors eyewitness identifications have historically empirically been proven to be unreliable, when they just see someone run past or whatever. But politically that's not acceptable, because that deprives the crowd of finding out who is guilty and then telling the jury who is guilty to get the right outcome. You might think the unreliability would be obvious to jurors. But the whole theater is allowed to be used to mislead jurors away from the obvious, to get the outcome good people want. No witness will be prosecuted for lying that he saw the

criminal a little longer than he did, which lie he will be given an incentive to tell.

But according to "political surveillance" we can fix witness misidentification when we find out there are wrongful convictions, by using legislation to improve discovery of guilt by the executive branch before it gets to the jury. Maybe even improve the minds of witnesses, such as has been done using coercion or hypnosis or dreams. And nobody will ever say openly much less to the jury "a lot of times crime victims don't really know what the perpetrator looked like, but they are encouraged to pretend they do". People who complain about wrongful convictions never try to fix the jury trial by telling jurors the truth to decide without any corrupt incentives. Everything else is utopian hippie nonsense giving power to the executive branch to lock up whomever the public has been told is guilty.

They might as well try to solve the problem that when police ask speeders how fast they were going, the speeders always lie and say they were going the speed limit. Maybe pass a law that speedometers have to be really big, to make sure people don't misidentify their own speed. This problem is already fixed by the finder of fact considering the reliability of the witness, by saying this person has an incentive to lie and say he was going the speed limit, does the cop have an incentive or penalty for lying? Does the witness, the cop, the driver, the judge, the unanimous jury have an incentive to create one outcome over another? We can discover that by looking at Diaz information about whether witnesses in the same circumstance were found to have lied in the past (and whether they were then prosecuted). That's reliability information that is supposed to be considered by the finder of fact, the jury.

The mission of the Innocence Project is to have some social process other than the jury use one information set over another information set, rather than have the jury use an information set. Not caring that the social process is always going to create a politically influenced outcome rather than measure fact against law, but rather playing the social and political game. They don't mind proving innocence without a jury trial, rather than obtaining new jury trials. The Innocence Project is in the business of creating a psychic cost to the collective on Twitter, which will never fix the psychic perceptions of the crowd being used to decide guilt in the next

case. The crowd always thinks they are already curing the problem of wrongful convictions, when they tell jurors whom to convict. The problem jury trials and laws against perjury solve, is creating incentives and penalties in the role of each actor, to create a decision maker with information and incentives to measure fact against law. The problem the government is paid for solving, is government looking good.

Framing people for crimes hurts the individual without anybody knowing, whereas stopping speech hurts the collective, whose consensus perceptions created by speech are required to make things real. If the crowd does not know people are innocent, then justices don't perceive that there is any real cost to putting them in prison, regardless of what the law actually calls for. Quite the opposite, some sort of collective mental anguish from the possibility it could be discovered 10 years later that the real murderer got away, is serious enough to outweigh and immunize a state against federal rights written in the Constitution. "Congress has chosen finality over error correction" (*Jones v. Hendrix, 143 S. Ct. 1857, 1869 (2023)*). This weighting is not an inevitable tragedy to ration resources but, according to judges, because finding out that they are wrong is a psychic injury to the crowd, when it is initiated by individuals not by elected officials. Justices say the proper remedy for lying to jurors is for the executive branch to pardon people, if you can convince the crowd the convict is innocent.

Prosecutors producing lies to fix criminal-case outcomes according to political convenience, is a cost and prospective cost to the rights of individuals so attacked, and to the right to legal-judicial rather than political regulation of the executive branch, created by the separation of powers. But it is a psychic benefit to the collective, who sees evidence being produced against the witches they want convicted. Rewarding rather than deterring or acknowledging or considering perjury, to enable subverting courts with lies, is a violation of due process and the separation of powers. It replaces the designed decision maker, the court or jury, with a political decision based on the social forces and factors the lawyers and other local actors are subject to. But because this is popular - the decisions are more popular than real legal decisions would be - it is therefore a psychic value to the collective, Justice Scalia would say it is not a real injury to any plaintiff who could complain about it.

VI. REPEALING SEPARATION OF POWERS WITH PERJURY

There are two easy ways for the executive branch to escape laws written by the legislature to do what the crowd wants. The first way is immunity, which prevents anyone else from petitioning to enforce the laws on them. Immunity is just the Supreme Court saying the case-specific values discovered in elections are more important than the general values previously written in law. The second way is using lies, to give the finder of fact a legal excuse to give the crowd what they want. Courts don't enforce a due process right that state witness perjury be prosecuted rather than rewarded, to deter it rather than let the crowd reward it in elections. Courts then don't enforce a due process right that the finder of fact consider the reality that state witnesses are rewarded rather than deterred for perjury. Appeals courts look the other way on the discretion of lower courts to accept lies as not an error of law. Case law promotes allowing or blocking testimony based on no logical or honest standards, but in proportion as it is convenient to the state. Such as felons are assumed to be telling the truth when they are let out of prison for saying what the state wants them to say, but then anything they say outside that context courts have legal cover to discard. And flimsy scientific theories of guilt are allowed to be cultivated by the state and presented as rock solid.

States use the legal discretion of the executive branch (and the lack of enforcement of any countervailing due process rights and favorable treatment of their liars in case law) to 1) reward and not prosecute state-witness perjury, and 2) have the finder of fact ignore or not consider their policy of doing this. They allow the finder of fact to ignore that state witnesses are allowed to lie (the admission of testimony according to political convenience rather than reliability), by putting on a charade that it is individual credibility not the credibility of the process for rewarding and deterring perjury being weighed, and by not curing a religious bias to pretend that the state actually deters perjury and prosecutors and cops are therefore regulated to be honest. State actors in criminal justice practice this policy without ever directly saying this is what they are doing, and rather prohibiting lawyers saying it in public. They prohibit prosecutors from being examined about their investigative process for coercing witness and its

empirical results. And they don't let any defense Diaz expert talk about the process for coercing witnesses or present past records of state witnesses lying without ever being punished, as extrinsic Brady or Kyles disclosures.

States prop up this fake reality and trick, where the actual reliability of witnesses admitted is disconnected from the politically contrived calculated reliability used at the finder of fact (e.g. jailhouse confession witnesses), by not making any record of all the instances of state-witness perjury that have been caught but never prosecuted. Someone making a central record of lies is prerequisite to this information being presented by a Diaz expert, and prerequisite to judges being forced to use it rather than contrive their own politically expedient schedule of witness reliability. Courts instead sweep lies under the rug buried in local cases and even alter and erase transcripts. They cut deals with defense lawyers who are not ethically, politically, and financially obligated to take them, rather than demand state-witness perjury be examined in court or recorded. No lawyer will demand to use information which is not readily available, which would result in him never getting a plea bargain again and going broke. And the state is not forced to produce a database of something lawyers have not demanded a right to use.

Within these rules, the executive branch can use a standard process of cultivating witness testimony captured by the influences of social consensus and politics, to get popular gossip from the town square through the courtroom door in the mouths of witnesses (including scientific experts), and to exclude politically inconvenient testimony as unreliable using fake reasons (which shameless discretion is accepted with a straight face out of political convenience or "pragmatic"), to fix court outcomes with lies. And by this process of fixing case outcomes with fact inputs contrived to arrive at the politically convenient outcome - by using court outcomes dictated by lies and immunity rather than fact and law - the executive branch can brush off being regulated by facts and courts and laws, to do whatever is most politically expedient and instead be totally regulated by local political incentives. Lawyers who prosper in proportion to deal-making and elected local judges are eager accomplices. And Supreme Court justices call this local corruption a virtuous decision process, because it gives power exclusively to the executive branch under influence of the virtuous local voter rather than to

law.

In this manner, any government employee can do anything. And then go into court and the local judge will say "It didn't really happen like that, did it? No, it happened this other way. What you did was morally justified according to the social consensus." And the appeals court will see no error of law, only the names of their political peers balanced against some nobody calling them liars. Some nobody whom local papers have been immunized to smear as an undesirable scofflaw without needing a single actual witness (*"there were certain discrepancies between what appeared in the affidavit and what was reported... The press has no duty to go behind statements made at official proceedings and determine their accuracy before releasing them. " Ortega v. Post-Newsweek Stations, 510 So. 2d 972, 976 (Fla. Dist. Ct. App. 1987)*).

States using discretion to not prosecute state-witness perjury subverts court outcomes to political convenience, by producing and accepting testimony in proportion to political convenience, rather than deciding court outcomes by reliably discovering facts and measuring them against law. They usurp the decisions of courts the same as usurping the private decisions of businesses, with the impulses of the crowd in the public square. This abandons the system by which established preferences are conveyed as incentives to individual behavior by laws, so that such distributed decisions are usurped by the conscious will of the collective. It does this the same as Marxism abandons the price system, and for the same reasons, and with the same quality of results.

The local actors claiming to be enacting the will of the collective or under color of this virtuous mandate, ultimately act according to corrupt local incentives and information games, the same as local factory managers in the USSR did. Neither local voters nor higher courts have much idea what really happens by closed doors in individual cases. Just like central planners have an information disadvantage compared to local factory managers, and consumer preferences and resource costs are not considered, giving wealth to local corruption in centrally-planned economies. This corruption is allowed to operate in local governments, because Supreme Court justices are utopian communists to the extent they think about economics at all. Which is the

natural state of children not specifically educated to prevent this.

So our very form of government, where the executive branch is constrained by the legislature, and laws convey established preferences as incentives to individual actors, is subverted by letting the executive branch brush off courts with lies. This is justified under color of obtaining virtuous popular outcomes. But often just enables corrupt local interests to be served, most of the time when the public is not even looking.

VII. CULTURAL MARXISM OF THE FEDERALIST SOCIETY

Real Federalists like Madison designed a system of government to protect private landowners and religions from monarchs in an agricultural society. It was like a Magna Carta that also protected religious minorities, to enable the prosperity of a federation of diverse factions without conflict or a king. The great wisdom of their plan did not completely anticipate new problems that would come from the novel and different incentives executive-branch officers would face in a democracy, with separate and competing supervisory signals coming from laws versus elections, after Marbury made clear that the law and political discretion were two different things that had been separated. This led to a diverse assortment of petitions and process requirements by which people might confine others to following the law.

The government conceived by our Founders was also not designed faced with the new problem that collectives would want to manage factories for the popularly perceived public benefit, rather than have factories supervised by the price system. Legal academics with different life experience compared to the Founders, were then faced with interpreting rights in the industrial age based on the philosophy of the day, including utopian fads involving central planning. The government also did not originally protect the average person from his neighbors very well, so that like today local courts were corrupt and filled with perjury to ignore the lofty ideals of law. The Reconstruction Amendments then created new checks in federal courts, to protect individual rights from the will of the dominant local collective usurping courts and law, to protect individual criminal process or "civil" rights the same as property.

Then the USSR came along, and today's new "federalists" feared the federal government as a similar arm of industrial control in the United States, by the discretion of federal judges to reinvent property rights weighing them against more popular interests (Williamson v. Lee Optical). This fear was perverted into seeing federal court jurisdiction as the enemy of freedom and rights, rather than a check to create them. They saw the remedy as having more decisions made by local voters, whose cultural values would conserved the ideas of rights that had been written out of laws by the popular fads of federal judges. This was a form of cultural Marxism, a set of prejudices designed to undermine the rule of courts and law and rights, substituting local collective control (of outcomes rather than rules) that was traditional to primitive agricultural societies from which we had progressed.

Instead of reforming federal courts to protect property rights to protect businesses from federal courts, by educating judges about what rights and distributed decision making are, they simply fought to curtail the jurisdiction of federal courts, and to shift more things to local executive-branch discretion rather than law. They formed a coalition with white nationalist socialists, who wanted to remove federal courts as a check protecting civil rights. They reduced federal courts as a check on the executive branch protecting civil rights, while obtaining protection for property and gun rights or whatever traditional rights they valued, from the political surveillance of local voters.

But a state collective is not inherently more virtuous than the national collective (though natural selection may discover a more virtuous subset). And nor are local voters inherently more wise and virtuous than national voters and academic fads. Checks, separation of powers, and distributed decision making, are virtuous. A state-sized government, such as Florida, California, Cuba, or Sparta, is not inherently more virtuous than a national government. It becomes more virtuous by having a more advanced system of laws and checks, including checks from federal courts. The correct remedy to courts doing crazy things is not removing separation of powers and expecting state voters to have virtuous whims, but cultivating courts to interpret rights and law correctly.

Such as by understanding distributed rather than collective decision making in law the same as in commerce. And by enforcing due process rights to deterring state-witness perjury with prosecution, and having the finder of fact consider real empirical science on whether perjury is rewarded or deterred, rather than religious propaganda. And by courts not always writing over what the legislature wanted done in prospective future cases, with case law freeing the executive branch to do what the people actually want done in specific cases.

VIII. OVERWRITING POLITICAL CURRENTS ONTO LEGISLATION USING JURISDICTION

Executive-branch actors are supposed to operate with discretion and under political influence, but constrained within boundaries defined by law. When it comes to infringing rights such as punishing criminals, they are supposed to have no political discretion to do it. All criminal justice has to be approved by courts. The state and the victims of crime are presented as having these important interests in justice and finality or whatever. But once in court, the only real interest the state has is that its laws are enforced. The state is not capable of perceiving or embodying interests of the collective to punish the individual, not prescribed in written law.

The way community interests are supposed to become relevant to courts and input into executive actions in criminal justice, is by being written into law by legislators, not by being perceived as politically popular and written into law by judges. It is hard to even imagine how the interest of the collective to lock up innocent people for psychic benefits, could be written as an actual law by the legislature. But justices like Scalia are able to invent and find such psychic interests and write them over the law, at the same times as stripping individuals of interests actually written in law, when those interests are injured.

Instead of legislators writing these punishments in law, they just say innocent people are not allowed to seek or obtain relief in court. To deprive individuals of venue in court to have their rights protected. They cannot write a law that says innocent people can be locked up to give the

community psychic benefits. But they can say an individual is not allowed a process to demand his rights in court, because of the psychic interest of the community in "finality". Or they can say that a defense lawyer is not allowed to tell the jury that the state rewards jailhouse confession witnesses for lying. Judges are given wide discretion to accept or even invent facts, to refuse to discover facts, as excuses to prevent a jury looking at anything. Written rights, are replaced with injuries or psychic interests given standing and process to seek relief, to determine what courts actually enforce. Or in other words, with what is popular, as defined by the action of the executive, who is then given immunity, including the immunity to lie in court.

Courts invent these other interests, to give themselves discretion to not enforce the law. They cannot get the collective will through the door in actual written laws, such as the collective will to lock up a person who has not committed a crime, so they do it in processes denying a hearing, and in case law involving jurisdiction. This is different from not taking cases to ration resources. These are interests invented to give courts discretion to do what is popular, not discretion to ration resources. It is then judges who are able to recognize the interest of finality, as overriding the right of innocent people to have a venue to seek redress in court. So violating rights in favor of a psychic scale of values not actually written in law, is laundered into an indirect process result when they simply refuse to hear your petition, not a direct statement in law.

The actual schedule of rights you are left with, is determined by the jurisdiction of courts to protect them, the standing of individuals to seek protection, and the process by which court outcomes are determined. It is not an exaggeration to say that after case law has overlaid standing and process onto rights, the rights you actually have could be the complete opposite of the rights written in law by the legislature. But nor is this real, realized schedule of rights very complicated. When all the complicated written rights have been fed into all the complicated case law and process, it is designed to return us to simply whatever is popular (keeping in mind the usual imperfection from government from corruption). So you are left with a right against the witch mob, to whatever favor you can win or deal to obtain, or to whatever you can promote to the public on Twitter.

Justices adjust the law to recognize injuries perceived by the crowd, and dismiss real injuries to the individual, by giving jurisdiction and standing to one over the other. Political processes can discover such popular injuries without needing courts, which are only needed to recognize injuries to the individual. The individual asks for enforcement of the law when it his own interest, the executive branch asks for enforcement of the law when it will help them get elected. Then courts then invent that the will of the executive branch is the law, as the discovered interest of the crowd, rather than the law being the discovered interest of the crowd, which law can be brought to court by individuals against the executive branch.

When you erase the details of all the rights and case law as factors which cancel each other out, the product of this intellectual exercise boils down to courts abdicating their enforcement of rights as a check on the will of the crowd being enacted by the executive branch. No individual has standing to complain about it, because standing is used by courts to enact their agenda, rather than courts being used by standing to enforce written rights. The executive branch won't complain about it, and the legislature is not going to fix it because they already did and were overwritten by Marxist judges like Scalia and told this religion is the real Constitution.

IX. ABSTRACT DYNAMICS OF LEGISLATION AND CASE LAW

There are two systems for deciding case outcomes, separation of powers and political influence. The two mechanisms for changing the system for how outcomes are decided is to change laws democratically and to argue in courts during individual cases for changes to the rules.

People like systems for producing outcomes, to the extent they like outcomes. The majority describes the outcome they think they want, as best they can in advance through laws. And the laws design a system of separation of powers, to make sure courts produce the outcome in future cases which legislators have told courts they want. Then when there is an actual case, the majority may decide they want a different outcome, based on the information they actually

have which may be inaccurate. So the executive branch will sue to reinterpret the laws and the system for deciding, to get the specific case outcome the voter now thinks he wants in the current case.

For example, we want people to be able to sue cops, but not for this jerk to sue this party member cop. I want a jury trial if I am ever accused, but we all know this person in the case on TV is guilty.

So people tell courts the outcome they want through laws, seeming to not realize they will have much stronger opinions about what they actually want once there is an actual case. Then they will tell courts what they really want through the executive branch, and ask the courts to ignore what they previously said in law. This is a silly exercise, that always ends up just telling courts to give the executive branch whatever we want.

The easiest change in rules, is for the executive branch to ask courts to simply ignore whatever law was written in the past and give the executive branch whatever they want in general. So the voters ask courts for outcomes twice, first through the legislature in advance, and then through the executive branch for what they actually want in each case. The best way to reconcile the laws they wrote in the past with what they now want, is to immunize the executive branch to do whatever they want, and allow lies to get whatever outcome they want within the law.

In every case where the separation of powers produces an unpopular political outcome, the majority of people will complain about the system. In every case the executive branch will sue to change how outcomes are decided, to produce the politically popular outcome. There is never an individual current case where the majority will clamor for separation of powers rather than their own influence. So the people will never ask to change the system to have more separation of powers by appealing during an individual case, but will only ask for more separation of powers through political influence by passing laws.

The majority will prefer the separation of powers for future prospective cases, because law is

how they tell courts how they want those future cases to be decided. For the majority to sue for the separation of powers as a collective to be recognized by the Supreme Court, they would have to sue through the executive branch. The executive branch will not sue for the separation of powers. So the majority will generally try to change the system toward separation of powers through the legislature.

The legislature will design the two systems legal-judicial and political to produce different results, and then courts will overlay their own rules so that they produce the same political result. The legislature will design laws so that the separation of powers produces court outcomes that go against political influence and popularity. In individual cases the executive branch will ask courts to change the system so that courts produce the same result as what is popular.

People ask for separation of powers in the legislature, and for arbitrary executive power in court. So naturally law and rights, and case law overlaid on that to produce actual outcomes in real cases, will move in opposite directions. Law will say you have rights, case law will say the executive branch can do whatever they want.

X. MECHANISMS FOR INDIVIDUALS TO PROTECT RIGHTS

An individual also has opportunity to change state laws and the system of process rights and case law, by suing in federal court.

Normally a plaintiff brings facts to court demanding monetary relief within the undisputed law based on those facts, and maybe an injunction based on personal circumstances. But in most cases disputes of what the law actually is, or should be, also come up. Some cases are primarily a dispute of law and have a hope to change the system by changing the law. You might call this a fact dispute versus a dispute of the interpretation of law.

An individual has three types of injuries he can seek relief for in federal court, personal, street

law, and systemic involving process law or case law. An individual has four kinds of standing for injuries he can seek relief for, realized versus solely prospective, and solely private versus shared.

Street law would be like if the state passed a law against speaking in public. If they arrest you, you can fight the law by appealing the law as unconstitutional, whether this would make it unconstitutional for your particular circumstances or for everyone. Or you can sue to block the law before you are arrested, which would generally be an injury shared with a lot of people like you. Everybody knows about suing to block unconstitutional laws passed by the legislature, there is not much interesting about it (except the silly 11th Amendment overlay where justices invent that you have to enjoin particular officers not the state).

Street law can also involve an unconstitutional state law where the state decides to pay the annual budget of the Catholic church and use state money to advertise their church services. If you can't prove this is what inspired the guy who punched you at the abortion clinic, then no harm no foul. This is where rights being translated to psychic interests and injuries comes in, so that federal courts can say this is not an injury to you.

Since the Supreme Court only takes cases as an opportunity to invent their own "interests" in place of actual rights (or when politically forced to), you are not going to be able to fix the system by demanding the Supreme Court reverse themselves about what is an injury, using the opportunity of your particular case. If they already did what you are hoping to undo, they are unlikely to take your case at all unless it is really popular, by the particular circumstances of your case and by public promotion of your cause. In which case the Supreme Court will still try to make a narrow ruling specific to your case. Such as if some crazy legislature decided to do an unpopular thing by promoting Muslims somehow.

You might have a better chance to improve the system by which rights are translated to interests, by suing for prospective injuries somehow, so that the focus is on the problems in federal case law without there being a popular public interest in the immediate case. So by

using a prospective injury, you are asking more for something like legislation, without being opposed by a public interest to overwrite the legislation in the circumstances of an actual case. When it is a prospective injury, you could say let's assume the government is financing Muslims not Christians. In this manner, you are able to get something that reverts back closer to saying that government financing any religion violates your rights.

Your chance of suing to change how courts measure standing for speech to get an outcome in a particular case is pretty much either a) popular and case-specific, or b) zero. But maybe you could sue in advance for a process change, that would give you standing to ask for relief in future prospective rights violations.

Personal injuries are generally solely private, but can be realized or prospective. These are injuries unique to you. Like this cop punched me, even though state law says he can't, and the same cop is likely to punch me again because I talked to his wife. It is most likely if it is personal the injury will already be realized, rather than somehow knowing a particular cop will punch you if he has not already threatened you. Suing for a realized injury gives you venue to complain within the current system of laws, and also to complain about the system in ways that affect multiple people. Like "this cop punched me and lied about it, and also I appeal the case law that says judges can ignore cops lying to dismiss my case".

As a practical matter you can't complain about the case law to the Supreme Court for realized injuries. The legislature has already written rights which the Supreme Court overwrote. They wrote the case law specifically to overturn what the legislature wrote, in cases just like yours. The immediate popular will is never to enforce rights. They are not going to overturn case law with a particular cop standing in front of them, unless you are really popular and the cop is really unpopular. Then they will design a narrow rule for your case. They are not going use the occasion of your injury to make it easier to go after cops lying in general, just because you asked for it.

So an important way for an individual to petition for his rights, is prospective complaints about

the system not particular to a realized injury, which prospective injuries are generally shared with other people. The state has already passed a law that the speed limit is 40, and a law against perjury that says cops can't lie to say you were driving faster than you were. And this law has already been overturned by state case law that says a court believes a cop over you, and says the fact that the state never prosecutes cops who are caught lying is not considered or even spoken about. And Congress has already passed 42 USC 1983 to address this by deterring and redressing states lying about you. And federal case law has already repealed 42 USC 1983, with pleading standards that require things like proving a cop you never met lied about what he saw at his own vantage point, but without discovery or making the cop testify as witness, and without your own statements being accepted as true or plausible.

So you have to sue in advance saying cops being rewarded rather than prosecuted for lying, to the extent this makes a lot of drug arrests, and then they dismiss tickets rather than produce Brady information when cops are caught lying, means I am likely to be pulled over when I wasn't speeding. And even if I am able to prove the cop lied and get the ticket thrown out, I have already suffered an injury. So the state needs to change the law to create an independent institution to deter cops by investigating and prosecuting them when they are caught lying in proportion as it happens, not in proportion to political convenience. And when cops are caught lying it needs to be recorded and used in future court cases. And state judges need to be compelled to consider this data, and the extent to which cops are rewarded not deterred for lying, when considering speeding tickets.

So that if someone can prove it seemed like the cop thought the suspect was in the wrong neighborhood, or the cop asked to search the car completely out of the blue, the cop probably lied to harass you and the ticket gets thrown out. And federal courts need to consider that cops are often lying because they are rewarded not deterred, and make it easier to get to discovery to prove cops are lying, as a deterrent to cops lying. Cops using traffic laws to investigate and search people, and being rewarded for lying to do it, creates a process for searching people without probable cause which is a prospective injury to an individual. Viewed in a Nieves v. Bartlett context, cops openly saying they select and create traffic stops to finds drugs, makes it

likely a cop would not pull you over for speeding but only did it for the opportunity to look inside your car.

This is a prospective injury shared with a lot of people, but which is not subject to political surveillance because voters want cops to be able to lie to pull over suspicious people. And the individual complaint seeks to overturn case law, which case law federal courts already wrote to overturn a right that is already protected in state and federal law, in cases just like yours. So you are not bringing facts within current law. You are suing to enjoin a process, to change the system, to protect the rights of a lot of people, whose rights have already been protected by the legislature, but will not likely be protected in individual court cases, and who will have already suffered injury by the time they ask to change the system in an individual case.

So the legislatures already fixed the system with laws, the courts already created a process to make the laws irrelevant, the executive branch will never fix the system in court, it is therefore not subject to political surveillance or a collective lawsuit by the government, and you will already have suffered an injury and face a political impossibility trying to fix the system with a realized injury in an individual case. Therefore an individual prospective lawsuit is the only means to fix the system to enjoy shared rights passed in the legislature.

So in summary, an individual has two avenues to protect his rights, 1) suing within the current system for a case outcome based on a set of facts while asking within the current case to change the system, and 2) suing to change the system. Given a realized private injury he can sue for relief the system currently provides, and appeal the law to change the system. Absent a realized injury, he can sue for changes to the system to prevent a prospective injury.

There are particular difficulties when an individual wants to sue for rights he already has against unconstitutional laws, but the courts have already overwritten those rights with their own inventions. There are particular problems with realized injuries, since the Supreme Court is not going to change the law at the expense of a popular political mascot like a cop or state legislator standing right in front of them as defendant. There are particular problems with

prospective injuries being called psychic or shared, and therefore subject to executive-branch discretion under political surveillance. The effect is the individual has standing to complain about injuries he has suffered, within the system of remedies the Supreme Court has given him. But the individual has no venue to complain about the Supreme Court's corruption of the system and the corrupt outcomes resulting from it, not to the legislature, not to the executive branch, and not in court, where the legislature has already tried to fix this by writing a law which the Supreme Court erased.

Justices like Scalia would prefer to protect their scam, by only giving private standing to grievances about individual court outcomes by which they are affected, not to prospective grievances about the system of government which produces popular or unpopular court outcomes. An individual can complain about outcomes within the process the Supreme Court has created, but has no prospects to complain to the Supreme Court about the process they have created. Like "this cop lied, and also I appeal the case law that says judges can ignore cops lying".

XI. THE INDIVIDUAL RIGHT TO SEPARATION OF POWERS

People are just molecules, and all values and harms to them are simply aesthetic or artistic preferences for one set of molecules over another. Once we accept that we live for additional values evolved on top of that, then all harms to those values are equally real.

Two things are certain, 1) the separation of powers by which an individual's preferences are communicated into actions through laws is an individual interest that suffers concrete harm (such as if he is forced to live in a declining lawless society or just next door to a murderer), and 2) the executive branch is not going to based on political whims enforce the separation of powers. So we have an interest created in law that is not going to be enforced by the executive branch. The executive branch at least some of the time is going to want to do what is politically popular in the moment, even when there are laws saying something else should be done. A society cannot be governed by preferences discovered in the town square, but Scalia would say

it can be (*"Nor can a handful of federal judges begin to match the collective wisdom the American people possess" City of Grants Pass v. Johnson, 144 S. Ct. 2202, 2226 (2024)*).

The interest at that moment, in doing what the law says which is politically unpopular, that politically unpopular thing which the law says to do, is a minority interest. Even though that interest may be shared by multiple individuals, it's real life, with real costs creating real injury. Laws are not passed just to please us. Rather, protecting let's say bankers or businessmen from having their windows smashed in by a mob, is a real interest of a person in the survival of his civilization as much as in eating bread.

These other people may want to protect their rights through political influence, not through laws imposed through courts checking political influence, chasing a mirage. So an individual has to complain about prospective injuries which he and many other people could suffer equally, if those others are not going to complain about the loss of the system of government created in our Constitution. Or others may want witch trials and war, and would benefit from having their impulses mitigated by separation of powers. But the executive branch will petition to lead them into these things, checked only by the structure of the Constitution which interest someone must petition for. This undermines our form of government, but this is an interest to a plaintiff as a minority, or to whoever would be represented by the legal-judicial rather than political process or perceives they would be (even if it benefits everyone including people who imagine they would benefit from central economic planning or removing jury trials).

And if there is something stopping those people whose windows are smashed in from suing, whether a federal pleading rule or the discretion of the executive branch to use lies in court, an individual has an interest that those process problems subverting the separation of powers be cured. An individual has a concrete interest in the separation of powers which is necessary to conserve his civilization. He need only prove there is benefit from separation of powers, and harm from subverting the separation of powers, to petition for cures.

In a capitalist economy, an individual has an interest that complete strangers not be harmed by

the executive branch, based on primitive collective impulses. Which is why this interest is written in law, and why we haven't been displaced by a civilization that doesn't have these laws. Scalia cannot prove these things laws create are less real than the things Scalia chooses. Trade is a form of association like speech. I benefit from the baker baking bread, probably more than from hearing his political speech. The right of the individual to have other people as trading partners, rather than the government cultivating them as enemies in conflict, is what the Constitution is designed to protect.

If the right to private property was not already well-established, it would have come before the First Amendment, rather than in later amendments and unenumerated traditions. The point of distributed decision making created by rights and laws, is for courts and businesses to make decisions which benefit people, without the people who benefit needing to know any of the details. But that is also a weakness in federal court, if I can sue for someone else's right to speak, but not for someone else's right to bake bread or not be in prison, or my right to only pay for the guilty to be imprisoned. The right to a "form of government" involving separation of powers regulating the executive branch, is more like a First Amendment complaint so far as standing, only more so.

All your other rights are dependent on the separation of powers which enforces rights, without needing to list what those rights are. Because the right to legal-judicial rather than political regulation of the government, by not having courts brushed off with contrived facts, is necessary to protect every other right, from speech to criminal process. If a cop can lie, he can lie that someone called in a report of a suspicious person, when in reality he knows you were participating in an anti-cop protest.

So you have a right to the separation of powers, and to have government only take actions that are subject to regulation or done within the supervision of the separation of powers. It is not clear or finite what rights this might protect, so there is not much need to debate your standing to petition for those rights. So the separation of powers is a right, and an interest to whoever wants a society governed by laws. Decisions made by government in response to political

whims rather than the separation of powers are a harm to an individual, which can be redressed as much as a person who was tried by a judge rather than a jury gets instant remedy. Your right to a trial by jury is a subset of your larger right to separation of powers.

Decisions made by separation of powers are also immediate psychic injuries to the "interests" of some people who don't want a society governed by laws but by direct democracy. And who don't perceive their own long-term injury from the error of their ways. But in either case, as a practical matter between political surveillance or court enforcement, the separation of powers is protected by court enforcement not a short-term political question. The interest in unpopular court outcomes, which is what imposing law on executives with separation of powers does, is a minority interest. Regardless of who is even aware of the court outcome versus who has a stake in it. And regardless of who consciously wants separation of powers as a form of government versus who benefits from it or wants something else.

Courts can choose prudentially, or based on their psychic connection with the people to discover what is really important, to abdicate their own power to the executive branch based on what they imagine the people want, and thereby repeal the separation of powers. So the very structure of government with laws and separation of powers, is a minority interest, which can be weighed not worthy of enforcement by courts. And so all your rights can be erased, by erasing the regulation of the executive branch by courts, by saying that the executive branch producing lies to produce popular outcomes, is not a real injury to any who has standing to sue. But rather a psychic benefit to the sovereign values of the collective.

The interest of some minority of people in separation of powers to enforce federal law, is not recognized in federal courts as a real interest to anyone that is actually enforceable, by redressing an injury to a plaintiff. The individual plaintiff doesn't like it, but that is just psychic.

Our very form of government, where the executive branch is regulated by laws in courts rather than by the political will of the majority, is a minority interest. And therefore some justices would say it is not a real interest in the eyes of federal courts. Justice Scalia would say injury to

the separation of powers is not a real injury which a citizen plaintiff could bring to court, against the real interest of the collective to have their will enacted by the executive branch without interference by courts. Justice Scalia would recognize that this or that law might harm the rights of businesses in general, and therefore be eager to give standing to an individual business complaining about some kind of broad federal-government overreach. But Justice Scalia would say courts do not provide protection against the political decision of a society to revert to Marxism, as much real harm as this would cause to an individual.

Individual plaintiffs still win First Amendment cases against the government, and criminals still go to prison. This gives the appearance that courts are enforcing the First Amendment or enforcing the laws that criminals are sentenced for violating. But what's actually happening is courts are enforcing what's politically popular, which can produce the same result as a real legal process would produce in most cases. The First Amendment is enforced only to the extent its politically convenient to do so. And they are sentencing to prison whoever is most politically convenient to send to prison, based on the imperfect information and perceptions of the public regulating the executive branch. Most of the time the person police have told the public is guilty of murder, really is guilty of something close to what police say.** Just as most people in the USSR still ate rather than starving, they just ate less and a lower quality of food than they would under a better decision-making system. The two systems result in the same decisions a large percentage of the time, which when added to the political popularity of immediate results, makes the subtle revolution in our ideal legal system even harder to detect.

What justices like Scalia have created is not 100% courts enforcing what's politically popular, without courts discovering facts on their own and measuring them against law. It is some hybrid of the two, with political convenience given an outsized and illegal role. So it's not that Mandi May Jackson really committed the crime for which the public will pay to keep her in prison for 70 years. It's that the crime didn't actually happen, but the public doesn't know or care that it didn't happen. So when everything falls back to being regulated by public perceptions, Jackson will spend her life in prison for a crime that didn't actually happen but only exists as a psychic value of the public. Such psychic values are generally appealed to in

speeches of dictators while their countries suffer destruction.

**Though every police report I have ever been able to compare to another source of information, the police report contained lies. Public visibility of what police do is clouded and covered with a facade. The public perception of what police do in general is wrong, even allowing for approval of some amount of misconduct. What police do so far as I can tell, is harass people and lie about it, which then results in plea bargains or who even knows what. The last thing they will do is produce big data to permit statistical analysis of their own activities, rather they hide what they are doing so that they can use a general pattern of lying and breaking the law. The truth is never a big priority, and a lot of harm is done in the fog. When a government office has a purpose to harm people, the line between harming people from doing bad work and punishing criminals is blurred.

***To understand the relationship between distribed decision making and due process, read: http://cops2prison.org/Perjury_Due_Process.pdf