

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

JOSEPH KIRCHNER,

Plaintiff,

v.

Civil Action No. 25-cv-_____

MIKE JOHNSON, et al.,

Defendants.

APPENDIX I: Constitutional Justiciability Crisis Analysis

**Supporting Constitutional Framework for Johnson v. United States Civil Rights
Challenge**

SUMMARY: THE CONSTITUTIONAL IMPOSSIBILITY

1. This analysis demonstrates that the United States Constitution has become systematically non-justiciable through two coordinated constitutional crises.
2. The Non-Justiciable Constitution Framework creates systematic violations of foundational constitutional provisions including Article I, Sections 1 and 7, and Article III across all three branches that have rendered constitutional structure unenforceable.
3. The Standing Paradox demonstrates that courts systematically violating constitutional text through limiting constitutional enforcement simultaneously control access to constitutional remedies, creating judicial gatekeeping that prevents constitutional accountability.
4. The Combined Effect proves that when constitutional structure cannot be enforced AND judicial process prevents constitutional challenges, the Constitution becomes entirely non-justiciable, requiring constitutional amendment to restore constitutional governance.

I. THE NON-JUSTICIABLE CONSTITUTION FRAMEWORK

A. The Foundational Constitutional Collapse

5. The Three Structural Violations Rendering Constitution Non-Justiciable demonstrate systematic breakdown across constitutional structure.
6. Article I, Section 1 violations occur through legislative abdication to executive authorship of complete legislation: (a).Constitutional text provides "All legislative

Powers herein granted shall be vested in a Congress" (b). Violation includes legislative abdication to executive authorship of complete legislation (c). Evidence shows H.R. 1 executive authorship with 99-1 congressional rejection of included provisions (d). Result creates legislative process violating constitutional requirements

7. Article I, Section 7 violations demonstrate executive usurpation of revenue authority:

(a). Constitutional text requires "All Bills for raising Revenue shall originate in the House" (b). Violation includes executive authorship of revenue legislation (c). Evidence shows presidential ownership claims including "my one big beautiful bill" for revenue bills (d). Result creates separation of powers violations normalizing constitutional circumvention

8. Article III violations show judicial supremacy over constitutional text: (a).

Constitutional text grants judicial power extending to "all Cases...arising under this Constitution" (b). Violation includes judicial precedent limiting constitutional enforcement below constitutional requirements (c). Evidence shows standing doctrine preventing systematic constitutional challenges (d). Result creates constitutional text subordinated to judicial interpretation

B. Mathematical Proof of Constitutional Non-Justiciability

9. Constitutional Enforcement Equation demonstrates mathematical impossibility of constitutional enforcement under current conditions: (a). Constitutional Rights equals Enforced through Constitutional Structure (b). If Constitutional Structure equals Non-Justiciable (c). Then Constitutional Rights equals Non-Justiciable (d). Therefore Non-Justiciable Structure equals Non-Justiciable Constitution

10. Systematic Coordination Evidence proves perfect coordination preventing constitutional enforcement: (a). Executive-Legislative coordination shows abdication enables usurpation while usurpation requires abdication (b). Executive-Judicial coordination shows precedent protects usurpation while usurpation supports precedent supremacy (c). Legislative-Judicial coordination shows deference enables abdication while abdication requires judicial protection (d). Result creates perfect coordination preventing constitutional enforcement through any branch

C. Branch-by-Branch Non-Justiciability Analysis

1. Legislative Branch: Article I, Section 1 Violations (Non-Justiciable)

11. Constitutional Text provides that "All legislative Powers herein granted shall be vested in a Congress of the United States."

12. Systematic Violation occurs through legislative abdication of constitutional duties:

(a). Legislative abdication of constitutional duties through allowing executive authorship of complete legislation (b). Providing only procedural formalities for executive-written bills (c). Abandoning substantive legislative authority to executive control

13. Evidence of External Authorship includes comprehensive proof of executive control:

(a). H.R. 1 "One Big Beautiful Bill Act" with Presidential confession of ownership (b).

99-1 Senate rejection proving Congressional opposition to included language (c).

Mathematical impossibility that Congress would author provisions 100% opposed

14. Why Non-Justiciable analysis reveals systematic barriers to constitutional

enforcement: (a). Standing Problems show voter injury difficult to establish as

particularized harm from legislative abdication (b). Political Question Doctrine allows

courts to treat separation of powers violations as non-reviewable political questions (c). Remedial Impossibility demonstrates individual cases cannot address systematic abdication of constitutional duties

2. Executive Branch: Article I, Section 7 Violations (Non-Justiciable)

15. Constitutional Text requires that "All Bills for raising Revenue shall originate in the House of Representatives."

16. Systematic Violation demonstrates executive usurpation of legislative authority: (a). Executive usurpation of legislative authority through authoring complete revenue legislation (b). Claiming ownership of legislative content (c). Controlling revenue bill provisions despite constitutional prohibition

17. Evidence of Executive Authorship includes direct proof of constitutional violations: (a). H.R. 1 revenue bill with executive ownership claims (b). Revenue provisions authored by executive branch (c). Constitutional impossibility that revenue bills "originate" in House if executive authors them

18. Why Non-Justiciable analysis shows systematic prevention of constitutional remedies: (a). Standing Problems demonstrate voter disenfranchisement difficult to establish as direct injury from executive authorship (b). Causation Issues show complex relationship between executive authorship and individual harm (c). Political Question Doctrine treats legislative-executive relations as non-justiciable political questions

3. Judicial Branch: Article III Violations (Non-Justiciable)

19. Constitutional Text grants Article III judicial power extending to "all Cases, in Law and Equity, arising under this Constitution."

20. Systematic Violation creates judicial supremacy over constitutional text: (a). Judicial supremacy over constitutional text through elevating judicial precedent above constitutional text (b). Limiting constitutional enforcement below constitutional requirements (c). Creating standing doctrines that prevent constitutional challenges

21. Evidence of Judicial Supremacy includes comprehensive proof of constitutional text subordination: (a). Precedent limiting constitutional enforcement (b). Standing requirements preventing systematic constitutional challenges (c). Judicial doctrine superseding constitutional text

22. Why Non-Justiciable analysis reveals self-perpetuating constitutional violations: (a). Self-Referential Problem allows courts to review their own violations and find them acceptable (b). Standing Doctrine Manipulation enables courts to create standing requirements preventing constitutional challenges to judicial authority (c). Precedent Supremacy subordinates constitutional text to judicial interpretation protecting judicial violations

II. THE STANDING PARADOX: JUDICIAL GATEKEEPING PREVENTING CONSTITUTIONAL ENFORCEMENT

A. The Core Logical Impossibility

23. The Paradox Structure creates systematic logical impossibility: (a). Premise 1 shows courts systematically limit constitutional enforcement through judicial doctrine (b).

Premise 2 demonstrates courts control access to constitutional remedies through standing requirements (c). Premise 3 establishes constitutional violations require judicial remedy

under Article III (d). Logical Conclusion proves courts prevent challenges to their own constitutional violations

24. The Bootstrap Problem raises the constitutionally unanswerable question: How can an institution grant standing to challenge its own systematic violations when those violations include the authority to deny such standing?

B. Standing Doctrine as Constitutional Enforcement Prevention

25. Traditional Standing Requirements have been manipulated to block constitutional enforcement rather than ensure legitimate judicial authority.

26. "Injury in Fact" Limitation demonstrates systematic prevention of constitutional challenges: (a). Traditional Purpose ensures concrete legal disputes requiring judicial resolution (b). Current Function prevents challenges to universal constitutional violations (c). Constitutional Problem creates situation where universal violations affecting all citizens become unchallengeable because they affect "everyone"

27. "Causation" Limitation shows systematic dismissal of constitutional breakdown: (a). Traditional Purpose ensures defendant's conduct caused plaintiff's injury (b). Current Function prevents challenges to systematic constitutional breakdown (c). Constitutional Problem dismisses multi-branch coordination violations as "too complex" for judicial remedy

28. "Redressability" Limitation demonstrates prevention of structural constitutional remedies: (a). Traditional Purpose ensures judicial remedy can address plaintiff's injury (b). Current Function prevents challenges requiring structural constitutional remedy (c).

Constitutional Problem dismisses constitutional crises as requiring "political solutions" rather than constitutional enforcement

29. Systematic Effect proves standing doctrine now prevents rather than ensures constitutional enforcement, inverting constitutional hierarchy where judicial power serves constitutional text enforcement.

C. Historical Evolution: From Access to Gatekeeping

30. Original Standing Doctrine focused on ensuring legitimate judicial authority over real legal disputes between adverse parties with concrete stakes in litigation outcomes.

31. Modern Standing Doctrine has evolved into sophisticated mechanism preventing constitutional enforcement through increasingly restrictive requirements that systematically exclude constitutional violations from judicial review.

32. The Constitutional Inversion demonstrates that standing doctrine originally designed to ensure constitutional authority now operates to prevent constitutional accountability, creating judicial supremacy over constitutional text through gatekeeping rather than enforcement.

III. THE COMBINED CONSTITUTIONAL CRISIS: NON-JUSTICIABLE STRUCTURE PLUS JUDICIAL GATEKEEPING

A. How Both Problems Reinforce Each Other

33. Non-Justiciable Structure Enables Gatekeeping through systematic constitutional breakdown: (a). Constitutional violations across all branches normalize judicial limitations on constitutional enforcement (b). Systematic breakdown makes standing

challenges appear "political" rather than constitutional (c). Coordinated violations create procedural "complexity" justifying judicial dismissal

34. Gatekeeping Perpetuates Non-Justiciable Structure through judicial control over constitutional access: (a). Standing denials prevent constitutional enforcement of structural violations (b). Judicial control over constitutional access protects systematic judicial supremacy (c). Procedural barriers enable continued constitutional violations without constitutional accountability

B. The Perfect Constitutional Trap

35. Mathematical Analysis demonstrates constitutional impossibility: (a). If Constitutional Structure equals Systematically Violated (b). AND Judicial Access equals Controlled by Violating Institution (c). AND Constitutional Remedy equals Requires Judicial Access (d). THEN Constitutional Violations equal Unremediable e. THEREFORE Constitutional Government equals Impossible

36. Strategic Constitutional Analysis reveals perfect constitutional trap: (a). Individual remedies cannot address systematic violations across all branches (b). Judicial process cannot remedy judicial supremacy that includes controlling judicial access (c). Political process cannot function when constitutional structure itself violates constitutional requirements (d). Only constitutional amendment possesses authority superior to all three branches simultaneously

C. Empirical Evidence of Constitutional Non-Justiciability

37. Observable Constitutional Reality demonstrates systematic constitutional breakdown: (a). Major constitutional violations continue without constitutional remedies despite clear

constitutional text (b). Systematic governmental coordination prevents constitutional accountability through legal process (c). Constitutional crises persist because constitutional structure has become non-justiciable through judicial gatekeeping (d). Clear constitutional violations dismissed through procedural limitations rather than constitutional analysis

38. Specific Evidence includes documented constitutional violations without remedies:

(a). H.R. 1 executive authorship violates Article I, Sections 1 and 7 with no available legal remedy (b). Systematic governmental criminal conspiracy violates multiple constitutional provisions with no effective legal remedy (c). Judicial precedent limitations violate Article III constitutional grants with no accessible legal remedy (d). Complete governmental coordination against individual constitutional rights with no meaningful legal remedy

IV. HISTORICAL PRECEDENT: CONSTITUTIONAL AMENDMENTS ADDRESSING JUDICIAL GATEKEEPING

A. Established Pattern of Amendment Solutions to Judicial Supremacy

39. Eleventh Amendment (1795) addressed judicial gatekeeping preventing constitutional enforcement: (a). Constitutional Crisis occurred in Chisholm v. Georgia where judicial process could not remedy judicial overreach affecting state sovereignty (b). Standing Problem showed states lacked effective remedy against federal judicial authority exceeding constitutional grants (c). Amendment Solution provided constitutional amendment bypassing judicial gatekeeping through democratic process

40. Fourteenth Amendment (1868) corrected judicial supremacy over constitutional text:

(a). Constitutional Crisis occurred in Dred Scott v. Sandford through judicial constitutional violations through precedent limiting constitutional rights (b). Standing Problem demonstrated affected individuals lacked standing to challenge systematic judicial supremacy over constitutional text (c). Amendment Solution provided constitutional amendment overriding judicial supremacy through democratic supermajority process

41. Sixteenth Amendment (1913) restored constitutional authority against judicial limitations: (a). Constitutional Crisis occurred in Pollock v. Farmers' Loan through judicial limitations on constitutional authority through precedent restrictions (b). Standing Problem showed constitutional authority could not be restored through judicial process that created the limitations (c). Amendment Solution provided constitutional amendment restoring constitutional enforcement capability bypassing judicial precedent

42. Twenty-Sixth Amendment (1971) unified constitutional enforcement against judicial fragmentation: (a). Constitutional Crisis occurred in Oregon v. Mitchell through judicial fragmentation of constitutional rights through inconsistent application (b). Standing Problem demonstrated systematic constitutional enforcement could not be achieved through judicial process creating fragmentation (c). Amendment Solution provided constitutional amendment unifying constitutional enforcement through democratic authority

B. Pattern Recognition: The Amendment Necessity Doctrine

43. Historical Constitutional Principle establishes that when judicial supremacy becomes systematic and includes controlling access to constitutional remedies, constitutional

amendment becomes the only viable constitutional restoration mechanism because judicial process cannot remedy judicial overreach when that overreach manifests through controlling judicial access.

44. Constitutional Design Validation demonstrates Article V amendment process provides democratic alternative to judicial interpretation precisely for circumstances where judicial process becomes obstacle to constitutional enforcement rather than mechanism for constitutional enforcement.

45. Democratic Legitimacy Foundation shows constitutional amendments require democratic supermajority consensus impossible for judicial precedent, providing superior constitutional authority when judicial authority conflicts with constitutional text.

V. APPLICATION TO JOHNSON CONSTITUTIONAL CHALLENGE

A. The Strategic Win-Win Constitutional Position

46. If Courts Grant Standing, constitutional enforcement becomes possible: (a). Proves constitutional violations are justiciable under current judicial framework (b). Enables judicial remedy for Johnson's documented constitutional violations (c). Validates constitutional text supremacy arguments through judicial acknowledgment (d). Provides individual constitutional victory contributing to systematic constitutional restoration

47. If Courts Deny Standing, constitutional crisis becomes empirically proven: (a). Proves systematic judicial gatekeeping prevents constitutional enforcement as theoretically predicted (b). Demonstrates bootstrap paradox in practical operation confirming constitutional analysis (c). Validates constitutional amendment necessity for

systematic remedy with judicial gatekeeping (d). Provides empirical evidence supporting democratic constitutional amendment development

48. Strategic Constitutional Conclusion establishes that standing denial becomes evidence supporting constitutional amendment necessity rather than obstacle to constitutional remedy, confirming rather than refuting the systematic nature of constitutional crisis requiring democratic solution.

B. Constitutional Questions Courts Cannot Answer Without Confirming Constitutional Crisis

49. If courts deny standing for Johnson's systematic constitutional challenge, they must provide constitutional justification for fundamental constitutional questions.

50. Constitutional Questions requiring judicial justification include: (a). What constitutional authority permits courts to deny access to constitutional remedies for documented constitutional violations? (b). How can Article III authority over "ALL CASES...arising under this Constitution" constitutionally exclude cases challenging systematic violations of constitutional structure? (c). Why should standing doctrine created by judicial interpretation supersede constitutional text requirements for constitutional enforcement? (d). What democratic legitimacy supports five-justice precedent limiting constitutional amendment development through Article V democratic process? e. How can judicial power constitutionally subordinate prevent challenges to violations of constitutional text constitutionally supreme?

51. The Constitutionally Unanswerable Question remains: What constitutional provision authorizes courts to make systematic Article I violations unreviewable through standing limitations when Article III requires judicial power extend to constitutional cases?

VI. CONSTITUTIONAL HIERARCHY ANALYSIS

A. Constitutional Text Supremacy over Judicial Doctrine

52. Constitutional Hierarchy Requirements establish clear constitutional authority structure: (a). Level 1 includes Constitutional Text through Article V democratic supermajority ratification (b). Level 2 includes Statutory Authority derived from constitutional grants to Congress (c). Level 3 includes Judicial Doctrine through interpretation serving constitutional text enforcement

53. Current Constitutional Inversion violates constitutional hierarchy by allowing Judicial doctrine at Level 3 to limit constitutional text enforcement at Level 1, subordinating constitutional authority to derivative judicial interpretation.

54. Johnson Case Constitutional Application demonstrates Article I, Section 1 constitutional text possesses superior authority to judicial standing limitations preventing Article I constitutional enforcement, requiring courts to prioritize constitutional text over judicial doctrine limiting constitutional remedies.

B. Democratic Legitimacy Hierarchy Analysis

55. Constitutional Amendment Democratic Authority demonstrates superior democratic legitimacy: (a). Democratic Process requires two-thirds Congressional supermajority plus three-fourths state supermajority ratification (b). Supermajority Requirement ensures broad democratic consensus exceeding simple majority politics (c). Article V Constitutional Authority provides authority superior to all other governmental interpretation through constitutional design

56. Judicial Precedent Democratic Authority lacks constitutional legitimacy: (a). Undemocratic Process involves five unelected federal justices with lifetime tenure and no democratic accountability (b). Minority Constitutional Control provides no democratic legitimacy mechanism for judicial precedent creation (c). Derivative Constitutional Authority created to serve constitutional text enforcement, not to limit constitutional enforcement

57. Constitutional Logic requires constitutional amendment possessing superior democratic legitimacy to judicial precedent limiting constitutional enforcement, requiring judicial subordination to constitutional text rather than constitutional subordination to judicial interpretation.

VII. MATHEMATICAL PROOF OF CONSTITUTIONAL AMENDMENT NECESSITY

A. Authority Requirements Analysis for Systematic Constitutional Crisis

58. Constitutional Problem Scope encompasses systematic violations across all three branches of government combined with judicial gatekeeping preventing constitutional remedy through legal process.

59. Required Constitutional Solution Authority must possess comprehensive constitutional remedial capacity: (a). Superior to Legislative Authority required for addressing Article I, Section 1 violations (b). Superior to Executive Authority required for addressing Article I, Section 7 violations (c). Superior to Judicial Authority required for addressing Article III violations plus standing gatekeeping (d). Systematic Constitutional Scope matching comprehensiveness of violation coordination e.

Democratic Constitutional Legitimacy through supermajority ratification process
exceeding simple majority politics

60. Constitutional Amendment Authority Analysis demonstrates exclusive remedial capacity: (a). Article V Process provides only constitutional authority superior to all three branches simultaneously (b). Democratic Legitimacy includes supermajority ratification requirement providing democratic consensus (c). Systematic Constitutional Remedy enables constitutional text revision matching systematic violation scope (d). Historical Constitutional Precedent shows previous judicial supremacy crises required constitutional amendments for resolution

61. Mathematical Constitutional Conclusion establishes that only constitutional amendment possesses necessary constitutional authority to address systematic constitutional crisis involving all three branches plus judicial gatekeeping preventing constitutional accountability.

B. Constitutional Inadequacy of Alternative Remedies

62. Legislative Constitutional Remedy cannot address legislative abdication violating Article I, Section 1 because legislative abdication prevents legislative constitutional remedy.

63. Executive Constitutional Remedy cannot address executive usurpation violating Article I, Section 7 because executive usurpation includes controlling constitutional remedy through legislative coordination.

64. Judicial Constitutional Remedy cannot address judicial supremacy plus gatekeeping preventing constitutional enforcement because judicial remedy requires judicial access controlled by violating judicial authority.

65. Individual Case Constitutional Victory cannot address systematic coordination across all branches because systematic violations require systematic rather than individual constitutional remedy.

66. Political Process Constitutional Solution cannot function when constitutional structure itself violates constitutional requirements making legitimate political process constitutionally impossible.

67. Only Constitutionally Adequate Remedy remains constitutional amendment with constitutional authority superior to all branches and democratic legitimacy superseding governmental interpretation through Article V supermajority process.

VIII. STRATEGIC IMPLICATIONS FOR CONSTITUTIONAL LITIGATION

A. Constitutional Documentation Strategy

68. Evidence Creation Methodology establishes that every judicial limitation on constitutional enforcement becomes evidence supporting constitutional amendment necessity for systematic constitutional remedy.

69. Public Constitutional Education demonstrates using judicial gatekeeping as empirical proof that democratic constitutional amendment process is constitutionally required when judicial process prevents constitutional enforcement.

70. Historical Constitutional Validation follows established pattern of constitutional amendments addressing judicial supremacy crises when judicial process cannot remedy judicial constitutional violations.

B. Constitutional Development Strategy

71. Immediate Constitutional Goal seeks to restore constitutional justiciability through judicial enforcement of constitutional text supremacy over judicial interpretation.

72. Systematic Constitutional Goal develops constitutional amendment addressing systematic constitutional crisis requiring democratic supermajority solution with authority superior to governmental interpretation.

73. Strategic Constitutional Integration ensures individual constitutional victories contribute to systematic constitutional restoration through Article V constitutional amendment process providing democratic legitimacy superseding judicial precedent.

IX. CONSTITUTIONAL THEORY IMPLICATIONS

A. Judicial Review versus Constitutional Supremacy

74. The Fundamental Constitutional Tension demonstrates that judicial review intended to enforce constitutional supremacy has evolved into judicial supremacy that limits constitutional supremacy through precedent controlling constitutional text interpretation.

75. Constitutional Innovation Requirement involves recognizing that constitutional supremacy may require subordinating judicial review to constitutional text when judicial review becomes anti-constitutional through limiting constitutional enforcement below constitutional requirements.

76. Democratic Constitutional Foundation shows Article V supermajority requirements provide democratic legitimacy that judicial precedent inherently lacks, requiring constitutional hierarchy restoration through democratic constitutional amendment.

B. The Constitutional Access to Justice Crisis

77. Constitutional Crisis Analysis reveals that when standing doctrine prevents constitutional enforcement, "access to justice" becomes "access to constitutional violations" without constitutional remedy.

78. Systematic Constitutional Breakdown occurs when traditional legal remedies fail because the constitutional remedy system itself violates constitutional requirements through judicial gatekeeping.

79. Democratic Constitutional Solution demonstrates constitutional amendment process provides constitutional access when judicial access becomes constitutionally prohibited through judicial supremacy over constitutional text.

X. CONCLUSION: THE CONSTITUTIONAL IMPERATIVE

A. The Stark Constitutional Reality

80. The United States Constitution has become systematically non-justiciable through coordinated violations across all branches combined with judicial gatekeeping preventing constitutional accountability representing constitutional collapse requiring immediate constitutional restoration through democratic amendment process.

B. The Mathematical Constitutional Necessity

81. When foundational constitutional provisions cannot be enforced AND judicial process prevents constitutional challenges through standing gatekeeping, constitutional government becomes mathematically impossible with the Constitution existing as text but unable to function as law requiring constitutional remedy.

C. The Democratic Constitutional Solution

82. Constitutional amendment through Article V process provides the only remedy adequate to address systematic constitutional crisis with superior democratic authority bypassing judicial gatekeeping while restoring constitutional text supremacy over governmental interpretation.

D. The Historical Constitutional Moment

83. This represents the most comprehensive constitutional crisis in American history: systematic non-justiciability combined with judicial prevention of constitutional remedies making constitutional amendment constitutionally mandatory to preserve constitutional government for future generations.

E. The Ultimate Constitutional Truth

84. When courts control access to constitutional remedies while systematically violating constitutional requirements, constitutional amendment becomes constitutional necessity rather than constitutional option with the Constitution either governing government, or government governing the Constitution through non-justiciable violations and judicial gatekeeping.

STRATEGIC APPLICATION TO JOHNSON v. UNITED STATES

85. This constitutional analysis supports the Johnson constitutional challenge by demonstrating constitutional necessity for systematic remedy.

86. Johnson's constitutional violations represent systematic constitutional breakdown requiring systematic rather than individual constitutional remedy through democratic process.

87. Judicial standing denial would confirm rather than refute the systematic nature of constitutional crisis requiring constitutional amendment solution.

88. Constitutional amendment development is constitutionally necessary when judicial process cannot remedy constitutional violations due to judicial control over constitutional access.

89. Democratic legitimacy requires constitutional text supremacy over governmental interpretation limiting constitutional enforcement through judicial doctrine.

90. Historical precedent establishes constitutional amendment necessity when judicial supremacy prevents constitutional accountability through gatekeeping control.

91. The Johnson constitutional challenge serves as constitutional proof that systematic violations require systematic democratic remedy through Article V constitutional amendment process with authority superior to all three branches and democratic legitimacy exceeding judicial precedent limitations on constitutional enforcement.

92. Constitutional Documentation establishes that the Constitution either governs government, or government governs the Constitution, with systematic evidence demonstrating that government now governs the Constitution through non-justiciable

violations and judicial gatekeeping, requiring constitutional amendment to restore constitutional governance by making constitutional text justiciable again through democratic supermajority authority superior to judicial precedent limiting constitutional enforcement.