

CHAMPAIGN COUNTY COURT
101 E. Main st. Urbana IL 61801

dated: 11/2/11
CASE 10-MR-906

JAMES FRANK OSTERBUR
VS
STATE OF IL, ET AL

Parties to the proceeding: federal merely notified of the potential for
redress at the federal level: rather than summoned.

THE STATE OF ILLINOIS
THE UNITED STATES OF AMERICA: *the guarantors of our
constitution, our democracy, our state rights, & our ownership as
WE THE PEOPLE.*

These are, “The principles of this case” guaranteeing to the citizens of
each state: that the state SHALL uphold and provide its constitutional
guarantees to each of their citizens. SHALL Protect the constitution,
as the true sovereign ruler & authority, of both state & nation.

FOR THE USA: **THE SOLICITOR GENERAL ROOM 5614,
Department of Justice, 950 Pennsylvania ave, NW Washington
DC 20530-0001**

The originating defendants:
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
box 19281 Springfield IL 62794-9276
IL DEPT OF AGRICULTURE OVERSIGHT AND ENFORCEMENT.
Box 19281 Springfield IL 62794-9281

Environmental protection agency for the USA, Chicago office IL:
US EPA region 5 Ralph Metcalfe Federal building 77 W. Jefferson
blvd Chicago IL 60604

Department of OSHA for this USA. Chicago area
701 Lee st. Suite 950 Des Plaines IL 60016
Department of traffic safety for IL

box 19245 Springfield IL 62794-9245
Department of human rights; 100 W. Randolph st. Chicago IL 60601-3218
added is
US ATTORNEY Gerard A. Brost 211 Fulton st. Suite 400, Peoria IL 61602
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IL ATTORNEY GENERAL 500 S. Second st. Springfield IL 62706
added as lawyers for the defense was:
IGNACIA S. MORENO Lawyer for epa requesting electronic filing from court/ no address to me.
AMY J. DONA Lawyer for US dept of justice/ environmental and natural resources division/ environmental defense section box 23986 Washington DC 20026-3986
THE GOVERNOR, for the state OF IL, PATRICK QUINN
207 state house, Springfield IL 62706

Judge John R. Kennedy presiding

RE: the coming hearing November 23, 2011, at 11:00 courtroom E

As all know. This is going to be a very short hearing for the purpose of removing this case from court. All previous evidence points to the fact this is going to be true. The fact I WAS NOT given the opportunity to defend this case in a prior hearing before "citizen Difanis"/ regardless of his oath to the contrary. it is pointless for me to prepare for a hearing that will not discuss the law/ will disobey constitutional mandate as is the law/ and refuse honor or respect democracy as is the job you were hired to do. This does not in any way respect the people of ILLINOIS, or this nation; consequently no respect is returned.

As such, after giving it some thought: the clear alternative to a hearing that will be nothing more than subversion, anarchy, and

ridicule of democracy and constitutional law. It is my choice to prepare this statement prior to hearing/ instead of presenting it in court as was intended. Even that slight opportunity in DUE PROCESS is expected to go astray as has the facts of a courtroom proven in the past on numerous occasions. Honor being nothing more than “a sandbox (it seeps away, quickly)” in the various courtrooms seen or heard from in nearly all cases of the past. These conclusions based upon the evidence of numerous trials, is to be tried in a courtroom of law: or more simply, will you do the job you were sworn to do?

Since you, the employees representing our government, have been proven enemies of democracy: by, utterly refusing a constitutional law called redress. Denying without the slightest respect for WE THE PEOPLE, **their right to participate in REAL government, as owners of this democracy:** as is redress. A demand for accountability and our recognition as democracy by our vote: for the realities and laws that alter or demand from our lives, the very truth of our dignity/ our lives/ our future/ or our rights as a human being. This case initiating as: *being about the reality of money versus people in a democracy*, or more simply WHO RULES THIS NATION: the money, or we the people ourselves. It is known that you simply cannot comply with democracy (proven by trials, with this litigant); because that would of course make the people who bribe you, with power/ pride/ and position, or other: “unhappy”. Can’t have that, can we. Hell no.

Some will accuse me in this filing of: being in contempt of court. However I say **VERY CLEARLY TO YOU: PROVE IT IS NOT SO, prove you will obey constitutional law/ prove you will provide redress/ prove you are going to accept the demand of democracy and justice. Thereby providing the limits and boundaries according to the preamble of the American constitution: between money and democracy itself. Prove that the US first amendment redress will be protected for this people of ILLINOIS. Prove that democracy, gives all rights to the people themselves, as OWNERS: to create and define a BETTER society for themselves; by their own actions and decisions regarding democracy THROUGH REDRESS.**

And I will happily retract all these statements, and if you wish produce a statement for the press or public which honors you, the employees of government and this court.

Its your decision/ not mine. I simply state the conclusions, that are unavoidable by the facts, of previous lawsuits in this matter. These statements in advance of your verdict merely exist: to present the foundation, **YOU WILL provide the evidence that proves those facts true or false. Not a game, simply a decision** that becomes irrefutable evidence in a courtroom of law. Prove me wrong, that isn't hard: **obey the constitution, the law of this land! no games, no trickery, no threachery: just "honor" your oath.**

Apart from that, the function of this hearing is to determine the truth regarding the fifth guaranteed right of the people of ILLINOIS, in the ILLINOIS CONSTITUTION; which does grant an irrefutable right to redress of grievances/ as I have described to the court. Both federal and state. Nonetheless, I will add it again so as NO delusions may take place.

REDRESS IS OUR RIGHT TO PARTICIPATE BEYOND THE LIMITS OF "A VOTE FOR SOMEONE ELSE TO VOTE FOR ME". This is, my own vote decides! A reality of someone to vote for me, that was necessary in centuries past, due to the realities of that time. Does Not exist anymore!

WE THE PEOPLE MEANS: that we are the owners here, as a democracy. Democracy means: **WE RULE OURSELVES**, by constitutional law, through our actions that create and define that law! Therefore anyone who denies to us that law upon which we depend for our democracy itself/ **DOES** become a traitor, and an enemy trying to destroy the foundation upon which we have united as this state or nation. United means: **PROMISING** to each other, we will fight, to keep this agreement/ this contract between our employees, and ourselves: from being destroyed, changed, or altered without our consent. So distinct is this pact of clear commitment to each other: that a sworn oath is required of all those who say as our employees: that "we will obey/ defend/ and protect" these citizens, and their constitution, **first**. That oath: Reminding them as employees one and

all: THERE ARE PENALTIES for failure; let the people decide.

Even so, the functional reality of redress is very simple: OUR OWNERSHIP of this state or nation resides in our control over the government which is our agreement as a people: that this is what we will do/ and this is who we are, as owners of this place. Our laws, our rights, our constitution, our courts, and our government by the contract which is the constitution itself!

Redress is then accountability from our employees, and it is ownership as one people united by our vote to take control over our situation and our future, when the majority of us understand, and accept: that this is necessary or desirable to do at this time. To accomplish that assembly of the people, as a fact: it is mandatory that the people be assembled to understand the facts of the case/ the decision to be made, in front of them. By asking of them, as a society; to take responsibility for ourselves as we the people and who accept the consequences of our future. By taking AWAY, that decision: from those employees in government, who are believed to have failed.

Because we or I/ **the litigant, in this case, have declared there are concerns and consequences that we now face: BEYOND ANYTHING WE HAVE AGREED TO, in our democracy or constitution for this state or nation.** Those threats, that reality by the truth of its evidence, and even current media coverage; being slightly known in this case: ARE, so wide and broad a variety of failures, that there is indeed no need to list them all at this time. Nonetheless, bankruptcy/ corruption/ conspiracy in the court to deny redress a constitutional guarantee/ and many more all readily come to mind. **Threats that can easily make us extinct, also require our decision.** No more "let them, the people, their children, and their future be damned". An arrogance so insane, it is beyond description, "satan among us"/ the only remote word possible.

To establish trial, the legal exercise called redress: to acquire & require of a jury; they must address the problems, threats, future, and democracy of this state as presented by this litigant or his or her appointee in a courtroom. That guarantee, to be heard, when the evidence is clearly visible, or ultimately proof of "we absolutely CANNOT be wrong/ or we die": Is so fundamental to the process of democracy by vote, it is the basis by which we govern ourselves. Or

more simply: I, as any litigant requesting redress from the people/ **cannot simply command** that a state or nation must listen to me. Rather by the evidence of media already, the possibility of tragedy established, if "wrong or right": presents the foundation of this case, is a cause that must testify to the relationship our democracy has to each other. *We guarantee to each and every citizen, the right to say: THIS MUST CHANGE, or you must understand!*

That is functionally redress by its reality in the test of constitutional truth. **But to adhere to the test of democracy itself: ALL OF US, must be recognized as the people who shall decide/ if we wish to test the laws, the practice, the future, or the gambles that are taking place. IN this our state, nation, or world.** More simply: if a jury cannot be convinced, that greater opportunities/ a value to society: to be heard, in accountability or by investigation of the truth, that justice or right or law shall not materialize. Then the matter is done, and redress for this litigant, or any litigant is over.

However if the jury says yes: WE MUST AT LEAST, investigate these charges, threats, consequences to our children or our own future. **WE MUST DECIDE FOR OURSELVES, if every life on earth shall be gambled with or not.** WE MUST ACCEPT the truth of our situation and do what must be done to uplift and return to democracy as it was meant to be. That decision means: Therefore to trial as a state or nation WE SHALL GO. The employees of our government, presenting their truth/ the witnesses called by the defense or the people being summoned, and so on. Without exception or excuse/ NO fifth amendment privileges allowed: OUR NATION/ OUR STATE, not yours.

Because that is the only way, we can functionally depend upon the information NOT TO BE LIES. And the PUNISHMENT ENABLED by a courtroom, proving for any and all who do intentionally lie; there will be consequences to all. Thereby the warning is: DON'T PLAY NO DAMN GAMES. **WE THE PEOPLE ARE JURY HERE!**

Given these parameters, the process begins. But it is still too little, to give one single jury the right to take any society, or more specifically their leaders and employees, to trial. Rather judicial

district by judicial district, the trial repeats; “with or without the original litigant”. So that a true composite answer for and by society itself can be declared proven true; we shall go to trial/ or not as the jury decides.

Because there are NONE who can be declared “unbiased”/ all jury members MUST BE CHOSEN by lottery, among all members of society who register themselves as desiring to be a part of this jury. That requires media advertisement, a realistic time frame for understanding by society itself: *a media fact paid for by society itself, through its courtroom.* Once the jury is picked, TRIAL BEGINS ONE WEEK FROM THAT DAY. Let all sides be prepared. Because, it is a societal trial: the addition of attorneys for the people, shall be provided to the litigant presenting redress; once the first jury has decided in favor of/ at his or her discretion. Paid for, by society itself.

As to the functional, initial purpose of this trial: which began seeking the boundaries between where money rules this society/ and where society itself rules over the money, and defines its power as is the purpose of democracy, establishing our future. That question presented is fundamental to this entire state and nation. Thereby, it is to be decided in redress trial, as society itself votes. Because it is a law, or the understanding of a law, that will then become a foundation between business/ industry/ or other: and every single citizen in society as they desire for themselves that it must or should be. **It is true democratic right to decide for ourselves!** It is not functionally a courtroom decision, because no judge is worthy/ no person knows better how I shall vote for the truths that become my society and my future, "than me". Therefore beyond the demand for: “redress, as is WE THE PEOPLE; shall decide”: is the truth, that we will enact and describe our law/ provide as change, our decision/ and instruct our employees by the power of democracy: as we see fit.

PROOF OF SERVICE

I, James F. Osterbur do hereby declare: that I have sent a true and accurate copy of the foregoing/ to each of the following/ along with the court; to these addresses. On this date 10/21/11. First class postage prepaid in the US mail service.

Parties to the proceeding

FOR THE USA: **THE SOLICITOR GENERAL ROOM 5614, Department of Justice, 950 Pennsylvania ave, NW Washington DC 20530-0001**

The originating defendants:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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Department of OSHA for this USA. Chicago area

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added as lawyers for the defense was:

IGNACIA S. MORENO Lawyer for epa requesting electronic filing from court/ no address to me.

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