

In UNITED STATES APPELLATE Court
For the SEVENTH CIRCUIT of the UNITED STATES OF AMERICA
219 S. DEARBORN ST CHICAGO IL, 60604
<http://www.ca7.uscourts.gov>

APPELLATE CASE # 11-1639

THE CASE APPEALED: 10-2257 **Judge** David G. Bernthal; presiding.
US district court for the central district of IL/ Urbana div.

**Titled: the legal determination of constitutionally guaranteed: first
amendment redress law!**

**THE REVIEW OF DEMOCRACY IN THIS APPEAL FOR JUSTICE: or
more simply, “do we the people own this nation or not”?**

dated: April 15, 2011

JAMES FRANK OSTERBUR
2191 county road 2500 E
St. Joseph, IL 61873
<http://www.justtalking3.info>

VS

United States of America
Internal Revenue Service/ **dept of the Treasury**; 1500 Pennsylvania ave NW DC
20220
the Solicitor General ROOM 5614, Department of Justice,
950 Pennsylvania ave, NW Washington DC 20530-0001
the US Attorney General US dept of Justice 10th and Constitution avenues NW
Washington DC 20530
the President Barrack Obama; 1600 Pennsylvania ave NW , DC 20500

Plaintiffs response: court order April 12, 2011
on the grounds it is, an illegal act.

APPELLATE JUDGES: William J Bauer
Terence T. Evans
Ann Claire Williams

Having entered an illegal order of the court/ having lied about the content and merit of their decision/ having discarded the rules of the court and presented a delusion of arrogance; instead of justice. Including; You did not wait for my reply, in a de novo trial/ which means **you did DENY** me my constitutional right of DUE PROCESS. The plaintiff filing of April 13, 2011 holds authority over this order: because The court acts in defiance of its own procedure and rules.

You did: DELIBERATELY DENY THE CONSTITUTION OF THIS UNITED STATES AND ITS AUTHORITY over the court, the judge and each defendant/ an act of betrayal and anarchy. Choosing instead to be rulers OF each CITIZEN/ instead of employee of our government called the constitution. The foundation of democracy rules over you/ by the demand: WE THE PEOPLE CHOOSE THIS DEMOCRACY; **to rule ourselves by the law, that is our written constitution.** Having abandoned this rule of law, this constitution of the nation called America; the act of treason is displayed.

In this CRIMINAL ACT against the nation itself. Deliberately & fully intending to strip from me my legal rights/ our legal guarantees as citizens of this nation called the United States of America. The reality defined: is the act of a thief, hiding in the sewer of useless disguises: whose only purpose is to steal our liberty, our freedom, and even the nation itself, by discarding the very law by which we are entitled to rule ourselves.

Therefore 3 felony charges exist/ one demand of criminal trespass:

1. These judges: have committed treason by altering and denying the constitution itself; to suit their own ends, **rather than obeying the law as written and guaranteed to me. Redress of grievances is that law/ our law,** of the first amendment, plainly written. That is an act of BETRAYAL against we the people. The intentional decision to commit anarchy against the nation, citizenry, and me; **by denying what cannot be denied; the very law that grants our nation to be. The lifeblood of our spirit and union as Americans.** That is an act of violence, attacking and destroying the foundation of law that is OUR GOVERNMENT/ our NATION/ ourselves as we the people: **called the constitution itself.**

2. These three commit the very serious act of criminal conspiracy to deny this

nation its law/ to deny this citizen his due rights under that constitutional law. To cause and declare among the people that they have no rights/ no guarantees/ no meaning to this government at all: because what was guaranteed is now shown to be dead, hung in the air as a sign don't come where you don't belong; to each and every citizen. Only the rich and powerful, play here. In so doing they trespass onto the criminal act that **is open rebellion** against this nation & their own sworn oath of office. To not only protect and serve, but **DEFEND THE CONSTITUTION** against all attacks. Instead: They not only desert their duty, and deny **DUE PROCESS**/ they betray us all by the weapons of law, the rule of anarchy, and the decisions that can only be defined as **TRAITORS** to this nation.

Consequently one must ask why? And expect: Because someone is benefitting, when an act that is do disrespectful as to deny the constitution itself; **BEING WARNED** in advance that it was and is a criminal act. Another participant hides with bribes of power or pleasure or whatever it is that want desires. Not only are bias and prejudice/ the blatant disrespect for the constitution proven in this court by the judges themselves: but to do so without cause, to assemble a courtroom without purpose insists/ do not other traitors exist? The judiciary are accused, with evidence: and the law, created by constitutional mandate that must be upheld within any courtroom of this nation. To find that law, and that constitution; exercised as merely trivial; in this trial proves a conspiracy against us/ the people of this nation.

These judges, have deliberately attacked this UNITED STATES OF AMERICA. SEEKING TO DAMAGE AND DESTROY A DISTINCT LAW, AND A FOUNDATION OF THE AMERICAN WAY OF LIFE; A GUARANTEED RIGHT cast aside like sewer water/ using the distinct weapon of a courtroom against this very people. Wherein right says: **ONLY THE LAW IS ALLOWED**. There is no discretion allowed, not for any judge or group of judges. **IT'S THE LAW**, of our **DEMOCRACY AS A PEOPLE UNITED!** These judges abandoned the law/ their oath/ this nation/ and our constitution: playing games with our lives, defining and creating ridicule of me and us all. By assembling a barrier to hold our right, and our nation within their control.

That means by article 3 section 3. Item 1; They shall be tried by the congress of this USA. *That congress shall investigate to see who has benefitted or gained/ who has paid for this attack upon our very shores of value, purpose, honor, and trust. From an enemy hidden within;* the black robes and gangs of the american judiciary. Because this is not the first time the law of redress is denied;

which means the conspiracy to without our guaranteed right exists throughout the courts of this nation. An act of anarchy, a decision assigned TRAITOR.

3. These three have set out to destroy the active participation called DUE PROCESS, in the courtroom. This court, Having declared and filed a DE NOVO trial, as asserted by the defense on April 11, 2011; taking into their own possession the trial 10-2157; unfinished from district court in Urbana IL.

They order the appeal stricken and dismissed on April 12, 2011.

Disallowing a response as is my absolute and unqualified right in DUE PROCESS: because this de novo trial is then a completely new beginning. Or more distinctly: I HAVE A RIGHT TO RESPOND IN THIS COURT PRIOR TO ITS ORDER, no less than once/ to any accusation the defense shall make . Which they have prejudiced and denied without cause or merit, before the mail could even deliver the defendants de novo papers and claim.

In addition: THEY LIE perjuring themselves with the words “civil case”/ **BECAUSE THEY ARE fully informed this is not a civil case, it is a constitutional case: demanding the rights guaranteed to me within the first amendment as written.**

They LIE, on cause/ “lack of jurisdiction”: fully knowing, BECAUSE THIS IS A CONSTITUTIONAL DEMAND/ whether they are requires to obey it or not, isn’t even a question: IT IS THE LAW. I DEMAND, as does every citizen expect that THE LAW SHALL BE OBEYED; by every judge. Instead you prove it is not/ you prove betrayal exists within the courtroom of this nation, and anarchy is its cause. You have no immunity when attacking the constitution itself/ it is a criminal reality, and a clear crime. You have denied the rights and guarantees of this people fully intending/ clearly deciding/ and purposely enacting an attack on this society; by the element that exists as a judge. Creating with the weapon we put in your hand: the authority to protect and defend our constitution and ourselves. The reality of an intentional casualty (an intent to subterfuge my legal rights/ my access to DUE PROCESS/ the full and purposeful demand to remove me and this law from the courtroom) , with the full and complete understanding **THIS whose only purpose is to deny AMERICA its law; is an act of treason.** By the anarchy of preparing the illusion of a battlefield that cannot be passed through; so that no other can follow. Saying to me, this matter of the law, is now removed from the court, not by any act of due process but the assumption of consent. The lie, that our employees cannot be accountable to us, or subjected to the reality of what they have done to us: unless they themselves

consent. That, IS TREACHERY DISGUISED, as an excuse to disobey the constitution/ and send this nation to its death; by insisting GO AWAY. When in fact this is the path set before us AS our inheritance in this nation/ our right guaranteed by the blood spilled to attain and build this nation. This redress, is the legal path away from civil war/ by establishing the constitution as law; over those who do call themselves our rulers. This redress is our authority as a democracy to establish accountability and authority over OUR GOVERNMENT, by enforcing “its not yours/ and YOU ain’t our ruler”; rather THIS LAW called the constitution is! To do otherwise than fight for that law, is to suggest men and women died for nothing. And should die again in civil war; because it is the only way to remove those who would rule over us. That violence should exist, instead of law; because those who consider themselves too powerful to obey the law, or exhibit any form of honor or respect to the law, or we the people. Will not obey! These three have then decreed: they are the law, or they will hide from the law, and run away with our rights to protect them from our hands. How is that not treason: when we are in crisis, and look for the weapons that are stored within our constitution to defend ourselves. Only to find them stolen! These judges have proven: they will do whatever they wish/ and not obey the constitution itself. They will decide/ NOT the law. **That is a blatant act of treason.** That is a prison-able offense; FOR LIFE.

Redress is the law, and there is NO DISCRETION OR IMMUNITY for anyone. Not a judge, or a president, or a attorney general, or a solicitor general; to deny the constitution and its rule over our lives/ and theirs: EACH ONE. There is no immunity for a US attorney, or an agency called the IRS: unless he or she defends the constitution, and establishes the truth as needed for the defense of OUR NATION. To conspire with the enemy is collusion/ to run away from the nation in its time of need; is nothing less than a deserter. Neither is there immunity for a congress that refuses to bring these people to justice, or denies this people their fight for the law, their constitution protected, defended, and served by its employees and people. **The constitution: which is our government by agreement; is no ones toy.** The guaranteed rights it grants and imposes upon the actions of every employee hired for that very purpose/ and sworn to for the express purpose of requiring obedience to it; is the law of our nation. It’s a choice to be a citizen based upon the promises therein. It’s a lie, that anyone can deny these promises exist. It’s a courtroom and a people betrayed: when that constitution is disgraced.

Honor and respect are a decision/ the law is not. Make your decision/ there

is no ignorance here. These judges know, exactly what they agreed and conspired to do.

4. **There are NO EXCUSES** present, for any issue of consent to be brought before or used by this court. This trial is/ this constitutional demand is: **GIVE TO ME THE LAW, GUARANTEED BY THE CONSTITUTION TO EACH AND EVERY CITIZEN. That means this is not a civil issue, but a constitutional one. That means redress for this people as written & guaranteed.** The court has no authority to deny that command made upon them by the constitution. That suggestion of a right to consent by the defendants as part of the courts order is dismissed, with prejudice/ it has no merit. It is no right/ rather it is clearly anarchy and betrayal by the court, the fantasy or delusion, intentionally used to deny the truth, and dismiss justice without a cause. That is betrayal, an act of defiance before this people.

This trial is based upon constitutional guarantee: That is not an issue of debate/ I have certified it as true; and they have offered not one single word to dispute that fact. The right the constitution instills by law to me: is not subtle or blind/ it is plain and factual. It is the first amendment, and the fourteenth. That right, is not unintelligible or without the ability for a judge to understand. IT IS THE LAW. AND I DEMAND IT, as is my guaranteed right. The assumption of consent is dismissed with prejudice as an act of treason. YOU HAVE NO RIGHT to dismiss or deny or prejudice an appeal for my personal constitutional guaranteed citizen first amendment. Rather these very words contract each citizen as is required: **GO FIGHT TO YOUR DEATH for this/ our law, our authority as WE THE PEOPLE.** This Demand on citizenship. Concentrates a relationship of betrayal, treachery, and traitorous actions: by those who sit as a judge, and do: DISHONOR OR DISRESPECT EVERY SINGLE AMERICAN. By the failure to accept, Our constitution and its guarantees: are NOT negotiable. They belong to us/ not to you; as is clear by the oath you swore.

The objection required to 10-2257; was registered against the magistrate decision on time and sent to both the district and the appellate court. THEY KNOW. That portion of the order is dismissed with prejudice.

There is no consent allowed to decide: if we will obey the constitution or not. Each and every defendant is sworn to obey. Each and every judicial official as are these judges are sworn to obey, defend, and protect the constitution, thereby open rebellion against the very oath they swore. Therefore the act of treason is registered as blatant/ because no illusion can exist, it is an absolute act

of defiance against the people, and their own constitution. An act of war against this nation because it seeks to damage, the very heart of our democracy: the rule of law/ instead of the ruler over us. The consequence of a treasonous act is; AN ATTACK ON THE PEOPLE THEMSELVES. BECAUSE WE ARE AT THE POINT OF CRISIS; OUR CONSTITUTIONAL DEFENSES (THE LAW) UPON WHICH THEY WE DO DEPEND; has been stolen. Our GUARANTEED RIGHTS (more than inherited/ WE the people; DIED FOR THEM). Discarded in the trash, so as to give the enemies of our nation greater access to damage and destroy; to defeat us by stealing our own money from within, and more.

These judges scoff at the law/ disgrace the constitution/ demean and damage the office they hold/ have intentionally sought to deny the guaranteed rights of this people/ and attacked the foundation of our nation, with their prejudice, their intent to destroy a law within this United States. By their assumption “nothing he can do”; we have the power/ the weapon to deny/ the army to destroy as is possession of the courtroom and its position called the judiciary. Because they are found in collusion, by the evidence of trial. That is an act of war, upon this citizen/ upon WE THE PEOPLE. Because it is the judge who has been given the weapons to defend us: **AND THEY HAVE DELIBERATELY TURNED OUR OWN WEAPONS AGAINST US.** With the intent to kill our very own law, that law which establishes and creates true DEMOCRACY for ourselves: by creating the authority as we the people to demand an accounting/ to demand by vote we shall then decide. To deny us that, at this moment of crisis: is an undeniable attack against the nation. To deny us that establishes: whose purpose is to defeat this democracy by warring against the law; that we the people need to defend this nation, and ourselves, in its time of crisis. WITH TRUTH/ Not a game. Not an individual issue. Not a civil rights/ BUT A CONSTITUTIONAL ONE.

CONCLUSION

The deliberate act, by both the district court and the appellate court to withhold and deny to me DUE PROCESS OF LAW: which is a final verdict based upon the law/ in obedience to the purposes and intent of the constitution. HAS BEEN BETRAYED. The district court says it will make a recommendation that does not respect constitutional law/ but denies it, as something “all parties” must consent too. That is a lie/ that is anarchy: **because nothing about the law or the courtroom** is an issue that all parties must consent too. As is proven by prison.

Accepting this delusion of consent/ denying this trial is a constitutional case

even though it literally drips with the blood of those who died to create this nation: by adhering to constitutional truth. Is the proof of democracy: TO DEMAND WE WILL RULE OURSELVES BY THE LAW/ not by rulers. And the judges involved say: “We will destroy this intent, this guarantee, with fantasy and lies”. THEY SAY: we will rule this courtroom, and this people with our decisions, our whims, and our opinion; let the law be damned. Let the people decide/ I say NO.

The appellate judges listed herein: accepted the act of treason by aiding and abetting those who would not allow the constitution to rule over this nation; IS THAT THEM? Or is it too big for them, and established by others who are in greater control over this nation/ this courtroom of the people? Who would hold command over three appellate judges? Who would benefit more than a judiciary risking there very lives, by criminal actions against the United States of America? Who is INTENTIONALLY HIDING, establishing what the district judge has done in not obeying constitutional law? Are these gaining enough to do such a thing/ or are there “traitors elsewhere”. That is conspiracy and collusion, established by trial over the years. That is the denial of justice, the denial of due process, the illegal act of constitutional fraud, the swindling of this people by acts so repugnant and completely unfair, as to be anarchy itself. The assertion: “We can discard the constitution: IF we merely say all parties did not consent to following the law”; is a fool’s paradise/ because we ask the question who then made this law, and what is its purpose? We ask the question: does not the constitution rule over all and every inferior law in this nation/ is not every law subject to its authority?

Does not the constitution guarantee me a jury trial in controversies great and small. Is not the guarantees of the fourteenth amendment valued: “....no state shall make or enforce any law which shall abridge the privileges of the citizens of the United States...” How is not the question presented as consent, a clear and open betrayal of these guarantees? The constitution grants, the court STEALS, with the illusion of consent/ deliberately denying the constitution thereby exists. As it must not, when every law within it is subject to whether our employees “consent or not”. Regardless of “our guarantee”? That is sedition, to purposefully act in ways that are an insurrection against lawful authority.

Consent, IS A DAMN LIE/ an illegal participation establishing the will and the means to dissolve the authority called the constitution of this UNITED STATES, and deny it exists by whatever means.

PARTICULARLY when all litigants/ and all judges involved: but me, are sworn to obey, protect, and defend the constitution itself under penalty of law. Each litigant/ each judiciary participant: is then notified by this letter to the court.

This objection to the recommendation of this appellate court who has by their own words made no determination: **ordering instead**, that this trial shall be held in limbo so as NOT to be allowed DUE PROCESS OF LAW. Is an illegal, and distinctly criminal act. Stated as their excuse is:

“because they lack jurisdiction”

TO, MAKE A DECISION ON CONSTITUTIONAL GUARANTEED LAW;

TO ESTABLISH, THE RIGHTS OF A CITIZEN, EVERY CITIZEN IN THIS UNITED STATES OF AMERICA. AS GUARANTEED IN WRITING BY THE CONSTITUTION.

BECAUSE they cannot force the defendants being the leadership and judiciary of this UNITED STATES, to obey the law, and accept the sworn statements each made to uphold and defend the constitution.

And thereby PROVIDE THE GUARANTEES OF THAT CONSTITUTION, to me a citizen distinctly and deliberately demanding THE LAW MUST BE OBEYED/ THE CONSTITUTION MUST BE ADHERED TOO. By the leadership and the courts of this nation. BY THESE JUDGES.

You are NOT immune. This is the constitution you betray/ it is the law you deny/ it is the sworn oath attached with penalties of imprisonment you smear, with bias and the poverty of prejudice.

That is anarchy; establishing by facts, the assumption “the people are unable to understand what they are doing/ WE ARE THE RULERS HERE”. We must remove their law, we must contain their authority, we must deny their guaranteed rights. CREATING an impediment in the court/ thereby establishing A WAR against this people/ and denying the constitution itself as our democracy. Our law, by which we govern ourselves as WE THE PEOPLE/ then null and void. OUR GOVERNMENT, by which we guarantee to ourselves, that NONE shall rule over us. Corrupted by a courtroom of denial and delusion. Proving, YOU ARE TRAITORS! Let the people decide.

Now, having said all that; comes the truth of this moment itself/ YOU are irrelevant to me, compared with the needs of this nation.

THEREFORE: Either you retract your order and obey the law establishing justice and the constitution for this people; accepting and filing this statement as part of this case. Creating redress for me and this nation as described: Or the battles begin.

Your options, as a court, again are:

1. Establish redress in the district court for me as described in Urbana IL so that this nation can proceed to make its own decision by WE THE PEOPLE.

By whatever excuse you like. My purpose is redress; let the people themselves decide what is to happen to you.

2. Establish a fair or final decision in this appeal: so that the US SUPREME COURT is required to provide their decision. No excuses!

Because that is simpler and faster than requiring it myself.

3. Or continue to believe the people of this nation don't care; and there is no way in this world "the people themselves" : **Can put you in jail by demanding their democracy shall be respected, and the constitution shall be obeyed.** Simply go ahead, and Expect, you are a god; "and immune from actions that are clearly traitorous. And multiplied because this is now, a time of impending crisis. Believing Hiding/ running away/ desertion of duty/ cowardice; BE DAMNED; because you are "great"/ immune from the law. Let the people decide, say I.

Your options as a defendant

1. To believe there are no repercussions to the usurpation of constitutional authority/ the denial of your sworn oath to protect, defend, serve and obey the constitution of this USA. That none can touch you, because you are immune to democracy and law, and we the people, or our constitution.

2. To continue to believe, there are no people looking to take your job away; by proving impeachment for the fact you disobeyed your oath. And directly participated in: denying the people, and in particular me: MY/ OUR GUARANTEED RIGHT ACCORDING TO THE CONSTITUTION TO ESTABLISH REDRESS AS A NATION FOR OURSELVES. Our literal authority AS A DEMOCRACY granted within the constitution DENIED. Our ability to protect ourselves, to defend ourselves, to establish OUR LAWS as we the people shall be obeyed. Nothing more than an illusion/ a nation of fools discarded in the trash by their true rulers, THOSE WITH POWER to control and deny.

3. To believe, that being ruled/ instead of ruling ourselves as a democracy has no merit to the people or for the people themselves. Its just a game, a fantasy that could never be real; And they will just turn away.

4. To believe that the media is or shall be controlled/ when in fact, as there always is: MANY people who want you impeached. And this is a method of doing that very thing/ if you continue to disgrace/ disrespect/ and discard the constitution of

AMERICA. By refusing the oath that set you into the position of authority you hold: TO DEFEND THIS CONSTITUTION, TO PROTECT ITS GUARANTEES FOR THIS PEOPLE, AND TO SERVE OUR NEEDS above your own. Denial or betrayal of an oath, is a criminal act. To abandon the courtroom as a place of law, when the reality of truth proves that you DO KNOW THE DIFFERENCE: IS a betrayal of position, and a demand to deny or usurp democracy itself.

“My personal warning to you is: don’t, RISK impeachment or prison/ it is bad for the nation and yourselves!” Usurping the constitution/ the law/ this democracy/ and this people by betraying their confidence, and proving the principles and foundations upon which we call ourselves a nation governed by WE THE PEOPLE has been abandoned/ has been destroyed by the purposes of despotism: **IS A VERY SERIOUS OFFENSE! NOT** a game. Take my warning to heart; give this nation to its people to decide for themselves by the law and the constitutional right dedicated and guaranteed to them. By the constitution itself.

Because the people will decide for themselves, who is at fault.

Because enough people know/ that this will not go away, even if I die. Many news organizations and others have been told. Many people believe, democracy is worth fighting for. Because there is no trust, a majority in congress have been mailed the information two days after your information is sent.

The question then becomes, to each defendant and judge: **Who are you: “traitor or friend” to this United States?** Because this is more than just a trial for me, this is a trial establishing democracy for this people, establishing constitutional law as our authority. A nation called WE THE PEOPLE/ rule ourselves by law. Or, as the judges have already tried: do you side with taking our rights and our authority away?

How do you plead? There is no going back.

CHOOSE.

In UNITED STATES APPELLATE Court
For the SEVENTH CIRCUIT of the UNITED STATES OF AMERICA
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redress law!**

**THE REVIEW OF DEMOCRACY IN THIS APPEAL FOR JUSTICE: or more simply,
“do we the people own this nation or not”?**

dated: April 15, 2011

IT IS HEREBY DECLARED, I, JAMES F. OSTERBUR HAVE MAILED, or DELIVERED,
TO THE US APPELLATE COURT, AND EACH OF THESE DEFENDANTS; A TRUE
AND CORRECT COPY OF THESE COURT FILINGS, WITH THE PROPER POSTAGE
ATTACHED. IN THE US MAIL SERVICE/ **ON THIS DATE April 15, 2011**

As proof of service in this case, to the addresses so affixed.

JAMES FRANK OSTERBUR
2191 county road 2500 E St. Joseph, IL 61873

<http://www.justtalking3.info>

VS

United States of America

Internal Revenue Service/ **dept of the Treasury**; 1500 Pennsylvania ave NW DC 20220
the Solicitor General ROOM 5614, Department of Justice,
950 Pennsylvania ave, NW Washington DC 20530-0001
the Attorney General US dept of Justice 10th and Constitution avenues NW Washington DC
20530

the President Barrack Obama; 1600 Pennsylvania ave NW , DC 20500

this document titled:

Plaintiffs response: court order April 12, 2011

on the grounds it is, an illegal act.

added is:

US attorney for the central district of IL

DAVID H. HOFF 201 S. Vine st. Suite 226 ste 218 Urbana IL 61802 / us attorney
one copy to the US DISTRICT COURT, 201 S. Vine st ste 218, Urbana IL 61802
One copy to: US appellate court 219 S. DEARBORN ST CHICAGO IL, 60604