

In US DISTRICT COURT
CENTRAL DIVISION, FOR THE STATE OF IL
201 S. VINE ST, URBANA, IL 61802

DATED MAY 2, 2011

case # _____

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

STATE OF ILLINOIS
GOVERNOR; P. QUINN
207 state house, Springfield IL 62706
ILLINOIS DEPT OF REVENUE; James R Thompson center, concourse level 100
W. Randolph st, Chicago IL 60601-3274
IL Attorney general: LISA MADIGAN: 500 S. Second st. Springfield IL 62706
CIRCUIT JUDGE, THOMAS DIFANIS; champaign county courthouse 101 E.
Main st. Urbana IL 61801

TITLED: the constitution must be obeyed.

This United States of America district courtroom is instructed to make these traitors OBEY THE LAW. As it is their sworn obligation to do under Article 3, section 2 of THE US CONSTITUTION. Not a matter of consent, or discretion: it is their duty. To the citizens of this state called ILLINOIS. Established by failure as well, under amendment 14, section 1. The right to due process, WHICH INCLUDES; a fair and legitimate opportunity to respond to the charges, and for the purpose trial exists. In a courtroom of law.

Enforced by the law: “a state constitution is the supreme law, within that state 140 F. Supp 925, 928

The above defendants stand accused of the criminal conspiracy, corruption, and collusion to deny to me, the plaintiff James F. Osterbur. MY LEGALLY DUE, GUARANTEED RIGHT UNDER THE STATE OF IL CONSTITUTION. **Called redress of grievances, section 5 of the IL state constitution;** which reads:

RIGHT TO ASSEMBLE AND PETITION;

The people have a right to assemble in a peaceable manner, to consult for the common good, to make known their opinions to their representatives and to apply for redress of grievances.

A right protected under 208 U.S. 412, 420.

There actions are established by legal evidence of fact within the champaign county court documents particularly case 2010- MR-853. Wherein the defense stands to argue points already lost in the filings applied to the case prior to this hearing. **Arguments and Facts inconsistent with the law that is constitutional rule over the state of IL,** its employees/ their oath of office to protect, serve, and obey the constitution of this state and this nation. **LIMITATIONS GUARANTEED BY**

229 A. 2d. 388, 394

The facts are:

1. The constitution of this state of IL is the promise to its people, that our agreement shall rule this state, these employees, and our society as life in democracy under the law called DEMOCRACY. OUR constitution rules: THEREBY THE PEOPLE RULE, through their law. NOT the judge, nor any other employee. Rather our agreement as a people bound together under these agreements called the state and national constitution RULES THEM. They are not rulers, they have no immunity to disobey/ disrespect/ ridicule our constitution/ or in any other way conceive of superiority. The constitution rules! They do not, rather they give oaths; admitting to punishment should they fail to keep their oath of office to protect, serve, obey, and defend this constitution and this state and its people by adhering directly to the constitution itself.
2. The inherent promises that are MY GUARANTEED RIGHTS within the state of IL constitution. The promises that are made to the people (to me)/ by the people/ and for the people, of this state as their literal LEGAL protections; against “the abuse and criminal intent” of employees who deny, or fail to obey constitutional law. Establishing the reality: that we do have these rights. Has failed, these employees not only refuse to obey the constitution/ they have rebelled

in a courtroom of law/ perjuring themselves; because it is not the law they uphold, but a criminal intent to strip and remove this right from me, thereby from all the people protected under this state of IL constitution.

The constitution, Is not a political promise/ it is a legal guarantee: “this is who we are/ this is who we choose to be, by the law we create to rule over those in powerful positions”. As are the defendants.

Politics being by definition: the demand, someone must lead!

The law, by definition: your rights, wants, methods, or means **shall not overrule or destroy our own!**

The constitution by definition: these are the boundaries under which you are allowed to lead/ these are the laws guaranteed to us in return for that contract labor (paid to do our work, under and within, the constitution). We have agreed: to let you be as leaders, so long as we agree, by vote who has that right. **So long as the laws we have all agreed to; and that you have sworn to obey, are upheld.**

3. The fair and deliberate action to refuse, and thereby create a legal tax revolt within the courtroom of this state of IL; as a consequence established by the correct and true leadership failure in this state/ the corruption of monies and promises made: do testify this is necessary. The reality of debt transferred to our name by these employees establishes redress is mandatory. Because it is our lives and our future, to which the state has made this people, and me responsible. This Is a reality beyond denial/ it needs no further evidence.

As an authority over democracy, the constitution of this state and of this people are provided with redress of grievances, to enforce their democracy! By tax revolt, if necessary/ the reality of a clear and deliberate action needed to establish the consequences for each citizen here: each representative to prove we do own this state. A demonstration of what the IL, IRS SHALL or shall not do, so that all shall NOT fear a tax revolt/ but shall know, through deliberate actions: their own risk.

WHAT the penalties shall be, for enforcing their own democracy through a tax revolt; is applied through the demonstration of my own taxes unpaid for 2005: a matter of democracy. The IL IRS is then involved through the intent to establish by the consequences of that state income tax NOT paid in 2005: by the plaintiff. To describe exactly what the IL IRS ; intends to do, and what the citizens of this state shall be potentially liable for/ should they decide to legally revolt, **by joining this contractual demand: IF YOU DON'T do the work we demanded of you/ THEN YOU DON'T get the money, until you do.** Or prison for theft, as is deserved.

AS IS consistent with the demand of any owner, in any business situation in this state, nation, or world. WE ARE THE OWNERS, and we demand our right to rule this state as our democracy allows. **1 Williston, Contracts 1 (4th ed. 1990, 1995) a promise breached, requires the law to give a remedy.**

4. Redress of grievances:

The words of the US constitution amendment one,

RIGHT TO ASSEMBLE AND PETITION;

The people have a right to assemble in a peaceable manner, to consult for the common good, to make known their opinions to their representatives and to apply for redress of grievances.

Our leaders have not held to these words,

The legal right to assemble under this IL constitutional law/ this national law: to petition this government of IL to hear our legal complaint against you the leaders, **REQUIRES A JURY**. Without that jury, an assembly is merely a political rally, and NOT established by legal consequences of the people as owners of this state and its government called **WE THE PEOPLE**: over our leaders. **THE CONSTITUTION** is established to insure the rights of the people/ and limit the rights of their leaders in powerful positions. That can only be done with law; **THEREFORE** the power of redress of grievances is given to the people to be rulers over their government, themselves. During times of crisis; clearly without a need to prove crisis exists.

To consult for the common good **DEMANDS** access to deliberate and true accounting/ the evidence of what has been happening in government hidden behind closed doors. The reality of what we need to know, to resurrect and fix what these leaders have damaged or destroyed in this state, and in this particular society called **ILLINOIS**. That requires penalties of law to establish: **IF YOU LIE TO US/** the price will be high. That requires a courtroom to enforce and determine if the truth is in fact being told. That provides or is intended to provide for the sake of this state: **THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH**. Or to prison you shall go.

To make known to our representatives what we believe is in our best interest to know throughout this state of IL/ requires a consensus of majority rule, that is established through the jury process that works its way throughout the jurisdictional districts of IL. As has been established in trial 853: the people shall be informed through appropriate media advertisements: paid for and enforced through the court. That whosoever wishes to participate in determining, as a jury member: **IF WE THE PEOPLE INSIST** upon this redress trial/ a true and

accurate accounting of our state government. Selected by lottery, because none can be “unaffected” by the outcome. Or not! Majority rules/ but the initial trial decides if the matter presented shall go on to the other judicial districts; that they may choose for the people in their jurisdictional section of this state. Each jury shall have the ability to add, but not subtract what they believe is important to this redress trial. “Our employees, on trial”. Is redress!

The question presented in trial:

DO WE THE PEOPLE, DEMAND TO INTERVENE IN THIS OUR GOVERNMENT, THIS OUR SOCIETY AND OUR FUTURE/ BY MAKING THESE DECISIONS FOR OURSELVES, or not? Fully understanding, there is no going back/ the price is the price/ failure or success is in your own hands, and there will be NO ONE else to blame. No one else to pay; because this is us/ OUR DECISION. **Only a fool seeks to make decisions that are not based in truth, as best we can!**

Therefore WE KNOW, THAT REDRESS: “the relief or remedy; of troubles and failure”. Can only be assessed and properly defined or created by the understanding of knowledge as is consistent with a true and accurate accounting from those who have contributed to the realities we regard as “trouble or failure, coming upon us.” **That means, in trial before the jury (this assembly of the people) that decides if this complaint, established by the law of our constitution, asking that:** Is true and fair and consistent with what WE THE PEOPLE do demand from the governing of ourselves by law: AS A DEMOCRACY called we the people. From this reality of government which demands: we rule ourselves, with law!

That leaves us, with the reality of what these grievances are (as decided by a jury). *That we must be concerned with for the sake of our state, our nation, our society, our future, these children, this world, this nature, this life on earth, and ourselves? IS MY LITERAL COMPLAINT, BECAUSE OF THE EVIDENCE WHICH DOES THREATEN EVERYTHING WE HOLD DEAR AND WORTHWHILE. And why now?*

THIS TRIAL IS ABOUT ASSEMBLING THE JURY, so that we the people can decide IF, that is what we shall do/ FOR OURSELVES. As a democracy established by truth.

Review of the transcript 853 follows

prelude to trial 853 is this: that on February 28, 2011 hearing notice is sent. Non-descriptive of the actual courtroom or judge/ demand for that/ brings second notice with a courtroom 230B which in fact does not exist. The court as well as the defendants refuse to provide the names and addresses of those in charge of accepting legal documents for their agencies; a fact that precludes all contest regarding a failure to properly subpoena. A denial of due process rights.

Defense loses in pretrial their claim to contest personal jurisdiction issues/ there are none, this is constitutional law; and I simply ask for the guarantees provided to me by the constitution of this state. The defense presents affidavits proving they are in fact clearly and distinctly notified of trial. Establishing no contest in the fact: under issues of constitutional law, that is more than sufficient notice and legal notification, by the plaintiff. This is the people's courtroom/ not the judge's playground.

Plaintiff demands a trial on constitutional law/ gets frivolous and without merit claims and excuses: clearly insufficient to deny constitutional law. Establishing deceit and the will of these defendants and this judge to deny constitutional authority. They literally produce anarchy and rebellion against the constitutional law of this state called IL; and ridicule the process called law by denying me, the guarantees of my state, to me a citizen herein/ denying my day in court as well. Until I have had my say, until I admit I have nothing more to say, by pause or reality, IN TRIAL: the courtroom is mine to prepare, provide, and design by own testimony and my own words; regarding the issue at hand. That did not occur, which means the courtroom is stripped from me, and the judge not only prejudices this appeal/ his intent is to quash it. Even though, my claim, and my desire is well within a STRICT ADHERENCE TO CONSTITUTIONAL LAW/ a guaranteed right to each citizen, including me: in this state denied. By collusion and conspiracy between the governor, the attorney general, the circuit judge; and with the IRS watching. Each is sworn to protect, defend, and obey the constitution: they choose to rebel against it instead: That is treason. The willful intent, design, and desire to destroy the guarantees of our democracy/ the betrayal of trust, in the constitution and the executive offices designed to protect, defend, and obey the very constitution. The words that define our democracy, our agreement and guarantees to each other/ IS the treachery of games, the reality of power that can be asserted for bad just as easily as for good. The intent and purpose which is to overthrow democratic rule, by intentionally and with malice, fighting against the foundation upon which we the people trust and depend. That is open rebellion. That is treason by high official, because it is in fact a war against

our very democracy. **Which is absolutely dependent upon the truth, that OUR LAW SHALL RULE OVER US/ NOT, any damn official, judge, or failure as is the lawyers here. The law is our constitution/ no other is superior; rather all must obey. THERE ARE NO EXCEPTIONS.**

The review of trial awaits the transcript/ but the reality is simple and plain: I demanded ILLINOIS constitutional law shall be provided to me, as the law has designed.

The court/ nor the defendants, established by employment of this state **CHOSE: NOT by any means or in any way, provided a single word in compliance with that law called redress: which they swore to obey, protect, and defend.** And are now in direct, by open court facts, proving by the evidence: they chose to deliberately rebel against the law of this state called ILLINOIS. Making the constitution of this state a game, a toy, and a ridicule; before witnesses.

Those witnesses are the transcript, and previous filings/ those in attendance being a class from the University of IL communications/ journalism college, with their dean; present. And me.

The question to this district court is then: WHAT IS, the penalty for denying constitutional law. For rebelling against the IL constitution itself. For treason against the oath and the people you swore to protect, and defend. For traitorous conduct against this people called IL/ by refusing their constitution. And for the intentional ridicule of the law itself, attempting to be our ruler; instead of the constitution by its law shall rule us, as WE THE PEOPLE. A rebellion against this USA, by establishing the intended defeat of democracy itself. Therefore, Prove what is fair/ prove the power of an oath. **PROVE** there is no immunity for this. Or your failure, proves this democracy is overrun with traitors.

The demand of this district federal trial: remains
ENFORCE THE CONSTITUTION OF THIS STATE CALLED ILLINOIS,

And establish justice for this people called the state of Illinois. As the US constitution under article three, and article 7 provides. There is no room for session (not accepting the law). Our unity through the constitutional guarantees, for the people of this state called IL: is the law we agreed too, obeyed. As is the guarantee of unity of each and every state in this nation, and OUR democracy: under US CONSTITUTIONAL LAW. The law provides and guarantees to the people of this nation called the United States of America: that our constitution

rules. NOT ANY damn leader, representative, judge, or other. Rather our guarantee is, CONSTITUTIONAL LAW SHALL RULE US ALL. Every single one, including you. That is the agreement of this people, the guarantee of this nation, and this state. And it has been refused/ rebelled against/ and that means: there are traitors in our midst. What then shall this court do? Defend the people/ or the traitor! Answer the question, because we the people need to know: If the law rules us: or rulers.

Enforce our IL constitution: by establishing REDRESS OF GRIEVANCES FOR THE PEOPLE OF ILLINOIS, in their own courtroom/ by their own law.