

TO: the Illinois department of human rights
from: James F. Osterbur

DATED: 2/1/ 11

regarding the trial 10 MR 906 submitted as

For the state of IL/ which is now trial 11 cv 2023 in the district court below

**IN US DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
100 N.E. Main street, Peoria IL 61602**

case 11-cv- 2023

Extending from Champaign county, Urbana IL
trial# 10 MR 906

JAMES FRANK OSTERBUR
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the electronic file is at www.justtalking3.info
V.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
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IL DEPT OF AGRICULTURE OVERSIGHT AND ENFORCEMENT.
Box 19281 Springfield IL 62794-9281
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IL 60604
Department of OSHA for this USA. Chicago area
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added is
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THE QUESTION PRESENTED:

Is not so small as to be the elements of business and employee with regard to this case. Rather it is business or industry in its most basic relationship to community. The human rights of one side, forcing the other side to compromise itself without a say, an option, or a reward of substance that is comparable to what has been taken away.

This case broadens the application of law, to the consequence and decision of what democracy means. Democracy establishes that this nation and this state intentionally created themselves to form the basis of all human rights: the decision that we must give ourselves the liberty to make rules and enforce behaviors by the laws most conducive to provide peace, harmony, hope, and happiness to us all. That freedom, provided by democracy is then limited to the liberties that we impose as a society on ourselves. They are not liberties created for us/ but for ourselves we fight and sustain the basis of our freedom by the enforcement of what we have in fact agreed to: within the constitutional structures which ascend as “our government”. Our government is NOT the employees hired to work for us/ our government is the AGREEMENTS we have entered into as a people, to thereby subject ourselves to the law we require. To sustain and provide the environments, the freedoms, and the restriction to ourselves and others as equal, fair, and just for each one/ not just you or me!

That element of law is fundamental to democracy, created within the preamble of both state and federal constitutions; which is restated for your benefit below:

FOR THIS NATION:

WE the people of this UNITED STATES, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity, do ordain and establish this constitution for the USA.

FOR THIS STATE CALLED ILLINOIS; “your particular employers”:

**= Constitution of the State of Illinois
Adopted at special election on December 15, 1970**

PREAMBLE We, the People of the State of Illinois - grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors - in order to provide for the health, safety

and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual; insure domestic tranquility; provide for the common defense; and secure the blessings of freedom and liberty to ourselves and our posterity - do ordain and establish this Constitution for the State of Illinois. (Source: Illinois Constitution.)

ARTICLE I BILL OF RIGHTS
SECTION 1. INHERENT AND INALIENABLE RIGHTS
All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed. (Source: Illinois Constitution.)
SECTION 2. DUE PROCESS AND EQUAL PROTECTION
No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws. (Source: Illinois Constitution.)

The law, which then governs all rights and actions required by the employees of our government/ the agreements we made as a people: then authorizes & establishes that human rights are not dictated by mere employment. But are effectively recognized by the limiting of other individual rights, as are meant to protect and defend us all by liberty (we the people of this society)/ **thereby establishing this democracy. As WE THE PEOPLE, in truth!** Not the game of money or, the fools whose greed or lust, can ruin us all.

In this trial to determine if, a small business that was indeed friendly and welcomed within this town, wherein fact the town no doubt resulted as a direct relationship to that particular business. The reality of today is change has occurred: that the town is being overwhelmed, and deserves its own opportunity to decide by legal means, what is or is not enough; as legal restrictions upon this business/ our lives, equals our decision too. As do the towns adjacent to this one, earn a vote; whose business and tax base, have been attacked, by the fact, this particular industry has and intends to overtake and consume these smaller businesses. That means their lives, are being infected and affected/ by these

decisions. The foundation of this complaint is registered as the increased: creation of size and noise and danger and pollution/ which I believe as a now registered (with the court, by this trial) social activist, and/ or individual directly influenced and affected by the choices this elevator has made; “I am, being forced to move”, if a resolution cannot be made. Not my choice/ it is their decisions, impacting upon me. By that definition, my property/ my right or ability to remain, is being stripped from me.

Due process allows me to know, by the law: that before my property, my life, can be so damaged by any other person or interest: that I do have a right to the legal conclusion of law prior to that action. HUMAN RIGHTS are a foundation of democracy, and in fact the primary substance that gives this nation its existence. If not for the NEED, and therefrom, the fight for equal, fair, and just; for us all/ there would be no nation called America.

My communication of a civil rights violation exists as: their decision to more than double in size, with plans for even greater expansion/ which has altered and changed my environment, our environment as a community so substantially, that I must move or find a resolution to the noise; in particular. And that noise is believed to exceed the standards set, by which it is known ear damage does follow. The determination of that fact is required of “our government employees”. The change in this environment; influences and affects others in this community, who must now risk their children to far greater truck traffic (more than one thousand in the space of a month) and other dangers/ the school being for lower grades. The expansion changes the reality of an industry taking over the town: is known to be, **THIS SHALL** without doubt ruin the property values of this community. And the expansion of pollution as dust and molds, both in the air and on the ground; generated by millions of bushels of genetically mutilated seed; can have consequences so far beyond our imagination, it is horrendous just to think about it. Therefrom it is an inherent and real right to understand and express in a courtroom of law: the investigation of influences upon our lives, that have changed dramatically to confront and degrade and deform our existence.

These are NOT small and insignificant issues in reality. They are by their own truths, an invasion of our lives as a community/ an invasion of my life by the increase in noise beyond limits that I can functionally tolerate, even though I am one and a half miles away. This is the result of a tiny few “business men/ both in this area and across state lines” that have altered the composition of this town to feed their desires for power/ pride/ control/ and greed. Their decisions, have affected hundreds of lives; and the right to contest that my life, our lives are NOT

simply subject to whatever these tiny few decide is the fundamental complaint described beyond the actual impact of their choice in reality. There are human rights involved, established upon our existence/ defined by democracy/ and elementally moved past the point of simple discussion. We/ I know seek the critical reference of what is, or is not the law binding our lives together as a democracy: thereby what are the rights so distinct, the determinations so blatant within the scope of our democracy. That in going to court with these people, I shall NOT be reduced to financial ruin, simply because something was not tested or known. This ain't "master and slave"/ this is democracy. There is a difference, that difference is due process and the law, called WE THE PEOPLE, are owners here. We decide what your liberty to affect and control our lives shall be. But it is also truth, and the truth is protecting our human rights in court requires the law/ NOT the lawyer. We must know exactly what is the boundaries to be met, or that have been exceeded so as to protect ourselves. I do not ask you to protect me/ I tell you that, for any portion or part of this people to protect themselves: THE LAW MUST be known. Hiring a lawyer, is nothing less than financial ruin, for me personally; as well/ thereby it is rejected.

This is, or is expected to be: a discrimination case based upon the truth: that the laws necessary for this work, has been withheld or hidden from me/ us. That it is/ or ought to be, unlawful to take from me or us, the reality of our choice, our own decision. By making us all accept the consequences of a business (elevator) actions: that are excessive, intrusive, and without doubt manipulating and changing our lives. Our ability to make decisions for ourselves/ to retain possession of our property, or maintain its value/ to protect these children, or our lives and bodies from harm: ARE ALL DEPENDENT upon the courtroom. The law which we have assigned within these two constitutional preambles state and nation: **for the benefit of us all!** NOT just a few.

THE CONCLUSION BEING:

That this legal demand exists **to bring conclusive evidence to the legal resolution of what is, or is not a human right** in this nation called America. In terms dedicated to the relationships between greed/ money/ business/ property: and the rights of other human beings, to the assets, environments, and realities of living freedom dictates, belongs to themselves. It is not the invasion of business. **This case is the division of business and society in terms of human rights to decide what is, or is not in the best interest of us all: together as a democracy.** NOT, by the terms of those, who own the claim: "I have money/

and I will do whatever I want”. Rather: It is a choice between democracy as, **we the people**/ Or, monarchy: “I/ we few, own it all: we control everything”, thereby you are nothing! Your rights are to die, move, or be enslaved by our decision.

The theater of law/ the courtroom of justice is NOT so small as to be limited to the human rights of individual participation in business as an employee. Rather **the RIGHTS DEDICATED TO DEMOCRACY, AS WE THE PEOPLE**/ are fundamentally instructed by the preambles stated, and the amendments created:

TO BE, what the people need for our employees and businesses to be. That together we shall create, the greatest state of happiness and peace in society; this world has ever known. That is your fundamental instruction/ by the words of your constitution, both state and nation. That is the demand of we the people: **AS OWNERS HERE!** Prove me wrong.

The critical development of this case, begins with the test of what is democracy and law, in terms of business , the individual, and community; for this state and nation? **In terms WE ALL CAN ACCESS, IDENTIFY WITH, AND UNDERSTAND, as common citizens in need of defending ourselves!** Your question is: What are the human rights of this or any community in terms of their relationship to business or industry? Where does the line which separates our liberty, from our freedom divide?

The critical reality of this case, having assessed the elemental demands of constitutional law; so as to present an accurate and real case to the people, community, and business involved: **SHALL THEN** be moved to the question of redress of grievances for this state and nation. While this town called Royal IL, shall decide for itself/ once the legal parameters have been resolved. As is fair and just to each community: “Ultimately **THIS IS ABOUT OUR LIVES**”/ not yours. Thereby our fundamental decision/ **BUT ONLY** in an true educated state, by being informed, having investigated reality, and examining the law for ourselves. It is this state and nation that must create for **WE THE PEOPLE**: the boundaries and responsibilities that shall be known from now on. So as to remove the responsibility of trial from individuals and communities. Thereby giving access and responsibility: to work directly from the law itself. That we may in fact protect our own lives: In all matters such as this, from now on.