IN THE ILLINOIS STATE SUPREME COURT

Supreme court building 200 E. Capital Springfield IL 62701

THIS CONSTITUTIONAL LAW CASE

first amendment redress of grievances (US constitution) fifth amendment redress of grievances (IL constitution)

THE

conspiracy in the court system throughout America and the state of IL to withhold and deny constitutional law: redress.

arising from: This appellate trial
Case 4-12-0429

Osterbur, James Frank V. City of Gifford/ State of IL
appealed from
Illinois Appellate Court
201 w. Monroe st. Box 19206
Springfield IL 62794
denied by a clerk/ no judge signed; an illegal act

Out of the CIRCUIT COURT, OF CHAMPAIGN COUNTY ILLINOIS; located at 101 E. MAIN ST. URBANA IL 61801

<u>case 2011 TR 022442</u> <u>judgement 4/12/12</u>

judge BRIAN L. MCPHETERS,

JAMES FRANK OSTERBUR

2191 county road 2500 E. St. Joseph, IL 61873 www.justtalking3.info www.trialoflife.info

DATED: 7/25/12

now IL SUPREME APPEAL#

now added as participants, in this filing/ this case are:

under article three section 2/ US constitution

US FEDERAL COURT, 201 s. vine, Urbana IL 61801 by criminal definitions

FBI, 900 E linton ave Springfield IL 62703

constitutional duties: each of the three parts in power as representatives of this democracy, are required by oath to protect our constitution/ our lives/ and our nation from attack

THE GOVERNOR Patrick Quinn 207 state house, Springfield IL 62706 THE IL LEGISLATURE

Majority leader house; Barbara Flynn Currie
300 state house Springfield IL 62706
Republican leader house; Tom Cross
316 state house, Springfield IL 62706
President of the Senate John J. Cullerton
Rm 327, Capitol building; Springfield IL 62706
Secretary of the Senate Tim Anderson
Rm 401, Capitol building Springfield IL 62706

dated 7/25/12

this filing: The blockade attacked

SECTION 3. OATH OR AFFIRMATION OF OFFICE

Each prospective holder of a State office or other State position created by this Constitution, before taking office, shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of to the best of my ability." (Source: Illinois Constitution.)

The reality of our democracy 140 F. Supp 925, 928 as a state called

ILLINOIS has been overridden by those who made their own rules. This IL supreme court has disavowed the IL constitution/ article 8 section 3: by **asserting this constitutional law case, of both state and federal rights;** cannot proceed, "because the rules of the IL supreme court cannot be determined". Because they do not understand "what relief is sought". That is official contempt U.C.C. 2-302. That is an unconstitutional act conceived by the IL supreme court to overrule and betray the foundations of law, that we depend upon as a people. Those rules are then to be struck down 315 U.S. 568, 572. Under color of law 202 N.W. 144, 148 "the mere semblance of a legal right" is enough to support this action. That the state of IL police must be attached to this case; to define and establish if the LAW has been broken. If my civil rights have been tampered with 41 U.S.C. 1983. IF THE OATH sworn too, has been carried out; or treason against the people of this state called IL, is apparent.

The incarceration of the constitution of both state and federal governments in this USA, by their own rules/ by their assertion: the rules plainly noted on the filing returned to me, in effect "cannot be understood" as written. Constructs graft 104 P. 181, 183; because a judge or group of judges does not disobey the law, and dissolve their oaths of office for less than "a reward/ or a fear". That demands the FBI must be added into this lawsuit to identify and establish the evidence of corruption in a court of law.

The constitution governs this court/ NOT their rules. The constitution governs our democracy/ NOT their rules. Contempt of court is governed by "an act or omission tending to obstruct or interfere with the orderly administration of justice, or to impair the dignity of the court or respect for its authority 249 S. 2d 127, 128. **RELIES UPON the singular distinction:** that the constitution itself, both state and federal RULES THE COURT. Thereby giving the court its dignity and its authority to administer justice. When it is the court that proves contempt, by the authority it gives a clerk

Democracy is: we the people rule ourselves, by constitutional law/ or more distinctly; this is what we promise each other, in terms of government, society, and freedom. Each the same/ so there can be NO rulers. Owners of our own future/ rather than slaves. Constitutional law is NOT a game, for anyone to alter or change by the addition of their own rules. This IL supreme court has done exactly that: when confronted with this case for constitutional rights (in particular redress of grievances US first amendment law & fifth amendment IL law: accountability from our employees and ownership by we the people, of this our democracy)/ for justice in society, as is a fair and equal

punishment/ for critical freedoms, that establish ownership of society, and the demand let the people decide for themselves/ where it is proven all of this, and our future as a state/ nation/ and even world HAS BEEN THREATENED besides. This court claims "it cannot be determined what rules under the supreme court of IL, you are proceeding or what relief you are seeking"; through a clerk of the court. For the third time: This court further goes on to say ".....cannot be determined.....rule.....you....will not receive a response". Even though the rules depended upon, are listed/ are clear and obvious. The reality depended upon called constitutional law: is absolutely clear. The relief sought is OBEY THAT LAW! Do I sound unclear? Let the people decide for themselves.

Or more simply, on a lesser scale: for the purpose of grand theft (pay the extortion of an unfair lawyer wage/ or be thrown in the trash). The court has identified itself, as a ruler: NONE come here, unless we allow it/constitutional law either state or nation: is irrelevant. Thereby, to rule out every aspect of litigation that is not accompanied by a lawyer, and their pretense of law, by the usage of a "foreign language"/ their demand for procedural rules or other means of fraud in the court; to deter the rest of us? Establishes, NO justice. TO GAIN more money for themselves; establishes, NO fair play/ MORE CONTROL over the rest of us; establishes, NO democracy: by changing freedom into servitude/ the demand a rule alone, NOT justice nor law has a place in court? Without a doubt, they have attacked our sovereign rights as a democracy, our very foundation as a society/ and waged war against us with rules. That is oppression/ as has been identified in this case: by the reality we are the most incarcerated people in the civilized world. That does not happen without "the tragedy of rules/ and those who claim to be our rulers". Just one word over the line/ and to prison you will go; is more than a threat, it is a reality. That is neither democracy or freedom: it is tyranny.

Or more simply, this court took the words of our constitution/ the realities of our democracy/ and the guarantees of our future and our freedoms; and threw them away in the garbage. <u>By claiming their own words (THEIR rules) are better/</u> than our constitutional guarantees written down and acknowledged by us as the words we will accept to guide and control our democracy/ our society for ourselves. That court has replaced those words with their own rules: and it is absolutely ILLEGAL. When those words now govern the constitution itself, through this case. That is a direct, significant, and very real act of rebellion, aggression, and anarchy against the people of this state. Rebellion is, the

demand we will NOT obey your laws, or accept your ways; as has been defined and created by constitutional law and identities inherent as the words which apply our democracy to the jobs we have given to our employees. Proven by the rules they created instead: to do, what they want to do/ to interpret how they want to conceive/ and to rule over us by the abuse and failure of those called anarchists. An anarchist is: those who deliberately destroy the foundations we require to live society as we ourselves have chosen under constitutional agreement. The contract we made with each other, as the life we would share in this place; by the definitions we established for ourselves. That contract identifies what we believe justice must be; discarded by the court. That contract defines what the purpose and desire of the people identified by this state of ILLINOIS expect and demand of their employees; discarded by the court, and dismantled by the legislature/ as it is clear neither respect the values set forth in constitutional law. That contract gives us as a people, the right to demand accountability in our court/ from our employees hired to provide and insure JUSTICE AND FAIR PLAY; cast aside by this court/ now presented to the legislature and governor for their input in this trial. As they are hired/ are sworn: to protect and defend the constitution and this people. Therefore let them answer/ let them prove "the truth".

When the court establishes the position taken, "that it cannot understand, determine, or conceive of the relief being sought"; particularly, in a constitutional case. The foundation laid is: that it has the freedom to interpret anything as it desires/ regardless of content or facts as are the evidence at hand. Exhibit #1 letter from the court July 17, 2012 signed Carolyn Taft Grosboll. Exhibit #2 filing from James F. Osterbur dated 7/14/12 appeal of 4-12-0429/ case 2011 TR 022442 FRAUD is: the intentional deception resulting in injury to another (the destruction of this case/ my right to due process as guaranteed by constitutional law). 310 F. 2d 262, 267. It is a contrivance used, in the same way "frivolous" and other words are used to dismantle the law of our constitution/ and replace it with rulers by their rules. This statement of "cannot understand, determine, or conceive of a relief is likely predicated upon the fact I am pro se/ and they are an authority I cannot touch". That is true, only the law itself can intervene/ only "the others" charged with protecting and defending our constitutional rights, our democracy can. If proven, that is prejudice. 232 P. 2d 949, 958. Even the possibility of such blatant arrogance against constitutional law; produces a chilling effect upon society, as they then become "sheep, awaiting the slaughter"/ because the law is useless to them. 380 U.S. 479; 472 u.s. 491, 503 A recipe for civil war. THE CAPACITY of this court, the IL supreme court to perceive, understand, and appreciate all relevant facts is without question 563 S.W. 2d 197, 209. The

elements that lead to an arrest, and conviction of fraud, are determined by the truth: Can this court be expected: to have the mental capacity to, "determine the rules used, and can this court understand the relief sought". If so, then good behavior does not exist/ the claimed immunity of a judge, then disappears as well. To discard constitutional law "for a rule/ to assert and assume fraud shall destroy a case from its due process: is not immune". It is criminal.96 P. 2d. 588, 591. What is not malicious or wrong about usurpation of my own/our own constitutional rights; by any means. The constitution is ours/ it is mine; thereby the use of that means to enforce the law on our employees is also mine/ours. To interfere or deny the benefits that flow from democratic possession is a crime 446 S.W. 2d 897, 903; 47 A.L.R. 3rd 189. My equity in democracy established. The seizure of democratic rights, the law guaranteed to me, by blockading access to a courtroom with fraud is a crime 237 P. 462, 464. The unreasonable expectation that the court "Does not" understand exhibit #2 is absurd. 287 N.W. 122, 131; the expectation that a "relief sought" cannot be determined is irrational, therefore it does not exist; unless proven otherwise 268 P. 2d 605, 616.

RULE 18 is added hereby at the ending of this filing: its charge is, "the finding of unconstitutional".

The first amendment of the US constitution/ the fifth amendment of the IL constitution: which is redress of grievances. HAS BEEN WITHHELD FROM ME, AND FROM US ALL. Cases both state of IL and in federal court have proven this is so/a direct and distinct conspiracy to destroy a foundation law, a reality of constitutional guarantee; that goes all the way to the US supreme court, in the cases identified by docket numbers 08-1339 and 11-0100/ as well as the extra ordinary writ 2023, blockaded much like this case in IL supreme court today. That conspiracy demands of this court, and every court in every state: that they shall arise, to protect this democracy, and identify themselves as defenders of our constitution and its law. Anything less is treason, by your oath.

Although the construction of a legal argument in the simple details of this case (the appeal of case 4-12-0429); is neither valid, nor holds merit at this stage of the case. Constitutional rights and law supercede it. The reality of "no excuses allowed" requires it. The foundation of this case in IL supreme court today, as has been proven by letters from the court DOES ESTABLISH: We must, and we shall examine and identify WHO OBEYS OUR LAW, as we the people have defined our democracy/ and who does not. No grant will be given to position or judicial authority without constitutional law.

Because constitutional law as is both state and federal/ of which

redress of grievances GIVES US THE LAW, AND THE RIGHT: TO OWN THIS DEMOCRACY, to demand accountability from our employees! It is sovereign over the court/ just as we the people; are sovereign over the constitution itself, as well as the democracy it creates. That fact gives us the right to judge, who obeys our law/ or who does not obey as sworn. Those who demand "to rule us"/ have made themselves to be our rulers. That is the act of an enemy of this state, a reality that cannot stand under democracy; therefore they must be removed/ their oath enforced.

The demand of **this case is constitutional law SHALL BE UPHELD, by the courts.** "The illegal actions" to deny and disperse that law (as is plainly in evidence; letter from the court July 17, 2012) of our democracy: shall be REMOVED from the court. Due process is owed/ is owned by me so says the law; not you as an employee. The guarantee is mine/ the job of enforcing justice, fair play, equality, and the rights of due process are yours.

The law defined is REDRESS OF GRIEVANCES established in the first amendment of the US constitution and the fifth amendment in the IL constitution. This law GOVERNS our employees, and their sworn oath establishes: THEY DO UNDERSTAND, "the constitution rules their own actions, rights, and authority"/ or they lied under oath.

REDRESS IS, A clear and distinct law that this and every court, and every judge, is sworn to uphold. And if not correctly identified in legal terms: THEN IT IS MY INTERPRETATION as is the precedent of this case/ that becomes the focal point of the law called redress. LET THE PEOPLE DECIDE/ it is their law, it is their constitution, and it is our democracy.

The relief I seek under rule 19 of the IL supreme court is:

Constitutional right, the guarantee given to me: or a very clear and distinct reason why not, which must be supported by the preamble of that constitution/ or its associate documents the bill of rights/ the declaration of independence. This lawsuit goes on/ but the reality established already is: The relief I seek under rule 61 of the IL supreme court is JUSTICE/ the rule of constitutional law as written; FOR WE THE PEOPLE, and for me.

This appeal centers on constitutional law denied/ inequality in penalties, thereby injustice/ redress, the need of this people for accountability/ the foundation called democracy/ and a clear and simple usurpation of the law: to demand of me, that 95% compliance with a rule of the road is not enough/ a jury

tainted to believe its only decision is compliance with a rule, or not. That too is an illegal interpretation of constitutional law/ as the jury speaks for society/ NOT for a rule. This court fails to adhere to ten percent compliance with constitutional mandate: thereby admitting to its belief "we are rulers/ not employees". The abuse of discretion as is plain in the clerks letter 458 P. 2d 336, 338 (can't find rules plainly written). The abuse of process "will not receive a response 118 N.W. 2d 422, 425". Established by blatant arrogance, and a complete disregard for the law and due process owed to me 32 A. 2d 413, 415. Is and is intended to be malicious 99 A. 2d 849, 854; and prejudicial 232 P. 2d 949, 958 intent to remove me from this courtroom. To deny me, the guaranteed rights under constitutional law, THAT BELONG TO ME. Not you the employee/ to each and every citizen; a vast difference conceived by: the owners defined/ as is a distance established, from those hired to do the work

The filing in IL supreme court exists under: 140 F. Supp 925, 928. The law of this United States of America.

This case now turns to US FEDERAL COURT in Urbana IL 60181 at 201 S. vine. Demanding <u>under article 3 section 2; the judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States....and between a state or the citizens thereof."</u>

THE DEMAND on this federal court being: MAKE THIS STATE/ this court of IL: obey our own constitutional laws, and the law of our United States constitution.

An assertion (by a clerk) of "can't read/ can't understand; when the rule alluded too is plainly on the page". **Is not enough/ to discard my right** under constitutional law, and due process within a court! Any subjection of a legal case established by appeal within a courtroom of this state or this nation, CANNOT be denied by a clerk; it must contain the signature of a judge, or it lacks legal authority. The legal case initiating established the label "criminal" upon me/ which engages the truth of all that applies in a "criminal case".

Functionally we know, by the evidence of this case: that the state of IL supreme court has been acting in defiance of the law/ has cast aside due process within the court/ and committed treason against this nation by corrupting DEMOCRACY itself, within this state called ILLINOIS. The fraud of "cannot determine the rule/ cannot understand the relief sought" shall not stand. It is a criminal act.

Under rule 18: EXTREME CORRUPTION EXISTS U.C.C. 2-302/ justice (the same, for you or me/ by law) must be found. I AM appealing a case, wherein I have been found "criminal". 380 U.S. 400 272 U.S. 542. For failure to come to a complete and full stop at a traffic sign/ wherein no testimony exists to discharge the statement: "I was going roughly one mile per hour/ and NO property or life was endangered or threatened at any time." For that the penalty and fine began as \$120.00/ and was threatened to be an additional \$1000.00 plus court costs". Only the rule matters/ only perfection with the rule is enough. Even so the reality of that trial extended to include redress of grievances: the right to inform the public in a court of law, "that we need not let those who literally gamble with all life on earth proceed to kill us, unchecked". We have rights/ we have the law called redress which does demand an investigation of what happens if or when their experiments go wrong. What happens if we do not prepare for a future that we shall surely inherit? Which the judge denied, stating as is evident in the transcript, "we don't do redress here". Even though it is constitutional law, and there is no prohibition as to what court redress shall arise within.

Within that procedural reality I am owed the right of trial/ not the subjection of a clerk who says, "incomprehensible/ lack of rule, that plainly exists". I am owed the constitutional guarantees of an IL and US citizen. 463 F. 2d 600, 602. I am owed the signature of a judge/ the refusal to file is as deliberate a denial as any other/ IT IS a conspiracy in deceit 300 P. 2d 14, 16: as a direct order. 123 N.W. 504, 508.

An order 420 S.W. 2d 530, 533. in furtherance of this state trial, that establishes a true commitment to the foundations for justice, society, and REDRESS OF GRIEVANCES as have been established by my own filing; will provide and present sufficient compliance with the law/ to remove the demand for federal intervention. The opinion of a federal judge may however disagree: IF he or see establishes legal cause/ and fundamentally erects the foundations including media involvement for identifying this case, and this cause for REDRESS OF GRIEVANCES, as constitutional law not only creates, but allows and provides for. 107 P. 2d 1104, 1106, 1107.

The evidence is now collected and certain: the rule 61 as established in trial, demanding justice for and in our society is, or is expected to be; discarded in its entirety: By this clerk. This is an adverse possession of constitutional law 13 So. 649, 650; 502 P. 2d 672, 682; 226 S.W. 2d 484, 486. Which is illegal, because only a judge can assign whether a case has merit/ and no judge has signed. The constitution is not a game to be played; thereby no excuse exists; ONLY THE

LAW.

Therefore the authority assumed by the clerk is either in collaboration with a judge 501 S.W. 2d 283, 289/ or it is an extreme example of graft. 514 F 2d 38, 41 The merit assigned by the court clerk's words, Carolyn Taft Grosboll; dated July 17, 2012 "it cannot be determined under what rules of the supreme court of IL you are proceeding or what relief you are seeking". 138 So. 696, 699; 71 A. 2d 318, 320 applies. If not an outright lie/ then the court must identify exactly what it means, and how that applies to the filing exhibit #2. Criminal law 511 penal code 241.1 applies.

As plainly established in the filing dated July 14, 2012 wherein the very first words of the filing are

Under rule 61

and the relief sought embolden and underlined, in type: "justice to our society"

And again on page 2 emboldened and underlined **RULE 19**, GOVERNS THIS CASE: as it is a case now fully established in constitutional law/ both state and federal. The words appear close to the top of page 2: "THE UNCONSTITUTIONALITY PRESENTED IS" and goes on to describe in detail the charges made.

The relief sought is identified at the bottom of page 2 "I am denied this law; an illegal act". How is that not clear, under the confines and definitions/ the guarantees inherent and clear established in both state and federal constitutions.

I demand the law, and am refused the full faith and credit of constitutional law as is REDRESS OF GRIEVANCES AS IS THE FIRST AMENDMENT OF THE US CONSTITUTION/ AND THE IL FIFTH AMENDMENT HELD IN CONJUNCTION WITH THE US CONSTITUTION 72 U.S. 290, 302. The law, is the law everywhere, including the courts/ the indigent/ this state/ etc.

That fact asserts LARCENY is at work by this clerk/ or a judge hidden in the background who instructs and manipulates the clerk 53 So.2d 533, 536. Constitutional law/ the guaranteed rights of this or any citizen as is inherent and protected by democracy itself, HAS A VALUE inestimable to society/ thereby to me; that makes this cause, this threat to destroy a constitutional law case with nothing more than lies, a TRUE FELONY 180 So. 717, 718 126 P. 2d 406, 408; against the people of ILLINOIS. Without appropriate and real testimony, in opposition to this flagrant contempt of court 249 S. 2d 127, 128. by the clerk 199 S.W. 2d 613, 614; from the attorney general office: the term accomplice

arises 165 N.E. 2d 814.

This lawsuit goes on in definitions of injustice established by truth, society, and life/ but the reality constructed in this filing already is proven: that I am by virtue of a clerk's letter, which has no authority over constitutional law; about to be thrown out of court quote "further an future correspondence from you received in this office where it cannot be determined under what rules of the supreme court of ILLINOIS you are proceeding will not receive a response."

That fact, based upon a mock trial/a breach of contract 682 F. 2d 883, 885 with WE THE PEOPLE of this state: Confronts the reality of our law/ our constitution that forms our government and grants our democracy itself/ and our courts: with the simple words, our constitution SHALL BE OBEYED, by those hired to do a specific job. To respect our democracy/ TO BRING JUSTICE to this people.

Given the foundation now fortified with a claim by the clerk of the court: that is clearly NOT WITHIN the definitions of DUE PROCESS according to the fourteenth amendment 302 U.S. 319.

We begin the criminal process: the right of redress of grievances to investigate/ examine/ identify/ and decide as WE THE PEOPLE: what constitutional law means when this interpretation is used: "substantive due process requires that all legislative actions be in furtherance of a legitimate governmental objective".

The reality identified, of a need for redress as intended by constitutional architects: as the final protection of democracy itself, when confronted by realities in evidence such as these.

A) The fundamental rights of my citizenship; the protection of constitutional law as is IL amendment 6: "......the right to be secure from government seizures...." within this state extends to the reality: YOU CANNOT BANKRUPT ME, or the rest called we the people; regardless of your wants, claims, or fantasies. 410 U.S. 113. But you did! Therefore a legal tax revolt exists/ to deny, the furtherance of debts incurred; to acknowledge and define what our future shall be under this new direction/ this criminal consequence that is our money stolen by this government of IL. Is A debt that cannot be paid/ therefore slavery, not a debt at all. Stealing the substance of the people of this state to pay pensions or other/ to create experiments or stadiums for the university/ to pay salaries which we the people cannot afford, or grant benefits to a special few; which we are unentitled. These facts as in evidence in this day; presented in trial 2011TR 022442: presents A DISTINCT, COMPELLING INTEREST for society, and our governance of it;

as the democracy called we the people of this state called IL. 397 U.S. 254 262-263.

That foundation is further established by the listing of threats in the files, of the initiating case TR 022442-11; a reality of evidence **so ultra hazardous to our entire population**/ our future/ and even life on earth. That there can be no doubt whatsoever: WE THE PEOPLE have a legal right to investigate these experiments and determine what happens if they go wrong/ or right: to us. Death of a planet/ the mutilation of all life/ the failure to prepare or protect LIFE on earth; **IS NOT A GAME.**

This is, OUR government/ not yours as an employee of the people; which means, that which affects us all/ cannot be deterred by a rule, or interpretation unfitting for trial. The foundation demand of constitutional rights: which means DUE PROCESS/ the protection and defense of this people: shall rule this case 341 U.S. 123, 162-183. Our right: to judge for ourselves, those who gamble with our very lives/ our very planet, and everything we need to survive/ every future affected CANNOT BE DISMISSED. It is, against the law. WE DO, have an absolute right to investigate, examine the facts, and choose for ourselves if everything life on this planet is or will become: Can be played with as if it were/ as if I or we: were, nothing more than their toy.

Constitutional law is NOT assigned by "money/ debt/ fines/ position/ authority/ or desire". **It is a duty, that is owed to this democracy/ to we the people:** the defense of ourselves, is not a game. Therefore it is not subject "to life or death"/ but exists in time as the foundation of our democracy that shall be protected. Should I die/ the case exists as "we the people" and our law/ our government/ our legal rights guaranteed; by our democracy.

proof of service:

I, James F. Osterbur, do hereby declare and prove that I have sent in this day July 25, 2012 by first class US mail service/ with postage prepaid. A copy of this filing to the IL supreme court described above; and addressed

THE ILLINOIS STATE SUPREME COURT
Supreme court building 200 E. Capital Springfield IL 62701

Illinois Appellate Court; FOURTH DISTRICT 201 w. Monroe st. Box 19206 Springfield IL 62794

Champaign County courthouse 101 E. Main, Urbana IL 61801

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JULIA RIETZ CHAMPAIGN COUNTY STATES ATTORNEY 101 E. MAIN ST SECOND FL URBANA IL 61801

now added as participants, in this filing/ this case are:

under article three section 2/ US constitution

US FEDERAL COURT, 201 s. vine, Urbana IL 61801 by criminal definitions
FBI, 900 E linton ave Springfield IL 62703

constitutional duties: each of the three parts in power as representatives of this democracy, are required by oath to protect our constitution/ our lives/ and our nation from attack

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