

IT IS WRITTEN

By

Lonnie G. Schmidt

RFB Proverbs 21:31 (NIV)

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Everyone once believed the world was flat – until someone went and looked.

May, 1990, Woodland Federal Detention Center, Woodland, California. I've been sentenced by Federal Judge Robert D. Potter, in the United States District Court, Western District of North Carolina, Charlotte Division, to 9 (nine) years in federal prison; charged with one count of conspiracy, "to impair and impede the IRS" a violation of 18 U.S.C. § 371. Now I am facing a second trial in Sacramento, California for "failure to file currency transaction reports," a responsibility of financial institutions. Lord, what is going on in this federal system?

In the solitude of my cell, I lift my Bible, pages opened to James 1:5 "If any man lack wisdom, let him ask of God who gives to all men liberally and upbraideth not." "You said it, I believe it, and I'm not going to eat until you show me what is going on in this federal system." I speak with a timbre of conviction and determination in my voice I've rarely heard, or felt. So I took no food, only water, as I walked, prayed and listened. On the fifth day, I began to get the same thought/message: *It is written*. It repeats over and over. I remember when Jesus began his ministry he went into the wilderness and fasted 40 days. At the end he is hungry and Satan appears saying "if you are the son of God, command these stones to become bread." Jesus, without yielding or claiming his authority says "*It is written*, man shall not live by bread alone, but by every word that proceeds from the mouth of God." He answered each temptation with "*It is written*." Puzzled, I placed a call to my attorney. "George, do they play by any rules in this system?" "Sure. The Federal Rules of Criminal Procedure," he replied. "What happens if they break a rule?" I asked. "If you find they've broken a rule, you get to go home!" "How do I get a copy?" He told me that they were available in legal bookstores and my

oldest daughter, Deborah, mailed me a soft cover copy of The Federal Criminal Code and Rules. I began reading at the front cover and read everything up to Rule One. Rule 1: Scope and Application. This rule, the book said, is to be read in conjunction with Rule 54¹. This began my most interesting and intriguing search for the truth.² God had answered my prayer...I found the truth and it set me free...and it will do the same for you, a loved one, friend and thousands of federal prisoners crying out "Lord, what is going on?"

Fast forward to July, 2005. Evidently I needed a refresher course and God sent me to Seagoville Federal Detention Center, Seagoville (Dallas area), Texas. This time, thankfully, not on a criminal charge, nor even a civil case as I am not a party to any case; but, at the whim of Federal Judge Jerry Buchmeyer, United States District Court for the Northern District of Texas, Dallas Division. He had ordered me to appear before his court on January 23, 2003 and I refused... "why" is a long story...but he didn't catch up with me until July 7, 2005, when he sent a S.W.A.T. team of 25 heavily armed U.S. Marshals to my daughter's home in Clovis, California to get me. My youngest daughter, Donna due any moment with our 7th grandchild, refused entry to the Marshals demanding production of an arrest warrant, which they admitted to not having. After 6 (six) hours and Donna's demand for a search warrant, a bogus one was produced and I peacefully surrendered.

Now it is November 17, 2005 and I have yet to be brought before "Bucky" and the stand-off continues. At least the orange FDC "scrubs" is my oldest granddaughter Jordyn's favorite color, even if not mine. After arriving, memories, of the early ninety's, flooded my mind as I met depressed, desperate and hopeless men. I listened to story after story of abuse of power by the local federal judges. Twenty-three year old cell mate "Black" -- just finishing two years in state prison, ready for release on parole -- picked up by the feds. Conspiracy added to the charge he just served time for, and Black went to trial while his brother "Red" pled guilty. Red got 7 years. Black? The judge, after a jury

¹ F.R.Cr.P. 1990 Edition

² 2 Timothy 2:15

verdict of guilt, said "I'm going to give you a second chance young man...30 years!" There are many such stories. Last week I met Bryan Ashlock, back for re-sentencing after the Supreme Court vacated his judgment³ of life plus 110 years...for possession of 8/10 of a gram of methamphetamine.⁴ He has been told that his Presentence Report is recommending the same sentence! What is going on here? How does a lower court OVERRULE the Supreme Court? Business as usual -- for the past 15 1/2 years when I had asked God that same question. The span of time between then and now, for me, has mostly been devoted to legal research and assisting those persons behind federal bars who have been wrongfully imprisoned. Over the last four months, I've been able to complete my analysis of the federal court system, which I now share...I think you are going to be surprised.

It is written -- in the Federal Criminal Code and Rules available in any legal bookstore, library, law library, and online - let's go look. Title 18 is the United States Code (U.S.C.), the Federal Penal Code which lists federal offenses (crimes). Each offense is listed in a statute called "a section" which is numbered. These statutes are enacted by Congress as "Acts of Congress" and are locally applicable to and in force in the District of Columbia, Puerto Rico, territories and insular possessions of the United States.⁵ These are the places which are "subject to the jurisdiction of the United States,"⁶ which we will refer to as the "Federal Zone." These places are "owned" by the corporate United States, our government. In this area (places) Congress has legislative powers and makes laws "Acts of Congress."⁷

The Rules of Criminal Procedure are still in that soft-bound publication, modified slightly, but still the guide for procedures dealing with Title 18. Everything which follows is to be found in the federal "bible," this book. The Federal Penal Code, 18 U.S.C. § 3001, references to Federal Rules of Criminal Procedures (F.R.Cr.P.). Rules 1

³ 5th Circuit "reinstated his conviction."

⁴ Only evidence presented at time, lab report did not confirm to be anything more than the equivalent of two cold tablets containing pseudo-ephedrine.

⁵ Rule 54 (e), 18 USC sections 5 & 7

⁶ U.S. Constitution, Article 1 § 8, Cl. 17

⁷ U.S. Constitution, Article 1 § 8, Cl. 18

and 54 for procedure in a court with venue (places where trial may be held). Rule 54(a) and (c) names the territorial courts with venue and are the courts in which the Rules may be used. (Rule 18 lists the courts which may use the rules, same courts as named in Rule 1-district courts, appellate and supreme courts.) Rule 54(c) defines the term words "District Courts" and excludes the territorial Article I (United States District Courts) administrative courts. Rule 54(b) names the proceedings included in the term "criminal proceedings" (Rule 1) which any court using the rules are authorized to conduct: Rule 54(b)(1) Prosecutions removed from "State" court (federal states-not union states, (see 54(c) definitions of "State)); Rule 54(b)(2) admiralty offenses (high seas, outside a district or state); Rule 54(b)(3) peace bonds; and Rule 54(b)(4) are petty offenses and misdemeanors. If any unauthorized court, e.g., a United States District Court, usurps and adapts the F.R.Cr.P., the only possible Congressionally authorized "criminal proceeding" for an offense committed in a union state, would be Rule 54(b)(4) petty offense and misdemeanors. Inasmuch as Rule 5 gives authority only to a magistrate judge to ask for a plea at arraignment in a petty or misdemeanor⁸ case, see 28 U.S.C. §§ 631-639, any court using the Rules is limited to Rule 54(b)(4) proceedings. And that is only if the criminal complaint issuing pursuant to Rule 3 bears the magistrate's seal (28 U.S.C. § 638(c)) and the arrest warrant was executed within the federal zone, Rule 4(c)(2). Then of course the statute the government seeks to enforce must be applicable and enforceable outside the federal zone⁹ (inside a union state).

Do any such federal statutes come to mind? No? Why? Could it be that "Acts of Congress" reference crimes which are only applicable and enforceable in the federal zone? What about Title 18 the "Federal Criminal Code?" The name tells the story. "Federal" – federal zone-penal code for federal criminals – e.g. 18 U.S.C. § 242 those government officers committing civil rights violations of American citizens under color of law; Title 18 is an "Act of Congress." What about the "War on Drugs" Title 21, the Controlled Substances Act? Isn't it a crime to sell drugs? Not if you are licensed by the municipality and the agency "The Food and Drug Administration." Well, what if I'm not

⁸ maximum of one year imprisonment

⁹ 18 U.S.C. §§ 5 and 7; Rule 54(c) "Acts of Congress"

licensed? In order to determine whether a person is licensed, before attacking a person on the street and arresting him, disrupting his small business operation and separating him from his family. Congress, ever mindful of civil rights, passed 18 U.S.C. § 4001 which prohibits first instance criminal prosecutions and imprisonment except in violation of an Act of Congress, applicable where? In the federal zone...and to insure that the Controlled Substances Act, Title 21, was being enforced properly, Congress mandated that before a criminal prosecution was referred to the U.S. Attorney, due process right of NOTICE and OPPORTUNITY TO BE HEARD at the administrative level was afforded and injunction by civil process be had as a condition precedent to criminal sanction. See 21 U.S.C. §§ 882, 883. "Won't that open the door for more drugs?" Perhaps in the federal zone, but not in the union states since each state has its own court system to enforce the state drug laws...and perhaps they have valid rules to follow for procedure in state courts. The same "notice" requirement is found in the feds favorite target area - Fraud, Title 18 U.S.C. Chapter 63 § 1345.

Think with me for a moment...if you were a fledgling drug dealer or mail, bank or wire fraud artist and you received a "Notice" that "we have discovered your activities and a hearing is available to you to examine your license and to address the issue. If we do not hear from you in 10 days, please consider yourself prohibited from continuing your current business endeavors. If you fail to stop now, we will apply to the appropriate court for a civil injunction; if you violate the injunction, please be advised you will face criminal contempt sanctions and you could go to jail." A letter like this from the Food and Drug Administration or Drug Enforcement Agency or Secretary of the Treasury or Attorney General of the United States, etc., might just be the encouragement you need to go into another line of work. In any event, if injunctions were issued and you violate, the violation would be a misdemeanor (less than 1 year imprisonment) as only 54(b)(4) proceeding is available in federal court.

Bottom line: the United States District Courts now operating in a union state with the exception of Hawaii 28 U.S.C. § 91, are Article I administrative courts. The F.R.Cr.P. are applicable only in Article III courts, Appellate Courts, the Supreme Court and three

island courts: District Court of Guam, Northern Mariana and Virgin Islands. United States District Courts are operating without authorized criminal rules; without congressional authority;¹⁰ without jurisdiction. Without jurisdiction your arrest, conviction and imprisonment are unlawful. Want to go home? File something. If you are ignored, tell somebody in authority under the United States that a felony has been committed under color of law 18 U.S.C. § 242, and if they do not do something about it, they could be imprisoned up to 3 years under 18 U.S.C. § 4. Wait just a minute...Title 18 is only applicable to and in force in.....ENJOY!!!!

Epilogue: I know, it sounds too easy, too good to be true. But it is. It is almost unbelievable that no one has pointed this out before; "Look the Emperor has no clothes on!" After 60 years and almost two million people imprisoned by the federal United States District Courts, the cry is being heard. "Look, the feds have no authority!" How has this happened? It appears that the prosecutor, your friendly Assistant U.S. Attorney, doesn't look at the Rules – shame on him/her. The judge doesn't check *sua sponte* (on his own) to see if he has jurisdiction (authority) from Congress – shame on him/her. The defense attorney enters your life when you are arrested at time of arraignment (when you find out what the charges are and enter a plea) and it isn't economically beneficial for him/her to look – shame on him/her. These are professionals in the legal system – they are responsible – they know or should know – that's their collective job, duty to us, We the People. Now that we know, if we don't put a stop to this trafficking in human flesh – shame on us.

¹⁰ Chief Judge A. Joe Fish, USDC, NDT admitted this to be true and indisputable on October, 31 2006. If congress doesn't give authority, the court can't proceed at all; if its not in the "book", no authority.