

# NO RULES<sup>®</sup>

By

Lonnie G. Schmidt

RFB – Proverbs 21:31 (NIV)

November 1, 2005

*Federal judges are not playing by any Rules.*

“George, do they play by any rules in the Federal system?” “Sure!” “What are they?” “The Federal Rules of Criminal Procedure.” “What if the feds break a rule?” “If you find they broke a rule, you get to go home!” Conversation with George Laughren, attorney 1990.

Are rules in a court proceeding important? Yes. Without rules, no law can be enforced. Without rules, Constitutional protections are meaningless. Without rules, there is judicial tyranny and chaos. Without rules, freedom is lost and slavery is found.

Did Congress make or provide for rules to be used to conduct criminal trials in the courts established under the Constitution? Well...yes and no. Congress authorized rules of criminal procedure for the Supreme Court, courts of appeal and three district courts: District Court of Guam, District Court of the Northern Mariana Islands, and the District Court of the Virgin Islands. These rules are called the Federal Rules of Criminal Procedure (F.R.Cr.P.) and are the procedures for conducting all proceedings for federal offenses. The Rules are divided into three parts, each part governing a particular court, and a fourth part which covers the rules of evidence for use by all three courts. Part I – Rules 1-60, cover the procedure for the District Courts, (trial court). Part II – are the Appellate Court Rules, and Part III – Supreme Court Rules.

Congress did not make, authorize or otherwise approve for use, any rules for the conduct of criminal proceedings in courts located within the continental United States, the Article I administrative courts commonly termed United States District Courts. In all United States District Courts in the Continental United States domiciled in a union state, all criminal proceedings have been, are being, and will continue to be, conducted by federal

judges without rules authorized by Congress. These courts have “borrowed” the F.R.Cr.P. which Congress authorized for use by the Island courts of Guam, Northern Mariana and Virgin Islands.<sup>1</sup>

By using borrowed rules intended to provide for prosecution by these Island courts for offenses committed upon the high seas<sup>2</sup>, the land locked United States District Courts are deprived of any possibility of conducting a criminal trial for an offense committed in a union state. Congress limited the Island courts to four specific “criminal proceedings”:

- 1) prosecutions removed from local island’s “state” courts to the District Courts; and
- 2) offenses committed upon the high seas; and
- 3) peace bonds; and
- 4) petty offenses and misdemeanors.<sup>3</sup>

There is no provision for prosecution of an offense committed in any union state. The statutes which rely upon these rules for enforcement procedure, Titles 18, 21, 26 and 31,<sup>4</sup> etc., are only applicable and enforceable in the Federal Zone.<sup>5</sup> The reason the authorized “criminal proceedings” are so limited is that We the People, having thrown off the shackles of a despotic government in 1776, were not about to allow history to repeat itself and only gave power to the government to punish by fine or imprisonment three types of crime: Counterfeiting<sup>6</sup>, Piracies and felonies committed on the high seas<sup>7</sup> and Treason.<sup>8</sup>

---

<sup>1</sup> F.R.Cr.P. 54(a); see also the term “district court” defined at 54(c) as being only those district courts named in 54(a); CF. 18 U.S.C. § 23 courts of the United States defined.

<sup>2</sup> Article I, § 8, C1.10 of the U.S. Constitution “piracies and felonies committed on the high seas.”

<sup>3</sup> F.R.Cr.P. 54(b)

<sup>4</sup> 18 U.S.C. § 3001, refers to Rules 1 and 54 for procedure.

<sup>5</sup> F.R.Cr.P. 54(c) Acts of Congress – Washington D.C., Puerto Rico, territories and insular possessions (Title 48 U.S.C.).

<sup>6</sup> Article I, § 8, C1.6 U.S. Constitution.

<sup>7</sup> Article I, § 8 C1.10, U.S. Constitution.

<sup>8</sup> Article III, U.S. Constitution.

United States District Courts in the Continental union states existed prior to the Act of June 5, 1948 and are not contemplated or even mentioned in chapter 5 of Title 28. The power of United States District Court to impose a punishment for a violation of crime or offense cognizable under the authority of the United States is limited to a fine of \$100 or six months imprisonment<sup>9</sup>.

Since at least 1937, Judges knew or should have known,<sup>10</sup> that the statutes being enforced had no application in a union state. Judges that had no congressionally approved rules for criminal procedure and no authority to borrow any rules from the insular possessions. Judges that know the borrowed rules did not have a proceeding for violations of a federal statute committed in union states. Judges that are guilty of violating the civil rights<sup>11</sup> of all those Americans that appeared before their courts.

---

<sup>9</sup> Judicial Act 1789, 1 Stat. 9.

<sup>10</sup> 18 U.S.C. § 4.

<sup>11</sup> 18 U.S.C. §§ 241, 242.