

# When You File a Tax Return Every April 15<sup>th</sup>, Do You Violate The Law?

(This is for education purposes only – it is not legal advice)

Fellow Americans,

Is federal law broken when a tax return is filed? It sounds unbelievable, but it appears that this is true. Research reveals that this problem started with the implementation of Public Law 105-206 passed by the 105<sup>th</sup> congress in 1998. It is also known as the IRS Restructuring and Reform Act of 1998, or RRA98.

Here is the link to the actual statute-at-large of P.L. 105-206 of the 105th congress. (RRA98)

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105\\_cong\\_public\\_laws&docid=f:publ206.105](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_public_laws&docid=f:publ206.105)

In Section 1001 of RRA98, congress ordered the IRS commissioner to eliminate or substantially modify the organizational district structure created by Treasury Order 150-01 under Secretary of the Treasury Robert Rubin during the Clinton Era.

Section 1001 - which directed the commissioner to:

(2) eliminate or substantially modify the existing organization of the Internal Revenue Service which is based on a national, regional, and district structure;

Secretary O'Neill chose to eliminate rather than modify the internal revenue districts established in Treasury Order 150-01. This appears to be a fatal error. This error becomes evident at Section 3445 of this same law.

Section 3445

“(2) Certain business assets.--Property (other than a principal residence) described in subsection (a)(13)(B) shall not be exempt from levy if--

“(A) a district director or assistant district director of the Internal Revenue Service personally approves (in writing) the levy of such property;

Under the congressional mandate established by RRA 98, Section 3445 of that law establishes the legal requirement for the district director position to be maintained.

**The district director is the highest officer in the internal revenue district!** Title 26 of the Code of Federal Regulations Part 601.101 makes this clear. The Secretary knows this because he wrote the promulgating regulations establishing this legal reality.

**District Directors are required by law!**

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## **Background**

During 1998, Congress held congressional hearings on the wrongdoings committed by the IRS and passed the IRS Restructuring and Reform Act of 1998 as a result of those hearings (RRA98.) RRA98 was supposed to rein in the lawlessness of the IRS but instead the law has been perverted from its original intent by the IRS and has enabled the IRS to unleash its illegal fury on the American People.

Although the 1995 version of Treasury Order (TO) 150-01 was not the TO that originally implemented the internal revenue district structure, it did direct that the internal revenue district structure be organized into 33 Districts and 4 Regional offices under the Commissioner of Internal Revenue. It was implemented by Robert Rubin on Sept. 28<sup>th</sup> 1995.

As a result of RRA98, in 2001 Secretary O'Neill implemented Treasury Order 150-02 which, at paragraph 18, cancelled 150-01. T.O. 150-02 closed all 33 districts and 4 regions created by TO 150-01 and implemented a new structure for the IRS. This is what set the stage for multiple violations of Section 3445 of P.L.105-206 and of violations of Title 26 of the United States Code (26 U.S.C.) and Title 26 of the Code of Federal Regulations (26 CFR).

**Internal revenue districts are required by law!**

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Let's look specifically at the 1040 tax return filing law. Approximately 150 million Americans violate the law every April 15<sup>th</sup> and cannot follow it because they cannot file their return in the internal revenue district where they live, work, or the service center for the internal revenue district referred to in clause (i) pursuant to 26 USC 6091.

The federal government has created a condition, intentionally, where it is impossible to obey this law, and this law can only be broken.

Here is the pertinent part of 6091(b)(1)(A)(i) and (ii), PLACE FOR FILING RETURNS AND OTHER DOCUMENTS.

### **Section 6091**

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#### **(b) Tax returns**

In the case of returns of tax required under authority of part II of this subchapter—

#### **(1) Persons other than corporations**

##### **(A) General rule**

Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary—

**(i)** in the **internal revenue district** in which is located the legal residence or principal place of business of the person making the return, or

**(ii)** at a service center serving the **internal revenue district** referred to in clause (i), as the Secretary may by regulations designate.

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00006091----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00006091----000-.html)

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The IRS routinely breaks the law every day as it cannot conform to Title 26 section 7621. With the elimination of the internal revenue districts, the IRS cannot administer the internal revenue laws through internal revenue districts as required by law.

## § 7621. Internal revenue districts

### (a) Establishment and alteration

The President shall establish convenient **internal revenue districts** for the purpose of administering the internal revenue laws. The President may from time to time alter such districts.

### (b) Boundaries

For the purpose mentioned in subsection (a), the President may subdivide any State, or the District of Columbia, or may unite into one **district** two or more States.

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00007621----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00007621----000-.html)

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Other sections of law requiring the internal revenue districts: Title 26 U.S.C. §§4412, 4662, 4903, 4905, 5065, 5733, 5802, 6021, 6335, 6340, 7325, 7503, 7601, 7621 and 7851.

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00004412----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00004412----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00004662----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00004662----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00004903----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00004903----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00004905----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00004905----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00005065----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00005065----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00005733----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00005733----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00005802----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00005802----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00006021----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00006021----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00006335----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00006335----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00006340----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00006340----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00007325----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00007325----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00007503----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00007503----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00007601----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00007601----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00007621----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00007621----000-.html)

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00007851----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00007851----000-.html)

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With the elimination of the internal revenue districts, the Secretary cannot possibly conform to this law. Herein is another example of our federal government not following the law.

### § 7601. Canvass of districts for taxable persons and objects

#### (a) General rule

The Secretary shall, to the extent he deems it practicable, cause officers or employees of the Treasury Department to proceed, from time to time, through each **internal revenue district** and inquire after and concerning all persons therein who may be liable to pay any internal revenue tax, and all persons owning or having the care and management of any objects with respect to which any tax is imposed.

[http://www.law.cornell.edu/uscode/html/uscode26/usc\\_sec\\_26\\_00007601----000-.html](http://www.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00007601----000-.html)

**District Directors are required by law!**

**Internal revenue districts are required by law!**

**Compliance with these laws is just not possible!**

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## Treasury Orders

This link contains two important treasury orders discussed below.

<http://famguardian.org/TaxFreedom/Forms/PolAction/NoticeOfFraudAttmts.pdf>

1. Treasury Order (T.O.) 150-01 altered the IRS structure to 33 Districts and 4 Regional offices under the Commissioner of Internal Revenue.

2. Treasury Order 150-02 at paragraph 18 (below) cancelled T.O. 150-01 closing all 37 offices created by T.O. 150-01 and establishing the current divisions of today, i.e. the SMALL BUSINESS/SELF-EMPLOYED division and others.

18. Cancellations Treasury Order 150-01. “Regional and District Offices of the Internal Revenue Service,” dated September 28, 1995, is canceled. Treasury Order 150-02, “Establishment of Certain Offices in the National Office of the Internal Revenue Service,” dated January 11, 1994, is superseded.

But yet T.O. 150-02 also says this at paragraph 3: “...The authority of the Commissioner to create, abolish, or modify offices under this delegation is subject only to limitations **that exist by law.**” The statutory requirements for internal revenue districts and the district director positions to be maintained by existing law still exists today!

Adding insult to injury, Treasury Order 150-02 issued in 2001 to conform to RRA98 was itself cancelled in 2006 <http://www.treasury.gov/about/role-of-treasury/orders-directives/Pages/to150-02.aspx>. It certainly appears that the IRS operates with the present structure created by a Treasury Order that itself has been cancelled and the ‘entity’ currently operates with NO AUTHORITY AT ALL!

The law requires IRS to administer the internal revenue laws through internal revenue district structure and since they can no longer do so they are operating outside the law.

Not only do they operate outside the law, the IRS breaks the law every day when they illegally administer the laws in violation of section 7621 and illegally seize property by levy without a district director’s approval as required by Public Law 105-206, §3445 and 26 U.S.C §6334.

Every single American that files a 1040 form on April 15<sup>th</sup> does so illegally, through no fault of their own of course, but do so because they are being coerced by the federal government even though they cannot legally conform to 26 USC §6091. This is a

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perfect foundation for ‘taxation by computer’ which the IRS wants to accomplish. The IRS push toward ‘E-file’ is an example of this.

The designation, ‘Internal Revenue Service’ was cancelled in 2005! Isn’t every piece of mail they send out mail fraud then? Verify for yourself here:

<http://www.treasury.gov/about/role-of-treasury/orders-directives/Pages/to150-06.aspx> It also appears to be a violation of Title 31 §333. All of this is a violation of our DUE PROCESS right guaranteed by the constitution!

Treasury orders 150-01 and old 150-02 issued in 2001 can be found here

<http://famguardian.org/TaxFreedom/Forms/PolAction/NoticeOfFraudAttmts.pdf>

## **Code of Federal Regulations**

The Code of Federal Regulations has many sections that require the district director position for the proper administration of the regulations.

### **§ 301.6201–1 Assessment authority.**

(a) *In general.* The **district director** is authorized and required to make all inquiries necessary to the determination and assessment of all taxes imposed by the Internal Revenue Code of 1954 or any prior internal revenue law. The **district director** is further authorized and required, and the director of the regional service center is authorized, to make the determinations and the assessments of such taxes.

[http://edocket.access.gpo.gov/cfr\\_2008/aprqrtr/pdf/26cfr301.6201-1.pdf](http://edocket.access.gpo.gov/cfr_2008/aprqrtr/pdf/26cfr301.6201-1.pdf)

26CFR 6203 requires that district directors must appoint the assessment officers.

### **26CFR 6203**

#### **§ 301.6203–1 Method of assessment.**

The **district director** and the director of the regional service center shall appoint one or more assessment officers. The **district director** shall also appoint assessment officers in a Service Center servicing his **district**.

The assessment shall be made by an assessment officer signing the summary record of assessment.

[http://edocket.access.gpo.gov/cfr\\_2008/aprqrtr/pdf/26cfr301.6203-1.pdf](http://edocket.access.gpo.gov/cfr_2008/aprqrtr/pdf/26cfr301.6203-1.pdf)

26CFR §6301 requires that district directors must collect taxes imposed.

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## **301.6301–1 Collection authority.**

The taxes imposed by the internal revenue laws shall be collected by **district directors** of internal revenue. See, however, section 6304, relating to the collection of certain taxes under the provisions of the Tariff Act of 1930 (19 U.S.C. ch. 4).

[http://edocket.access.gpo.gov/cfr\\_2008/aprqtr/pdf/26cfr301.6301-1.pdf](http://edocket.access.gpo.gov/cfr_2008/aprqtr/pdf/26cfr301.6301-1.pdf)

## **Internal Revenue Bulletins**

The internal revenue bulletins below claim the district director positions and internal revenue districts were eliminated by RRA98. You now know this is false. The evidence of these false claims are in the bulletins below. The entity formerly known as the IRS even admits as much. The paragraphs below are from bulletin **2003-41 I.R.B.** page 826. The first paragraph admits that the district director is required by law. The second paragraph admits that the district director position was eliminated. This is a violation of the very law the IRS claims gave them authority to eliminate the position of district director. **The Secretary has violated congressional mandate of RRA98!**

### ***Prior Approval of Levies of Certain Business Assets***

*In enacting RRA 98, Congress created new approval requirements for levies of certain business assets. Specifically, Congress enacted new section 6334(a)(13)(B)(ii), which provides that, except to the extent provided in section 6334(e), tangible personal property or real property (other than real property that is rented) used in the trade or business of an individual taxpayer shall be exempt from levy. Section 6334(e) was amended to provide that such property shall not be exempt from levy if a district director or assistant district director of the IRS personally approves (in writing) the levy of such property, or the Secretary finds that the collection of tax is in jeopardy.*

### ***IRS Reorganization***

*Pursuant to the reorganization of the IRS after RRA 98, the titles of district director and assistant district director cited in section 6334(e)(2)(A) **no longer exist**. The proposed regulations replace these titles with the current title, which is Area Director.*

(emphasis added)

Find them here: <http://www.irs.gov/irb/>

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Also see: Internal Revenue Bulletins: 2008-14 T.D. 9378, 2006-6 T.D. 9239, 2007-9 REG-159444-04, 2004-42 T.D. 9156, 2007-36 T.D. 9344

## Origin of the IRS

In 1979, the Supreme Court went so far as to research the origins of the IRS in this case, **CHRYSLER CORP. v. BROWN**, **441 U.S. 281 (1979)** **441 U.S. 281** and at footnote 23, the court explains what they determined:

[ [Footnote 23](#) ] There was virtually no Washington bureaucracy created by the Act of July 1, 1862, ch. 119, 12 Stat. 432, the statute to which the present Internal Revenue Service can be traced. Researchers report that during the Civil War 85% of the operations of the Bureau of Internal Revenue were carried out in the field - "including the assessing and collection of taxes, the handling of appeals, and punishment for frauds" - and this balance of responsibility was not generally upset until the 20th century. L. Schmeckebier & F. Eble, *The Bureau of Internal Revenue* 8, 40-43 (1923). Agents had the power to enter any home or business establishment to look for taxable property and examine books of accounts. Information was collected and processed in the field. It is, therefore, not surprising to find that congressional comments during this period focused on potential abuses by agents in the field and not on breaches of confidentiality by a Washington-based bureaucracy.

## Tax Court

26 CFR part 601 section 6215 states that tax court decisions of re-determination shall be assessed by the district director.

### ***§ 301.6215-1 Assessment of deficiency found by Tax Court.***

*Where a petition has been filed with the Tax Court, the entire amount re-determined as the deficiency by the decision of the Tax Court which has become final shall be assessed by the **district director** or the director of the regional service center and the unpaid portion of the amount so assessed shall be paid by the taxpayer upon notice and demand therefor.*

26CFR 6203 requires that district directors must appoint the assessment officers.

### **26CFR 6203**

#### **§ 301.6203-1 Method of assessment.**

The **district director** and the director of the regional service center shall appoint one or more assessment officers . The **district director** shall also appoint assessment officers in a Service Center servicing his **district**. The assessment shall be made by an assessment officer signing the summary record of assessment.

[http://edocket.access.gpo.gov/cfr\\_2008/apr/qtr/pdf/26cfr301.6203-1.pdf](http://edocket.access.gpo.gov/cfr_2008/apr/qtr/pdf/26cfr301.6203-1.pdf)

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## The Greatest Dangers

1. What we face now as a people is the specter of a government class taxing the working class by computer. The government class would love to make everyone a slave on Uncle Sam's plantation and the computer is the perfect tool to do it. This is the implementation of Frederick Bastiat's 'Legal Plunder' at its finest.

Below is Section 2001 of RRA98 which illustrates congressional intent to enslave us.

## **TITLE II—ELECTRONIC FILING**

### **SEC. 2001. ELECTRONIC FILING OF TAX AND INFORMATION RETURNS.**

(a) IN GENERAL.—It is the policy of Congress that—

(1) paperless filing should be the preferred and most convenient means of filing Federal tax and information returns;

(2) it should be the goal of the Internal Revenue Service to have at least 80 percent of all such returns filed electronically by the year 2007; and

(3) the Internal Revenue Service should cooperate with and encourage the private sector by encouraging competition to increase electronic filing of such returns.

2. Moreover, the entity formerly known as the IRS would love to subject the world to its oppression. Refer back to 26 U.S.C. 7621 and note paragraph b. That paragraph means that internal revenue districts have boundaries. If the districts are eliminated, then the boundaries are eliminated! Presently the IRS is doing exactly this and knows no boundaries with its attacks on foreign banks in foreign countries to get at American citizens' accounts!

These actions violate the sovereignty of other nations throughout the world and ignores the jurisdictional, geographical and legal boundaries of our own laws. So much for the Rule of Law!

Bringing the fight back home, have you received a waiver from the executive branch for violations of the tax code when you file? We know this is possible as the recent Healthcare law seems to have more exemptions given to it that a sieve has holes. Remember, a violation of 26 U.S.C. §6091 is committed when a tax return is filed to the 'entity'?

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The law requires you to file in the internal revenue district in which you live or work. Can you now sign the 1040 form every year without committing perjury, knowing that everything on that form is not true and correct?

**- NOTES -**

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In summary, when attempting to comply with “RRA98”, some argue that the secretary made a fatal legal error. This has laid the foundation for the legal nightmare reviewed below:

1. The internal revenue law requires IRS enforcement through internal revenue districts. (26USC 7621)
2. The internal revenue law requires taxpayers to file in the internal revenue district where they live or work (26USC 6091)
3. Certain levies require the district director or the assistant district director to personally approve (in writing) the levy of such property. (RRA98, 26 U.S.C. §6334)
4. The Code of Federal Regulations (CFR) require the district director to perform the assessments (6201)
5. The Code of Federal Regulations (6203) require the district director to appoint the assessment officers who assess taxes and sign the assessment form.
6. The Code of Federal Regulations (6301) require the district director to collect the taxes. (In fact, there are over 2,000 regulations that require or reference this position)
7. The districts were eliminated by Treasury Order 150-02 at paragraph 18. It was issued on March 9<sup>th</sup> 2001. <http://www.sedm.org/Exhibits/EX04.014.pdf>
8. T.O. 150-02 was later cancelled by itself. <http://www.treasury.gov/about/role-of-treasury/orders-directives/Pages/to150-02.aspx> Shouldn't this have also cancelled the current existing IRS structure? Why hasn't it been eliminated as well?
- 9 T.O. 150-06 cancelled the name for the IRS <http://www.treasury.gov/about/role-of-treasury/orders-directives/Pages/to150-06.aspx>
10. Footnote 23 of the Supreme Court case **Chrysler v. Brown 441 U.S. 281 (1979) 441 U.S. 281**
11. Fraudulent IRBs exist that claim the District Director position has been eliminated and the Area Director replaces it.
12. The IRS was never created by statute. The designation, “Internal Revenue Service” was never created by statute either. It was created by the stroke of the pen by just one man in 1953, then the designation was cancelled in 2005 by another stroke of the pen by just one man. . How can something be eliminated now if it doesn't exist?

**If we don't force the federal government to follow the law we have lost the Rule of Law!**

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## Finally

Is it time to practice civil obedience and follow the law by **NOT** breaking the law next April 15<sup>th</sup>? Is it possible to do this by sending your 1040 tax form to your congressman instead of the 'entity' formerly known as the Internal Revenue Service?

To protect yourself, should you sign an affidavit stating you cannot file a 1040 form without committing perjury and mail it in with your tax return? Should every American apply for an exemption to the Internal Revenue Code, or specific provisions within it?

Remember Joe Stack? If we do not remedy the conditions brought forth within this document, then we, as a society, guarantee that more Joe Stacks will be created by the brigand elements of our federal government that do not respect the rule of law. For the nation's survival, we **MUST** remedy these crippling transgressions of the rule of law and guarantee, through constitutional process, that it will never happen again.

The 18<sup>th</sup> amendment was remedied. So must be the 16<sup>th</sup> amendment.

Special thanks to Christopher Hansen, author of [famguardian.org](http://famguardian.org) for his research of treasury orders and posting the orders to his website. The website is an excellent source of information about our onerous and burdensome tax system that every American should know.

Ridding America of this cancer will be a long hard fight, knowing that the cottage industry who profit from this massive fraud will resist every effort to eliminate it. We must all try to get off Uncle Sam's Plantation.

We must never forget other brave souls who have gone before us and have paid dearly, with life or physical health, for their defense of freedom and the Constitution. Specifically, Dick Simkanin and Congressman George Hansen, author of [To Harass Our People](#) and who was subjected to the cruel and unusual punishment of 'diesel therapy' come to mind, and others too numerous to mention here.

One thing is sure, if we cannot or will not shed the shackles of slavery of the 2<sup>nd</sup> plank of the communist manifesto, also known as the 16<sup>th</sup> amendment, then the Republic of the United States will no longer endure.

Bob Conlon