



# National Archives and Records Administration

## Office of the Federal Register

November 7, 2014

Stephen L. Rush  
Will of the People Constitutional Authority Board

Dear Mr. Rush:

Enclosed please find the documents you submitted for publication in the Federal Register. The Office of the Federal Register accepts documents from the federal government for publication in the daily publication of the *Federal Register*. The Federal Register Act, 44 U.S.C. § 1505, sets forth the documents that the Office of the Federal Register accepts for publication in the *Federal Register*. These documents include:

- Presidential proclamations and Executive Orders,
- Documents or classes of documents that the President may determine from time to time have general applicability and legal effect;
- Documents or classes of documents that may be required to be published by Act of Congress; and,
- Other documents or classes of documents authorized to be published by regulations prescribed under this chapter with the approval of the President.

See 44 U.S.C. § 1505

The word "document" is further defined in the Federal Register Act at 44 U.S.C. § 1501, limiting its scope to Presidential documents and documents from federal agencies. Furthermore, in the same section of the Federal Register Act, the words "Federal Agency" and "agency" are defined to mean "the President of the United States, or an executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government". "Agency" is similarly defined in our regulations at 1 C.F.R. 1.1 and the Administrative Procedure Act, 5 U.S.C. § 551 as "each authority of the Government of the United States . . ." Accordingly, the Federal Register Act, the Administrative Procedure Act, and our implementing regulations do not allow the Office of the Federal Register to accept documents for publication from your organization, Will of the People Constitutional Authority Board.

Your organization, Will of the People Constitutional Authority Board, is also unable to claim publication rights as an "Executive department" or "Government corporation" according to the United States Court of Appeals, D.C. Circuit. The D.C. Circuit has clarified the meaning of "Executive department" by referring to Title 5's exclusive list of Executive departments. 5 U.S.C. § 101. See *Haddon v. Walters*, 43 F.3d 1488, 1490 (D.C. Cir. 1995). The D.C. Circuit also recognizes the clear definition of "Government corporation" as a corporation owned or controlled by the United States Government under 5 U.S.C. § 103, under which your organization does not fit. See *id.*

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More information regarding the Office of the Federal Register and our publications can be found online at: <http://www.archives.gov/federal-register/>.

Sincerely,



AMY P. BUNK  
Acting Director of the Federal Register

Enclosure



Acting Director Amy Bunk and Office of the Federal Registrar,

Thank you for your explanation of documents acceptable for publication by governmental bodies as defined by federal law. Although well thought out, your letter dated Nov. 7, 2014 is incomplete, inaccurate in places, and even improper. I mean no disrespect, but this indicates a misunderstanding regarding guiding law, and may be where you have difficulty understanding the applicability of the law in this instance – from a technical and even procedural perspective.

The definition of a document for publication in 44 U.S.C. § 1501 is not precise. The list of items for document types is not further defined in this section, but is only assumed to invoke 5 U.S.C. § 551, and could be left to interpretation. The phrase “similar instrument” nullifies its specificity, anyway. And, it defines the issuing federal agency as being any type of organization using administrative powers of the U.S. Government under the Constitution. 1 CFR 1.1 broadens the scope of its definition. This definition of a document is inclusive, but not exclusive, and adds document purposes that may have further public interest and legal implications. Our documents meet all these criteria.

Documents for publication are not limited to presidential authority and approval, or acts of Congress, as you imply, but are said to include organizational and legal instruments of the agencies themselves. Types of documents listed in 1 CFR 1.1 varies greatly, depending on the appropriate purpose to order, regulate, rule, certify, encode, license, notify, or other. Their methods of disbursement also vary widely, as they may be “issued, prescribed, or promulgated” accordingly. So, documents we present for publication are not in any way constrained for purposes you suggested.

Although 5 U.S.C. § 551 limits an agency to authority of the government, and restricts the agency from being any of the courts, Congress, military, banking, and territories, federal law states an agency does not have to be subject to another governing body – including the Executive. So 44 U.S.C. § 1505, where it requires presidential approval, is contradictory to Section 551 of Title 5 – a legal oversight that provides us flexibility under the Administrative Procedures Act. Even an Independent Establishment under 5 U.S.C. § 105, as an Executive Agency, must be a separate entity from the Cabinet, military, and other executive bodies, as specified by 5 U.S.C. § 104. And, when 1 CFR 1.1 refers to “each authority of the United States”, it is understood to mean implementing a function of the organizational authority delegated by the several powers. We meet all these precise definitions of a separate governing body whose authority stems from constitutional powers.

Our agency, Will of the People Constitutional Authority Board, is able to claim publication rights under each of these rules of law. Our authority is intentionally stated, but understanding it at face value is not intuitive. Will of the People C.A.B. qualifies as an agency under governmental powers issued by the Constitution. We have every authority of law for publication. The real question is what regulations you seem to think restrict the Federal Registrar from printing these materials.

The Office of the Federal Register, under 44 U.S.C. § 1502, is charged with the custody, printing, and distribution of the documents required or authorized to be published by Section 1505. From your letter, it appears you assume Section 1505 requires either approval by the President or an Act of Congress, which is not all of what it says or implies. Even if one were to somehow



dismiss the extensions and implications of applicable definitions and procedures, general applicability and legal effect in Section 1505 (a)(2) is applied automatically if a penalty is exacted. If true, the Federal Registrar can accept and should publish our documents, and is even duty bound by federal law to do so. For, a penalty is an act of an agency's "sanction" powers according to 5 U.S.C. § 551, which we have so ordered in accordance with applicable law. Our notice calls for the enforcement of the retraction of governed consent by will of the people, and its subsequent redistribution of federal powers of the government to our agency by constitutional order and further implementation of the people-initiated federal recall election, as per the Tenth Amendment powers clause and prescribed by our notice. That is the penalty for refusal of governmental accountability to the people, and qualifies us.

For, subsections under U.S.C. Title 44, Chapter 15 of federal law do govern federal printing, but are only lawful as far as they do not contradict or contravene the Constitution, just as we applied them in the recitals of our notice. Federal law is subject to the Constitution. Our respective governing bodies are subject to the Constitution, as is all of government. Constitutional law asserted by the Supreme Court states that both law and the government must comply with and conform to the Constitution, or it is unlawful and can be overturned.

In this instance, the federal government appears to have stepped outside of its delegated authority for recent laws claimed to erode the Bill of Rights. People, then, asserting their right to assemble and petition, contested such laws by peaceful protests in recent years. But, the government failed to address the grievances and to acknowledge the will of the people, appearing to refuse both First Amendment applicability of law and accountability to the people. That is when the people met in Continental Congress in 2012 and applied other legal processes, but the federal government has yet to comply with their constitutional reprimand.

The federal government cannot lawfully both write laws against the Constitution and refuse to be accountable to it, while supposedly still retaining proper authority of the Constitution. Either the federal government of the United States is authorized of the Constitution, or it is illegitimate by acting foreign to the Constitution. Now the people have refused to consent to a government that is not answerable to the Constitution or for acts that may lead to detriment of the people. In effect, delegated federal authority has been "undelegated" by the Constitution when the people retracted their consent, which historically is in the people's authority. "Undelegated, but not yet surrendered authority" is problematic. So, the Constitution provides an added powers clause for this eventuality.

So, the people responded to a perceived threat to their liberties by evoking the Tenth Amendment. The Tenth Amendment of the Constitution says the people have whatever authority is not delegated. The people asserted their new powers by applicable legal process. There is nothing unusual about the people asserting their rights or a governmental body asserting its powers. So, consent of the governed has been retracted, the federal powers were removed by a constitutionally ordered process, and the people have the constitutional duty to return federal authority to a government answerable to higher law. The authority of the U.S. Government has been contested by this specific constitutional process. It is not in the purview of the Federal Registrar to question this process, but to abide by governing law.

Understand, our agency is vested with all necessary authority of any branch to carry this out. Legally, our notice carries the same legal standing to that of an executive order, with higher

authority and weight prescribed by the Constitution over and above any other authority, in which penalizes the whole of the federal government and ruling political parties for the legal equivalent of jeopardizing this country's existence. We qualify for federal publication in every way that matters. The Federal Registrar is without excuse or recourse.

So, our notice is a document as defined in Chapter 15 of Title 44, having "automatic" general applicability and legal effect, by an agency with constitutional authority for executive orders to penalize a broad group for acts against the Constitution that may lead to the detriment of the people, and the Federal Registrar is obligated to print and distribute it. Our agency most certainly does qualify as having administrative federal powers, and our documents therefore do qualify for publication, and are constitutionally required. That is why we have the authority to have our notices published, and why you have no grounds.

So, you are quite mistaken. We are returning our notices to you for publication with the Federal Registrar immediately without delay. We expect that you will comply, or be charged with obstruction of justice and treason against the state.

Regardless, this area of law is new to your procedure. So, we will permit this letter to accompany it, and a disclaimer to precede the notice. If you choose to add a disclaimer, it must be approved and editable by email by our agency prior to publication, as it cannot be used to nullify a constitutional order or render our authority less than its full measure.

Thank you for your careful attention to this matter.

Sincerely,

*s/Stephen L. Rush*

Stephen L. Rush, Defender of the Constitution  
Will of the People Constitutional Authority Board  
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cc: blind