

1 Paul Andrew Mitchell, B.A., M.S.  
2 Private Attorney General, 18 U.S.C. 1964;  
3 Agent of the United States, 31 U.S.C. 3730  
4 c/o Trustee, Supreme Law Firm  
5 1224 N.E. Walnut, #257  
6 Roseburg 97470  
7 Oregon, USA

8  
9 *In Propria Persona*

10  
11 **All Rights Reserved**

12  
13  
14 United States District Court

15  
16 District of Oregon

17  
18 UNITED STATES OF AMERICA [*sic*], ) Case No. 6:10-cr-60066-AA  
19 Plaintiff [*sic*], )  
20 v. )  
21 )  
22 STEVEN DWIGHT HAMMOND [*sic*] and, )  
23 DWIGHT LINCOLN HAMMOND, JR. [*sic*], )  
24 Defendants [*sic*]. )  
25 -----)  
26 United States ) **NOTICE OF MISSING AND/OR**  
27 *ex relatione* ) **DEFECTIVE CREDENTIALS:**  
28 Paul Andrew Mitchell, ) 5 U.S.C. 2104, 2903, 2906, 3331;  
29 ) 18 U.S.C. 4, 912, 1961 *et seq.*;  
30 Interpleader. ) 28 U.S.C. 453, 544, 951;  
31 ) 31 U.S.C. 3729 *et seq.*; and,  
32 ) 44 U.S.C. 3512(b).

33 **TO WHOM IT MAY CONCERN:**

34 The United States hereby notoriously appears specially, not generally,  
35 and *ex rel.* Paul Andrew Mitchell, Private Attorney General and Agent  
36 of the United States as *Qui Tam* Relator, for the limited purposes of:  
37 (1) providing formal Notice to all Proper Parties and all *other*  
38 recipients of this NOTICE; (2) satisfying the legal requirements  
39 imposed by the Federal criminal statute at 18 U.S.C. section 4; and,  
40 (3) establishing probable cause calling for the conclusion that the  
41 suspects named *infra* are engaged in a pattern of racketeering  
42 activities in violation of the Federal criminal statute at 18 U.S.C.  
43 1962(d) (conspiracy to engage in a pattern of racketeering activity).

1 In the interests of expediting access to all relevant and  
2 admissible documentation, Interpleader hereby notifies all concerned  
3 of a single, consolidated electronic database which now contains  
4 evidence of missing and/or defective credentials for past and present  
5 Federal Court personnel employed by the U.S. District Court for the  
6 District of Oregon. In particular, see all "NAD" links *infra*:

7 <http://supremelaw.org/rsrc/commissions/evidence.folders.2004-03-16.htm#DOR>  
8 <http://supremelaw.org/rsrc/commissions/evidence.folders.2004-03-16.htm#NINTH>  
9 <http://supremelaw.org/rsrc/commissions/credential.investigation.facts.and.laws.htm>  
10

11 **FATAL DEFECTS CONFIRMED IN OFFICE OF PERSONNEL MANAGEMENT**  
12 **STANDARD FORM 61 ("SF-61") APPOINTMENT AFFIDAVITS**

13 Relator now confirms that the Office of Personnel Management  
14 ("OPM") never requested nor obtained formal review and approval by the  
15 Office of Management and Budget ("OMB") of three (3) distinct changes  
16 that are plainly evident on the OPM SF-61 APPOINTMENT AFFIDAVITS now  
17 in widespread use, after being made available in electronic form at  
18 OPM's Internet website, to wit:

- 19 (1) there is no OMB control number at the upper right-hand corner;  
20 (2) there is no paragraph at the bottom citing 5 U.S.C. 2903; and,  
21 (3) the use of an electronic form in lieu of a hard-copy form.

22 Proper requests submitted under the Freedom of Information Act at  
23 5 U.S.C. 552 ("FOIA") specifically sought documentary evidence that  
24 OPM has duly complied with the published Regulations implementing the  
25 Paperwork Reduction Act ("PRA").

26 On August 6, 2012, OPM replied as follows:

27 ... [W]e do not have any responsive records here at OPM.

28 And, on August 23, 2012, OMB replied as follows:

29 *After careful review of your request, we conducted a search of*  
30 *OMB's files and did not identify any records or documents that*  
31 *are responsive to your request.*



1 ... [B]ut whatever form of oath is taken, the taking of the oath  
2 is a prerequisite to the entering upon the official duties or  
3 drawing salary therefor.

4 [19 Op Atty Gen 221]  
5

6 For reasons including but not limited to those discussed above,  
7 Relator hereby formally invokes the PRA's Public Protection Clause at  
8 44 U.S.C. 3512(b):

9 (b) The protection provided by this section may be raised in  
10 the form of a complete defense, bar, or otherwise at any  
11 time during the agency administrative process or judicial  
12 action applicable thereto.  
13

14 **5 U.S.C. 2903: AUTHORITY TO ADMINISTER**

15 Interpleader also wishes to draw attention to the existence, and  
16 legal implications, of the Federal statute at 5 U.S.C. 2903.

17 As explained above, the absence of any citation to that statute  
18 is one of the reasons why OPM's electronic version of SF-61 violates  
19 the PRA and its implementing Regulations.

20 It is also one of the reasons why Relator asserts a right to  
21 inspect all SF-61 APPOINTMENT AFFIDAVITS for proper compliance with  
22 the stated requirements of that particular statute.

23 It can happen that Federal judicial personnel have executed *what*  
24 *appears to them* to be a complete set of proper credentials.

25 However, if the individual who administered SF-61 lacks one or  
26 more of the credentials required of that individual, it necessarily  
27 follows that 2903 has been violated.

28 Let us consider one example, in order to drive this point home:  
29 consider a single SF-61 which appears to have been administered by a  
30 County Dog Catcher. Interpleader does not intend to demean that local  
31 government position: dog catchers perform a very important public  
32 safety service.



1 Relator here argues that the citation to 5 U.S.C. 2903 should not  
2 only be a mandatory requirement on all blank SF-61 APPOINTMENT  
3 AFFIDAVITS duly approved by OMB.

4 In the spirits of timely notice, full disclosure, and full  
5 compliance with the PRA, future revisions of OPM SF-61 should also be  
6 enhanced with at least one additional line on which the individual  
7 administering that form is required to cite the exact law of the  
8 United States or local law which confers upon that individual  
9 authority to administer that form.

10 The latter is really not too much to ask, in light of the obvious  
11 vagueness which Interpleader has already documented at 5 U.S.C.  
12 2903(a), in light of the published Regulations which implement the  
13 PRA, and in light of the PRA's legislative intent.

14 Those implementing Regulations expressly mandate opportunities  
15 for public comments *whenever* an OMB control number is up for mandatory  
16 renewal every three (3) years. Again, see 5 U.S.C. 5507 ("*officer ...*  
17 *may not be paid until the [valid SF-61] affidavit has been filed*").

18 In fact, those implementing Regulations also authorize any person  
19 to request OMB review of any collection of information conducted by or  
20 for any Federal government agency, as follows:

21 Any person may request OMB to review any collection of  
22 information conducted by or for any agency to determine if, under  
23 this Act and this part, a person shall maintain, provide, or  
24 disclose the information to or for the agency. Unless the  
25 request is frivolous, OMB shall, in coordination with the agency  
26 responsible for the collection of information:  
27

28 (1) Respond to the request within 60 days after receiving the  
29 request, unless such period is extended by OMB to a  
30 specified date and the person making the request is given  
31 notice of such extension; and,  
32

33 (2) Take appropriate remedial action, if necessary. 5 CFR  
34 1320.14(c)  
35

[underlined emphasis added]

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**INCORPORATION OF ALL ATTACHED EXHIBITS**

Interpleader hereby incorporates by reference all attached documents as Exhibits, and as if all were set forth fully here.

**VERIFICATION**

I, Paul Andrew Mitchell, *Sui Juris*, Relator in the above entitled action, hereby verify under penalty of perjury, under the laws of the **United States of America**, without the "**United States**" (Federal government), that the above statement of facts and laws is true and correct, according to the best of My current information, knowledge, and belief, so help me God, pursuant to 28 U.S.C. 1746(1) (Constitution, Laws and Treaties of the United States are supreme Law of the Land, *notwithstanding* anything in the Constitution or Laws of Oregon State to the contrary. See Supremacy Clause.)

Dated: April 1, 2016 A.D.

Signed: /s/ Paul Andrew Mitchell

Printed: Paul Andrew Mitchell, B.A., M.S., Relator *In Propria Persona*; Private Attorney General, 18 U.S.C. 1964(c); and, Agent of the United States as *Qui Tam* Relator: 31 U.S.C. 3730 (see U.S. ex rel. Madden v. General Dynamics Corp.)

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**PROOF OF SERVICE**

I, Paul Andrew Mitchell, *Sui Juris*, hereby certify, under penalty of perjury, under the laws of the **United States of America**, without the "**United States**" (Federal government), that I am at least 18 years of age, a Citizen of ONE OF the **United States of America**, and that I personally served the following document(s):

**NOTICE OF MISSING AND/OR DEFECTIVE CREDENTIALS:**

- 5 U.S.C. 2104, 2903, 2906, 3331;
- 18 U.S.C. 4, 912, 1961 *et seq.*;
- 28 U.S.C. 453, 544, 951;
- 31 U.S.C. 3729 *et seq.*; and,
- 44 U.S.C. 3512(b)

by placing one true and correct copy of said document(s) in first class United States Mail, with postage prepaid and properly addressed to the following:

**Clerk of Court** (3x)  
U.S. District Court  
Wayne L. Morse U.S. Courthouse  
405 East Eighth Avenue  
Eugene 97401  
Oregon, USA

**Office of the U.S. Attorney**  
Attention: Mr. Billy J. Williams  
1000 S.W. Third Avenue, Suite 600  
Portland 97204  
Oregon, USA

**Lawrence H. Matasar**  
Lawrence Matasar, P.C.  
621 S.W. Morrison Street  
Suite 1025  
Portland 97205  
Oregon, USA

**Kendra M. Matthews**  
Ransom Blackman, LLP  
1001 S.W. Fifth Avenue  
Suite 1400  
Portland 97204  
Oregon, USA

1 Courtesy Copies:  
2

3 **Steven Dwight Hammond**

4 Register Number: 60061-065  
5 FCI Terminal Island  
6 P.O. Box 3007  
7 San Pedro 90731  
8 California, USA  
9

10 **Dwight Lincoln Hammond**

11 Register Number: 59886-065  
12 FCI Terminal Island  
13 P.O. Box 3007  
14 San Pedro 90731  
15 California, USA  
16

17 **Mrs. Susan Hammond**

18 c/o Trustee, *Supreme Law Firm*  
19 1225 N.E. Walnut, #257  
20 Roseburg 97470  
21 Oregon, USA  
22

23  
24 [Please see USPS Publication #221 for "addressing" instructions.]  
25

26  
27 Dated: April 1, 2016 A.D.  
28

29  
30 Signed: /s/ Paul Andrew Mitchell  
31

32 Printed: Paul Andrew Mitchell, B.A., M.S., Relator *In Propria Persona*;  
33 Private Attorney General, 18 U.S.C. 1964(c); and,  
34 Agent of the United States as *Qui Tam* Relator: 31 U.S.C. 3730  
35 (see *U.S. ex rel. Madden v. General Dynamics Corp.*)  
36

1 **FREEDOM OF INFORMATION ACT REQUEST**

2  
3 December 27, 2011 A.D.

4  
5 Disclosure Officer  
6 U.S. Office of Personnel Management  
7 FOIA Requester Service Center  
8 1900 "E" Street, N.W., Room 5415  
9 Washington 20415-7900  
10 DISTRICT OF COLUMBIA, USA

**IN DEFAULT**

11  
12 Subject: Freedom of Information Act ("FOIA") Request

13  
14 Dear Disclosure Officer:

15  
16 This is a request under the Freedom of Information Act. I request  
17 that a **true and correct copy of the following documents** be provided to  
18 Me, without delay:

- 19  
20 (1) Regulations implementing the Federal statute at 5 U.S.C. 3331 as  
21 duly published in the *Federal Register* and/or the *Code of Federal*  
22 *Regulations* but not otherwise listed in the *Parallel Table of*  
23 *Authorities and Rules* revised January 1, 2011 (see attached);  
24  
25 (2) materials submitted in compliance with 5 CFR 1320.5 to the  
26 Director of OMB for review of the Office of Personnel Management  
27 ("OPM") Standard Form 61 APPOINTMENT AFFIDAVITS as revised in  
28 June 1996 and August 2002 (copies attached), including but not  
29 limited to:  
30  
31 (a) the certification required under 5 CFR 1320.9;  
32  
33 (b) the proposed collection of information;  
34  
35 (c) the explanation for the decision that it would not be  
36 appropriate for the proposed collection of information to  
37 display an expiration date;  
38  
39 (d) the statement indicating that the proposed collection of  
40 information involves the use of automatic, electronic  
41 collection techniques;  
42  
43 (e) pertinent statutory authority, regulations, and such  
44 related supporting materials as OMB may have requested;  
45  
46 (f) the notice published in the *Federal Register* as required by  
47 5 CFR 1320.5(a)(1)(iv);  
48  
49 (g) OMB's approval of the proposed collection of information  
50 including either the control number obtained from the  
51 Director to be displayed upon the collection of  
52 information, or evidence of the Director's decision to  
53 permit the collection of information to be used after June  
54 1996 without a control number.  
55

1 We incorporate as an essential part of this FOIA Request, all of the  
2 following relevant excerpts from the *Code of Federal Regulations*  
3 implementing the Paperwork Reduction Act, to wit:

4  
5 [A]n agency shall not conduct or sponsor a collection of  
6 information unless ... the collection of information displays a  
7 currently valid OMB control number. 5 CFR 1320.5(b)(1)

8  
9 In the case of forms ... sent or made available to potential  
10 respondents in an electronic format, the agency places the  
11 currently valid OMB control number ... on the first screen viewed  
12 by the respondent. 5 CFR 1320.5(b)(2)(ii)(B)

13  
14 [A]n agency shall not conduct or sponsor a collection of  
15 information unless ... the agency informs the potential persons  
16 who are to respond to the collection of information that such  
17 persons are not required to respond to the collection of  
18 information unless it displays a currently valid OMB control  
19 number. 5 CFR 1320.5(b)(2)(i)

20  
21 OMB will consider necessary any collection of information  
22 specifically mandated by statute .... 5 CFR 1320.5(e)(1)

23  
24 An agency may not make a substantive or material modification to  
25 a collection of information after such collection of information  
26 has been approved by OMB, unless the modification has been  
27 submitted to OMB for review and approval under this Part. 5 CFR  
28 1320.5(g)

29  
30 OMB shall not approve any collection of information for a period  
31 longer than three years. 5 CFR 1320.10(b)

32  
33 Agencies shall provide copies of the material submitted to OMB  
34 for review promptly upon request by any person. 5 CFR 1320.14(b)

35  
36 Any person may request OMB to review any collection of  
37 information conducted by or for any agency to determine if, under  
38 this Act and this part, a person shall maintain, provide, or  
39 disclose the information to or for the agency. Unless the  
40 request is frivolous, OMB shall, in coordination with the agency  
41 responsible for the collection of information:

- 42  
43 (1) Respond to the request within 60 days after receiving the  
44 request, unless such period is extended by OMB to a  
45 specified date and the person making the request is given  
46 notice of such extension; and,  
47  
48 (2) Take appropriate remedial action, if necessary. 5 CFR  
49 1320.14(c)  
50

1 I request a waiver of all fees for this request.

2

3 Disclosure of the requested information to Me is in the public  
4 interest, because it is likely to contribute *significantly* to public  
5 understanding of the operations and activities of the Federal  
6 government, and is not *primarily* in My commercial interest.

7 See also 5 U.S.C. 552(a)(4)(B).

8

9 **If you are not the correct person to whom this FOIA request should be**  
10 **directed, please forward it without delay to the correct person(s).**

11

12

13 Thank you for your consideration of this FOIA request.

14

15

16 Sincerely yours,

17

18 /s/ Paul Andrew Mitchell

19

20 Paul Andrew Mitchell, B.A., M.S.

21 Private Attorney General, Criminal Investigator and

22 Federal Witness: 18 U.S.C. 1510, 1512-13, 1964(a)

23 <http://www.supremelaw.org/decs/agency/private.attorney.general.htm>

24

25 **All Rights Reserved without Prejudice**

26

27 U.S. Mail:

28

29 Paul Andrew Mitchell, B.A., M.S.

30 c/o Lake Union Mail

31 117 East Louisa Street

32 Seattle 98102-3203

33 WASHINGTON STATE, USA

34

35 Attachments

36

37 Copy: U.S. Marshals, Judicial Security, Seattle, Washington State

38

39 [See USPS Publication #221 for addressing instructions.]

40

1 **FREEDOM OF INFORMATION ACT REQUEST**

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3 December 27, 2011 A.D.

4  
5 Disclosure Officer  
6 Office of Information and Regulatory Affairs  
7 The Office of Management and Budget  
8 725 - 17th Street, N.W.  
9 Washington 20503  
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46 (f) the notice published in the *Federal Register* as required by  
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19 number. 5 CFR 1320.5(b)(2)(i)  
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21 OMB will consider necessary any collection of information  
22 specifically mandated by statute .... 5 CFR 1320.5(e)(1)  
23

24 An agency may not make a substantive or material modification to  
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28 1320.5(g)  
29

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31 longer than three years. 5 CFR 1320.10(b)  
32

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47

48 (2) Take appropriate remedial action, if necessary. 5 CFR  
49 1320.14(c)  
50

1 I request a waiver of all fees for this request.

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3 Disclosure of the requested information to Me is in the public  
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5 understanding of the operations and activities of the Federal  
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7 See also 5 U.S.C. 552(a)(4)(B).

8

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21 Private Attorney General, Criminal Investigator and

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31 117 East Louisa Street

32 Seattle 98102-3203

33 WASHINGTON STATE, USA

34

35 Attachments

36

37 Copy: U.S. Marshals, Judicial Security, Seattle, Washington State

38

39 [See USPS Publication #221 for addressing instructions.]

40

1 **Authorities in re: Presidential Commissions**

2  
3  
4 When person has been nominated to office by President, confirmed  
5 by Senate, and his **commission signed by President, with seal of**  
6 **United States affixed thereto**, his appointment is complete.

7  
8 [U.S. v. LeBaron, 60 U.S. 73, 19 How. 73]  
9 [15 L.Ed. 525 (1856), **bold** emphasis added]

10  
11  
12 The **commissions of judicial officers** ... appointed by the  
13 President, by and with the advice and consent of the Senate ...  
14 **shall be made out and recorded in the Department of Justice under**  
15 **the seal of that department and countersigned by the Attorney**  
16 **General.**

17 [5 U.S.C. 2902(c), **bold** emphasis added]

18  
19  
20 Federal circuit and district judges are among the "other officers  
21 of the United States" required to be nominated by the President  
22 by and with the advice and consent of the Senate.

23  
24 [Thomson v. Robb, 328 S.E.2d 136, 140, hn. 3]  
25 [229 Va. 233 (Va. 1985)]

26  
27  
28 From this clause [2:2:2] the Constitution must be understood to  
29 declare that all offices of the United States, except in cases  
30 where the Constitution itself may otherwise provide, shall be  
31 established by law.

32  
33 [U.S. v. Maurice, 2 Brock, U.S., 96]  
34 [26 Fed. Cas. No. 15,747]

35  
36  
37 ... [W]here the law requires a commission to be issued, the  
38 **person selected is not entitled to the office until the**  
39 **commission issues, and he cannot be legally qualified by taking**  
40 **the required oath until he has received his commission.**

41  
42 [Legerton v. Chambers, 163 P. 678, 32 Cal.App. 601]  
43 [Magruder v. Tuck, 25 Md. 217]  
44 [**bold** emphasis added]

45  
46 The commission is in law *prima facie* proof of the right of the  
47 judge to enter on and perform the duties of his office.

48  
49 [State v. Montague, 130 S.E. 838, 190 N.C. 841]  
50 [Sylvia Lake Co. v. Northern Ore Co., 151 N.E. 158]  
51 [242 N.Y. 144, *cert. den.* 273 U.S. 695]

1 It [commission] is **the highest and best evidence of his right to**  
2 **the office** until, on *quo warranto* or a proceeding of that nature,  
3 is annulled by judicial determination.

4  
5 [Thompson v. Holt, 52 Ala. 491]  
6 [bold emphasis added]  
7

8  
9 Without taking the oath prescribed by law, one cannot become a  
10 judge either *de jure* or *de facto*, and such an individual is  
11 without authority to act and his acts as such are void until he  
12 has taken the prescribed oath.

13  
14 [French v. State, 572 S.W.2d 934]  
15 [Brown v. State, 238 S.W.2d 787]  
16

17  
18 Law requires the judge selected to take an oath of office.

19  
20 [U.S. ex rel. Scott v. Babb]  
21 [199 F.2d 804 (7<sup>th</sup> Cir. 1952)]  
22

23  
24 Appointment was complete upon taking oath.

25  
26 [Glavey v. U.S., 182 U.S. 595 (1901)]  
27

28  
29 Judges are required to take oaths.

30 [7 Op Atty Gen 303]  
31

32  
33 Oath was prerequisite to compensation of judges.

34  
35 [7 Op Atty Gen 303]  
36

37  
38 The salaries of all judges of courts of the United States are due  
39 from the date of appointment; but the party does not become  
40 entitled to draw pay until he has entered on the duties of his  
41 office, or at least taken his official oath; for, until then,  
42 though under commission, he is not actually in office; and in  
43 some cases, as that of the territorial judges of Oregon,  
44 Washington, Kansas, and Nebraska, salary, though due from date of  
45 appointment, cannot be drawn until the judge enters on duty in  
46 the Territory.

47 [7 Op Atty Gen 303 *supra*]  
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50 Oath was prerequisite to official duties and salary.

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52 [19 Op Atty Gen 219]  
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**SALARY OF MINISTER**

By act of July 11, 1888, chapter 614, the office of chargé d'affaires to Paraguay and Uruguay, the salary of which was \$5,000 per annum, was abolished, and provision made for representing the United States there by a minister at \$7,500 a year. B., who at that time held the former office, was on the 11<sup>th</sup> of August, 1888, appointed minister. He received his commission at his place of duty on the 3d of October, 1888, and on that latter date took the official oath and entered upon the duties of his office as minister: *Advised* that B. is entitled to draw his salary as minister from the 3d of October, 1888, the date on which he qualified for the office and entered upon its duties, and not from the date of his appointment (Aug. 11, 1888).

[19 Op Atty Gen 219 *supra*]

... [B]ut whatever form of oath is taken, the taking of the oath is a prerequisite to the entering upon the official duties or drawing salary therefor.

[19 Op Atty Gen 221 *supra*]

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