

Some will deny.

# VULTURES

Some will lie

## Oregon Judges & Co-Conspirators CHEAT and How!

THE EVIDENCE IS UNDENIABLE!

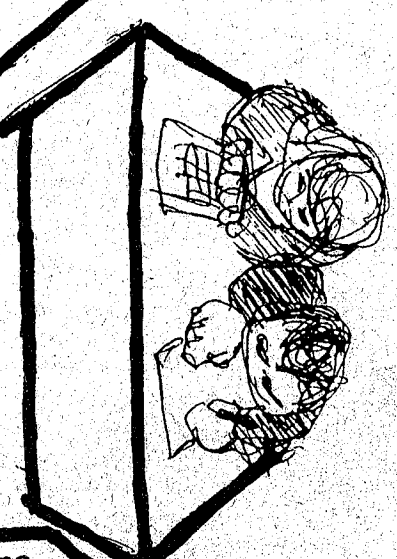
Your motions are denied.  
If you don't like my  
decision, you can appeal it.

(An appeal forgives the  
Judge for violating law  
...at YOUR expense)

**NO REQUIRED OATH -  
JUDGE COMMITS  
TREASON**

The Court system in Oregon as now operated is UN-Constitutional. Supreme Court Judges and most Court Judges do not take the Constitutionally required Oath. Judges commit high crimes and misdemeanors, TREASON, R.I.C.O., violation of Sherman Anti-Trust Act (they are a MONOPOLY). Biased, precluded, Union Bar Attorney Judge operates under law known only to Attorneys and Judges.

**UNinformed  
MISinformed Jury**



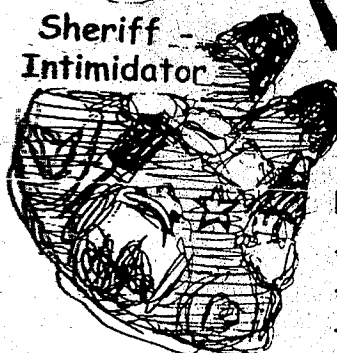
**Christian Slave  
DAVID**



**Prosecuting  
Attorney  
GOLIATH**



**Sheriff -  
Intimidator**



NO Full Disclosure...  
...of Bondage Contract  
...of Birth Certificate  
...of Social Security  
...of Driver's License

We Cheatem & How  
Special Interest  
Corporate Bar Attorneys

Please, come into the Babylonian Court,  
We want your labor, Liberty, Property,  
and Authority over You. We want more  
fines, taxes, fees, revenue or you in jail.

**PERS = Public Employees  
Retirement System.**  
The State Corporate Public Employees  
Monopoly has a conflict of Interest  
against the Accused. The State of Oregon  
and PERS receive a benefit in fines, fees,  
taxes, revenue and jail time served.

## PUBLIC NOTICE

Regarding Judges' Lawfully Required Oath of Office to be Impartial      Date: \_\_\_\_\_

From:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

	<u>Legislative</u>	<u>Adjudicative</u>	<u>Executive</u>
(Non-Positive) 42 USC Spirit of the Law	42 USC 1986 (see quote)	42 USC 1983, 1985,1986	42 USC 1994
(Positive-Law) 18 USC Letter of the Law	18 USC 4	18 USC 241, 242	18 USC 1581

To Honorable:  
\_\_\_\_\_  
\_\_\_\_\_

**U.S. CODE TITLE 42 SECTION 1986...1956...SAME: action for neglect to prevent;**  
 "Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses to do, if such wrongful act shall be liable to the party injured, or his legal representatives, for all such damages caused by such wrongful act, which such person by reasonable diligences could have prevented".

### **Notice of Need and Demand to Immediately Remove Biased and Unlawful Judges**

The Bar Association denies (Self-representing) Pro Se Litigants the constitutional opportunity to use the legal processes, and denies them equal justice under the law in violation of the U.S. Constitution and the Sherman Anti-Trust Act. Pro Se Litigants do not have an equal opportunity to win causes and change the law. What are you going to do about the Bar Association monopoly that promotes such acts of discrimination and hate crimes against the common citizen for involvement in the legal process?

This discrimination enables Police Officers, Attorneys and Judges to have the opportunity to pervert and subvert the legal process. Most Judges are only ALLEGED JUDGES because they have not taken the lawfully required Oath of Office to impartially serve the People of the State of Oregon. And the attorneys don't have licenses to practice law. They have only Law School Diplomas and special Title-of- Nobility State consent to "practice law". This creates the presumption that all other citizens are ignoramuses and outlaws. They are not ignoramuses and outlaws

The question is Mr. \_\_\_\_\_; what are you going to do about the lying, cheating, stealing, unconstitutional, treasonous, de facto alleged judges, committing high crimes and misdemeanors in our courts? See the enclosed Oath's of Office.

Act in behalf of (1) the Citizens/People of the State of Oregon, (2) the Original Law of the Land, (3) your Oath of Office, (4) Truth, (5) Justice, (6) Liberty, (7) Public Law 97-280, and (8) the Brother's Keepers Clause, United States Code Title 42, section 1986.

**The People of Oregon demand Justice, and you have a Notice, a Duty and a Demand to Act.** Please respond NOW. Affirm your intent to act in behalf of the above named party by your message to Fax No. \_\_\_\_\_

By: \_\_\_\_\_

## **TO ALL OREGON JUDGES:**

**YOUR JURISDICTION IS HEREBY CHALLENGED!  
DO NOT TRY TO OPERATE OUTSIDE OF THE CORPORATE VEIL OF COMMERCIALY  
LIMITED CIVIL LIABILITY ESTABLISHED BY YOUR OATH.  
YOU WILL DO SO ON YOUR OWN PERSONAL  
COMMERCIALY UNLIMITED CRIMINAL LIABILITY.**

**THE DELIBERATE MALUSE OF THE OFFICE OF JUDGE IS TREASON.**

The following documents are being entrusted to you, as a Trustee of these documents, with full authority granted to you by 42 U.S.C. 1986; the Brothers Keepers Statute to act.

Milton Everett, Mitchek, did search the Oregon law to find out why those biased officials who corrupt the government and who oppose the People's good faith attempts to seek remedy through Oregon Courts, are not upholding their Oath/Oath of Office.

My research revealed that Oregon Judges do not take the required oath to support and uphold the Original 1857-59 Constitution.

The Supreme Court and the Circuit Court Judges' oaths were changed from the Original 1857-59 Constitution of "said state" to a different, fictional state: "this state", in 1910.

↙ "this state" "means the land and water and the air space above the land and water with respect to which the State of Oregon has legislative jurisdiction". (Oregon laws 1973, chapter 836, page 2708, Section 13) (O.R.S. 131.205)

Therefore, this "artificial" and technically Constitutionally Lawless Jurisdiction, "this state", is overlaid above our Constitutionally Lawful "Union state of Oregon".

Article VII Amended changed the Supreme Court Judge's title to "Judges of the Supreme Court".

My research revealed that the State of Oregon Supreme Court Judges/ Judges of the Supreme Court do not take Oregon's required Constitutional Oath, Article VII, Amended Section 7, and no change of oath has been made since 1910.

Without a valid Oath of Office, he/she is not a Judge; but, rather, impersonating a Judge.

A rebel Oregon Judge who does not take and uphold Oregon's required Oath is committing treason against the Oregon Constitution, the Law of the Land and the People.

I talked with Personnel at the State Court Administration Office on June 28, 2001. They said Supreme and Circuit Court Judges should take the required oath in Article VII, Amended Section 7.

All Supreme and Circuit Court Judges must take the same, constitutionally-required Oath/Oath of Office.

Any oath that is less than the required oath is imperfect, fraud, and false Oath, void from beginning Oath of Office. Consequently, under such defective oath, the Judge is non-judicial, merely impersonating a Judge. All judicial decisions are void while he/she is impersonating a Judge. The office is vacant and needs to be filled.

No wonder Oregon's unconstitutional Judges are biased!

Now you know the continuing manifestation of the incompetence and corruption infecting the legal profession and the judiciary of Oregon.

It is the attitude, demeanor, and bias that indicates misconduct.

A state of MIXED WAR AND SLAVERY exists if the Judges ("Just-us gang") do not allow the people a constitutional remedy of appeal to constitutional Judges.

For every legal problem, there must be a lawful remedy, if peace and dignity are to continue in society. People must be able to assemble peaceably and petition their government for a redress of grievances, whether the grievance be caused by the government itself or by another citizen(s).

When a remedy does not exist, a constitutional remedy must be created or else anarchy prevails. [The remedy proposed by affidavit and unchallenged becomes a remedy in fact.]

To all Judges, who are paid by contract to serve the government, "We the People", the Citizens of the Union state of Oregon:

Given: The failure of a judge to take the above said state Oath makes all of his/her Orders and Judgments null and void, ab initio.

Q. Did you, Judge, take your "Oath of Office" as per Article VII, (original) Section 21?

Given: The failure of a judge to take the above "this state" Oath makes all of his/her Orders and Judgments null and void, ab initio.

Q. Then did you, Judge, take your "Oath of Office" as per Article VII (amended) Section 7?

The remedy is for Judges to take and uphold Oregon's constitutionally required Oath, or, in the alternative, replace Judges who won't uphold Oregon's constitutionally required Oath, with Judges who will uphold Oregon's constitutionally required Oath.

## **Urgent! You may be in violation of your Oath of Office!**

Well, there you have the procedure Judges are deemed to know, which is deliberately ignored.

The unconstitutional, non-judicial alleged Circuit Court Judge, Paul Lipcomb, has no constitutional authority to decide the constitutionality of Measure 7 that was overwhelmingly passed by the voters. Unconstitutional Judges should not be allowed or permitted to make judgment of the People's important business before the court.

Who gave these alleged Judges the authority to change their oath allowing them to be biased?

When the alleged Judge is not a Judge, there is no jurisdiction.

## **IT'S A WAKE UP CALL FOR OREGON!**

Judges must follow the laws or suffer the consequences. Judges are out of office, because they were never properly in.

Are Judges above the law? When did the Supreme Court Judges qualify to discharge any official duties, by the breach of their constitutional Oath?

"We, the People" are the sovereigns, and those on government payrolls work for us as long as they obey our laws.

The Maxims of law of all civilized societies are based upon truth in Governments and Commerce, and just compensation for one's labor, with equal protection under the law. There are no exceptions!

Please be advised that all Judges by virtue of Judges Oath of Office have a consensual commercial contract with the people of Oregon.

A Judge's Oath/Oath of Office puts Judge under Servant relationship to the Masters, "We the People", who demand that Judges take and uphold their Oath.

**DEMAND FOR FAITHFUL PERFORMANCE OF JUDICIAL OATH OF OFFICE**

**"We the People" with all due respect, remind the presiding Judicial Officer that he/she has given his/her bond of fidelity called a Covenant ("...so help me God.") to "support the Constitution of the United States, and the Constitution of the State of Oregon" and, further, to "faithfully and impartially discharge (perform) the duties of a Judge.."**

**Said Covenant/Oath, in the performance of said duties, is paramount over all other bodies of "law" or "policy" and paramount over all other Oaths, pledges and corporeal Covenants.**

**"We the People", with all due respect, hereby give Judicial Notice of the People's Demand that the presiding Judicial Officers comport themselves in a manner that is fully consistent with, and gives full force and effect to, the above-quoted Covenant/Oath.**

**The Constitution declares that all political power is inherent in the People, and that all powers not directly and specifically delegated to Public Servants are reserved for and remain with the People. (Constitution for the United States of America, 10<sup>th</sup> Amendment)**

**Our Public Servants are accountable to us.**

**It is time we hold them genuinely and strictly accountable for the specific performance liability\* of their Office, and cause the profits resulting from governmental activity to be directly delivered to the People, who are the compulsory stockholders of all government corporations which operate as Offices of Public Trust. (\*See your "Performance Bond".)**

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**CONSTITUTIONAL CONSTRUCTIVE NOTICE:  
(Holding Office in Insurrection or Rebellion against the Constitution)**

**TO ALL REBELLIOUS JUDGES ENGAGED IN THE OBSTRUCTION OF JUSTICE IN VIOLATION OF THEIR CONTRACTUAL OBLIGATIONS TO "WE THE PEOPLE", WHO EMPLOY JUDGES BY CONSENSUAL COMMERCIAL CONTRACT**

**YOUR OATH OF OFFICE IS YOUR CONTRACT,  
AND WE DEMAND THAT YOU OBEY OUR CONSTITUTION!**

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**Here are some marching orders:**

**Don't ignore your Oath's requirement to be "impartial".**

**Don't fail to call for impeachment hearings against Judges who have not taken Oregon's required Oath.**

**Failure to act puts you in violation of your Oath of Office by Misprision of Felony.**

**Failure to act is obstruction of justice.**

**Failure to act makes you a co-conspirator against the People of this Nation and State.**

**Failure to act makes you fair game for a law suit or a military courts martial. (18 USC 4)**

**Sir Edward Coke properly stated that the authority of Legislatures is void and a legal nullity if it acts beyond the boundaries of the Common Law.**

**This fundamental principle has been grandfathered into our American and Oregon Constitutions.**

**If legislators or others conspire to enforce a Jurisdiction over "We the People" which is beyond the boundaries of the Constitution, said conspirators may be tried, convicted, arrested and punished with "whatever force is necessary".**

#### **HOW TO TELL IF A JUDGE IS BIASED:**

**Ask the Judge:**

- 1. Did you take Oregon's constitutionally required Oath of Office?**
- 2. Do you intend to process this case under the original Oregon Constitution?**
- 3. Judge, will you sign this contract agreeing to uphold all of my rights?**
- 4. Your Honor, I am not ready to proceed until said contract is signed.**

**RIGHTS HAVE THEIR BASIS IN AND ARISE FROM RESPONSIBLE BEHAVIOR!!**

**DO YOU WANT TO GO INTO A COURT WHERE YOU HAVE NO RIGHTS?**

**These documents are not for vindictive reasons or for purposes of vexatious litigation, but because every citizen has a civil duty to arrest civil and criminal misbehavior with "reasonable diligence" [42 U.S.C. 1986; 18 U.S.C. 241, 242], and to petition the government for a redress of grievances when the private agencies which that government commissions become renegade or treasonous.**

**The purpose of this section relating to trial judge's disqualification because of personal bias or prejudice is to secure for all litigants a fair and impartial trial before a court/tribunal completely divested of any personal bias and it is the duty of all courts to scrupulously adhere to such admonition and to guard against any appearance of personal bias. Mitchell v. U.S., C.C.A.N.M.1942, 126 F.2d 550 certiorari denied 62 S.Ct. 1307, 316 U.S. 702, 86 L.Ed. 1771, rehearing denied 65 S.Ct. 855, 324 U.S. 887, 89 L.Ed. 1436.**

**This policy underlying this section is that the courts of the United States shall not only be impartial in controversies submitted to them, but shall give assurance that they are impartial. Whitaker v. McLean, 1941, 118 F.2d 596, 73 App.D.C. 259. (That assurance begins with the required oath to be impartial).**

**All Power is inherent in the People, the true Government, and in our elected representatives in Salem who work for us! Inform them what they are supposed to do. Evil prevails when good people do nothing.**



Without an honest judicial system, Oregon can have no economic Freedom, and your life, liberty and property can and will be taken.

We demand equal justice for all, and no one is above the Law. The judicial branch is in violation of the Oregon Constitution. STOP being BULLIED and let's work together to reclaim our Sovereignty. Remember, the "HEALING OF OREGON STARTS WITH YOU"!

Write, call and fax your Governor, Legislators, Representatives and demand that Judges take, uphold and obey their required Oaths. Your Freedom DEPENDS UPON IT! REMEMBER YOU ARE THE GOVERNMENT AND THEY WORK FOR YOU.

## SUMMARY

From 1857 to 1910, Judges took an Oath to the original "said state" of Oregon's 1857-59 Constitution. The mischief with Oregon's Constitution was started by Frank W. Benson. He illegally and unconstitutionally held two offices at the same time, (Governor, March 1, 1909 through June 17, 1910, and Secretary of State, from January 15, 1907, to April 14, 1911) which is a violation of Article III, Distribution of Powers and etc.

Then, in the year of 1910, the original Article VII of the Constitution of Oregon State 1857 was supplanted through the unconstitutional use of the Article IV "Initiative Petition" process and the unconstitutional Article VII (amended) Measure 362-363, of the Oregon State Constitution.

"We the People" are adversely affected by changing the constitutional judicial system that We had established. The purported adoption of Measure 362-363 was not valid; and it may not properly be made a part of the original 1857 Oregon Constitution.

The Secretary of State of the State of Oregon (who was also illegally the Governor at the same time) did not have an abstract of votes on file for the general election of November 8, 1910. It cannot be verified whether Measure 362-363 was approved or disapproved by the voters in 1910.

Measure 362-363, of the November, 1910 general election, made monumental revisions of Oregon constitutional provisions and statutes.

Measure 362-363 purports to the amendment of Article VII (original) of the Oregon State Constitution by first abolishing and disbanding the entire Judicial Department of the state of Oregon that was established by the Oregon State Constitution that was ratified by an Act of Congress in 1859, and supplanting in its stead a Judicial Department of the State of Oregon whose judicial power is centralized in one supreme court and in such other courts created by law.

Measure 362-363 also purports that the new supreme court can, in its own discretion, take original jurisdiction, in mandamus, quo warranto and habeas corpus proceedings. Under Article VII (original), this jurisdiction was exclusively vested in the circuit courts and county courts, as the



supreme court of 1859 only had jurisdiction to revise the final decisions of the circuit courts. In other words, this enabled the new Supreme Court to throw out whatever laws or judgements it chose and substitute its own ideas, making law "from the bench".

Measure 362-363 also tampers with the Oregon State Petit and Grand jury system and procedures, and purports to abolish the joint Executive and Legislative constitutional authority to remove judges of the Supreme Court and prosecuting attorneys, effectively setting them beyond any restraint of their actions, no matter how outrageous.

The Oregon State Constitution limits amendment through the initiative process to a single subject and matters properly connected therewith per initiative measure. Measure 362-363 encompasses more than one subject and matters properly connected therewith.

Article XVII, Section 2 of the Oregon State Constitution requires that any revision to the Oregon State Constitution must be approved by a two-thirds vote of the legislature before it can be submitted to the electors for their vote.

Measure 362-363 caused a fundamental restructuring of one third, (1/3), of the government in Oregon State and revises numerous statutory and constitutional provisions and is therefore a revision to the Oregon State Constitution. Because it was not submitted to the electors following a two-thirds vote of the legislature, Measure 362-363 and Article VII (amended) are invalid.

Article IV, Section 4 of the United States Constitution, the Guaranty Clause, guarantee each state to have a republican form of government. Certain uses of the initiative process violate the Guaranty Clause. The Guaranty Clause prohibits the use of the initiative power to cause a fundamental restructuring of government, i.e. a substantial departure from a separation of powers structure.

Measure 362-363 fundamentally restructures the entire state and local Judicial branch of government in Oregon State. It mandates such a substantial departure from a separation of powers structure that "We the People" are left at their State and local county level with no constitutionally created Article VII (original) court in which to commence or defend actions that have a direct and profound effect upon "We the People's" rights that are guaranteed and protected by the Constitution of the United States, including but not limited to, their 5th Amendment right not to be deprived of life, liberty, or property without due process of law.

In lieu thereof, "We the People" are left at the State and local county levels to the mercy of the legislatively supplanted Article VII (amended) judicial department through the constitutionally questionable use of the Article IV initiative petition process, which can not be substantiated by an official abstract of votes of the electors of the Oregon State pertaining thereto, who as a legislatively created entity pursuant to Article III, Section 1, the separation of powers clause of the Constitution of Oregon State, cannot exercise the official duties and functions of the Judicial Department ordained by the Constitution of Oregon State 1859, especially when such duties and functions require a constitutional judicial decision and/or interpretation on an act of the legislative and/or executive, including the administrative departments of the Oregon State government. Therefore Measure 362-

**363 violates the Guaranty Clause and is invalid.**

**Measure 362-363 violates Article IV, section 1 (2) (d) of the Oregon State Constitution that was ratified by an Act of Congress in 1859, and therefore is not valid.**

**Measure 362-363 is a constitutional revision, and under Article XVII, section 2 of the Oregon State Constitution of 1859 supra, not a constitutional amendment, and therefore, was not validly enacted. Where there is no official recorded abstract of votes to support and/or substantiate that the electors of Oregon State enacted Measure 362-363, the supplanting of Article VII (original) with the implementation of Article VII (amended) of the Oregon State Constitution therefore is invalid.**

**Measure 362-363 violates Article IV, section 4 of the United States Constitution, and therefore is invalid.**

**The supplanted Article VII of the Oregon State Constitution vitiates the entire Judicial Department of State government wherein "We the People" are routinely deprived of their vested rights, liberty and property without due process and equal protection of the law.**

**Now, "We the People" have a problem when unconstitutional Judges are not taking Oregon's required Oath, Article VII, (original) Section 21, or Oregon's Oath, Article VII (amended) Section 7 "this state". These Judges are committing treason against Oregon's Constitution.**

## **OATH & AFFIRMATIONS**

- 1. An oath is an affirmation of truth of a statement, which renders one willfully asserting untrue statements punishable for perjury.**
- 2. An oath is a pledge, the security of which is found in the character, integrity and the fidelity of the declarer.**
- 3. An oath is a solemn attestation of truth or inviolability of what is said to one legally authorized to acknowledge affiant's signature and declaration.**
- 4. An oath is, in itself, an affirmation or declaration to tell the truth.**
- 5. An oath is an external pledge or asseveration made in verification of statements made, or to be made, coupled with an appeal to a sacred or venerated object, in evidence of the serious and reverent state of mind of the party, or with an invocation to a Supreme Being to witness the words of the party, and to visit him with punishment if they be false.**

**Milton Everett, Mitchek, The Author is available with numerous certified documents as a witness regarding the above publication and more.**

**Milton Everett, Mitchek,  
P.O. Box 138  
Durkee, Oregon 97905**

## What Is A Judge's Oath?

A Judges Oath/Oath of Office is a contract, an agreement with the people and public policy.

An Oath is a statement or assertion made under penalty of divine retribution for intentional falsity.

An Oath of Office is fealty to a sovereign, the obligation of public office and the ethical obligation of the Oath.

The ethical obligations of learned professions are all assumed by their Oath/Oath of Office that shall be taken word for word, comma for comma, exactly as required in the Constitution.

One of the principal functions of the Notary Public is administering the Oath/Oath of Office and the Oath is what judges are insured and bonded to uphold.

Further, if the judge has served in the U.S. military, then he/she has taken an Oath/Oath of Office under Title 10 U.S.C. Section 502, where a he/she has subscribed to a lifetime Oath, in pertinent part, as follows: "I \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same..." Nobody is ever released from this oath, even upon discharge from military service.

### VIOLATION OF OATH OF OFFICE

1. By Judge failing to take the required Oath/Oath of Office, the Oath of Office is fraud and the office is vacant.
2. Moral consequences may not vary with the manner of assuming the Oath but temporal consequences do turn upon whether the administering officer was validly empowered and whether the proceeding was properly authorized. In other words, whoever administers an oath of office to a judge must have a valid oath of office himself, or the judge's oath is invalid.
3. Judges who have not taken the required Oath/Oath of Office do not have the authority to validly administer another Judges Oath/Oath of Office.
4. Although Politicians and Judges have so cheapened the Oath/Oath of Office that it gives little assurance against false testimony, the law nevertheless provides that false testimony under Oath constitutes the crime of perjury.
5. The failure for Judge to be impartial is a sufficient objection to his Oath of Office Contract, on the grounds of public policy. Such a judge has a direct tendency to induce fraud and malpractice upon the Rights of others, or the violation or neglect of high public duties.

6. The effects of a Judge who has not taken the required Oath/Oath of Office and who acts for parties whose interests are conflicting, is to render all his acts voidable, if not absolutely void.
7. If a Judge has not taken the required Oath/Oath of Office, that rebel Judge is assumed to act for his favored party and he is liable to the unfavored party for a breach of duty, as he has no duty to represent one party (client) over another party.
8. A rebel Judge must be held to assume all the consequences in undertaking to act in such a capacity as Judge.
9. When a Judge favors one party over the other, it is not necessary that there should have been actual fraud in the procurement of those judgments, in order that they might be set aside...the rule which forbids the same attorney from representing both parties in adversary proceedings rests upon the broad principle of public policy which precludes persons occupying these fiduciary relations from representing conflicting interests that may tempt them to disregard duty and lead to injury on one side or the other.
10. The law will not permit its licensed attorneys to assume relations that will subject them to this temptation, upon grounds of public policy, and it is for this reason that an attorney will not be permitted to represent both sides in any litigated matter.
11. A Judges duty is to be impartial and is prohibited from acting for adverse interests.
12. A Court should be consistent with its own dignity, and with its character and duty of administering impartial justice.
13. Judges will be paid for their services -- but not for disservice.
14. All Judges may only hold their office during good behavior (lawful, patient, dignified, courteous).
15. All Judges have a duty not to lie, cheat or steal.
16. Everyone is entitled to equal justice and a fair trial by an impartial Judge.
17. Therefore, any judge who does not comply with his Oath to the Constitution of the State of Oregon wars against that Constitution and engages in acts of violation of the Supreme Law of Oregon, that judge is engaged in acts of treason. Having taken at least two Oaths of Office, to support the Constitution of the United States and the Constitution of the state of Oregon, any judge who has acted in violation of the Constitution is engaged in an act or acts of treason.

18. Did the Judge in your case use discretionary power to make error of law, willful misconduct, perversity of will, intentionally abusive, passion, prejudice, biased, moral delinquency in violation of his Oath of Office?

19. Therefore, did the Judge in your case violate one or more of the above? Yes \_\_\_ No \_\_\_

## TRESPASSERS OF THE LAW

The Illinois Supreme Court has held that "if the magistrate has not such jurisdiction, then he and those who advise and act with him, or execute his process, are trespassers"

**Von Kettler et.al. V. Johnson, 57 Ill. 109 (1870)**

Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities.

They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers".

**Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1878)**

The Illinois Supreme Court held that if a court "could not hear the matter upon the jurisdictional paper presented, its findings that it had the power can add nothing to its authority, -it had no authority to make that finding."

**The People v. Brewer, 128 Ill. 472, 483 (1928).** When judges have no legal authority (jurisdiction) to hear or rule on certain matters before them. They act without any jurisdiction.

When judges act when they do not have jurisdiction to act, or they enforce a void order (an order issued by a judge without jurisdiction), they become trespassers of the law, and are engaged in treason (see below).

The Court in **Yates v. Village of Hoffman Estates, Illinois, 209 F. Supp. 757 (N.D. Ill. 1962)** held that "not every action by a judge is in exercise of his judicial function...it is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse".

When a judge acts as a trespasser of the law, when a judge does not follow the law, the judge loses subject-matter jurisdiction and the judges orders are void, of no legal force or effect.

The U.S. Supreme Court, in **Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974)** stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States". [Emphasis supplied in original]

By law, a judge is a state officer.

## **NO JUDICIAL IMMUNITY FOR CRIMINAL ACTS**

**Judges have given themselves judicial immunity for their functions. Judges have no judicial immunity for criminal acts, aiding, assisting, or conniving with others who perform a criminal act, or for their administrative/ministerial duties.**

**When a judge has a duty to act, he does not have discretion -- he is then not performing a judicial act, he is performing a ministerial act.**

**Judicial immunity does not exist for judges who engage in criminal activity, for judges who connive with, aid and abet the criminal activity of another judge, or to a judge for damages sustained by a person who has been harmed by that judge's connivance with aiding and abetting another judge's criminal activity.**

**Judges who do not report the criminal activities of other judges become principals in the criminal activity, 18 U.S.C. Section 1.**

## **HIGH CRIMES AND MISDEMEANORS**

**Whereas, as required, in the Oregon Constitution, the Supreme and Circuit Court Judges have not taken the required Oath of Office. (See attached Exhibits A through J-1)**

**Whereas, as required, there is no State constitutional remedy for appeal to the Oregon Supreme Court. (See enclosed- Certification of Judges Oath of Office of This State)**

**Whereas, as required, failure for Judge to take, support and uphold the State of Oregon's constitutional Oath of Office of Judge constitutes the intentional crime of perjury, fraud, error, Error Juris Nocet, committing acts of extortion, mail fraud, wire fraud, RICO, willful misconduct in a judicial office where such misconduct bears a demonstrable relationship to the effective performance of judicial duties; and willful or persistent failure to perform judicial duties; or generally incompetent performance of judicial duties and other high crimes and misdemeanors.**

**Judges shall be impartial and held accountable when judges are biased. *Bracey v. Warden, U.S. Supreme Court No. 96-6133 (June 1997).***

**Therefore, if a judge does not fully comply with the Constitution, then that judge's orders are void. In *re Sawyer, 124 U.S. 200 (1888)*, he/she is without jurisdiction, and he/she has engaged in an act or acts of treason.**

## **TREASON**

**Whenever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason. *U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).***

## EXHIBITS ATTACHED

- A. The Notary Public cannot certify the Constitutionally required Oath of Supreme Court Judges/Judges of the Supreme Court "this state". Wallace P. Carson (Exhibit A) Paul J. DeMuniz (Exhibit A-1) Robert D. (Skip) Durham (Exhibit A-2) W. Michael (Mick) Gillette (Exhibit A-3) Susan M. Leeson (Exhibit A-4) William Riggs (Exhibit A-5)
- B. A Certified copy of the following Judges of the Supreme Court Imperfect Oath from the records of the Secretary of State "this state". Wallace P. Carson (Exhibit B-1) Paul J. DeMuniz (Exhibit B-2) Robert D. (Skip) Durham (Exhibit B-3) W. Michael (Mick) Gillette (Exhibit B-4) Susan M. Leeson (Exhibit B-5) William Riggs (Exhibit B-6)
- C. A Certification from Secretary of State, 8th day of September, A.D. 1988. (Exhibit C) Certified copy of Page 142 and 143 of the 1915-16 Oregon Blue Book. Results of Election 1910 (Exhibit C-1) Pamphlet Containing Measures to be Submitted to Voters of Oregon November 8, 1910 Pages 200 and 201. (Exhibit C-2) Page 202 Section 7, "Every Judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State the following oath:" This created a new oath to a different fictional "this state". (Exhibit C-3)
- D. There has been no change in the required Oath, Article VII (amended) Section 7 "this state". Certified copy from Secretary of State Archives Division (Exhibit D)
- E. Affidavit of required Oath Supreme and Circuit Court Judges must take, Article VII (amended) Section 7, page 229 from Secretary of State, Election Division. (Exhibits E through E-2)
- F. Read Notes of Decision pages 233-234 of Article VII (amended) Section 7, Judges of Supreme and Circuit Court shall take. (Exhibits F and F-1)
- G. The Notary Public can not certify the required Oath of Judge of the Circuit Court Paul Lipscomb, County of Marion "this state". (Exhibit G)
- H. Certified copy of Judge of the Circuit Court Paul Lipscomb Imperfect Oath. (Exhibit H)
- I. The Notary Public can not certify the required Oath of Circuit Court Judge/Judge of the Circuit Court Paul Lipscomb of County of Marion, Article VII (original) Section 21. (Exhibit I)
- J. One copy, Oregon Constitution (page 46 only) dated September 18, 1857. 1 page in length. (Exhibit J) One copy Article VII (original) Section 21, Oath of Office. (Exhibit J-1)



Regarding Certification of Judges Oath of Office of This State

State of Oregon }  
County of Union } ss

I, Lisa L. Garcia, Notary Public have examined a certified copy of Supreme Court Judge Wallace P. Carson's attached Oath of Office of the State of Oregon.

"FROM THE RECORDS OF THE SECRETARY OF STATE":

"One copy, oath of office for Supreme Court Judge Wallace P. Carson, filed January 5, 2001. 1 page in length."

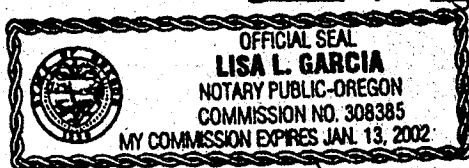
I cannot certify Supreme Court Judge Wallace P. Carson's oath of office, to be the required original oath, identical oath, exact oath, true oath, correct oath, certain oath or complete oath as required in Amended Article VII, Section 7 for the State of Oregon Constitution (See enclosed and attached pages 142 and 143 of the 1915-16 Oregon Blue Book and pages 200 to 203 of the 1910 Oregon Voters Pamphlet and imperfect oath).

The required oath of office words "and impartially"/"a" / "of this state"/ is deleted from Supreme Court Judge Wallace P. Carson's imperfect oath of office, an "a" has been added before judicial office, when compared with the above Blue Book and Voters Pamphlet, to wit:

Amended VII Section 7. Every Judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I \_\_\_\_\_ do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully **and impartially** discharge the duties of a Judge of the Supreme Court **of this state**, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected." (Emphasis added)

Done and dated this 26<sup>th</sup> day of June 2001.



Lisa L. Garcia  
Notary Public, in and for County of Union  
City of Elgin the State of Oregon

My commission expires: Jan 13, 2002

EXHIBIT A

Regarding Certification of Judges Oath of Office of This State

State of Oregon }  
County of Union } ss

I, Lisa L Garcia, Notary Public have examined a certified copy of Supreme Court Judge Paul J. DeMuniz's attached Oath of Office of the State of Oregon.

"FROM THE RECORDS OF THE SECRETARY OF STATE":

"One copy, oath of office for Supreme Court Judge Paul J. DeMuniz, filed January 5, 2001. 1 page in length."

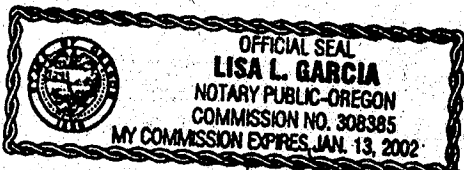
I cannot certify Supreme Court Judge Paul J. DeMuniz's oath of office, to be the required original oath, identical oath, exact oath, true oath, correct oath, certain oath or complete oath as required in Amended Article VII, Section 7 for the State of Oregon Constitution (See enclosed and attached pages 142 and 143 of the 1915-16 Oregon Blue Book and pages 200 to 203 of the 1910 Oregon Voters Pamphlet and imperfect oath).

The required oath of office words "and impartially"/"a" / "of this state"/ is deleted from Supreme Court Judge Paul J. DeMuniz's imperfect oath of office, an "a" has been added before judicial office, when compared with the above Blue Book and Voters Pamphlet, to wit:

Amended VII Section 7. Every Judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I \_\_\_\_\_ do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a Judge of the Supreme Court of this state, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected." (Emphasis added)

Done and dated this 20th day of June 2001.



Lisa L Garcia  
Notary Public, in and for County of Union  
City of Elgin the State of Oregon

My commission expires: JAN 13, 2002

EXHIBIT A-1

Regarding Certification of Judges Oath of Office of This State

State of Oregon }  
                                  }    ss  
County of Union }

I, Lisa L. Garcia, Notary Public have examined a certified copy of Supreme Court Judge Robert D. (Skip) Durham's attached Oath of Office of the State of Oregon.

"FROM THE RECORDS OF THE SECRETARY OF STATE":

"One copy, oath of office for Supreme Court Judge Robert D. (Skip) Durham, filed December 27, 2000. 1 page in length."

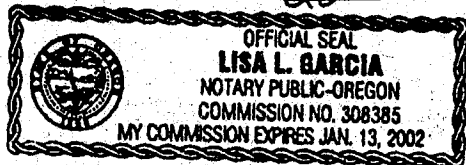
I cannot certify Supreme Court Judge Robert D. (Skip) Durham's oath of office, to be the required original oath, identical oath, exact oath, true oath, correct oath, certain oath or complete oath as required in Amended Article VII, Section 7 for the State of Oregon Constitution (See enclosed and attached pages 142 and 143 of the 1915-16 Oregon Blue Book and pages 200 to 203 of the 1910 Oregon Voters Pamphlet and imperfect oath).

The required oath of office words "and impartially"/"a" / "of this state"/ is deleted from Supreme Court Judge Robert D. (Skip) Durham's imperfect oath of office, an "a" has been added before judicial office, when compared with the above Blue Book and Voters Pamphlet, to wit:

Amended VII Section 7. Every Judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I \_\_\_\_\_ do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully **and impartially** discharge the duties of a Judge of the Supreme Court of this state, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected." (Emphasis added)

Done and dated this 26<sup>th</sup> day of June 2001.



Lisa L. Garcia  
Notary Public, in and for County of Union  
City of Elgin the State of Oregon

My commission expires: Jan 13, 2002

EXHIBIT A-2

Regarding Certification of Judges Oath of Office of This State

State of Oregon }  
County of Union } ss

I, Lisa L Garcia, Notary Public have examined a certified copy of Supreme Court Judge W. Michael (Mick) Gillette's attached Oath of Office of the State of Oregon.

"FROM THE RECORDS OF THE SECRETARY OF STATE":

"One copy, oath of office for Supreme Court Judge W. Michael (Mick) Gillette, filed January 12, 1999. 1 page in length."

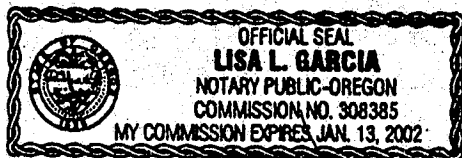
I cannot certify Supreme Court Judge W. Michael (Mick) Gillette's oath of office, to be the required original oath, identical oath, exact oath, true oath, correct oath, certain oath or complete oath as required in Amended Article VII, Section 7 for the State of Oregon Constitution (See enclosed and attached pages 142 and 143 of the 1915-16 Oregon Blue Book and pages 200 to 203 of the 1910 Oregon Voters Pamphlet and imperfect oath).

The required oath of office words "and impartially"/"a" / "of this state"/ is deleted from Supreme Court Judge W. Michael (Mick) Gillette's imperfect oath of office, an "a" has been added before judicial office, when compared with the above Blue Book and Voters Pamphlet, to wit:

Amended VII Section 7. Every Judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I \_\_\_\_\_ do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully **and impartially** discharge the duties of a Judge of the Supreme Court of this state, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected." (Emphasis added)

Done and dated this 26<sup>th</sup> day of June 2001.



Lisa L Garcia  
Notary Public, in and for County of Union  
City of Elgin the State of Oregon.

My commission expires: Jan 13, 2002

EXHIBIT A-3

Regarding Certification of Judges Oath of Office of This State

State of Oregon }  
County of Union } ss

I, Lisa L. Garcia, Notary Public have examined a certified copy of Supreme Court Judge Susan M. Leeson's attached Oath of Office of the State of Oregon.

"FROM THE RECORDS OF THE SECRETARY OF STATE":

"One copy, oath of office for Supreme Court Judge Susan M. Leeson, filed December 14, 1998. 1 page in length."

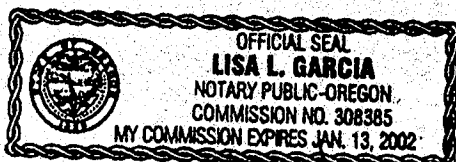
I cannot certify Supreme Court Judge Susan M. Leeson's oath of office, to be the required original oath, identical oath, exact oath, true oath, correct oath, certain oath or complete oath as required in Amended Article VII, Section 7 for the State of Oregon Constitution (See enclosed and attached pages 142 and 143 of the 1915-16 Oregon Blue Book and pages 200 to 203 of the 1910 Oregon Voters Pamphlet and imperfect oath).

The required oath of office words "and impartially"/"a" / "of this state" / is deleted from Supreme Court Judge Susan M. Leeson's imperfect oath of office, an "a" has been added before judicial office, when compared with the above Blue Book and Voters Pamphlet, to wit:

Amended VII Section 7. Every Judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I \_\_\_\_\_ do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a Judge of the Supreme Court of this state, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected." (Emphasis added)

Done and dated this 20<sup>th</sup> day of June, 2001.



Lisa L. Garcia  
Notary Public, in and for County of Union  
City of Elgin the State of Oregon

My commission expires: JAN 13, 2002

EXHIBIT A-4

Regarding Certification of Judges Oath of Office of This State

State of Oregon }  
County of Union } ss

I, Lisa L. Garcia, Notary Public have examined a certified copy of Supreme Court Judge William Riggs's attached Oath of Office of the State of Oregon.

"FROM THE RECORDS OF THE SECRETARY OF STATE":

"One copy, oath of office for Supreme Court Judge William Riggs, filed December 15, 1998. 1 page in length."

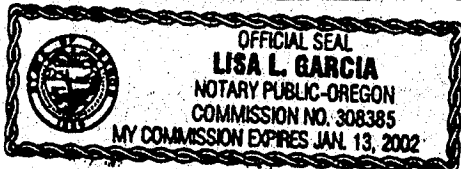
I cannot certify Supreme Court Judge William Riggs's oath of office, to be the required original oath, identical oath, exact oath, true oath, correct oath, certain oath or complete oath as required in Amended Article VII, Section 7 for the State of Oregon Constitution (See enclosed and attached pages 142 and 143 of the 1915-16 Oregon Blue Book and pages 200 to 203 of the 1910 Oregon Voters Pamphlet and imperfect oath).

The required oath of office words "and impartially"/"a" / "of this state"/ is deleted from Supreme Court Judge William Riggs's imperfect oath of office, an "a" has been added before judicial office, when compared with the above Blue Book and Voters Pamphlet, to wit:

Amended VII Section 7. Every Judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I \_\_\_\_\_ do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully **and impartially** discharge the duties of a Judge of the Supreme Court of this state, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected." (Emphasis added)

Done and dated this 26<sup>th</sup> day of June 2001.



Lisa L. Garcia  
Notary Public, in and for County of Union  
City of Elgin the State of Oregon

My commission expires: Jan 13, 2002

EXHIBIT A-5

111 2001-2052

**FILED**

JAN 05 2001

ARCHIVES DIVISION  
SECRETARY OF STATE

# State of Oregon OATH OF OFFICE

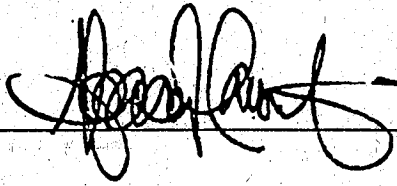
State of Oregon  
County of Marion } ss

I, Wallace P. Carson, Jr., do

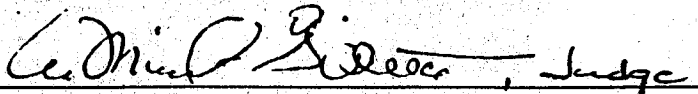
solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of

## Judge of the Supreme Court

according to the best of my ability, and that I will not accept any other office, except a judicial office, during the term for which I have been elected.

  
\_\_\_\_\_

Subscribed and sworn, or affirmed, before me  
this 22 day of December, 2000

  
\_\_\_\_\_  
Notary Public for Oregon (or Judicial Title)  
My commission/term expires 1/1/05

**NOTE: KINDLY EXECUTE THIS OATH OF OFFICE BEFORE EITHER A NOTARY PUBLIC OR JUDICIAL OFFICIAL AND RETURN TO OFFICIAL DOCUMENTS, 800 SUMNER ST., SALEM, OREGON 97310.**

REV. 7/2/00

**EXHIBIT B-1**



FILED

JAN 05 2001

ARCHIVES DIVISION  
SECRETARY OF STATE

# State of Oregon OATH OF OFFICE

State of Oregon  
County of WASCO } ss

I, Paul J. DeMuniz, do

solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of

## Judge of the Supreme Court

according to the best of my ability, and that I will not accept any other office, except a judicial office, during the term for which I have been elected.

Paul J. DeMuniz

Subscribed and sworn, or affirmed, before me  
this 27<sup>th</sup> day of December, 2000

[Signature] CHIEF JUSTICE  
Notary Public for Oregon (or Judicial Title)  
My commission/term expires \_\_\_\_\_

NOTE: KINDLY EXECUTE THIS OATH OF OFFICE BEFORE EITHER A NOTARY PUBLIC OR JUDICIAL OFFICIAL AND RETURN TO  
OFFICIAL DOCUMENTS, 800 SUMMER ST., SALEM, OREGON 97310.

REV. 7/24/00

EXHIBIT B-2

# State of Oregon OATH OF OFFICE

ARCHIVES DIVISION  
SECRETARY OF STATE

State of Oregon  
County of Marion } ss

I, Robert D. (Skip) Durham, do

solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of

## Judge of the Supreme Court

according to the best of my ability, and that I will not accept any other office, except a judicial office, during the term for which I have been elected.

Robert D. (Skip) Durham

Subscribed and sworn, or affirmed, before me  
this 18<sup>th</sup> day of December, 2000



Linda L. Kinney  
Notary Public for Oregon (or Judicial Title)  
My commission/term expires 6/19/01

**NOTE: KINDLY EXECUTE THIS OATH OF OFFICE BEFORE EITHER A NOTARY PUBLIC OR JUDICIAL OFFICIAL AND RETURN TO OFFICIAL DOCUMENTS, 800 SUMNER ST., SALEM, OREGON 97310.**

# State of Oregon OATH OF OFFICE

State of Oregon  
County of \_\_\_\_\_

} ss

I, W. Michael (Mick) Gillette, do

solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of

## Judge of the Supreme Court

according to the best of my ability, and that I will not accept any other office, except a judicial office, during the term for which I have been elected.



W. Michael Gillette

Subscribed and sworn, or affirmed, before me  
this 12<sup>th</sup> day of January, 1999

[Signature] CHIEF JUSTICE  
Supreme Court of Oregon  
Notary Public for Oregon (for Judicial Title)  
My commission/term expires JAN 2001

**NOTE: KINDLY EXECUTE THIS OATH OF OFFICE BEFORE EITHER A NOTARY PUBLIC OR JUDICIAL OFFICIAL AND RETURN TO OFFICIAL DOCUMENTS, 800 SUMMER ST., SALEM, OREGON 97310.**

REV. 10/22/98

EXHIBIT B-4

# State of Oregon OATH OF OFFICE

State of Oregon  
County of \_\_\_\_\_ } ss

I, Susan M. Leeson, do

solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of

## Judge of the Supreme Court

according to the best of my ability, and that I will not accept any other office, except a judicial office, during the term for which I have been elected.



Susan M. Leeson

Subscribed and sworn, or affirmed, before me  
this 8<sup>th</sup> day of December, 1998

[Signature] CHIEF JUSTICE  
Supreme Court of Oregon  
Notary Public for Oregon (or Judicial Title)  
My commission/term expires January 2001

**NOTE: KINDLY EXECUTE THIS OATH OF OFFICE BEFORE EITHER A NOTARY PUBLIC OR JUDICIAL OFFICIAL AND RETURN TO OFFICIAL DOCUMENTS, 800 SUMMER ST., SALEM, OREGON 97310.**

REV. 10/22/98

EXHIBIT B-5

# State of Oregon OATH OF OFFICE

State of Oregon  
County of MARION

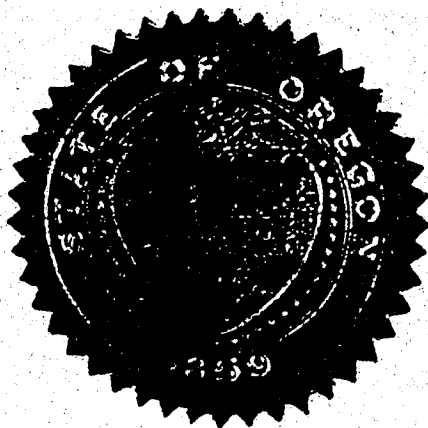
} ss

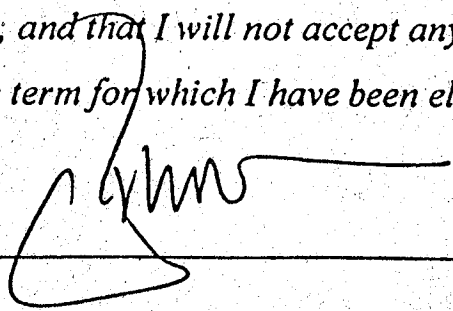
I, William Riggs, do

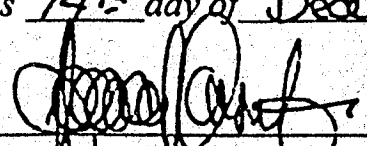
solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of

## Judge of the Supreme Court

according to the best of my ability; and that I will not accept any other office, except a judicial office, during the term for which I have been elected.



  
Subscribed and sworn, or affirmed, before me  
this 14<sup>th</sup> day of December, 1998

 CHIEF JUSTICE  
Supreme Court of Oregon  
Notary Public for Oregon (or Judicial Title)  
My commission/term expires January 2001

NOTE: KEEP & EXECUTE THIS OATH OF OFFICE BEFORE EITHER A NOTARY PUBLIC OR JUDICIAL OFFICIAL AND RETURN TO  
OFFICIAL DOCUMENTS, 800 SUMMER ST., SALEM, OREGON 97310.

REV. 10/20/98

**EXHIBIT B-6**

# State of Oregon

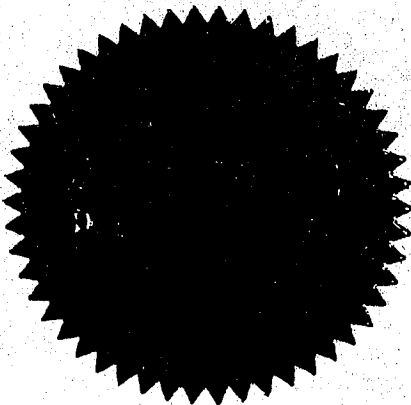
OFFICE OF THE SECRETARY OF STATE



I, BARBARA ROBERTS, Secretary of State of the State of Oregon, and Custodian of the Seal of said State, do hereby certify:

THAT the attached copies of 1) page 142 and 143 of the 1915-16 Oregon Blue Book, and 2) page 200 to 203 of the 1910 Oregon Voters' Pamphlet, have been compared with the original office copies in my office, and that same are full and complete copies therefrom.

I FURTHER CERTIFY THAT I am legal custodian of the subject documents.



*In Testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the State of Oregon.*

*Done at the Capitol at Salem, Oregon, this*

8th day of September, A.D. 1988.  
BARBARA ROBERTS, Secretary of State

EXHIBIT **C**

BY: *William C. Flynn*  
Assistant to Secretary of State

VOTE FOR REPRESENTATIVES IN CONGRESS—Continued

Third Congressional District

County	A. W. Plesel Democrat	A. W. Lafferty Independent-Public Ownership	O. N. McArthur Republican	Arthur L. Moulton Progressive-Proh-	Albert Strickland Republican
Multnomah	23,697	16,649	26,636	5,770	2,111
Totals	23,697	16,649	26,636	5,770	2,111

INITIATIVE AND REFERENDUM MEASURES

Constitutional Amendment incorporating the Initiative and Referendum adopted June 2, 1902, and Constitutional Amendments and Measures submitted to the people thereunder at elections held within the State of Oregon since such date.

- (1) Submitted by the Legislature.
- (2) Submitted by Initiative Petition.
- (3) Referendum ordered by petition of the people.
- Amendments and measures receiving a majority vote.

	Yes	No
--	-----	----

GENERAL ELECTION JUNE 2, 1902.  
(TOTAL NUMBER OF ELECTORS VOTING AS SHOWN BY POLL BOOKS, 92,920.)

Constitutional amendments— Initiative and referendum (1)	62,024*	5,411
GENERAL ELECTION JUNE 6, 1904 (TOTAL NUMBER OF ELECTORS VOTING AS SHOWN BY POLL BOOKS, 99,315.)		
Constitutional amendments— Office of State Printer (2)	45,334*	14,011
Measures— Direct primary nominating election law (2)	56,205*	16,351
Local option liquor law (3)	43,316*	40,111

GENERAL ELECTION JUNE 4, 1906.  
(TOTAL NUMBER OF ELECTORS VOTING AS SHOWN BY POLL BOOKS, 99,446.)

Constitutional amendments— Equal suffrage amendment (2)	36,902	47,011
Requiring referendum on any act calling a constitutional convention (2)	47,661*	18,111
Giving cities sole powers to amend their charters (2)	52,567*	19,111
Authorizing State Printer's compensation to be regulated by law at any time (2)	63,749*	9,611
Initiative and referendum to apply to all local, special and municipal laws (3)	47,678*	16,111
Measures— General appropriation bill, State Institutions (3)	43,918*	26,111
Amendment to local option liquor law (2)	35,297	45,111
Purchase of Barlow toll road by State (2)	31,525	44,111
Prohibiting free passes on railroads (2)	57,281	16,111
Gross earnings tax on sleeping, refrigerator and oil car companies (2)	69,635*	6,411
Gross earnings tax on express, telephone and telegraph companies (2)	70,872*	6,411

INITIATIVE AND REFERENDUM MEASURES—Continued.

	Yes	No
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GENERAL ELECTION JUNE 1, 1908.  
(TOTAL NUMBER OF ELECTORS VOTING AS SHOWN BY POLL BOOKS, 116,614.)

Constitutional amendments— To increase compensation of legislators from \$120 to \$400 per session (1)	19,691	68,892
Permitting location of State Institutions at places other than the State Capital (1)	41,971*	40,868
Reorganization system of courts and increasing the number of Supreme Judges from three to five (1)	30,243	50,591
Changing date of general elections from June to November (1)	65,728*	18,590
Equal suffrage (2)	36,868	58,870
Giving cities control of liquor selling, poolrooms, theaters, etc., subject to local option law (2)	39,442	62,346
Modified form of single tax amendment (2)	32,089	60,371
Recall power on public officials (2)	58,381*	31,902
Authorizing proportional representation law (2)	48,868*	34,722
Requiring indictment to be by grand jury (2)	52,214	28,787
Measures— Giving sheriffs control of county prisoners (3)	60,443*	30,033
Requiring railroads to give public officials free passes (3)	28,856	59,406
Appropriating \$100,000 for building armories (3)	33,507	54,848
Increasing annual appropriation for University of Oregon from \$47,500 to \$125,000 (3)	44,115*	40,635
Fishery law proposed by fish-wheel operators (2)	46,582*	40,720
Fishery law proposed by filinet operators (2)	46,130*	30,280
Instructing legislators to vote for people's choice for United States Senator (2)	69,698*	21,462
Corrupt practices act governing elections (2)	64,001*	31,501
Creating Hood River County (2)	43,343*	26,778

GENERAL ELECTION NOVEMBER 8, 1910.  
(TOTAL NUMBER OF ELECTORS VOTING AS SHOWN BY POLL BOOKS, 120,248.)

Constitutional amendments— Permitting female taxpayers to vote (2)	35,270	59,065
Providing separate district for election of each State Senator and Representative (1)	24,000	54,252
Repealing requirement that all taxes shall be equal and uniform (1)	37,619	40,172
Permitting organized districts to vote bonds for construction of railroads by such districts (1)	32,844	46,070
Authorizing collection of State and county taxes on separate classes of property (1)	31,629	41,692
Permitting people of each county to regulate taxation for county purposes and abolishing poll taxes (2)	44,171*	42,127
Giving cities and towns exclusive power to regulate liquor traffic within their limits (2)	53,321*	50,779
Prohibiting liquor traffic (2)	43,540	61,221
Permitting counties to vote bonds for permanent road improvement (2)	61,275*	32,906
Extending initiative and referendum, making terms of members of Legislature six years, increasing salaries, requiring proportional representation in Legislature, election of President of Senate and Speaker of House outside of members, etc. (2)	37,031	44,366
Permitting three-fourths verdict in civil cases (2)	44,538*	39,399

Measures— Establishing branch insane asylum in Eastern Oregon (1)	50,124*	41,504
Calling convention to revise State Constitution (1)	23,143	55,374
Requiring Baker County to pay \$1,000 year to Circuit Judge in addition to his State salary (3)	13,161	71,503
Creating Nesmith County from parts of Lane and Douglas (2)	22,866	60,951
To establish a State Normal School at Monmouth (2)	50,191*	40,044
Creating Otis County from parts of Harney, Malheur and Grant (2)	17,426	62,016
Annexing part of Clackamas County to Multnomah (2)	16,250	69,002

Too Many INITIATIVES in One Measure

546,107





AN AMENDMENT

TO BE SUBMITTED TO THE LEGAL ELECTORS OF THE STATE OF OREGON FOR THEIR APPROVAL OR REJECTION

REGULAR GENERAL ELECTION

ON THE EIGHTH DAY OF NOVEMBER, 1910,

ARTICLE VII

By initiative petition filed in the office of the Secretary of State, July 7, 1910, in accordance with the provisions of Chapter 226, General Laws of Oregon, 1907.

Printed in pursuance of Section 8 of Chapter 226, Laws of 1907.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION

For amendment to the Constitution of the State of Oregon, providing for verdict by three-fourths of jury in civil cases; authorizing grand juries to be summoned separate from the trial jury, permitting change of judicial system by statute, prohibiting re-trial where any evidence to support verdict; providing for affirmance of judgment on appeal notwithstanding error committed in lower court, directing Supreme Court to enter such judgment as should have been entered in lower court; fixing terms of Supreme Court; providing judges of all courts be elected for six years, and increasing jurisdiction of Supreme Court.

Unconstitutional use of the Article IV Initiative Process of many Subjects Article XVII

Note YES or NO.

862. Yes. 363. No.

[On Official Ballot, Nos. 362 and 363.] CONSTITUTIONAL AMENDMENT.

Article VII of the Constitution of the State of Oregon shall be and the same is hereby amended to read as follows:

ARTICLE VII.

Section 1. The judicial power of the State shall be vested in one Supreme Court and in such other courts as may from time to time be created by law. The Judges of the Supreme and other courts shall be elected by the legal voters of the State or of their respective districts for a term of six years, and shall receive such compensation as may be provided by law, which compensation shall not be diminished during the term for which they are elected.

Section 2. The courts, jurisdiction, and judicial system of Oregon, except so far as expressly changed by this amendment, shall remain as at present constituted until otherwise provided by law. But the Supreme Court may, in its own discretion, take original jurisdiction in mandamus, quo warranto and habeas corpus proceedings.

Section 3. In actions at law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of this State, unless the court can affirmatively say there is no evidence to support the verdict. Until otherwise provided by law, upon appeal of any case to the Supreme Court, either party may have attached to the bill of exceptions the whole testimony, the instructions of the court to the jury, and any other matter material to the decision of the appeal. If the Supreme Court shall be of opinion, after consideration of all the matters thus submitted, that the judgment of the court appealed from was such as should have been rendered in the case, such judgment shall be affirmed, notwithstanding any error committed during the trial; or if, in any respect, the judgment appealed from should be changed, and the Supreme Court shall be of opinion that it can determine what judgment should have been entered in the court below, it shall direct such judgment to be entered in the same manner and with like effect as decrees are now entered in equity cases on appeal to the Supreme Court. Provided, that nothing in this section shall be construed to authorize the Supreme Court to find the defendant in a criminal case guilty of an offense for which a greater penalty is provided than that of which the accused was convicted in the lower court.

Section 4. The terms of the Supreme Court shall be appointed by law; but there shall be one term at the seat of government annually. At the close of each term the judges shall file with the Secretary of State concise written statements of the decisions made at that term.

Section 5. In civil cases three-fourths of the jury may render a ver-

EXHIBIT



dict. The Legislative Assembly shall so provide that the most competent of the permanent citizens of the county shall be chosen for jurors; and out of the whole number in attendance at the court, seven shall be chosen by lot as grand jurors, five of whom must concur to find an indictment. But provision may be made by law for drawing and summoning the grand jurors from the regular jury list at any time, separate from the panel of petit jurors, and for the sitting of the grand jury during vacation as well as session of the court, as the judge may direct. No person shall be charged in any circuit court with the commission of any crime or misdemeanor defined or made punishable by any of the laws of this State, except upon indictment found by a grand jury; provided, however, that any district attorney may file an amended indictment whenever an indictment has, by a ruling of the court, been held to be defective in form.

Section 6. Public officers shall not be impeached; but incompetency, corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office, and such further punishment as may have been prescribed by law.

Section 7. Every Judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a Judge of the Supreme Court of this State, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected."

(Affirmative argument following No. 356 covers this measure.)

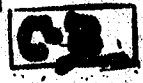
"This State"  
Required oath

Measure 7 By What  
Measure 3 Constitutional  
Term Limits Authority  
Etc., Etc.?

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EXHIBIT



C-3

Office of the Secretary of State

BILL BRADBURY  
Secretary of State



Archives Division  
ROY TURNBAUGH  
Director

800 Summer Street NE  
Salem, Oregon 97310  
(503) 373-0701

Facsimile (503) 373-0953

May 18, 2001

Ms. Darlene Mitchek  
P. O. Box 138  
Durkee, OR 97905

Dear Ms. Mitchek:

In response to your request for documentation of a change in the Oregon Constitution Article VII (Amended), Section 7 between the amendment adopted on November 8, 1910 and the present Constitution, I could find no change.

Sincerely,

David Wendell  
Reference Archivist



EXHIBIT D

EXHIBIT

D

EXHIBIT

D

**AFFIDAVIT**

State of Oregon )  
 ) ss:  
County of Marion )

June 28, 2001

One Milton Everett, Mitchek, did employ one Notary Public, Sharilee Murphy, to witness my request regarding the required oath of office for judges from the Secretary of State Elections Division a certified copy of the lawfully, constitutionally required oath of office that all Circuit Court Judges and all Supreme Court Judges for the State of Oregon must take. Two clerks, Summer Davis and Margie, did state that the Required Oath of Office for all Circuit Court and all Supreme Court Judges in the State of Oregon was in Article VII (Amended), Section 7, of the Constitution of the State of Oregon.

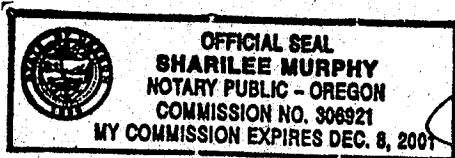
The Secretary of State clerk, Summer Davis, did give me an Oregon 1999-2000 Election Book, and flagged page 229. (See exhibit "A", enclosed and attached hereto.)

One Milton Everett, Mitchek did ask the same above question again and both clerks, Summer Davis and Margie, did state that according to the Attorney General's office, this is the required oath that Circuit Court Judges and Supreme Court Judges must take.

Signed under the penalty of perjury to be true, correct, certain and complete.

*Milton Everett Mitchek*  
Milton Everett, Mitchek

I, Sharilee Murphy, Notary Public in and for the State of Oregon, have witnessed Milton Everett, Mitchek Original Jurisdiction, read the foregoing Affidavit, and executed as signatory on June 28, 2001.



*Sharilee Murphy*  
Sharilee Murphy, Notary Public in and for  
The State of Oregon.

My commission expires: 12/08/2001

**EXHIBIT** E

ELECTION LAWS

1999 — 2000

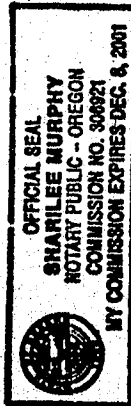
CONSTITUTIONAL AND STATUTORY  
PROVISIONS



Chapters 246 through 260  
Reprinted from the  
Oregon Revised Statutes

On Thursday, June 28, 2001, at approximately 11:10 a.m., I witnessed  
Milton Everett, Mitchek, receive a 1999-2000 edition [this document]  
of the Oregon Election Laws & Constitution of Oregon.

*Sharilee Murphy*  
Sharilee Murphy, Notary Public  
in and for the State of Oregon



My commission expires: 12/08/2001

EXHIBIT E-1

ne petition shall be required for a petition propose a charter amendment. (Created through H.J.R. 22, 1957, and adopted by the people Nov. 5, 1958; Amendment proposed by S.J.R. 48, 1959, and adopted by the people Nov. 8, 1960; Amendment proposed by H.J.R. 21, 1977, and adopted by the people May 9/78)

ARTICLE VII (Amended) JUDICIAL DEPARTMENT

- 1. Courts; election of judges; term of office; compensation.
1a. Retirement of judges; recall to temporary active service.
2. Amendment's effect on courts, jurisdiction and judicial system; Supreme Court's original jurisdiction.
2a. Temporary appointment and assignment of judges.
2b. Inferior courts may be affected in certain respects by special or local laws.
3. Jury trial; re-examination of issues by appellate court; record on appeal to Supreme Court; affirmance notwithstanding error; determination of cases by Supreme Court.
4. Superior Court terms; statements of decision.
5. Jurisdiction; information; verdict in civil cases.
6. Incompetency or malfeasance of public officer.
7. Oath of office of judges of Supreme Court.
8. Removal, suspension or censure of judges.
9. Juries of less than 12 jurors.

Section 1. Courts; election of judges; information of office; compensation. The judicial power of the state shall be vested in one supreme court and in such other courts as may from time to time be created by law. The judges of the supreme and other courts shall be elected by the legal voters of the state or their respective districts for a term of six years, and shall receive such compensation as may be provided by law, which compensation shall not be diminished during the term of their office. (Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910)

Section 1a. Retirement of judges; recall to temporary active service. Notwithstanding the provisions of section 1, Article (Amended) of this Constitution, a judge any court shall retire from judicial office at the end of the calendar year in which he attains the age of 75 years. The Legislative Assembly of the people may by law:

- (1) Fix a lesser age for mandatory retirement not earlier than the end of the calendar year in which the judge attains the age of 70 years.
(2) Provide for recalling retired judges to temporary active service on the court from which they are retired; and
(3) Authorize or require the retirement of judges for physical or mental disability or

any other cause rendering judges incapable of performing their judicial duties.

This section shall not affect the term to which any judge shall have been elected or appointed prior to or at the time of approval and ratification of this section. (Created through S.J.R. 3, 1959, and adopted by the people Nov. 8, 1960)

Section 2. Amendment's effect on courts, jurisdiction and judicial system; Supreme Court's original jurisdiction. The courts, jurisdiction, and judicial system of Oregon, except so far as expressly changed by this amendment, shall remain as at present constituted until otherwise provided by law. But the supreme court may, in its own discretion, take original jurisdiction in mandamus, quo warranto and habeas corpus proceedings. (Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910)

Section 2a. Temporary appointment and assignment of judges. The Legislative Assembly or the people may by law empower the Supreme Court to:

- (1) Appoint retired judges of the Supreme Court or judges of courts inferior to the Supreme Court as temporary members of the Supreme Court.
(2) Appoint members of the bar as judges pro tempore of courts inferior to the Supreme Court.
(3) Assign judges of courts inferior to the Supreme Court to serve temporarily outside the district for which they were elected.

A judge or member of the bar so appointed or assigned shall while serving have all the judicial powers and duties of a regularly elected judge of the court to which he is assigned or appointed. (Created through S.J.R. 30, 1957, and adopted by the people Nov. 4, 1958)

Section 2b. Inferior courts may be affected in certain respects by special or local laws. Notwithstanding the provisions of section 23, Article IV of this Constitution, laws creating courts inferior to the Supreme Court or prescribing and defining the jurisdiction of such courts or the manner in which such jurisdiction may be exercised, may be made applicable:

- (1) To all judicial districts or other subdivisions of this state; or
(2) To designated classes of judicial districts or other subdivisions; or
(3) To particular judicial districts or other subdivisions. (Created through S.J.R. 34, 1961, and adopted by the people Nov. 6, 1962)

Section 3. Jury trial; re-examination of issues by appellate court; record on appeal to Supreme Court; affirmance notwithstanding error; determination of cases by Supreme Court. In actions at law,

where the value in controversy shall exceed \$750, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of this state, unless the court can affirmatively say there is no evidence to support the verdict. Until otherwise provided by law, upon appeal of any case to the supreme court, either party may have attached to the bill of exceptions the whole testimony, the instructions of the court to the jury, and any other matter material to the decision of the appeal. If the supreme court shall be of opinion after consideration of all the matters thus submitted, that the judgment of the court rendered from was such as should have been affirmed in the case, such judgment shall be affirmed, notwithstanding any error committed during the trial or if, in any respect, the judgment appealed from should be changed, and the supreme court shall be of opinion that it can determine what judgment should have been entered in the court below it shall direct such judgment to be entered in the same manner and with like effect as decrees are now entered in equity cases on appeal to the supreme court. Provided, that nothing in this section shall be construed to authorize the supreme court to find the defendant in a criminal case guilty of an offense for which a greater penalty is provided than that of which the accused was convicted in the lower court. (Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910; Amendment proposed by H.J.R. 71, 1973, and adopted by the people Nov. 5, 1974; Amendment proposed by H.J.R. 47, 1995, and adopted by the people May 21, 1998)

Section 4. Supreme Court; terms; statements of decisions of court. The terms of the supreme court shall be appointed by law; but there shall be one term at the seat of government annually. At the close of each term the judges shall file with the secretary of state concise written statements of the decisions made at that term. (Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910)

Section 5. Juries; indictment; information. (Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910; Amendment proposed by S.J.R. 23, 1957, and adopted by the people Nov. 4, 1958; Repeal proposed by S.J.R. 1, 1973, and adopted by the people Nov. 5, 1974 (present section 5 of this Article adopted in lieu of this section))

Section 5. Juries; indictment; information; verdict in civil cases. (1) The Legislative Assembly shall provide by law for:

- (a) Selecting juries and qualifications of jurors;
(b) Drawing and summoning grand jurors from the regular jury list at any time, separate from the panel of petit jurors;
(c) Empaneling more than one grand jury in a county; and

(d) The sitting of a grand jury during vacation as well as session of the court.

(2) A grand jury shall consist of seven jurors chosen by lot from the whole number of jurors in attendance at the court, five of whom must concur to find an indictment.

(3) Except as provided in subsections (4) and (5) of this section, a person shall be charged in a circuit court with the commission of any crime punishable as a felony only on indictment by a grand jury.

(4) The district attorney may charge a person on an information filed in circuit court if after a preliminary hearing before a magistrate, the person has been held to answer upon a showing of probable cause that a crime punishable as a felony has been committed and that the person has committed it, or if the person knowingly waives preliminary hearing.

(5) An information shall be substantially in the form provided by law for an indictment. The district attorney may file an amended indictment or information whenever, by ruling of the court, an indictment or information is held to be defective in form.

(7) In civil cases three-fourths of the jury may render a verdict. (Created through S.J.R. 1, 1973, and adopted by the people Nov. 5, 1974 (this section adopted in lieu of former section 5 of this Article))

Section 6. Incompetency or malfeasance of public officer. Public officers shall not be impeached; but incompetency, corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office, and such further punishment as may have been prescribed by law. (Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910)

Section 7. Oath of office of Judges of Supreme Court. Every judge of the supreme court, before entering upon the duties of his office, shall take and subscribe, and transmit to the secretary of state, the following oath:

"I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a judge of the supreme court of this state, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected." (Created through initiative pe-



Reference M.E. M. Shultz Murphy

amendment. *State v. Tollefson*, (1933) 142 Or. 192, 16 P. (2d) 625.

The requirement of an indictment to charge an offense in the circuit court has reference to the accusation by which a person may be put on trial and convicted; it does not refer to a complaint which is made with a view to holding an accused person to answer at a subsequent term of the court. *Ex parte Wessens*, (1918) 89 Or. 587, 589, 175 P. 73.

CITED WITHOUT SPECIAL APPLICATION

*Ex parte Jerman*, (1910) 57 Or. 387, 391, 112 P. 416, Ann. Cas. 1913A, 149; *State v. Riley*, (1934) 147 Or. 89, 95, 30 P. (2d) 1041; *State v. Russell*, (1934) 148 Or. 256, 34 P. (2d) 941; *Lehl v. Hull*, (1936) 152 Or. 470, 478, 53 P. (2d) 48, 54 P. (2d) 290; *Makino v. Spokane, P. & S. Ry. Co.*, (1937) 155 Or. 317, 63 P. (2d) 1082; *Swain v. Oregon Motor Stages*, (1938) 160 Or. 1, 9, 82 P. (2d) 1084, 118 A.L.R. 1225.

§ 6. **Public officers: Impeachment: Trial and punishment for incompetency, corruption, etc.: Dismissal from office.** Public officers shall not be impeached; but incompetency, corruption, malfeasance, or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office, and such further punishment as may have been prescribed by law. [Initiative Amendment section 6, approved 8th November, 1910. L. 1911, p. 8.]

Cross References:

Accepting bribes, see § 23-608 et seq.  
Dismissal from office for malfeasance or nonperformance of duties, see § 23-632.

Embezzlement of public money, see § 23-525.

Making profit from public funds, see § 97-601.

Collateral References:

See 11 Am. Jur., Constitutional Law, § 188.

Provision that "public officers shall not be impeached" as being self executing, and necessity to proceed under section, see Opinions of the Attorney-General, 1924-1926, p. 352.

Charging of fee by district attorney for collecting amount due on account of unpaid or dishonored checks as not malfeasance in office, see Opinions of the Attorney-General, 1934-1936, p. 580.

§ 7. **Judges of Supreme Court: Oath of office: Form of oath.** Every judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I, ———, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a judge of the Supreme Court of this state, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected." [Initiative Amendment, section 7, approved 8th November, 1910. L. 1911, p. 8.]

Cross References:

Oath to support United States constitution, see U.S. Const., art. VI.

Comparative Provisions:

Washington. Const., Art. 4, § 28.

NOTES OF DECISIONS

The oath of office of circuit judges must include the declaration: "I will not accept any other office, except judicial offices during the term for which I

have been elected." This follows from the fact that Art VII, § 2 as amended in 1910, has the effect of continuing the original Art. VII, § 10, in full force and effect until changed by some subsequent legislation, although § 10 has been omitted from the amended Article, and there has been no such enactment—also from the fact that Art. XV, § 3 requires every person elected or appointed to an office under the Constitution to take an oath of office, and that no other oath is

EXHIBIT **F**



prescribed for circuit judges, either by the Constitution or by any Statute of the State. *Ekwall v. Stadelman*, (1934) 146 Or. 439, 30 P. (2d) 1037.

The word "accept," in its application to other offices, applies not only to the acceptance of the office after election, but also to the steps necessary to be taken to secure such an election. The

right to accept an office implies the right to be chosen for that office, and it follows as a necessary consequence that, if a person is ineligible to hold a particular office, he is ineligible to become a candidate for that office at a primary election under the laws of the state. *Ekwall v. Stadelman*, (1934) 146 Or. 439, 30 P. (2d) 1037.

ARTICLE VII

JUDICIAL DEPARTMENT. [ORIGINAL]

§ [1.] Courts in which judicial power vested. The judicial power of the state shall be vested in a supreme court, circuit courts, and county courts, which shall be courts of record, having general jurisdiction, to be defined, limited, and regulated by law, in accordance with this constitution. Justices of the peace may also be invested with limited judicial powers, and municipal courts may be created to administer the regulations of incorporated towns and cities.

Cross References:

- Circuit courts, see § 93-201 et seq.
- County courts, see § 93-301 et seq.
- District courts, see § 93-401 et seq.
- Judicial department, see § 93-101 et seq.
- Justices courts, see § 27-101 et seq.
- Small claims department, see § 28-1001 et seq.
- Municipal courts, see §§ 95-2801, 95-2802.
- Supreme court, see §§ 13-101 et seq., 93-101 et seq.

Comparative Provisions:

- California. Const., Art. 6, § 1.
- Idaho. Const., Art. 5, § 2.
- Montana. Const., Art. 8, § 1.
- Washington. Const., Art. 4, § 1.

NOTES OF DECISIONS

1. In General.
2. County Courts.
3. Justices' Courts.
4. Municipal Courts.

1. IN GENERAL.

The amended article VII has, in some respects, superseded the original article VII. *Starr v. Laundry, etc., Union*, (1937) 155 Or. 634, 643, 63 P. (2d) 1104.

A coroner is not invested with any judicial functions whatever under this section of the constitution. *Cox v. Royal Tribe*, (1903) 42 Or. 365, 369, 71 P. 73, 95 Am. St. Rep. 752, 60 L.R.A. 620.

The proceeding to try the right of property levied upon by the sheriff before a sheriff's jury is not a judicial proceeding, and the statute providing for such

proceeding is not in conflict with this section. *Capital Lum. Co. v. Hall*, (1881) 9 Or. 93, 96.

A register of state lands could not render an appealable decision or decree. *Anderson v. Laughery*, (1871) 3 Or. 277.

2. COUNTY COURTS.

Probate jurisdiction having been conferred upon county courts, these tribunals are to be regarded as courts of general and superior jurisdiction in respect of matters of probate. *Russell v. Lewis*, (1871) 3 Or. 380; *Tustin v. Gaunt*, (1873) 4 Or. 305; *Monastes v. Catlin*, (1876) 6 Or. 119; *Walker v. Goldsmith*, (1886) 14 Or. 125, 140, 12 P. 537; *Rostel v. Morat*, (1890) 19 Or. 181, 183, 23 P. 900; *Stadelman v. Miner*, (1917) 83 Or. 348, 392, 155 P. 708, 163 P. 585, 983; *Gager v. Henry*, 5 *Sawy*, 237, *Fed. Cas. No. 5,172*; *Holmes v. Oregon & C. R. R. Co.*, (1880) 6 *Sawy*. 262, 5 *Fed.* 75.

The jurisdiction vested in county courts pertaining to probate matters does not confer equitable jurisdiction to correct or surcharge settled accounts of guardians. In cases of false accounts or settlements involving charges of fraud, resort must be had to courts of equity for relief. *Richardson's Guardianship*, (1901) 39 Or. 246, 248, 64 P. 390.

In respect of roads, the county court exercises a special limited power conferred by statute, prescribing the mode of proceeding, and is a court of special and limited jurisdiction. *Thompson v. Multnomah County*, (1861) 2 Or. 34, 40; *Johns v. Marion County*, (1870) 4 Or. 46; *State v. Officer*, (1871) 4 Or. 180.

Regarding Certification of Judges Oath of Office of This State

State of Oregon }  
County of Union } ss

I, Lisa L. Garcia, Notary Public have examined a certified copy of Circuit Court Judge Paul Lipscomb's attached Oath of Office of the State of Oregon.

"FROM THE RECORDS OF THE SECRETARY OF STATE":

"One copy, oath of office for Circuit Court Judge Paul Lipscomb, January 4, 2001. 1 page in length."

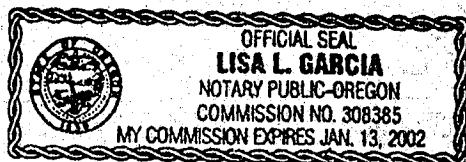
I cannot certify Circuit Court Judge Paul Lipscomb's oath of office, to be the required original oath, identical oath, exact oath, true oath, correct oath, certain oath or complete oath as required in Amended Article VII, Section 7 for the State of Oregon Constitution (See enclosed and attached pages 142 and 143 of the 1915-16 Oregon Blue Book and pages 200 to 203 of the 1910 Oregon Voters Pamphlet and imperfect oath).

The required oath of office words "**and impartially**"/"a" / "**of this state**"/ is deleted from Circuit Court Judge Paul Lipscomb's imperfect oath of office, an "a" has been added before judicial office, when compared with the above Blue Book and Voters Pamphlet, to wit:

Amended VII Section 7. Every Judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully **and impartially** discharge the duties of a Judge of the Supreme Court **of this state**, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected." (Emphasis added)

Done and dated this 26<sup>th</sup> day of June 2001.



Lisa L. Garcia  
Notary Public, in and for County of Union  
City of Elgin the State of Oregon

My commission expires: Jan 13, 2002

EXHIBIT

5

FILED

JAN 04 2001

ARCHIVES DIVISION  
SECRETARY OF STATE

# State of Oregon OATH OF OFFICE

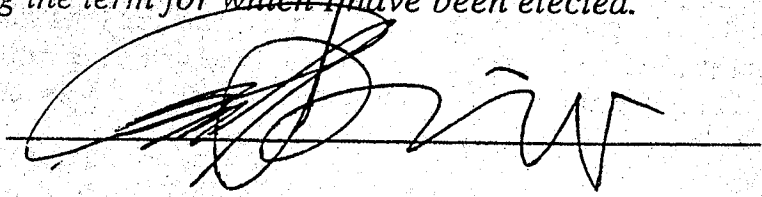
State of Oregon  
County of MANA } ss

I, Paul Lipscomb, do

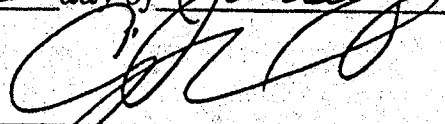
solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of

## Judge of the Circuit Court

according to the best of my ability, and that I will not accept any other office, except a judicial office, during the term for which I have been elected.



Subscribed and sworn, or affirmed, before me  
this 2 day of January, 2001

  
\_\_\_\_\_  
Notary Public for Oregon (or Judicial Title)  
My commission/term expires \_\_\_\_\_

**NOTE: KINDLY EXECUTE THIS OATH OF OFFICE BEFORE EITHER A NOTARY PUBLIC OR JUDICIAL OFFICIAL AND RETURN TO OFFICIAL DOCUMENTS, 300 SUMMER ST., SALEM, OREGON 97310.**

REV. 7/2400

EXHIBIT **H**

# Regarding Certification of Judges Constitutional Oath of Office

State of Oregon }  
                          }    SS  
County of Union }

I, LISA L Garcia, Notary Public have examined a certified copy of Circuit Court Judge Paul Lipscomb's attached Oath of Office of the State of Oregon.

"FROM THE RECORDS OF THE SECRETARY OF STATE":

"One copy, oath of office for Circuit Court Judge Paul Lipscomb, January 4, 2001. 1 page in length."

I cannot certify Circuit Court Judge Paul Lipscomb's oath of office, to be the required original oath, identical oath, exact oath, true oath, correct oath, certain oath or complete oath as required in Article VII, Section 21, from the Original Constitution of the State of Oregon, dated September 18, 1857. (See enclosed and attached copies of Constitutional Oath of Office and imperfect oath)

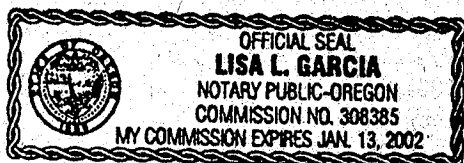
The required Oath of Office words "**and impartially**"/"**a**" / "**of said, State**"/ is deleted from Circuit Court Judge Paul Lipscomb's imperfect oath of office, and a capital "**C**" has replaced the lower case "**c**" and a lowercase "**j**" has replaced the capital "**J**" when compared with Original Article VII Section 21 from the Original Constitution of the State of Oregon, dated September 18, 1857, to wit:

Article VII, Section 21, Every judge of the Supreme Court before entering upon the duties of his office shall take, subscribe, and transmit to the Secretary of State the following oath.---

"I \_\_\_\_\_ do solemnly swear (or affirm) that I will support the Constitution of the United States, and the constitution of the State of Oregon, and that I will faithfully, **and impartially** discharge the duties of a Judge of the Supreme, and Circuits (sic) Courts of said, State according to the best of my ability, and that I will not accept any other office, except Judicial offices during the term for which I have been elected." (Emphasis added)

Article VII, Section 10 (in pertinent part) "the necessary number of Circuit Judges, who shall hold full terms without allotment, and who shall take the same oath as the Supreme Judges.---

Done and dated this 26<sup>th</sup> day of June 2001.



Lisa L Garcia  
Notary Public, in and for County of Union  
City of Elgin the State of Oregon

My commission expires: Jan 13, 2002

EXHIBIT I

CERTIFICATE

State of Oregon

OFFICE OF THE SECRETARY OF STATE



I, David B. Wendell, for the Secretary of State of the State of Oregon, certify that I have compared the attached copies listed below with the originals, and that the same, or each of the same, is a full true, and correct copy of a record in the official custody of the State Archivist of the State of Oregon.

FROM THE RECORDS OF: Secretary of State.

1. One copy, Oregon Constitution (page 46 only) dated September 18, 1857. 1 page in length.



In Testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the Secretary of State of the State of Oregon.

Done at Salem, Oregon, this 18th day of May, A.D. 2001.

*David B. Wendell*

David B. Wendell  
Assistant to the Secretary of State

EXHIBIT **J**

I do solemnly swear (or affirm)  
that I will support the Constitution of the  
United States, and the constitution of the  
State of Oregon, and that I will faithfully and  
impartially discharge the duties of a Judge  
of the Supreme, and Circuit Courts of said  
State according to the best of my ability, and  
that I will not accept any other office, except  
judicial office during the term for which  
I have been elected. —

EXHIBIT J-1

# Restore Constitutional Government in the state of Oregon

Repeal the amendment to Article VII when the legislature took away the authority of the people and supplanted the Oregon Constitution with a statutory scheme

*Oregon Constitution, Article I, Section 1.*

*Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.*

REPEALS THE "LEGISLATIVE STATUTORY SUPPLANTMENT"  
TO ARTICLE VII OF THE OREGON CONSTITUTION

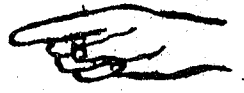
RESULT OF 'YES' VOTE: "Yes" vote would repeal current legislative scheme controlling the judicial system in Oregon, re-establishing original Constitutional Judicial System.

RESULT OF 'NO' VOTE: "No" vote would retain the current statutory scheme concerning the judges, juries, courts, jurisdiction, and judicial system in Oregon.

SUMMARY: Prior to 1910, Oregon had a Constitutional Judicial system, Oregon Constitution, Article VII, Original. In 1910, the legislature created, without a vote of the People, a Legislative Statutory Judicial system, supplanting the Constitutional Judicial system. This measure repeals the Legislative Judicial system, and restores the Constitutional Judicial system.

*The above text is Petitioners submitted results and summary, clearly abolishing the entire amendment to Article VII and supplantment note attached to the original Article VII. The Attorney General, Secretary of State and Oregon Supreme Court are refusing to allow Petitioners titles and summary. While the text of the initiative remains unchanged, Petitioners are being forced to proceed with biased and deceptive ballot titles and summary created by the state, as seen on the signature sheet. Once again, the statutory government is blocking the authority of the people.*

**LETS END THIS NOW ! sign the Petition and Vote YES in 2002 !**



# PUBLIC DEMAND

## THAT OREGON JUDGES TAKE AND UPHOLD THEIR REQUIRED OATH OF OFFICE

Name	Address	City, State
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Dorothy Mead	1180 SE 82nd, Gladstone, OR	Gladstone, Oregon
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<del>James King</del>	597 Radiant Dr SE	Keizer, Oregon
Howard Brown	11735 SE Pink	Portland, OR

John Walkowiak	P.O. Box 3881	Salem, Oregon
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Donald Atkinson	Sunny Crest Road	Newberg, Oregon
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Janice L. Gray	P.O. Box 15045	Portland, Oregon
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Richard Orrin Jones	P.O. Box 13843	Salem Main Post Office, U
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Ron J. Mabry	P.O. Box 9127	Brooks, Oregon
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Wm. C. M. Pugh	5320 Mackay Rd. SE.	Salem, Ore. 01
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Chris Youngblood	106 NW F St #15	Grants Pass, OR 97526
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Carla Marie Jones	P.O. Box 13843	Salem, Oregon, U.S.A. [97309]
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Pamela K. Hoston	PO BOX 132	Mt Angel, Oregon 97362
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Billie Russell Taylor	POB 132	Mt Angel, Oregon 97362
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Michael Paul Mowbray	1340 Lee St.	Salem, Oregon
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