



U.S. Department of Justice
Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

29 APR 1981

MEMORANDUM FOR: Kenneth Starr
Counselor to the Attorney General

FROM: Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel

SUBJECT: Attorney General's authority to administer
oath to appointee to position of Ambassador

Section 2903 of Title 5, U.S. Code, is the operative provision governing the authority to administer oaths within the Executive branch. Paragraph (b) of that section is ambiguous, however, and might be construed to limit the authority of the head of an Executive branch to administer oaths to persons in his own department unless he has written authorization from the head of the department in which the nominee would serve (in this case, the State Department). However, I understand that it is a frequent practice for ceremonial oaths to be administered without regard to this ambiguity provided that the oath is also given by the appropriate official when the appropriate papers are signed. This is a common practice in any event.

TBO/rmd
cc: Olson
Sudol
Bennett
Retrieval
Files

(oral request to Mr. Olson)