

(85-3)

STATEMENT OF SENATOR STROM THURMOND (D-SC) ON SENATE FLOOR ON
INTRODUCTION OF BILL TO CORRECT JUDICIAL OATH, JANUARY 9, 1959.

Mr. President:

~~It has recently come to my attention that~~ ^The oath prescribed by Statute for United States Justices and Judges/does not comply with the constitutional requirement for oaths of judicial officers. Article VI of the Constitution provides in part that "the Senators and Representatives before mentioned, and members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

The oath now prescribed by Section 453 of Title 28 of the United States Code is as follows: "I, _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States. So help me God."

From the reading of this portion of Article VI of the Constitution/and Section 453 of Title 28 of the Code, it is obvious that the oath prescribed/does not require judicial officers to support the Constitution in compliance with Article VI. In the oaths of the other officers named in Article VI, my research reveals no such omission.

While this may appear to be a purely technical deviation from constitutional requirements, I do not believe that the Constitution

should be trifled with. There is no reason for judicial officers to be immune from a direct oath/to support and defend the Constitution.

Mr. President, I therefore send to the desk a bill/which would amend Section 453 of Title 28 of the United States Code/to prescribe the following oath for judicial officers of the United States:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____. So help me God."

I ask that the bill be appropriately referred.