

# The Oaths of Office

---

## The Oaths of Office for Various Federal Employees and the Military

### The Presidential Oath of Office

"I, <name>, do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Franklin Pierce was the only president known to use the word affirm rather than swear.

### The Congressional Oath of Office

At the start of each new Congress, the entire House of Representatives and one-third of the Senate are sworn into office.

*"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; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God."*

### The Oath of Office for Federal Judges

The Judiciary Act of 1789, established an additional oath taken by federal judges:

*"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 on me, according to the best of my abilities and understanding, agreeably to the Constitution, and laws of the United States. So help me God."*

### The Oath of Office for Civil Service Employees

Federal employees take the same oath of office as Congress, by which they swear to support and defend the Constitution of the United States of America.

*"I, [name], 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; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God." [5 U.S.C. §3331](#)*

The Constitution not only establishes our system of government, it actually defines the work role for Federal employees – *“to establish Justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty.”*

### United States Uniformed Services Oath of Office

All officers of the seven Uniformed services of the United States take swear or affirm an oath of office upon commissioning. It differs slightly from that of the oath of enlistment that enlisted members recite when they enter the service. It is required by statute, the oath being prescribed by Section 3331, Title 5, United States Code.

One notable difference between the officer and enlisted oaths is that the oath taken by officers does not include any provision to obey orders; while enlisted personnel are bound by the Uniform Code of Military Justice to obey lawful orders. Officers in the service of the United States are bound by this oath to disobey any order that violates the Constitution of the United States.

#### Text of the Oath

I, [name], 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; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Note that the last sentence is not required to be said if the speaker has a personal or moral objection, as is true of all oaths administered by the United States government; Article Six of the United States Constitution requires that there be no religious test for public office.

The oath is for an indeterminate period; no duration is specifically defined.

Officers of the National Guard of the various States take an additional oath:

I, [name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State (Commonwealth, District, Territory) of \_\_\_ against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and the Governor of the State (Commonwealth, District, Territory) of \_\_\_, that I make this obligation freely, without any mental reservations or purpose of evasion, and that I will well and faithfully discharge the duties of the Office of [grade] in the Army/Air National Guard of the State (Commonwealth, District, Territory) of \_\_\_ upon which I am about to enter, so help me God.

2015

## History of the Oath

### Constitution, Article 6 – Debts, Supremacy, Oaths

The Senators and Representatives before mentioned, and the 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; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

While the oath-taking dates back to the First Congress in 1789, the current oath is a product of the 1860s, drafted by Civil War-era members of Congress intent on ensnaring traitors.

In 1789, the 1st United States Congress created a fourteen-word oath to fulfill the constitutional requirement:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States.”

It also passed the Judiciary Act of 1789, which established an additional oath taken by federal judges:

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 on me, according to the best of my abilities and understanding, agreeably to the Constitution, and laws of the United States. So help me God.

The outbreak of the Civil War quickly transformed the routine act of oath-taking into one of enormous significance. In April 1861, a time of uncertain and shifting loyalties, President Abraham Lincoln ordered all federal civilian employees within the executive branch to take an expanded oath.

When Congress convened for a brief emergency session in July, members echoed the president's action by enacting legislation requiring employees to take the expanded oath in support of the Union. This oath is the earliest direct predecessor of the modern version of the oath.

When Congress returned for its regular session in December 1861, members who believed that the Union had as much to fear from northern traitors as southern soldiers again revised the oath, adding a new first section known as the “Ironclad Test Oath.” The war-inspired Test Oath, signed into law on July 2, 1862, required that...

every person elected or appointed to any office ... under the Government of the United States ... excepting the President of the United States” to swear or affirm that they had never previously engaged in criminal or disloyal conduct.

Those government employees who failed to take the 1862 Test Oath would not receive a salary; those who swore falsely would be prosecuted for perjury and forever denied federal employment.

The 1862 oath's second section incorporated a different rendering of the hastily drafted 1861 oath. Although Congress did not extend coverage of the Ironclad Test Oath to its own members, many took it voluntarily.

Angered by those who refused this symbolic act during a wartime crisis, and determined to prevent the eventual return of prewar southern leaders to positions of power in the national government, congressional hard-liners eventually succeeded by 1864 in making the Test Oath mandatory for all members.

The Senate then revised its rules to require that members not only take the Test Oath orally, but also that they "subscribe" to it by signing a printed copy. This condition reflected a wartime practice in which military and civilian authorities required anyone wishing to do business with the federal government to sign a copy of the Test Oath. The current practice of newly sworn senators signing individual pages in an oath book dates from this period.

As tensions cooled during the decade following the Civil War, Congress enacted private legislation permitting particular former Confederates to take only the second section of the 1862 oath. An 1868 public law prescribed this alternative oath for "any person who has participated in the late rebellion, and from whom all legal disabilities arising therefrom have been removed by act of Congress."

Northerners immediately pointed to the new law's unfair double standard that required loyal Unionists to take the Test Oath's harsh first section while permitting ex-Confederates to ignore it.

In 1884, a new generation of lawmakers quietly repealed the first section of the Test Oath, leaving intact the current affirmation of constitutional allegiance.

---

### **History of the Oath for Federal Employees**

---

The history of the Oath for Federal employees can be traced to the Constitution, where Article II includes the specific oath the President takes – to "preserve, protect, and defend the Constitution of the United States." Article VI requires an oath by all other government officials from all three branches, the military, and the States.

It simply states that they "shall be bound by oath or affirmation to support the Constitution."

The very first law passed by the very first Congress implemented Article VI by setting out this simple oath in law: "I do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States."

---

### **Quick Background on Government Secrecy Oaths**

---

On November 9, 1775, the Continental Congress adopted an oath of secrecy, one more stringent than the oaths of secrecy it would require of others in sensitive employment:

*"RESOLVED, That every member of this Congress considers himself under the ties of virtue, honour and love of his country, not to divulge, directly or indirectly, any matter or*

493

*thing agitated or debated in Congress, before the same shall have been determined, without the leave of the Congress: nor any matter or thing determined in Congress, which a majority of the Congress shall order to be kept secret, And that if any member shall violate this agreement, he shall be expelled this Congress, and deemed an enemy to the liberties of America, and liable to be treated as such, and that every member signify his consent to this agreement by signing the same."*

On June 12, 1776, the Continental Congress adopted the first secrecy agreement for employees of the new government. The required oath read:

*"I do solemnly swear, that I will not directly or indirectly divulge any manner or thing which shall come to my knowledge as (clerk, secretary) of the board of War and Ordnance for the United Colonies. . . So help me God."*