

June 28, 2005

Mr. Ralph A. Walker  
Director  
Administrative Office of the Courts  
Justice Building  
P.O. Box 2448  
Raleigh, North Carolina 27602

Dear Mr. Walker,

The ACLU of North Carolina Legal Foundation (ACLU-NC LF) writes to request that the Administrative Office of the Courts (AOC) adopt a policy to enable members of different faiths to be sworn in on the religious text honored by their faith if they choose. It is the understanding of the ACLU-NC LF that the AOC has, at this time, deferred the consideration of such a policy.

According to reports in the media, this issue first arose in Guilford County when a woman of the Islamic faith sought to be sworn in on the Quran when she was a witness in a court proceeding in the Guilford County courts. After the Al Ummil Ummat Islamic Center offered to donate a number of copies of the Quran to the Guilford County court system, the AOC did initially support an individual's right to be sworn in on the Quran. We urge the AOC to adopt such a policy in accordance with long-standing precedent from our highest state court.

There are three statutes governing the administration of oaths in North Carolina courts. *See* N.C. Gen. Stat. §§11-2 through 11-4. First, N.C. Gen. Stat. §11-2 (Administration of Oaths) provides that the "party to be sworn [is] to lay his hand upon the Holy Scriptures, in token of his engagement to speak the truth and in further token that, if he should swerve from the truth, he may be justly deprived of all the blessings of that holy book and made liable to that vengeance which he has imprecated upon his head." Second, N.C. Gen. Stat. §11-3 provides that an individual who does not wish to lay his hand upon the Holy Gospel may take an oath "with uplifted hand." Finally, N.C. Gen. Stat. §11-4 grants an individual the right to take a secular oath such that the word "affirm" replaces the word "swear" and the words "so help me God" are deleted.

Decisions of the North Carolina Supreme Court demonstrate that the form of administering oaths was not limited to the three statutes now codified as N.C. Gen. Stat. §§11-2