

Selection and Oaths of Jurors and Public Officials

Directive #5-71
Issued by:

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Administrative Director

The Supreme Court is of the view that no confidential investigation of prospective grand jurors should be made other than a check to determine whether or not they have a criminal record, which check may be made through the Prosecutor's Office or other appropriate office.

Some question has arisen with respect to the inclusion of the words "So Help You God" or "So Help Me God" as used in oaths prescribed for jurors and public officials.

According to the Secretary of State, the Attorney General has instructed "that no individual shall be required to swear or affirm those parts of both oaths which state 'So Help Me God'." This instruction was given with respect to oaths of allegiance for use by judges, surrogates, jury commissioners and judicial personnel. It is equally applicable to oaths taken by jurors. Therefore the words "So Help You God" or "So Help Me God" can be omitted whenever objection is made to their use.

For convenience, the juror's oaths follow.

OATH

GRAND JURORS

(You as members)

You as (foreman) (deputy foreman) of this grand inquest to sit in behalf of the State of New Jersey in and for the county of _____ do solemnly swear that you will support the Constitution of the United States and the Constitution of this State, and that you shall diligently inquire and true presentment make of all such matters and things as shall be given you in charge, or in any way come to your knowledge touching the present service; that the counsel of the State and your own counsel you shall keep secret; that you shall present no one through envy, hatred or malice; neither shall you leave any one unrepresented for fear, favor or affection, for reward, gain or the hope thereof; but that you shall present all things truly as they shall come to your knowledge, according to the best of your skill and understanding, so help you God.

OATH

PETIT JURORS

You do solemnly swear that you will support the Constitution of the United States and the Constitution of this State, so help you God.

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You do swear in the presence of Almighty God that you will well and truly try the matter in dispute between _____, plaintiff, and _____, defendant, and a true verdict give according to the evidence.

EDITOR'S NOTE

These directives have been combined so that all of the instructions for administering oaths are in one place. That portion of #5-67 dealing with attorney conflicts of interest has been removed to the section on Attorneys. Paragraph 1 of the original text of #5-67 has been deleted, as has the first sentence of paragraph 2. The remainder of paragraph 2, (now the first paragraph of the this combined directive) remains in effect since it still represents the policy and is not set forth any place else.

#5-71 was issued in order to correct a previous memorandum dated December 20, 1971, which deleted the words "So Help Me God." As to jurors, this language has been superseded by the text of N.J.S.A. 2B:20-18 ("Oath of Allegiance"). That statute provides the following oath of allegiance language: "Do you swear or affirm that you will support the Constitution of the United States and the Constitution of this State?" However, the "So help me God" language still is in the more general statutory oath of allegiance set forth in N.J.S.A. 41:1-1 and 41:1-3 and made applicable to the judicial oath by N.J.S.A. 41-2A-1. That language thus still is in the oath used for judges. All reference to the incorrect memorandum has been deleted.

The revised combined directive uses the original language wherever possible.

Refer to *Petit Jury Manual* (1982) for a more complete guide to procedures and policies to be used in the selection and supervision of jurors.