Oaths Administered by Trial Counsel (from RCM 807)

To Accused during guilty plea providence inquiry:

MJ: Trial Counsel, please place the accused under oath.

**TC: \_\_\_\_\_\_\_\_\_\_\_, please stand, face me, and raise your right hand.**

**Do you (swear) (affirm) that the statements you are about to make shall be the truth, the whole truth, and nothing but the truth (so help you God)?**

To court members prior to voir dire:

MJ: The members of the court will now be sworn. All persons in the courtroom please rise.

**TC: Please raise your right hands: Do you swear or affirm**

**- that you will answer truthfully the questions concerning whether you should serve as a member of this court‑martial;**

**-that you will faithfully and impartially try, according to the evidence, your conscience, and the laws applicable to trials by court‑martial, the case of the accused now before this court;**

**-and that you will not disclose or discover the vote or opinion of any particular member of the court upon the findings or sentence unless required to do so in the due course of law,**

**so help you God?**

To a witness prior to testifying:

**TC: Please raise your right hand:**

**Do you (swear) (affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth (,so help you God)?**

**Other Oaths as Contained in RCM 807, Discussion**

Unless otherwise prescribed by the Secretary concerned the forms below may be used, as appropriate, to administer an oath.

(A)

*Oath for military judge.* When the military judge is not previously sworn, the trial counsel will administer the following oath to the military judge:

“Do you (swear) (affirm) that you will faithfully and impartially perform, according to your conscience and the laws applicable to trial by court-martial, all the duties incumbent upon you as military judge of this court-martial (,so help you God)?”

(B)

*Oath for members.* The following oath, as appropriate, will be administered to the members by the trial counsel:

“Do you (swear) (affirm) that you will answer truthfully the questions concerning whether you should serve as a member of this court-martial; that you will faithfully and impartially try, according to the evidence, your conscience, and the laws applicable to trial by court-martial, the case of the accused now before this court; and that you will not disclose or discover the vote or opinion of any particular member of the court (upon a challenge or) upon the findings or sentence unless required to do so in due course of law (,so help you God)?”

(C)

*Oaths for counsel.* When counsel for either side, including any associate or assistant, is not previously sworn the following oath, as appropriate, will be administered by the military judge:

“Do you (swear) (affirm) that you will faithfully perform all the duties of (trial) (assistant trial) (defense)(associate defense) (assistant defense) counsel in the case now in hearing (,so help you God)?”

(D)

*Oath for reporter.* The trial counsel will administer the following oath to every reporter of a court-martial who has not been previously sworn:

“Do you (swear) (affirm) that you will faithfully perform the duties of reporter to this court-martial (,so help you God)?”

(E)

*Oath for interpreter.* The trial counsel or the summary court-martial shall administer the following oath to every interpreter in the trial of any case before a court-martial:

“Do you (swear) (affirm) that in the case now in hearing you will interpret truly the testimony you are called upon to interpret (,so help you God)?”

(F)

*Oath for witnesses.* The trial counsel or the summary court-martial will administer the following oath to each witness before the witness first testifies in a case:

“Do you (swear) (affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth (,so help you God)?”

(G)

*Oath for escort.* The escort on views or inspections by the court-martial will, before serving, take the following oath, which will be administered by the trial counsel:

“Do you (swear) (affirm) that you will escort the court-martial and will well and truly point out to them (the place in which the offense charged in this case is alleged to have been committed) ( ); and that you will not speak to the members concerning (the alleged offense) ( ), except to describe (the place aforesaid) ( ) (,so help you God)?”