**Section 400.825 Oaths**

a) Oath by Trial Participants. *Before performing their respective duties, military judges, general and special courts-martial members, trial counsel, defense counsel, reporters, and interpreters shall take an oath or affirmation in the presence of the accused to perform their duties faithfully. The form of the oath or affirmation* is prescribed in subsection (f). *The time and place of the taking of the oath or affirmation, the manner of recording the oath or affirmation, and whether the oath or affirmation shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in statute or this Manual. These regulations may provide that an oath or affirmation to perform faithfully the duties as a military judge, trial counsel or defense counsel may be taken at any time by any judge advocate or other person certified or designated to be qualified or competent for the duty* (e.g., a court reporter or notary public)*. If an oath or affirmation is taken, it need not again be taken at the time the judge advocate or other person is detailed to that duty.*

b) Oath by Witnesses. *Each witness before a court-martial shall be examined under oath or affirmation.* (Code Section 42)

c) Administrators of Oaths. *The following persons may administer oaths for the purposes of military justice:*

1) *All judge advocates.*

2) *All summary courts-martial.*

3) *All adjutants, assistant adjutants acting adjutants, and personnel adjutants.*

4) *The president, military judge and trial counsel for all general and special courts-martial.*

5) *The president and the counsel for the court of any court of inquiry* (see Section 400.1300)*.*

6) *All officers designated to take a deposition.*

7) *All persons detailed to conduct an investigation.*

8) *All other persons designated by U.S. Army regulation 27-55* (notary services) *or by* 10 USC 1041a (authority to act as a notary)*.* (Code Section 136(a) and (b))

d) Prescription of Oaths

Before performing their respective duties, military judges, members of general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant or associate defense counsel, reporters and interpreters shall take an oath to perform their duties faithfully.

1) 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)?"

2) 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)?"

3) 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)?"

4) 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)?"

5) 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)?"

6) 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)?"