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State Department
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February 13, 1974

MEMORANDUM TO MR. HELFER

Re: Oaths of Office

As expected the only oath or affirmation demanded of members of state legislatures and holders of state executive and judicial offices is found in Article VI of the U. S. Constitution which simply requires that they "support the Constitution."

48 U.S.C. 1465 is equally general when it asserts that the governor and secretary of each Territory must swear to "support the Constitution of the United States and to discharge the duties of their respective offices."

The oaths of office required in Guam, Puerto Rico and the Virgin Islands are similar in that the first category of importance is support of the U. S. Constitution. The oath of office for Guam, 48 U.S.C. 1423(d), and the Virgin Islands, 48 U.S.C. 1543, are virtually identical in that they additionally require support of the laws of the U. S. applicable to Guam/Virgin Islands and the laws of Guam/Virgin Islands. Puerto Rico's oath, 48 U.S.C. 874, does not have the phrase "laws of the U. S. applicable to . . .", but simply asks for support of the laws of Puerto Rico in addition to support of the U. S. Constitution.

American Samoa's oath of office is contained in Article V, section 6 of the American Samoan Constitution. It essentially reads like the standard civil service oath with the addition that the officeholder will " . . . well and faithfully uphold the laws of the United States applicable to American Samoa, and the Constitution and laws of American Samoa."

None of the oaths speak of execution or enforcement of U. S. laws, but stay to the more general assurances of support for the U. S. Constitution and U. S. laws applicable to the various territories.

Charles McElwain

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