

FREEDOM FROM RELIGION *foundation*

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August 25, 2010

SENT VIA MAIL AND FAX
(609) 777-4099

COPY

Mr. Bret Schundler
Commissioner
New Jersey Department of Education
PO Box 500
Trenton NJ 08625

Dear Commissioner Schundler:

I am writing on behalf of concerned New Jersey teachers and members of the Freedom From Religion Foundation (FFRF) to alert you to objections to the required Oath of Allegiance. FFRF is a national nonprofit organization with more than 16,000 supporters across the country including 340 members in New Jersey. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that the Department of Education requires teachers to submit an "Oath of Allegiance/Verification of Accuracy" form in order to be licensed in the state of New Jersey. That form includes the following oath:

"I, _____ do solemnly swear, (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will bear true faith and allegiance to the same and to the governments established in the United States and in this State, under the authority of the people, so help me God."

The oath, as written, does not allow an appropriate alternative for those who object to it for reasons of personal conscience. We were contacted by a teacher who objected to the oath ending "so help me God." Teachers with no belief in a god and teachers of some religions (such as Jehovah's Witnesses) may object to the oath.

The oath directed by the Department of Education is not in compliance with the New Jersey statute on oaths and affirmations. If a teacher objects to taking an oath, an appropriate affirmation must be provided in its place. *See N.J.S.A. 41:1-6.* The Department of Education form does say "or affirm" in the beginning but ends with the statement "so help me God." The affirmation statute provides that "the words 'so help me God,' at the close of the usual oath, shall be omitted." *Id.* Because your form omits an adequate affirmation, the Department of Education fails to accommodate educators who are unable to swear "so help me God."

As a matter of policy, the "Oath of Allegiance/Verification of Accuracy" licensing form should be changed. Those who object to oath swearing should not have to "out" themselves and contact the Department of Education regarding personal and private religious belief or non-belief. In the interests of protecting teachers from intrusion into their belief or non-belief, and in the interests of convenience, the Department of Education should change its licensing form to also include a choice of a separate affirmation. This could be accomplished by providing a separate section for those teachers who would like to make an affirmation. Ultimately, this will strengthen the importance of the oath or affirmation because teachers who affirm will sincerely believe that which they are affirming.

Please amend your licensing form so that it is in compliance with New Jersey law. Please notify us of the steps you are taking to address this violation so that we may notify our complainant.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Elliott".

Patrick Elliott
Staff Attorney*

Cc: Office of Licensure and Credentials

*Admitted to practice in the State of Wisconsin