

The Constitution is at the Heart of the Governor's Oath of Office

Overshadowed amidst the politics, pomp and ceremony of Governor Perdue's inauguration, is the administration of the oath of office. With the Governor's left hand on a family Bible, her right hand raised to the heavens, Chief Justice Sarah Parker administered the oath in a little less than one minute. Yet at the heart of this transition of power and moment of historical significance lies the very core responsibilities of our state's new chief executive.

The Constitution of North Carolina requires the Governor to take the oath before entering upon the duties of her office. In essence, however, the single oath is in fact three separate pledges. The first simply states that the Governor will support the Constitution and laws of the United States. Secondly, the Governor will support the Constitution and laws of North Carolina. Finally, the Governor promises that she will faithfully perform the duties pertaining to the office of Governor. However, the General Statutes of North Carolina set out in greater specificity the second part of the oath:

"I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with Constitution of the United States, to the best of my knowledge and ability; so help me God."

Therefore, at the heart of the Governor's oath of office and the Governor's responsibility to the people, is a binding commitment to our Constitution. And at the heart of our state Constitution lies the Declaration of Rights of our citizens, many of which date back to the original North Carolina Constitution adopted in 1776. The sovereignty of the people, separation of powers, trial by jury, freedom of the press and many more specific rights are set forth in the opening Article. Secondly, the North Carolina Constitution sets out the framework and structure of our state government, detailing the three branches of government and Articles on Finance, Education, Suffrage and Eligibility to Office to name a few.

While the rights of the people and the structure of government are set out, the Constitution is ultimately defined as a limitation on the power of government. When the people of this state first broke away from the English monarchy and created this new state over 230 years ago, the North Carolina Constitution served as the fundamental restraint on the abuses of governmental power that had precipitated the break with England. Today our North Carolina Constitution still stands as the ultimate limitation on the powers accumulated by government and the exercise of authority over our citizens.

As each elected official in this state from the Governor through the Council of State, to the General Assembly to the Judiciary takes their individual oaths of office, each will promise to protect and defend the North Carolina Constitution. Hopefully, each will have at least read the Constitution and taken to heart its admonition in Article I, Sec. 35 that states: "A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty."

Justice Robert F. Orr