

6.21. Religious Beliefs or Opinions

Evidence of a witness's religious beliefs or opinions is not admissible to impeach or support the witness's credibility.

Note

This rule is derived from substantial Court of Appeals precedent. (*See e.g. Matter of State of New York v Andrew O.*, 16 NY3d 841, 844 [2011]; *People v Wood*, 66 NY2d 374, 379 [1985]; *Brink v Stratton*, 176 NY 150, 154-156 [1903].) As stated by the Court in *Wood*: “[A]ny attempt to discredit . . . a witness because of his religious beliefs or for the exercise of his right to affirm the truth of his testimony is improper, because those factors are irrelevant to the issue of credibility.” (*Wood*, 66 NY2d at 378; *see also Saunders v Champlain Bus Corp.*, 263 App Div 683, 684 [3d Dept 1942] [“The basic principle of our jurisprudence is that every citizen regardless of his position, his property, his race or his creed, is entitled to equal and exact justice”].)

This rule does not prevent the admission of evidence of religious beliefs or opinions when such evidence is relevant for a purpose other than attacking or supporting the witness's credibility. (*See e.g. Toomey v Farley*, 2 NY2d 71, 82 [1956] [“This . . . is that rare case in which proof of plaintiffs' piety and devotion to the tenets of their religion and of their prominence and activity in their church was pertinent to show the circumstances surrounding (plaintiffs), and as bearing upon the hurtful tendency of the libel, and the general damage to which (they were) exposed” (internal quotation marks omitted)]; *United States v Teicher*, 987 F2d 112, 118 [2d Cir 1993] [inquiry into a witness's religious beliefs “ ‘for the purpose of showing interest or bias because of them’ ” is not barred].)