

Alabama Rules of Evidence

Article VI. Witnesses

Rule 607.

Who may impeach.

The credibility of a witness may be attacked by any party, including the party calling the witness.

Advisory Committee's Notes

Historically, one calling a witness has been held to vouch for that witness's credibility; consequently, the courts generally have refused to permit impeachment by the party calling the witness. *Holloway v. Robertson*, 500 So.2d 1056 (Ala.1986); *Flournoy v. State*, 270 Ala. 448, 120 So.2d 124 (1960). See C. Gamble, McElroy's Alabama Evidence § 165.01(6) (4th ed. 1991); W. Schroeder, J. Hoffman, & R. Thigpen, Alabama Evidence § 6-1 (1987). A trend away from this traditional "voucher rule" has been evidenced by rules or rulings dealing with exceptional situations in which the calling party has been permitted to impeach. One may, for example, call and impeach an adverse party. Ala.R.Civ.P. 43(b) (superseded by Rule 607). Additionally, any party may impeach any witness with that witness's deposition. Ala.R.Civ.P. 32(a)(1) (superseded by Rule 607). This trend has been manifested on the criminal side by the judicial recognition of an adverse witness principle. See *Anderton v. State*, 390 So.2d 1083 (Ala.Crim.App.), cert. denied, 390 So.2d 1087 (Ala.1980); *Wiggins v. State*, 398 So.2d 780 (Ala.Crim.App.), cert. denied, 398 So.2d 783 (Ala.1981). See also C. Gamble & F. James III, *Perspectives on the Evidence Law of Alabama: A Decade of Evolution, 1977-1987*, 40 Ala.L.Rev. 95, 112 (1988); C. Gamble, C. Howard, & J. McElroy, *The Turncoat or Chameleonic Witness: Use of His Prior Inconsistent Statement*, 34 Ala.L.Rev. 1 (1983).

Rule 607, adopted verbatim from the corresponding Federal Rule of Evidence, abandons the voucher rule and is based upon the premise that a party regularly calls whichever witnesses are available and, consequently, does not vouch for their credibility or otherwise hold them out as worthy of belief. Rule 607 allows any party to impeach any witness.