



THE IRON CLAD OATH

THE BURDEN OF PROVING LOYALTY

For some, taking the Iron Clad Oath was not enough to prove a person's loyalty. In Linn County, Missouri, one election official added an additional requirement for prospective voters. George Easley claimed that while trying to cast his ballot in the town of Linneus, Missouri on September 22, 1866, registration officer Harvey Wauck refused to allow him to vote, even though Easley was willing to take the Iron Clad Oath. Wauck countered that Easley, a Union veteran, had failed to answer additional questions about his loyalty and further stated that Easley was known to have committed disloyal acts during the war that disqualified him from voting. In October 1866, Easley sued Wauck in Linn County Circuit Court for \$10,000 in damages. The court dismissed the suit on the grounds that Easley had not shown sufficient cause.

George W. Easley, Plaintiff
 against
 Harvey Wauck, Defendant.
 In the Circuit Court of Linn County, Missouri, Term 1866.

The defendant in answer to plaintiff's petition avers that on the 22nd day of September 1866, or on any other day, he while acting as a registration officer for the election district in which the town of Linneus, Linn County, Missouri, is located, with correctly, religiously or maliciously excluded plaintiff's name from the list of qualified voters of said election district.

Defendant avers that plaintiff was, at the time mentioned in the petition, or has been or is now a qualified voter, but on the contrary defendant avers that plaintiff is disqualified as a voter both by the Constitution and laws of the State. That the plaintiff has done many of the acts specified in the third section of the second article of the Constitution of this State, which disqualify and make him ineligible as a voter.

Defendant further avers defendant states that the plaintiff in applying for registration at the time stated in the petition, was duly sworn by defendant as such registration officer to tell and truly answer each question as might be put to him, by defendant

teaching the plaintiff, qualifications as a voter; that after answering one or two questions propounded to him by defendant the plaintiff declined and refused, and would not answer any other questions which were then and there put to him by defendant teaching plaintiff's qualifications as a voter. Whereupon defendant counterpleaded any further action with reference to the registration of the name of plaintiff, that he neither the plaintiff on his list as a qualified voter as a registered voter, nor otherwise. Plaintiff defendant avers to be discharged from further answering and that he have performed his duty.

R. H. Mulligan
 Atty for defendant.

Defendant's answer, George W. Easley v. Henry Wauck, Linn County Circuit Court, October 1866. Missouri State Archives

George Easley claimed that Linn County election official Harvey Wauck demanded that Easley take the Iron Clad Oath and answer the following questions before he could cast a ballot in an 1866 election.

1. Are you well acquainted with the terms of the 3d section of the 2d article of the constitution of the state of Missouri?
2. Will you now recite the general nature of the requirements of that section?
3. Have you during the late rebellion been truly and loyally on the side of the government of the United States and against all its enemies?
4. With whom did you sympathize during the rebellion?
5. How did you manifest your loyalty to the government during the war?
6. What acts of loyalty did you do during the war?
7. How did you oppose the enemies of the government?
8. Whom did you consider the enemies of the United States?
9. Did you ever belong to any secret organization during the war?
10. What were the names of such organizations?
11. What was the object and designs of such organizations?
12. Did you at any time during the rebellion leave the state?
13. When did you leave and when return?
14. Did you during the rebellion write or send letters to any person serving in the rebel armies?
15. Did you during the rebellion receive letters from any such persons?
16. Did you at any time during the rebellion feed or lodge or harbor any person or persons engaged in armed hostility to the United States government either in the rebel service or engage in what was commonly called "bushwhacking"?

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 against
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Plaintiff to the his command within time of the act just being done of such purpose for a cause of action against defendant state that by the Constitution laws laws of the State of Missouri, and in government of the making of said Constitution and laws in general election for members of Congress of the United States from the State of Missouri for representative of Congress within for some state of Missouri, for members of the state senate of said state, for members of the Legislature for the various counties and for all the county officers when officers were to be held on the day of November 6th 1866 in the said state of Missouri.

Plaintiff further states that defendant was appointed

and assumed to act as an officer of registration for the election district in which the town of Linneus, Linn County, Missouri is located, and that previous to the day of the holding of said general election, and while the said defendant was performing the duties of an officer of registration and on the 22nd day of September 1866, defendant was appeared to by plaintiff for registration of the plaintiff as a qualified voter of said election district which said defendant then cause three times refused plaintiff, and plaintiff failed and omitted to register plaintiff as a qualified voter of said election district which standing that plaintiff was on the said last named day of September 1866 a white male citizen of the United States and was on the day last named over the age of twenty one years and had resided in the state of Missouri more

than one year next preceding the general election held in the state of Missouri on the day of November 6th 1866, and was resident in the County of Linn, Missouri, and the said plaintiff was not for a number of years as a qualified voter as a white male citizen of the United States for which plaintiff says he is disqualified in the mind of his counsel and claims for which he asks full amount of said election district which being that plaintiff was not qualified by or under any of the provisions of the Constitution of the said state of Missouri, as a voter, the said plaintiff then upon then offering to take and taking to defendant to administer to him the oath required to be taken by the fifth article sixth section of the second article of the Constitution of the State of Missouri adopted in the year 1820. Plaintiff further states that defendant was appointed

by reason of plaintiff's wrongful refusal and refusal to register plaintiff as a qualified voter as the said plaintiff was not for a number of years as a qualified voter as a white male citizen of the United States for which plaintiff says he is disqualified in the mind of his counsel and claims for which he asks full amount of said election district which being that plaintiff was not qualified by or under any of the provisions of the Constitution of the said state of Missouri, as a voter, the said plaintiff then upon then offering to take, and taking to defendant to administer to him the oath required to be taken by the fifth article sixth section of the second article of the Constitution of the State of Missouri adopted in the year 1820. Plaintiff further states that defendant was appointed and assumed to act as an officer of registration

Pages from Plaintiff's petition for damages, George W. Easley v. Henry Wauck, Linn County Circuit Court, October 1866. Missouri State Archives

17. Did you furnish a horse, a saddle, a bridle, a blanket, a gun, a pistol, powder, shot or other ammunition or clothing or any of these articles to any person who entered the rebel service or engaged in what was commonly called "bushwhacking"?
18. Were you yourself at any time during the rebellion in the rebel service or engaged in what was commonly called "bushwhacking"?
19. Did you ever send or give information of any kind to persons who were in the rebel service or engaged in "bushwhacking?" If so what kind of information?
20. Were you at any time during the rebellion arrested by the military authorities of the government or state? If so state when and for what reason and how long you were thus kept under arrest.
21. Have you a son or a brother or other near relative in the rebel army or service or engaged in what was commonly called "bushwhacking?" If so state his name, his position and his present whereabouts?
22. Was such son, brother or near relative advised or urged by you to go into the rebel or "bushwhacking" service?
23. Did you help outfit such son, brother or other near relative by furnishing him with money, a horse, bridle, saddle, blanket, clothing or anything else?
24. Did you while such son was in the rebel or bushwhacking service, send him any money, clothing, food or other articles?
25. Did you at any time during the rebellion become security upon the bond of any person who had been arrested by the military authorities and who was released on bond? If so state for whom?
26. Did you at any time during the rebellion advise, counsel or urge any person whom so ever to enter into the rebel service or to engage in bushwhacking?
27. What were your feelings when you first heard of the defeat of the Federal Army at Bull Run, Va. in July 1861?
28. What were your feelings when you heard of the capture of General Mulligan and his army at Lexington, Mo. by General Sterling Price?
29. Were you at any time during the rebellion assessed by the military authorities to help rebuild bridges burned by rebels. Or were you assessed by such authorities for any other purpose. If so state for what amount and whether you paid it?
30. In 1862 in the enrollment made by order of the U. S. military authorities were you enrolled as loyal or disloyal?
31. Do you consider the constitution of this state, commonly known as the New Constitution, to be valid and binding upon the people of Missouri until declared void by the proper judicial tribunals?
32. Do you believe the "oath of loyalty" which you are required to take in order to be registered to be valid and binding on you?
33. Do you believe that taking the oath falsely involves perjury?
34. In taking the "oath of loyalty" do you do it "without mental reservation or evasion?"
35. Do you believe that in taking the oath of loyalty you make a statement of fact while calling upon God to bear witness to the truth or falsity of such statements?
36. Do you believe that a mental reservation or that any human law or any human decision or tribunal can absolve you from your responsibility to God if in taking the oath of loyalty you state that which is not true?

