

# MAJOR GENERAL JOSEPH HOLT

By Captain Darrell Baughn, USAR

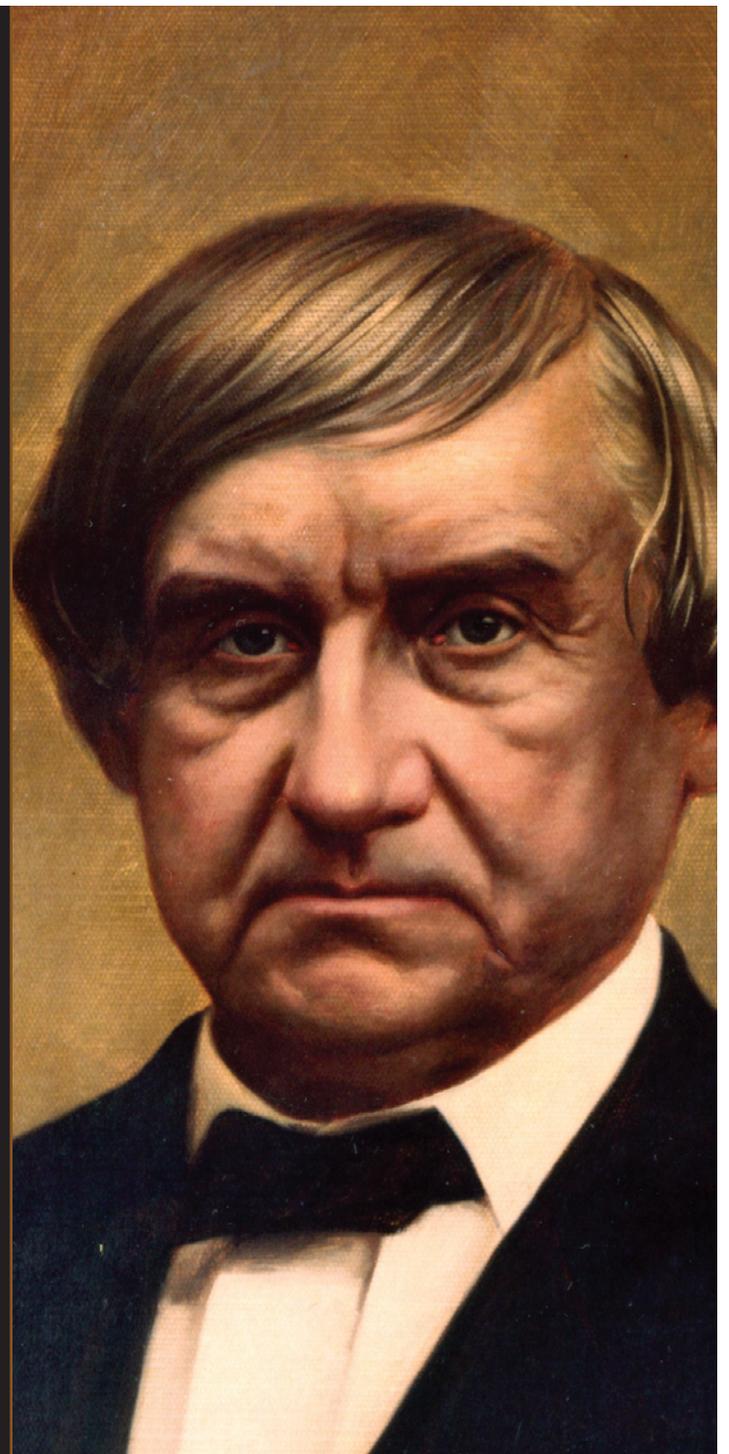
Joseph Holt was born in Breckinridge County, Kentucky in 1807. He attended Saint Joseph College and later moved to Louisville where he apprenticed to be an attorney. He practiced law in Elizabethtown, Kentucky, and served as the assistant editor of the *Louisville Advertiser*. When Holt became Louisville's commonwealth attorney, he was so successful that the governor of Kentucky eventually asked him to step down because he convicted too many individuals. Holt also became noted as an amazingly eloquent public speaker and delivered several famous speeches at Democratic political conventions.

When he moved to Jackson, Mississippi, in 1837, Holt was well received because of his oratorical skills. He practiced law in Jackson and Port Gibson before settling in Vicksburg for the next five years, practicing law at a time when the bar consisted of fifty attorneys statewide. He built a lucrative practice and became wealthy by handling land cases, municipal cases, and other legal disputes arising with rich plantation owners. He often tried cases against prominent attorneys Sergeant S. Prentiss and Henry S. Foote. His law partner, James O. Harrison, described Holt as one of the greatest attorneys and public speakers he ever heard. Townspeople would literally run to the court house when they heard he was speaking and would even clap to the displeasure of the court. Holt, however, did not form friendships easily, being socially disinclined, yet

Joseph Holt (center) seen here with the Honorable John A. Bingham, a judge from Wisconsin, and his assistant, Colonel H.L. Burnett. (Library of Congress)



Before serving as the The Judge Advocate General, Joseph Holt briefly served as Secretary of War under President James Buchanan from 18 January to 5 March 1861. (Joseph Holt, by Louis P. Spinner, Army Art Collection)



he possessed integrity, character, and a strong work ethic. Some described him as quiet, retired, and reticent.

When his wife, Mary Harrison, died of tuberculosis and he contracted the disease, Holt returned to Kentucky. He traveled through Europe and Asia and was in semi-retirement from the law. He later married Margaret Wickliffe, daughter of former Kentucky Governor Charles Wickliffe, and became politically active.

In 1856, he supported James Buchanan for President and, as a reward, Holt became Commissioner of Patents. While commissioner, he renewed Charles Goodyear's patent for the vulcanization of rubber and routinely denied patents for inventions that were not for the good of mankind or were too dangerous. In 1859, he became the Postmaster General in recognition of his unwavering integrity, solid work ethic, ability to make hard decisions, and possibly the intervention of Jacob Thompson, Buchanan's Secretary of the Interior. He initiated drastic reform and retrenchment to cure rampant corruption and a huge deficit. He prohibited the circulation by mail of any document that promoted insurrection or incited rebellion, including abolitionist material. In 1860, tragedy struck Holt when Maggie, his second wife, died.

In January 1861, Holt replaced John B. Floyd as Secretary of War when a primary concern was security of the nation's capital. Holt also advised the President and restored the public's confidence in this cabinet by being a strong advocate for preservation of the Union. When Abraham Lincoln took the Oath of Office on 4 March 1861, Holt hand-carried to him word of Major Robert Anderson's difficulties at Fort Sumter. After serving as Secretary of War, Holt traveled throughout the United States, speaking about the Union and the fallacy of neutrality. Thousands attended his speeches, and it is believed Holt's influence kept Kentucky in the Union. When this one-time slave owner and Douglas Democrat became a Republican, strongly supporting the Union, he made many enemies in the South, even among his own relatives.

Lincoln appointed Holt as The Judge Advocate General (TJAG) over the newly created Bureau of Military Justice. Directly commissioned as a colonel and later brevetted brigadier general, Holt was the first TJAG to serve in this capacity as a general officer, although he declined to don the uniform and continued to wear civilian clothes. Holt served on various commissions for the sick and wounded, sanitation, and claims. Through rigorous investigation and hard bargaining, Holt saved the Army \$17 million in fraudulent, illegal, and overpriced arms and ammunition contracts.

Holt reviewed thousands of courts-martial involving death and imprisonment, summarizing these cases for Abraham Lincoln, Vice President Andrew Johnson, and Lieutenant General

Ulysses S. Grant. Often, these cases had to be returned to the Soldier's commanding officer to reconvene the court-martial for not following the correct procedure. On a weekly basis, Holt would report to Lincoln directly with these cases, and they would spend hours perusing them together. The famous "leg cases" arose from these visits. Lincoln examined a stack of deserter cases one day, and after going over them for hours, he rolled them up and stuck them in a cubby hole in his desk. Since this desertion was their first offense, and since he himself had once felt his knees shake in battle, he favored leniency "because God gave man legs to run." By enforcing criminal procedural rules and issuing many TJAG opinions, Holt increased equity and uniformity in courts-martial.

Holt oversaw the court-martial against Major General Fitz-John Porter for disobeying orders and the military commissions against Confederate sympathizers Lambdin Milligan and Clement Vallandigham. Holt extensively investigated the northern Copperheads and identified the Order of American Knights and the Sons of Liberty as being guilty of numerous acts of rebellion, with Vallandigham as a principal leader. Holt's Copperhead report assisted the Republicans in the 1864 election, but some criticized it for being exaggerated and inaccurate.

After Lincoln's assassination, Holt's career reached its apex when he prosecuted the conspirators. George Atzerodt, David Herold, Lewis Powell, and Mary Surratt received death sentences and were hanged on 7 July 1865, while Samuel Arnold, Michael O'Laughlen, Dr. Samuel Mudd, and Edmund Spangler received life sentences that President Andrew Johnson later commuted. Mary Surratt was the first woman ever convicted and executed in the United States. Holt vigorously pursued Jefferson Davis for his alleged involvement in the conspiracy, but eventually dropped this case. Holt directed, reviewed, and made recommendations in the famous court-martial against Confederate officer Henry Wirz for his ill treatment of Union prisoners. For his faithful services during the war and with the military commissions, Holt was brevetted major general.

Over the years, many have accused Holt of using heavy-handed trial tactics and questionable evidence against the Lincoln conspirators and Wirz. Others accused him of suppressing favorable evidence like Booth's diary and evidence distinguishing between the conspiracy to capture and the conspiracy to assassinate Lincoln. Later, President Johnson accused Holt of suppressing the note from the military commission recommending clemency for Mrs. Surratt. To the grave, Holt swore he hand-delivered the clemency request along with the trial record to Johnson. Holt also addressed Congress over the use of Sanford Conover and other witnesses who received

reward money but later proved to be notorious perjurers. Former Secretary of Interior Jacob Thompson created another controversy by accusing Holt and Buchanan of being traitors for their role in the events leading up to the war. Holt responded that Thompson leaked critical information, allowing Southern forces to fire on the *Star of the West* and preventing it from re-supplying Fort Sumter. Finally, former Kentucky Governor Wickliffe, displeased with Holt's unionist activities and his role in the Lincoln conspiracy trial, is said to have chipped off the name Holt from his daughter's tombstone.

Holt might have been more famous had he been more politically ambitious. One rumor had him being selected for Vice President, while others had him vying for the presidency or appointment as a United States Supreme Court Justice. Lincoln appointed him Attorney General, but he declined.

Grant later offered him the opportunity to serve as Secretary of War, but he declined that appointment as well.

In 1875, Holt voluntarily retired after thirteen years, making him the longest serving TJAG in U.S. Army history. Perhaps nothing better illustrates Holt's character and work ethic than the thirty-seven volumes of *Letters Sent* Holt filled with every letter he wrote as TJAG. While continuing to read and attend presidential functions, Holt remained mostly a recluse and a defender of his past actions during the remaining years of his life.

When Holt died in 1894, newspapers across the country covered his death, and flags flew at half mast. He was buried in Kentucky at his family home. Controversy followed Holt into the grave when his heirs could find no will. Subsequently, a mysterious will surfaced, causing extensive litigation and making this case the first will-contest the United States Supreme Court ever considered. The will contest lasted for eight years at considerable cost

to the estate, which was worth between \$150,000.00 and \$300,000.00.

Joseph Holt's life and career suffered from one controversy after another, and papers often smeared his name even while faithful friends like Horatio King and James Speed defended him. However, his hard-won accomplishments as a successful attorney, Commissioner

of Patents, influential cabinet member, amazingly eloquent orator in key political events, military commission member, and as the TJAG under Presidents Lincoln, Johnson, and Grant, make him a significant figure in the history of the United States. His numerous innovations and opinions as TJAG became the catalyst for uniformity, change, and improvement in the administration of military justice and in the proper regulation of Army assets. However, Holt's greatest achievements will most



**Holt (far left) led the military commission that prosecuted the conspirators involved in the assassination of President Abraham Lincoln. Seen here next to Holt (left to right) are commissioners Brigadier General Robert S. Foster, Colonel H.R. Burnett, and Colonel C.R. Clendemin. (Library of Congress)**

likely forever be overshadowed by the aspersions cast on him by the South and newspapers, and by the many controversies in his life and afterward.

## ABOUT THE AUTHOR

*Captain Darrell Baughn received a B.A. in English at Belhaven College and a M.A. in English at the University of Alabama. He also completed all the requirements except for his dissertation toward his Ph.D. in English. Captain Baughn received his J.D. from the University of Alabama. He received a direct commission on 1 April 2003 and served with the 213th Legal Service Organization (LSO) and later with the 12th LSO. In 2005, he deployed to Iraq with the 1st Corps Support Command. He is currently assigned to the 412th Engineer Command in Vicksburg, Mississippi, as Deputy Staff Judge Advocate.*