

FIFTH ANNUAL GEORGE S. PRUGH LECTURE IN  
MILITARY HISTORY

JOSEPH HOLT: LINCOLN'S JUDGE ADVOCATE GENERAL<sup>1</sup>

SUSAN B. DYER \*

Thank you for all of the kind words. It's an honor to be here today, and I have enjoyed the touring and seeing the beautiful grounds of the University of Virginia and the JAG School and these memories will forever be pressed in my heart as I return to my small rural community and share them with everyone I see. Thank you so very much.

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\* This is an edited transcript of a lecture delivered on April 27, 2011, by Susan B. Dyer to the members of the staff and faculty, distinguished guests, and officers attending the 59th Graduate Course at The Judge Advocate General's Legal Center and School, Charlottesville, Virginia. The chair lecture is named in honor of Major General George S. Prugh (1920–2006).

Born at Fort Knox, Susan Dyer was educated at Western Kentucky University with a B.S., M.A., and Rank I in Education. Formerly a Language Arts teacher, Susan has been included numerous times in *Who's Who Among America's Teachers*.

Ms. Dyer lives in Breckinridge County, Kentucky, with her husband. They have two sons. Undertaking two projects at the same time, she has written the sensational story of Judge Joseph Holt, Judge Advocate General under President Lincoln, while working with various groups to save and restore Holt's boyhood home as part of the Lincoln Bicentennial Celebration.

Susan has received the following honors in relation to her work with the Judge Joseph Holt House: Outstanding Citizen of the Commonwealth, Kentucky House of Representatives, 2008; Volunteer of the Year, Breckinridge County Chamber of Commerce, 2008–2009; Cooperative Hero, *Kentucky Living Magazine*, March 2010; and most recently, an Ida Lee Willis Memorial Foundation 2010 Service to Preservation Award.

Susan Dyer, supporter of the Judge Joseph Holt House, serves on three committees for the house: The Holt House Steering Committee, The Friends of the Holt House, and is Vice-Chair of the Kentucky Lincoln Heritage Trail Alliance. Dyer is a featured speaker of the Speakers Bureau of the Kentucky Humanities Council.

Recent reviews and articles have appeared in the *Kentucky Civil War Bugle* Book Review, January–March, 2011; Bernson's Corner: A piece of American heritage Fox41-TV; Fall *Kentucky Humanities Magazine* Holt Article, and an interview on Wave 3TV.

Susan continues advocating for the preservation of the Judge Joseph Holt House in rural Breckinridge County to educate others about his legacy and role in President Lincoln's administration. On July 14, 2010 the second printing of *Lincoln's Advocate* was released by Acclaim Press and the book is in major book stores across Kentucky. Susan B. Dyer, *Lincoln's Advocate: The Life of Judge Joseph Holt* (Morley: Acclaim Press, 2009).

<sup>1</sup> SUSAN B. DYER, LINCOLN'S ADVOCATE: THE LIFE OF JUDGE JOSEPH HOLT (Morley: Acclaim Press, 2009).

I am not a lawyer, but what I am is a person who one day decided that the story of this most forgotten man deserved to be told; and in the process of researching that man's life, I began to pursue not only his history but his loves and his interests as well. This is a story put on my heart by God that has led to unpredictable rebirth and fresh discovery, so let's go on a voyage of discovery concerning Joseph Holt and see where it takes us.

During the time of the Civil War, most Americans knew the name Joseph Holt; however, his history has been mostly suppressed and overlooked at times by historians and writers for the past 150 years. Only recently has Holt's history been reclaimed.

So who is this man? Understandingly, his grandfather and his parents quickly influenced him. Joseph Holt was raised in rural Breckinridge County, Kentucky, on the banks of the Ohio River, and his parents encouraged him at an early age to pursue his education. He had a wonderfully devoted mother, Eleanor, who prepared all of her children for the classics. Early childhood exposed him to loving relatives who helped him to develop strong character, self-pride, and honor. Once he walked seventy-five miles home when one of his college professors shared a work of Holt's in class and caused embarrassment to him because it was read without his permission. Later, he joined the debate team at Centre College, located in Danville, in central Kentucky. He excelled there excellently. Debating proved to be one of Holt's most favorable experiences because he had a talent for speaking and he could make words come to life. He also had ambition and he worked harder and longer and more tireless than most.

He soon chose law as his profession. A case study done by Jim Gordon about mid-19th century lawyers in Kentucky shows that Holt's associates in the Kentucky Bar in the 1850s were all white males, most native born, with an average age of thirty-four, and half of them owned slaves. Most of them who could afford slaves owned more than one. A sizeable majority owned enough property to qualify them as substantial landowners, and most members of the Bar had received their legal education either in offices of established lawyers and some had pursued the curriculum at universities like Transylvania, in Lexington, Kentucky.

At that time, the American Bar was open to men of talent from all social backgrounds. It was democratic. It was demanding. In a society of limited entertainment, people flocked the courtrooms to watch and to

listen. They praised the skills of some and ridiculed those of others. They mimicked the voices and recounted the arguments and retold the stories. Lawyers could be cast as defenders of the weak and of minorities. Looking at all the issues, they could be admired for keeping their heads when under fire. But the lawyer was also a target of humor and some ridicule. The critics seemed to be saying that if the profession was going to claim special intelligence and wisdom, then its members should thus be intelligent and wise.

Among the most important aspects of the popular image of the Bar were those matters which concerned the lawyer's personal character. Could a lawyer be a moral man? Could he be a true Christian? Could he be anything but a money-grubbing parasite who fed upon the misfortune of others? A long history of anti-lawyer sentiment remained strong. What then made a great lawyer? Lawyers and judges would respond "talent and poverty," but as society diverged, the opportunities for lawyers increased. Some of those opportunities involved politics. Young men of ambition chose law to facilitate the quest for office. Participation in public life was not a required part of the profession; however, practicing law was not necessarily perceived as a part of being a politician but it seemed that way to many.

Some sought to serve not through politics but through service on the bench, and in fact if a lawyer had aspirations to be a judge, he had to become involved in politics. And before 1850, all judges were appointed in Kentucky. Judges didn't earn their robe simply because they'd had success at the Bar, and in short, the practice of law in 1850 in Kentucky could often be very painful and poverty filled. It could also be, though, exciting. It offered an attractive path to young and ambitious Kentuckians, such as Joseph Holt. In June of 1828, at age twenty-one, Holt appeared before a judge and took the oath as an attorney, and for the next two years, he worked in a partnership with the famous Ben Hardin, one of the foremost trial lawyers of Kentucky. A brilliant orator, he also served in Congress for over a decade, and once with his ability he was able to dissect an opponent with his blunt oratory that won him the nickname of "Kitchen Knife" Hardin.<sup>2</sup> Soon though, however, Joseph started his own practice and became very successful in Elizabethtown. He traveled widely and gave an influential speech there preceding the 1828 presidential election. Having prospered with his practice, Joseph

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<sup>2</sup> LUCIUS P. LITTLE, *BEN HARDIN: HIS TIMES AND CONTEMPORARIES, WITH SELECTIONS FROM HIS SPEECHES* 63 (1887).

moved to the more inviting, intriguing, and faster paced city of Louisville in 1831, and he proudly hung his shingle on Jefferson Street, between 5th and 6th. He soon gained the attention of the powers that be in Frankfort, the capital. Holt was appointed to Commonwealth Attorney at the salary of three hundred dollars by Governor Breathitt in 1833, and 26-year-old Joseph held the office until 1835 when his friend died. Not having been reappointed because the new Whig governor, James Morehead, quickly removed all Jacksonian Democrats, and having no political ties with this new administration, Holt then closed his practice and headed to the very first National Democratic Convention held on May 21, 1835, in Baltimore, Maryland.

Joseph Holt, the delegate from the Jackson wing of the Democratic Party, carried with him letters of introduction to the eventual presidential nominee, Martin Van Buren, the choice of that branch of the party; however, the party did not agree on the nomination for Vice President. War hero Richard M. Johnson, of Kentucky, promised the nomination by Jackson, found strong opposition from the Virginia delegation. The southern men opposed Johnson because he openly lived with a slave mistress and raised their mulatto daughters as his own. Johnson's name was placed in nomination but some delegates blocked the move to make it unanimous. Several others attempted to talk but the chair refused them. At that moment and critical point, Holt was recognized and he began speaking for his fellow Kentuckian. Joseph Holt got the delegates' attention with his well chosen words. His speech touched the audience's deepest emotions as he offered a heartfelt message. He stressed the values and the ethics of the nation and the party:

If, Mr. President, you at this moment transport yourself to the far west you would find upon one of her green and sunny fields a person, a person who had sprung from the people. He was one of them in his heart and all its recollections and its hopes and its sympathies was blended with the fortunes of toiling millions. When this nation was agonizing and bleeding in every pore, when fire had desolated your northern frontier, he rallied about them the chivalry of his state and dashed with his gallant volunteers to the scene of hostilities resolved to perish or to retrieve the national honor.<sup>3</sup>

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<sup>3</sup> DYER, *supra* note 1, at 83.

Holt vividly described Johnson's heroism in the War of 1812, and on that day, Joseph Holt secured the nomination for Richard M. Johnson.

After Holt's brilliant delivery, the delegates wanted to meet the young man, and soon the 29-year-old Joseph Holt's words graced the headlines of all the important papers of the day. The story would spread across periodicals about the 1835 Democratic Convention's success in building strong principles for the nation to support in the upcoming election of 1836; and on his return home in 1835, Joseph Holt decided to move south, seeking to secure a fortune in the cotton lands of the southwest. Arriving late in the fall at Port Gibson, Mississippi, he resided there for two years and then moved on to Vicksburg, where he enjoyed the competition there at the Southern Bar.

Over the next several years, Holt's law practice thrived. His reputation grew. He could draw observers who were entertained by his unique, skillful, and powerful talks. His performances left juries spellbound. Always well prepared for his clients, he presented substantial evidence supporting his cases, and if that failed, then he fell back on oratory; and one of his most noted cases was *Vick Newitt versus the Mayor and Aldermen of Vicksburg*. The case involved land that the founding father had dedicated to the public. The case carried into the highest courts with Holt, the winning lawyer, representing the city and the losing side represented by the noted orator Seargent S. Prentiss; that case made Joseph Holt a highly respected lawyer, and he realized very quickly his dream of becoming wealthy in four or five years to retire.

But hard work brought very dull living in a strict, routine life. He longed for someone to share his success. Now at thirty-two, he wanted a spark in his life and Kentucky called him home. A young lady named Mary Harrison had been corresponding with him for a few years and he returned to Kentucky and he soon married her on April 24th, 1839. This union helped to promote his career as Mary was the daughter of the very distinguished Dr. Burr Harrison, of Bardstown; however, Mary became quite ill with tuberculosis and Joseph retired from the fast-paced, demanding schedule to help care for her. He showed signs of tuberculosis himself but recuperated. However, Mary did not. And after her death, Holt traveled to Europe trying to ward off his depression. He gradually succeeded for upon returning to Kentucky he soon won the heart of former governor Charles Anderson Wickliffe's daughter Margaret [sic] and they married on April 2nd, 1850. This union also helped to boost his political career and help him gain connections.

Despite his hopes though, Holt had problems with his finances, especially in the late 1850s when he sought political office in earnest, and in one of his letters to his second wife, Margaret, he said, "I'm sending you two hundred dollars to furnish the house in Philadelphia but please be careful with this money and take care of it because it's all I can spare until I have a regular paycheck."<sup>4</sup>

Holt believed that office holders had responsibilities to uphold, and when James Buchanan was elected President, Holt became the Commissioner of Patents and held that office until 1859. Immediately after taking office, Holt started to reorganize the agency. The Patent Office had been inefficient since the very beginning due to lack of communications between the departments and there had been some disorganization because of a huge fire in 1836. Holt also believed that agency administrators had been taking bribes from people who were wanting patents. Holt quickly made a name for himself. In his first annual report, he lambasted the holders of profitable patents who were building up with the powerful Washington lobbyists who had sought political favoritism. He refused to renew Samuel Colt's patent on the revolver and Cyrus McCormick's patent on the reaper. Instead, the commissioner went with underdogs, such as Charles Goodyear and his rubber processing plant. During that year, Holt had received letters from investors saying that Goodyear had only made a profit of thirty-three dollars and it was for the good of the country for him to approve this patent. Holt, who had lost money himself from bad investments and the stock market, had empathy for hard luck stories, especially like Goodyear's, and he seemed willing to give hardworking individuals more of a break.

In 1859, President James Buchanan commissioned Joseph Holt to be the Postmaster General of the United States, and at that time all across the country newspapers praised this appointment. In general, they stated that Holt would be fair, honest, and dependable; that he could not be led astray; and that his high intelligence would help him and allow him to head the United States Postal Service in such a professional way. Examining Judge Holt's own scrapbook shows how proud Kentucky was of this new cabinet minister. He kept clippings that praised his moral character, as they noted him as being an advocate before the courts when he was prosecuting attorney in Louisville, where he'd been a terror to all

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<sup>4</sup> Letter from Joseph Holt, to Margaret Holt (Sept. 1857), (Holt Collection, Box 17, Manuscript Division, Library of Congress).

the evildoers where he had helped to clean up that corrupt city. The new Postmaster General, they said, wanted to do justice and to promote national interest to all areas of our nation; high praise indeed but would that translate into success?

In large part, he did succeed. Later, newspapers praised him for saving our country over one million dollars for the U.S. Post Office for providing faster and better service and for eliminating delays caused by handling the mail so many times. All of that made him a rising man in the Democratic Party. With standards set extremely high by the press and with the weight of this responsible position, Holt realized that his past career with the Bar where he acquired fame as an orator and a jurist in the southwest meant that now he was starting all over again.

Holt enjoyed working and finding errors in the system and rooting out abuses in government. How we need men like Holt today. He showed such high levels of energy and he displayed the highest integrity. Holt was his own man. It is not easy making a commitment to serve the nation, especially when you have to leave behind the ones who are dear to you, and letter writing helped Holt to stay in touch and to share his personal thoughts, especially with his second wife, Margaret, whose father had served as Postmaster General under President Tyler. Reading those letters shows a very frustrated personal side of a public man. .

Unfortunately, Holt found corruption within the U.S. Post Office. One widely publicized case during Holt's term as Postmaster General involved Gideon Westcott. He was the Postmaster at Philadelphia, and in the second quarter of 1857, Westcott discovered a deficit of the cash in hand of over fifteen hundred dollars. Not knowing if the money had been taken by the clerks or others, Westcott held the clerks responsible for the loss and withheld the money from the salary of fifty-seven employees while concealing it from the Government.

The cover-up stayed concealed for over two years until it was discovered deep in the archives of the Post Office in 1859. President Buchanan quickly removed Westcott from office. Holt defended the President. He explained that Westcott was an officer charged with the disbursement of public monies. He concealed his actions from the Government for over two years, and when the deception was exposed, he was simply removed. It was as simple as that. Yet as all of this was occurring, a more serious threat loomed on the nation. The nation could not solve its problem of slavery. Holt took a mostly pro-Southern

position. A slaveholder, Joseph Holt still argued that slavery was contrary to all principles of justice, every precept of reality, every feeling of humanity, every sentiment of honor. Color determined whether a man or a woman was free or a slave. He favored a gradual end to the institution, but an end nevertheless, yet he also spoke out against personal liberty laws in the North, which protected runaway slaves. He stressed that slaves under the law were property; property must be returned. The legal won out over the moral, and as Postmaster General, he banned abolitionist literature from entering Virginia. This action infuriated critics, such as Edward C. Bates, Lincoln's first Attorney General. At that stage of his career, Holt was a state rightist who believed that no constitutional provision enabled the Government to force a state into submission. But as Ralph Waldo Emerson wrote, "A foolish consistency is the hobgoblin of little minds."<sup>5</sup>

Holt changed. He began a political shift as the North and the South came closer to war. With his birth placing him closer to the Southern camp, the death of Holt's second wife became a turning point in his life in the summer of 1860. He began to distance himself from his family. He believed that secession represented a serious danger to law and to order, to the promise of America, and to the future. Holt feared that the secessionists had taken states' rights too far and had become dangerous extremists threatening the Union's stability.

During his final weeks in office, President Buchanan was confronted with a new crisis over the Confederate efforts to take Forts Pickens in Florida and Sumter in South Carolina. Joseph Holt believed that the Southerners were using tactics of delay to secure more arms. He favored immediate reinforcement of the forts and Buchanan's indecision upset Holt; as a result, Joseph Holt then shifted his support toward Lincoln and cooperated fully with General Winfield Scott to prevent hostile demonstrations during the inaugural ceremony.

Holt's political change infuriated his brother Robert, who accused Holt of abandoning his birthplace. His family remained torn apart during the Civil War, and even after the Civil War when his family traveled to Washington, D.C., to see him, he refused to see them if they had supported the South. It was a brothers' war, as well as a decidedly uncivil one. And on December 31, 1860, with only a few months left before the controversial new President-elect Abraham Lincoln would

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<sup>5</sup> RALPH WALDO EMERSON FROM *ESSAYS: FIRST SERIES SELF-RELIANCE* (1841).



take the oath, the pro-Southerner Secretary of War John Floyd, of Virginia, resigned after being charged with illegal diversion of Government funds, and the following day the President quietly placed Joseph Holt in charge of the War Department on an interim basis while continuing to serve as the Postmaster General. Shortly afterwards, the President asked Holt to accept this post permanently, but Holt argued that he shouldn't do this, as it would probably just lead to an angry and fruitless debate and that he could serve the administration quite well under the provisional appointment which he now held. But after some further conversations he accepted, though apparently with some reluctance.

On January the 9th, 1861, John Slidell of Louisiana offered a resolution requesting information on whether the Secretary of War's office was vacant, and if so to inform the Senate how and by whom the duties of said office was discharged and if an appointment had been made of a provisional Secretary of War he wanted to know how it has been; how, when, and by which authority it had been made; and why this appointment was not communicated to the Senate. The resolution forced the President to act, and on Thursday, January 17th, 1861, the Senate received a message nominating Joseph Holt of Kentucky as the Secretary of War of the United States.

It was an uncivil, dangerous time. Holt worked to keep the country from turmoil. Numerous memos came across his desk daily. Each note, each telegram, each personal interview were all taken with stride; all correspondence was quickly analyzed and carefully answered about the concerns of the day. Many Southerners had resigned their positions and had gone home; however, Holt stayed and became one of the first strong leaders of the Civil War.

On March 21, 1861, soon after the inauguration of Lincoln, Lincoln wrote to Holt for a personal interview. This new Republican President needed Holt's support. He hoped that Holt could help the administration establish an alliance with the modern Democrats. Besides that, Holt's shifting native Kentucky would hold doubts. As it turned out, Joseph Holt proved instrumental in preventing the secession of his beloved Kentucky. He gave speeches and wrote a pamphlet titled *Policy of the General Government, The Pending Revolution, Its Objects, Its Probable Results If Successful, and the Duty of Kentucky in Crisis*. If Kentucky went with the South, it would take a sizeable population, great agricultural wealth, and the national defense line of the Ohio River. It

could mean the difference in the Union's success or failure and Lincoln knew this—Holt's native state, Lincoln's wife's home state, and his place of birth crucial to success. In his appeals for the Union, Joseph Holt used words that burned, leaving unique quotes in people's minds. His words told, the consequences that could face Kentucky if they chose to go with the South. Holt wrote to his and Lincoln's good friend, James Speed of Louisville, and expressed his feelings in a letter that Speed published in all of the major newspapers of Kentucky before the Kentucky legislature would vote.

Kentucky declared itself neutral in May of 1861, and at that time there were almost three nations: the United States, the Confederate States, and Kentucky; and in 1861, most Kentuckians wanted both Union and slavery. Holt also helped to set up a recruiting station across the Ohio River from Louisville, in Jeffersonville, Indiana, called "Camp Joe Holt."<sup>6</sup> It was established to sign up Kentucky troops, many of them from Louisville, for the Union Army. Since the state had declared itself neutral, the Kentucky Unionists, encouraged by Joseph Holt, worked to keep Kentucky from seceding. Holt's elegant voice helped to capture the serious mood of the Commonwealth. His words made people think as families became torn apart, including his own. This Civil War was dividing not only a nation, but also the basis upon which the family was built. He asked the people of Kentucky to appeal to their neighbor, to honor their patriotism, to protect their country's flag, the flag of freedom, and life or death.

Joseph Holt was instrumental in Kentucky with his letters and his speeches. Would the state go the next step and support the Union that Henry Clay had so loved or would they support another Kentuckian, Jefferson Davis? Would they support the flag that had always protected them? Would they keep Kentucky from becoming a battleground of the South? Holt felt that Kentucky should take its rightful place of defending the Union, and on July 13th, 1861, Holt delivered one of the most important speeches of his entire life:

I wish solemnly to declare before you and the world that I am for this Union without conditions, one and indivisible, now and forever. I am for its preservation at any cost of blood and treasure against its assailants. I

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<sup>6</sup> LOWELL HARRISON & JAMES C. KLOTTER, *A NEW HISTORY OF KENTUCKY* (LEXINGTON: UNIVERSITY PRESS OF KENTUCKY 66 (1997)).

know no neutrality between my country and its foes, whether they be foreign or domestic; no neutrality between the glorious flag which floats over us and the ingrates and traitors who would trample it in the dust.<sup>7</sup>

The words had been spoken; the appeals written. It was decision time. Which uniform would Kentuckians choose, blue or gray? By not choosing either, they chose both, and on September 1861, the pro-Union legislature reacted to Confederate troop incursion and officially declared Kentucky a Union state. Some 100,000 citizens would fight for the Union and 40,000 for the South. Joseph Holt's efforts had helped convince Kentucky to abandon its stance of neutrality and to support the Union. While some of Lincoln's cabinet members gave him more headaches than help while in office, Joseph Holt was a person who worked and served without complaint.

Lincoln knew that to be successful he needed the support of the slave border states of Kentucky, Missouri, Delaware, and Maryland. He had said that he'd hoped that God would be on his side but he knew he must have Kentucky. Kentucky had produced leaders. The importance of Kentucky on the national scene could be seen in the fact that in ten presidential elections from 1824 and 1860, Kentuckians had run for President or Vice President in eight out of ten races. The state had one of the three largest cities in the South and was in the top four in population. Holt had won a great prize for the Union and a great prize for Lincoln.

Lincoln's respect and confidence in Joseph Holt grew. Holt joined the Army as a colonel, but on September 3, 1862, President Lincoln appointed him the first Judge Advocate General to hold general's rank of the Union Army for his renown legal skills and his activist role in turning the Commonwealth of Kentucky towards the Union. Holt's appointment as JAG was also due to his recent service as a chairman of a military commission that had audited the accounts of Ordnance Department in the West and eventually the commission's investigation would save the Federal Government over seventeen million dollars in gun contracts. Holt went on to serve in that position for thirteen years until he retired in 1875 at his own request.

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<sup>7</sup> ELIZABETH D. LEONARD, *LINCOLN'S FORGOTTEN ALLY: JUDGE ADVOCATE GENERAL JOSEPH HOLT OF KENTUCKY* 145–46 (2011).

Holt quickly consolidated authority and organizations within the JAG Department, but he never reformed the Military Justice System fundamentally or made drastic changes in policy. He never thought he should change the law, but worked to clarify it within the framework of the existing congressional legislation, presidential proclamations, and articles of war. He helped devise the plan to employ former slaves as Union soldiers and gave Lincoln the needed troops that he had to have to be successful in the Civil War, and Congress recognized this plan by an act of July 17, 1862, that authorized President Lincoln to receive into service to the United States persons of African descent.

Holt had many duties as Judge Advocate General. He oversaw court-martial and military commissions. He supervised all military investigations of political prisoners. He used military commissions to try controversial civil cases. He investigated members of possible disloyal organizations, such as the Sons of Liberty and the Knights of the Golden Circle. Holt proved effective and received the rank of brigadier general in June of 1864. That same year Lincoln offered him two positions, the Secretary of the Interior or Attorney General, but Holt declined. When offered one of these cabinet posts, Holt told President Lincoln that he could serve him better in the position which he now held and begged the President to be assured that he was most grateful for this distinguished offer of the President's confidence and good will, but responded, "In it I cannot fail to the public duties with which you have already charged me."<sup>8</sup> Holt was also one of many considered for the Republican vice-presidential ticket.

The end of the Civil War brought relief to the people, but it also brought many challenges to a very tired and a tried nation; a nation that had been broken apart and now faced reconstruction that would test its people. The North rejoiced as most fighting had ended on April 9, 1865, with Lee's surrender to Grant but little did the country know what the future would bring when Judge Advocate General Joseph Holt was asked to deliver an address in South Carolina on the evening of April 14, 1865, at the Charleston Hotel. He had been invited by the Secretary of War to witness the ceremony of the raising of the United States flag that day on Fort Sumter. The former commander Kentuckian Robert Anderson made a warm tribute to the Secretary of War, and the Honorable Joseph Holt for the support they had given him while in command of that fort.

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<sup>8</sup> Letter from Joseph Holt, to Abraham Lincoln (Nov. 30, 1864) (The Abraham Lincoln Papers, Library of Congress, Series 1, General Correspondence.1833-1916).

Joseph Holt began his part of the program by saying he was most grateful for all the kind words and for the generous reception they had received but talked about the ruins of Fort Sumter, and how they had been pressed at his feet as he viewed the historic surroundings. “I experienced emotions too profound and was deeply conscious that silence would best express the awe and the wonder and the ambition and the thanksgiving with which I was filled and so I feel now. Holt continued,

We all thank the President of the United States for his delicate and earnest appreciation of the craving of hearts which has instructed him to order the flag which for four long years was lowered before the treacherous foe would be once again flying today among the breezes with salutes and honor restoring to the nation.<sup>9</sup>

That same night Holt received a telegram saying that President Abraham Lincoln had been shot.

The event that followed would challenge Holt and our nation and ultimately damage his reputation. The decision was made for a military trial; that now gave Holt the tremendous responsibility of prosecuting the conspirators who had slain the very President who had appointed him to that office. Members of the court sought a speedy result, as did the country. However, the haste to have a military trial caused hostile newspapers to demand more access. Holt agreed, wanting to change the negative public opinion about the legitimacy of the military trial. On the third day of the trial, he opened the doors to the courtroom.

Historians have raised fundamental questions about the relationship between civil and military authority. It’s been asserted that the military commission acted illegally in trying civilians and the court was composed of a vindictive group of Army officers who were eagerly looking for victims. However, on a closer examination of facts, it reveals that such a view is misleading. At the end of the Civil War, the assassination unleashed deep emotions. There’s no indication that a civil jury would have been more lenient than a military commission.

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<sup>9</sup> Joseph Holt, Remarks of Hon. J. Holt, Dinner at Charleston, South Carolina on Evening of 14th April 1–8 (1865).

Holt's career up to this time as Judge Advocate General had been full of accomplishments with bright promise, but the tragic incident of Lincoln's assassination forever changed the life of Joseph Holt, who probably would have achieved everlasting recognition had his name not been associated with all of the controversy surrounding the death of Lincoln. Much of this controversy focused on whether Joseph Holt came across as a vindictive and dishonorable man when he refused the clemency petition for Mary Surratt because of her sex and age.

What's the real story? Judge Advocate General Joseph Holt prosecuted the people accused of Lincoln's assassination. On June 19, the officers of the military commission went into closed session to deliberate the future of Mary Surratt and her fellow defendants, and subsequently found them guilty. But after the commission finalized the investigation, five of the members of the commission signed a recommendation of a lighter sentence for Surratt. Both the verdicts and the sentence were kept away from the public until President Andrew Johnson could examine and sign the papers. Five of the men on the commission signed the petition and it was attached to the assassination investigation. Brigadier General Holt delivered the papers personally to President Johnson. With the illness of the President, it was not until July 5 that Joseph Holt could be seen by the President, who quietly and without attention slipped into the White House through one of the side doors. Holt brought an abstract of the proceedings from the trial. Exactly what happened at the meeting will never be known except by the two. President Johnson did approve death sentences for all; execution day was then planned for July 7, only two days later.

One of the most intriguing mysteries of the Lincoln conspiracy trial involves the military tribunal's actions regarding the execution of Mary Surratt. Controversy surrounded Holt's presentation of the case to President Andrew Johnson. In his signing of the death warrants for Surratt and the other three conspirators, Holt insisted that President Johnson had read, discussed, and refused the petition for clemency. The President issued a statement denying he'd ever seen the recommendation. Holt thus seemed to be the villain.

But there seemed to be a rush to judgment, and if Holt had been lying about the clemency papers, how did he remain Judge Advocate General for ten additional years, until 1875, when he retired upon his own? Judge Advocate General Joseph Holt believed he conducted the Lincoln conspiracy trial fairly and worked for the rest of his life for the

honor of his name. After eight years of humiliation, Holt was finally vindicated of the dishonorable accusations by President Johnson. In a letter to Holt dated 1873, General R.D. Mussey wrote:

President Johnson told me of that recommendation for Mary Surratt's clemency. I'd seen this attempt to stigmatize you, an act for which then Andrew Johnson was proud, and which now declines with deep pain and still deeper shame. I'm pained because it's unjust and it's untrue and because it seeks to acquit him by charging a fearful crime of violated trust and of inhumanity to you.<sup>10</sup>

Holt was a man of the century who prompted Buchanan, a Democrat, and then Lincoln, a Republican, to appoint him to prominent posts in their administrations, yet his career ended in controversy and left him intentionally forgotten. He died nineteen years after his resignation.

With Holt's death, his spirit lived on. And like Holt, a forgotten man, his home became forgotten, sitting empty for over forty years, but now a new interest is returning; a new memory of Holt will live again. Joseph Holt's home in rural Breckinridge County is the only home remaining that represents the story of the Lincoln conspiracy trial. After the war, Kentucky became more pro-Southern. Holt's home state turned against him. He was a prophet without honor in his own state. He could never go home again.

Now is my chance to revisit history and explore the spirit and the man, Joseph Holt: Kentuckian, hero, attorney. The state historian, Dr. James C. Klotter, says it best when he stated, "Holt deserves better than history has given him." This year, 2011, marks the 200th anniversary of the Holt Plantation, and Holt's last wish was for his home to always stay in the family. How unique that 2011 will also be the beginning of the anniversary of 150 years when Holt served President Abraham Lincoln as Judge Advocate General of the United States.

We near the end of the discussion of Holt's story. This is also a story of how a school teacher from a rural county chose to be an advocate for a man and a cause. On a Sunday afternoon back in 1997, my husband and I were driving along Kentucky Highway 144, and I asked him to stop the

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<sup>10</sup> DYER, *supra* note 1, at 223-24.

car. As I stood in the middle of the road and gazed upon this most beautiful home—and I know it sounds strange but it's true—I could feel the pain from this home as if its last visitor had stopped and it was seeking me to help it. That day God put on my heart to do something and I could not get peace until I did. So everything started happening at the same time. I started talking to people. I started having meetings in my home, writing grants, giving talks, going to the Lincoln Bicentennial, writing mountains of letters and e-mails and phone calls, and if no one would listen to me or talk to me, then I was just a nice lady and went to someone else. And since that day, we have become an official Lincoln site, a legacy project of the Kentucky Lincoln Bicentennial. My county now owns the Holt House. I'm a go-between with the Kentucky State Preservation Office in Frankfort and our local Government, and we are working with the National Parks. A feasibility study is being done now, and we've been told by Don Wojeik from the Denver Service Center Planning Division, of Colorado that because of the Holt House and it's not preserved yet there's an eighty percent chance this will become a Kentucky Lincoln National Heritage Area and, yes, it's going to happen; I know it's going to happen.

For the past fourteen years, I have traveled many times to Holt's grave to sit in silence and just imagine what it was like when he was here. Many times as I would observe the surroundings and I would take notes I would put out all the modern-day sounds. As I listened to sounds of the past, sounds that Judge Holt would have heard, the setting produced ideas and strong emotions. One day when I went there to write the ending of my book, I walked inside the graveyard and stood beside Judge Holt's grave, as I often do, and as I stood there, a whirlwind of leaves started twirling around me and I'm trying to write and it just kept swirling and swirling around me and then it was a cloudy, dark, dreary day and the clouds opened and the light was shining down upon me like a silhouette. This really happened. It's in my book. It brought a quote to my mind from Joseph Holt: "It's encouraging to know that behind every cloud the sun's still shining; that if we're patient every cloud shall see its light again."<sup>11</sup> And, yes, we're patient. We're a rural area with not much money but with a big heart, and everything we do have, 19.5 acres and Joseph Holt's home, belongs to the people. It doesn't just belong to my people, to the region, and to the state, but it belongs to the nation. It belongs to everyone. His legacy has been saved for the future.

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<sup>11</sup> *Id.* at 250.



In conclusion, this forgotten man's life deserves to be better remembered, and the saving of his home will help his legacy be rediscovered. This is not just a story of words on paper alone, but it's also an account of restoration and a rebirth for a home and a reputation. Truth speaks to all of those who know it. Joseph Holt lived a life that nurtured a torn nation, but in his efforts to unite it, he made enemies and he left the people of his own state behind. Because of that, history has for too long forgotten a very important leader. The power of the past and of the people and the strength of knowledge, the trial of time eventually triumphs. Life as it was will never be again but the forgotten moments must be recaptured. Joseph Holt's spirit can rest knowing he did make the world a better place and lived life to the fullest. His fate was changed forever by the broken promise of a President, but to the end Joseph Holt loved his Kentucky and gave his heart to his government and to his America and I ask you for words of wisdom for my community because I'm always asking. If you have contacts or anyone who can help with Joseph Holt's legacy being remembered in his home, I welcome e-mails. I welcome addresses. I welcome anything. I will talk. I will write. I will bake cakes. I will do whatever it takes. Thank you so very much.