Lincoln's Forgotten Ally: Judge Advocate General Joseph Holt of Kentucky

Christopher Michael Curtis
Armstrong Atlantic State University

ISSN 0003-4827
Copyright © 2013 State Historical Society of Iowa. This article is posted here for personal use, not for redistribution.

Recommended Citation
Available at: http://dx.doi.org/10.17077/0003-4827.1722

Hosted by Iowa Research Online
Standing Firmly by the Flag is required reading for anyone who hopes to understand Nebraska’s Civil War experience.


Reviewer Christopher Michael Curtis is professor of history and department head at Armstrong Atlantic State University. His teaching and research focus on the Civil War and Reconstruction, especially nineteenth-century property law.

Colby College professor Elizabeth Leonard has written a captivating biography of Joseph Holt, one of the lesser-known members of Abraham Lincoln’s “team of rivals.” A slaveholding Democrat from Kentucky, Holt served in the Lincoln administration as judge advocate general beginning in September 1862 and continued to serve in that capacity until he retired during President Grant’s administration in 1875. Holt’s tenure as the chief officer of military justice thus spanned the transformative events generated by the expansion of military authority during the Civil War and Reconstruction. Leonard focuses on Holt’s role in implementing the Emancipation Proclamation, the policy struggles between military and civilian authority arising from the occupation of the South, and the prosecutions of Jefferson Davis and the Lincoln assassination conspirators (the subject of Leonard’s previous book, Lincoln’s Avengers).

The book is not simply a political biography, however. Displaying the dexterity of an accomplished historian, Leonard reconstructs Holt’s personal life to reveal a fascinating portrait of the type of representative—but not “great”—man who was instrumental in constructing the modern American nation. Leonard chose her subject well. Holt proves to be a complicated man, replete with the wonderful contradictions and pretensions of the Southern bourgeoisie. An upstart lawyer in a slave society, Holt was driven by a personal ambition that was exceeded only by that of his family members who were seemingly never satisfied with his accomplishments. He drifted between practicing law in Kentucky and Mississippi but remained a restive soul who sought solace in more traditional venues like dabbling in politics and marriage. Accordingly, one is hardly surprised to learn that political ambition finally engulfed Holt and he moved to Washington to seek office in the Buchanan administration. Success arrived in the somewhat disappointing form of an appointment as commissioner of patents, but he soon proved competent and loyal and was elevated to
postmaster general, a station much more befitting his opinion of himself. As a result, Holt’s political allegiance to the Union ultimately was secured when, as one of the last men left standing in the lame-duck Buchanan administration during the winter of 1861, he was appointed as secretary of war. From that unenviable position he could do little more than witness the fragmentation of the Union firsthand.

Leonard presents Holt’s biography in a traditional, chronological fashion, connecting his personal episodes to the larger political narrative of national crisis. Her work is well researched and informative. She fleshes out her portrait by augmenting evidence from Holt’s personal correspondence with an abundance of writings from family members and colleagues. Due praise aside, there are some missed opportunities. Holt’s relationship to slavery is not explained satisfactorily given its importance. Leonard documents his ambivalence, perhaps suggesting more of an antislavery tendency than the evidence warrants, but little mention is made of his own experiences as a slaveholder, including an inadequate explanation of when the slaves he owned were emancipated. More seriously, despite Holt’s achievements as the chief arbiter of military law, Leonard shies away from the subject of Holt and the law. Absent is any discussion of Holt’s legal theory or understanding of the law. Indeed, it appears simply as a career, a way to makes one’s way in the world. Given the role that Holt played in enforcing and adjudicating issues of confiscation, emancipation, and racial justice, this oversight is significant. Occasional references to correspondence with Francis Lieber, a noted law reformer and author of a code of instructions for military conduct, only whet the appetite for a more thorough analysis. The Civil War represented the ultimate repudiation of English common law forms and actions and their replacement with a new foundation of jurisprudence. Holt appears to have played a significant role in that transformation, but any such contribution eludes the scope of Leonard’s biography. These reservations notwithstanding, Professor Leonard has contributed another innovative book to her repertoire. It suggests that we still have much more to learn about the Civil War.