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# *Battle Cry*

Founded 1961,  
Newsletter of the Sacramento Civil War Round Table  
P.O. BOX 254702  
Sacramento, CA 95865-4702  
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## **President's Message**

Greetings One and All!

We have much to look forward to and discuss this month, most importantly, our annual commitment to Gibson Ranch's Civil War Day event for 2015.

We ask for volunteers to participate in this educational endeavor for more than a thousand local school children, grades five and eight. The dates of the event are May 1-3, 2015, with Friday, May 1<sup>st</sup> reserved for the school day program. Please consider joining all of us who have made this a yearly treat. And word of advice: I urge all those not initiated to wear waterproof comfortable shoes! This is an outdoor day. Our lunch is provided, and the exhibitors promise to be the best ever.

Two programs have popped up on different media streaming utilities: *The Better Angels*, a drama/biography of Abraham Lincoln's childhood in the harsh wilderness, and the hardships that shaped him; and *Field of Lost Shoes*, a drama/action film which depicts the group of sheltered, teenage Confederate cadets who are ordered into battle to prevent Union forces from taking the Shenandoah Valley in 1864. I love movies, and love, better still, to argue about them. So please see if you can watch them and we will have a grand time defending our points of view. This is a Round Table after all.

To reflect on March of 1865 is to crowd our thoughts with such extremes. March 2 has that upstart, George Armstrong Custer, defeating Jubal Early.

March 3, the Freedman's Bureau was created.

March 4 gave us perhaps the most beautiful and powerful of all American speeches: Lincoln's Second Inaugural Address.

March 13 Confederacy all the induction of Negro soldiers. The measure did not state that blacks who fought for the Confederacy would be free, although that was apparently the understanding.

March 25 General John B. Gordon captures Fort Stedman and punches a hole  $\frac{3}{4}$  of a mile wide in the Union line. Confederate units then made a desperate attempt to hit the Federal supply base at City Point. They were defeated with overwhelming force.

March 27, Lincoln holds a council of war with Ulysses Grant, William Tecumseh Sherman, and David Porter on the River Queen at City Point. Lincoln issues instructions on surrender discussions. He gives Grant wide-ranging powers on military matters. He reserves political matters for himself.

I'm hoping March finds you all well and hearty. Happy Saint Patrick's Day from your Irish President.

**Anne Peasley, President**

**MINUTES**  
**SACRAMENTO CIVIL WAR ROUND TABLE**  
**Wednesday, February 11, 2015**  
**HOF BRAU RESTAURANT, 2500 WATT AVENUE, SACRAMENTO**

1. Following a memorable video recording of Happy Birthday to Mike, the meeting was called to order by President Anne Peasley.
2. President Peasley led the Pledge of Allegiance.
3. President Peasley announced a museum exhibit at the Placer County Courthouse in Auburn, CA. The exhibit is entitled "California and the Civil War." It begins on January 27 and will continue through March 30, 2015. Richard Hurley is one of the guest curators.
4. Paul Ruud shared the news that the Orange County and Pasadena Round Tables will host the 2016 West Coast Civil War Conference in southern California October 28-30. Remember that the 2015 Conference will be hosted by our Fresno friends November 13-15. Paul also announced that \$1,500 generated at our recent Conference had been sent to Civil War battlefield preservation. More than \$1,000 of that amount was earned by the Conference raffle managed by Nina and Wayne Henley and donated to by members and others.
5. President Peasley turned the stage over to our own Doctor Don Hayden for the evening's presentation about the Oliver Wendell Holmes family. An interesting starting note was that all three of their names (Oliver, Wendell, and Holmes) were or had been family surnames
7. The early focus was on Oliver Wendell Holmes Sr. who was born in 1809 in Cambridge, MA. He studied medicine in Paris, France, and received his MD from Harvard in 1836. He also gained fame as a poet – most famously, Old Ironsides which was influential in the eventual preservation of the USS Constitution. Dr Holmes popularized the term "Boston Brahmin" and is credited with first using the stethoscope and also discovering the contagion phenomenon.
8. Holmes Sr. had three children, the oldest, born on 1841 was Oliver Wendell Holmes Jr, the eventual long term Chief Justice of the US Supreme Court.
9. Holmes Jr. dropped out of school to join the military, but shortly after returned and served mainly as an officer. He first fought and was wounded in the Battle of Balls Bluff. Following that, he returned home to recover which was the practice for wounded officers. He also fought in the Peninsula Campaign and was wounded again at Antietam where he took a round in the neck. His final wound was at Chancellorsville where he was shot in the heel.
10. Unconfirmed fame came his way at Fort Stevens in 1864 when General Early was threatening Washington, DC. President Lincoln was visiting the battle and it is alleged that when Lincoln was exposed to danger, Holmes shouted for him to "get down" using a couple different adjectives.
11. In 1881 Holmes published "The Common Law." This was a summary of his studies of cases and legal practices up to that time. It is still published and read today.
12. Holmes was appointed to the Supreme Court by Teddy Roosevelt. He became close friends of Justices Frankfurter and Brandeis.
13. Holmes was most famous for the "dissents" that he wrote following Supreme Court cases.
14. Holmes married the daughter of a school teacher, but they did not have any children.
15. President Peasley thanked Don Hayden for his excellent presentation.
16. John Zasso sold additional raffle tickets and read the lucky numbers.
17. The meeting was adjourned at 8:17 PM. The March Board meeting will be Wednesday, March 11, 2015, 10 AM, at Brookfield's Restaurant at I-80 and Madison Avenue. The Board would love to have more members attend Board meetings. Come one, come all!

**Paul Ruud, Secretary**

**Treasurer's Report**

The cash balance following the February 12, 2014 meeting was \$4,722.18. Thanks to John Zasso, other members, and guests, the raffle brought in \$66.00.

**George W. Foxworth, Treasurer**

<b>Coming Programs for 2015 and 2016</b>		
<b>Date</b>	<b>Speaker</b>	<b>Topic</b>
March 11th	George Beitzel	"The Worst Seat in the House"
April 8th	Richard Sickert	"Robbery at Bullion Bend—A Legitimate Confederate Fundraiser or Just Another Get Rich Quick Scheme Gone Bad?"
May 13th	Robert R. Hubbs	"Four Regiments and Four Privates"
June 10th	Martin Cain	"Baseball in the Civil War"
July 8th	Joe Maxwell	George Armstrong Custer, Part II
August 12th	Nancy B. Samuelson	"Nathan Bedford Forrest"
September 9th	Fred Bohmfalk	"A Personal Look at the Lives of Generals Grant, Sherman, and Sheridan"
October 14th	Tom Lubas	"Chicago, That Toddlin' Civil War Town"
November 11th	Tad Smith	"The Failed Struggle to Obtain Recognition of the Confederacy by England and France"
December 9th	Nicholas Scivoletto	"General Joseph E. Johnston"
January 13th	To Be Determined	To Be Determined
February 10th	To Be Determined	To Be Determined

### **2015 Membership**

The 2015 membership renewal is due as of January 1, 2015. The dues are \$20.00 and you can renew at a monthly meeting or send to the Treasurer through the mail. For all checks, make them payable to **Sacramento Civil War Round Table** and send them to

George W. Foxworth  
 9463 Salishan Court  
 Sacramento, CA 95826-5233

Remember, you can also pay at any monthly meeting.

### **NEWSLETTER CIVIL WAR ARTICLES**

Civil War articles/book reviews are welcome. The submission deadline is the 1<sup>st</sup> of each month for that month's **Battle Cry**. Please submit your items in Microsoft Word or regular email to:

[gwofforth@sbcglobal.net](mailto:gwofforth@sbcglobal.net)

Do not submit scanned files since I need to edit files to combine the **Battle Cry**.

The **Battle Cry** is the monthly newsletter of the Sacramento CWRT. Submissions are subject to availability of space and size limitations. Submissions do not necessarily reflect the views of the organization or the Editor. The official address of this organization is: Sacramento Civil War Round Table, Post Office Box 254702, Sacramento, CA 95865-4702.

<http://www.sacramentocwrt.org> is the web site address. Check the web for past newsletter editions and information about the group.

## A Civil War Curiosity Of Limited Significance



When Quartermaster General Montgomery Meigs was distributing deeds for Arlington Cemetery lots to his Civil War friends and colleagues during the 1870's & 80's, he saved an extra nice one for Admiral David Dixon Porter. It was located just down slope to the north of Arlington House and now overlooks the Kennedy grave compound and its eternal flame at the base of the hill, which was established a century later. It is truly indeed a lot with a view! Its location is the mirror image of Sheridan's grave site which is located to the south of the House.

Arlington House and its 11,000 acre estate was the ancestral home of Mrs. Robert E. Lee, but the Lee's for obvious reasons had departed just before the War. The law at the time was that when taxes became due they must be paid in person. Since it was mighty

inconvenient for Lee to do so without bringing his entire army with him, which he soon discovered was quite impossible; he forfeited his wife's property due to tax liens. Thereupon at Meigs' recommendation, a military cemetery was established on portions of the property, and the remainder used for other military purposes including Fort Myer which exists to this day. In the late 1870's, Custis Lee, heir to the property, won a court settlement, and was paid \$150,000 from the U. S. Treasury. Not a bad deal for the Feds at under \$14 per acre, even in 1870 dollars!

An early action by Meigs was to bury 1,100 Union soldiers in Mrs. Lee's former rose garden; a deterrent, perhaps to her and the General's return, and indeed it was. Ultimately, 15,000 Union soldiers and sailors were buried at what later became the Arlington National Cemetery. And to the present time, burials have totaled about 300,000, mostly military personnel from all wars, but also a number of federal government civilian leaders. For all of this we owe a strange and twisted sort of gratitude to Mrs. Robert E. Lee for not liking dead Union patriots in her rose garden. Now back to Admiral Porter.

D. D. Porter passed away at age 78 on 13 February 1891, and his wife, Georgianne the following year. Ostensibly, soon thereafter, the pictured grey granite gravestone was set in place, which states: "David D. Porter Admiral of the Navy and His Beloved Wife." Below that is the notation: "**Temporarily Erected.**" And therein lays a mystery still extant after some 120 years. What was meant by this notation; and, whatever it was, why was it not achieved during this certainly not unshort time frame? One hundred twenty years simply ain't exactly temporary!

Some 15 years ago, I sent letters of inquiry to the Arlington Cemetery Records Department and to the Naval Academy at Annapolis. I received courteous responses from both which said; "We don't know." Later over time, I have discussed the questions individually with five leading Civil War historians, and received similar responses.

So, if any of our SCWRT members or others reading this Newsletter definitely know the answers to the questions, please be so kind as to share them with the Newsletter Editor and me. Conjecturals are welcomed, of course, but we really already have an ample supply of those.

Thank You.

**Bob Williams: 4-08; rev 1-15**

## Brigadier General Joseph Holt

The U. S. Judge Advocate  
General, 1862-75

And  
Why Didn't the Union  
Hang More Rebels?



Joseph Holt was born in Breckenridge County, Kentucky in 1807 to a farming family of moderate income. At age 14, he was sent to the respected and expensive Centre College in Danville; and by 1825 was a law student in Lexington under Robert Wickliffe, one of Kentucky's most famous attorneys. In 1825, he opened his first law office in Elizabethtown, and became an active supporter of Andrew Jackson's Democratic Party; although at no time during his lengthy career did he ever aspire for elective office. Subsequently he relocated his practice to Port Gibson and Vicksburg MS and back to Louisville, KY. He had become a formidable prosecuting attorney on the Louisville Circuit (while moonlighting as Assistant Editor for the *Louisville Advertiser*). It was said of Holt that he won his cases, "... not by humor, cleverness or glamour, but by the crushing weight of evidence he could bring to bear in his cases." In 1846, Holt and his wife both contracted tuberculosis. His wife did not recover. Holt went into semi-retirement, traveling extensively in Europe to study their political and legal institutions.

Returning to Louisville, Holt was active in his party's electoral successes of 1852 and 1856; and in 1857 accepted a political appointment as Commissioner of Patents in the Buchanan Administration. Holt's work ethics steadily increased his stature in Buchanan's eyes; and, when the avidly pro-Southern (and very corrupt) Secretary of War, J. B. Floyd resigned 29 December 1860 and "went south," the old President gladly heeded the advice of his newly appointed Attorney General, Edwin Stanton and appointed Joseph Holt as War Secretary. While Holt was a "child of the south," his heart was with the Union. He and Stanton had been friends in the past and would remain so for the remainder of their lives.

Through close counsel with General Winfield Scott, Holt initiated immediate steps to prevent further arms and military equipment from being shipped south which Floyd had initiated, and for the protection of southern located forts, arsenals, and custom houses where possible. Of special concern was Charleston Harbor with Forts Moultrie and

Sumter in particular. Additionally, he cast a stern eye over the Defenses of Washington, D.C. in the early months of 1861. He found them lacking. A few days before President-elect Lincoln was due to arrive in the City, Holt acting through General Scott brought into town a "well-appointed corps" of regular soldiers and held a special massive parade down Pennsylvania Avenue as a show of force. Lincoln arrived on 23 February 1861. Holt continued a firm grip on the War Department even for several days after the inauguration, for which the *New York Times* later reported, "The new administration owes to Joseph Holt's fidelity, sagacity, and courage the fact that it was peacefully inaugurated, or, perhaps, inaugurated at all."

Simon Cameron replaced Joseph Holt as Secretary of War, but rumors circulated that Lincoln would appoint Holt to another cabinet post or to the Supreme Court. That did not occur. However, Lincoln met with Holt early-on and asked him to return to Kentucky and attempt to hold that State in the Union. Holt did so, working with another of his and Lincoln's close legal friends, Joshua Speed (whose brother James was later Attorney General). They were not able to fully accomplish this, but did arrange for somewhat of a neutrality; however, the question was largely mooted when Grant captured Forts Henry and Donelson in February 1862. Cameron's days as War Secretary were numbered, and Holt was again rumored for the Secretary of War job; but Lincoln appointed Stanton (Lincoln's choice was probably dictated largely because Stanton was from Ohio/Pennsylvania, loyal Union states). But Holt was appointed on 3 September 1862 to a then new position within the War Department as Judge Advocate General (JAG); to become head of the subsequently formed Bureau of Military Justice (BMJ).

As the JAG Holt oversaw the War Department's policy regarding legal affairs within the military, as well as its policy regarding civilian political prisoners --- the latter soon to be extended by Lincoln's 24 September 1862 proclamation suspending the writ of habeas corpus; thus for the first time requiring military tribunals for "all rebels and insurgents, their aiders and abettors within the U.S., and all persons discouraging voluntary enlistments, resisting military drafts, or guilty of any disloyal practice, affording comfort to Rebels against the authority of the U.S."

In his capacity as JAG, Holt was also charged with guaranteeing that the administration of

military law in courts of inquiry and courts-martial for military personnel, and military commissions for civilians was uniform and just and for determining precisely what sorts of offenses Lincoln's suspension of habeas corpus encompassed. Over the months and years ahead, Holt applied himself as he had always done vigorously to his tasks, both transforming legal theory into policy and in overseeing particular cases directly. He based his approach on two fundamentals, both of which later became highly controversial. First, he insisted that so-called military offenses aimed at impairing the validity of military service or its success in the field could be committed by civilians as well as by soldiers. Second, that in war time, crimes that otherwise fell under civil jurisdiction could also, at the discretion of the JAG's Office, come under the purview of the military court system.

By far the largest portion of Judge Holt's time and that of the BMJ during the Civil War years was occupied by trials internal to the military. It is roughly estimated that these may have aggregated more than 30,000 cases. The "highest profile" of them was perhaps the court-martial of Major General Fitz-John Porter, charged with dereliction of duty and failure to obey orders during the Second Battle of Bull Run. Porter, a strong supporter of McClelland was tried on charges of disobedience and disloyalty to his new commanding general John Pope, who was a McClelland foe. Porter was found guilty, the verdict was upheld by Judge Holt upon review, and Porter was discharged from the army, subsequently exonerated and reinstated 24 years later.

Prior to the trial of the Lincoln assassination conspirators the "high profile" military commission trials of civilians were those of Clement Vallandigham and Lambdin Milligan, both notorious anti-war activists and anti-Lincoln crusaders. Vallandigham was sentenced to jail for the duration of the War, later changed to banishment. He appealed, but the Supreme Court upheld the conviction. Milligan had formed secret anti-government organizations, mainly the Knights of the Golden Circle to encourage soldiers to desert, to protect deserters, and to free rebel prisoners, among other things. He was tried and convicted for treason with a death sentence, but the sentence was not carried out.

Judge Holt personally presided over the trial of the eight Lincoln assassination conspirators. His assistant Judge Advocates were Colonel Henry Burnett and Mr. John Bingham. The nine members

of the commission were: MG David Hunter, Lew Wallace, and August Kautz; BG Alvin Howe, Robert Foster, Thomas Harris, and James Elkin; Colonel David Clendenin and Charles Tompkins. The eight defendants were: Samuel Arnold, George Atzerodt, David Herold, Samuel Mudd, Michael O'Laughlen, Lewis Powell, Edman Spangler, and Mary Surratt. (Mary's son John was also a prime suspect, but had not yet been captured. A later civil trial resulted in a hung jury and he was never retried.) Holt and other members of the BMJ were convinced that the conspiracy went well beyond Edwin Booth and the above eight defendants; and that it involved the highest echelon of the rebel government, including the arch rebel, Jefferson Davis himself.

The prosecutors thought good progress was being made in building a case against Davis and others in the front office of the Confederacy when it was discovered that their chief witness, one Charles Dunham alias Sanford Conover, was a perpetual liar. Others substantiated some of the charges made by Dunham, but the "grand conspiracy" theory was hopelessly compromised. (I believe most historians today think Davis was totally unaware of Booth's plans to murder Lincoln; but that some feel he *was* aware of the earlier kidnap plans. In fact, it is said Davis had cautioned the perpetrators of that plan not to harm or mistreat Lincoln in any way, and to be particularly careful about accidents.)

As is well known, all of the above defendants were found guilty. Atzerodt, Herold, Powell, and Surratt were hanged. Arnold, Mudd, and O'Laughlen were sentenced to life in prison; and, Spangler to seven years. Those jailed were later pardoned, and Mary Surratt's execution alarmed many.

Next in line of the military commission trials was that of Heinrich Wirtz, a Swiss native who settled in Louisiana in 1849. He joined the Confederate Army and was badly wounded at the Battle of Fair Oaks in 1862. Because he was multi-lingual, Wirtz was assigned by Jefferson Davis as a special envoy in Europe. Returning in early 1864, he was placed in command of the rebel's new prison camp for Union soldiers at Andersonville. The sad history of Andersonville, where 13,000 died in one year, is well known. Wirtz was found guilty of various charges including murder and, on 10 Nov. 65 was executed. Wirtz's main line of defense during the trial was that he was following orders. The person giving those orders was his boss, BG John Winder Provost Marshal of the CSA, who was in

charge of all southern prisons. It is generally believed that if Winder had been brought to trial he would have received the death penalty and Wirtz would have escaped with a life sentence. And who was Winder's boss? You guessed it. But Winder broke this rebel chain of command when he died, unaccommodatingly of natural causes on 8 Feb. 65.

In late November 1865, Judge Holt summarized activities of the BMJ since the end of the War in a report to Secretary Stanton. He noted that the Bureau had received, reviewed and filed some 16,600 records of courts-martial and military commissions, and had prepared over 6,100 special reports on questions and opinions referred to his office. He highlighted the Bureau's most important activities, praised its staff, and recommended that Congress extend its life for at least one more year. (Lincoln had originally created the BMJ primarily for service during the War.) He then presented some of his personal views as to the "peculiar characteristics" of the finding of the military commissions and of their value.

Holt believed that the commission trials had proven "unequivocally not only the guilt of those who stood trial in the courtroom, but also - in absentia - the complicity of the "chiefs of the rebellion" in the crimes of the accused." Continuing, he wrote that the commissions "had demonstrated that the convicted were in fact the hirelings and accomplices of the cabal of traitors of whom Jefferson Davis was the acknowledged chief." And further, "Davis and his cabal were revealed to be in fact, as well as in law, equally with the accused, responsible for the detestable deeds that were adduced in evidence."

Holt concluded his report with a statement as to the merits of military commissions during periods of war "for ...bringing to justice a large class of malefactors in the service or interest of the enemy who otherwise would have altogether escaped punishment." He said that commissions are "unencumbered by the technicalities and inevitable embarrassments attending to the administration of justice before civil tribunals...by making use of the government itself for the execution of its processes and the enforcement of its orders"... and they can "investigate crimes with a freer hand than is possible in civil trials, ...that such latitude enhances the ability to uncover such things as elements of conspiracy, ... and that no other form of trial could produce results in a more timely and efficient manner." (It was efficient to be sure, but what about civil rights

guarantees?) Understandably, his report was controversial to some people even then.

### **So Why Didn't the Union Hang More Rebels?**

The short answer, according to Pennsylvania State University History Professor William Blair, is that not enough northerners believed that treason had occurred as then defined, and/or that it could be proven in civil court. So why didn't Holt go the military court route?

The War had resulted in 625,000 total deaths, millions of wounded, atrocities committed, prisoners mistreated, and vast expenditures of capital, properties destroyed and economies ruined, plus the assassination of a well-liked president. Immediately after the end of the War, there was a thirst for vengeance. The time seemed ripe for executions, and some modern historians now believe that a Nuremberg-style trial may have been in the offing. However, over a short period of time, attitudes changed, hatreds dissipated, and there was a very rapid cooling off period. The shift was drastic, not 180 degrees, but perhaps 135, all occurring in a period of only about 12 months. People were tired of killings and just wanted the problems to go away.

First of all, most people did not like military commissions for civilians when civil courts were available. Stanton and Seward, the latter opting somewhat more towards leniency, both agreed with Holt. Grant agreed as to their use for the rebel civilian leaders and guerrillas, such as Mosby and Quantrill, but he strongly disagreed with any thoughts to indict and try Lee, Johnston, or other members of the Confederate Armies that had been paroled pursuant to his Appomattox formula; and he threatened to resign if that ever came about. Gideon Welles was adamantly opposed while Ben Butler strongly supported military commissions and volunteered to serve. Most other members of Congress were ambivalent, believing that whatever course to best assure convictions should be used. Many expressed the view that they only wished Davis had been shot while trying to escape.

But the legal community in general, including Attorney Generals Bates and Speed, Chief Justice Chase and most Supreme Court members, was strongly opposed to military commissions for the purpose at hand. The proponents of military commissions were definitely in the minority and their position became untenable, both because of public opinion and due to the landmark ruling of the Supreme Court in 1866, which overturned conviction

in the 1864 Milligan trial held by a military commission in Indiana. The ruling was that commissions could have no jurisdiction in areas where civil courts were open and functioning.

In a parallel action, Attorney General Speed ruled that trials must be held in the State or District where the alleged crimes had occurred. This meant that any legal action against Jefferson Davis had to be before a civil court in Virginia; “encumbered by legal technicalities and inevitable embarrassments of the law,” as Holt would say; and what would be the effect if the Arch Rebel were found Not Guilty? Perhaps the government would lose more than it gained if a conviction failed to come about. It only required one juror to abort a trial. Moreover, treason per se would be a tough charge to prove. Indeed, it was still constitutionally unclear if treason was a derivative of secession, notwithstanding four years of bloody argument. Civil trials are risky business (Brings to mind the O.J. Simpson case); and even if Davis were to be convicted and executed, he would undoubtedly become a martyr creating a range of other problems, perhaps even further armed combat. A decision to go slow and consider alternatives seemed advisable. Davis and his alleged co-conspirator, Clement Clay remained confined at Fort Monroe, but now occupied much more comfortable quarters, both physically and legally.

In the 1860’s Supreme Court justices were assigned duty in the off season as Circuit Court judges; and by coincidence Salmon Chase’s circuit was the State of Virginia. Chase decided to “drag his feet” in the scheduling of Davis’ trial. Judge Holt, who services were no longer needed in the Davis matter, was nevertheless attempting to rehabilitate his key witness Conover just in case, but without success. Otherwise he remained busy with purely military legal affairs. (In February 1867, Conover was tried, convicted and sentenced to 10 years for lying under oath; pardoned in February 1869.) Several other actions were proposed during this interim. One suggestion by Congressman Thad Stevens was to back away from capital punishment altogether and to acquire properties of those indicted to redistribute to African Americans. This did not fly because it was well known that President Andrew Johnson did not like Negroes.

Johnson was in fact a deep seeded racist; as such his wartime loyalty to the Union and his early post War comments about punishing former rebels soon gave way to an attitude of combined forgiveness and amnesty to them, with resistance to any plan to

ensure the social and political uplift of the recently freed black people. The main reason Chase was delaying the Davis trial was that he knew that if the civil court case was lost, and there was a good chance of that, he would be blamed; and if he won, Johnson would pardon Davis anyway, thus having the best of either political world.

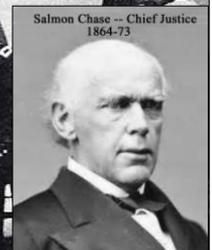
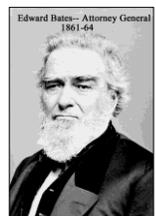
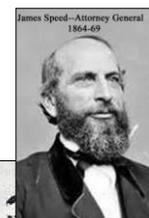
On 9 July 1868, the 14<sup>th</sup> amendment to the Constitution was ratified. Section 3 states: “No person shall ...hold elective office in the U.S...who shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof ...” That was exactly what Chase was looking for as a way out; since he could now reason that any further court action and penalty would place J. Davis in double jeopardy. (And *everyone* knows that to deny a politician the right to hold office is a punishment worse than death!) Last chapter was the formality of dismissing the case, *nolle prosequi*, (no prosecution) on 15 February 1869. The final last chapter occurred when Jimmie Carter restored the unrepentant rebel’s citizenship in 1978.

Judge Joseph Holt was brevetted Major General for faithful, meritorious, and distinguished service. He continued in office until 1 December 1875, and died 1 August 1894, age 87. It is interesting to note that one of those who praised Holt the most in later years was one of those who had done the most to have prevented him from bringing Jefferson Davis to trial. He was Lincoln’s former AG James Speed.

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**Bob Williams: 2-2007; rev. 8-2014**



Lincoln Assassination Military Commission, 1865