

Washington and Lee University

Judah P. Benjamin:
Cosmopolitan Jew and Confederate Statesman

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Chapter 1

Benjamin's Boyhood: From St. Croix to Charleston

Philip and Rebecca Benjamin chose an unusually appropriate name for their first-born son, Judah, who would one day play an integral role in the Confederate government. In Biblical history, the tribe of Judah, the largest and most detached of the twelve tribes, rebelled against the others following King Solomon's death and formed the Southern Kingdom, also known as Judea. The word "Jew" comes from Judah, and according to Jewish dogma, the messiah will come from that tribe.¹

The Benjamins descended from Sephardic Jews of Iberia. When the Moors conquered the peninsula in the eighth-century, both Judaism and Islam flourished alongside Christianity. Despite Pope Innocent III's decree in 1215 ordering Spanish and Portuguese Jews to wear humiliating yellow badges, they still continued to be prominent doctors, judges, writers, teachers, and scientists.² Unlike their oppressed ethnic cousins in northern Europe, the Askenaziks, Sephardic Jews in late-medieval Spain enjoyed a broad range of freedoms in a relatively open society.

On October 17, 1469, in Valladolid in north-central Spain, Ferdinand of Aragon wed Isabella of Castile, uniting the two Spanish kingdoms. Ten years later the two arch-Catholics introduced the Inquisition, and Jewish prosperity came to a swift end. Jews were forced into ethnic ghettos and their property was seized. In 1492, the king and

¹ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 5.

² Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 4.

queen issued the infamous Alhambra Decree (the Edict of Expulsion): “We order all Jews and Jewesses of whatever age that before the end of this month of July they depart with their sons and daughters and manservants and maid servants and relatives, big and small...and not dare to return.”³ In the months that followed, hundreds of thousands of Jews left Spain, causing the Turkish Sultan to remark, “The King of Spain must have lost his mind. He is expelling his best subjects and [Spain’s] wealth.”⁴

One prominent Jewish family—the Mendes family—fled to Portugal. After several generations a descendent moved to Holland where he married a Dutch Jew. The couple had three daughters, and named one Rebecca. The family moved to a suburb of London, and two of Rebecca’s sisters married West Indian planters and migrated to the Caribbean. Rebecca, preferring the quiet life of shopkeeper’s wife, married an unassuming, olive-skinned Sephardic, Philip Benjamin, who ran a store selling dried fruit.⁵

Defying Dr. Johnson’s maxim, the dynamic young couple soon grew tired of London and, just after the turn of the nineteenth-century, they decided to move to the British West Indies. Philip’s grandmother already lived there, on St. Eustatius, where she had won fame as a wise old doctor and midwife.) There, on the beautiful island of St. Croix, Judah Philip Benjamin was born.⁶

Benjamin was born during an age of Virgin Island history that a Danish writer aptly labeled *Urolige Aar*, the Troubled Years.⁷ The British occupied the islands from

³ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 4.

⁴ *Ibid.*, 4.

⁵ *Ibid.*

⁶ Rollin Osterweis, Judah P. Benjamin: Statesman of the Lost Cause (New York: G.P. Putnam’s Sons, 1933), 28.

⁷ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 6.

1807 until 1815 while the Napoleonic Wars raged in Europe and the War of 1812 played out in North America. The British occupation influenced Benjamin's life in two significant ways. Most immediately, it made life for the islanders difficult and surely influenced the family's decision to migrate to the United States. Later, it gave Benjamin a chance to claim British citizenship and gain admission to the British bar during his exile from the United States after the Civil War.⁸

Benjamin's West Indian birth put him in the illustrious company of Alexander Hamilton and the Empress Joséphine (the first wife of Napoleon who was born on Martinique.) Like them he would make his name elsewhere. Philip Benjamin came to realize, as had the ambitious Hamilton before him, that opportunity lay in the young American nation. He only had to go and seize it.

Rebecca had an uncle, Jacob Levy, who lived in the port town of Wilmington, North Carolina, and gained prominence as a merchant and a leader of Wilmington's growing Jewish community. He invited his niece and her family to settle in the city. In 1813 they went there, probably aboard the Haitian cargo ship *Saint Joseph*.⁹ By all accounts the Benjamins relished the return to shop work after their exhausting years in paradise.

Philip worked in Levy's store selling a wide variety of exotic goods such as "Turks Island salt," "prime green coffee," West Indian rum, and "Negro cloths."¹⁰ With Levy's help, he managed to procure a small apartment near the beach for himself and his family. Though he rarely reminisced on the record about his early days in Wilmington, it seems plausible that for young Judah the city held a special place in his heart—a

⁸ *Ibid.*, 6.

⁹ *Ibid.*, 7.

¹⁰ *Ibid.*

reminder of happier times when war and politics wore him down. His thoughts undoubtedly returned to the city late in the war when it was the Confederacy's only port still open in spite of the blockade of the Atlantic coast.¹¹

As a resident of a port town, Benjamin grew up in a world of diversity. Sailors and merchants from far off places passed through Wilmington, selling exotic goods and adding cultural flair to the city's tavern scene. It was not Marseilles, but Wilmington was quite cosmopolitan compared to the towns of the southern interior. In antebellum Wilmington, slavery played a major economic and social role. Everyone, in some way or another, felt its peculiar effects. No records of Philip Benjamin's slaves survive. Uncle Jacob owned a mulatto woman, Margaret, and her son, also named Jacob, and in 1817 he bought a young black man named Isaac, "about the age of Twenty-Six years," for six hundred dollars.¹²

The immigrant Benjamins had yoked themselves to Uncle Jacob, and when he left Wilmington in 1817, Philip and Rebecca followed. Levy bought land in Fayetteville, North Carolina, about a hundred miles up the Cape Fear River from Wilmington. Fayetteville's population was primarily descended from Highland Scots, and in 1817 many of townspeople still spoke old Celtic.¹³ Not surprisingly, the Jews were conspicuous outsiders and never acquired much influence in the community. Jacob Levy did well financially, acquiring large real estate holdings and becoming a prominent merchant and auctioneer. He generously paid for Judah, his sister Hannah, and his

¹¹ *Ibid.*, 8.

¹² *Ibid.* The records of Jacob Levy's slaveholdings are, sadly, incomplete, so determining their exact extent is problematic. One document did survive: "On March 28, 1817 Jacob Levy in pursuance of an order of the County Court and...inconsideration of the Meritorious Services of a Certain mulattoe Woman Slave named Margaret Allan & her child named Jacob & in consideration of the Sum of one dollar to me in hand paid have manumitted, emancipated and set free the Said mulattoe woman slave...& her child named Jacob."

¹³ *Ibid.*, 10.

brother Solomon to attend Fayetteville Academy, a well-regarded day school run by the Reverend Colin McIver.¹⁴

McIver, a Scottish Presbyterian, saw enormous promise in Judah, and worked to move his studies along at a rapid pace. As a pupil, Benjamin had a Napoleonic streak. Rather than struggling for acceptance and social equality with his peers, he threw himself into his studies. "Reserved in his manner, he had no intimate playmates at the Academy, and while the other boys were at play during recess he would make preparations for his coming lessons."¹⁵ Benjamin did have an older classmate, R.C. Belden, who was a friend of his brother Solomon and knew Judah well. Belden remembered Benjamin as being head and shoulders above the other pupils, and said that he never knew Benjamin to make a mistake during a recitation.¹⁶

Belden also shed some light on Benjamin's religious observance. The elder members of the Benjamin clan were orthodox Jews who strictly held to the Torah's dietary strictures, but Benjamin and his brother Solomon apparently had a weakness for bacon. Belden wrote, "Often...did I take from my mother's table slices of ham for him [Solomon] and Judah."¹⁷ Clearly, the young Benjamin was more conscientious about his studies than following the Law of Moses.

In 1819, with the onset of financial panic and deflation in the United States, Jacob Levy's business began to fail. By 1822 he had mortgaged his Fayetteville properties and moved back to Wilmington. This time the Benjamins did not follow. That same year they moved south to the metropolitan jewel of the Old South: Charleston.

¹⁴ *Ibid.*, 10-11.

¹⁵ *Ibid.*, 11.

¹⁶ *Ibid.*

¹⁷ *Ibid.*, 10.

Charleston in the 1820s was a city of contradictions. Fueled by slavery and hopelessly stratified by class as well as race, the city had come to represent Southern chauvinism at its worst. In its treatment of Jews, however, Charleston was ahead of its time. In its early history Charleston gained a reputation as a tolerant place where Jews could worship, trade, and prosper. Furthermore, it was the first new world city that gave Jews the vote. John Locke, at the request of his friend, the proprietor Lord Ashley-Cooper, drafted the colony's constitution. The constitution recognized the Church of England as the official faith of the colony, but Locke included a provision that "Jews, Heathens," and others should have the chance to acquaint themselves with "the purity of the Christian religion and by good usage and persuasion...be won over to embrace...the truth."¹⁸ Though not liberal by twenty-first century standards, the Constitution did at least grant legal equality to all free white men, and Charleston, as a result, became quite diverse.

Jews had lived in Charleston since the seventeenth-century, and the Jewish population had grown steadily so that by 1800 Charleston had the largest Jewish community in the United States. More than five hundred Jews lived in the city, and more than one thousand lived in South Carolina, a majority of the national population of roughly 2,500.¹⁹ A number of Charleston Jews would serve the Confederate war effort in some way. One of the most notable was Phoebe Yates Levy Pember, the highly successful administrator of Chimborazo Hospital in Richmond.

Charleston's voters were also the first predominantly Christian electorate in modern history to cast their ballots for a Jew. In 1774 they elected Francis Salvador to

¹⁸ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 6.

¹⁹ *Ibid.*

the first and second Provincial Congresses of South Carolina. Salvador, the son of an English merchant, was an ardent patriot. In July 1776, shortly after the adoption of the Declaration of Independence, he and a band of partisans were waylaid by a group of Indians and Tories. They scalped the young man, who, at the age of twenty-one, became the first Jew to die for the American Revolution.²⁰

Philip Benjamin struggled mightily during his first years in Charleston. It was Rebecca who ran a small fruit store on King Street and put food on the large family's table. The Benjamins joined Beth Elohim Unveh Shallom (House of God and Mansion of Peace). Founded in 1749, it was the fifth oldest synagogue in the United States. In 1827, Philip was appointed to the "corresponding committee" of the Reformed Society of Israelites. The records of the Society show that he was later expelled, but do not disclose the reason.²¹

The Benjamin family was far from diligent in practicing their faith. According to one Charlestonian, "the Benjamins were not strict Jews. The mother kept her little shop open on the Sabbath and that at a time when strict Sabbath observance was general in Charleston... This trading on the Sabbath on the part of Mrs. Benjamin was much resented by the old-time Jews of Charleston."²² Reznikoff and Engelman reiterate the point: "...Benjamin's mother, kept her store open on the Sabbath to the displeasure of the Jews of Charleston, for the Sabbath was still strictly observed by almost all."²³ This

²⁰ *Ibid.*, 6-7.

²¹ Charles Reznikoff and Uriah Z. Engelman, The Jews of Charleston (Philadelphia, PA: The Jewish Publication Society of America, 1950), 106.

²² Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 7. Evans quotes here from Barnett A Elzas, *Leaves from My Historical Scrapbook*, a memoir published by a Charleston Jew.

²³ Charles Reznikoff and Uriah Z. Engelman, The Jews of Charleston (Philadelphia, PA: The Jewish Publication Society of America, 1950), 106.

persistent violation of the Jewish Law probably led to Philip's dismissal from the "corresponding committee" in 1827.²⁴

Philip Benjamin's apparent laissez-faire attitude on matters of faith did not stem from laziness or hedonism. He might better be described as doctrinally avant-garde, an activist of sorts who conscientiously objected to Orthodox practice. Beth Elohim, located on Hasell Street, was a traditional synagogue that had a separate gallery for women. Philip Benjamin saw this arrangement as blatantly sexist and out-moded, and protested loudly against it.²⁵ He worried that if the unenlightened practices imported from Europe remained a part of American Judaism, the faith would become irrelevant. Some of Philip's critics among Charleston Jews derided him as an assimilator bent on watering down the faith to make it acceptable to the Christian community. His critics, however, misunderstood Philip's purpose. He knew the Torah very well and avidly read books by Rabbinic scholars. He did not want to destroy the faith, but to transform it. He was not at all ashamed of his heritage, did not seek out Gentile friends or try to blend in with the non-Jewish community.²⁶ He was a reforming Jew, but also a self-respecting Jew.

Philip Benjamin was not the only progressive Jew in Charleston. In November 1824, he along with forty-six other men at Beth Elohim presented a petition to the synagogue's trustees, urging them to shorten the service, to pray in English rather than in Hebrew or Spanish, and to require a sermon or "an English discourse" at each service. When the trustees tabled the petition, Philip joined with a dozen other dissenters to form the "Reformed Society of Israelites." The members announced that they would no longer

²⁴ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 10. Officially, "The Committee of Correspondence."

²⁵ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 17.

²⁶ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 10.

worship as “slaves of bigotry and priestcraft,” and drafted a second, more wide-ranging petition. In it they insisted on editing the prayer book to include contemporary prayers, worshipping with their heads uncovered, and even calling the synagogue, the “temple.” The group created a leadership council, the Committee of Correspondence, and in 1825 elected Philip a member.²⁷ He was removed from that position of leadership two years later, perhaps for taking his reformist ideals too far.

Judah Benjamin grew up in a radical household. His family was blazing a trail toward modern-day Reform Judaism, and though only a boy, he was undoubtedly shaped by his father’s cause. The Reformed Society’s petition said as much when it stated that those who signed did so because they “cannot consent to place before their children examples which are only calculated to darken the mind and withhold from the rising generation the more rational means of worshipping the true God.”²⁸ This perhaps reveals one source of his penchant for rebellion, but leaves a major question: how did the Confederacy appeal to a man with such a progressive background? The answer lies, not surprisingly, in the institution of slavery.

Even though they never rose out of the petty bourgeoisie, the Benjamins did own slaves. They had three house slaves in St. Croix before coming to the United States, and Jacob Levy had a number of slaves. In Charleston they acquired a house slave named Hannibal who later became Benjamin’s personal servant. Benjamin fondly remembered days spent with Hannibal in Beaufort, South Carolina, boating and harpooning giant devil

²⁷ *Ibid.* Article VI of the Reformed Society’s constitution describes the “corresponding committee”: “There shall be annually elected from among the resident members a committee of five, entitled a Committee of Correspondence, for the purpose of conferring and corresponding at all times...with the several congregations, or respectable individuals, or sections of Jews throughout the United States, Europe or elsewhere, as to any assistance or co-operation, which they may be disposed to afford this Society in its future operations.”

²⁸ Charles Reznikoff and Uriah Z. Engelman, The Jews of Charleston (Philadelphia, PA: The Jewish Publication Society of America, 1950), 125.

rays.²⁹ The young Benjamin had mixed experiences with slaves in Charleston, a particularly formative one coming soon after the family's arrival in the city.

Slavery was strongly entrenched in both Wilmington and Fayetteville, but in neither of these communities did blacks outnumber whites. In Charleston and the surrounding counties blacks made up a large majority of the population, and a well-organized slave insurrection could easily overwhelm Charleston's whites. This is exactly what Denmark Vesey had in mind. After being taken to South Carolina from the Caribbean, Vesey bought his freedom and worked as a carpenter in Charleston. Inspired by the examples of the French and Haitian Revolutions, Vesey organized a conspiracy to seize the city and free the slaves.³⁰

In late May and early June, 1822, rumors of a plot reached Charleston whites, and for the next two months the city was in a state of extreme agitation. The plot failed, and on July 2 Vesey and five of his associates were publicly hanged. Later, on July 26, twenty-two more conspirators were hanged, one of them a slave member of Beth Elohim. Their bodies were left on display for a week.³¹ For Benjamin, who experienced the weeks of tension in the city and saw the dead men dangling near his home, the Vesey plot was undoubtedly traumatic. "Of such stuff are conservatives made."³²

Antebellum Charlestonians valued education, but officials refused to levy taxes to support it and only the sons of wealthy families could afford superior schooling. The

²⁹ *Ibid.*, 9.

³⁰ John Lofton, *Denmark Vesey's Revolt* (Kent, OH: The Kent State University Press, 1964), 123.

³¹ Edward A. Pearson, Ed., *Designs Against Charleston: The Trial Record of the Denmark Vesey Slave Conspiracy of 1822* (Chapel Hill, NC: The University of North Carolina Press, 1999), 279-282

³² Robert Douthat Meade, *Judah P. Benjamin: Confederate Statesman* (New York: Oxford University Press, 1943), 14. Meade goes on to draw an interesting parallel between Benjamin's encounter in 1822 and Fürst Klemens von Metternich's encounter with the French Revolution. Metternich, he writes, "when a youth at Strasbourg, witnessed the excesses of a mob incited by some events of the French Revolution, and what he saw influenced his future political philosophy. So may Judah have been affected by the Denmark Vesey plot and related events of his formative American years."

city's public school system left much to be desired. William Gilmore Simms (1806-1870), who was a student in the Charleston public schools about the same time as Benjamin, wrote that they were utterly worthless: "They taught me little or nothing. The teachers were generally worthless in morals, and as ignorant as worthless... The whole system, when I was a boy, was worthless and scoundrelly."³³ No longer able to rely on Uncle Jacob, the Benjamins faced a real dilemma. Without the help of fate, Judah's intelligence might well have gone uncultivated.

Judah's family could not afford to send their children to private school, and so sent them to a charity school run by the Hebrew Orphan Society. Though academically weak, this school did have perceptive instructors who noticed Benjamin's precocity from the moment he arrived. The president of the Hebrew Orphan Society, Moses Lopez, took Judah under his care, and paid for him to attend Rufus Southworth's private academy on St. Michael's Alley in the downtown district.³⁴ Under Southworth's tutelage, Benjamin excelled. His intellectual curiosity was immense—one of his schoolmates even remembered him quoting Shakespeare during a game of marbles.³⁵

In 1825, Lopez met with Rebecca and Philip to discuss their son's future. He explained that Judah had enormous talent, and that he must receive the best education possible. Lopez then told them that he would pay for it. Judah, he said, should go to Yale, the Athens of America, to study law. The Benjamins immediately accepted his

³³ William P. Trent, William Gilmore Simms (Cambridge, MA: The Riverside Press, 1892), 4-5.

³⁴ Robert N. Rosen, A Short History of Charleston (Columbia, SC: The University of South Carolina Press, 1997), 115. Southworth was a young man, only about twenty-four years old at the time, yet evidently a very good teacher. He was also a Yankee.

³⁵ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 14.

offer. Judah also recognized the opportunity fortune had bestowed on him. That fall, at the age of fourteen, Benjamin made the thousand-mile journey to New Haven.³⁶

Except for one brief period, Benjamin never lived in Charleston again. He resided there for little more than three years, but those years marked a seminal time in his life—a time of growth and maturation. Antebellum Charleston was a bundle of contradictions. The warm sea breeze and easy-going ethos masked the tempest brewing beneath its surface. Only rarely in the days before the attack on Fort Sumter did the subterranean stresses and strains threaten to break the calm facade. Most notably, Denmark Vesey's failed revolt forced many whites to acknowledge the dangerous underbelly of their peculiar institution.

For the most part, however, Charlestonians in the 1820s simply sat back, enjoyed their lives, and let the rest of the world pass them by. They paid little heed to the march of industrialism, liberalism, and democracy in Europe and the North. They were hidebound, holding on to a dream that could not last. "Charleston was a delightful place," wrote Meade. "It produced a few Grimké's burning with zeal to reform and uproot. But in Judah apparently, as in most of its citizens, it chiefly bred a desire to enjoy and to emulate the traits of the prevailing civilization."³⁷ For Benjamin, Charleston provided a soothing sense of continuity in a rapidly changing world. Though he gradually came to embrace the modern world, Benjamin retained this fundamental conservatism his entire life. That conservatism, more than anything, led him to cast his lot with the Confederacy.

³⁶ *Ibid.*

³⁷ Robert Douhat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 19.

Chapter 2

Benjamin's Education and Early Career: From Yale to New Orleans

In the twenty-first century, Yale is a bastion of liberalism and open-mindedness, but in the 1820s the atmosphere was quite different. At this time Yale was still a seminary, and the administration compelled students to attend chapel mornings and evenings. Jews were not excused from these sessions. In fact, no Jew had studied at Yale during the seventeen years before Benjamin arrived.³⁸ Southerners made up barely a quarter of Yale's student body, most of them Charlestonians. After New York, New Haven, and Hartford, Charlestonians made up the fourth largest contingent.³⁹

Not only was Benjamin a poor Jew among wealthy Wasps and an unassuming Southerner among haughty Northerners, he was also a boy among budding men. The age gap between fourteen-year-old Benjamin and his older classmates turned out to be the most formidable obstacle to his acceptance. Benjamin was short and baby-faced, making him look even younger than he was. Moreover, he excelled in the classroom seemingly without much effort, and many of his less intelligent colleagues resented him. Many years later, former classmate W.W. Hoppin recalled Benjamin's early months at the school: "He was a small, bright-eyed boy, of a dark and swarthy complexion, evidently of Jewish blood...He apparently passed his time sauntering around the college grounds or dropping in at the students' rooms...Without any attention to his studies, and following

³⁸ Dan A. Oren, Joining the Club: The History of Jews and Yale (New Haven, CT: Yale University Press, 1985), 6-7.

³⁹ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 15.

out this desultory and vagrant existence, he easily and without dispute, took at once the highest stand in his class, and was acknowledged to be a riddle and a prodigy of intellectual power.”⁴⁰

Benjamin did not seem to covet popularity. He relished playing the Bonapartean role of enigmatic ethnic and social outsider. During his two years at Yale, he took a demanding course load, studying Horace, Greek orators, astronomy, and philosophy, as well as trigonometry, navigation, French, Spanish and Hebrew.⁴¹ He distinguished himself in all of them. During his first and fourth semesters, he averaged a 3.3, the highest in his class, and in his second and third semesters he tied for best with a 3.0. His tutor, Simeon North, wrote that Benjamin had a “pleasing manner” and that his academic excellence made him “an ornament to the class.” Yale’s president Jeremiah Day even awarded him a Berkeleian Prize for scholarly distinction.⁴²

Most students belonged to debating societies at Yale, Benjamin included. He initially joined the Linonian Society, and debated questions such as “Are the abilities of the sexes equal?” and “Was the confinement of Bonaparte on the island of St. Helena justified?”⁴³ (Napoleon had died on that South Atlantic island in 1821.) When an “unfriendly” Northerner was elected president of the Linonians Benjamin and other Southern members broke away and formed a new club, the Calliopean Society, “debating issues of interest to the South.”⁴⁴ This Southern society led the way in voting down a

⁴⁰ *Ibid.*, 16.

⁴¹ *Ibid.*

⁴² *Ibid.*, 16-17.

⁴³ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 24.

⁴⁴ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 17.

motion put to the students asking whether they would be amenable to meeting with other colleges to assist in the “manumission of the slaves.”⁴⁵

Despite Benjamin’s outstanding performance in the classroom and in debate, he suddenly and inexplicably left Yale at the beginning of his junior year. For more than thirty years this swift exodus remained unexplained, but in 1861, just after Louisiana seceded from the Union, a defamatory story began circulating in northern newspapers. On January 31, 1861, five days after Louisiana’s secession, D. Francis Bacon, a New York Brahmin and 1831 graduate of Yale, published this letter in the *New York Independent*:

The Early History of a Traitor
By Francis Bacon

The class of 1820 in Yale College (two years in advance of mine) was the finest body of young men that I ever saw in college. There was one of the class whose name cannot be found on the list of graduates, or in any annual catalogue after 1827. He was and still is a handsome little fellow, looking very small in his class, who, with a few exceptions, were of full manly growth. This youth hailed from a great state of the chivalrous South, bright-eyed and dark-complexioned, and ardent as the Southern sun would make him.

In the early part of 1828 there was a mysterious trouble in that class. Watches, breast pins, seals, pencil cases, penknives, etc., etc., etc., and lastly, sundry sums of money lying around loose in students’ rooms disappeared unaccountably. The losers looked gloomily at each other and suspiciously at others. Something must be done.

They finally constituted themselves a volunteer detective force, set their trap—baited with thirty-five dollars in good bank notes---and soon caught the thief. He confessed. On opening his trunk in his presence, they found it nearly full of missing valuables—jewelry, pocket cutlery...—he begged pitifully not to be exposed; they looked piteously on his handsome young face, and relented at the thought of blasting his opening young life. They agreed not to inform either the city magistrates or the faculty of the university, but ordered him to clear out at once and forever. He went instantly to good President Day, obtained a certificate of honorable dismissal and vanished.

The little thief is now a Senator in Congress, advocating and justifying and threatening the robbery of forts, and the stealing of the military hardware and cutlery generally of the Federal government, without any more color or shadow of pretext than he had for his like operations on his fellow students just thirty-three years ago.

⁴⁵ *Ibid.*

A third of a century has not made and can never make, any change in such an originally inborn rascal. Had these early filchings been a mere boyish escapade, a momentary yielding to temptation while in great want, they would not deserve mention now; but they were systemized theft—long continued, accumulated, and hoarded pilferings from trusted bosom friends.

Had the fellow not at length reproduced his private morality in public life, I would have allowed the secret of these early times to remain in the hearts of the few who then knew and now remember it.⁴⁶

Six days later, the *New Haven Journal* published a letter signed by “Veritas” who also claimed that Benjamin was a kleptomaniac and that his discovery led to his abrupt departure from Yale. On the authority of the Reverend Dyer Ball, the anonymous accuser claimed that Benjamin frequently stole from his classmates, and that it seemed “almost impossible to break him of it.”⁴⁷

The *New Orleans Delta* refused to credit the accusation. It flew to Benjamin’s defense, asserting that “the story was hatched by abolition malice, and the place and time of the incidents were selected with cunning regard to the difficulty of refutation.”⁴⁸ It is possible that “Veritas” was Bacon himself. Both these letters appeared during the secession crisis, in a highly charged atmosphere in which truth and propaganda mingled. The *Independent* was an abolitionist paper and an organ of Henry Ward Beecher, and D. Francis Bacon was a noted abolitionist who had previously served as a missionary to Liberia.⁴⁹

Benjamin immediately hired two prominent Northern lawyers, apparently intending to press a libel suit against the men responsible for the letters, but his attorneys,

⁴⁶ *New York Independent*, January 31, 1861. Quoted in Evans, *Judah P. Benjamin: The Jewish Confederate* (New York: The Free Press, 1988), 18-19.

⁴⁷ Robert Douthat Meade, *Judah P. Benjamin: Confederate Statesman* (New York: Oxford University Press, 1943), 25.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

Charles J. O'Connor and S.L.M. Barlow, advised against it. In a letter to James A.

Bayard, on March 19, 1861, Benjamin portrayed himself as a victim of a mendacious lie:

I am decided in one conviction; that it is not advisable to have any publication in any manner or form on the subject, whether from myself or friends. I feel fully your kind offer to make a communication to the editor of the *Confederacy* but of what use, with such infamous scoundrels as those who have evidently delighted in circulating this attack, would it be to establish the absolute impossibility by a comparison of dates? I left college in the fall of 1827, in consequence of my father's reverses rendering him unable to maintain me there any longer. I was studying law in N. Orleans in February 1828, and maintaining myself whilst so doing, by giving private instruction in two families in New Orleans. The statement in the libel is that the facts occurred in the *fall* of 1828, with one Dyer Ball, whose name I never heard before in my life. Suppose all this shown in a publication of the most conclusive proof. The next week the same men come out and say they were mistaken in the *year*; that it was not in 1828 but in 1827—and the whole affair again goes the round of all the news papers at the North, with the most malignant comments that can be invented. If I get friends that were College mates to state that no such things ever occurred, the answer will be that only a few were engaged in the scheme for exposure of the culprit, and that they promised secrecy as is asserted in the libelous article itself. I am satisfied that *nothing* is advisable, unless it be a suit that will sift the whole story, so as to make it *impossible* to evade the result or verdict by cutting off all equivocations. Yet O'Connor who agrees that this is the only mode, advises so strongly against it, that I must mistrust my own judgment....⁵⁰

This letter seems to vindicate Benjamin, but there is reason to doubt its candor.

Benjamin did leave college in the fall of 1827, making Bacon's account impossible, but it is possible that Bacon mistook the year. He was after all writing more than three decades after the event. Benjamin must not have believed that this error exonerated him because he refused publicize this information for fear that his accusers would correct their mistake. Benjamin referred to Dyer Ball, on whose authority "Veritas" made his accusations, as a man "whose name I never heard before in my life." According to the Reverend Samuel Porter, the last surviving member of Yale's Class of 1829, Dyer Ball was a theology student at the college who knew Benjamin and even accompanied him on

⁵⁰ *Ibid.*, 26.

the trip from Charleston to New Haven. Yale's records show that Ball roomed at Mrs. Mills's boarding house, very close to Judah's room in South Building.⁵¹ It is hard to believe that Benjamin did not remember him.

Francis Lawley wrote the Reverend Porter in 1901 to get his version of Benjamin's departure from Yale. In his response, Porter wrote that soon after Benjamin arrived in New Haven,

he fell into association with a set of disorderly fellows who were addicted to card playing and gambling, and his abrupt withdrawal from college was understood to be occasioned by difficulties growing out of this practice.... During the short time of his residence at Yale College his brilliant and attractive qualities showed themselves both in the classroom and elsewhere, and helped to create the temptation which he had not the moral force to resist.⁵²

The nonagenarian pastor would probably not invent such a story, and additional evidence makes Benjamin's claims of innocence even less credible. In his debating society's minute book, there is this entry from a meeting in December 1827:

"The society proceeded to investigate the charge of ungentlemanly conduct etc., brought against Mr. Benjamin, which terminated a motion that he should be expelled, which passed. It was requested that the charge against Mr. Benjamin be kept secret."⁵³

The accusation is ambiguous, but the phrase "ungentlemanly conduct *etc.*" could refer to Judah's thefts.

From his parents' house in Charleston on January 18, 1828, at his father's urging Benjamin wrote to President Day requesting readmission. It is not a letter an innocent man would write:

It is with shame and diffidence that I now address you to solicit your forgiveness and interference with the Faculty on my behalf. And I beseech you,

⁵¹ *Ibid.*, 27.

⁵² *Ibid.*, 28.

⁵³ *Ibid.*, 29.

Sir, not to attribute my improper conduct to any design or intentional violation of the laws of the college, not to suppose that I would be guilty of any premeditated disrespect to yourself or any member of the Faculty. And I think, Sir, you will not consider it improper for me to express my hopes, that my previous conduct in college was such as will not render it too presumptuous in me to hope that it will make a favorable impression upon yourself and the faculty...

With hopes of yet completing my education under your auspices, I remain, Sir, your most respectful and obedient Servant.⁵⁴

There is no indication that Benjamin ever received a reply from Day, and he did not stay in Charleston long waiting for one. He was home for only a couple of months before setting out for New Orleans. The evidence strongly suggests that Benjamin did not behave well at Yale. He was only a boy, a mere teenager, when he was at the school, and did not have the wisdom and maturity of most of his classmates. He may have suffered an appalling lapse in judgment. He had the intelligence but perhaps not the moral fortitude that comes with experience. This is precocity's curse. Though the incident proved an embarrassment later in life, Benjamin did not let it ruin him. In early 1828, talented, ambitious, and determined, he left for New Orleans and a new life.

Benjamin's older cousin and future lieutenant-governor of Louisiana, Henry M. Hyams, traveled with him from his parent's home in Charleston to the booming Mississippi River port. Charleston and New Orleans could not have been more different. Charleston was a city in decline, rigidly stratified and suicidally conservative.⁵⁵ New Orleans was growing rapidly, with a thriving, multi-cultural middle-class and plenty of opportunities for social and economic mobility. The city's population doubled during the 1830s, from 50,000 to 100,000, making it the largest in the South. Benjamin arrived only

⁵⁴ Benjamin to Day, January 18, 1828, Yale University Archives. Quoted in S.I. Neiman, Judah Benjamin (New York: The Bobbs-Merrill Company, Inc., 1963), 27-28. Professor Merchant believes that Benjamin's allusion to his "violation of the laws of the college" could be a reference to drinking and gambling. To him, the story about a trunk full of loot does not ring true.

⁵⁵ William W. Freehling, The Road to Disunion, Vol. II (New York: Oxford University Press, 2007), 362-363.

a quarter century after the Louisiana Purchase, and many native New Orleanians had been born under a foreign flag.⁵⁶ The city had rallied around Andrew Jackson in 1815, and experienced a commercial windfall following the Treaty of Ghent that in 1828 showed no sign of abating. The Panic of 1837 would be New Orleans's first serious setback since the War of 1812, but the city did not fare as badly as cities in the North and West such as New York, Cincinnati, and Louisville.

It was not hard to find employment in New Orleans. For some months, as he adjusted to his new life, he jumped from job to job, first working in a mercantile house processing bills and ledgers, then teaching school part-time.⁵⁷ In his spare time, he studied law. His first break came when Greenbury R. Stringer, a notary who worked for local law firms, hired him as an apprentice. Stringer recognized Benjamin's ability, and soon began assigning him difficult cases whose challenges he relished. This experience gave Benjamin valuable insight into the practical workings of the law. Also, as a result of his position, his circle of friends grew and began to include attorneys—future colleagues.⁵⁸

To pass the bar in Louisiana Benjamin had to master the Napoleonic Code, a difficult feat for anyone and impossible for a man who could not read French. When he arrived in New Orleans, he did not speak a word of the language. In 1831, he began to tutor Natalie St. Martin, the daughter of Auguste St. Martin, a successful insurance agent

⁵⁶ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 31-32.

⁵⁷ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 24.

⁵⁸ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 33.

and a Creole. St. Martin hired the young man to instruct his daughter in English, and Judah accepted the charge on the condition that she would teach him French.⁵⁹

Natalie was sixteen, four years younger than Benjamin, and by all accounts quite attractive. Both her parents were Creole, and had passed onto their daughter her dark hair and enchanting visage. She apparently had an alluring voice as well.⁶⁰ Judah spent hours with her, teaching and being taught, and a romance soon blossomed. Over the course of 1832, Benjamin courted Natalie, and their infatuation grew into genuine love. When Benjamin finally passed the bar in December 1832, he proposed to the lovely Miss St. Martin and she accepted. Auguste St. Martin did not oppose the marriage, but he did urge Benjamin to convert to Catholicism. Though by no means religious, St. Martin understood social proprieties, and in the nineteenth-century it was unusual for a Jewish man to marry a well-to-do Roman Catholic. Benjamin refused to convert, promising only that any children would be raised in the faith of the mother. Auguste apparently did not object, and the couple wed on February 12, 1833, less than two months after Benjamin's passed the bar.⁶¹

Benjamin's courtship and marriage reflected crucial aspects of his personality. It took courage bordering on recklessness for a young upstart hired to tutor a girl from a prominent family to strike up a romantic relationship with his student, but Benjamin did. He always lived enigmatically and never let social mores govern his life. Under ordinary circumstances Benjamin's status would have put him at a serious disadvantage, especially in antebellum Southern society, but he brilliantly turned this situation to his benefit. He

⁵⁹ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 24.

⁶⁰ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 34.

⁶¹ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 26.

refused to bow to the power structure, yet he did not criticize it either, and even spent most of his public career working to uphold it. He had talent, confidence, and sang-froid, and never tried to blend in with his surroundings. He was not an observant Jew at the time of his marriage, but he refused to turn his back on Judaism even though St. Martin encouraged him to do so. He could have estranged himself from his in-laws, but he did not. He always acted diplomatically to avoid alienating others, but he never caved in to social pressures. He remained a cosmopolitan Jew in the parochial Old South.

Of course, Benjamin's ambition and talent would have withered like a plant in thin soil had he not experienced good fortune along the way. More than most of his peers, he made his own luck through hard work and ambition. Only a month after his marriage and three months after he had been admitted to the bar, Benjamin argued his first case in front of the Louisiana Supreme Court. It was the first of hundreds. The suit, *Florance v. Camp*, was hardly significant—the defendant argued that some minor flaw in wording should void an affidavit of arrest—but Benjamin, representing the plaintiff won. Early in his career Benjamin often argued mundane cases such as this one, but always worked hard for his clients. It was this “energy and initiative that distinguished him from so many of his contemporaries.”⁶²

While his career blossomed, Benjamin's marriage floundered. For the first three years of their marriage, he and Natalie lived with her parents. Benjamin did not have to worry about finances as he built his legal practice, but he felt dependent on his in-laws, which caused him considerable consternation. To cope, he spent nearly every waking hour at his office, leaving Natalie alone and bored. Natalie was immature. She enjoyed

⁶² Robert Douthat Meade, *Judah P. Benjamin: Confederate Statesman* (New York: Oxford University Press, 1943), 36-37.

the parties, balls, and society events that came with her husband's growing prominence, yet she craved his attention and often flirted with other men when she did not get it. Rumors stemming from Natalie's coquettish behavior deeply embarrassed Benjamin, and he and his wife often quarreled.⁶³

In the early 1840s, with his marriage on the rocks and his business booming, Benjamin decided to buy a plantation, "Bellechasse," just outside New Orleans. He hoped the purchase might salvage his marriage. He also knew that the political career he was contemplating could succeed only if he became a successful planter. Political victory was possible only if he had the support of the propertied class. His mother was getting on in years, and had separated from his father in the 1830s. He had remained in Charleston and she had moved to Beaufort. Benjamin wanted to bring her to Bellechasse to live out her life in comfort. She came in 1841 and lived on the plantation until her death in the autumn of 1847.⁶⁴

Eighteen forty-two marks a watershed in Benjamin's life. He had moved to Bellechasse the previous year and purchased 140 slaves to cultivate sugar cane on the plantation. Like many Southerners, Benjamin had conflicting views about the peculiar institution. His intelligence pulled him one way while his ambition pulled him another. He rejected appeals to biblical authority that whites often invoked to justify race-based slavery. He never claimed that blacks were inferior to whites or that slavery was in any way natural. He never advocated radical measures such as reopening the slave trade, and he never used explicitly racist rhetoric to win support. "Historians," Eli Evans wrote, "would have defined him as an enlightened Southerner who could be passionately critical

⁶³ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 31.

⁶⁴ *Ibid.*, 36.

of the most inhuman aspects of slavery and could denounce its cruelties with eloquence, yet not be an opponent of the system itself."⁶⁵ He was a pragmatist, and his ambition trumped his intelligence.

It was a case concerning slavery that catapulted Benjamin onto the national legal stage and made his career possible. The case arose when the brig *Creole*, carrying slaves from Virginia to New Orleans, was seized by the slaves on board. The mutineers killed one man, wounded the ship's captain, captured the crew and changed course for Nassau. At Nassau the British port authority put the vessel under guard while the Bahaman Attorney General decided the fate of the slaves. After conferring with the surviving crew, he ordered nineteen of the slaves arrested for assault and murder. The others he released. Slave traders in New Orleans, who stood to lose tens of thousands of dollars as a result of his decision, brought suit against their insurance companies to recover the money they had lost.⁶⁶

Benjamin, along with F.B. Conrad and Thomas Slidell, represented the insurance companies. In 1842, after losing a judgment for \$18,400 in a lower court, they appealed to the Louisiana Supreme Court in 1842. Benjamin presented a brief for the plaintiffs:

Slavery is against the law of nature; and although sanctioned by the law of nations, it is so sanctioned as a local or municipal institution, of binding force within the limits of the nation that chooses to establish it, and on the vessels of such nation on the high seas, but as having no force or binding effect beyond the jurisdiction of such nation.

View this matter as we may, it at last resolves itself into the simple question—does the law of nations make it the duty of Great Britain to refuse a refuge in her domains to fugitives from this country, whether white or black, free or slave? It would require great hardihood to maintain the affirmative as to whites; but the color of the fugitive can make no possible difference. It will scarcely be pretended that the presumption of our municipal law, that the blacks are slaves, is to be made a rule of the law of nations and, if not, in what manner

⁶⁵ *Ibid.*, 37.

⁶⁶ S.I. Neiman, *Judah Benjamin* (New York: The Bobbs-Merrill Company, Inc., 1963), 38.

are the British authorities to determine whether the blacks and whites reaching their ports on the same vessel, the former asserting their liberty, the latter denying the fact and claiming the black are slaves?

It is obvious that the only criterion by which they can be governed is that which is insisted on by the American government, viz: if the blacks reach there under the control of the whites and as their slaves, so consider them; but if the blacks reach there uncontrolled by any master and apparently released from any restraint on the part of the whites, to consider them free. These are the principles on which the law of nations Great Britain has the right to regulate her conduct.⁶⁷

Benjamin's argument was not radical. He pointed out that international law does not require any nation to grant one race an advantage over another. If blacks say they are free and if they appear to be free ("uncontrolled by any master"), then the British government can treat them as free. His most intrepid contention came at the very end of his long brief. There he argued that the responsibility for the mutiny fell to the slave owners and, in particular, to their decision to pack so many slaves into the ship that it risked inciting a riot. This decision, he claimed, voided the contract. "What is a slave?" he asked.

He is a human being. He has feeling and passion and intellect. His heart, like the heart of the white man, swells with love, burns with jealousy, aches with sorrow, pines under restraint and discomfort, boils with revenge and ever cherished the desire for liberty. His passions and feelings in some respects may not be as fervid and as delicate as those of the white, nor his intellect as acute; but passions and feelings he has, and in some respects, they are more violent and consequently more dangerous, from the very circumstances that his mind is comparatively weak and unenlightened. Considering the character of the slave, and the peculiar passions which, generated by nature, are strengthened and stimulated by his condition, he is prone to revolt in the near future of things, and ever ready to conquer his liberty where a probable chance presents itself.⁶⁸

He concluded, "Will this court be disposed to recognize one standard of humanity for the white man and another for the Negro?"⁶⁹ The Louisiana Supreme Court overturned the

⁶⁷ *Ibid.*, 39-40.

⁶⁸ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 38-39.

⁶⁹ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 62.

previous verdict and refused to force the insurance companies to compensate the owners for their lost property.

The brief sounds more like William Lloyd Garrison than a Deep South plantation owner, and abolitionist pamphleteers did reprint it and circulate it all over the country.⁷⁰ Does this argument reveal Benjamin's true belief about slavery? First, his clients were paying him to win the case, and this fact drove him more than any moral conviction. As a lawyer he did not have to agree with the views that he propounded on behalf of his clients. Benjamin defended the natural equality of blacks in court, but he owned a plantation and 140 slaves, and few questioned his commitment to the peculiar institution.

It seems that Benjamin was sincere. He always contended that blacks were equal to whites in the brotherhood of humanity, and he always denied that God had destined them for bondage. He saw only a difference in form between the slaves of the South and the working classes of Europe and the North, and believed that the Southern system was the more humane of the two. Abolitionists who claimed that Southern slavery was barbaric and inhuman were, he believed, peddling lies, and the fact that elected officials took these lies seriously distressed him to no end. He found Harriet Beecher Stowe's *Uncle Tom's Cabin* infuriating, and all the more so when William Seward quoted it in the Senate in 1856. In response he compiled government reports suggesting that slaves were well treated and accused his Republican colleague of deception. "He has read in a novel the authentic fact that Mr. Legree whipped Uncle Tom to death," Benjamin quipped, "and

⁷⁰ Eli N. Evans, *Judah P. Benjamin: The Jewish Confederate* (New York: The Free Press, 1988), 38.

that is a thousand times more satisfactory than any such foolish thing as official documents.”⁷¹

Benjamin must have known about the sadistic abuses of his fellow slave owners. He tried to treat his own slaves humanely. Benjamin’s earliest biographer, Pierce Butler, wrote that some of his former slaves who were still living at the turn of the century “would tell visitors all sorts of tales of the master of long ago; —none but kindly memories, and romantic legends of the days of glory on the old place...”⁷² Benjamin did, however, have his slaves whipped or branded when they defied his orders. He argued that this treatment was a saner, more humane way to punish transgressions than the penalties handed down by magistrates in Europe and the North. In the same debate with William Seward he said,

If a slave in the South broke open the cabin of another slave and stole his petty treasure he would be whipped and there the criminal procedure would end. But if the same event occurred in the North between white persons the offender would be given a term of years in the penitentiary. If it occurred in philanthropic England, the man...I believe, formerly would have been hung...but now he will simply be torn from wife, children, country home and friends, manacled, and transported to a penal colony of Great Britain in the southern seas...⁷³

Benjamin convinced himself that slavery could be humane, and refused to concede that claiming ownership over another human being was by its very nature cruel and dehumanizing. Not even the most honorable master could change this fact. His argument also failed to account for human nature. As Lord Acton observed, power tends to corrupt and absolute power corrupts absolutely. The criminal justice system in England and the North left much to be desired, but it did operate in a system of checks

⁷¹ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 102.

⁷² Pierce Butler, Judah P. Benjamin (Philadelphia, PA: George W. Jacobs & Company Publishers, 1906), 62.

⁷³ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 103.

and balances in which no man alone could determine another man's fate. The Southern slave system, on the other hand, gave masters virtual free rein over their human property. It relied on the paternalistic ideal of noblesse oblige to ensure some semblance of justice for slaves in an inherently unjust system. Benjamin argued that abusive masters were exceptional, but there the exception proved the rule. He protested that abolitionists painted a fictitious picture of life in the South, but being under abolitionist scrutiny surely pushed slave owners to act with greater benevolence than if they had been left unmonitored.

Chapter 3

Benjamin's Political Career: From the Louisiana Legislature to the Confederate Cabinet

Judah Benjamin's political career began with a whimper. His first foray into public life came in 1841 when he was defeated in a race for Alderman in New Orleans. Undeterred, the next year Benjamin set his sights even higher. Running as a Whig, at the age of thirty-one he won a seat in the Louisiana legislature. He immediately began to distinguish himself. In his first session, from January to April 1843, he chaired a committee reporting on a banking bill, spoke against a tobacco tax bill, and introduced a report on a redistricting bill, all while practicing law in New Orleans.⁷⁴

Benjamin continued to serve with distinction in the legislature, and in the spring of 1844 he was chosen as a Whig delegate to the Louisiana Constitutional Convention. At this time Louisiana retained the Constitution of 1812. This constitution limited the governor to a single four-year term and gave the state senate oversight for gubernatorial appointments, but gave the governor total control over the state bureaucracy, a power of patronage that created ample room for abuse.⁷⁵ The Convention met on August 5, 1844, in Jackson, just north of Baton Rouge. The delegates accomplished nothing, adjourned on August 24, 1844, but reconvened on January 14, 1845 at the St. Louis Hotel in New Orleans.⁷⁶

⁷⁴ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 48.

⁷⁵ Peter J. Kastor, The Nation's Crucible: The Louisiana Purchase and the Creation of America (New Haven, CT: Yale University Press, 2004), 185-186.

⁷⁶ James Bolner, ed., Louisiana Politics: Festival in a Labyrinth (Baton Rouge, LA: Louisiana State University Press, 1982), 94.

Despite his youth Benjamin took a leading role in the debates. He became the leader of the “city delegation”—a group of New Orleanians who were determined to defend their commercial interests against the encroachments of the country parishes. He led debates about enlarging the franchise, changing the time of election, simplifying the judicial system, and providing free public schools. He spoke frequently, but rarely for very long. Robert Kerr, the reporter for the convention, wrote, “It was very difficult to report the remarks of the gentlemen that spoke with the fluency and rapidity of the delegate [Benjamin] from New Orleans.”⁷⁷

Some of Benjamin’s convention speeches that Kerr did record shed light on the young man’s political philosophy. On January 23, 1845 Benjamin gave a “Speech on Qualifications of the Members of the Legislature.” He argued “that no one shall be eligible to the general assembly who has not resided four years in the State.”⁷⁸ “It may well be conceived,” he insisted, “how very important it is to have men in our legislature that are imbued with our feelings and sentiments, and are identified with our interests and institutions.”⁷⁹ He returned to that topic at the close of his remarks:

There is one subject...that I approach with great reluctance. It is a subject of vital importance to the southern States, and should produce at least unanimity in our councils, to avert a common danger. It is not the part of wisdom, however we may differ, to wrangle where the safety of all may be compromised. I would scorn to appeal to party considerations. A question may arise in a few months that will obliterate all party distinctions; when there will be neither Whigs nor Democrats. When the whole South will coalesce and form a single party, and that party will be for the protection of our hearths, of our families, and our homes. That man must be indeed blind not to perceive from whence the danger comes. The signs are pregnant with evil. The speck upon the horizon that at first was no bigger than a man’s hand, overshadows us, and there is not a breeze that blows

⁷⁷ Journal of the Proceeding and Debates, Louisiana Constitutional Convention, 1844-1845 (New Orleans: Besancon, Ferguson and Co., 1845). Quoted in Pauline Anne Randow, A Collection of Speeches By Judah Philip Benjamin (Baton Rouge, LA: Louisiana State University, 1970), 7.

⁷⁸ Pauline Anne Randow, A Collection of Speeches By Judah Philip Benjamin (Baton Rouge, LA: Louisiana State University Library, 1970), 9.

⁷⁹ *Ibid.*, 12.

that does not sound the tocsin of alarm. The light is shut out, and we should prepare ourselves to meet the emergency, whenever it may come. Our organic law would be deficient if it did not guard us from the machinations of an insidious [*sic*] foe. The course of events must rely upon ourselves and our southern confederates, to maintain our rights and cause them to be respected, and not upon the stipulations in the federal compact. We must insist for ample security for these rights.⁸⁰

These remarks, delivered sixteen years before Louisiana seceded, show that the sectional crisis already loomed large in Benjamin's mind. In hindsight, knowing that the Civil War would rip apart the very fabric of Southern society, this speech appears clairvoyant. Secession did not occur for more than a decade and a half, but Benjamin warned that the crisis could come to a head "in a few months." In a sense, he helped to transform the event from the possible to the real. Did the North really pose an elemental threat to Southern society at this point in history? The Wilmot Proviso, considered by many to be the first major crack in the Union's edifice, was still a year and a half away.⁸¹ Had Benjamin lost his characteristic coolness and resorted to fear mongering?

Benjamin's insistence on "ample security for these rights" is not at all out of the ordinary. He, unlike his gentile colleagues, could never afford to hold a *laissez-faire* attitude towards civil rights. To do so would mean exposing himself to dangerous popular prejudices. As a Jew, he knew that he needed laws to protect the rights of the minority from the whims of the majority. As a result, his sectionalist rhetoric ran ahead of the times. He thought of the South as an oppressed minority in need of constitutional protection long before most of peers in Louisiana politics. In a speech he delivered to the convention in March, Benjamin laid out his political philosophy:

It is not questioned that in all republican governments majorities must rule; but it is no less true that the constitutions of all the States are made for the purpose of

⁸⁰ *Ibid.*, 12-13. As far as I know, this speech has never been quoted in a biography.

⁸¹ William W. Freehling, *The Road to Disunion*, 2 vols. (New York: Oxford University Press, 1990), 1:458.

protecting the rights of the minority from being trampled upon by the majority; and that the only reliance the minority can have, is the measure of restriction thrown into the Constitution by which they are to be governed. Without the constitution be[ing] framed in such a way as to accomplish both these ends, it will be a useless instrument.... The purpose of the constitution is to protect all equally, not to give one portion a right to impose on another portion of citizens.⁸²

Benjamin knew that the only constitution worth its salt, at both the state and federal levels, was one that protected the few from the prejudices of the many. He seemingly did not care that protecting minority rights of slaveholders meant trampling on the rights of another minority farther down the social ladder, an attitude that perverted his noble philosophy. Benjamin wanted to protect the rights of slave owners like himself, even though doing so meant further entrenching an evil institution. How could Benjamin, a Jew, defend so firmly a racially-based slave society? In the South, according to Leonard Dinnerstein, "it is rare for a Jew to support so publicly controversial issues" for fear of exciting latent anti-Semitism.⁸³ By supporting slavery Benjamin did not call down public opprobrium on himself or his fellow Jews. In Louisiana in the 1840s, no opinion could be more controversial than one opposing slavery.

Benjamin's apology for slavery reflected a genuine—if genuinely flawed—paternalistic attitude. His vocal defense of the peculiar institution—he began erecting the rhetorical ramparts to beat back the abolitionist attack long before many of his peers—was extreme. When he entered the Senate in 1853 he became an even stauncher defender of the slave system. He was not a fire-eater like Robert Barnwell Rhett or William Lowndes Yancey, but he did not continue to support the Union once it became clear that

⁸² Pauline Anne Randow, A Collection of Speeches By Judah Philip Benjamin (Baton Rouge, LA: Louisiana State University Library, 1970), 56-60.

⁸³ Richard S. Tedlow, "Judah P. Benjamin." Available in Nathan M. Kaganoff and Melvin I. Urofsky, Eds., Turn to the South: Essays on Southern Jewry (Charlottesville, VA: University Press of Virginia, 1979), 50.

the interests of the slave states were in danger. For Benjamin as for many others, the South's vulnerability came into sharp relief in November of 1860 when Abraham Lincoln won the presidency.

On New Year's Eve of that year, after South Carolina had left the Union, Benjamin stood up in the Senate and (uncharacteristically) spoke for more than an hour. He privately felt that secession would be a calamity, but on that chilly afternoon he eloquently defended the South's right to secede. As he neared the end of his remarks he pulled his watch out of his pocket and glanced down at it. "And now, senators," he said to the engrossed chamber,

within a few weeks we part to meet as senators in one common council chamber of the nation no more forever. We desire, we beseech you, let this parting be in peace.... What may be the fate of this horrible contest, no man can tell, none pretend to foresee; but this much I will say: the fortunes of war may be adverse to our arms; you may carry desolation into our peaceful land, and with torch and fire you may set our cities in flames...you may, under the protection of your advancing armies, give shelter to the furious fanatics who desire, and profess to desire, nothing more than to add all the horrors of a servile insurrection to the calamities of civil war; you may do all this,—and more, too, if more there be—but you may never subjugate us.⁸⁴

With these words Benjamin turned to take his seat, but before sitting down he added, amid thundering applause, "An enslaved and servile race you can never make of us—never! never!"⁸⁵ The irony of this statement was apparently lost on him, and he was not the only one. Most Southerners saw the coming struggle for their rights and freedoms of a piece with the American Revolution. When secession came, whites across the South popularized a song called "The Bonnie Blue Flag" which begins, "We are a band of brothers, native to the soil/ Fighting for the property we gained by honest toil." In reality,

⁸⁴ Robert N. Rosen, *The Jewish Confederates* (Columbia, SC: The University of South Carolina Press, 2000), 11.

⁸⁵ *Ibid.*, 12.

they gained their property not through honest toil but through the blood, sweat and tears of blacks, stolen from Africa, stripped of their rights, bought and sold like livestock, forced to labor their entire lives. Southerners liked to think their property was gained by honest toil, but it was in fact procured by the vilest and most dishonest of means.

Benjamin, for all of his intelligence, shared this spurious belief. He neglected to take into account the hopes, dreams, and aspirations of the four million blacks who languished in bondage in the South.

Benjamin had intelligence in abundance, but he also had a dearth of empathy. He treated his slaves humanely, but did so out of the same impulse that compelled a dog-owner to care for her pet. He could not comprehend that all men are created equal and endowed with certain inalienable rights, among them life, liberty, and the pursuit of happiness. He knew the Declaration of Independence, but in practice he applied its assertions only to white men. He was a bourgeois man with a bourgeois worldview, and the concept of universal equality did not fit into this paradigm. Abolitionists and Republicans, Benjamin thought, wanted to establish an artificial equality at the expense of freedom, the freedom of the states to structure their societies around the peculiar institution of slavery if they so desired. To the bourgeois Benjamin this reckless policy was sure to lead to tyranny. He entertained few illusions about the South's chances for victory in armed conflict with the more populous industrial North, but he felt strongly that his adopted section should stand up for its rights. This attitude meant that war was unavoidable, a war in which Benjamin played a crucial role.

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On January 5, 1861, Benjamin attended a meeting in Washington with the nine other Senators from five states of the Lower South. South Carolina had already left the Union, and he argued for immediate secession by the rest of the cotton states. Four days later Mississippi seceded, followed the next day by Florida, and the next by Alabama. Georgia would soon join them, and finally, on January 26, Benjamin's Louisiana took the plunge. During that tumultuous month Benjamin kept his seat in the Senate. In his last and most important effort to clear the way for secession, he strongly opposed the Crittenden Compromise. John J. Crittenden of Kentucky had offered several resolutions in an effort to reconcile the sections, one a proposal to extend the Missouri Compromise line to the Pacific Ocean. Benjamin, along with six other Southern Senators, worked tirelessly and successfully to ensure the measure's defeat.⁸⁶

On February 4, 1861 Benjamin and Louisiana's junior Senator John Slidell resigned their seats in the Senate. Benjamin spoke briefly in defense of secession. He rejected arguments that Louisiana could not legally secede because it occupied territory purchased by the United States, and denied the contention that secession was a reversion to anarchy. "No intelligent people," he said, "ever rose, or ever will rise, against a sincere, rational, and benevolent authority.... The people of the South imitate and glory in just such treason... as encircles with a sacred halo the undying name of Washington."⁸⁷ He finished in a burst of self-righteous fustian:

And now to you, Mr. President, and to my brother Senators, on all sides of this Chamber, I bid a respectful farewell; with many of those from whom I have been radically separated in political sentiment, my personal relations have been kindly and have inspired me with a respect and esteem that I shall not willingly forget; with those around me from the Southern States, I part as men part from

⁸⁶ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 152.

⁸⁷ *Ibid.*, 153.

brothers on the eve of a temporary absence, with a cordial pressure of the hand and a smiling assurance of the speedy renewal of sweet intercourse around the family hearth. But to you, noble and generous friends, who, born beneath other skies, possess hearts that beat in sympathy with ours; to you, who solicited and assailed by motives the most powerful that could appeal to selfish natures, have nobly spurned them all; to you who, on our behalf, have bared your breast to the fierce beatings of the storm, and made willing sacrifice of life's most glittering prizes in your devotion to constitutional liberty; to you, who have made our cause your cause, and from many of whom I feel I part forever, what shall I, can I say? Naught, I know and feel, is needed for myself; but this I will say for the people in whose name I speak today; whether prosperous or adverse fortunes await you, one priceless treasure is yours—the assurance that an entire people honor your names, and hold them in grateful and affectionate memory. But with still sweeter and more touching return shall your unselfish devotion be rewarded.

When, in after days, the story of the present shall be written; when history shall have passed her stern sentence on the erring men who have driven their unoffending brethren from the shelter of their common home, your names will derive fresh luster from the contrast; and when your children shall hear repeated the familiar tale, it will be with glowing cheek and kindling eye, their very souls will stand a-tiptoe as their sires are named, and they will glory in their lineage from men of spirit as generous of patriotism as high-hearted as ever illustrated or adorned the American Senate.⁸⁸

Benjamin's grandiloquent speech went over as well as could be expected given the circumstances. Even his Northern opponents begrudgingly gave it high marks for style. One said that "he drew from his spectators many plaudits for his rhetoric which he could not evoke for his logic."⁸⁹ The next day Andrew Johnson responded. The homily, asserted the Tennessee Unionist, for all its "euphonious utterances" and "seeming sincerity," was "a complete lawyer's speech, and the authorities were summed up simply to make out the case on his side."⁹⁰ Had he been there Benjamin surely would have replied, but he had already left Washington for New Orleans, ready to embark on his next political adventure.

⁸⁸ Christian F. Eckloff, Memoirs of a Senate Page, 1855-1859, ed. Percival G. Melbourne (New York: Broadway Publishing Company, 1909), 62-63.

⁸⁹ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 154.

⁹⁰ *Ibid.*, 54-55.

Two weeks after Benjamin's speech in the Senate, Jefferson Davis was sworn in at Montgomery as President of the Confederacy. A week later, on February 25, Benjamin went to Montgomery to assume the post of Attorney General in the Confederate Cabinet. In his memoirs, Davis explained his choice: "Benjamin of Louisiana had a very high reputation as a lawyer, and my acquaintance with him in the Senate had impressed me with the lucidity of his intellect, his systematic habits, and capacity for labor. He was therefore invited to the post of Attorney General."⁹¹ Davis did not provide information about his past dealings with Benjamin, but considering the close relationship that developed between the two men over the course of the war, they were remarkably contentious.

In June 1858, a few months after Benjamin had begun his second term in the Senate, a particularly rancorous debate broke out between the two men. The debate centered around the purchase of breech-loading arms—a subject about which Davis considered himself to be the Senate's expert.⁹² Benjamin questioned Davis, and Davis responded with disdain, to which Benjamin said, "It's very easy for the Senator from Mississippi to give a sneering reply to what was certainly a very respectful inquiry."⁹³ They then took turns exchanging insults:

Davis: I considered it as an attempt to misrepresent a very plain remark.

Benjamin: The Senator is mistaken, and has no right to state any such thing. His manner is not agreeable at all.

Davis: If the Senator happens to find it disagreeable I hope he will keep it to himself.

Benjamin: When directed to me I will not keep it to myself. I will repel it instantler.

⁹¹ Jefferson Davis, The Rise and Fall of the Confederate Government, Vol. I (Richmond, VA: Garrett and Massie, Inc., 1939), 207-208.

⁹² Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 98.

⁹³ Christian F. Eckloff, Memoirs of a Senate Page (1855-1859), Ed. Percival G. Melbourne (New York: Broadway Publishing Company, 1909), 57.

Davis: You have got it, sir.
Benjamin: That is enough, sir.⁹⁴

When the Senate adjourned that afternoon, Benjamin handed a note to Senator James Bayard of Delaware to pass along to Davis. It was a challenge to a duel. Bayard gave Davis the note in the cloakroom, Davis read it, tore it up, and said, "I will make this all right at once. I have been wholly wrong."⁹⁵ The next morning Davis rose in the Senate and apologized for his behavior the previous day. Benjamin replied that he had been hurt by the tone that Davis had taken with him, all the more so because he respected and admired the man, but there would be no hard feelings. He would forget all that had passed between them "except the pleasant passage of the morning."⁹⁶ Benjamin had stood his ground against a more prestigious foe. It was barbaric to propose a duel over something so petty, but by doing so Benjamin made it clear to Davis that he would not take his insults lying down. This incident could have created a rift between the two men, but in fact it brought them closer together. Benjamin's audacity made a lasting impression on Davis.

In addition to his "very high reputation" as a lawyer and his distinguished career in the Senate, Davis had another reason for placing Benjamin in his Cabinet. He was from Louisiana. Davis wanted to give each state a representative in the Cabinet if possible. This method of assembling a Cabinet resulted in many men ill suited for their posts. The two exceptions were John H. Reagan of Texas, the Postmaster General, and Stephen R. Mallory of Florida, the Secretary of the Navy.⁹⁷ Benjamin did not perform

⁹⁴ *Ibid.*, 57-58.

⁹⁵ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 99. This according to Tom Bayard, James Bayard's son, who took notes on the incident.

⁹⁶ *Ibid.*

⁹⁷ William J. Cooper, Jefferson Davis, American (New York: Alfred A. Knopf, 2000), 331.

poorly as Attorney General. The position was simply too unimportant a post for a man of his ability. Davis should have appointed him Secretary of State, where he could have used his shrewd mind and oratorical skill to lobby Europeans for support. Meade pointed out, "The emissaries the government sent to Europe in early 1861 were his inferiors in ability and experience, and he was not appointed to the State Department until 1862, when it was too late for him to do his most effective work."⁹⁸

Leroy P. Walker, the Confederacy's first Secretary of War, recalled an incident that shows how insightful Benjamin could be. Before the outbreak of war, President Davis and his Cabinet were meeting in the old Exchange Hotel in Montgomery. "At that time," Walker said,

I, like everyone else, believed there would be no war. In fact, I had gone about the state advising people to secede, and promising to wipe up with my pocket-handkerchief all the blood that would be shed. When this cabinet meeting was held, there was only one man there who had any sense, and that man was Benjamin. Mr. Benjamin proposed that the government purchase as much cotton as it could hold, at least 100,000 bales, and ship it at once to England. With the proceeds of a part of it he advised the immediate purchase of at least 150,000 stand of small arms, and guns and munitions in corresponding amounts—I forget the exact figures. The residue of the cotton was to be held as a basis for credit. For, said Benjamin, we are entering on a contest that must be long and costly. All the rest of us fairly ridiculed the idea of a serious war. Well, you know what happened.⁹⁹

After his idea was "ridiculed", Benjamin retreated into the shadows of the Cabinet for the remainder of his short tenure as Attorney General, and he made no more proposals that might have affected the course of the war. He was not a force at cabinet meetings, but he did work behind the scenes to influence the president. He did not act out of a

⁹⁸ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 161.

⁹⁹ Pierce Butler, Judah P. Benjamin (Philadelphia, PA: George W. Jacobs & Company Publishers, 1906), 234. Judge D. M. Shelby, formerly a partner of Leroy P. Walker, recorded Walker's story verbatim in his personal journal and related it to Butler years later.

Machiavellian lust for power. He did not fancy himself the power behind Davis's throne nor did he seek to become his gray eminence. His relationship with the president nevertheless drew the ire of the Charleston *Mercury's* Barnwell Rhett, who later wrote of Benjamin, "A man of great fertility of mind and resource and of facile character, he was the factotum of the President, performed his bidding in various ways, and gave him the benefit of his brains in furtherance of the views of Mr. Davis."¹⁰⁰ Rhett's critical assessment is only partly valid. Benjamin was the "factotum" of the President, but never his toady. If Davis required him to act against his better judgment, Benjamin would loyally carry out his orders and hope for the best, but he never failed to make his own opinions known to the President. He did this with tact and diplomacy, and rather than angering and alienating Davis, showed himself to be an independent thinker and strengthened the bond between them. By the end of 1861 he had become the President's most influential adviser.¹⁰¹

Recognizing that he was wasting a valuable asset, President Davis made Benjamin Secretary of War on September 17, 1861, at that time the most important Cabinet post. Given the vital task of overseeing the Confederate war machine, Benjamin began working seven days a week, often well into the evenings. Benjamin recognized that the South had limited resources and made a concerted effort to use men and materials as effectively as possible.¹⁰² Hardworking, intelligent, insightful—Benjamin had all of the tools for success except one; he had no experience in military affairs. "The historians

¹⁰⁰ R. Barnwell Rhett, "The Confederate Government at Montgomery." Article appears in Robert U. Johnson and Clarence C. Buel, eds., *Battles and Leaders of the Civil War*, Vol. I (New York: The Century Company, 1887), 105.

¹⁰¹ Robert Douthat Meade, "The Relations Between Judah P. Benjamin and Jefferson Davis: Some New Light on the Working of the Confederate Machine," *The Journal of Southern History* 5, no. 4 (Nov., 1939): 472.

¹⁰² *Ibid.*, 473.

have generally agreed,” Meade wrote, “that Benjamin proved a failure as war minister. Their verdict is just.”¹⁰³ Benjamin, for one, had no military background, and when difficult situations arose he fell back on his legal training, failed to communicate with his generals, and inevitably clashes occurred.

In October 1861, General P.G.T. Beauregard, fresh from his victory at Manassas, sent a lieutenant to Richmond to recruit volunteers for a rocket battery that he hoped to add to his command. Benjamin tactlessly told him that his project was “without warrant in law,” but because his motive was good and his act merely “a defect in judgment” he would “go unpunished.”¹⁰⁴ Affronted, Beauregard sent an angry letter to Davis. “I feel assured,” he wrote, “I need not attract your attention to the unusual and offensive style adopted by the Secretary of the War Department....I am quite willing, indeed, that you decide whose judgment has been most at fault—that of your general, who has simply done what was *essential* to provide men to handle the rockets as soon as ready for use, and thus materially increase his means of defence [*sic*]...; or that functionary at his desk, who deems it a fit time to weave technical pleas of obstruction to debate about the prerogative of his office and of your Excellency’s and to write lectures on law while the enemy is mustering on our front, with at least three times our force in infantry and four times as much artillery.”¹⁰⁵ He even attacked Benjamin’s legal pedigree: “Coming to see this, he will then, I am assured, understand that this is no time for the display of his capacity for irritation or his legal and Constitutional erudition. He will see such displays

¹⁰³ *Ibid.*

¹⁰⁴ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 123.

¹⁰⁵ *Ibid.*

are now as much out of place as were a learned disquisition from an admiralty lawyer on the intricacies of the rules of flotsam and jetsam to the captain of a ship in distress.”¹⁰⁶

By March of 1862, demands for the Secretary’s removal had reached a fever pitch. At a banquet in Richmond early that month attended by ranking civilian and military officials, General Joseph E. Johnston was asked if he thought the Confederacy could succeed as long as Benjamin remained Secretary of War. He answered that it could not.¹⁰⁷ In a major blunder the previous month, Benjamin had failed to order reinforcements to Roanoke Island, North Carolina, a strategic point between the Pamlico and Albemarle Sounds. On February 8, the Federal navy took out the island’s defenses and overwhelmed General Henry A. Wise’s small force stationed there. This was a major loss for the Confederacy, and led inexorably to the end of Benjamin’s short tenure at the War Department. The Richmond *Examiner* complained bitterly: “We are surprised by each movement of the enemy; the War Department seems to know no more of his plans and intentions than the children in the streets of Richmond; the credulity of its Secretary is absolutely astonishing.”¹⁰⁸

Popular pressure had mounted so high that by mid-March Davis had no choice but to relieve his Secretary of War. Rather than sacking him, however, the President

¹⁰⁶ Hamilton Basso, *Beauregard: The Great Creole* (New York: Charles Scribner’s Sons, 1933), 154.

¹⁰⁷ Henry Stuart Foote, *War of the Rebellion; or, Scylla and Charybdis* (New York: Harper & Brothers, Publishers, 1866), 356. Foote writes, “While the banquet was proceeding, Mr. Benjamin’s gross acts of official misconduct becoming the subject of conversation, one of the company turned to General Johnston, and inquired whether he thought it even *possible* that the Confederate cause could succeed with Mr. Benjamin as war minister. To this inquiry, General Johnston after a little pause, emphatically responded in the *negative*. This high authority was immediately cited in both houses of Congress against Mr. Benjamin, and was in the end fatal to his hopes of remaining in the Department of War.”

¹⁰⁸ Rollin Osterweis, *Judah P. Benjamin: Statesman of the Lost Cause* (New York: G.P. Putnam’s Sons, 1933), 134-135. Benjamin did know that the fall of Roanoke Island was imminent, but the Confederacy simply did not have the manpower to mount a defense. Rather than revealing that sad fact, he took the blame for the loss. Davis realized this and greatly appreciated it.

promoted him to Secretary of State.¹⁰⁹ Benjamin's critics in the military, relieved to have him out of the War Department, did not attack his promotion. For Davis, who had shown poor judgment in his Cabinet assignments, it was a brilliant move. In promoting Benjamin, Davis acted partly out of guilt. He felt responsible for placing his comrade in an impossible situation and desired to make it up to him. In a letter written many years later, Davis's widow Varina observed, "The President promoted him with a personal and aggrieved sense of the injustice done to the man who had become his friend and right hand."¹¹⁰

With his elevation to Secretary of State, Benjamin finally was in his proper niche in the Confederate government. He remained in the post for the duration of the war. He worked even more closely with the President, and his friendship with Davis reached new heights. Varina Davis provided a revealing picture of this camaraderie:

Mr. Benjamin was always ready for work, sometimes with half an hour's recess he remained with the Executive from ten in the morning until nine at night and together they traversed all the difficulties which encompassed our beleaguered land.... Both the President and the Secretary worked like galley slaves, early and late, Mr. Davis came home fasting, a mere mass of throbbing nerves, and perfectly exhausted; but Mr. Benjamin was always fresh and buoyant. One day I asked him what kept him up and he said, "I always carry to these long cabinet meetings a small cake which I eat when I begin to feel fatigued and it freshens me up at once." There was one striking peculiarity about his temperament. No matter what disaster befel [l] our arms after he had done all in his power to prevent or rectify it, he was never depressed. No reverse tortured him exceedingly, as it did Mr. Davis, who though he was too reticent and self-controlled to betray his anguish suffered like one in torment. Mr. Benjamin was serenely cheerful, played games, jested and talked as wittily as usual. His demeanour [*sic*] puzzled us so much that at last I asked him what comfort came to him? Was he hopeful of a fortunate termination? He said he believed there was a fate in the destiny of

¹⁰⁹ Herman Hattaway and Richard E. Beringer, Jefferson Davis, Confederate President (Lawrence, KS: University Press of Kansas, 2002), 124.

¹¹⁰ Robert Douthat Meade, "The Relations Between Judah P. Benjamin and Jefferson Davis: Some New Light on the Working of the Confederate Machine," *The Journal of Southern History* 5, no. 4 (Nov., 1939): 473.

nations, and it was wrong and useless to distress one's self and thus weaken one's energy to bear what was foreordained to happen.¹¹¹

Benjamin won Davis's professional respect, and his unique outlook and disposition earned him the President's personal friendship. Benjamin's calm and positive attitude had a soothing effect on the habitually harassed leader of a doomed cause.

Benjamin served as both a personal and psychological asset to President Davis, but he could also be a political liability. The exotic and cerebral Secretary of State could not win the sympathy of the Southern people outside of New Orleans. One politician spoke of him as having "a distinctly French turn of thought."¹¹² Many in the South found Davis's reliance on this foreign-born Jew disquieting.

Benjamin proved to be a masterful diplomat. In early 1862, he offered to trade one hundred thousand bales of cotton and the right to export French goods into the South "for a defined period" if Louis Napoleon would recognize the Confederacy and break the Federal blockade. This proposal enticed the French Emperor who made an earnest effort to aid the South. The plan collapsed when the Emperor failed to secure British cooperation.¹¹³

When Lincoln issued the Emancipation Proclamation in January 1863, Benjamin at once understood that the South could not hope to obtain British recognition without abolishing slavery. Still unwilling to give up the peculiar institution, Benjamin could not bring himself to suggest such a course. He did advise arming slaves, an unpopular and politically suicidal scheme even at the end of the war. On February 9, 1865, at a rally in Richmond held to protest the demand of Lincoln and Secretary of State William H.

¹¹¹ *Ibid.*, 474.

¹¹² *Ibid.*, 475.

¹¹³ *Ibid.*, 475-476.

Seward's for unconditional surrender, Benjamin gave the keynote address. In the course of that stirring speech he exclaimed, "Let us say to every Negro who wishes to go into the ranks on condition of being made free: 'Go and fight—you are free!'"¹¹⁴ The press assailed him for his proposal with such vigor that on February 21 he offered to resign. Davis refused to let him go.

Benjamin remained loyal to Davis to the end. He fled Richmond with the beleaguered President on April 2, and at a cabinet meeting later that month in Greensboro, Benjamin was the only member who supported Davis's determination to continue the war. He soon realized the futility of this plan, however, and advised Davis to put an end to it. "The Confederacy," he wrote April 22, "is in a word unable to continue the war by armies in the field, and the struggle can no longer be maintained in any other manner than by guerrilla or partisan warfare. Such a warfare is not in my opinion desirable nor does it promise any useful result...[thus] it is my opinion that these terms [the terms of surrender presented to Johnston by Sherman] should be accepted, being as reasonable favorable as any that we as the defeated belligerent have reason to expect or can hope to secure."¹¹⁵

Benjamin wanted to win the war, but he realized that a Confederate victory was not possible. The defeat did not devastate him. He remained jovial, if somewhat picaresque, to the bitter end. No one expected Benjamin to go the way of Edmund Ruffin. When he faced adversity following his ignominious departure from Yale, Benjamin had moved to New Orleans and made a new, successful life for himself.

¹¹⁴ Pauline Anne Randow, *A Collection of Speeches By Judah Philip Benjamin* (Baton Rouge, LA: Louisiana State University Library, 1970), 33.

¹¹⁵ Lynda Lasswell Crist, Ed., *The Papers of Jefferson Davis*, 12 vols. (Baton Rouge, LA: Louisiana State University Press, 2003), 11:554-555.

Conclusion:

Benjamin in England

Benjamin's fame preceded him to England. As the Confederacy's Secretary of State he already had connections with the political leaders of London. He wrote a letter to his sister in September 1865 in which he told her, "I have been treated with great kindness and distinction...by Lord Campbell and Sir James Ferguson, the former a peer and the latter of the House of Commons...Both assured me that I would meet the utmost aid and sympathy, and would be called on by a large number of the leading public men here....Mr. D'Israeli also wrote to a friend of mine expressing the desire of being useful to me when he should arrive in town, and I have been promised a dinner at which I am to be introduced to Gladstone and Tennyson."¹¹⁶

Scarcely off the boat, Benjamin was already mixing with the British Brahmins. His social schedule may have matched Gladstone's and Tennyson's, but his lifestyle, at least initially, did not. He spent his first months in London living in veritable poverty. What little money he did make from writing weekly articles for the *Daily Telegraph*, he spent quickly, usually on trips across the channel. His wife, Natalie, from whom he had been estranged for decades, was living in Paris with their daughter Ninette. Benjamin had seen his daughter so infrequently during her childhood that he felt compelled to be with her now that she was relatively close.

¹¹⁶ Pierce Butler, Judah P. Benjamin (Philadelphia, PA: George W. Jacobs & Company Publishers, 1906), 371-372.

Benjamin did not intend to live out his life as a pauper. He wanted to practice law again. "Nothing," he wrote to his sister, "is more independent, nor offers a more promising future, than admission as a barrister to the bar of London."¹¹⁷ Gaining admission to the bar was no small task. Lincoln's Inn, the Inn of Court in London that regulated the practice of law, had a three-year residency requirement for admission to the bar.¹¹⁸ It could, and ultimately did, waive this provision for Benjamin, but at the end of 1865 the chance that it would seemed remote.

On December 20 Benjamin sent another letter to his relatives in the United States. He wrote of the postwar state of the South and his perception of the situation from afar. "The news from the other side," he wrote, "fills me with alarm and concern, and I cannot penetrate into the dark future that seems to await my unhappy country. The unholy passions of the wretched Northern fanatics seem to require no fresh fuel in order to burn with fiercer intensity; and until the mass of the people hurl them from power, God knows what excesses they will commit."¹¹⁹ He worried that the end of slavery would plunge the South into a dark age of economic and cultural ruin. "I have always looked with the utmost dread and distrust on the experiment of emancipation so suddenly forced on the South by the event of the war. God knows how all is to end!..."¹²⁰

Benjamin did not agonize for long over the political situation in the United States. On January 13, 1866, he began studying English law at Lincoln's Inn, and, as a result of the influence of well-connected friends, the attorneys in charge waived the three-year waiting period. Benjamin ascended to the bar on June 6, 1866. On his petition for

¹¹⁷ *Ibid.*, 372.

¹¹⁸ Eli N. Evans, Judah P. Benjamin: The Jewish Confederate (New York: The Free Press, 1988), 329.

¹¹⁹ Robert Douthat Meade, Judah P. Benjamin: Confederate Statesman (New York: Oxford University Press, 1943), 327.

¹²⁰ *Ibid.*, 328.

admission he claimed to be a “political exile.” This was true enough—had he returned to the United States he would have probably joined Jefferson Davis in Fortress Monroe.¹²¹ He explained that his parents were both British subjects and that consequently he was a “natural-born subject of Her Majesty.”¹²² The Bench accepted his petition and admitted him to the bar. Before that was possible, Benjamin had to become a British citizen. He did so happily, finally and forever severing his ties with the United States.

Benjamin’s return to private practice began slowly, but soon was booming. In 1867 his fees totaled £495, less than \$2,500, but by 1871 they had risen to £2,100, or \$10,500, and by 1873 to £8,934, more than \$44,000.¹²³ Even with a growing number of clients he still found time to write. In August 1868, he published a *Treatise on the Law of Sale of Personal Property, with Reference to the American Decisions, to the French Code and Civil Law* (known by its shorthand title, *Benjamin on Sales*.) It remained the most important book on the subject for many years, used as a text in law schools throughout the English-speaking world. In 1872, he was promoted from barrister to Queen’s Counsel, the highest echelon of the English bar. On August 10 of that year he wrote his sister with the good news. “I have had high professional promotion lately,” he began. “It will be of immense value to me in various ways, both in increased income and in greater facility of labor....I have now to wear a full bottomed wig, with wings falling down on my shoulders, and knee breeches and black silk stockings and shoes with

¹²¹ Felicity Allen, *Jefferson Davis: Unconquerable Heart* (Columbia, MO: University of Missouri Press, 1999), 416.

¹²² Eli N. Evans, *Judah P. Benjamin: The Jewish Confederate* (New York: The Free Press, 1988), 333.

¹²³ *Ibid.*, 378.

buckles, and in this ridiculous array, in my silk gown, to present myself at the next levee of Her Majesty to return thanks for her gracious kindness.”¹²⁴

Benjamin’s new post certainly paid well. By the late-1870s he routinely made more than £15,000 per year, an enormous sum in those days. A *New York Times* correspondent who interviewed Benjamin on New Year’s Day, 1879, concluded that he was making \$150,000 a year including income from his book and investments. The same interviewer made a special note of his subject’s youthful appearance. “Very seldom,” he wrote, “does one meet a man who, having almost attained the scriptural three score years and ten, looks and acts like a man of forty.”¹²⁵ Benjamin may have looked young, but age had begun to wear him down. As early as 1873 he wrote to a retired friend in Cambridge, “I quite envy yr [*sic*] pleasant life. I am sure that at my age I could dream away the remainder of life there in quiet content, but my battle with the world is not yet *quite* ended.”¹²⁶ He battled on for ten more years, finally stepping down from active practice in 1883.

The London *Daily Telegraph*, a publication to which Benjamin had contributed articles during his early days of penury in England, published a tribute to his career soon after he announced his retirement. “The history of the English bar will hereafter have no prouder story to tell than that of the marvelous advance of Mr. Benjamin from the humble position he occupied as a junior in 1866 to the front rank of his profession in 1883...Sufficient...will it be for us at this moment to hope, in the name of the bar which has watched his brilliant and brave career, that many years of well-earned repose may be

¹²⁴ Pierce Butler, *Judah P. Benjamin* (Philadelphia, PA: George W. Jacobs & Company Publishers, 1906), 398-399.

¹²⁵ Robert Douthat Meade, *Judah P. Benjamin: Confederate Statesman* (New York: Oxford University Press, 1943), 366-367.

¹²⁶ *Ibid.*, 354.

Mr. Benjamin's portion."¹²⁷ Benjamin did not have many years left. A heart attack suffered on December 25, 1882, had brought on Benjamin's decision to give up his practice, and after that his health declined slowly. He lived out his days in Paris, finally reunited with Natalie and Ninette.

As his life drew to a close, Benjamin's thoughts returned to the South. When a gentleman from New Orleans visited his bedside just days before his death, Benjamin wistfully remarked, "Louisiana...remember me there."¹²⁸ He had lived all over the world, but the antebellum South remained his true home. He could look back fondly on his youth in South Carolina and his rapid rise to prominence as a young lawyer in New Orleans. He had mixed emotions about the time he had spent in the Confederate cabinet. He maintained to the end that the cause was just, but he could not deny that his efforts to establish the new nation on a firm footing had failed. Benjamin was no stranger to failure. He failed at Yale, he failed at marriage, and he failed at nation building, but he never let these setbacks ruin him. When he passed away on May 6, 1884, one could honestly say that he had lived a successful life.

¹²⁷ "A Tribute to Mr. Benjamin: On the Pluck, Talent and Knowledge of a Distinguished Ex-Confederate," *London Daily Telegraph*, 10 February 1883.

¹²⁸ Eli N. Evans, *Judah P. Benjamin: The Jewish Confederate* (New York: The Free Press, 1988), 399.

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