

The Mysterious Prince of the Confederacy

Judah P. Benjamin and the Jewish goal of whiteness in the South



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Preface

This essay started out as a short “On this day in history” marking the day the Judah P. Benjamin officially became the Confederate Secretary of War, November 21, 1861. As someone who studied American Jewish history and particularly the Jewish experience in the antebellum and Civil War south, I only in passing knew about Benjamin, on greater examination and reading he is one of the most fascinating figures in American history and American Jewish history. An often-overlooked historical figure, he achieved heights in American government that no Jew has yet achieved. Benjamin was the first Jewish Senator, the first Jew nominated and confirmed to the Supreme Court, he was nominated to be the Ambassador to Spain an honor for a Jew, who came from a prominent Spanish Jewish family, and who traced their lineage to before the expulsion.

Benjamin was a brilliant jurist, orator, a plantation owner, sugar cane cultivator and the mastermind of the Confederacy. Benjamin long viewed secession as the inevitable solution to the divisions between the North and South over states’ rights and slavery, and he served the Confederate cabinet from its inception, as Attorney General, Secretary of War, and Secretary of State, he was longtime friend Confederate President Jefferson Davis’ right hand man and sometimes surrogate president. As historian Eli Evans indicates, Benjamin was “the brains of the Confederacy,” the Jew at “the very center of Southern history,” “in the eye of the storm that was the Civil War,” who remained in the “shadow” but took the fall as the Confederacy failed in the war. Benjamin was the main cause of the rise of anti-Semitism in the South, the most welcoming place for Jews in America in the antebellum era.

Benjamin was also a chameleon rather than be captured by the Union Army and risk a Alfred Dreyfus (1894 France) like trial, and become the scapegoat of the North’s ire after the President Abraham Lincoln’s assassination, he escaped through Florida to the Bahamas and then England, where he had citizenship from being born in British Isle of St. Croix. Within months of his escape, Benjamin passed the British bar and he become an equaling successful barrister and eventually was chosen to be part of the Queen’s Privy Council. Through his success, Benjamin never renounced his Jewish faith despite marrying a Catholic and assimilating. Benjamin never discussed his Judaism but it followed him and he was the target of anti-Semitic attacks from colleagues and political enemies alike. Benjamin was the consummate insider and outsider as a Jew at both times.

Benjamin never returned to the United States after the Civil War and burnt all his papers and letters. Near the end of his life in 1884, he declared in a letter, “I would much prefer that no ‘Life,’ not even a magazine article should ever be written about me. . . . I have never kept a diary, or retained a copy of a letter written by me. . . . I have read so many American biographies which reflected only the passions and prejudices of their writers that I do not want to leave behind me letters and documents to be used in such a work about myself.” Benjamin has remained a historical enigma, very few books have been written about him, to his pleasure and the detriment to his historical legacy. No wonder, Eli Evans’s 1989 book, the leading biography, “Judah P. Benjamin: The Jewish Confederate” took nine years to write. Despite reading the literature, there

are still some many questions left unanswered on his life, his views on Judaism and the inner working of Confederacy, which were sometimes just Benjamin and Davis. If I would ever be asked if there is someone in history dead or alive I would like to meet, it would Benjamin to uncover the mystery of the prince of the Confederacy.

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Place in History

On November 21, 1861, former Senator Judah P. Benjamin took on the position that would define his place in American history, Secretary of War in the Confederate States of America, a position that determined not only the course of the Civil War between the rebel Southern states and the Northern Union states but the rise of anti-Semitism in America. Benjamin was one of the South's loyal Jews, who took up preeminent positions in the new Confederate nation, reaching ranks that were unheard of for Jews anywhere even in the North. Benjamin in his cabinet positions throughout the war as Attorney General, Secretary of War and Secretary of State essentially served in the most important one being Confederate President Jefferson Davis' right-hand man and acting president at times. As historian Eli N. Evans author of the most prominent biography of Benjamin entitled *Judah P. Benjamin, the Jewish Confederate* analyzes, "Benjamin served Davis as his Sephardic ancestor had served the kings of Europe for hundreds of years, as a kind of court Jew to the Confederacy. An insecure President [Davis] was able to trust him completely because, among other things, no Jew could ever challenge him for leadership of the Confederacy."ⁱ However, as Evans indicates, "A man of his analytical skills and personal dynamism, acknowledged by scholars to have been one of America's most brilliant legal minds and most arresting orators, could never have served merely as 'Mr. Davis' clerk or administrative assistant."ⁱⁱ Benjamin was a great legal mind, orator, and "the brains of the Confederacy," the Jew at "the very center of Southern history," "in the eye of the storm that was the Civil War," who remained in the "shadow" but took the fall as the Confederacy failed in the war.ⁱⁱⁱ

In the antebellum South, Southern Jews who adhered to the social norms mostly were spared anti-Semitism, which race more important than religion, for Jews being white, led to increased social acceptance and minimal anti-Semitism. In America with the promise of religious freedom, race as opposed to religion divided society and nowhere was that more true in the South where slavery reigned and even the poorest of whites saw their social status rise by virtue of their whiteness. Jews in the upper classes especially saw this as their ticket to freedom from persecution that haunted them in Europe. Assimilation into Southern life was the best way for Jews to attain acceptance with their Southern Christian counterparts. Abraham J. Peck in his article, "That Other 'Peculiar Institution': Jews and Judaism in the Nineteenth Century South" explains that assimilation meant, "Whereby a minority takes on many of the values and practices of the majority group." Peck believes assimilation "was indeed possible for Southern Jewry, and may have been their only choice."^{iv} It happened supporting the slavery and then the Confederacy was ticket to that acceptance for Jews living in the South and they took advantage of everything their whiteness could offer them in America.

Benjamin adhered to Southern norms including support of slavery, being a plantation owner and slaveholder and religiously assimilated. As Robert Rosen author of *The Jewish Confederates* notes, "Judah Benjamin is a great example of how Southern Jews were assimilated into Southern Society. But of course they accepted all the values of that society, including slavery." As with other Southern Jews they had shown, they were more devoted and loyal to the South and Confederacy than their Christian counterparts to hold onto to that acceptance. Evans describes, "Benjamin as a Jew would have to be more loyal to the Cause than anyone else—more outspoken in the Cabinet, more courageous, and willing to wage war with the energy that total

war demanded. And if he understood Jefferson Davis, loyalty to the President as the symbol to the Cause was the measure of a man's worth to the Confederacy." ^v Benjamin's loyalty and adherence to Southern norms was the reason he was able to advance and in his political career despite his religion.

The acceptance Southern Jews experienced prior to war, which allowed Benjamin to rise in the ranks of American politics and in the Confederate cabinet disappeared as the situation became desperate in the Civil War, especially in the South where Christian Fundamentalism took over and anti-Semitism reared its head. Most of the anti-Semitism that spewed over to Southern Jewry during the war stemmed from Benjamin's power and rank within the Confederacy and the missteps, blockade, and military defeats for which he took the blame. In the North, the attacks against Benjamin were commonplace even before the war. American Jewish historian Bertram W. Korn in his seminal book, *American Jewry and the Civil War* recounted, "Almost every political opponent of Judah P. Benjamin referred to his name and faith. A typical case was that of Nicholas Davis of Alabama who, in the heat of a political campaign, denounced the Louisiana Senator as that 'infamous Jew... Judas P. Benjamin'" ^{vi}

Benjamin was the most influential Jew in American government as Evans indicates, He "achieved greater political power than any other Jew in the nineteenth century — perhaps even in all American history." According to Kurt F. Stone in his book, *The Jews of Capitol Hill, A Compendium of Jewish Congressional Members*, "Without question, Judah P. Benjamin is one of the most fascinating, accomplished, and talented individuals ever to grace the American political stage." ^{vii} Evans also points out, "Judah P. Benjamin was called 'the dark prince of the Confederacy' by Stephen Vincent Benet in *John Brown's Body*." ^{viii} However, Benjamin faces obscurity in history because the very private Benjamin burnt all his papers but six pages, a "virtual incendiary," leaving little record of his work for historians. Even Jefferson Davis scantily wrote about his "confident" in his 1500 page memoirs, one of the two comments Davis wrote about Benjamin was "Mr. 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." ^{ix}

Daniel Brook in his article, "[THE FORGOTTEN CONFEDERATE JEW](#) How history lost Judah P. Benjamin, the most prominent American Jew of the 19th century" says it is the reason why "in every age, a heroic sage struggles to rescue Benjamin from obscurity—and invariably fails." ^x There are [no controversial monuments](#) to Benjamin as there were for the other Confederate political and military heroes and during his lifetime, his likeness appeared on the Confederate two-dollar bill, the only Jew to have that honor in American history. Historian Jonathan Sarna explains, "Non-Jews didn't make statues of him because he was a Jew, and Jews didn't make statues of him because he was intermarried and not really associated with the Jewish community. He kind of lost both sides." ^{xi}

The literature on Benjamin is very shallow. It includes *Judah P. Benjamin* by Pierce Butler first published in 1906, Rollin Osterweis' 1933 volume *Judah P. Benjamin: Statesman of the Lost Cause*, Robert D. Meade's 1944 biography, *Judah P. Benjamin and the American Civil War*, Martin Rywell's *Judah Benjamin: Unsung Rebel Prince* from 1948, and S.I. Nieman's 1963 biography, *Judah Benjamin: Mystery Man of the Confederacy*. The most complete

biography is Southern historian Eli Evans 1989 book, *Judah P. Benjamin, the Jewish Confederate*. Most recently in 2015, Don Lankiewicz wrote about Benjamin escape from America as the Confederacy surrendered and the Confederate Cabinet became fugitives accused of treason with the book *Journey to Asylum: Judah Benjamin's Great Escape*. Two recent articles specifically examined Benjamin's views and convictions on the two institutions he based his future on slavery and secession. Maury Wiseman's 2007 article "Judah P. Benjamin and Slavery" and Geoffrey D. Cunningham's 2013 article "'The ultimate step: Judah P. Benjamin and secession'" attempt to determine his positions on slavery and slavery based primarily on public published addresses. Both historians determined that Benjamin's devotion to slavery and secession was rooted in the law and predominantly the Constitution.

Evans finds that the Butler and Meade biographies are the "standard biographies of Benjamin." Butler looked at Civil War orders and letters Benjamin sent that he could not destroy and interviewed those who knew him including Varina Howell Davis, who knew him better than anybody else except for Jefferson Davis, who towards the end of her life expressed, Benjamin's "greatness was hard to measure... I loved him dearly." While Meade also looked, "diaries, memoirs, and papers" including letters and he interviewed Benjamin's family. Neither Butler nor Meade looked at his Jewish identity, gliding by his Jewishness.^{xii} Francis Lawley who covered Washington and Richmond for the London Times during the Civil War was fascinated with Benjamin and was researching to write a biography but never completed his attempt. Lawley's letters to Varina Howell Davis provided insight to Benjamin's views of Jefferson Davis.

Very few of the books look at Benjamin as a Jew, how his Jewish identity affected his political career and his role in the Confederate cabinet. Non-Jewish biographers were mostly anti-Semitic and stayed away from discussing Benjamin's religion. Additionally, for many years American Jewry distanced themselves from Benjamin and his participation in the South's rebellion, however, there was a resurgence of interest in the Confederacy in the 1930s and American Jews followed suit. Most Jewish historians stayed away from Benjamin because "he was incomprehensible as a Jewish figure." As Evans explains, "As a Confederate leader who once owned 140 slaves, he was to those historians part of a failed culture, not a Jew whom scholars of American Jewish history could explain, and therefore it was easier to dismiss him as Jewish than try to probe him and understand him as an integral figure in American Jewish history."^{xiii}

Early views of Benjamin's Jewishness came from Max J. Kohler 1905 biography, *Judah Benjamin: Statesman and Jurist*, where he called Benjamin, "Hebrew in blood, English in Tenacity and grasp of purpose."^{xiv} Max Raison writing in his 1923 book, *A History of Jews in Modern Times*, referred to Benjamin as the "right hand of President Jefferson Davis, sat a Jew to whom was attributed the distinction of being the 'brains of the Confederacy,'" a man "almost fanatical in his Southern patriotism ... who never for a moment lost the confidence of the President who, more than upon any other member of his official family, leaned upon him in all the weightiest of problems."^{xv}

American Jewish historian Bertram W. Korn analyzed Benjamin in his 1949 journal article; "Judah P. Benjamin as a Jew" for the *Publications of the American Jewish Historical Society* examining Benjamin's attachment to Judaism and the Southern Jewish community

looking at “What kind of Jew Judah P. Benjamin actually was.”^{xvi} Benjamin Kaplan in his essay entitled “Judah Phillip Benjamin” touched on his connection to Judaism superficially but with an American Jewish historical context. Kaplan called Benjamin a “wandering Jew, an exotic and mysterious personality, is one of contradictions, controversies, and legend,” who was “Hated by his opponents, adored by his friends, charming, aggressive, egotistical, and brilliant, one of the most powerful and enduring forces of the Confederacy, he was a man acquainted with grief, tortured with doubt about his mission in life.”^{xvii} Although more recently surveys of American Jewish history and in Southern Jewry mention Benjamin, the only full-length book to examine Benjamin in the context of his religion is Evans’ *Judah P. Benjamin: The Jewish Confederate* and Evans makes it part of his thesis.

Benjamin wanted historical obscurity he destroyed all his letters and papers, some when he escaped Richmond in 1865, the remaining before his death leaving just six pieces. Late in his life in 1884, when a biographer asked for his papers, Benjamin bluntly and defiantly replied in a letter, “I have no materials available for your purpose. . . . I would much prefer that no ‘Life,’ not even a magazine article should ever be written about me. . . . I have never kept a diary or retained a copy of a letter written by me . . . for I have read so many American biographies which reflected only the passions and prejudices of their writers, that I do not want to leave behind me letters and documents to be used in such a work about myself.”^{xviii} Benjamin spent so many years vilified he did not want to give biographers and historians greater opportunity but in destroying his papers he is left a mystery making it easier for history to do what Benjamin feared or even worse forget him almost entirely. Without his personal papers and records it becomes difficult to criticize Benjamin, because there is not enough to work from to do so only the public image he carefully constructed at the time.

The documents that remain are law reports, limited legal documents, published speeches, newspaper reports, proceedings from the Senate and Confederate Records and correspondence giving a public picture of Benjamin but not his private thoughts and convictions. Some correspondence remains from those to whom he wrote and who saved the letters every nugget gives a bit of insight into Benjamin the man, versus the jurist and politician. As MacMillan notes, “While sources allow a reconstruction of Benjamin’s life and his enormous influences, they largely fail to provide insight into Benjamin’s thoughts, perceptions and motivations.”^{xix} About 100 letters from the 1850s until 1861 from Benjamin to New York banker Peter Hargous were recently discovered and Hargous family donated in 2009 to American Jewish Historical Society. The letters were from Benjamin’s times as a railroad prospector. The letters reveal inward concerns and despite his outward confidence, Benjamin was conflicted about secession, civil war and the Confederacy. The letters show a side of Benjamin historians has seen little of, Evans remarks, “It has a voice that I’d never heard from him before, very blunt and very down, talking about failure in unadorned, unflowery language.”^{xx}

The South for many years blamed Benjamin for the South’s fall as the “Brains of the Confederacy,” the North considered him the South’s “evil genius,” and the “Sphinx of the South” while Jewish historians early on refused to acknowledge the traitor in American history and [still consider](#) him “One of the most misunderstood figures in American Jewish history.” Part of the reason early American Jewish historians avoided Benjamin was his support for slavery. Evans points out, “Benjamin was fascinating because of the extraordinary role he played in Southern

history and the ways in which Jews and non-Jews reacted to him. He was the prototype of the contradictions in the Jewish Southerner and the stranger in the Confederate story, the Jew at the eye of the storm that was the Civil War. Objectively, with so few Jews in the South at the time, it is astonishing that one should appear at the very center of Southern history.”^{xxi}

Benjamin’s Early Life

[Benjamin was born](#) in the West Indies on August 6, 1811, as Judah Phillip Benjamin, his Sephardic observant parents moved from London to the Danish Island of St. Croix, under British occupation and then after in 1813 to Fayetteville, North Carolina in 1821 to Charleston, South Carolina looking for better opportunities. His mother Rebecca Mendes came from Holland from the prominent Mendes family, whose origins were from pre-expulsion Spain and they went to Fayetteville because Rebecca had a brother, Jacob there, her only family in America. His father Phillip Benjamin came from Britain and was a Talmud scholar and then storekeeper selling fruit and the family with seven children remained poor. Benjamin had British citizenship from his place of birth but also American citizenship from his naturalized father. Judah was the Benjamin’s second son, another son named Judah died as an infant, he also had an older sister, Rebecca, called Penny but as Evan points was “burdened” as the “oldest son,” “with all the family ambition attaching to his favored position.”^{xxii} Benjamin’s younger siblings included two brothers Solomon and Joseph, two younger sisters Hannah, called Harriet or Hatty, Judith and then Jacob, the youngest of the Benjamin family.

Charleston at the times was the Jewish center of America. Benjamin remained in Fayetteville with his siblings for schooling at Fayetteville Academy, while his parents settled in Charleston. The family was not Orthodox, and kept their store open on the Sabbath. Phillip Benjamin was one of the founders of Charleston’s first Reform synagogue, the Reform Society of Israelites, after he and 46 other members of Congregation Beth Elohim petitioned the synagogue to among other reforms to modernize prayers using English. Phillip Benjamin served on the committee of correspondence but the family’s religious observance was lax and they were “ousted” from the synagogue for not observing the Sabbath.

A brilliant student, with the help of Jewish merchant Moses Lopez, Benjamin entered in 1825 Yale College at age 14-years-old. Benjamin was the first Jewish student to attend Yale in 14 years, and ranked atop of his class the two years he attended where he honed his oration skills as part of the elite “Brothers in Unity” debating society. Yale ousted Benjamin after his second year because of "a violation of the laws of the college" or “ungentlemanly conduct,” Benjamin always maintained it was because his father could not afford the tuition. Some historians claim he might have stolen money, gambled or anti-Semitism may have been involved, Brooks went as far to consider that maybe homosexual behavior caused his expulsion.

Benjamin briefly returned to Charleston in 1827 but his expulsion or leaving Yale caused a rift with his father and according to MacMillan that was when Benjamin broke from Judaism. Benjamin tried to seek readmission from Yale’s President Jeremiah Day but was unsuccessful. Afterward, Benjamin moved to New Orleans in 1828 there he read and practiced law before entering politics. As Korn recounted Benjamin "arrived in New Orleans in 1828, with no visible

assets other than the wit, charm, omnivorous mind and boundless energy with which he would find his place in the sun." ^{xxiii} The city was also welcoming to Jews because as Korn points out, "anti-Jewish prejudice was notable for its absence." ^{xxiv} While a law clerk "for the notary Greenbury Stringer and banker Samuel Hermann, and reading the law Benjamin earned money teaching the wealthy Creoles English. One of his students was the Catholic Natalie Bauché de St. Martin, a teenager with a "scandalous" reputation, she taught Benjamin, who she called "Philippe" the French he needed for Louisiana's French civil law, Benjamin also learned Spanish to serve the large French and Spanish communities. The St. Martins came from Saint Domingue after the slave revolt, and August St. Martin would become the president of the Orleans Navigation Insurance Company. ^{xxv} The St-Martins were "Creole Aristocracy," and could give Benjamin the connections he needed to succeed and to assimilate in a city that still had a large French Catholic community.

Benjamin passed the bar in 1832 at 21 and he would marry Martin, 16. Natalie's father August St. Martin wanted Benjamin to convert to Catholicism; he refused but he agreed to a Catholic wedding and to raise their children as Catholics. Historians have looked at the union as advantageous for Benjamin with her \$3,000 dowry and two female slaves and entrance in upper society and business connections. McMillan explains, "In short, Benjamin's unusual marriage was one which gave him advantage as an attorney and served to broaden his connections and horizons later in life." ^{xxvi} Both kept their religions, but Natalie was not satisfied and was rumored to be unfaithful. Their personalities were very different aside from religion; Natalie enjoyed parties and drinking, while Benjamin preferred to work and never drank. Natalie was a Creole beauty, while Benjamin was little over five feet, he was "short and stocky with dark curly hair and an olive complexion" he had a short beard and always had a "perpetual smile." ^{xxvii} Benjamin's marriage permanently cut his ties with Jewish community, except his colleague John Slidewell, who married into "Jewish financier August (Schonberg) Belmont's" family.

During the first three years of their marriage, they lived with Natalie's parents while Benjamin wrote a legal summary of Louisiana law, "Digest of the Reported Decisions of the Superior Court of the Late Territory of Orleans and of the Supreme Court of Louisiana" published in 1834. Benjamin co-authored the book with Thomas Slidell, who would become the Chief Justice of the Louisiana Supreme Court. His brother John would become Benjamin's mentor, Senate colleague and Confederate Ambassador to Britain and France. The book was a success opening up opportunities for Benjamin's legal career, where he focused on commercial law, land disputes and international law and by 1851, Benjamin made \$50,000 a year. Benjamin's commercial law cases utilized both Louisiana's civil code and common law and dealt with "real property (including slaves), personal property, mortgages, probate and inheritance, negotiable notes, insolvency, insurance, shipping." Benjamin excelled as a legal scholar and his oratory skills in court. ^{xxviii} Benjamin was so successful in 1847 John Smith Whitaker referred to him as "emphatically the *Commercial Lawyer* of our city, and one of the most successful advocates at our bar ... and holds a deservedly high place among the members of his profession." ^{xxix}

By the early 1840s, Benjamin worked constantly while Natalie became restless. Her affairs concerned Benjamin, who worried how the gossip would affect his career. In 1844, Benjamin purchased a grand plantation Bellechasse, which Stone called "one of the grandest,

most architecturally significant mansions in the entire South.”^{xxx} Benjamin hoped becoming a plantation owner would help his political future in the South, and his marriage. However, Natalie found the planter’s life isolating without her family. In 1843, their first daughter, Ninette was born, but Benjamin excitement at fatherhood would not last long. After over 10 years of marriage, in 1845, Natalie moved to Paris with the couple’s only daughter Ninette, who was raised as a Catholic. Afterward, Benjamin brought his mother and his sisters to live at his plantation, however, his mother died of yellow fever in 1847.

Benjamin visited Natalie and his daughter each year and when he was a Senator, he bought and furnished a home in Washington. Benjamin enticed Natalie to return in 1858 but found Washington too dull compared to Paris, left by early 1859, and never returned to America. Benjamin, however, remained close to the St. Martins, including Natalie’s younger brother, Jules, who lived with him for a while. MacMillan does not believe Natalie moved to Paris and left Benjamin because she was bored or having affair but that it was the custom for Caribbean French to educate their children in France. New Orleans was also an ethically unsavory city and an unhealthy one, prone to yellow fever epidemics, and its possible Ninette suffered from a “lifelong disorder” and would receive better medical care in France.^{xxx1} In contrast, historians also now wonder if the five-foot Benjamin was a homosexual and that was the reason Natalie leaving and for his privacy and burning all his private papers.

Political Career

Benjamin began his political career in 1842, when he was elected as a Whig to the Louisiana House of Representatives. As MacMillan notes, “Louisiana had particularly restrictive suffrage and office holding requirements which meant that election was dependent upon the backing of the powerful and in New Orleans, this came from the French community.”^{xxxii} Benjamin had the support and votes from the city’s elite because from his familial and business connections. As a Louisiana constitutional convention delegate in 1845, Benjamin impressed the party leaders, as Evans explains, his “tact, courtesy, and ability to find compromises impressed the political elders in all corners of the state.”^{xxxiii} The convention looked to “amend voting and office-holding restrictions” in the state and revise their 1812 constitution. Benjamin spoke out about the expansion of slavery if Texas were annexed and the threat if slavery would not be allowed to expand, and urged the convention against reform and adopting opposed counting slaves as three fifths of a human for population by representation purposes. Benjamin retreated from politics in the mid-1840s focusing on his plantation and successful law practice. Benjamin returned to politics in 1846, when he was appointed a land commissioner for California settling land disputes after the Mexican-American War.

In 1848, he served a Louisiana Delegate to the Electoral College that voted General Zachary Taylor, the Whig candidate as president and went to President’s Taylor’s inauguration. Taylor wanted Benjamin his cabinet but was reluctant about Natalie’s “scandalous” reputation. Benjamin again served as Whig delegate to the 1852 constitutional convention, where “Whigs won loosened state regulations on commerce, banks, railroads, and government investment in the economy after giving way on office- holding restrictions and vote apportionment for slaves.”^{xxxiv}

Benjamin's work at the convention garnered him a Senate nomination. In 1852, Benjamin became the first Jew elected in the United States Senate representing Louisiana as Whig.

In 1853, President Millard Fillmore appointed Benjamin to the United States Supreme Court as an Associate Justice, and the Senate confirmed him but he refused because he wanted to remain in politics.^{xxxv} Fillmore also offered Benjamin to be the Ambassador to Spain a position he also declined. When the Whigs went into decline as a party, Benjamin joined the Democrats in 1856. While in the Senate, he defended slavery and supported the Kansas-Nebraska Act of 1854, and Kansas' 1857 pro-slavery Lecompton Constitution. Instead of sitting as a justice on the Supreme Court, Benjamin had a prolific career arguing cases in front it.

In the Senate, Benjamin's colleagues considered him one of its "truly great minds" and a "most powerful orator."^{xxxvi} At the time John Smith Whitaker, a member of the New Orleans bar recalled Benjamin, "As a speaker, he was calm, collected, forcible, though sometimes a little too rapid in his elocution. His voice has a silvery, mellifluous sweetness and seldom jars upon the ear by degenerating into a shrill or harsh tone while his manner and gestures are graceful and finished."^{xxxvii} According to Stone, "he has been ranked by some historians as one of the five greatest orators in Senate history, the equal of Daniel Webster and John C. Calhoun." Despite their respect for his skills, there were still passive aggressive attacks on Benjamin because of his religion, and he was routinely referred to as "Hebrew" or "Isrealite" in addition to more anti-Semitic attacks. MacMillan called Benjamin's "brother Senators" actions an "insidious anti-Jewish sentiment."^{xxxviii}

Benjamin would go on to meet Secretary of War Jefferson Davis at a state dinner hosted by President Pierce; Jefferson's wife Varina described him as having "rather the air of a witty bon vivant than of a great senator." At first, the two quarreled when Benjamin questioned Davis over a military bill and firearms, with Davis insulting Benjamin insinuating that he "advancing the mercantile interests of a client" and was acting as a "paid attorney." Benjamin privately called for a duel, however, Davis apologized ending the duel and starting their next phase. Davis never publicly apologized, Senator Pearce made a "statement of fact" noting Davis' error and Davis provided an explanation not an apology.^{xxxix} When Davis became a Senator from Mississippi, the two formed a cautious alliance. Both opposed Stephen Douglas' nomination for president from the Democratic Party and his hypocrisy regarding popular sovereignty on slavery. Once Lincoln was elected in November 1860, by then Benjamin believed secession and confederation were the south's best leverage in negotiating with the Union.

In 1856, Benjamin became a Democrat abandoning the Whig Party, who no longer had a national party. Benjamin joined the Democrats to fuel his ambition and to save the Union with South maintaining slavery. The Louisiana Democratic Party and the press welcomed his change of party affiliation. Benjamin supported James Buchanan's presidential nomination and campaigned for him in 1856. The same cannot be said of Senator Stephen Douglas of Illinois; Benjamin spoke out against him at length in the Senate during their vote on the Kansas Bill whether to support Kansas's pro-slavery Lecompton Constitution. In the 1860 campaign, Benjamin attacks on Democratic presidential nominee Douglas were reprinted a pamphlet for the Southern Democratic presidential nominee John Breckinridge, who was nominated at the Charleston Convention. Benjamin declared, "The Senator from Illinois faltered. He got the prize

for which he faltered; but lo! the grand prize of his ambition to-day slips from his grasp because of his faltering in his former contest, and his success in the canvass for the Senate, purchased for an ignoble price, has cost him the loss of the Presidency of the United States.”^{xi}

Benjamin faced a difficult reelection in 1858 the state legislature was concerned that Benjamin as Chairman of the Senate Committee on Private Land Claims misused his position to help fellow Senator Slidell make a profit from a land deal. The speculation of abuse of power and that Northern Louisiana wanted a senator from their region resulted in forty-two ballots until Benjamin won reelection to his seat. He would remain in the senator only another year before becoming the last senator from the South to resign barely two weeks after Louisiana became the fourth state to secede from the Union. According to Stone, Benjamin “until virtually the eleventh hour, sought to bring about rapprochement between North and South.”^{xli} However, Cunningham finds that Benjamin’s Senate speeches starting in 1855 spoke of the secession and civil war as inevitable if the North continued to trample on the South’s Constitutional rights regarding the expansion of slavery.

Benjamin delivered a [farewell address to the Senate](#) warning of an upcoming civil war in what Evans notes, "Historians consider Benjamin's farewell ... one of the great speeches in American history." Benjamin warned in his speech, “And now, Senators, 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 . . . indulge in no veiled delusion that duty or conscience, interest or honor imposes upon you the necessity of invading our States or shedding the blood of our people. We have not possible justification for it . . . what may be the fate of this horrible contest no man can tell . . . but this much, I will say: the fortunes of war may be adverse to our arms, you may carry despoliation into our peaceful land, and with torch and fire you may set our cities in flame . . . 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 never can subjugate us; you never can convert the free sons of the soil into vassals, paying tribute to your power; and you never, never can degrade them to the level of an inferior and servile race. Never! Never!”^{xlii} Louisiana succeeded from the Union on January 26, 1861, becoming the fourth state to do so and Benjamin resigned from the Senate days later on February 4, 1861.

Benjamin and Judaism

Despite his non-observance, Benjamin remained a Jew his whole life although he was never attended or a member in a synagogue or involved in the Jewish community of any city he lived throughout his adult life in America or in Britain. According to Korn in his article, “Judah P. Benjamin as a Jew,” “Altogether it would appear that Benjamin had no positive or active interest in Jews or Judaism. The only known facts are that he was born into a Jewish family... that he never denied being Jewish or sought to escape his background through conversion to the Catholic faith of his wife and daughter.”^{xliii} “More recently Evans claims, “To presume Benjamin a nonbeliever by his public acts represents a fundamental error in Southern history." Evan believes it was impossible for Benjamin to cut ties completely with his Judaism after his

upbringing, arguing, “No Jew can make the leap from a childhood with religious immigrant parents to an assimilated Southern leader in twenty years, without retaining psychological ties to his Jewish past.”^{xliv}

The lack of personal sources about Benjamin makes all the more difficult to analyze his personal feeling about his Jewish identity as opposed to the public reticence available from the scarce sources. To MacMillan, “This failure is significant not only in the understanding of Benjamin’s life but also in a greater understanding of one of the most prominent Jewish figures in the nineteenth century English speaking world. This prevents a greater understanding of the acceptance of Jewish people in America and the United Kingdom.”^{xlv} Benjamin’s success was because of his passionate loyalty to Southern issues and his ability to downplay his religion. Despite Benjamin assimilating to Southern white Christian society, the anti-Semitic attacks towards him both before and especially during the Civil War against Benjamin gave rise to widespread anti-Semitism in the South. Historians will never know how he felt about the personal attacks or how he felt about his actions in the cabinet were affecting the wider Jewish community in the South.

Very little record indicates that he had any pride in being Jewish or involvement after his childhood. Whitaker in his *Sketches of Life and Character in Louisiana, The Portraits Selected Principally from the Bench and Bar* noted in 1847 that the public was aware that Benjamin was Jewish, writing, “Mr. Benjamin is by birth, and as his names imports, an Israelite. Yet how far he still adheres to the religion of his fathers, I cannot tell, though I should doubt whether the matter troubled him much.”^{xlvi} One incident indicates that Benjamin took interest in the community; he purchased a subscription to the Philadelphia Rabbi Isaac Leeser’s *the Occident*. On March 20, 1848, Gershom Kursheedt, the leader of the New Orleans Jewish community notified Leeser in a letter that “Before I forget it let me state on Friday last Mr. J.P. Benjamin handed me \$5.50 for you.” In 1843, Leeser sent free copies to influential Jews so they would purchase a subscription to his magazine. Benjamin was not as distanced to know the leader of the community and his connection to Leeser and to want to be current on Jewish issues.

Jewish leaders looked more to claim Benjamin as member of the Jewish community than Benjamin wished to identify publicly with his religion. Two stories circulated that embellished his involvement. The first attributed to Isaac Mayer Wise, who claimed in the fall of 1850 to have had two discussions with Benjamin, Secretary of State Daniel Webster and Lieutenant Matthew F. Maury. Wise recounts in 1874 in his *Reminiscences* he discussed in the two meetings, the first in Webster’s office than later at a dinner religion and Judaism with Benjamin. Korn believes it is impossible that the discussions occurred because Benjamin became a Senator in 1853, while Webster died in 1852, and Benjamin did not visit Washington in the fall of 1850 but July 1851. Wise contradicted his story having responded to a Boston Transcript editorial from January 5, 1861, which criticized Jews, Benjamin, Senator David (Levy) Yulee and Benjamin Mordecai of Charleston for contributing to the secession crisis, Benjamin and Yulee through their Senate actions and Mordecai with a monetary contribution. Wise responded Jews were divided politically and that he had only met Mordecai. Neither did Wise mention meeting Benjamin in his obituary for Benjamin in the *Israelite*.

Years later, Herbert Ezekiel author of the book *The History of the Jews of Richmond from 1769 to 1917* (1917) claimed in 1860 that while Benjamin was in San Francisco arguing the mining case *United States V. Castillero*, he delivered a sermon at a San Francisco synagogue for Yom Kippur, on September 26. The *United States V. Castillero* was one of Benjamin's most important cases in front of the Supreme Court concerned about "the ownership of the New Almaden quicksilver mine in California."^{xlvi} Ezekiel quoted Rabbi Isaac Mayer Wise of Cincinnati. Wise had not been in San Francisco that year and neither did the only Jewish paper *The Weekly Gleaner* claim Benjamin was anywhere near a synagogue let alone deliver a Yom Kippur sermon.

Two days earlier Rev. Julius Eckman of *The Weekly Gleaner* reported Benjamin delivered a lecture on politics and government at Tucker's Academy for an Episcopal Church. The speech, however, did mention American Jewry, Eckman reported Benjamin made rare comments speaking out against political discrimination. Gleaner wrote, "He next referred in a very happy manner to the injustice in the distribution of offices and asked why the citizens of his religious tenets were not favored by those who have it in their power to bestow offices of emolument and trust. In a very pathetic manner he asked "Would the great Washington have excluded a citizen from holding federal appointment because of his religion."^{xlvi}

Korn attributes to the speech for the one Ezekiel believed was delivered as a Yom Kippur sermon. Korn, however, indicates the speech must have been one Benjamin delivered to the Church of Advent and he claims the official printed version of the speech referred to "the spoils system and political prejudice, not religious prejudice." Korn argues Eckman was either drowsy that evening and did not hear Benjamin aright, or he was so eager to identify Benjamin as a positive Jew that he misinterpreted what the Louisiana Senator did say."^{xlix} Korn's basis for his analysis was because Benjamin never spoke about himself in his address or anything related to Judaism in his addresses, quoting Jefferson Davis who claimed, "No more reticent man ever lived where it was possible to be silent."

Without many records it is difficult to say for certain, despite Korn debunking the Benjamin quote, Eckman's paraphrasing of Benjamin speaks volumes on why he for the most part stayed away from Judaism in his public life, his fear his religion would hold his ambition back from political advancement. Historian Diane Ashton explains about the situation of Southern Jews during the Civil War in her article "Shifting Veils: Religion, Politics and Womanhood Among Jewish Women During the Civil War." Ashton writes, "When the determination of friend or foe was the degree to which an individual displayed shared values and commitments and when religion was made to serve political causes, Jewish identity could be a liability or an asset."¹ With the array of anti-Semitic attacks on Benjamin from his political foes, he long learned that assimilation and keeping his religious difference private was best for his political advancement.

Two later incidents while Benjamin served in the Senate, however, demonstrated just how distanced publicly he was from his religion. In 1850, the "American Minister to Switzerland" A. Dudley Moore negotiated a commercial treaty with the Swiss Confederation. An Article in the treaty allowed Swiss cantons the right to refuse Jews entry and not allow them to benefit from the treaty, only Christians, and the ability to expel any Jew conducting business in

their canton. Secretary of State Daniel Webster and Senator Henry Clay opposed the clause and President Millard Fillmore wanted the clause removed from the treaty.

The controversy became known as L’Affaire Swiss. Rabbinical leaders in both North and South opposed the anti-Semitic clause and lobbied the government to advocate religious tolerance abroad. Among those leading the movement were “Rabbis Isaac Leiser of Philadelphia, David Einhorn of Baltimore, J. M. Cardozo of Charleston, and Capt. Jonas Phillips Levy of New York.” Former Representative Phillip Phillips of Alabama and Jonas Levy advocated the government on behalf of American Jews. In the Senate, Senator Lewis Cass of Michigan led a movement opposed to ratifying the treaty. Cass would later become Secretary of State and notably delivered a speech on the Senate floor on April 19, 1854, placing his support in America’s Jewish population.

Benjamin, however, refused to be involved in the Senate floor debate; instead, he did not identify himself as a Jew that would have been subjected to the treaty’s exemption. Benjamin presented the petition on May 10, 1854 on the Senate floor, he advocated for equality in the treaty but Benjamin chose not to include that he too was a Jew, excluding himself from his coreligionists. According to the *Congressional Globe* from the day, “Mr. Benjamin resented... a petition of citizens of the United States, professing the Jewish religion, praying that measures be taken to secure to American citizens of every religious creed, residing or traveling abroad, their civil and religious rights; which was referred to the Committee on Foreign Relations.”^{li} The clause was rewritten but the Swiss still made discrimination against Jews possible. What had been an objection became a protest movement by American Jews, the situation only grew when an American citizen and Jew A. H. Gootman, who conducted commercial business for five years was forced to leave La Chaux-de-Fonds, in Neuchâtel in 1856.

Except for presenting the petition, Benjamin chose not to take a leadership role; historians suggest he felt it better for non-Jewish Senate members to take on that position. However, it was often the practice of some Jews in the South to “veil” as historian Diane Ashton called it, their religion in front of their Christian neighbors. If he would have taken on a leadership role he would have been known as the “Jewish Senator,” and he worked his whole career to defined or hindered by his Judaism.^{liii} In 1860, Benjamin remained just as detached, when China and Japan put similar clauses in their treaties with America only allowing Christians to worship freely. Again, Jewish leaders objected to the included clauses and lobbied that any American of any faith should have their right. Rabbi Max Lilienthal wrote to Benjamin looking for him to advocate in the Senate on American Jewry’s behalf. Benjamin replied:

Washington, March 24, 1860

My dear Sir:

I have received your favor of the 21st inst., and shall be watchful of the China treaty, in order to take care that by no omission shall the Israelites of the United States be debarred the privilege secured by the treaty to their Christian fellow citizens.

Thank you for your complimentary expression toward myself, I remain,

Yours with great respect,

J.P. Benjamin.

Rev. Dr. Lilienthal.

Benjamin's reply was detached from the situation, although he agreed to advocate, he did not include himself as one of the aggrieved Jews.

In March 1858, while Benjamin delivered a speech supporting Kansas being admitted to the Union as a slave state supposedly, Republican Senator Benjamin F. Wade of Ohio "denounced" Benjamin on the Senate floor calling him, "an Israelite with Egyptian principle." To which Benjamin responded, "It is true that I am a Jew, and when my ancestors were receiving their Ten Commandments from the immediate Deity, amidst the thundering and lightnings of Mt. Sinai, the ancestors of my opponent were herding swine in the forests of Great Britain."^{liii} Although attributed Benjamin, according to Korn since Benjamin never acknowledged in Jewishness in issues in the Senate that affected American Jews he does not believe that Benjamin delivered this remark. According to Korn, "The fact that Benjamin did not feel obliged, in either of these cases, to register himself as a Jew would appear to be much more significant than any of the questionable traditions and legends concerning allegedly defiant answers to which he is purported to have made to any anti-Jewish attacks upon himself."^{liv}

Views on Slavery

In the antebellum South, Southern Jews who adhered to the social norms were mostly spared anti-Semitism, where race was more important than religion, for Jews being white, led to increased social acceptance and minimal anti-Semitism. Benjamin adhered to all the Southern norms including supporting states' rights and slavery, as Bertram Korn, the authority on Southern Jewry, and Jewry during the Civil War years writes, "No Jewish political figure of the Old South ever expressed reservations about the justice of slavery or the rightness of the Southern position."^{lv} Kaplan finds Benjamin's position on slavery a contradiction considering the religious home he was brought up in. As Kaplan notes, "Benjamin's dedication to slavery seems a contradiction in one who came from a home where Judaism and its traditions held freedom as an inherent right of every person."^{lvi}

Most of Benjamin's biographers concur that although he supported slavery it was not with the fanaticism other Southern politicians ascribed, while Rosen claims Benjamin was not a "proslavery ideologue" Meade in his biography found that Benjamin "viewed Africans as human beings not resigned to their lot as commonly perceived in the South." While Evans says Benjamin's support of slavery was never a "fist-pounding, red-faced, blowhard defense of it."^{lvii} Benjamin's support of slavery rested on political, legal, commercial and social reasoning, however, he did believe in emancipation both before the war with financial compensation and African colonization, and during as a means to save to the Confederacy at any cost.

Benjamin was also the most prominent Jewish plantation owner, although he owned a large plantation only briefly, he represents the Jewish version of the traditional Southern gentleman and planter embodied on the screen by the character Ashley Wilkes in Margaret

Mitchell's *Gone With the Wind*. As Jason Silverman tells, "If there was a Jewish Ashley Wilkes in the Old South surely it would have been Judah P. Benjamin. Master of the New Orleans plantation, *Bellechase*, and its some one hundred and forty slaves, Benjamin was in many ways an icon of the southern planter and gentleman. And, while no one would doubt that Benjamin was a true, *bona fide* antebellum southern slaveowner, his quiet attitude toward the 'peculiar institution' perhaps reflects the deep and contradictory feelings shared by some of his fellow southern Jews seeking acceptance and assimilation."^{lviii}

Before purchasing his large plantation Bellechase situated near New Orleans, Benjamin was a lawyer, merchant, broker, and railroad speculator. Benjamin's career allowed him to gain the fortune needed to purchase and rebuild the plantation into mythic Old South splendor. Benjamin bought the plantation in 1844 with planter Theodore Packwood. On the property was a small house that did not fit Benjamin view of a prosperous planter's mansion, so he rebuilt it after Natalie left. Korn described Bellechase as "an elegant example of ante-bellum grace," with "great, double-leveled porches, almost fifteen feet across, a parade of massive, rectangular pillars and everything else in proportion; curving stairways of mahogany, massive carved decorations, silver-plated doorknobs, extensive rose gardens between the house and the levee, and an enormous bell into which Benjamin was said to have dropped five hundred silver dollars during the melting, to 'sweeten the tone.'" ^{lix}

Benjamin owned the plantation for only a few years, he was forced to sell it after he lost money when a friend went bankrupt after he endorsed a \$60,000 loan for them. In the short period he owned it, he earned a reputation as an expert in growing sugar crops writing some articles on the burgeoning sugar cane extraction in *De Bow's Review*, which earned him first prize from the Louisiana Agriculture Society. In an 1847 article, Benjamin called the sugar cane planter a "manufacturer as well as agriculturist"^{lx} Stone indicates that Benjamin "all but single-handedly introduced sugarcane to the South."^{lxi} Benjamin also owned 140 slaves more than any other Southern Jew, while only 80 of them worked in the fields, the rest worked as servants. Benjamin treated his slaves well but the sugar cane crop is labor intensive and for most slaves the treatment and conditions were terrible and decreased the slave population.

Since Benjamin came to slave holding plantation lifestyle later in life after living a urban lifestyle and he was not ingrained in the opinions that older planters held for generations. Although Judah Benjamin did full heartedly support slavery, he did not support the violence towards slaves. Evans explains, "Consequently, he was not steeped in its traditional philosophy. He would acquire an articulated point of view, but without the Biblical justifications that sustained its most extreme advocates. Though he entered the ranks of the planter class that ruled Louisiana [the Old South]," he never felt that slavery reflected the divine order of things. He was not taken in by distorted theories of the Bible; he never argued that Blacks were of a lower order; and he hated the cruelty of the overseers he heard about."^{lxii} Benjamin was the most prominent political Jew in the South holding many positions in the Confederate cabinet, but as Silverman writes, "Yet this undeniable symbol of what the Old South represented was vehemently critical of the most inhuman aspects of slavery and eloquently denounced its cruelties, though he stopped short of actually opposing the "peculiar institution" itself."^{lxiii}

As a lawyer in New Orleans Benjamin specialized in commercial law and the slave trade came under the banner of that area of law. Benjamin views of slavery were based in the law of the country and location at the time and his support was based on those confines. In an 1845 court case *McCargo v New Orleans Ins. Co*, Benjamin defended insurance companies after a slave revolt on the ship the Creole in 1841, where the slave owners were looking for compensation. On the Creole the slaves mutinied, they killed the slave-owners agent and forced the ship to sail to the Bahamas, where the British arrested only the leaders of the revolt and gave the rest of the slaves on the ship freedom. Benjamin argued Britain could emancipate the slaves because “slavery was against the law of nature but was allowed by the law of nations.”^{lxiv} In court, Benjamin made his point saying, “the force and effect of the law of nature and of nations on the relations of the parties against which no insurance was or could be legally made.... [S]lavery 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.”^{lxv}

Benjamin also argued about the humanity of the slave within the confines of the slave's societal position claiming the slave owners caused the revolt with the ship's tightly confined conditions: "What is a slave? 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 cherishes 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 the liberty where a probable chance presents itself."^{lxvi}

Benjamin won the case, Evans, however, does not think that represented Benjamin's personal views, which would have hindered his political ambitions. Although he supported slavery throughout his career, early on in his law practice Benjamin defended free “persons of color” in two known cases. In one case, *Boisdere v Citizens' Bank of Louisiana* Benjamin defended the interest of free blacks when the bank denied allowing them to own stocks in the bank. In the second case *Robert v Allier's Agent and Succession of Robert in 1841 and 1842*, where a free black woman Genevieve Robert was trying to claim a part of her daughter's estate.

Benjamin, however, took his words seriously about the slaves' humanity, and treated his slaves kindly. As Evans writes, "Benjamin took care to have a plantation noted for its humanness and sought to be known across Louisiana as a gentleman who treated his slaves well. According to early Benjamin biographer Pierce Butler, former Bellechasse slaves who were still living in the early twentieth century reported "none but kindly memories and romantic legends of the days of glory on the old place."^{lxvii} Despite varying opinions about the treatment of slaves and the institution, Benjamin as the majority of Southern Jews still were unified in supporting the beloved and necessary peculiar institution even if fighting a war with their Northern brothers was necessary.

In the first session of the Senate session in 1855, Free Soil Party Senator Charles Sumner of Massachusetts introduced a resolution to create a Pennsylvania Abolition Society memorial. Benjamin turned the issue into a debate with on the Fugitive Slave Act. Benjamin's argument focused the legal and constitution elements. In badgering Sumner, Benjamin expressed, "the Senator on several occasions ... has denied the obligation, as I understand him, under the Constitution of the United States, to deliver up the fugitive slaves from the free States to the owners in the slave States ..." When Sumner pushed the issue of liberty laws for free Northern blacks in the slave South Benjamin ridiculed Sumner over his evasion on the Fugitive Slave Act. Benjamin argument in favor of slavery earned him favor with Southern senator and defeating Sumner's resolution. Benjamin's arguments for slavery emphasized "legal obligations" legal precedent and the constitution, which was his prime way to show support of slavery.

On March 11, 1858, Benjamin's political views of slavery were on full display as he defended the Kansas Bill on legal grounds in the Senate in an impassioned speech, "Slavery Protected by the Common Law of the World." Since 1854, Kansas was at the center of the slavery debate and the passage of the Kansas-Nebraska Act voided the Missouri Compromise of 1820 and gave territories the choice to determine if they will enter the union as free or slave states. Illinois Senator Stephen Douglas' popular sovereignty was pulling Kansas apart as it became Bleeding Kansas with violence that erupted between slave and free soilers. Both the proslavery and antislavery factions created competing governments and constitutions. The proslavery faction set up a government in Lecompton, Kansas and wrote their constitution looking for Congress to admit Kansas into the union as a slave state. President James Buchanan supported the Kansas Bill admitting it as a slave state and wanted Congress to pass the bill. Although a champion of popular sovereignty, Senator Stephen Douglas of Illinois opposed the Lecompton Constitution.

Benjamin's argument was in defense of the laws of both popular sovereignty and the Supreme Court's decision in the Dred Scott case in 1857 declaring that slavery legal in the country and not just the South, and that Congress and state legislatures could not enact legislatures to the contrary. Benjamin argued that the slaves are private property and the laws need to respected, "As long as the constitution of my country endures," it is his "constitutional duty to perform the most sacred of all obligations." Benjamin supported the Dred Scott decision on legal grounds. Despite believing the Democratic Party could spare the Union, he openly attacked Douglas, stating, "The Senator from Illinois would have us believe that this is an abandonment of the principle of popular sovereignty... [It] is its very essence." To Benjamin, Lecompton was "the legitimate fruit of the Kansas bill," and declared his intention, "For that act, I will vote." His speech indicated a rift in the Democratic Party over Kansas. The bill passed in the Senate but failed in the House. Maury Wiseman in his article, "Judah P. Benjamin and Slavery" argued, "While Benjamin was never wed to the peculiar institution, an analysis of his speech on the Kansas Bill depicts an individual firmly bound to its legal sanctity. Benjamin's views on slavery resonated with the Talmudic expression, 'the law of the land is the Law,' and they corresponded to those of many white southerners, including southern Jews."^{lxviii}

Views on Secession

While it is difficult to determine Benjamin's personal opinions on any relevant issue including Judaism, slavery, and secession, from Benjamin's published speeches a picture emerged on his public views. Although he rose to the top of the Confederate ranks, Benjamin never had a fanatic loyalty to either slavery or secession his opinion were pragmatic rooted in the laws and the Constitution. Most of the historians who have written about Benjamin do not believe he thought of secession before Lincoln's election, especially since he was the last to resign from the Senate, and find that Benjamin was conflicted not an agitator but resolved to secession and therefore not responsible for pushing the South towards it. Benjamin wrote to Francis Lawley before his death about secession's inevitability, "Such mighty convulsions which amount indeed to revolutions, are never the work of individuals, but of divided nations." According to Meade, "The aggressive stand Benjamin advocated was to be made within the Union. There is no indication that he ever advocated secession prior to December 1860... apparently against his better judgment." Evans however, puts Benjamin further from the forefront of the secession movement, claiming he was "part of the small band of moderates who had tried to hold the union together but were not able to compromise on slavery." ^{lxi}

In contrast, Geoffrey D. Cunningham's in article "The ultimate step: Judah P. Benjamin and secession" finds that by examining Benjamin's speeches, it is clear that Benjamin saw this a solution for the South early on. Cunningham explains, "Benjamin's speeches, which comprise the largest extant body of sources, reveal Benjamin to have embraced the logic of secession early in his career. While never a fire-eater or an extremist, Benjamin publicly embraced secession's logic with remarkable rapidity." ^{lxx} To Cunningham Benjamin was "Neither a closeted secessionist nor conflicted about the South's right of revolution, Benjamin emerges as a stalwart adherent of secession's logic and political power. No doubt wary of secession's consequences, Benjamin nevertheless employs the South's chief political weapon regularly and confidently in his debates with adversaries." ^{lxxi}

Benjamin became resigned to probable inevitability of secession by 1855, whereas Davis was far more conflicted even by 1860. In 1855, Benjamin expressed in the Senate "Every day I am more and more persuaded [conflict] is becoming inevitable." Later he argued more force fully, "When those guarantees shall fail, and not till then, will the injured, outraged South throw her sword into the scale of her rights, and appeal to the God of battles to do her justice." Davis was more conflicted about session, according to poet Robert Penn Warren "Even ... as a leading exponent of Southern rights, [Davis] found it hard to face the logically ultimate step of secession." ^{lxxii}

On February 23, 1855, during the Senate session Benjamin made his first reference to secession going beyond defending slavery in a heated exchange with Free Soil Party Senator Salmon P. Chase of Ohio over the Fugitive Slave Act, liberty laws and nullification. Benjamin accused the North of corrupting the constitution and accused them of being aggressors towards the South, stating, "I am not going too far in stating that the whole course of northern legislation upon this subject ... has been a course of direct war upon the South." In his address made his first allusion to secession and civil war to defend Southern rights. Benjamin declared, "If the time

must come, when southern men shall be driven into their last entrenchments before the superior power of a numerical majority that listens to no reason, that admits of no discussion, that uses for its rule nothing but brute power ... I believe the South will, with one voice say ... if you believe yourselves degraded by being members of the same Government with us, let us part in peace." He scaled back on saying he would "assist in averting that last, lamentable catastrophe to the remotest possible time" but Benjamin lamented, "Every day I am more and more persuaded [conflict] is becoming inevitable."

Cunningham argues that Benjamin's most notable Senate speech on the Senate floor on May 2, 1856, first denoted the South as a single unit, when he demanded the outright acceptance of the Southern interpretation of the Constitution." In the later part of the speech, Benjamin announced that he would be joining the Democratic Party seeing as the only means to save the union. The first part of his address Benjamin declared a threat of secession if the North does not respect the South's constitutional rights. Benjamin expressed, the South "has no longer any compromises to offer or accept. She looks to those contained in the Constitution itself. By them she will live; to them she will adhere... then she will calmly and resolutely withdraw." Benjamin calls it the "ultimate step" and put it on par with the reasons the colonies declared independence. Benjamin explained, "The principle that underlies" the American government is "the equality of the free and independent States which that instrument links together in a common bond of union... Take away this league of love; convert it into a bond of distrust, of suspicion, or of hate; and the entire fabric which is held together by that cement will crumble to the earth."

Benjamin's speech was the first time where he openly declared that civil war would be inevitable if the South would not be allowed to extend slavery in the Western territories. "When those guarantees shall fail, and not till then, will the injured, outraged South throw her sword into the scale of her rights, and appeal to the God of battles to do her justice.... I say her sword, because I am not one of those who believe in the possibility of a peaceful disruption of the Union. It cannot come until every possible means of conciliation has been exhausted ..." It cannot come, until every angry passion shall have been roused... until brotherly feeling shall have been converted into deadly hate." "[T]hen, sir, with feelings embittered by the consciousness of injustice, or passions high wrought and inflamed, dreadful will be the internecine war that must ensue." The South "be compelled in self-defense to wage a continual, unremitting war in which no sacrifice would be too costly ..." In his conclusion, Benjamin used Biblical imagery to infer a potential civil war, stating, "As the designs of the enemy become more and more developed, the patriot band will be augmented with fresh recruits. Yes, sir; let the note of alarm be sounded through the land; let the people only be informed; let them be told of the momentous crisis which is at hand; they will rise in their might, placing their heel on the head of the serpent that has glided into their Eden, they will crush it to the earth, once and forever."

By 1860, The Democratic Party split into North and South factions with two different nominees, Benjamin again ranked up his secessionist rhetoric. Then after Lincoln's election as president, secession became an all out conclusion to all proslavery southerners. On December 9, 1860, he wrote to Samuel Barlow, describing secession as a "wild torrent of passion which is carrying everything before it ... It is a revolution ... of the most intense character ... and it can no

more be checked by human effort ... than a prairie fire by a gardener's watering pot." In his farewell address to the Senate, Benjamin again revived his view that secession and civil war was the only answer for the South. Davis called the day he resigned from the Senate "the saddest day of my life." However, Benjamin looked forward to the prospects of the new southern confederacy. As with most Southern Jews, he was more ardent in his public views supporting both slavery and then secession than his Christian counterparts and colleagues. Cunningham finds that Benjamin was a "redoubtable defender of slavery and an unyielding sentinel for secession's logic years before an imminent crisis demanded action" still, he "had never championed disunion, and he had turned to the Democratic Party in the hope that such an event might be forestalled or avoided."^{lxxiii}

Benjamin ardent secessionist views were in keeping with the views of Southern Jews. Jews in the South were loyal to slavery, the Southern way of life, and the Confederate cause. As Abolitionist Rabbi Bernhard Felsenthal observed, "Israelites residing in New Orleans are man by man—with very few exceptions—ardently in favor of secession, and many among them are intense fanatics."^{lxxiv} Most Southern Jews supported the South's secession from the Union and the newly established Confederacy, whether they were citizens of the South for many years or recently arrived immigrants. The South had been beneficial to its Jewish population they flourished economically, politically and socially in a Christian society, essentially without anti-Semitism.

Most Jews, however, believed their support for the Confederacy; states' rights and slavery were the keys to maintaining acceptance as a part of the white majority. As Williams writes, "During the Civil War Jews defended the system which insured them acceptance and success in the South,"^{lxxv} while Clive Webb indicates, "Through their loyal support for secession, Southern Jews, therefore, hoped to reinforce their social acceptance."^{lxxvi} Rosen also recounts, "The Charleston Jewish community gave its enthusiastic support to the Confederacy. Having found in South Carolina from colonial times a haven from religious persecution, a freedom to practice their religion, and the freedom to engage in all forms of commerce, the Jews of Charleston showed great devotion to the Confederate cause."^{lxxvii}

They supported slavery and state's rights that were the prime motivators for secession and the Civil War. As Marcus explains, "Some Southern Jews, as we have already noted, were particularly fervent in their advocacy of slavery and of the rights of the South. In defense of a cause that was holy to them, they were willing to sacrifice their lives and they did."^{lxxviii} Webb concludes it best claiming, "Nothing better defines the depth of Jewish support for the South and the institution of slavery than the Civil War. Southern Jews were staunch supporters of secession and war."^{lxxix} Lewis M. Killian explains, "What ever their status may have been in the South, Jewish southerners were loyal to the Confederacy and supported slavery with greater unity than their northern co-religionists opposed it. One historian has observed: 'If the rabbis of the North were in...through disagreement about the Jewish approach to slavery and abolitionism, it is not surprising to that their Southern colleagues gave complete support to the slave system.'^{lxxx} Slavery's economic benefits helped in Southern Jews support for the Confederacy as Killian explains, "With ties to the plantation economy and subject to the passions of the times, the majority of Southern Jews were for the continuation of the slavery system."^{lxxxi}

State Rights was directly related to the expansion of slavery a central issue of contention between the North and South. Solomon Cohen wrote to his aunt, "Now we of the South, seeing that public opinion, the law of the land in the North, is against all that we hold valuable ... and that the government is about to pass into the hands of those who hate us and our institutions, feel that prudence and self-defense demand that we should protect ourselves." ^{lxxxii} Although, Southern Jews would not admit after the war that they fought for to uphold the institution of slavery, they openly expressed that state's rights were their prime concern.

Southern Jews may have been more loyal to the South and Confederacy when war broke out, but it was not only because they fervently agreed with the South's cause; they feared the anti-Semitic repercussion that could occur if they did not lend their full support. Webb argues, "Spread thinly throughout the vast region, the Jews in the South tended to avoid taking public stands on controversial issues. When the issue of slavery tore the country in two during the Civil War, for example, Southern Jews largely accepted slavery and supported the South." ^{lxxxiii} They may have feared the possibility of anti-Semitism in the South; they were knowledgeable of anti-Semitic occurrences in the North, which increased throughout the war. With the frequent anti-Semitic attacks against him, as with the remaining community of Southern Jews Benjamin needed to more fervent in support for not only slavery but also secession.

Confederate Cabinet

After a provisional Confederate Congress elected Davis president, on February 25, 1861, Davis appointed Benjamin as the Confederacy's first Attorney General. Benjamin served as Davis' right hand man, working to set up the government. Historian William C. Davis indicated in his book, *A Government of Our Own: The Making of the Confederacy*, "For some there was next to nothing to do, none more so than Benjamin." ^{lxxxiv} Many of Benjamin's suggestions, which might have helped the Confederacy, were also ignored including selling stored cotton to Britain or European countries in exchange for arms and supplies but the Cabinet dismissed that the war would last that long. Secretary of War Leroy P. Walker, however, remarked, "There was only one man there who had any sense, and that man was Benjamin." ^{lxxxv} Benjamin also hosted dignitaries and gave some legal opinions as no Justice Department was established so early on. As a war, hero and former Secretary of War Davis often overrode Confederate Secretary of War Leroy Walker of Alabama. When the press criticized the Walker for not winning any more battles after the First Battle of Manassas, he resigned in September and joined the Confederate army as a Brigadier General; leaving Davis decided to appoint Benjamin as Secretary of War.

Confederate Secretary of War

Davis chose Benjamin because he wanted a trusted friend, who would allow him to take control of the military decisions in the Civil War without question and would take the blame just as easily. During that time, Benjamin proved loyal to Davis as they embarked on a defensive military strategy. Evans points out how important Varina Davis was to forging the working

relationship between two untrusting people, Davis and Benjamin. Evans explains, "Varina Howell Davis was the crucial element that fostered the growth of trust between the two men and made it sustain itself."^{lxxxvi} Varina Davis observed, "It was to me a curious spectacle, the steady approximation to a thorough friendliness of the President and his War Minister. It was a very gradual rapprochement, but all the more solid for that reason."^{lxxxvii} Benjamin utilized Jewish stereotypes to his advantage, as Evans describes, "He would turn prejudice to his favor and play on the Southerner's instinctive respect for the Jewish mind with a brilliant performance."^{lxxxviii} Despite, his loyalty and brains Benjamin had no military experience, and could not deal with the ongoing problems plaguing the Confederate army including lack of soldiers, officers, arms and ships.

Benjamin had problems throughout his tenure especially with the generals including General P.G.T. Beauregard and Thomas J. "Stonewall" Jackson. Benjamin chastised Beauregard who has just won the Battle of Bull Run, when the General decided, "to recruit volunteers for adding a rocket battery to his command," calling it a "defect of judgment."^{lxxxix} Jefferson refused to placate Beauregard because he feared Beauregard wanted the Confederate presidency. In 1862, Jackson wanted to resign over Benjamin recalling his troops left in West Virginia under William W. Loring, without supplies, Loring wanted the troops recalled by the War Department, however, when Benjamin complied with Davis' approval; Jackson wanted to quit but was convinced otherwise. Benjamin's greatest problem was with the conflicting demands of the state governments who requested troops returned home for defense.

The loss at the Battle of Roanoke became part of Benjamin's near downfall. Roanoke was in danger after Cape Hatteras in North Carolina fell to the Union forces and with it some ports in the vicinity while Norfolk, Virginia would be at risk by land. General Henry A. Wise demanded more troops and supplies to defend Roanoke. Benjamin and the War Department could not send any help because of the blockade and Benjamin and Davis thought the troops Wise had could off the Union Army. Neither Benjamin nor Davis were going to let Wise know they had no arms to send, only Benjamin, Davis and his wife Varina knew the truth about the lack of supplies. Benjamin and Davis underestimated the number of Union forces that attacked Roanoke in February 1862, along with Union General Ulysses S. Grant taking Forts Henry and Donelson in Tennessee, the Confederate faced their greatest strategic loses in the war. Wise put the blame entirely on Benjamin something Benjamin agreed to do for Davis. General Wise's family blamed Benjamin personally because one of the general's sons Captain Jennings Wise died at Roanoke. The Confederate Congress wanted to censure Davis for Roanoke instead of laying the blame on Davis; Benjamin took the fall and resigned as Secretary of War,

Benjamin and the Rise of Anti-Semitism in the South

As the situation in the Civil War was becoming increasingly worse for the Confederacy, Southerners' anti-Semitism arose. Before the war, Southerners kept these sentiments publicly to a minimum, and Jews were for the most part tolerated in Southern society. As Korn writes "Granted an original suspicion and dislike of the Jew before the War, the four-year-long travail of the Confederacy was certain to emphasize it."^{xc} The rise in anti-Semitism commenced as the

war turned towards the worse for the South, defeat was imminent, and the economy worsened with food and supplies difficult to acquire as the war raged on. Jews were blamed because their religion differed, clashing with the Christian Fundamentalism of the Confederate South, Jews' roles as merchants and Benjamin's prominent political role in the Confederate government as Attorney General, Secretary of War, and Secretary of State. Anti-Jewish sentiment magnified after the South lost the war, the blame shifted over to the Southern population, despite the fact that very few Jews had any political or economic power.

The religious fervor in the South translated from the Confederacy as a chosen nation, to in defeat that god punished them for sinning; they looked at Jews' economic and political involvement as part of that sinfulness. Southern Christians began to blame to the Jewish leaders of the Confederacy for the South's loss. Historian Diane Ashton recounts, "Denunciations of Jews became more commonplace during the Civil War and Reconstruction. Southerners explained their defeat as God's chastisement for widespread sinfulness."^{xcii} The Confederate anti-Jewish feelings, however, were mostly reserved for Judah Benjamin and Jewish merchants. Southern newspapers and magazines attacked Jews emphasizing their otherness calling them "Yankees among us." These newspapers also invoked the common anti-Semitic call from Europe, referring to them as "Shylocks, because Jews often worked as merchants."^{xcii}

Historian Henry L. Feingold in his book *Zion in America: The Jewish Experience from Colonial Times to the Present* also reiterates that Benjamin was blamed for war losses because of his religion as opposed to his actual policies and military decisions. The Confederate Congress wanted to censure Benjamin for not sending troops and supplies to Roanoke, and they created a committee to investigate the reasons behind Benjamin's decision for which he testified. Feingold recounts, "In 1862 Judah Benjamin, who had suffered much calumny because of his being Jewish, was censured by the Confederate Congress for failing to send war supplies to Roanoke and thus causing its loss to the Union Army. He did not reveal that if he had complied with Roanoke's request, Norfolk would have been left vulnerable."^{xciii}

After Benjamin's turn as Secretary of War, anti-Semitism exploded in a desperate South, with Benjamin the pride target. Lauren Winner in her article "Taking up the cross: conversion among black and white Jews in the Civil War South" states, "Benjamin was only one of the many Confederate Jews whom Confederate Christians plugged into age-old stereotypes of the Jew qua extortionist, thief, shylock, of Jews driven by, in the words of historian John Higham, "cunning" and "avarice."^{xciv} Benjamin was the scapegoat that represented the cause for most of the anti-Semitism in the South during the war. As Evans explains, "The virulence of the times, which saw an outpouring of anti-Semitism such as no previous period in American history, required a symbolic figure as a catalyst for an ancient hostility."^{xcv} According to historian Leonard Dinnerstein in his book *Anti-Semitism in America*, Benjamin was "the archetypal perfidious Jew and while "Southern antisemites resented him... he suffered no undue attacks while an attorney in Louisiana, or as a United States Senator representing the state from 1853 through 1861, many confederates attributed military losses and diplomatic failures to his being Jewish."^{xcvi}

Judah Benjamin as the Secretary of War and then State for the Confederate government took the blame for many of the South's defeats and problems. Anti-Semitism fueled the outcry

against Benjamin and he could not escape the rise of anti-Semitism in the South and the increase in the North, and the press in both North and South villainized Benjamin with anti-Semitic overtones. Mary Chestnut in her diary recalled, "the mob calls him Mr. Davis's pet Jew." *The Richmond Examiner* thought it was "blasphemous" that a Jew held such a high post in the Confederate government. The anti-Semitic attacks used age old stereotypes on Jews that Jews thought they escape in America, especially in the South. The press thought Benjamin was not sending arms and supplies to make a profit. A Methodist minister in Nashville called Benjamin "a little pilfering Jew . . . one of the tribe that murdered the Savior."^{xcvii} While Christian ministers thought that with the Jewish Benjamin serving in the Confederate cabinet God was not listening to the Confederacy's prayers.

Benjamin's fellow Confederates also abhorred him mostly for his Jewishness, Thomas R. Cobb, "a brigadier general and member of the Provisional Congress of the Confederacy," referred to Benjamin as, "a grander rascal than this Jew Benjamin does not exist in the Confederacy, and I am not particular in concealing my opinion of him." Confederate Congressman Henry S. Foote of Tennessee, who referred to Benjamin as Judas Iscariot Benjamin made it known he "would never consent to the establishment of a supreme court of the Confederate States as long as Judah P. Benjamin shall continue to pollute the ears of majesty Davis with his insidious counsels."^{xcviii} The fact that Benjamin was a Jew led a citizen of North Carolina and Confederate clerk, John Beauchamp Jones to swear, "All the distresses of the people were owing to a Nero-like despotism, originating in the brain of Benjamin, the Jew."^{xcix} Beauchamp's Civil war diary, "A Rebel War Clerk's Diary at the Confederate States Capital" was filled with anti-Semitism much directed at Benjamin. Years later in 1936, Wise's grandson called Benjamin "the fat Jew sitting at his desk," while Wise's other grandson went on an anti-Semitic diatribe in his 1899 book *The End of an Era* blaming Benjamin for the entire fall of the Confederacy.^c

Confederate Secretary of State

Despite Confederate military failures, in March 1862, Davis appointed Benjamin to a third cabinet post as Secretary of State where he was responsible for trying to get Britain and the European nations to recognize the Confederate States of America and aid them in the war.. Despite his loyalty to Davis and the Confederacy, Southerners especially in Virginia never forgave him for Roanoke. Varina Davis in her memoirs acknowledged, "While many of their constituents objected to Mr. Benjamin retaining the portfolio of War, because of reverses which no one could have averted, the President promoted him to the State Department with a personal and aggrieved sense of injustice done to the man who had now become his friend and right hand."^{ci} Benjamin was indispensable to Davis, working ten to twelve hours a day by his side, serving as a speechwriter and trusted confidant.

The Confederacy's Secretary of State Robert M. T. Hunter resigned in March 1862 after disagreeing with Davis. The Confederate president chose to save his friend Benjamin and appointed him to the post on March 17, 1862, and despite objections, Senate confirmed

Benjamin easily. Benjamin had [two jobs](#) as Secretary of State “to gain support from England and France and to gain recognition as an independent nation.” The Confederacy needed England and France to support them before the rest of Europe would recognize them as a country. England most objected because of slavery, Davis refused to abolish slavery even when Benjamin suggested it as a last ditch effort before surrender.

Both Britain and France were more interested in negotiating when the Confederacy would win in battles but it became more difficult in defeat especially after Gettysburg and Vicksburg in 1863. The Confederacy’s best opportunity for recognition was in June 1862 after General Robert E. Lee’s victory at the Seven Days Battle. There Lee successfully defended the Confederate capitol of Richmond against Union General George B. McClellan. France’s Napoleon III was receptive to the Confederacy and Benjamin’s overtures. Confederate diplomat, John Slidell offered to France 100,000 bales of cotton in exchange for France’s intervention. Referred to as Cotton Diplomacy, the Confederacy was able to acquire a \$15 million dollar loan from France to be paid with seven percent interest. The Confederacy was able to unload cotton they had stored, which Davis refused to import to countries that would not recognize the Confederacy, and the struggling South received money for arms they desperately needed.

The Confederate loss at Antietam only increased the British interest intervening, they viewed the bloody loss as a stalemate, Lincoln’s Emancipation Proclamation in Confederate territories a farce and wanted to ended the interruption of imports from America that were affecting their citizens from the blockade. Benjamin made headway in October 1862, when the British Chancellor of the Exchequer, William Gladstone remarked that that the Confederacy “have made a nation.” France suggested that Britain, France and Russia interfere forcing a six months armistice to the fighting and blockade for negotiations between the North and South. The British Government was not as enthusiastic and in November with War Secretary George Cornwall Lewis’ recommendation, they decided to wait until the Confederates won the war to recognize them as a country. Britain wanted an end to slavery, the Emancipation Proclamation and Union victory would ensure it and Davis would not allow Benjamin to use freeing the slaves to entice British recognition.

Benjamin was able to negotiate one other successful loan from the banker Baron Frederic Emile d'Erlanger and his firm Erlanger et Cie, which provided a commission to Elanger and allowed the bondholder to buy cotton at a reduced price when “the South won the war.” Although, under the Treasury Department Benjamin was able to negotiate terms favorable to the Confederacy that allowed them to keep up their payments. In October 1863, after losses in Gettysburg and Vicksburg, the British consul in Savannah went as far as barring their citizens from fighting for the Confederacy. In turn, with Davis out of Richmond, Benjamin convened a cabinet meeting and expelled the British consuls. Evans finds that Benjamin was serving as an acting president of the Confederacy, and there the first Jewish president. Jane Singer writing in her book *The Confederate Dirty War: Arson, Bombings, Assassination, and Plots for Chemical and Germ Attacks on the Union* notes, “In the last year of the war, when Benjamin with autonomy often making decisions on his own, the Confederate president was forever grateful.”^{cii} Benjamin was also responsible for the Confederate Secret Service who conducted covert attacks in the North aimed at crippling Lincoln politically and boosting the Peace Democrats, it included

the St. Albans Raid and an attempt at burning down New York City, the actions led to suspicions that Benjamin and Davis planned Lincoln's assassination.

Emancipating the slaves and using them as soldiers might have saved the Confederacy. In 1863, the concept of using them in army was suggested to Benjamin, he refused because Davis objected to the idea. James Spence a British financial agent though emancipation would gain British recognition, Benjamin let him remain the government before dismissing him in late 1863. In early 1864, Confederate General Patrick Cleburne, of the Army of Tennessee, suggested emancipating the slaves and having them serve in the Confederate army, but Davis refused the idea. Evans recounts, "Benjamin had been thinking in similar terms for much longer, and perhaps the recommendation of so respected an officer was just the impetus he needed."^{ciii} Benjamin had considered the idea ever since Lincoln issued his Emancipation Proclamation; he thought the idea of a Confederate Emancipation Proclamation would be beneficial to the war and save the south. The concept would be an exchange, the slaves who served in the army would gain freedom, when the Union captured a town or city or location they did the same. Benjamin stated, "The true issue is it better for the Negro to fight for us or against us^{civ}?" He also believed "the action of our people on this point will be of more value to us abroad than any diplomacy or treaty-making." The problem, Evans explains was "The whole Southern "way of life" rested upon slavery. To abandon it precipitously might create social chaos that would plunge the nation into anarchy."^{cv}

The Confederacy was already on the brink, according to Evans, "For all the risks, there was no doubt in Benjamin's mind that Emancipation could be the one stroke to save the South from defeat."^{cvi} Benjamin tried to convince Lee and Confederate military aides about the concept in 1864 he met with resistance when he mentioned the idea in Richmond, because to Southerners it reflected the antithesis to slavery. With the Union victories in 1864 including the capture and burning of Atlanta, Georgia and General William T. Sherman's march to sea, Benjamin urged Davis to reconsider again freeing the slaves for British and France support, Davis would only offer gradual emancipation ending any chance of British and French help. In 1864, Benjamin delivered his first speech in four years, speaking to 100,000 about emancipating the slaves willing to fight for the Confederacy. As late as February 1865, Benjamin pushed the idea of freeing and arming the slaves. For Governor of Georgia and Secretary of Treasury, Howell Cobb commented on the irony, "If slaves will make good soldiers, then our whole theory of slavery is wrong."^{cvi} The Confederate Congress passed a bill with many restrictions in March but it was too late to help the Confederacy. In the end, Evans notes, "The South chose [instead] to go down in defeat with the institution of slavery intact."^{cvi}

Confederate Escape and Later Life

By March 1865, the Confederate government had to consider escape. On April 2, Lee notified the cabinet that he would not be able to hold off the Richmond-Danville railroad much longer and urged the Confederate Cabinet leave, which they did late at night. The cabinet made Danville the capital while Lee negotiated the surrender at Appomattox and they held their last Confederate cabinet meeting in Danville. Davis and the Confederate cabinet became fugitives

looking to evade capture by the Union forces moving to Greensboro, North Carolina and then Charlotte. On May 2, in Abbeville, South Carolina, while Davis and the cabinet were heading to Texas, Benjamin broke off saying he would be going to the Bahamas to get instructions to Confederate foreign agents. Both Benjamin and Davis were at risk of not only be charged as traitors but in the conspiracy to assassinate Lincoln. According to Stone, “The New York Times called for Jefferson P. Davis, Judah P. Benjamin, and Confederate Secretary of War John C. Breckinridge to die “the leading traitors should die the most disgraceful death known to our civilization –death on the gallows.’ The price on Benjamin’s head was \$40,000, dead or alive.”^{cxix} Davis ended up spending two years in prison while in fleeing Benjamin evaded any imprisonment. Benjamin knew with all the vitriolic anti-Semitism against him “they probably would have put him to death”^{cx}

After Lincoln’s death, the Northern press referred to Lincoln as the martyred Christ and Benjamin as Judas. Historians believe that Benjamin did not intend to return to America and certain capture, Evans believed if captured America would have a trial like the later Alfred Dreyfus trial in France, and Secretary of War Edward Stanton would have made Benjamin the scapegoat. Evans also believes Benjamin’s creation of a Confederate spy ring in Canada and their possible link afterward with Lincoln’s assassination was the reason Benjamin fled to Britain and remained silent about his time in the Confederate cabinet. Benjamin travelled to Florida’s Gulf Coast and avoided capture and blockade-runner Captain Archibald O’Neill helped Benjamin reach Bimini in the Bahamas. On the way to Nassau the ship exploded, after reaching Nassau, Benjamin’s went to Havana, Cuba. On August 6, 1865, Benjamin was set on his way to Britain, but his ship went on fire at St. Thomas, he finally reached Southampton, England on August 30, 1865. The London Times recounted after his death, “After many hairbreadth escapes he got in an open boat, old and leaky, from Florida to the Bahamas, where he landed. He was shipwrecked on his way to Nassau, in a vessel laden with sponges. A British man-of-war rescued the unfortunate passengers and carried them to St. Thomas. The steamer in which he started from this island caught fire and had to be put back. At length, Mr. Benjamin reached England.”^{cxix}

Benjamin never went back to the United States remaining in England. When leaving the Confederacy he took with one hundred bales of cotton, which he sold for \$20,000 supporting himself, his sisters in America and his wife and daughter until he practiced law again. However, he still needed money, turned to writing, and contributed the London Daily Telegraph. Benjamin faced more obstacles in Britain than ever in America, he had been the Confederate secessionist, an expert in civil law, and a Jew, in Britain it was less welcoming to a Jew than in America, although emancipated there were prejudices, barristers were elite British and Protestant, Jews were almost non-existent. He was described as the “prince of the Secession,” “of decidedly Jewish descent,” “a little elderly man, snuffy and ill-shaven, with nothing to captivate men” who spoke “with a strong American accent.” Benjamin admitted he was “a Political Exile, proscribed for my loyalty to my own State.” Benjamin maximized the connections he made as Confederate Secretary of State and even Benjamin Disraeli asked to assist him.^{cxii}

To be a barrister in England Benjamin had to English Common Law, on January 13, 1866, he began studies at the Lincoln’s Inn, as a fast learner he was called to the bar on June 6, 1866. *The London Times* recounted that his person connections to “Lords Justice Turner and Giffard, and of Lord Hatherley and Sir Fitzroy Kelley” allowed to bypass the three years of study

required.^{cxiii} Historians believe his early call to the bar might have to do with Confederate sympathies. Benjamin used his Confederate connections including former Confederate envoy James Mason to help him secure employment by barrister Charles Pollock. Benjamin began his British law career in Liverpool where there had been mercantile ties to the antebellum South's cotton industry. Benjamin become a barrister arguing cases in commercial law and represented businesses in the cotton trade.

As in New Orleans, Benjamin wrote a notable book on law *A Treatise on the Law of Sale of Personal Property* in 1868, which is still published as *Benjamin on Sales*, the book was a success and hailed by the legal world and helped propel his practice. Afterward, he was awarded the honor of Queen's Counsel for Lancashire County. In 1872, Baron Haterley granted Benjamin a patent of precedence for his work on the "marine insurance case *Rankin v Potter*. Benjamin was easily able to gain acceptance into the upper echelons of the "gentile" British society, which MacMillan believes, "This gives credence to the view that his acceptance was conditioned upon his assimilation but without an insight into Benjamin's own thoughts it is impossible to prove that his assimilation occurred to gain acceptance."^{cxiv}

In his later career, he mostly argued in appeal cases where he always excelled at either the House of Lords or the Judicial Committee of the Privy Council, arguing 135 cases in mercantile and trade law particularly shipping. Davis visited Benjamin in 1868, and five other times when he visited London, seeing him for the last time in 1883, Benjamin avoided everyone else he knew from the Confederacy cutting his ties from then. Benjamin's drive to be successful and at the center in his American political career contrasted with the obscurity that he chose afterward, he avoided discussing his role in the Confederacy except for two short letters in newspapers. The first published in the Times of London in 1865 defended Davis against a prison term, in the second published in 1883, Benjamin defended himself against charges he hide three million of Confederate funds in Europe.^{cxv} Ever the chameleon adapting and assimilating to circumstances while in Britain Benjamin delved into his life as barrister and legal scholar shedding his American and Confederate past.

Benjamin continued to visit his estranged wife and daughter, and he fell from a streetcar in Paris in 1881 during one of those trips. His injuries began a string of health problems including diabetes and a heart attack in 1882. In 1883, Benjamin retired from the bar and announced he would move to Paris, returning \$100,000 in retainer to clients while the Bar of England threw him a farewell banquet. For the last year of his life Benjamin again lived with his wife Natalie, in a "three-story mansion" near the current Arc de Triomphe." Benjamin died on May 6, 1884, although he remained a non-observant Jew, Natalie Benjamin had a Catholic priest administer last rites on Benjamin before he died, had his funeral services in a church and buried him at the St Martin family crypt at Père Lachaise Cemetery. In 1938, the United Daughters of the Confederacy's Paris chapter added a plaque to his unmarked grave, writing, "Judah Philip Benjamin Born St. Thomas West Indies August 6, 1811 Died in Paris May 6, 1884 United States Senator From Louisiana Attorney General, Secretary of War And Secretary of State of the Confederate States Of America, Queen's Counsel, London."^{cxvi}

Benjamin lived in obscurity after his death as he did in the historical record never taking credit in death, as he did not in life for his significant role in the rise and fall of the Confederacy

and the course of the American Civil War. Benjamin represents a symbol of both the religious tolerance in the antebellum South to Jews because they were white especially those that were upper class and the worse revival of the evil scrooge anti-Semitism at its worst in America. Early on Benjamin learnt what he had to do for his ticket to the success he craved; assimilate. Benjamin assimilated and adapted every facet of his life in the way in that would help him succeed keeping his real views secret and espousing those most advantageous in aiding him in his rise to prominence, and as with other Southern Jews he overdid everything to rise above the fact he was a Jew.

From his humble beginnings, Benjamin's brains and determination to excel academically brought him to Yale where he had a taste of the elite. Identifying his shortcomings in status and wealth, Benjamin married a woman whose family and religion would detract from his Jewishness and open doors to the upper echelons on New Orleans society. He associated and co-wrote his legal treatise with a man whose family had political legal connections in the city. The connections Benjamin made and his brilliant legal mind helped propel him to career and financial success. He purchased a plantation making it the grandest in Louisiana. He excelled in his political defying American acceptance of Jews at the time to the heights of the Senate, a Supreme Court and an ambassador nomination and to the top of the Confederate cabinet the right hand of the president because his overzealous support of slavery, states' rights and secession.

Benjamin worked harder for success in political and his legal career to gain acceptance with the need to go beyond what others did, and those attributes were noticed. When elected to the Senate Benjamin was described as having a "fine imagination ... exquisite taste, great power of discrimination, a keen, subtle logic, excellent memory" and "admirable talent of analysis." ^{cxvii} Later Confederate First Lady Varina Davis would describe Benjamin saying he "seemed to have an electric sympathy with every mind with which he came into contact." Despite the anti-Semitic attacks he encountered in his career Benjamin said he had "the most courteous manner" and that "I have endeavoured, upon all occasions, that my manner towards my brother Senators should be such that whilst we differ in opinion . . . there should be left no sting behind in the debates which might occur between us, that none but the kindest and best feelings may exist." ^{cxviii}

Still, Benjamin remained an outsider as a Jew, who like the rest of Southern Jewish population tried to be more devoted, loyal and fervent in all the South's institutions and social constructs to avoid anti-Semitism. Legal scholar Catharine MacMillan even concurs, "Benjamin's life, it is also argued, demonstrates how some individuals can 'overcome' the initial marginalization which attends the circumstances of their birth to move within the mainstream of society."^{cxix} Historians agree that Benjamin's ability to turn his "weakness into strength" led to his success and his "perseverance in the face of adversity."^{cxx} Although historians claim he was never fanatical his zeal was still there, the willingness to go beyond the support necessary publicly if not privately was his ticket to his rise to not only the cabinet of the new Confederate States of America but as the president's Jefferson Davis' right-hand man.

As with other Southern Jews, they felt they had to be more loyal and go beyond for their support of the Confederacy to prove to their Christian counterparts their fidelity to the cause. Benjamin's whiteness helped contribute to his success especially in the South. As MacMillan

indicates, Benjamin lived in an era when he had the basic attributes (he was male and white) in which he could participate in civic society in the United States and the United Kingdom. This was a necessary pre-condition for success, without which all personal attributes would be meaningless.”^{cxxxi} Although Benjamin “was a nonpracticing Jew, he never attempted to deny his faith,” Evans argues, “Benjamin thus must stand as a symbol of American democracy and its openness to religious minorities. . . . Benjamin was the main beneficiary of that emancipation and its most visible symbol in America.”^{cxxii} Benjamin’s political career amounted to many historical firsts for American Jews which Evans called a “watershed” because he became the first Jew “to be projected into the national consciousness.” At the start of the Civil War Southern Jews “were especially proud of his achievements, because he validated their legitimacy as Southerners.”^{cxxiii}

Benjamin’s success mirrored the acceptance of Southern Jewry, his failing in the Civil War as Secretary of War mirrored the rise of anti-Semitism in the South as the Confederacy lost battles and the blockade forced the mostly Jewish merchants to increase the prices, it was Benjamin Southerners blamed and had their ire. Benjamin took the responsibility for the fall of the Confederacy and the South losing the war; the country went as far as to blame Benjamin for conspiring and planning President Lincoln’s assassination. Benjamin always faced anti-Semitic attacks throughout his political career but he became the ultimate scapegoat, as Evans recounts, “A nation of Christ-haunted people searched instinctively for the Jewish scapegoat, who would make the myth complete. The Easter sermons mourning Lincoln would define Benjamin in the legend, should he be capture. The phrase “Christ-killer” had to be lodged in Benjamin soul a latent childhood memory.”^{cxxiv} Despite Benjamin’s treason to the union, the characterization Americans had for Benjamin was a resurgence of European anti-Semitism blaming the Jews for Christ and for anything that went wrong.

Benjamin preferred historical obscurity rather perpetuate the anti-Semitic attacks against him and in the larger context America’s Jews, because for Christians and Jews alike he represented American Jewish success. By burning all his papers and never writing a memoir he also refused to defend himself, he denied American and Jewish history the ability to put his life and career, his success and failure into historical perspective. Benjamin’s life was filled with contradictions and the theories about Benjamin in the scant amount of literature published are just that theories and assertions. No historian will ever know the true Benjamin, what drove him, how he really felt about slavery, the Confederacy or Judaism, he will always remain an enigma.

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