

*Reverend George Barrell Cheever:
Yankee Reformer as Champion
of the Gallows*

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NEW ENGLAND exported many reformers to other sections of the country in the early nineteenth century, some of whom became leaders of ante-bellum reform movements in the middle-Atlantic and Western states in which they settled. The Reverend George B. Cheever, who moved from Massachusetts to New York in 1839, is generally counted among the most prominent of these Yankee apostles of reform. The article on him in the *Dictionary of American Biography* begins, 'Cheever, George Barrell ... clergyman, reformer,' and his biographer has written a book about him titled *George B. Cheever, Religious and Social Reformer*.¹

In general, Cheever earned this reputation. Active in a number of reforms from the 1830s to the 1870s, he was a valued speaker, an untiring worker, and a feared polemicist in behalf of temperance, abolition, and rights for Blacks. Less well known, however, is Cheever's work in opposition to one of the leading reforms of the 1840s, the movement to abolish capital punishment. In fact, Cheever was the generally acknowledged leader

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¹F[rederick] T. P[ersons], 'George Barrell Cheever,' *Dictionary of American Biography*, IV (New York, 1930), 48-49; Robert M. York, *George B. Cheever, Religious and Social Reformer* (Orono, Maine, 1955).

of the anti-reform forces, America's most famous champion of the gallows, and, in all probability, the man most responsible for the very limited success of the reform.

Cheever was born in Hallowell, Maine, in 1807 and was educated at Hallowell Academy and Bowdoin College before going on to Andover Seminary. Graduated from this citadel of Calvinist orthodoxy in 1830, he began his ministerial career with temporary preaching assignments in Newburyport and Boston. From the first he demonstrated great oratorical skills when the subject engaged his passion and evidenced a fundamentalism of which his teachers at Andover would have been proud. In early 1833, he was installed as pastor of the Howard Street Congregational Church in Salem, where he soon became embroiled in controversy. His orations and articles on the inadequacies of Unitarianism did not endear the young minister to the many townsmen of that faith. His attack, in the pages of a local newspaper, on a distillery and its proprietor, who was also a Unitarian deacon, had more serious results. Cheever was publicly horsewhipped by a foreman of the establishment, sued for libel, fined one thousand dollars and imprisoned for one month. The attack on 'Deacon Giles' Distillery' brought him national fame, however, and he began to receive attractive offers for new ministerial positions. In 1839, after an extended visit to Europe and the Near East, he accepted the call of New York City's Allen Street Presbyterian Church.²

It was not a typical young clergyman, then, who began preaching in New York City in the fall of 1839. It was, rather, a rigid and controversial intellectual who was certain he knew the path of righteousness and was unswayed in his determination to steer other people to it or to denounce them for contumacy. Cheever found a multitude of people to steer or to denounce in the metropolis. New York was abounding in reprobrates and reformers, and the minister, after a period in which he quietly settled into his new pastorate, declared his arrival,

² York, *Cheever*, pp. 1-97, *passim*.

with a series of sallies against 'Popery' and High Church Episcopalianism. In sermons, articles, books and public addresses, he decried Catholic authoritarianism and Episcopalian ritualism and gained new fame as a result.³

Cheever soon encountered another infamy worthy of his energy and polemical skills. It was a movement which flew in the face of God's laws. It was a movement which was founded in atheism and which threatened to destroy the very basis of society. It was the movement to abolish capital punishment for murder.

New York State had witnessed no concerted effort for amelioration of the capital laws between 1796, when the number of capital crimes was reduced from sixteen to two, and the 1830s, when legislators began to propose the total abolition of the gallows. The reform came near to success in the Assembly in 1834, but temporarily lost momentum when the abolition of public executions in 1835 removed one of the most offensive aspects of the punishment. The reform returned in full force in 1841, with the arrival in Albany of a newly elected assemblyman from New York City, the young, ambitious, impetuous John Louis O'Sullivan.⁴

O'Sullivan had an extensive reform program in mind for the legislative session of 1841. Its primary feature was the abolition of capital punishment, 'the sole motive,' he wrote the historian George Bancroft, 'which has brought me up here as a member of our Legislature from New York.' O'Sullivan's ini-

³ York, *Cheever*, pp. 98-108.

⁴ [Thomas Eddy,] *An Account of the State Prison or Penitentiary House, in the City of New-York* (New York, 1801), pp. 10-13; *New York State Assembly Journal* [hereafter cited *AJ*], 57th Session (1834), pp. 93, 350, 355, 365, 387, 398, 410; *AJ*, 58th Session (1835), pp. 158, 850, 856, 906; *New York State Senate Journal* [hereafter cited *SJ*], 58th Session (1835), pp. 178, 211, 350, 361, 393; Chapter 258 of the Laws of 1835. For a detailed study of reform attempts in New York, see Philip English Mackey, *Anti-Gallows Activity in New York State, 1776-1861* (unpublished Ph.D. dissertation, University of Pennsylvania, 1969). For brief accounts of the reform nationally, see David B. Davis, 'The Movement to Abolish Capital Punishment in America, 1789-1861,' *American Historical Review*, LXIII (Oct. 1957), 23-46 and Louis Filler, 'Movements to Abolish the Death Penalty in the United States,' in Thorsten Sellin, ed., *Capital Punishment* (New York, 1967), pp. 104-122.

tial attempts in behalf of the reform were encouraging. He was appointed chairman of a special committee to consider capital punishment and reported a bill to abolish it and to substitute life imprisonment. With O'Sullivan shepherding the bill and cajoling his colleagues, the reform proposal reached a final vote in the Assembly in a night session on May 24. Attendance was sparse, some friends of the reform were among the absentees, and the bill failed by a vote of fifty-two to forty-six. O'Sullivan was convinced that had the session been fully attended, his bill would have passed easily. He resolved to increase his efforts to ensure passage for the reform at the next session.⁵

An important by-product of his attempt at reform in 1841 was the report O'Sullivan had composed to accompany his bill. A one-hundred-and-sixty-eight-page document, it contained little innovation, neither new facts nor new arguments against the gallows. It mined the works of earlier penal reformers, especially Edward Livingston of Louisiana and Robert Rantoul, Jr., of Massachusetts, and displayed the fruits of O'Sullivan's readings in the works of numerous theologians, jurists, and doctors. This very eclecticism, however, was the great strength of the O'Sullivan report. It gathered in one document a great variety of the most effective arguments against the gallows and presented statistics, such as they were, to buttress its contentions. Moreover, it arrayed the whole in a calm, logical, and readily understandable diction and format. If this report were widely circulated, O'Sullivan felt, it would provide the impetus for passage of the reform in the new legislative session. The Assembly had ordered ten times the usual number of copies of the report printed, but O'Sullivan arranged to have the work printed privately, as well, in a version which was so popular that the reformer himself could not obtain copies and a second

⁵O'Sullivan to Bancroft, Albany, Jan. 17, 1841, Bancroft Papers, Massachusetts Historical Society; *AJ*, 64th Session (1841), pp. 87, 175, 536, 565, 584, 657, 834, 1088, 1179-1180, 1237, 1367; New York Assembly Document [hereafter cited *AD*] 249 of April 14, 1841; O'Sullivan, *Report in Favor of the Abolition of the Punishment of Death*, 2nd ed. (New York, 1841), p. 3.

edition was soon required. O'Sullivan and his allies returned to Albany in January 1842, with high hopes for success. The new Assembly promised to be a reforming one and, according to the *New York Herald*, it appeared that a majority of its members supported changes in the capital code.⁶

If O'Sullivan had prepared better for abolition of the death penalty in 1842, opposition to the reform, too, had begun to marshal. The most vocal defenders of the gallows were unquestionably the state's orthodox Calvinist clergymen and the foremost among these was the young and talented George B. Cheever.

Cheever may have been worried about possible reform of the capital code during the legislative session of 1841, but, if so, he seems to have left no record of the fact. While some conservative churchmen had lobbied against O'Sullivan's bill just before it came to a vote in May of that year, there is no proof that Cheever was among them. Late that same year, or very early in 1842, however, Cheever resolved to enter the fray, perhaps, as one reviewer suggested, to counteract the influence of O'Sullivan's report. He wrote an anti-reform sermon and delivered it several times before large crowds, then arranged for its publication, with a dedication to the New York legislature. In oral form the arguments were exceedingly well presented, as even Horace Greeley, one of the staunchest advocates of abolition, had to admit. If some of Cheever's audience could not agree with the substance of his arguments, the editor of the *Tribune* wrote, they were forced to 'admire the beauty and strength with which he presented them.'⁷

⁶AD 249 of April 14, 1841, *passim*; O'Sullivan, *Report*, *passim*; *AJ*, 64th Session (1841), p. 834; O'Sullivan to Gov. William H. Seward, New York, Sept. 20, 1841, Seward Collection, University of Rochester Library; O'Sullivan to Edward W. Clarke, New York, Sept. 28, 1841, Clarke Papers, New-York Historical Society; *New York Herald*, Jan. 26, 1842.

⁷Jabez Hammond, *History of Political Parties in the State of New York*, 4th ed. (Buffalo, 1850-52), III, 220-221; *Southern Quarterly Review*, IV (July 1843), 83; Nathaniel Cheever to Charlotte Cheever, New York, April 4, 1842, Cheever Papers, American Antiquarian Society; *New York Weekly Tribune* [hereafter *Weekly Tribune*], Feb. 5, 1842. Other local Presbyterian clergymen published attacks on the reform in 1842; Wil-

Cheever's brother Nathaniel announced the publication of the written form of the sermons in a letter to his mother in early April 1842. It was an 'elaborate, forcibly written essay,' the biased critic wrote, and 'no doubt will sell well & command much attention.' Nathaniel Cheever was correct. *Punishment by Death* was very well received and was printed in numerous editions during the next decade. An anonymous reviewer in the *American Biblical Repository* commended Cheever's 'ingenuity' and 'adroitness' and recommended the book to those whose compassion for the guilty had overcome their belief in the authority of God. Cheever was probably more pleased at the reaction of the secular reviewer in the *Knickerbocker* who had not been so ready to like the book, but, in fact, had been converted by it. Originally convinced by the O'Sullivan report, the reviewer had surrendered to Cheever's arguments and now felt that abolition of the gallows would be 'productive of great evil.'⁸

Cheever's *Punishment by Death* upheld capital punishment for murder with three kinds of arguments, divine authority, expedience, and the inherent justice of punishing death by death. Cheever relied most heavily on divine authority. His fundamental text was the so-called Noahic admonition of Genesis 9:6: 'Whoso sheddeth man's blood by man shall his blood be shed.' The young minister rejected all the efforts of the reformers to limit the authority of this commandment, notably O'Sullivan's attempts in his report. The language was clear, Cheever insisted, and the law had not been amended or overruled by any other divine utterance in either testament. For Cheever, this argument alone made discussion of the expedience of hanging superfluous, but he was willing to treat that issue,

liam Patton, *Capital Punishment Sustained by Reason and the Word of God* (New York, 1842); John N. McLeod, *Capital Punishment of the Murderer: An Unrepealed Ordinance of God: A Discourse* (New York, 1842).

⁸ Nathaniel Cheever to Charlotte Cheever, April 4, 1842; George B. Cheever, *Punishment by Death: Its Authority and Expediency* (New York, 1842); *American Biblical Repository*, n.s. VII (April 1842), 492-493; *Knickerbocker or New-York Monthly Magazine*, XIX (May 1842), 489-490.

too, for readers less impressed than he was of the merit of God's authority. Capital punishment was expedient for numerous reasons, he wrote. It hastened the conversion of the sinner, which life imprisonment could never do. It protected prison guards who otherwise would be slaughtered by incarcerated murderers. Most important, it was absolutely necessary for the prevention of murder because it was uniquely terrifying. Cheever's third argument stressed the sheer rightness of capital punishment. 'There is such a thing as justice, separate from the other aims of penalty,' Cheever wrote, and men of many ages and lands have recognized the fact. This abstract sense of justice demanded that so heinous a crime as murder be punished by nothing less than the death of the criminal.⁹

The influence of Cheever and other orthodox clergymen was evident in Albany during the legislative session of 1842. O'Sullivan introduced his new bill to abolish hanging in early January and the judiciary committee reported favorably on it less than one week later. But thereafter the fortunes of the reform waned. It was two months before O'Sullivan could persuade the committee of the whole to consider the bill and, although he cleared that hurdle, the Assembly rejected abolition in the final vote by a fifty-four to forty-five vote margin. What had killed the reform in this session? Almost beyond question, it was the active opposition of Cheever and his fellow clergymen. These men circulated memorials to the legislature, whether individually or under central direction is not clear, and by early March began to produce a very respectable number of petitions, about twenty in the Assembly and eight in the Senate. One, signed, appropriately enough, by James Lynch, expressed fears of a plague of murders if imprisonment was substituted for the gallows, the 'King of Terrors.' It might be true, the petitioner

⁹Cheever, *Punishment by Death*, pp. 13-58, 93-101, 102, 108-111, 119-124, 131-132, 135, 147. Cheever did not favor capital punishment for crimes other than murder; in fact, he strongly opposed widespread capital punishment because it made the institution unpopular; see especially p. 119.

admitted, that 'many of our best and purest men' were opposed to hanging, but this was not the general opinion.¹⁰

But Cheever and his allies did still more. They traveled to Albany (again the amount of organization involved is not documented) to do everything in their power to dissuade the Assembly from voting for abolition. They trumpeted their petitions, scattered their writings, and engaged in personal lobbying activities with the legislators, apparently convincing some reform-minded assemblymen to miss the final vote.¹¹

Reformers and their friends had no difficulty assigning the blame for their defeat. 'Curtius,' the Albany correspondent of the New York *Evening Post*, fully understood the nature of the opposition several days before the final vote. 'There is a violent opposition to this reform,' he wrote, 'from a quarter where least of all it might have been looked for. The pastors of the various denominations of christians, are advancing at the head of their flocks, and crying out that in the abolition of the Mosaic covenant commandment... that in the abolition of the old jewish *lex talionis*, the Almighty Jehovah would be insulted.' After the vote had been taken and lost, 'Sam,' another *Post* correspondent in Albany, assigned the blame directly to the clergy. Giving vent to his outrage, he railed against 'the machinations of these purblind and besotted priests, who, generally twenty years behind their generation, feel it incumbent upon them to resist all the really elevated and good movements of the day.'¹²

O'Sullivan, too, assigned the blame for his defeat to the orthodox clergy, but he was more temperate in language than Sam. In a speech to the Assembly after the final vote, he spoke of the ministers and how little their actions seemed to agree

¹⁰*AJ*, 65th Session (1842), pp. 65, 78, 106, 191, 199-200, 567, 573, 713-715; New York *Evening Post* [hereafter *Post*], April 2, 1842; James Murphey to Robert Rantoul, Herkimer, N. Y., Jan. 29, 1845, in *Hangman*, Feb. 26, 1845; New York *Journal of Commerce*, March 4, 1842, noted the arrival of the initial anti-reform petitions; for the introduction of the petitions, see the indexes of *AJ* and *SJ*, 65th Session (1842); *AD* 133 of March 24, 1842.

¹¹*Post*, April 2, 1842.

¹²*Post*, March 30, April 2, 1842.

with the spirit of Christianity. While admitting that he might not be a model Christian, he thought he could claim more devotion to 'divine truth' and reverence to Christian principles than the clergymen in question. They had entered the legislature 'as petitioners, as the active circulators of remonstrances on religious grounds, as pamphleteers, as the writers of urgent letters ... wielding against [the reform] the thunders of their sacerdotal authority and spiritual power.' He meant no disrespect, he said, but he had difficulty controlling his emotions when he saw the clergy forming a guard around the gallows.¹³

O'Sullivan had by no means given up, however. He was certain that the clergy could be overcome because the hearts of the people were with the reform. In April, he wrote confidently that he planned to return to the Assembly in the following year and defeat those who were 'so anxious to choke their fellowmen to death for the love of God.' Within the next few months, however, the reform leader changed his mind and chose not to seek re-election. His reasons are obscure, but he probably felt that he could do more for the reform by stirring up opposition to hanging among the citizenry than he could by haranguing legislators in Albany. Thus O'Sullivan returned to New York City where he soon engaged in a fateful confrontation with his nemesis, George Cheever.¹⁴

O'Sullivan spent his first several months back in New York City working on the *United States Magazine and Democratic Review*, of which he was the editor, and trying to encourage a concerted campaign against the gallows in several states. In addition, he spoke on the subject when he could find an audience and encouraged the circulation of petitions. His influence was soon felt as a growing number of new reformers in the city heard or read his ideas and began to speak out against the evil themselves. These new friends of the cause included the editor

¹³*Post*, April 2, 1842.

¹⁴*Post*, April 2, 1842; O'Sullivan to Seward, Albany, April 7, 1842, Seward Collection, University of Rochester Library.

Park Benjamin, the Universalist minister William S. Balch, and the reformer and editor Lydia Maria Child.¹⁵

It is not clear when O'Sullivan conceived the idea of confuting Cheever before a large audience and winning a major victory for the cause, but he must have begun planning for the event in late 1842. O'Sullivan challenged Cheever to two evenings of debate to be held at the Broadway Tabernacle, a cavernous church with a seating capacity of three thousand people. Originally scheduled for the first two nights of a ten-part lecture series for 'Intellectual entertainment,' the debate actually ran for three evenings, January 27, February 3, and February 17, 1843. The debate, if it can be called that, was a peculiar one and accounts of it are sometimes contradictory. O'Sullivan led off each evening, against his will he later claimed, with an hour's speech, which on at least one night was entirely extemporaneous. Cheever then followed by reading a prepared text for the same length of time. O'Sullivan's remarks were not recorded in full, but Cheever published his speeches with some additions and editing later in the year. The minister's arguments were again primarily concerned with scriptural support for the death penalty. But he took time to ridicule the statistics O'Sullivan had used to show that abolition had been successful in some European countries. Echoing his earlier book, Cheever also insisted upon the absurdity of discussing a punishment in terms of its utility. A punishment's '*intrinsic justice* is the ground of its *utility*,' he said, 'its *utility* is not the ground of its *justice*.' O'Sullivan answered the scriptural argument but also ranged far afield, covering much of the same ground as his report.¹⁶

¹⁵Lydia Maria Child to Ellis Gray Loring, New York, Nov. 23, Dec. 6, 1842, Manuscript Collection, New York Public Library; New York *Tribune* [hereafter *Tribune*], Feb. 11, 1843; [Park Benjamin,] 'Capital Punishment,' *The New World*, V (Dec. 17, 1842), 399; William S. Balch, 'Sermon on Capital Punishment,' *The New World*, V (Dec. 17, 1842), 387-388.

¹⁶James Parton, *Life of Horace Greeley* (Boston, 1872), p. 295; *Tribune*, Jan. 25, 1843; Cheever, *Capital Punishment: The Argument of Rev. George B. Cheever in Reply to J. L. O'Sullivan, Esq.* (New York, 1843), Preface, ix-x, and *passim*; [O'Sullivan,] 'Capital Punishment,' *United States Magazine and Democratic Review* [hereafter *USMDR*], XII (April 1843), 409-410.

There was no announced result of the contest, but the evidence suggests that Cheever was the clear winner. Friends of the minister and enemies of the reform saw the debates as an unequivocal victory for their man and a 'signal and overwhelming defeat' for O'Sullivan. Cheever has left no record of his own views of his performance. He was never a good correspondent and the sole letter in which he refers to the debates contains only the scantiest information about them. His brother Nathaniel, a better reporter, wrote of George's 'triumphs and well-earned praises.' It was Cheever's cousin, the Reverend J. C. Lovejoy, who was most effusive about the anti-reform victory. He had been visiting New York and had attended at least some of the debates. Cheever's arguments had been 'unanswerable,' he wrote, and 'equal to any three of the best orations of Cicero or Demosthenes. ... It was a victory—a triumph an ovation [sic].' The orthodox religious press was somewhat less hyperbolic, but just as confident that the minister had won. The New York *Evangelist* reported that O'Sullivan was 'sophistical and not in good temper,' while Cheever had effected 'a complete and overwhelming triumph and felt to be so in all parts of the immense assemblage.'¹⁷

Such biased comments are certainly incomplete evidence as to the outcome of the debates. But the words and actions of O'Sullivan and his allies are better indications that Cheever had indeed won the contest. O'Sullivan obviously felt dissatisfied with the results of the originally scheduled debates, for on the night of the second he challenged Cheever to a third. After this encounter, O'Sullivan wanted no more, but two of his clerical allies evidenced their opinion that the reform had not triumphed. The Universalists William S. Balch of New York and Abel Charles Thomas of Brooklyn challenged Cheever and the Presbyterian minister Samuel Hanson Cox of Brooklyn to a

¹⁷ *Tribune*, March 20, 1843; York, *Cheever*, p. 225; Cheever to Caroline B. Cheever, New York, Feb. 13, 1843; Nathaniel Cheever to Elizabeth B. Cheever, New York, March 8, 1843; J. C. Lovejoy to Elizabeth B. Cheever, Cambridgeport, Mass., Feb. 27, 1843; Cheever Papers, American Antiquarian Society; New York *Evangelist*, Feb. 9, 1843.

new set of debates. The Presbyterians declined on the ground that they lacked the time.¹⁸

A few reformers claimed victory, it is true, but with such reservations and complaints as to undermine their presumed confidence. Though no reformer ever admitted that O'Sullivan had been bested, they almost always qualified their comments on the debates with claims of foul play. They were especially incensed that on the final evening of debate, Cheever had again forced O'Sullivan to speak first even though the reformer had come with no notes at all, planning merely to reply to Cheever's opening speech.¹⁹

O'Sullivan himself felt obliged to defend his performance in the pages of his *Review*. He too mentioned the unanticipated extemporaneous speech and contrasted Cheever's preparation with his own. Cheever had planned and written for weeks, O'Sullivan said, and presented the whole in the manner of the brilliant orator he was. O'Sullivan, on the other hand, had been able to spare only a few days to assemble his notes. Viewed impartially, these excuses and peripheral attacks are indications that O'Sullivan had fallen victim to Cheever's renowned rhetorical skills and platform tactics. It is also significant, of course, that Cheever published his arguments and O'Sullivan did not.²⁰

The debates unquestionably had a profound and extensive effect. In New York City, their coverage in the *Tribune* set off a long epistolary battle between adherents of the two debaters and the ideas they championed. By late March, over a month after the final debate, letters were still arriving at such a rate that Greeley had to announce a halt to further discussion of the topic. Five years later, the New York *Evening Post* could still refer to 'that memorable debate' between Cheever and O'Sullivan and expect its readers to understand the reference.²¹

¹⁸ Cheever, *Capital Punishment*, Preface; *Tribune*, March 20, March 24, 1843.

¹⁹ [Park Benjamin,] 'Capital Punishment,' *The New World*, VI (March 4, 1843), 267; *Tribune*, Feb. 6, March 18, 1843.

²⁰ [O'Sullivan,] 'Capital Punishment,' pp. 409-413.

²¹ *Tribune*, Feb. 11, March 18, March 20, March 21, March 24, 1843; *Post*, Jan. 22, 1848.

The *Tribune* had a significant national circulation guaranteeing that Americans far from New York City would also know about the Tabernacle contest. Cheever's publication of his arguments added to the national effect of the debate. Had Cheever published a balanced verbatim record, he probably would have won numerous readers to his views. In fact, Cheever's *Capital Punishment* was a very one-sided account of the contest with O'Sullivan. It contained Cheever's speeches in full, but the only clues to what O'Sullivan had said were the disparaging remarks Cheever made about some of his arguments. Moreover, Cheever added material to make his arguments better than they had been during the debates and, according to O'Sullivan, misquoted the reform leader to make his arguments seem worse. All in all, the book was designed to gladden the hearts of those who shared its opinions and to convert those who did not. It probably impressed hundreds of such orthodox Calvinist ministers as the Reverend H. Mandeville who read an advance copy and praised it highly in a long letter to the *New York Observer*. If so, its message, spread from as many pulpits, must have influenced large numbers of Americans. Cheever's cousin, the Reverend J. C. Lovejoy, was engaging in his customary hyperbole when he claimed that 'twenty millions of people are to be influenced by the discussion.' But he was essentially correct when he implied that the effect of the debate would be enormously enhanced because of its location, in the nation's metropolis, and its effect on the country's opinion setters.²²

The Tabernacle debates may have had a profound effect on capital punishment reform at what was a crucial time in its history. O'Sullivan had gained renown as an advocate of the reform and his humbling at the hands of Cheever was a blow to the entire movement. Had O'Sullivan vanquished the minister, it is not difficult to imagine a general weakening of the clerical op-

²²Cheever, *Capital Punishment*, Preface and *passim*; [O'Sullivan,] 'Capital Punishment,' p. 413; *New York Observer*, Feb. 25, 1843; Lovejoy to Elizabeth Cheever, Feb. 27, 1843.

position and legislative campaigns in 1843 or 1844 which, without the sort of pressure put on legislators in 1842, would have gained victories in several states. Instead, even the New York legislative campaign foundered badly in 1843 and 1844 and, with a few exceptions, reformers were not to be presented with such an opportunity again. Cheever's effectiveness was in beating back the reform when it had commanded the best chance of success.²³

For Cheever, the Tabernacle debates meant increased fame and popularity and confirmation of his reputation as 'the champion of the gallows in America.' To him, this was an honor, of course, but it opened up the minister to some exceedingly rancorous attacks by reformers. A writer in the New York periodical, *The Pathfinder*, probably its editor, Parke Godwin, came close to placing Cheever in despicable company. 'There is a sort of bad priest,' Godwin wrote, 'which is about the worst form that our perverted nature assumes. Such a character, professing the spirit of Heaven is moved by the very spirit of hell. ... His heart gloats with joy, when the gibbet runs red with blood. ...' Godwin hoped that Cheever had not become such a 'Protestant Jesuit' as this.²⁴

Unquestionably the most devastating attack came in the *Tribune* in a long pseudonymous letter from 'Draco,' who pretended to defend the gallows in the most serious language. Draco objected to the deplorable fact that clergymen, the warmest defenders of the noose, were not actually allowed to act as hangmen. Instead the deed was effected by low wretches, hooded and half-drunk, oblivious to 'all the loathing' around them. 'Who can wonder,' Draco asked, 'that the sacred and venerable institution of choking men to death with a rope is falling into disesteem under such auspices.' Obviously, a reform was necessary, Draco said, whereby gallows would be erected

²³ *AJ*, 66th Session (1843), pp. 294, 305, 423; *SJ*, 67th Session (1844), pp. 132, 264, 700. No abolition bill was so much as introduced in the 1844 Assembly.

²⁴ *Hangman*, June 11, Dec. 10, 1845; *Pathfinder*, I (April 8, 1843), 100-102.

in churches and clergymen would have the privilege of hanging criminals themselves. 'For many and obvious reasons,' he continued, 'I would suggest the Reverend George B. Cheever as eminently calculated by his talents, industry and zeal in support of this Institution, for the post of Chief Hangman for the City of New-York and vicinity, with liberty to select his assistants from among his brethren of similar faith and calling.' Draco was perfectly confident that Cheever would execute his duties well, 'giving, as well as receiving, great satisfaction.'²⁵

Undeterred by such attacks, Cheever, though occupied by ministerial duties, European travels, and other controversies, continued to defend the death penalty and to snipe away at those who would abolish it. His new medium for such anti-reform labors was the New York *Evangelist*, one of the leading Presbyterian journals of the day, which he served as editor in 1845 and 1846. There he charged the reformers with 'mawkish sympathy in behalf of villains' which stemmed from 'certain infidel principles and theories,' an apparent reference to Unitarian and Universalist beliefs. There, too, he attempted to discredit the reform by ridiculing it, utilizing a typographical error in the *Tribune*, a line from a financial column mistakenly transferred to an article about reform, to poke fun at those who would offer 'Benevolence at a Discount.' The Boston reformer Charles Spear, a Universalist minister, visited Cheever in New York shortly after this article appeared and, not surprisingly, found that he and the Presbyterian differed on many subjects, but especially on crime and punishment. It is a testament to Cheever's personality, however, that Spear came away from the meeting genuinely liking this man, of whom he wrote, 'No man in this

²⁵ *Tribune*, March 2, 1844. Draco's letter owed its inspiration to similarly worded petitions to the Massachusetts legislature; see *Liberator*, March 10, 1843, and Feb. 9, 1844. The Cheever material, however, and almost all of the language was original. The issue of the *Tribune* which printed Draco's letter also displayed the famous poem, 'The Gallows-Goers,' by Thomas Dunn English of New York. English, a doctor, editor, and lawyer, excoriated all those who favored hanging, but was especially critical of the clergy.

country has been a stronger advocate of the death-penalty.²⁶

The reformers, meanwhile, had begun to organize their efforts and abolition of the gallows again seemed to be a possibility. Greeley, O'Sullivan, and other New Yorkers founded an anti-capital punishment organization in February 1844, the most prominent of a number of such societies which followed in many states of the union. The New Yorkers began planning for a major reform campaign in the legislature in 1845 or 1846. Boston's Charles Spear contributed a stirring attack on the gallows in his *Essays on the Punishment of Death*, published in 1844, and facilitated co-operation among reformers with his *Hangman*, later renamed the *Prisoners' Friend*, a periodical dedicated to the cause. Philadelphia's Charles C. Burleigh published *Thoughts on the Death Penalty* in 1845, in which he attacked hanging solely by disputing Cheever's defenses of the institution, a clear indication of the minister's importance to the anti-reform movement.²⁷

This flurry of reform activity, and especially Burleigh's book, convinced Cheever that it was time to publish another defense of the gallows. This time he collaborated with another enemy of the reform, Tayler Lewis, an ordained Dutch Reformed clergyman, then serving as professor of Greek at the University of the City of New York. Their book was published in January 1846 and bore the unwieldy title, *A Defence of Capital Punishment and an Essay on the Ground and Reason of Punishment*. The *Defence*, Cheever's contribution, was essentially a reprint of the minister's two previous works on the subject. It contained a slightly augmented version of his *Punishment by Death*, followed by a republication of his Tabernacle arguments.

²⁶ York, *Cheever*, pp. 108-121; *Universalist Union*, May 10, 1845; *Hangman*, June 11, 1845. The editor of the *Universalist Union* was certain that only one man in New York could have joked about hanging as in the *Evangelist* article, and that was Cheever. He responded by speaking about the 'fiendlike revenge' fancied by the adherents of a 'certain baptized abomination called Calvinism.' Cheever had resigned as pastor of the Allen Street Church in the spring of 1844. He traveled in Europe before assuming his editorial duties early in 1845; York, *Cheever*, pp. 111-115.

²⁷ *Tribune*, Feb. 5, 1844; *Weekly Tribune*, Feb. 15, 1845; *Hangman*, April 23, 1845.

The only new material re-emphasized the intrinsic justice of capital punishment and again denigrated utilitarian objections to it. In an appendix, Cheever struck at Burleigh's book, again using his wonted proofs, and went on to decry the recent abolition of public execution in New York and other states. 'All punishments should be public,' he wrote, for privacy 'takes from them the healthful moral impression of law' and gives them the appearance of private revenge. Lewis, in his part of the work, the *Essay*, also extolled divine retribution as the 'ground and reason' of punishment and added some brutal attacks on the reformers themselves.²⁸

Anti-gallows papers and writers, of course, greeted the new book with a cascade of disapproval. Cheever was attacked for his reputation as well as his actual arguments. Margaret Fuller, in a long front page review in the *Tribune*, called him intelligent, but 'tainted by the heat and bitterness of his spirit.' The clergyman-poet Thomas Lake Harris damned him in a poem called 'The Conservative.' An anonymous writer in the *Tribune* mocked him with the charge of blasphemy because he did not insist upon death for the minor offenses which God had also decreed capital in the Old Testament. Cheever was spared more vicious attacks because reformers saw Lewis' writings as even more outrageous. Lewis, in the course of his essay, had managed to call into question the reformers' religious beliefs, politics, social standing, intelligence, honesty, bravery, and manhood. Inevitably, he drew the most venomous criticism.²⁹

Both authors had grounded their arguments for the gallows on the sacredness and necessity of retribution. Reformers continued to find this defense abhorrent, but some thought they saw in its use the depth of Lewis' and Cheever's desperation. If all the authors could do was to repeat 'the most implicit faith in the soundness and impregnability of their position,' one review-

²⁸ Lewis and Cheever, *A Defence*, pp. 108-114, 192-194, 350.

²⁹ *Weekly Tribune*, March 7, March 21, 1846; *Prisoners' Friend*, Nov. 18, 1846; Lewis and Cheever, *A Defence*, pp. 108-114; *Post*, Feb. 13, 1846, extracts most of Lewis' *ad hominem* attacks.

er wrote, then the day of abolition was close at hand. If anyone could prove hanging wise, it would be these two authors, the writer continued, and since their arguments were so weak, the book would be the last defense of a dying institution.³⁰

Even a friendly reviewer found Lewis' and Cheever's arguments objectionable and thought they had rendered the cause a disservice. An anonymous supporter of the gallows in the *United States Magazine and Democratic Review*, no longer under O'Sullivan's editorship, insisted that 'most of the enlightened advocates of capital punishment, have entirely discarded from their views of human government the idea of retributive justice.' Indeed, by relying on such arguments, he continued, the authors could not fail 'to call up the sternest powers of resistance in the human soul. The law which condemns a human being to death should be perfectly free from the least appearance of revenge or vengeance.'³¹

Cheever's religious brethren were not at all displeased with the new work, however. Thomas Smyth, in the *Southern Presbyterian Review*, extolled Cheever's labors on behalf of the death penalty over the years and credited him with 'staying that flood of wild speculation which threatens to overturn, in the State of New York, every landmark of security.' An anonymous reviewer in the *American Biblical Repository* joined in praising the usefulness of the book and appended a morbid, and rather weak, play on words in its behalf. The *Defence* was like a strong cable, he said, and the *Essay* like a powerful wheel. Then he urged his readers to 'get the cable round the neck of anyone, attach it to the wheel, and then turn it, and see what mighty execution it will do.' There were still a number of advocates of hanging, and probably the most influential advocates at that, who admired the concept of retributive justice.³²

³⁰*Weekly Tribune*, Feb. 7, 1846. Also see *Post*, Feb. 4, Feb. 5, Feb. 7, 1846.

³¹'Essay on the Ground and Reason of Punishment,' *USMDR*, XIX (Aug. 1846), 90, 91, 103. O'Sullivan had sold the periodical several months before the appearance of this article.

³²'The Divine Appointment and Obligation of Capital Punishment,' *Southern Presbyterian Review*, I (Dec. 1847), 3; *American Biblical Repository*, ser. 3, II (April 1846), 377.

Cheever's labor on behalf of the gallows again helped the anti-reform forces in the New York legislature at a crucial juncture. Confronted, in 1846 and 1847, with an unusual outpouring of agitation for abolition, they based their entire defense on the religious arguments of Cheever and his allies and once more sidetracked or defeated every reform attempt.³³

The abolition campaigns of 1846 and 1847, in fact, marked the high point of the anti-gallows movement in New York and several other important states. Portentious national events—the Mexican War and the resultant exacerbation of the slavery issue—split the reformers, diluting their efforts and distracting their attention, and the reform slowly dwindled in the late 1840s and early 1850s. By 1857, Horace Greeley could concede that 'the abolition of capital punishment ... shares the fate of all other Humanitarian Reforms in being no longer pressed with earnestness or regarded with popular favor in this State.'³⁴

As a result, Cheever no longer felt it necessary, after 1846, to devote much of his energy to defending the death penalty. True, he returned to the subject in an occasional sermon, like that of 1853 in which he commended the 'perfect righteousness and justice' of retaliation. Indeed, his concern about the topic continued for another thirty years, as evidenced by his 1881 article in the *North American Review* which featured the same familiar arguments. For the most part, however, he ignored the challenges and insults of the reformers, who con-

³³*Tribune*, Oct. 21, 1847; *AJ*, 69th Session (1846), pp. 133, 797, 1102, 1313; *AJ*, 70th Session (1847), pp. 44, 445, 1687-1688. Eastern reformers were jubilant in May 1846, when they learned that Michigan had abolished the death penalty, but the example from the West had little effect on reform campaigns elsewhere; *Weekly Tribune*, May 16, 1846; *Post*, May 8, 1846.

³⁴*Tribune*, May 9, 1857; for the waning of the reform in New York State, see Mackey, 'Anti-Gallows Activity,' pp. 264-293. New York did legislate a *de facto* abolition of capital punishment in 1860, but the conditions were highly peculiar. It was not general opposition to the gallows, but horror about the impending execution of a pretty young murderess which motivated the legislators, and the law was short-lived; Mackey, pp. 294-312. Two states did abolish capital punishment between 1848 and the Civil War, Rhode Island in 1852 and Wisconsin in 1853, but these were isolated events which had no effect on the languishing reform movements in other states.

tinued to regard him as their principal opponent, and devoted his time to other causes.³⁵

In the 1850s, Cheever became an outspoken advocate of the abolition of slavery and of greater rights for Blacks. By the end of the decade, he was probably the most radical religious abolitionist in America. In written and oral appeals, most of the latter at his new pastorate, the Church of the Puritans in Union Square, he cheered evasions of the Fugitive Slave Act, savaged the Dred Scott decision, defended John Brown, and anathematized conservative church bodies and publications which would not condemn slavery. These were not easy positions for Cheever to take. His vitriolic attacks produced a revolt in his congregation which threatened to drive him from the pulpit; many of his religious friends deserted him. Undaunted, he continued to fight for Black rights during and after the Civil War. His steadfastness and fame in this struggle and his earlier campaigns for temperance impressed contemporary observers and later historians, as well. The name of George Barrell Cheever has been entered on the lists of great American reformers, an inclusion that neglects and flies in the face of the man's crucial role in crippling capital punishment reform. Cheever is seldom remembered as a candidate for the post of chief hangman of New York City.³⁶

³⁵New York *Times*, Feb. 7, 1853; Cheever, Samuel Hand, and Wendell Phillips, 'The Death Penalty,' *North American Review*, CXXXIII (Dec. 1881), 534-559; *Tribune*, May 10, 1849; *Christian Ambassador*, Feb. 23, 1850; *Tribune*, Jan. 8, 1851, Feb. 15, 1853.

³⁶York, *Cheever*, pp. 135-222, *passim*. Timothy L. Smith, *Revivalism and Social Reform* (New York, 1957), pp. 209-210.

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