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**‘OUR FREE SOCIETY IS WORTHY OF BETTER’:  
CARYL CHESSMAN, CAPITAL PUNISHMENT,  
AND COLD WAR CULTURE**

*David E. Ruth*<sup>1</sup>

**Abstract**

Convict author Caryl Chessman was the focus of international attention from 1954 until his 1960 execution at San Quentin. Americans used Chessman to articulate understandings about themselves, their society, and their place in the world. Many used the case to comment on new understandings of behaviour and its modifiability, the apparent post-war rise in juvenile delinquency, and the prospects for individual autonomy in an increasingly conformist society. Cold War concerns profoundly shaped the discourse about Chessman. For some activists, global save-Chessman sentiment pointed to the possibility of transcending bitter international divisions. Execution opponents believed commutation would highlight the progressive social practices essential for winning the Cold War battle for global opinion. Execution supporters decried what they saw as the reluctance of soft, overly sentimental Americans to take the hard steps necessary to protect order in a dangerous world.

Keywords: Caryl Chessman, capital punishment, abolition, juvenile delinquency, Little Lindbergh Law, Cold War culture

**Introduction**

Commenting in April 1960 on the imminent execution of death row author Caryl Chessman, *Saturday Review* editor and activist Norman Cousins found grim encouragement that ‘the troubled attention of a large part of human kind is fixed on this one event.’ Sensational press coverage first brought attention to Chessman in the Los Angeles area after his arrest in 1948 for the crimes of the ‘Red Light Bandit,’ who used a police-style light to prey on couples parked on lovers’ lanes, robbing them and forcing two female victims to perform oral sex, assaults alluded to with phrases like ‘too horrible to discuss in a decent newspaper.’ Wider attention came when he was sentenced to die under California’s so-called Little Lindbergh Law of 1933. The capital offence was kidnapping with bodily harm, committed when he forced victims away from boyfriends’ automobiles and perpetrated sexual assaults. Sustained national and international

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notoriety came after the 1954 publication of a bestselling autobiography, *Cell 2455, Death Row*, which sold a half-million copies in the United States and was serialized in newspapers nationwide, translated into 12 languages, and made into a 1955 feature film. A second book, *Trial by Ordeal*, in 1955, also sold well, perhaps bolstered by the story that the manuscript had been smuggled out of San Quentin after authorities had forbidden further publication. Two more books and a then-unprecedented 12-year legal struggle to avoid the gas chamber, during which he survived eight execution dates, kept Chessman in the public eye. Attention peaked in February 1960 when Governor Edmund (Pat) Brown, an outspoken death penalty opponent, issued a reprieve after citing a State Department official's warning of anti-American demonstrations in Uruguay, where President Eisenhower was soon scheduled to visit. Critics lambasted the federal involvement, Brown's decision, and his clumsy attempt to push the state assembly to abolish capital punishment before the reprieve ended. *Time* marvelled in March that Chessman had become 'a vividly living personality' for people around the world. By the time of his execution, in May 1960, an enormous audience had heard Chessman's version of his story: that his confession to the crimes of the Red Light Bandit was false, beaten out of him in a multi-day interrogation; that he was rehabilitated and had risen above the crimes of his youth; that he had been denied a fair trial and appeals; and that he was being sacrificed to a barbaric punishment. Almost all had heard other versions, too, contesting some or all of the condemned man's claims.<sup>2</sup>

Norman Cousins understood the unfolding drama from his perspective as a prominent peace activist, critic of nuclear testing, and advocate of world government. For him, what mattered most about the episode were 'the resonant sounds of public concern' from around the globe. Amidst the terrifying discord of the Cold War, he suggested, such a concert of global sentiment represented 'the great hope of the species,' the best chance not just for Chessman's future, but for humanity's too:

National boundaries, conflicting ideologies, differences of languages and customs and cultures - all these are transcended when a natural law is violated....The proof, indeed, that a human society or community does exist is furnished by the near-universal assertion of conscience on this issue.<sup>3</sup>

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<sup>2</sup> Norman Cousins, 'Of Death and One Man,' *Saturday Review*, 23 Apr. 1960, p.26; Frank B. Hutchinson, 'So 'Noble' Chessman Makes Bland Plea,' *The Evening Independent* [St. Petersburg, FL], 2 Mar. 1960, p.3; 'The Chessman Affair,' *Time*, 21 Mar. 1960, p.17.

<sup>3</sup> Cousins, 'Of Death and One Man,' p.26.

Cousins was far from unusual in focusing on the international response to the case, especially after Brown warned of possible foreign protests should the execution take place. American newspapers and magazines counted dramatic reactions abroad as among the episode's most salient features. Typical was a March 1960 *Time* cover story, which proclaimed Chessman 'the world's most famous prisoner, center of impassioned arguments on both sides of the Atlantic.' Telephoned appeals came to Governor Brown from Western Europe, Latin America, Africa, and Australia. Italian parliamentarians, Belgium's Queen Mother, and two and a half million Brazilian petition-signers had called for mercy. In the Netherlands, *Time* reported, buyers were snapping up copies of a new record in Dutch, 'The Death Song of Chessman.' Foreign newspapers, according to *Time*, editorialized extensively, with a London daily predicting Chessman's execution 'will be a day when it will be rather unpleasant to be an American' and a Buenos Aires editor calling Chessman's 'the most terrible case that has faced the world in recent history.'<sup>4</sup>

Scholars have recognized many aspects of the importance of the Chessman case. For legal historians and others, the case matters primarily because it revitalized discussion of the efficacy and fairness of capital punishment, a debate that helped set the stage for the U.S. moratorium of 1967-77.<sup>5</sup> Historian Theodore Hamm argues persuasively that the case had a broader impact, providing a forum for discussion of the rehabilitative claims of modern penology and shaping the early development of the New Left and what would become the New Right.<sup>6</sup> Americans used Chessman to articulate deep understandings about themselves, their society, and their place in the world. Seeing in the condemned much that they sensed in themselves as well, commentators found he invited a uniquely intense scrutiny of the origins and meanings of behaviour. Many used the case to comment on increasingly influential psychosocial understandings of behaviour and its modifiability, the apparent rise in juvenile delinquency that so alarmed post-war Americans, the possibilities for individual autonomy in what seemed to be an increasingly conformist society, and the fairness of American social practices.

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<sup>4</sup> 'The Chessman Affair,' p.17.

<sup>5</sup> Stuart Banner, *The Death Penalty: An American History* (Harvard University Press, 2002) pp.241-3; David Garland, *Peculiar Institution: America's Death Penalty in an Age of Abolition* (Harvard University Press, 2010) p.211; Marie Gottschalk, *The Prison and the Gallows* (Cambridge University Press, 2006) pp.173-4; Lawrence M. Friedman, *Crime and Punishment in American History* (Basic Books, 1993) p.320.

<sup>6</sup> Theodore Hamm, *Rebel and a Cause: Caryl Chessman and the Politics of the Death Penalty in Postwar California, 1948-1974* (University of California Press, 2001).

This essay builds on those understandings and, for the first time, gives serious attention to the global meanings Americans attached to the episode. Commentators preoccupied with the troubling developments of the Eisenhower-era Cold War understood Chessman's case in a global context, noting differences in criminal justice practices, discussing foreign reactions, debating implications for international relations, and considering the tension between freedom and security. As Norman Cousins' hopeful assertions suggest, foreigners' interest in the Chessman case was not just a source of curiosity. Instead, global reactions were central to why the case so resonated with many Americans. Some liberals called for commutation in the belief that it would broadcast America's embrace of progressive social practices and thus help win the Cold War battle for global opinion. For many critics of Cold War militarism, the push to execute reflected a broader and dangerous enthusiasm for the state's use of lethal power. Some of them joined Cousins in hoping that save-Chessman protests would spark international dialogue and activism. Chessman's criminal career became, for others, illustrative of international social pathologies that also helped shape the Cold War. For many hawks, pro-Chessman sentiment, sensitivity to unwarranted foreign criticism, and the long delay before execution showed a troubling weakness in American society, an unwillingness to take the unpleasant actions essential to security in a dangerous world.

## **1 Capital Punishment, Penal Welfarism, and Shifting Values**

Americans contemplated Chessman within the context of a broader consideration of capital punishment and its place in the United States and beyond. Shortly before the execution, *Time* reported that capital punishment was 'a fading practice,' with the annual average of U.S. executions falling from 167 in the 1930s to 72 in the 1950s. In 1959 only 49 executions took place, 'one more than the alltime low recorded in 1958.' Once-lengthy lists of capital offences had been largely reduced to murder and 'rape committed by a Negro in the South.' Women, *Time* noted, 'are virtually exempted.' Nine states had effectively abolished capital punishment. Leaders of several major religious denominations had taken stands against the death penalty; another expressed only the tepid support that 'the Bible seems to permit the possibility of capital punishment.' In most discussions, 'the traditional vocabulary of debate' - a language of morality, retribution, and the sanctity of life - had given way to the practical considerations of a new 'utilitarian age.' Even death penalty defenders could claim only 'the possibility of deterrence.' Consistent with the global span of its reporting on reactions to the case, *Time* situated the American decline in an international context, noting that 'today capital punishment has been

abolished over much of Western civilization.’ Even in the four western European holdouts, executions were ‘exceedingly rare’ by historical standards.<sup>7</sup>

The declining use of capital punishment paralleled broader shifts in the fields of American and western European criminology and criminal justice. The Chessman case came near the peak of what sociologist David Garland has labelled ‘penal-welfarism,’ a constellation of assumptions, understandings, and practices among criminologists and authorities who regarded crime as abnormal behaviour caused by identifiable pathologies and treatable through expert intervention. If criminal offences often stemmed from childhood traumas, psychological conflicts, thwarted emotional or intellectual development, and disease, retributive responses seemed unscientific and archaic. In a long process that approached its fullest development in the United States in the 1950s and early 1960s, penal welfarism had led to innovations in juvenile courts, indeterminate sentencing, and the use of social workers and psychologists, all intended to advance a therapeutic and rehabilitative mission. Older goals of retribution and incapacitation, of course, retained vast appeal inside and beyond the criminal justice structure; the therapeutic-rehabilitative ideal was more clearly ascendant in rhetoric than practice.<sup>8</sup> Nevertheless, it provided a powerful way to frame crime and justice generally and the Chessman case specifically.

Throughout the Chessman affair, popular media publicized the advances of the new scientific penology and their implications for capital punishment. In a 1957 *Atlantic* article, British writer Giles Playfair explained that ‘present-day penology...puts its emphasis not on retribution, nor even on deterrence, but on rehabilitation.’ Psychiatric services were especially important in the replacement of punishment with treatment:

Clearly the death penalty is wholly inimical to this aim, inasmuch as it serves the purely punitive ends of retribution and deterrence. Hence its retention is bound to produce a confusion of purpose in the whole penal picture, and to impede those reforms which are necessary before a policy fully in accord with modern penological theory can be put into operation.<sup>9</sup>

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<sup>7</sup> ‘Capital Punishment: A Fading Practice,’ *Time*, 21 Mar. 1960, p.19.

<sup>8</sup> David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (University of Chicago Press, 2001) pp.28-42. Also see Gottschalk, *Prison and the Gallows*, pp.172-73; Hamm, *Rebel and a Cause*, pp.21-24.

<sup>9</sup> Giles Playfair, ‘Is the Death Penalty Necessary?’ *Atlantic* 200 (Sept. 1957), pp.31-5.

In a 1959 article in *Harper's* and *Reader's Digest*, the influential psychiatrist Karl Menninger made the case for replacing 'antiquated' and 'primitive' punishment with treatment based on 'the science of human behavior.' Like Playfair, Menninger opposed the death penalty largely because of its effect of obscuring understanding of crime and its treatment. Capital punishment 'beclouds the entire issue of motivation in crime, which is so importantly relevant to the question of what to do for and with the criminal.' Scientific study and treatment could alter the 'behavior pattern' or cure the disease that drove the offender. 'With knowledge comes power, and with power there is no need for the frightened vengeance of the old penology,' Menninger concluded, 'In its place should go a quiet, dignified, therapeutic program for the rehabilitation of the disorganized one.'<sup>10</sup>

Post-war Americans interpreted the new penology in the context of a far broader cultural transformation. Much of the discourse about Chessman and capital punishment reflected and responded to what historian Alan Petigny has usefully called the 'permissive turn' in early post-war culture. In a neat twist on standard accounts of post-war conformity, Petigny contends that millions of Americans quietly built a 'subversive consensus' that undermined traditional notions of individual moral responsibility well before the cultural skirmishes of the 1960s. Petigny's indicators are wide-ranging and convincing. Surveys found dramatic increases in the proportion of Americans who understood alcoholism as a disease rather than a moral failing. Surveys and use rates testified to a rapidly increasing receptiveness to psychology, especially the humanistic psychology of therapists like Carl Rogers and Abraham Maslow, whose ideal of self-actualization challenged traditional values of self-control and the positive effects of guilt. Humanistic psychology became a mainstay of pastoral counselling even in otherwise conservative evangelical churches. Dramatic weakening of religious strictures against gambling, dancing, and drinking; more permissive childrearing practices; significant increases in the rate of premarital sex, even as the age at first marriage plummeted: a host of changes indicates that the tidal shifts in behaviour and values conventionally associated with the 1960s happened earlier and squarely within the mainstream of American culture.<sup>11</sup> Almost inevitably, commentary on Chessman expanded into commentary on capital punishment, on modern penology, and on modern values more generally.

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<sup>10</sup> Karl Menninger, 'Verdict Guilty—Now What?' *Harper's* 219 (Aug. 1959), pp.60-4. Excerpts of the article appeared as Karl Menninger, 'Verdict Guilty—Now What?' *Reader's Digest* 75 (Oct. 1959).

<sup>11</sup> Alan Petigny, *The Permissive Society: America, 1941-1965* (Cambridge University Press, 2009) p.52.

## 2 'How Chessman Got That Way'

Much of the discourse focused on understanding the roots of his criminal behaviour or, as one newspaper feature put it, 'How Chessman Got That Way.' For many observers, including Chessman himself, the increasingly authoritative science of psychology offered the key to unlocking his mysteries. Psychology had grown in stature and popular acceptance during and after the Second World War, partly on the basis of widely publicized reports of advances in the short-term treatment of combat-related psychiatric casualties. Leading psychiatrists, shifting their emphasis from asylum-based treatment of the severely ill, claimed expertise in the management of a host of social problems. The turn to psychology was especially influential in shaping Americans' responses to crime. As Garland argues, post-war criminologists increasingly saw the roots of crime in pathological abnormalities and 'causality that was long-term, dispositional, and operated through the formation of personality traits and attitudes. This notion of causality - popularized by Freudian depth psychology and widely adopted by the social work profession - focused upon deep underlying causes, unconscious conflicts, distant childhood experiences and psychological traumas.'<sup>12</sup>

The centrality of psychological understandings contributed to Americans' belief that the Chessman story had international implications. Ellen Herman has shown that by the early Cold War, psychology became 'intimately entangled...with military and foreign policy' as leaders embraced it for an enormous range of purposes, including the mitigation of domestic social problems that might prove damaging on the international stage. Advances in the field took on crucial meaning as evidence of the progress achieved by liberal, technocratic democracies. As Ian Dowbiggin writes,

social psychiatry became highly politicized against the backdrop of a post-war world seemingly teetering on the brink of war between communism and Western-style democracy. For the second time in 30 years, opinion makers - notably in the United States - insisted that the world be made safe for democracy once again. This time many expected mental-health policies to play a major role in winning the war for the minds of men and women.

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<sup>12</sup> 'How Chessman Got That Way...and Stays Alive,' *Boston Globe*, 25 Oct. 1959, p.48; Garland, *Culture of Control* p.42.



Capable of untangling the mysteries of Caryl Chessman, modern behavioural science demonstrated the virtues of the society that had produced it.<sup>13</sup>

Though sometimes critical of individual practitioners, Chessman repeatedly credited the advances of behavioural science. Indeed, his self-assessment could serve as a checklist of the medical, psychological, and sociological details valued by post-war behavioural scientists. A series of physical ailments, starting with pneumonia and followed by severe asthma attacks, disrupted his childhood and left him feeling weak and ashamed, as did taunts from playmates. 'The need to be strong became more demanding with each passing attack; it lurked in his mind and overpowered reason,' he remembered. Encephalitis 'ate away' the portion of his brain that had made him musically precocious, 'ravaged [his] personality as well as his physical self,' and made him quiet, brooding, and cruel. Diphtheria left him near death and ordered to long bed rest. Traumas of a different sort inflicted deep psychological scars. An automobile accident paralyzed his mother, and Chessman agonized over his inability to help her. In a culture preoccupied with concerns about male weakness and especially the damage done to sons by brutal or weak fathers, Chessman's account of his relation to his father no doubt resonated with readers. On one occasion, he remembered, his usually mild father, wrongly believing Caryl had intentionally hurt his mother, lashed him repeatedly with a bullwhip. The boy's 'shame and confusion became so overwhelming that he ran and hid himself and implored God to strike him dead.' Perhaps more psychologically devastating, Chessman suggested, was having to confront his father's weakness. A failure in business, unable to provide care for his bedridden wife, destitute, and distraught by Caryl's latest illness, the elder Chessman tried to kill himself with the family oven. Caryl turned off the gas - and, he claimed, soon began stealing to provide for the family as his father could not.<sup>14</sup>

Chessman joined contemporary humanistic therapists in regarding guilt as a pernicious force thwarting healthy self-expression. He recalled being riven by guilt and fear that his mother would learn of his misdeeds. Psychological torment caused in part by feelings of guilt pushed

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<sup>13</sup>Ellen Herman, *The Romance of American Psychology: Political Culture in the Age of Experts* (University of California Press, 1996) pp.124-52 (quotation on 126); Ian Dowbiggin, *The Quest for Mental Health: A Tale of Science, Medicine, Scandal, Sorrow, and Mass Society* (Cambridge University Press, 2011) p.137. See also Petigny, *Permissive Society* pp.18-19.

<sup>14</sup>Caryl Chessman, *Cell 2455* (Greenwood Publishers, 1969 [originally published 1954]) pp.23, 26, 29, 31.

Chessman further into criminal expressions of his own potency. Adult betrayal and mistreatment by authorities fuelled his already-simmering rage. For all his sentimentality and self-aggrandizement, Chessman echoed the experts' explanations of many criminal careers. Criminality exploded from a volatile mix of disease, environmental stimuli, and deep-seated psychological problems centering on feelings of shame and inadequacy.<sup>15</sup>

Other observers arrived at similar psychological roots in tracing the origins of his criminality. *Time* told of his mother's accident and the weakness of his father, 'a bitter, disappointed ineffectual who drifted from one job to another.' 'Sick and undersized,' the boy was psychologically scarred, *Time* suggested, by his 'pale, dolorous, big-nosed, droop-lipped' appearance. *Time* reported a psychologist's assessment that his 'boastfulness is a compensation for underlying feelings of insecurity and inadequacy.'<sup>16</sup> Similarly, the *Boston Globe*, claiming to draw on 'the psychiatric case histories of the man,' presented him as the product of ill health, 'a broken home,' an unemployed and suicidal father, and an ambitious, frustrated, and overly protective mother.<sup>17</sup> When Chessman and others differed in their psychological profiles of him, it was usually over issues of sexuality. Probably due both to the nature of the crimes he denied and to his awareness that his psychological profile mirrored that of the latent homosexual psychopath - a sexual predator supposedly deformed by having a weak father and an unnaturally close relationship with his mother - much feared in 1950s culture, Chessman highlighted his heterosexual exploits and aversion to 'perversion.' *Time*, however, reported an odd incident that seemed fraught with Freudian significance: during a drugstore break-in, the 16 year old Chessman had 'inexplicably' piled all the cigars on the floor and broken bottles of whisky over them. So too *Time's* clarification that his given name was Carol - 'the Caryl spelling is his own invention' - insinuated the possibility of sexual neuroses.<sup>18</sup>

### 3 Juvenile Delinquency and Cold War Threats to Freedom

Americans may have been drawn to the case in part because it promised illumination of juvenile delinquency, an issue of pressing public concern in the late 1940s and 1950s. The *Chicago*

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<sup>15</sup> Chessman, *Cell 2455* p.56. Also see Hamm, *Rebel and a Cause*, 71-75.

<sup>16</sup> 'The Chessman Affair,' p.17.

<sup>17</sup> 'How Chessman Got That Way...and Stays Alive,' p.48.

<sup>18</sup> Chessman, *Cell 2455*, p.92; 'The Chessman Affair,' p.17. See Hamm, *Rebel and a Cause* pp.43-48, 72; Estelle B. Freedman, 'Uncontrolled Desires': The Response to the Sexual Psychopath, 1920-1960,' *Journal of American History* 74 (1987), pp.83-106.

*Tribune* promoted its serialization of *Cell 2455, Death Row* as contributing to 'a better understanding of the causes of juvenile delinquency and crime [that] will lead to more effective ways of combating these grave problems.'<sup>19</sup> Americans' preoccupation with the apparent surge in delinquency reflected broader concerns about shifts in family structure and childrearing, the influence of comic books, movies, and other mass media, and the challenges that modern society seemed to pose to individual identity. Concerns about delinquency, and crime more generally, also expressed Cold War anxieties about social order and cohesion in the face of the communist threat at home and abroad.<sup>20</sup> At times Chessman's delinquent is the misunderstood crusader against evil, an avenging Holden Caulfield, breaking rules and burning at the wrongs he witnesses. Where Caulfield erases a scrawled curse so young children would not see it, Chessman's first remembered crime was using a BB gun to shoot a man having sex in the back seat of a car while his partner's young child, whom the man has struck, wails in the front. So too he reads like Caulfield in

wanting to believe in what was good and right and decent yet being obliged to question the goodness, the righteousness and the decency of all things. It was insisting upon believing in yourself; it was persisting in the belief you had a meaning, and yet knowing you lived in a jungle.<sup>21</sup>

Chessman's discussion of juvenile delinquency was steeped in Cold War concerns. Drawing heavily on the work of psychoanalyst Robert Lindner, whose case study *Rebel Without a Cause* provided the basis for the 1955 film, Chessman contended his misbehaviour was part of a vast pathology endemic to post-war society. As K. A. Cuordileone has persuasively argued, Lindner and other influential commentators viewed delinquency within the context of anxieties about an imagined crisis of American masculinity that in turn threatened the nation's Cold War security. Observers as varied as David Riesman, Arthur Schlesinger, Mickey Spillane, Billy Graham, and Ayn Rand preached variations on the same jeremiad: modern society (whether in the form of corporate bureaucracies that rewarded other-directed behaviour, conformity-producing schools and mass media, dominating mothers, or enervating affluence) produced weak men incapable of meeting the hard challenges of their time. 'Modernity's [perceived] effect was to infantilize, enervate, and feminize,' writes Cuordileone. Along with supposed increases in homosexuality,

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<sup>19</sup> *Chicago Daily Tribune*, 19 July 1954, p.1.

<sup>20</sup> James Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s* (Oxford University Press, 1988) p.71; Lee Bernstein, *The Greatest Menace: Organized Crime in Cold War America* (University of Massachusetts Press, 2002) pp.26-7, 46.

<sup>21</sup> Chessman, *Cell 2455* pp.79, 37.

susceptibility to communism or sentimental reformism, and an epidemic of weak conformism, the apparent rise in juvenile gang activity signalled a disturbing failure of American manhood.<sup>22</sup>

The understanding of delinquency that Chessman drew from Lindner reflected Americans' broader Cold War anxieties about domestic disunity, dangerous collectivism, and global menace. Perhaps due to his limited access to books, Chessman relied on a *Time* feature on Lindner, much of which he reprinted in *Trial by Ordeal*. Lindner, *Time* reported, 'has reached the startling conclusion that the youth of today is suffering from a severe, collective mental illness.' The 'profound and terrifying change' was manifested in youth's tendency 'to act out, to display his inner turmoil in direct contrast to the suffering-out of the same internal agitation by adolescents of yesteryear.' Juvenile gangs were the inevitable product of a society of group-oriented conformists. 'Solitude...once the trademark of adolescence' had been abandoned, Lindner contended, 'in favor of pack-running, of predatory assembly, of great collectivities that bury, if they do not destroy individuality.' Lindner and *Time* focused sporadically on the 'psychopathic' delinquent, but they were quick to generalize to 'the youth of the world today' and beyond: 'not youth alone...has succumbed to psychopathy, but nations, populations - indeed, the whole of mankind.' 'Mutinous adolescents and their violent deeds,' Lindner warned, 'now appear as specimens of the shape of things to come, as models of an emergent type of humanity.'<sup>23</sup>

Ultimately, this vision of a universalized psychopath reflected Cold War fears about threats to individual freedom and identity, abroad and at home. Lindner, as *Time* put it, saw psychopathy as a reaction against 'a loss of individuality and consequent damage to the ego in the twentieth century's mass political movements, social and industrial giants, wars and economic upheavals.'

Too many institutions, from schools to social work and medicine,

had become infused with the rot-producing idea that the salvation of the individual, and so of society, depends upon conformity and adjustment....Our adolescents are but one step forward from us upon the road to mass manhood. Into them we have bred our fears and insecurities; upon them we have foisted our mistakes and misconceptions. They are imprisoned by the blunders and delusions of us...and like all prisoners they are mutineers in their hearts.<sup>24</sup>

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<sup>22</sup> K. A. Cuordileone, *Manhood and American Political Culture in the Cold War* (Routledge, 2005) pp.8; 97-118.

<sup>23</sup> Quoted in Caryl Chessman, *Trial by Ordeal* (Prentice-Hall, 1955) pp.177-9.

<sup>24</sup> Quoted in Chessman, *Trial by Ordeal* pp.179-80.

Though he shared this preoccupation with modern society's challenges to individual identity, Chessman interpreted his own delinquency as rebellion against conformity, a desperate attempt to establish individual identity in a society intent on crushing it. Audacious criminal exploits were a reaction to stifling conformity, as he suggested in recounting episodes where he stole cars and baited police into chasing him:

Driving was a form of creative expression. Driving made him free. Driving was his personal, triumphant accomplishment....A feeling of amoral triumph swept over him....He had failed at being good, at fitting in, being a contributor. Now it was different.

Similarly, defiance of police, reform school administrators, and other authorities reflected his struggle to achieve individual meaning. 'Like all youngsters in rebellion,' he explained, 'I had learned to hate, to mistrust authority. I was seeking recognition of Caryl Chessman as a person.'<sup>25</sup> Literary scholar Leerom Medovoi notes the cultural ubiquity in this period of 'avatars' of rebellion like Holden Caulfield and Elvis Presley and argues that they provided an affirmative representation of 'America's emancipatory character' in the early Cold War.<sup>26</sup> For Chessman, to rebel was to resist the looming spectre of 'mass manhood.'<sup>27</sup>

Using doomsday rhetoric familiar to his Cold War audience, Chessman placed his rebellion within the context of a possibly cataclysmic global struggle:

Man has a violently cyclic history - a history of contriving artfully to place himself on trial and then challenging his 'right' to survival. He builds and destroys and builds and destroys. He cries out for the aid of Heaven, insisting that he fights his battles in Heaven's name....He repeatedly subjects himself and his fellows to devastating trials by fire, for only by so doing can he convince himself of the righteousness and hence the rightness of his cause. And so it is that once more all of mankind, split ideologically asunder, has placed itself on trial - and will again and again until Doomsday.

His conclusion that 'humanity's battle with evil has not been conspicuously successful,' could be taken equally as a commentary on the futility of militarism and punitive responses to crime. Chessman's Cold War rhetoric and allusions were occasionally quite direct. If a proposal to limit some rights of capital criminals were adopted, he predicted, 'freedom would be lost. The

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<sup>25</sup> Chessman, *Cell 2455* pp.80-81; Chessman, *Trial by Ordeal* p.279. On the centrality of driving to Chessman's self-identity, see Elizabeth Hardwick, 'The Life and Death of Caryl Chessman,' in Harold Schechter (ed.) *True Crime: An American Anthology* (Library of America, 2008) p.542.

<sup>26</sup> Leerom Medovoi, *Rebels: Youth and the Cold War Origins of Identity* (Duke University Press, 2005) p.1.

<sup>27</sup> Chessman, *Trial by Ordeal* pp.179-80.

totalitarian state would be with us.’ After a California Supreme Court ruling closed an avenue of appeal, Chessman could only conclude ‘the philosophy of authoritarianism had prevailed. Freedom had been dealt a blow.’ In apocalyptic imagery common to the early atomic era, Chessman ended *Trial by Ordeal* by recounting a feverish dream that connected his plight to humanity’s Cold War ordeal. After ‘a deafening explosion’ destroys his cell, Chessman dreams, he escapes only to find a new hell, ‘a world ravaged by the hydrogen bombs of the Enemy.’ ‘Panicked, bleeding, torn people’ clog the roads, soon to be gunned down by the unnamed enemy’s ‘uniformed automatons.’ “If they had valued their freedom, this...would never have happened to them,” the enemy explains. ‘This book,’ Chessman writes on its final page, ‘was one man’s dissent against that system; one man’s advocacy of his belief that our free society is worthy of better.’<sup>28</sup>

Others less directly interested in the outcome of the case also tied Chessman’s ordeal to larger issues of freedom in a world where it seemed terribly threatened. A *Rotarian* editor made the connection in his assertion that capital punishment ‘is a matter literally of life and death, and one for which ultimately each one of us, as a voter or potential voter living in a free democracy, has a personal responsibility.’<sup>29</sup> The case resonated especially strongly for activists for African American civil rights, men and women perhaps uniquely aware in 1960 of the repressive potential of state-level power. ‘The current storm over capital punishment and Caryl Chessman is food for thought for everyone who believes in integration and equality for our people,’ one activist observed. ‘The rising swell of voices from across the seas,’ Birmingham minister and Southern Christian Leadership Council co-founder Fred Shuttlesworth wrote in the *Pittsburgh Courier*, ‘will do much to help America search for her Christian conscience, both in the matter of capital punishment, and in the atrocities which America permits to happen to her minorities in lawful as well as unlawful acts....The time for full freedom is here!’ The *Los Angeles Tribune*, another outspoken African American weekly, denounced ‘the massive forces of hate, of anti-intellectualism, of conformity...who are using the Chessman case to stamp out the real foes to their own unrestrained power, such foes as human charity, understanding, independence, thought, intellectualism, creativity, non-conformity.’ Because of the case, the *Tribune* worried, Governor Brown, an admirable if flawed progressive, would lose the 1960 Democratic

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<sup>28</sup> Chessman, *Trial by Ordeal* pp.225-26, 286, 288, 292, 294.

<sup>29</sup> ‘Debate-of-the-Month: Capital Punishment?’ *Rotarian*, May 1959, p.10.

presidential nomination, ultimately clearing the way for 'the neanderthal forces of Nixonism.' The stakes were high: Nixon's election would bring 'fascism and almost certain world destruction.'<sup>30</sup>

#### 4 Rehabilitation and the Battle for Global Opinion

As Theodore Hamm observes, the Chessman case provided a forum for debating the possibilities and meanings of rehabilitation. It was at the University of California's Berkeley campus that criminology first developed as a distinct academic field, with a master's degree curriculum first offered in 1947 and a School of Criminology established in 1950. California prisons were in the vanguard of the progressive penology that sought to use the new discipline's scientific methods of behaviour modification to rehabilitate criminal offenders. If San Quentin was a 'huge, modern laboratory,' as progressive warden Clinton Duffy optimistically put it, Caryl Chessman could be regarded by supporters as its most successful experiment. Chessman's prison years exemplified rehabilitation experts' preferred therapeutic regimen: education, psychological therapy, and intensive written self-scrutiny.<sup>31</sup>

Chessman's story, in his telling, was ultimately one of rehabilitation. He began to write only after San Quentin Warden Harley Teets challenged him to 'make some sense out of your life and do something with it.' Studying and writing brought him to a new understanding of himself and the cost of his earlier aggression. 'I think that I am now worth more to society alive than dead,' he asserted:

The long years in the crucible called Death Row have carried me beyond bitterness, beyond hate, beyond savage animal violence. Death Row has compelled me to study as I have never studied before, to accept disciplines I never would have accepted otherwise and to gain a penetrating insight into all phases of this problem of crime that I am determined to translate into worthwhile contributions toward ultimate solution of that problem. This book...signals the beginning for me of a journey back from outer darkness.<sup>32</sup>

Many commentators accepted accounts of Chessman's transformation while incarcerated as evidence of his rehabilitation. Accomplishments as a writer, jailhouse lawyer, and prison tutor

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<sup>30</sup> F. L. Shuttlesworth, 'A Southerner Speaks,' *Pittsburgh Courier*, 14 May 1960, p.6; 'Brown Feeds the Dreadful Fear of 'Nothingness' Overtaking Us All,' *Los Angeles Tribune*, 23 Oct. 1959, p.10.

<sup>31</sup> Hamm, *Rebel and a Cause* pp.21-37 (Duffy is quoted on page 23); Gottschalk, *Prison and the Gallows* pp.172-4.

<sup>32</sup> Chessman, *Cell 2455* p.359.

were offered as evidence that the convict had become a new man. *Christian Century* contended that Chessman represented an exception to the rule

that the punished always descend to the level of the punishment...Whatever he may have been, however heinous his crimes and certain his guilt as he began 12 torturous years on the death row, it can now be admitted without sentimentalizing his case that the maturing Chessman has risen above the level of his punishment. [His study, writing, and] persistence in the face of almost certain death mark him as a man who has not only resisted degradation but has also deepened in spirit and grown in stature under harassment and ordeal...To put him to death now is to kill the wrong man; the man who is about to die is no longer the man who was sentenced to death.<sup>33</sup>

The *Los Angeles Tribune* presented the transformed Chessman's struggle to survive in apocalyptic Cold War rhetoric:

No reasonable person could argue that this man has not demonstrated a degree of rehabilitation, a change of outlook, as merely evidenced in his resourceful and determined fight for his life, a fight which millions of people on the outside no less threatened by extinction, such as war or disease...never mobilize. The gas chamber at San Quentin rings with the echoes of the steps of men who were not aroused by peril to struggle to survive. These were the unrehabilitated, not Chessman.<sup>34</sup>

Cold War concerns shaped the discourse about Chessman, criminal rehabilitation, and the purposes of punishment. A *Boston Globe* review of the 1955 film version of *Cell 2455, Death Row* warned that 'certainly this picture may serve as Communist propaganda if presented in some of the countries in the world who have not yet decided whether to cast their lot for American democracy or Soviet totalitarianism.'<sup>35</sup> Many Cold War liberals regarded progressive social institutions as essential for winning a life-or-death battle for global opinion. Criminal justice practices grounded in science, humanity, and respect for individual rights would speak to the merits of American institutions and international leadership. Unfairness and retribution, on the other hand, would tarnish the nation's international image. As Mary Dudziak has shown, American policy- and opinion-makers worried about the negative effects of controversial domestic issues on international opinion about the United States, whose leaders hoped to project an uncomplicated picture of moral and civic righteousness. In 1958, international protests had led the State Department to pressure Alabama Governor James Folsom to

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<sup>33</sup> 'Let Caryl Chessman Live,' *Christian Century*, 27 Apr. 1960, p.500.

<sup>34</sup> 'Let He Who is Without Sin Throw the Switch on Chessman,' *Los Angeles Tribune*, 26 Feb. 1960, p.10.

<sup>35</sup> Marjory Adams, 'Cell 2455, Death Row,' *Daily Boston Globe*, 29 April 1955, p.21



commute the sentence of Jimmy Wilson, an African American sentenced to death for a petty robbery during which, the victim contended implausibly, Wilson attempted to rape her.<sup>36</sup>

Liberal commentators warned that Chessman's execution would bring invidious comparisons with other nations and weaken American international leadership. This misuse of state power in the form of the gas chamber would darken the United States with the shadow of Nazi Germany and its successor in totalitarianism, the Soviet Union. Memories of recent atrocities called into question the moral leadership of a nation that retained death as a punishment, particularly when the method of state killing was poison gas. 'The morality of a society can always be gauged by the instruments and procedures which it employs in dealing with its enemies: the crosses of the Roman Empire, the screw and rack of the Inquisition, the gas chambers of Nazi Germany,' argued *Christian Century*, the leading journal of Christian progressivism.<sup>37</sup> Killing the wrongdoer rather than treating him, Menninger charged, was the method of 'the Hitler regime. But in most civilized countries today we have a higher opinion of the rights of the individual and of the limits to state power.'<sup>38</sup> Inviting a similar comparison, Norman Cousins contended that 'the central issue is whether the proper way to deal with criminals or the mentally sick is to kill them.'<sup>39</sup> A *Rotarian* debater, contending that capital punishment 'brings out psychological qualities of a sort no State would wish to foster in its citizens,' suggested popular acceptance of Chessman's execution would bring to mind the indifference to suffering of 'the German citizens who ultimately came to carry out the atrocities in Belsen and elsewhere.'<sup>40</sup> In a 1958 television documentary, the progressive Berkeley criminologist Austin McCormick charged that capital punishment's defenders' 'real belief is in extermination.'<sup>41</sup> Similarly, an admiring *Good Housekeeping* feature on Edmund Brown emphasized use of capital punishment by Nazi Germany and the Soviet Union.<sup>42</sup> A *Stanford Law Review* essay on Chessman's writing by Ernest Gowers, chairman of Britain's Royal Commission on Capital Punishment, perhaps made the point most emphatically in its dismissal of 'social hygiene' arguments for capital punishment

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<sup>36</sup> Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton University Press, 2000) pp.3-6. Also see Mark Warren, 'Death, Dissent, and Diplomacy: The U.S. Death Penalty as an Obstacle to Foreign Relations,' *William and Mary Bill of Rights Journal*, 13 (2004), p.309.

<sup>37</sup> 'Let Caryl Chessman Live,' p.500. Also see Hamm, *Rebel and a Cause*, 27-29.

<sup>38</sup> Menninger, 'Verdict Guilty - Now What?' pp.60-4.

<sup>39</sup> Cousins, 'Of Death and One Man,' p.26.

<sup>40</sup> 'Debate-of-the-Month: Capital Punishment?' pp.10-13.

<sup>41</sup> *Thou Shalt Not Kill*, KNX-TV Los Angeles, 1958, UCLA Film Archive.

<sup>42</sup> 'Governor Edmund G. Brown of California Says: 'Let's Abolish Capital Punishment!'' *Good Housekeeping* 151 (Aug 1960), p.156.

as 'lead[ing] logically to the mass destruction of the unwanted that National-Socialist Germany horrified the world by practicing.'<sup>43</sup> Such comparisons made it imperative to consider world opinion and treat wrongdoers with more progressive and humane methods. 'World opinion,' a *Christian Century* editorial concluded, demonstrated that 'at last people are coming to see that any social order which follows so cruel a course is itself brutalized and made the victim of its own sadistic passions.'<sup>44</sup>

Many Chessman supporters, of course, welcomed international attention, joining Norman Cousins in seeing it as a harbinger of unifying moral progress. *Christian Century* revealed its enthusiastic globalism in positive assessments of the impact of 'world opinion':

Throughout the earth newspaper readers know that California has kept this convict living under the shadow of death for a dozen years; that Caryl Chessman's amazing fight for life has brought eight reprieves; that the most recent one came after he had been locked in the cell next to the execution chamber. The conscience of the world community and of many Americans has revolted at the inhumanity of subjecting any man...to the torture of this prolonged exposure to the fear of death.<sup>45</sup>

Announcing his support for abolition, Fred Shuttlesworth noted that he was just one in 'that rising chorus of voices from all over the world....It seems that among nations of the world humanism and the spirit of humanitarianism are on the rise, and men are developing a tendency to frown on brutalities - even when they are done under the auspices of law.' His civil rights leadership, of course, had made Shuttlesworth all too familiar with brutality sanctioned by law and deeply aware of the value of international attention.<sup>46</sup>

Commentators contended that the nation's new international roles had obliterated old boundaries between domestic and foreign policy. In late April 1960, syndicated columnist Robert Ruark was one of few who editorialized about the case without taking a stand for death or mercy: 'I say kill him or pardon him, but let's get him off our necks because Communist-wise, he is the worst advertisement abroad that America has got.'<sup>47</sup> 'The world-wide attention,'

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<sup>43</sup> Ernest Gowers, Review of Caryl Chessman's *Cell 2455, Death Row and Trial by Ordeal*, *Stanford Law Review* 8 (1956), p.308.

<sup>44</sup> 'Abolish Capital Punishment!' *Christian Century*, 2 Mar. 1960, p.245.

<sup>45</sup> Ibid.

<sup>46</sup> Shuttlesworth, 'A Southerner Speaks,' p.6.

<sup>47</sup> Robert C. Ruark, 'Chessman Action Necessary,' *Lawrence [Kansas] Daily Journal-World*, 28 Apr. 1960, p.4.

syndicated columnist Marquis Childs wrote, was ‘an amazing phenomenon, with direct consequences on America’s position in other nations and even on American foreign policy.’ Disputing ‘the convenient out of ‘Communism’ as explanation for international agitation, Childs noted that loud protests came from places where communists had little or no influence.<sup>48</sup> ‘It would be dishonest and hypocritical to pretend to be uninterested in the overseas reaction to this case,’ *Commonweal* argued; ‘we may, and indeed should, pay attention to the opinions of our fellow men in other lands.’<sup>49</sup> A long letter printed in the *New York Times* explained federal intervention in the case by reminding readers of the nation’s global responsibilities: ‘In times of enormous international tension...the United States has assumed the leadership of the entire free world, and...has come into conflict with a malevolent rival ideology supported by increasingly destructive military power.’ The inevitable result was federal involvement in domestic issues once left to the states.<sup>50</sup> Even commentators who criticized officials they believed to be overly solicitous of international opinion about this particular case accepted Cold War notions about the importance of global views of American domestic affairs. A Florida newspaper took issue with the State Department’s public criticism of South African authorities - after police killed 69 antiapartheid protestors in what would become known as the Sharpeville massacre - because of the unwelcome attention it would indirectly bring to controversial American domestic issues, including the conflict over Chessman:

The American people... now must be prepared to read comments by other governments about our own troubles and shortcomings, whether they be about incidents in Harlem or at the lunch counters of chain stores in the South, or about the Chessman case in California.<sup>51</sup>

## 5 Mercy as Weakness: The Cold War Defence of State Violence

So strong was the rhetoric of rehabilitation that execution supporters and other Chessman critics often felt compelled to deny that he had truly changed. Emphasizing his refusal to admit guilt and express remorse for the sexual assaults, they saw him as a cunning, self-serving exploiter of weakness in the judicial system and public sentiment. *Newsweek’s* review of *Cell 2455* assailed its ‘wildly improbable excuses for his crimes.’ A *Chicago Tribune* editorial labelled

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<sup>48</sup> Marquis Childs, ‘Herter Fears New Chessman Clamor,’ *Victoria [Texas] Advocate*, 28 Feb. 1960, p.4.

<sup>49</sup> ‘The Chessman Case,’ *Commonweal*, 4 Mar. 1960, p.616.

<sup>50</sup> ‘Actions by the State Department in the Chessman Case Discussed,’ *New York Times*, 28 Feb. 1960, p.E10.

<sup>51</sup> David Lawrence, ‘Should Government Criticize Action By Friendly Nation,’ *The Evening Independent* [St. Petersburg, FL], 24 Mar. 1960, p.6.

him 'the slickest opportunist who has ever sat in a death cell' and urged readers not to forget his 'loathsome abuse of two women.' *Time's* hostile cover story, wielding the same psychological terminology that Chessman had used to make himself more sympathetic, described him as 'arrogant, self-centered and pathologically egotistical' and dismissed his threadbare 'patter of contrition and redemption.' In reporting that one victim, a 17-year old girl, 'sank into schizophrenia' after the attack, *Time* invited a retributive perspective. 'The girl,' *Time* noted acidly, 'has been confined to a state hospital for nearly as long as Caryl Chessman has been confined on Death Row.'<sup>52</sup>

For many Chessman critics, his sham rehabilitation reflected familiar Cold War threats. What they saw as Chessman's defining traits - pathological egotism, sexual perversity, failure to acknowledge responsibility for grievous harm done to others - mirrored the flaws often ascribed to the unrepentant subversives and spies so feared by early Cold War Americans.<sup>53</sup> Similarly, many suggested parallels between Chessman's supporters and those who imperilled the nation in the Cold War. Supporters were often cast as inauthentic frauds much like subversives - and Chessman himself. *Time's* sardonic report on 'the stir and clamor of mounting agitation' told of 'an imitation folk song,' a documentary film 'by a sometime San Quentin inmate (forgery),' and a fake 'minuteman [who] drove his tired horse from San Francisco to Sacramento.' Taking up the cause most enthusiastically were an array of types *Time* regularly found not just inauthentic but unreliable in the Cold War: liberal professors, Hollywood activists, 'beatniks assembled in North Beach,' and, of course, masses of aggrieved foreigners.<sup>54</sup> The arch-conservative *Los Angeles Times* insinuated that 'the marching of movie and television producers' was calculated to get their names and pictures into the newspapers.<sup>55</sup> Dismissals of 'contrived hub-bub' echoed Cold War warnings of shadowy manipulation from unseen malign powers.<sup>56</sup> Through their 'inspired clamor from Oslo or London,' one columnist wrote, 'Chessman propagandists take

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<sup>52</sup> 'Death-Row Lawyer,' *Newsweek*, 3 May 1954, pp.98-99; 'The Chessman Case,' *Chicago Daily Tribune*, 23 Feb. 1960, p.20; 'The Chessman Affair,' p.18. Even many who expressed doubts about Chessman's sincerity nevertheless insisted that criminal justice must be predicated on the possibility of rehabilitation. See Clinton T. Duffy with Al Hirshberg, *88 Men and 2 Women* (Doubleday, 1962) pp.142-43; Cousins, 'Of Death and One Man,' p.26.

<sup>53</sup> Cuordileone, *Manhood and American Political Culture* pp.39-40, 53-54, 67, 76; David K. Johnson, *The Lavender Scare: The Cold War Persecution of Gays and Lesbians in the Federal Government* (University of Chicago Press, 2004) pp. 33-38.

<sup>54</sup> 'The Chessman Affair,' p.18.

<sup>55</sup> 'Chessman Will Be With Us,' *Los Angeles Times*, 3 May 1960.

<sup>56</sup> 'The Chessman Case,' *Chicago Daily Tribune*, 23 Feb. 1960, p.20.

another kick at our judicial, our executive and our legislative foundations of freedom.<sup>57</sup> 'Virtue, American virtue' an editorial charged, 'that is the theme being exploited in this campaign abroad against American conceptions of justice - at this time when, in international politics, the American policy consists in preaching to the world on the lofty theme of world peace and goodwill among men.'<sup>58</sup>

Defenders of the execution frequently expressed dismay over the failure to recognize the virtues of a justice system they regarded as exceedingly solicitous of convicts' rights. Many of those critics had contended that Chessman's long years under sentence of death, punctuated by eight cancelled execution dates, constituted a kind of judicial torture. Lawyer Morris Forkosch, writing to the *New York Times*, countered that Chessman had been duly convicted, had the opportunity to file numerous appeals, had access to law books and lawyers, and even had the benefit of a governor eager to avoid the execution. 'The free world is ideologically seduced,' he contended, by 'the illogic of Communist propaganda'; instead, 'the free world should see an example to be followed, not condemned.'<sup>59</sup> Columnist J. M. Roberts, calling foreign criticism of the execution 'a strange manifestation of mass psychology,' contended that the long delay between conviction and the gas chamber resulted from 'the extreme care for Chessman's rights' and that, had officials not carried out the punishment prescribed by law, 'then the whole structure of the nation would be threatened.'<sup>60</sup> The *Tuscaloosa News* articulated a similar sentiment in its complaint that 'few saw his protracted fight for life as a tribute to American justice.'<sup>61</sup>

Occasionally writers linked international support for Chessman with world communism directly and called for aggressive countermeasures. 'The United States is prepared to fight a war with missiles and ships, but it is unprepared to fight war by subversion,' wrote the editor of the *Charleston News and Courier*, 'That's the kind of war that world communism is waging against the American people. When the communists launched a 'Save Chessman' campaign in Uruguay, they engaged in war by subversion.' The nation's lack of 'the apparatus for staging counter rallies, enlisting writers and public figures on our side' showed America's need 'to bring

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<sup>57</sup> 'Court Justice Deserted by Brown,' *Spokesman-Review* [Spokane, WA], 21 Feb. 1960, p.4.

<sup>58</sup> Warrington Dawson, 'Chessman and France,' *News and Courier* [Charleston S.C.], 28 Feb. 1960, p.12.

<sup>59</sup> 'Letters to the Times: Chessman Case Procedure,' *New York Times*, 9 May 1960, p.28.

<sup>60</sup> J.M. Roberts, 'Foreign Critics Ignore Care for Chessman's Legal Rights,' *Meriden [CT] Record*, 5 May 1960, p.21.

<sup>61</sup> 'Chessman Death Brings World Criticism,' *Tuscaloosa News*, 3 May 1960, p.2.

its power to bear in government ministries, news rooms, editorial offices of intellectual journals, radio and TV stations, university classrooms, and at mass protest rallies,' all in the service of a critical effort 'to win friends and influence people.'<sup>62</sup> Another writer similarly called for the State Department and United States Information Agency, 'in light of the world-wide notoriety of the Chessman case,' to 'clarify to the world...the strengths of American jurisprudence' in contrast to the 'many other countries of the world where human life is cheap and where governmental authorities can act arbitrarily and brutally.' The reprieve 'should be the occasion for clarifying, rather than confusing, the human rights that are honored in America.'<sup>63</sup> Perhaps acting on suggestions like these, just after the execution the Voice of America broadcast a half hour review of the case, seeking to address 'misunderstandings' about American constitutional protections and judicial processes.<sup>64</sup>

Many conservative, ardently anti-communist critics of the State Department intervention and subsequent reprieve decried the episode as a troubling example of American leaders' failure to show the stern resolve essential in a dangerous world. Following a pattern that dated to the Truman administration, they charged government officials with lacking the fortitude to employ the necessary violence needed to protect society. Their commentary was suffused with the gendered rhetoric of strength and weakness that characterized American political discourse in the early Cold War. 'A new premium of hard masculine toughness,' K. A. Cuordileone writes, 'rendered anything less than that soft, timid, feminine, and as such a real or potential threat to the security of the nation.'<sup>65</sup> The role of the State Department in what would become Chessman's final reprieve 'brought the United States poor publicity the world over,' charged commentator Frank Hutchinson. Friendly foreign editors, he continued with dismay, shared a 'theme of near-disbelief' about the weakness of American courts and criminal procedures.<sup>66</sup> One newspaper disparaged Brown, 'the frightened governor,' for his 'cave-in to the rabble rousers both in this country and abroad...his actions last week displayed a fearful weakness.'<sup>67</sup> The prominent reactionary columnist Westbrook Pegler wrote of the State Department's

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<sup>62</sup> Anthony Harrigan, 'War by Subversion,' *News and Courier* [Charleston, SC], 28 Feb. 1960, p.12.

<sup>63</sup> 'Court Justice Deserted by Brown,' p.4.

<sup>64</sup> "'Voice' Gives Review of the Chessman Case,' *New York Times*, 4 May 1960, p.49.

<sup>65</sup> Cuordileone, *Manhood and American Political Culture* p.viii.

<sup>66</sup> Hutchinson, 'So 'Noble' Chessman Makes Bland Plea,' p.3.

<sup>67</sup> 'Court Justice Deserted by Brown,' p.4.

'cowardice.'<sup>68</sup> A small-town California newspaper similarly lambasted 'the humiliating picture of a State Department so weak-kneed as to grow humble in the face of sentimental outcries from foreign lands. ...At least some of the foreign critics of America are now protesting because this land showed weakness in the Chessman case.' The 'show of weakness' invited a series of dismaying questions about American leaders and policies:

Is the [State Department's] program of mutual friendship so weak that it must bow to radical groups abroad? Is an American state to be held up to the world as a vacillating government, because of foreign appeals? Is the president of the United States to be pictured as fearing hostile demonstrations, because a few shallow people don't like what is being done in one of the American states? The whole picture is a sorry one indeed.<sup>69</sup>

Some of the harshest criticism came from white southern editors especially sensitive to what they saw as unwarranted federal meddling in state-level matters. A Kentucky newspaper decried the incident as 'an admission of glaring weakness on the part of the State Department' reminiscent of its intervention in Jimmy Wilson's 1958 sentence in Alabama; 'It's hard to see why we have to cater to some of these second-rate countries on our internal affairs. Ike can stay out of Uruguay if Uruguay isn't happy with the way the United States is running the United States.'<sup>70</sup> 'The State Department's action in entering this affair,' fulminated the *Charleston News and Courier*, 'exhibits a weak-kneed position in international relations which has become a dangerous characteristic in recent years.'<sup>71</sup>

Given the conviction of Cold War stalwarts that efforts to placate the nation's adversaries invariably backfired, it came as no surprise that the reprieve did little to mollify international critics and that the Eisenhower visit sparked angry Uruguayan mobs even as Chessman sat safe in his San Quentin cell. The *Wall Street Journal* characteristically used the incident to remind of 'the futility of appeasement.' The president's exposure to police tear gas used against demonstrators inspired a memorable *Chicago Tribune* headline: 'Eisenhower Gassed But Not Chessman.'<sup>72</sup>

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<sup>68</sup> Westbrook Pegler, 'Charges of Red-Tainted Clergy Not New or False,' *Milwaukee Sentinel*, 25 Mar. 1960, p.10.

<sup>69</sup> 'The Show of Weakness,' *Press-Courier* [Oxnard, CA], 24 Feb. 1960.

<sup>70</sup> 'Put It to a Vote!' *New Era* [Hopkinsville, KY], 22 Feb. 1960, p.4.

<sup>71</sup> 'Chessman Case,' *News and Courier* [Charleston, SC], 28 Feb. 1960.

<sup>72</sup> 'The Futility of Appeasement,' *Wall Street Journal*, 4 Mar. 1960 p.8; 'Eisenhower Gassed But Not Chessman,' *Chicago Daily Tribune*, 5 Mar. 1960, p.12.

Most troubling of all, in the eyes of conservative commentators, was that officials' spinelessness seemed rooted in weaknesses shared by much of the American public. Since at least the late nineteenth century, capital punishment proponents had charged abolitionists with dangerous sentimentalism that kept them from taking the hard measures sometimes necessary to protect society. Critics charged that Chessman's years of escaping justice showed that the American people had become soft and overly susceptible to emotional appeals. 'Chessman Lives to Shame Us All,' proclaimed a *Los Angeles Times* editorial, lamenting that he was 'grinning, arrogant, sharp-witted - and alive.'<sup>73</sup> Lucia Ferguson, author of the syndicated column 'A Woman's View,' declared that 'the hub-bub over Caryl Chessman is enough to make us believe the country is going soft-headed.' Americans had forgotten 'his sadistic deeds' and instead made 'this creature...a symbol of compassion....This country would never have had law and order if our forefathers had been as sentimental, emotional and sactimonious [sic]' as 'our namby-pamby crybaby moderns.'<sup>74</sup> 'For a dozen years this man of evil,' Hutchinson wrote, 'has played on the weaknesses of our courts and the softness of our people.'<sup>75</sup> The *Chicago Tribune*, the leading voice of mid-western conservatism, published the warning of August Johansen, a House Un-American Activities Committee stalwart, that the Chessman fiasco 'threatened loss of the world's respect': 'The direst threat to our survival as a free people and to the survival of our prestige as a sovereign nation...is the obvious lessening of our moral perceptiveness and our moral courage and the consequent loss of our self-respect and the respect of the rest of the world.'<sup>76</sup>

These sorts of accusations often framed softness and sentimentality with a gendered language of emotionalism, hysteria, and femininity. 'The case against capital punishment suffers from the fact that it is generally stated in overemotional terms, sometimes in near hysterical terms,' conceded one abolitionist. When actress Phyllis Kirk pleaded with Governor Brown for a reprieve, a state senator dismissed her as a 'charming young woman making an emotional appeal.' Less charming to some was Eleanor Roosevelt, a frequent conservative target for sentimental meddling, whose signing of a petition calling for mercy was widely reported.

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<sup>73</sup> 'Chessman Lives to Shame Us All,' *Los Angeles Times*, 20 Feb. 1960.

<sup>74</sup> Mrs. Walter [Lucia] Ferguson, 'A Woman's View: Chessman Uproar Hit,' *Pittsburgh Press*, 2 Mar. 1960, p.24.

<sup>75</sup> Hutchinson, 'So 'Noble' Chessman Makes Bland Plea,' p.3.

<sup>76</sup> 'Rep Johansen Warns U.S. Is Losing Face,' *Chicago Daily Tribune*, 7 Mar. 1960, p.B13.



Denunciations of the 'sob-sister campaign' carried the clear message that female emotionalism needed to give way to the hard rationalism of clear-eyed men.<sup>77</sup>

## Conclusion

Even as the 60 day reprieve issued by Governor Brown remained in effect, a California Superior Court judge set a new execution date - Chessman's ninth - of 2 May 1960. Early in March, the special session of the state legislature ended after Brown's death penalty repeal legislation, unpopular even with many allies of the governor, failed to make it out of committee. As the execution date neared, Brown made it clear that he would not again intercede in the absence of a state Supreme Court recommendation for clemency, a recommendation that never came. State and federal courts refused to take up a series of last-minute appeals. Finally, on the morning of 2 May, Chessman was executed in the San Quentin gas chamber. News accounts ritualistically offered the details common to stories of high-profile executions: the last meal, the final visits, the condemned's clothing, his emotional state, the number of steps from the holding cell to the chamber, its construction and colour, the number of witnesses, the chemicals used, the elapsed time. Not surprisingly, reports also focused on reactions abroad. 'The death of the kidnapper-pervert was headline news around the world,' huffed the *Sarasota Journal*. 'The tendency was to blame all Americans and the United States for his death,' reported the *New York Times*, which noted that 'a few voices raised in belief that the kidnapper had received his just deserts were drowned out by a chorus of protests that his execution was 'barbaric' and 'inhuman.'" Reports with headlines like 'Execution Stirs Anti-U.S. Rallies,' 'Death of Caryl Chessman Arouses World Reactions,' 'Chessman Death Brings World Criticism,' and 'Foreign Mobs Attack Yanks Over Chessman' told of angry editorials, leftists and conservatives united in rage, threatened tourists, and besieged American embassies on two continents.<sup>78</sup>

Late the next month, after the case had disappeared from the front pages, the influential journalist Stewart Alsop wrote a long *Saturday Evening Post* profile of Edmund Brown that started and ended with Chessman. Alsop traced Brown's deeply felt opposition to capital

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<sup>77</sup> 'Debate-of-the-Month: Capital Punishment?' p.13; 'They Voted Doom...' *Newsweek*, 21 Mar. 1960, p.44; 'Mrs. F.D.R. Pleads for Chessman,' *Los Angeles Mirror News*, 13 Oct. 1959; 'The Show of Weakness'; 'The Chessman Case,' *Chicago Daily Tribune*, 23 Feb. 1960, p. 20.

<sup>78</sup> 'Foreign Mobs Attack Yanks Over Chessman,' *Sarasota Journal* 3 May 1960, p.3; 'Execution Stirs Anti-U.S. Rallies' *New York Times*, 3 May 1960, p.23; 'Death of Caryl Chessman Arouses World Reactions' *Spokane Daily Chronicle*, 2 May 1960, p.1; 'Chessman Death Brings World Criticism,' p.2.

punishment. Brown's maladroit handling of the case, he concluded, exposed significant flaws and helped explain why the governor was no longer a serious candidate for the Democratic presidential nomination. Nevertheless, Alsop found

something reassuring...about Brown's role in the Chessman case, ugly as the whole episode was. Chessman's death caused a great uproar abroad, and Brown was reviled as the chief murderer in a nation of murderers. Yet the fact remains that we live in an era in which mass killing for political reasons is regarded in half the world as a legitimate instrument of state power. In such an era it is somehow reassuring to come upon a powerful professional politician who is capable of going through agonies when he is [as Brown had put it] 'the only man on God's green earth between another man and death.'<sup>79</sup>

So too did the Cold War loom over many other observers' understandings of the case. As we have seen, advocates for mercy sought to highlight the nation's progressive social institutions. For some, the international protests held promise of a global sentiment for nonviolence and a Cold War thaw. Cold War preoccupations with individual autonomy shaped considerations of Chessman's juvenile delinquency. Supporters of the execution warned of communist influence and questioned opponents' manly resolve in the face of terrible threats. Common to all these understandings of the Chessman case were concerns about Americans' place in a troubling world.

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<sup>79</sup> Stewart Alsop, 'California's Complex Governor,' *Saturday Evening Post* 25 June 1960, p.108.