

## JOSEPH MITCHELL

For every sensational homicide that transfixes the nation and earns a place in the annals of crime, there are countless murders that barely register on the public awareness and matter only to those immediately affected: the victims, perpetrators, and their relatives and friends. The case recounted here is just such a sad affair, and thus a perfect subject for Joseph Mitchell (1908–1996), the great chronicler of New York City's obscure, outcast, and often eccentric denizens.

A native of North Carolina, Mitchell arrived in Manhattan the day after the 1929 stock market crash. He worked as a newspaper reporter for eight years before joining the staff of *The New Yorker*, where he became a revered figure among his journalistic peers for his spare, elegantly crafted essays on characters such as Cockeye Johnny, self-declared "King of the Gypsies," Arthur Samuel Colborne, one-man crusader against barroom profanity, and Joe Gould, master of sea-gull language and author of the (nonexistent) nine-million-word "Oral History of Our Times." In this piece Mitchell's sympathy for the socially marginal is evident even in his treatment of the hapless killers, whose execution seems as sordid and pointless as the death of their victim.

### Execution

**A** bleak throng of relatives of three murderers who were to die in the electric chair huddled on the steps of Sing Sing Prison last night and waited. They passed around a quart bottle and whispered hoarsely. They still were sitting there when Robert Elliott, the State's thin, bent little executioner, trudged up the steps and entered the barred lobby.

"That's Elliott," whispered a taxicab driver, sitting with the relatives. "That's the man that pulls the switch."

The relatives turned and stared. Elliott shook the gate and a keeper let him in. The executioner carried a little black traveling bag. He nod-

ded to the keeper and went upstairs to prepare the utensils with which he would destroy the three men who succeeded, after a fantastic amount of trouble, in murdering Michael Malloy, the "durable barfly."

Elliott did not do as well as was expected last night because only three of the four men scheduled for death by electrocution reached the chair. Two hours before the time appointed for his death, the fourth man was given a respite of two weeks because someone believes he is a mental defective. So the State paid the executioner \$450 for his night's work, instead of \$600.

The three momentarily awaiting what is still referred to at Sing Sing as "the hot squat" were the principal members of the Bronx insurance-murder trust, the men who killed the barfly to get the \$1,290 for which they had insured his life. That was back in February 1933. The matter was arranged in a grimy little speakeasy at 3804 Third Avenue, now a vacant store.

Anthony Marino, 28, the proprietor, needed some cash and one night he said, "Business is lousy." Frank Pasqua, 25, a Bronx undertaker, who was standing at the bar, thought the remark over. "Why don't we insure Malloy's life and bump him off?" he asked.

Joseph Murphy, 29, whose real name is Archie R. Mott, a bartender in Marino's speak, and Daniel Kriesberg, 30, a fruit dealer, who passed a lot of time in the speak, were selected to help with the murder.

Malloy, a former stationary engineer, who had been a drunken derelict for many years, was insured. Then the murderers started treating him to poisonous whiskey. Malloy enjoyed it.

They gave him oysters pickled in wood alcohol. Malloy enjoyed them.

Then they gave him a plate of poisoned sardines into which bits of ground tin had been thrown. Malloy liked the sardines.

The barfly was stubborn. They kept feeding him wood alcohol, and one night they took him, dead drunk, to a park, stripped him to the waist, threw several buckets of water on him, and left him to die. Next morning Malloy came into the speakeasy and said, "Give me some of that good whiskey. I'm about to freeze."

Twice he was purposely run over by a taxicab. That did no good.

So, on the night of February 22, 1933, the gentle band took the barfly to a furnished room in the Bronx, rented especially for the event, and held a gas tube in his mouth.

That killed him. Pasqua, the undertaker, got a doctor to sign a death certificate signifying that pneumonia killed the barfly. Then Malloy was buried in one of Pasqua's cheapest coffins.

But the insurance companies had the barfly's body exhumed, and so last night four men waited in the pre-execution cells. They were to be executed at 11 P.M. At 9 o'clock a telephone call came from Acting Governor M. William Bray giving Murphy two weeks' respite on the strength of his lawyer's assertion that he had new evidence that Murphy was subnormal mentally.

But no telegrams came for Pasqua, or Marino, or Kriesberg. Consequently, at a few minutes before 11 o'clock two prison vans backed up to the rear door of the prison's administration building, within the walls.

Into the vans climbed the thirty-odd men selected by the State to witness the execution of three of its citizens. The relatives, stubborn, still waited on the stone steps.

The van rolled slowly through the prison's yard and paused at the lane leading to the death house. The witnesses got out and stood under the bright lamp. They were ordered to walk single file down the lane. At the end of the lane two guards grabbed each witness and expertly frisked him. Then the witnesses, jostling one another to reach the front seats first, entered the electrocution chamber.

It is a little room. On the right, as you enter, are five benches for witnesses. The electric chair is in the middle of the room. It rests on three sheets of rubber carpet.

There is a sign above the door through which the doomed are escorted. It reads "Silence." At this door stood Principal Keeper John J. Sheehy. He stood there, red-faced, solemn, fingering the bunch of keys at his belt. On one side of the chair was a white operating table. On the other was a wooden pail.

Frank Pasqua, the Bronx undertaker, was the first to go. He wore carpet slippers, a gray sweater and an unpressed pair of flannel trousers. Father John McCaffery, the prison's Catholic chaplain, walked beside him.

The witnesses stirred in their seats when the pale, staring human shuffled into the room, and a keeper said, "Silence, please." Pasqua sat down in the chair. He did not say anything. He stared.

The priest held a cross in front of Pasqua's gray face. Pasqua leaned mightily and kissed it.

Elliott, the executioner, came into the room. He went to work methodically. He pulled the headpiece, the mask, over Pasqua's face. Then he began strapping him into the chair. A keeper kneeled and adjusted the electrode to Pasqua's leg.

Elliott left the room. The switches are in another room. The witnesses could see Pasqua's fingers clutching the wooden arms of the electric chair. He clutched so fiercely that his knuckles were white.

The witnesses could hear Elliott pull the switch.

It did not last long—only three minutes.

They placed the pale little man, still staring, on the white operating table and wheeled him into the autopsy room.

Then they brought in Anthony Marino, the speakeasy proprietor who needed cash. Elliott dipped the headgear into the brine pail. He brought it out dripping. He rubbed some of the water out of it. Then he placed it on Marino's head.

Marino smiled faintly. He kissed the ivory cross proffered by the priest. He kept on smiling. He crossed his legs, but a keeper nudged him and he uncrossed them so the electrode could be fastened to his right leg.

Elliott, the precise little executioner, hurried off and threw the switch that sent 2,200 volts of electricity through Marino's body. It took three minutes.

It took only two minutes to kill Daniel Kriesberg, the wry-faced fruit dealer. He came in, not as pale as his comrades, and sat down. He was escorted by Rabbi Jacob Katz, the Jewish chaplain.

As soon as the electricity whirred into the man in the chair the rabbi left the room, holding the Old Testament firmly against his breast.

"All out," said a keeper. "Walk quietly."

The relatives still were huddled on the prison steps. They got up and stood in the shadows, aloof, as the witnesses departed. A woman among them was moaning.

One of the men drank the last whiskey in the bottle and threw it away.

The relatives were waiting to claim the bodies of the three men who helped kill a barfly for \$1,290. It took them a long time to kill Malloy. It took the State only sixteen minutes to kill them.

*New York World-Telegram, June 8, 1934*

## H. L. MENCKEN

There was a period, from around 1910 to the early 1930s, when Henry Louis Mencken (1880–1956) exerted an enormous influence on American culture as a journalist, author, editor, book reviewer, and social critic. A relentless enemy of the American "booboisie" and gleeful slayer of sacred cows (he was known as "The Great Iconoclast"), he prided himself on his fiercely libertarian politics, radical freethinking opinions, and frankly held prejudices. "The plain fact is that I am not a fair man and don't want to hear both sides," he once wrote. "On all subjects, from aviation to xylophone playing, I have fixed and invariable ideas."

Mencken's intemperate style is fully displayed in the following piece from the December 3, 1934, issue of the Baltimore *Evening Sun*, his primary workplace and forum for more than 30 years. In his sneering assault on the "New Penology"—the emerging emphasis on the psychological and social roots of crime—the author sounds a note that, in subsequent decades, would be struck far more crudely by everyone from Mickey Spillane to the hosts of right-wing radio talk shows. Mencken's satirical use of honorific titles ("Baby Face Nelson LL.D.," "Dr. Pretty Boy Floyd") underscores his contempt not only for these lowlife outlaws but for anyone inclined to romanticize them.

### More and Better Psychopaths

#### I

The criminal career of the late Baby Face Nelson, LL.D., covered twelve years. During that time he is known to have had a hand in the murder of three officers of the law, and in the intervals between these crimes he engaged in general practice as a thug and bully. The intelligent cops first took him when he was only fourteen years old, but he was quickly rescued by the New Penology, which turned him loose on parole to perfect himself in his art. Taken again, he was paroled again, and thereafter he showed such rapid progress in technique that he was presently pushing Dr. John Dillinger and Dr. Pretty Boy Floyd