

# THE DURABLE MIKE MALLOY

**I**N MAY 1933, gravediggers exhumed Mike Malloy's body from a 12-foot-deep pauper's plot in the charity section of Westchester County's Ferncliffe Cemetery. Lobar pneumonia, according to the death certificate, had killed him, but Bronx District Attorney Samuel Foley suspected otherwise.

**BY BRIAN O'CONNOR  
SPECIAL TO THE NEWS**

The subsequent autopsy revealed the most clumsily executed insurance scam in New York City history. It also gave birth to an urban legend: Malloy, survivor of six murder attempts and who withstood alcohol and food laced with poison, proved indestructible — until a rubber tube placed in his mouth delivered enough carbon monoxide gas to end his life. That was the conclusion drawn by Dr. Harry Schwartz, the assistant city toxicologist who performed the autopsy.

**Suitable victim**  
In the waning days of Prohibition, Anthony Marino owned a speakeasy on E. 177th St. in the Bronx.

Still mired in the Depression, the city's unemployment rate neared 50% and desperate men sought ways to make a dollar any way they could. Marino, along with his barkeep, Joe Murphy, undertaker Frank Pasqua and friend Dan Kriesberg, devised a plan to bilk insurance companies by taking out policies on drunks and then hastening their deaths with booze.

Malloy seemed a suitable victim. The 50-year-old had worked as a fireman and engineer, but alcoholism had prevented him from holding down regular jobs. He now spent his time living the life of a derelict, frequenting Marino's speakeasy, among many others. Certainly, the gang believed, it was only a matter of time before Malloy drank himself to death.

They began backslapping Malloy and gave him free drinks. Malloy, accustomed to getting the bum's rush because of his lack of funds, was so thrilled that he eagerly signed a petition that would help elect Marino for local office. What he actually signed was an insurance policy from Metropolitan Life for \$800, and two from Prudential for \$495 each. The gang even provided Malloy with a crash pad in the back of the bar to sleep off his hangovers.

After several weeks of feeding Malloy free liquor, Marino noted that it was starting to cost him money. More distressing was Malloy's health: His pallor had lifted and spirits soared courtesy of the free booze. More active measures would be required to hasten Malloy's demise.

Murphy, a former chemist, told Malloy that some "new stuff" had come in. Malloy drank it, commented on how smooth it tasted and then collapsed to the floor. They dragged him to the back room and anticipated that they would need to pay off a physician for a "hush job" death certificate.

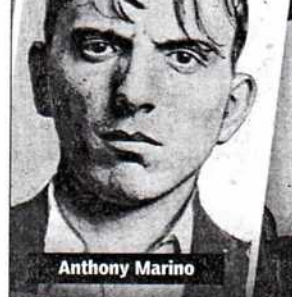
One hour later, a refreshed Malloy bounded back to the bar with a mighty thirst, unaffected by the alcohol. Murphy had laced with car antifreeze.

Over the next few days the gang spiked Malloy's drinks with stronger doses of antifreeze, then turpentine and, finally, horse liniment with rat poison. Malloy kept beaming and kept drinking, soaking up the good times spent with his new friends. The crew decided a switch to food would best hasten Malloy's death.

Marino served him raw oysters — soaked in wood alcohol. After downing two dozen, Malloy was so enthused by the cuisine that he encouraged Marino to open up a restaurant. The next course included an entrée of rotten sardines mixed with tin shavings. Same result.

Next, the plotters got Malloy stupefied and escorted him to Claremont Park, stripped off his coat, and in the middle of winter opened his shirt and poured 5 gallons of water on him before dumping him into a snowbank. If poisoned liquor and food couldn't kill Malloy, then the cold blasts of a New York winter would.

Or so they thought. The next evening, Malloy showed up at the speakeasy wearing a new suit. He had really tied one on the night before, he explained,



Anthony Marino



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**Jury Holds Fate Of Four Men in Insurance Death**

After lengthy summing up by both sides the jury trying four men for the murder of durable...



SUNDAY NEWS, JULY  
**4 AT SING SING WILL GO TO THE CHAIR THURS**  
Sing Sing prison officials made up the "guest list" yesterday for the largest wholesale electrocution nearly fourteen years scheduled...

Scenes of an insurance scam (clockwise from top): the Bronx speakeasy owned by Anthony Marino; the Fulton Ave. room where Mike Malloy was gassed to death; headlines from the 1933 crime, Malloy's body after being exhumed. Photo illustration by Charles George/Daily News

and wound up nearly naked in the park. Fortunately, the police had found him and a welfare organization outfitted him with new clothes.

**Unconsciously drunk**  
Exasperated, the gang hired a cab driver, Harry Green, and offered him \$150 to run Malloy down with his vehicle. On Jan. 30, 1933, a nearly unconsciously drunk Malloy was driven from Marino's to Pelham Parkway. Murphy stood him up in the mid-

dle of the roadway, and Green backed up his taxi two full blocks to build up enough speed to complete the job. Somehow, Malloy stumbled to safety. They then took Malloy to Gun Hill Road. This time, Green hit him.

The gang gleefully retreated to Marino's and again waited for an announcement of Malloy's demise. For days nothing appeared in the newspapers.

Where was he? Malloy was recovering in the hospital under a different name, having sus-

tained a fractured skull, a concussion and a broken shoulder. The indestructible barfly returned several weeks later to the speakeasy and announced he had an awful thirst. The boys' jaws dropped.

Now desperate, they contacted a professional hit man, but his \$500 fee was too expensive. They then shanghai'd another drunk, Joe Murray, stupefied him with liquor and stuffed his coat pocket with Malloy's ID and ran him over with a cab. Murray, a substitute for Malloy in every way, recovered from his injuries after two months in Lincoln Hospital. The only way to knock off Malloy, the gang determined, was murder, clean and simple.

**Hissing sound**  
On the night of Feb. 22, Marino challenged Malloy to a drinking match. Marino drank whisky, Malloy wood alcohol. When Malloy appeared insensibly drunk, Murphy and Kreisberg hurried him to a furnished room on Fulton Ave. They dropped him on the floor, stuffed a hand towel in his mouth and attached a rubber hose to a gas jet in the wall. After inserting the hose in the side of Malloy's mouth, Kreisberg turned the jet on, and a hissing sound confirmed its working order. The pair left Malloy's lifeless clump and returned to the speakeasy.

They hired Dr. Frank Manzella, a former Bronx alderman, to issue a false death certificate. "Lobar pneumonia," he wrote, "with alcoholism as a contributing cause." The gang paid him \$50 for the service. Pasqua didn't embalm Malloy, who had no next of kin, and he was buried without a wake in a \$12 wooden box, some four hours after his death.

Murphy, posing as Malloy's brother, collected the \$800 from Metropolitan Life, and when agents from Prudential came around to press more money in his hand, they couldn't find him. Murphy was in jail on another charge, and this aroused suspicion among the insurance agents, who contacted the police.

Police started piecing together the puzzle of this murderous ring. Green hadn't been paid his full share and started talking, while a professional hit man told friends that an insurance ring had been set to hire him, but his fee was too high. Police learned of another victim, Betty Carlson, who had died of pneumonia in mysterious circumstances in the same speakeasy. The life insurance beneficiary for her death was Marino. After police arrested the gang, District Attorney Foley pursued the death penalty.

At trial at the Bronx County Court House, the four murderers either claimed insanity or shifted the blame to each other, and then finally accused "Tough" Tony Bastone, a gangster who they said forced them to kill Malloy. Bastone couldn't testify, having been killed a month after Malloy's death.

In June and July 1934, Marino, Pasqua, Kreisberg and Murphy died in the electric chair at Sing Sing prison. Manzella was convicted as an accessory and sentenced to an indeterminate prison term. Malloy was reburied, and took with him to the grave the secret of a hardy and nearly indestructible constitution.