



Episode 151: The Many Lives of Michael Malloy
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[music comes in]

Simon Read: If you're in one of the upper-class speakeasy joints in Harlem, you're going to get sort of a high-quality liquor. If you're in a sort of hole-in-the-wall dive, like in the Bronx, you're going to get a bathtub gin and rotgut whiskey and stuff that really isn't fit for human consumption.

Phoebe Judge: But gets you drunk.

Simon: [chuckles] But it gets you drunk, and it eases the pain

Phoebe: And probably gets you drunk quick too.

Simon: It gets you drunk very quick and it can also kill you.

[as narrator]

Phoebe: Simon Read is the author of the book, *On the House*.

[to Simon]

Like paint thinner. I mean, we're talking about that type of...

Simon: Exactly, exactly. Methanol is used in some of these concoctions. Methanol, otherwise known as wood alcohol. It's very toxic. It's used, like you said, in paint thinner, it's used in antifreeze and a lot of other industrial products. But it was cheap. It was easy to come by. And so, a lot of drinks were laced with this stuff.

[as narrator]

Phoebe: By 1932, Prohibition had been going on for twelve years. There were tens of thousands of underground speakeasies all over New York City selling this cheap and dangerous type of alcohol. One of them was located at 3775 Third Avenue in the Bronx.

Simon: And it's hidden behind an empty storefront. And it is not what you'd call a classy joint. It's a rather squalid affair. It has four tables. There's a twelve-foot bar against one wall. There's a threadbare sofa against the other. And then there's a lavatory that's separated from the main drinking area by like a beaded curtain. So, it's not the place you'd want to go for a nice night out on the town.

Phoebe: The speakeasy was owned by twenty-seven-year-old man named Tony Marino.

Simon: The booze he served was of the cheapest kind. The one thing he had to try and make the place sort of more upper crust was you had a free lunch tray at the end of the bar that usually had a smattering of oysters, sardines, and lunch meat. [music fades out] I don't know who'd want to eat from that tray, but there you go.

Phoebe: One of the regulars at Tony Marino's speakeasy was a man named Francis Pasqua who was an undertaker. Pasqua introduced the bar to someone named Michael Malloy.

Simon: Michael Malloy, he's a strange character. But what we do know about him is— or we think we know about him, it's believed that he came from County Donegal in Ireland, probably in the late 19th, early 20th century. He arrives here in obscurity. He lives his life anonymously. He has no friends, no family that anyone can tell. And he just works a series of odd jobs. He's a street cleaner. The one thing that does seem to be true about him which everyone can agree on is, that he was drunk most of the time. He had a voracious appetite for alcohol. And he was a denizen of sort of some of the more sleazier speakeasy joints around the city.

Phoebe: Michael Malloy would come into the speakeasy so often that Tony Marino gave him a job sweeping the floors and stocking bottles.

Simon: And because he was in there so much, Tony Marino, Francis Pasqua, some of the other customers in the place, they sort of get a sense of who this guy is. And they understand that he's a loner. No one's really sure where he goes home to at night. And all he cares about is the bottle. What happens is, he starts drinking more and more, Michael Malloy, and working less and less. [music comes in] And so what eventually happens is Marino cuts him off because his business isn't doing that great anyways. And it sort of deprives Malloy for a while of his main source of drink.

Phoebe: One evening in July of 1932, Tony Marino sat down at the bar with his friend Francis Pasqua and another man, Daniel Kriesberg, to talk about how things were going.

Simon: And Marino just utters the comment, "Business is really bad." And he starts complaining about how a lot of his customers are running drink tabs that they're not making good on. And that the business is slowly going under. And it was Francis Pasqua who actually comes up with this plan that proves to do all their undoing. And he just says, "Hey, why don't you take an insurance policy out on Michael Malloy? We can take care of him, collect the money, and it'll be easy." They just see this as very easy money.

Phoebe: But they had no idea how hard it would actually be. Michael Malloy became known across the country as the man who just wouldn't die.

I'm Phoebe Judge. This is Criminal.

Francis Pasqua recommended to Michael Malloy that he buy some life insurance. He offered to help. And so, they went to the local office of the Prudential Insurance Company.

Simon: And he meets there with an agent. [music fades out] And he says, "Michael Malloy here is my good friend. And I want a life insurance coverage on him with a double indemnity clause in case anything happens to him. And I will be the beneficiary." And the Prudential agent says, "Yeah, sure. Why not?" And writes out a policy for \$2,000.

[to Simon]

Phoebe: How are they able to convince Michael Malloy to willingly apply for life insurance?

Simon: [laughs] It basically came down to this: Frances Pasqua one day went up to Michael Malloy and said, "Hey, Mike, how about we insure you with some life insurance?" And Michael Malloy's response according to court records was, "Hey, why not?"

[as narrator]

Phoebe: And then a couple of days later, they walked into the Metropolitan Insurance Company. And asked for another insurance policy of \$3,000.

Simon: They think now they're set. Pasqua and the gang think, *this is great. We can now hatch our plan, easy money.* What happens is those insurance policies obviously have to be reviewed by upper management. In both companies, the policies immediately raise red flags. Why is someone who isn't related to Michael Malloy insuring this guy and making themselves the beneficiary? So, both policies are ultimately rejected. [music comes in]

Phoebe: But they didn't give up. Without telling Michael Malloy, they created a fake identity for him, Nicholas Mellory. A bartender named Joe Murphy was enlisted to play the part of Nicholas Mellory's brother. He'd be the beneficiary. Francis Pasqua, along with the bartender, went back and talked to the same Metropolitan Insurance Company agent. And this time secured an \$800 policy. The agent later reported that even though the person being insured wasn't present, he took their word for it and sold them the insurance. The agent said he needed the commission. Then they took out two more policies from Prudential. In the event of the accidental death of Nicholas Mellory, really Michael Malloy, the men stood to make more than \$3,500 about \$68,000 today.

Simon: And so now Malloy is insured, and this gang can sort of get their scheme underway.

[to Simon]

Phoebe: So, what happens next?

Simon: What they do is they stock the bar. They build this arsenal of gin and whiskey. And Tony Marino decides that he's going to forgive all of Michael Malloy's bar debts and he's gonna give Malloy an open tab and drinks on the house. And the plan is that Malloy will drink himself to death. And he starts drinking and he doesn't stop. I mean, he just drinks and drinks. And so, the first night goes by and the gang sort of sitting there on the periphery, watching, waiting for, you know, Malloy to collapse drunk or something, but nothing happens. And Malloy would leave the speakeasy on legs that were disturbingly steady and returned the next morning and ask for more drinks. [music fades out] And he'd always— he'd raised his glass, he'd toast his friends, thank them for their charitable good nature. And this goes on for about four days.

[as narrator]

Phoebe: Michael Malloy is drinking so much that he starts running through the supply of alcohol at the speakeasy. Tony Marino realizes that he can't afford to keep this up. And that's when bartender Joe Murphy suggests wood alcohol

Simon: And the gang goes, "Hey, that's fantastic. Let's do it." So, Murphy goes out to a local paint shop and he buys several cans at ten cents a can of wood alcohol. And Michael Malloy shows up the next day. He's ready for his drinks and they're sneaky about it. What they do is they serve Malloy first just normal shots of whiskey and gin and bourbon, and gradually, they start adding more and more wood alcohol into the shots. Again, this stuff is incredibly lethal. And Malloy starts drinking these laced shots and there is no outward signs of impact on him. He seems perfectly fine. And gradually what they do is they stop pouring in gin and whiskey and they just start feeding him straight methanol. He actually at one point raises his glass and says, "This is the best stuff I've ever drank." And the gang is absolutely dumbfounded by this. I mean, the guy's drinking 100% pure poison and it's not having any impact. [music comes in]

Phoebe: This goes on night after night. The men start challenging him to drinking competitions to get him to drink more of the wood alcohol. But it makes no difference.

Simon: And what happens is one evening Malloy comes in, sits at the bar and he starts drinking, and he starts to get drunk. And this gives the gang a sense of great hope. And the more he drinks, the more slurred his speech becomes, his legs grow wobbly, he starts swaying at the bar. And he finally takes one last drink, and he collapses to the floor. And they figure, *alright, the poison's coursing through his veins. It's only a matter of time.* And they sit there watching him. No one goes to his aid, of course. And they sit there and watching him and his breathing's all out of whack. And they're sure it's only going to be a few minutes until he passes away. But what happens is, as they're watching him, his breathing becomes more regular and then he starts snoring. And they realize that he's simply sleeping it off. So, they sit there in stunned wonderment watching this. And Malloy actually eventually wakes up, thanks his friends, and moseys on out of the speakeasy to return the next day and start the process all over again. [music fades out]

Phoebe: We'll be right back.

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Tony Marino, Francis Pasqua, bartender Joe Murphy, and their associate, Daniel Kriesberg, discuss taking more drastic measures. Frances Pasqua, the undertaker,

remembered that he'd once buried a man who had died after eating a plate of oysters while drinking wood alcohol.

Simon: So, Pasqua eyeing the lunch tray at the end of Marino's bar with the oysters and the sardines and the lunch meat says, "Hey, why don't we take some oysters, soak them in wood alcohol, and then feed them to Malloy and that'll kill him." And the gang says, "Hey, great! Yeah, let's do it." So, they take the oysters. They actually soak it in wood alcohol for several days. So, the oysters get good and soaked in this stuff. Malloy comes in one evening. He's drinking his shots of wood alcohol. And they've poured so much wood alcohol now, this place smells like a chemical plant. When you read the case files, they talked to other customers, that the place just stank of chemicals. And they're giving Malloy his shots of wood alcohol and Marino says, "Hey, Mikey, you want some oysters with your drink?" And Mike Malloy, never one to turn down something free, says, "Sure." So, they give him this platter of oysters. And he sits there, and he eats every single one of them, all the while downing multiple shots of wood alcohol. And the gang's sitting there off to the side, silently snickering to themselves thinking, *this is it*. But no. Lo and behold, the next morning he's back asking for more wood alcohol and also now asking for more oysters. [music comes in]

Phoebe: Simon Read says they noticed that Michael Malloy would often make himself sandwiches at the bar, putting big piles of sardines between pieces of bread. And so, they went out and bought some sardines.

Simon: They come back to the bar. They prep a sardine sandwich for Michael Malloy. They lace it with shredded tin, carpet tacks, and broken glass.

[to Simon]

Phoebe: That's horrible.

Simon: It's horrible. And it's hard to believe. And when you sort of discuss this case to people, people refuse, you know, they don't believe it. But, you know, you sit there, and you read the court records and you see the stuff it's just— it's sort of unfathomable. That's why— it is a horrible case because of the depths that these people sank to. But they give him this sandwich laced with all this stuff and he eats it and he likes it. [laughs] He actually asked for another one. The metal shavings, the carpet tacks, the broken glass, it has no impact on him at all. I mean, he doesn't voice any sort of discomfort, he doesn't say, "Wow, that sort of felt scratchy on the way down." I mean, he's impervious to it.

[as narrator]

Phoebe: As the *San Francisco Examiner* later reported, quote, "The man seemed to thrive on this sort of thing." The men trying to kill Michael Malloy were getting desperate. But they knew that no matter what, they had to make his death appear to be an accident in order to claim the money on the life insurance policy. [music fades out] This wasn't their first time doing this.

Tony Marino had had a girlfriend named Mabelle Carson. She was a hairdresser from Washington, D.C.

Simon: She was found in Tony Marino's house beneath an open window on a winter night. And her death was determined to be from pneumonia.

Phoebe: Tony Marino with the help of Francis Pasqua had taken out a life insurance policy on her.

Simon: And while walking home from his speakeasy one night after the sardines and the oyster platters and all the alcohol failed to kill Michael Malloy, Marino starts thinking about Mabelle Carson and the way that he dispatched her. And it suddenly comes to him, *my God, I've already done this once. We can do this again. We'll do the same thing with Michael Malloy.*

Phoebe: On one very cold night, they start pouring Michael Malloy shots of the wood alcohol early. And he does actually drink himself unconscious. The group then takes his body out of the bar and drives Michael Malloy to a nearby park. They take his shirt off and pour ice water over him and leave him, figuring that either exposure or hypothermia will be enough to kill him.

Simon: Of course, it doesn't. [music comes in] What happens is Tony Marino shows up for work the next day at the speakeasy. He walks in and Michael Malloy is sleeping on the floor of the speakeasy. And of course, he has this wild story to tell. Last thing he remembered, he was at the bar drinking and then he woke up on a bench, freezing and he staggered back to the speakeasy and sought shelter there. And so now the gang sort of starts sinking into a full-blown panic because they just— they can't figure out what to do. And so, they now decide that they're just gonna have to go all out and just do something that's gonna rid themselves of this problem once and for all.

Phoebe: A man named Tony Bastone, also known as "Tough Tony", hears about this scheme and offers to just hire someone to kill Michael Malloy. The men say no. It has to look like an accident. So, they find a taxi driver named Harry Green who agrees to run over Michael Malloy for \$150. And they stick a fake identity card for Nicholas Mellory in Michael Malloy's pocket.

Simon: And they drive out to a quiet street in the Bronx and it takes three tries to run Malloy over. But eventually they do it. Murphy and Bastone hold Michael Malloy by the arms and Green guns the taxi and it hits him at about 20, 30 miles an hour and sends Malloy into the gutter. And just as they're about to retrieve him, a car passes by and it scares them away. And so, they bundled into their car and they take off and they head back to the speakeasy. The next morning, they gather all the morning newspapers, and they start reading it for a story of a hit-and-run. [music comes in] And they can't find anything.

We'll be right back. [music fades out]

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Phoebe: The day after Michael Malloy was hit by the taxi while being held by Tony Bastone and Joe Murphy, the men at the bar couldn't find any record of his death. They start calling hospitals, asking for Nicholas Mellory, but no luck. They call morgues, but there are no cadavers with that identity. For days, they hear nothing.

Simon: And now they realize they've got a problem in that they've probably killed Michael Malloy, but now they've lost his body. So now, the plan starts getting even crazier. Now they decided that since they've lost Michael Malloy's body, [music comes in] they now have to find someone who looks like Michael Malloy and kill him to collect the life insurance policies. So, what they do is they go out and they start canvassing all the local speakeasies and they go into a speakeasy in Harlem and they find a guy there by the name of Patrick Murray who according to court testimony, Marino said was a spitting image for Malloy. Same height, built, all that sort of stuff. They befriend him. They buy him some drinks at the speakeasy. They get him drunk. They bring him back to Marino's speakeasy where they give him more drinks and get him totally inebriated. They bundle him into Harry Green's taxicab. They drive out to again, a quiet street in the Bronx. And they do the exact same thing. They run over him at 30 miles an hour. They get out to retrieve the body and as they do, another car passes by, scares them away. They get back in the cab, head back to Marino's speakeasy, again without a body. So, now they've killed— well, they think they've killed two individuals and they've lost both the bodies. This causes a tremendous amount of panic among the gang. And they're in the bar one afternoon trying to figure out what to do and as they're sort of discussing their next options, the speakeasy door opens and in walks Michael Malloy.

Phoebe: Malloy tells the men at the bar that five days ago, he'd woken up in a gutter with a bad headache and sore shoulder. A police officer had seen him and asked his

name. He said, "Michael Malloy." He was then taken to a hospital in the Bronx where doctors found that he had a fractured skull, fractured shoulder, and a concussion. After five days, he was released. The men at the bar had not been able to find him because when they called the hospitals, they had been asking for someone named Nicholas Mellory. [music fades out]

[to Simon]

And he doesn't remember what's happened to him?

Simon: He doesn't remember what's happened to him. This is one of the bizarre things about the case. He never— the only thing he seems to do is keep voicing his gratitude for the free drinks. So, either he had no clue, he was totally oblivious because he was so intoxicated, or maybe he did know, and just didn't care because the drinks were free. But it is one of the astounding things about the case and one of the mysterious things about the case is that he keeps returning to the speakeasy, that whenever he goes to it, bad things happen to him. And so, he sits down at the bar, he orders, you know, his shot of regular, again they pour him the wood alcohol. And the gang now is just at a complete loss.

Phoebe: [as narrator]

The men decide to make one last attempt. They rent a room on Fulton Avenue in the Bronx that has a gas stove. They put the name "Nicholas Mellory" on the lease. And on February 23rd, 1933, they take Michael Malloy to the room after giving him what alcohol at the speakeasy.

Simon: They turn on the gas. You know, they've been trying to kill this guy since late November, early December the previous year. Nothing has worked, but the gas does it. And Michael Malloy finally succumbs. And they think they're home free now. Francis Pasqua, because he's an undertaker, he's got connections and there's a doctor in the Bronx named Frank Manzella. Pasqua pays him some money to come and examine Malloy's body and write a death certificate, claiming the cause of death to be alcoholism. Manzella does this. You know, Malloy dies on February 23rd. He's in the ground on February 24th and they're at the insurance offices on February 25th, asking to pick up— you know, cash in their policies. That's what ultimately proves to be their undoing.

Phoebe: The agent handed them a check for \$800. Next, Francis Pasqua went to the Prudential office.

Simon: Prudential actually says to him, "We'd like to see the body, please." And, Pasqua says, "Well, you can't. We buried him yesterday." And that immediately sends up a red flag.

Phoebe: The insurance agent tells Francis Pasqua that they'll have to look into the matter and Prudential begins an investigation. They send agents to the speakeasy in the Bronx asking about Nicholas Mellory but no one knows anyone by that name.

Simon: So, you've got insurance agents now sniffing around. [music comes in] The gang does cash in the Metropolitan check. Pasqua and Marino, they split it, they get \$400 each. And then they have to, out of their share, pay out some money to Tough Tony Bastone. They have to pay out money to Harry Green, the taxi driver, and some other folks. But what happens is, you have a gang of individuals like this, obviously there are gonna start being fights about money.

Phoebe: A lot of people who hung out at Tony Marino's speakeasy knew about the plot. They'd been overhearing the men talk about it for months and months.

Simon: And what happens is one night in the speakeasy, Tough Tony Bastone is talking to another guy and they start arguing over who's gonna get the lion's share of the Prudential policies once they're cashed. And the fight turns physical. And the customer Bastone's fighting with - this guy named Joseph Maglione - Maglione takes out a gun and he shoots Tough Tony Bastone dead. The cops arrive on the scene. They arrest Maglione. They arrest Joseph Murphy, the bartender who's been in on the scheme of the beginning. They arrest him as a material witness and they're both hauled off to jail.

Phoebe: The police were now paying close attention to Tony Marino's speakeasy. And regular there named John McNally decides to talk.

Simon: And investigators were actually skeptical when they first heard the plot. They didn't believe it was true because it was so, so bizarre.

Phoebe: John McNally told them everything and said that he knew all of this because he'd been approached to help. He told them Michael Malloy was buried at Ferncliff Cemetery. The investigators got a court order and in May of 1933, ten months after it all began, they dug up Michael Malloy's body. [music fades out]

Simon: The pathologist does an autopsy on him and actually discovers that, hey, this guy didn't die from alcoholism, like it says on his death certificate, he died from carbon monoxide poisoning. And basically, from that point on, the case— it rapidly begins to crumble.

Phoebe: Tony Marino, Francis Pasqua, bartender Joe Murphy, taxi driver Harry Green and Daniel Kriesberg were charged with first degree murder. Reporters referred to them as, quote, "The Murder Trust." Their trial began in October of 1933 at the Bronx County Courthouse and lasted a little more than two weeks. One paper called it, "The case of the man who wouldn't be murdered." Right before the sentencing, the judge asked the men, if they had anything to say. Tony Marino spoke for all of them. He said, "We have nothing to say, Your Honor. Four of the men were sentenced to death by the electric chair. Harry Green, the taxi driver, was sent to Sing Sing for felonious assault. One reporter described it as, quote, "A plot that seemed more like an impossible play than a real-life murder trial."

Simon: It's an amazing thing. To me, one of the great mysteries of this case is not only why did Mike Malloy keep going back to the speakeasy when bad things kept happening to him, but also, how did he survive all these attempts? How did he survive the amount of alcohol that he drank? How did he survive the effects of drinking straight methanol? How did his body digest these oysters that were soaked in a preservative when it had killed other people? How did he survive eating a sandwich with carpet tacks and shredded tin and broken glass? What was it about—? I mean, the guy was like a biological wonder. [music comes in] And to me that's sort of one of the great mysteries of the cases: how he was such an indestructible human being. And he does become—he becomes this symbol of depression-era resilience. And he's sort of become a true crime cult hero.

Phoebe: Over the years, Michael Malloy has been given all kinds of nicknames. "The Iron Man", "The Durable Barfly". *The New Yorker* wrote about him in September of 1933, just before the trial. The story was called "Malloy The Mighty". In it, Edmund Pearson writes, "Evidently the Tony Marino association had picked a person who made Achilles look like a waterlily."

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Criminal is recorded in the studios of North Carolina Public Radio, WUNC. We're a proud member of Radiotopia from PRX, a collection of the best shows around. I'm Phoebe Judge. This is Criminal [Radiotopia jingle]

END OF EPISODE.