

Chapter One

THE WORLD HE LEFT BEHIND

□ It was a summer Friday, August 1, 1930. United States Senator Robert F. Wagner was at work at his firm's New York City law office at 120 Broadway, near City Hall. Wagner, formerly the State Senate majority leader, had been elected to the U.S. Senate in 1926, but that was not a full-time job. Congress was out of session more often than not.

Wagner had established the law firm in 1927, just after his election, and was joined in it by Simon Rifkind (who also served him as a Senate aide) and Francis J. Quillinan, the son-in-law of New York's then-governor, Alfred E. Smith. By 1930 the firm was known as Wagner, Quillinan & Rifkind.

Wagner, a German immigrant most of whose family had long since returned to the old country, was due to sail on the

VANISHING POINT

North German Lloyd line the next day to begin his annual European vacation. This afternoon he received a visit from New York State Supreme Court Justice Joseph Force Crater. The judge came to wish the senator *bon voyage*.

The setting was familiar to Crater—until just a few months earlier he too had practiced law out of the Wagner firm's offices, leasing space for his own work and serving as the firm's counsel in many appellate cases. And the two men's association was one of long standing. Ten years earlier, in June 1920, Crater, then just thirty-one years old, had gone to work as law secretary for Wagner, then himself a justice of the state Supreme Court.

New York's Supreme Court is not the state's highest tribunal but its main trial-level court. Law secretaries, now just as then, are Supreme Court justices' key employees—in many other courts they would be called clerks. But while clerks are often very young, just out of school, law secretaries in the New York State trial courts are often more experienced. They serve administrative and other staff functions as well as providing research assistance. And while most judicial clerks serve only one- or two-year terms, law secretaries often remain with their judges for much longer periods, establishing much deeper associations. Crater began working for Wagner when he was already four years out of Columbia Law School, and stayed in the job for six years.

In 1926, shortly after Justice Wagner ascended from the trial court to the Supreme Court's Appellate Division, the middle-level court in the New York system, Joe Crater was replaced as Wagner's law secretary by Rifkind, a twenty-five-year-old Lithuanian immigrant and Columbia Law graduate whom Crater had selected for the post.

The World He Left Behind

Much later, Wagner said of his encounter that afternoon with Crater, "Our chat was quite good-humored and informal." Crater said goodbye to Wagner, who was expected to be in Europe for a month. The judge then climbed into his own chauffeur-driven Cadillac and headed for his lakeside vacation cabin near Belgrade Lakes, Maine. It was Crater's second or third visit of the summer to Belgrade Lakes, a town north of Lewiston, near the center of the state, and the seasonal home that he and his wife, Stella Mance Wheeler Crater, had owned for eleven years and had been visiting since 1916. Crater was returning to Maine after two weeks in New York and Atlantic City.

Early on the morning of Saturday, August 2, after driving through the night, Crater and his chauffeur, Fred Kahler, stopped for breakfast at a hotel in Augusta, Maine. Soon they reached Belgrade Lakes, where Crater joined his wife. The couple had no children.

The Craters spent Saturday going motor-boating with local friends, eating dinner out, and bowling that evening in the village. At some point during the day the judge took the time to write and post a \$90 check to a woman he knew back in New York. By all accounts, Crater seemed carefree; he told his neighbor Ludwig Traube that he intended to stay in Maine for two or three weeks. But that night, apparently after making or receiving a telephone call in town (their home didn't have a phone), Crater told his wife that he had to leave to attend to a pressing matter in New York. He would depart the next day, he said, but promised to return on Wednesday, the 6th, and in any event no later than the following Saturday, August 9—Stella's forty-third birthday.

On Sunday, August 3, Fred Kahler drove the judge to the train. (Crater did not know how to drive.) Crater had promised

VANISHING POINT

to take a trunk to the railway express for his niece, Harriet Clarke, who was off to summer camp. He did, but he forgot to prepay the shipping charges. The next morning, back in New York, he went to the City Hall post office annex and mailed his niece money to pay the freight.

Back in town, Crater went to his apartment in a fashionable building at 40 Fifth Avenue. He had purchased the cooperative apartment for \$13,500 in 1927 (\$140,000 in today's money); the maintenance, for upkeep and utilities, in 1930 was \$136 per month, or about \$1,500 today. Once there, Crater spoke to the housemaid, a woman named Amedia Christian, and asked that she return to tidy up after his departure, on Thursday the 7th. After that, he told her, they wouldn't be needing her for a few weeks, until Monday the 25th; that was the day he was due back in New York again for the opening of the Supreme Court term.

After freshening up at home, Crater went to work in his chambers at the courthouse in Foley Square, near City Hall. He lunched Monday at a nearby restaurant, located at Broadway and Chambers Street, and visited his physician, Dr. Albert Raggi. Crater had badly injured his right index finger when a car door was slammed on it during his late-July visit to Atlantic City; two weeks later the finger was still described as "somewhat mutilated, due to having been recently crushed."

That evening, Crater, an avid theatergoer, went to see *Ladies All*, which billed itself as "a spicy comedy." He was joined by his friend William Klein, the attorney for the Shubert theater organization. After the show Crater, joined by Klein or perhaps by attorney Frederick Kaplan, or both men, moved on to the Club Abbey on West Fifty-fourth Street.

The World He Left Behind

There the judge spent some moments with Elaine Dawn, a singer and dancer who had recently appeared in *Show Boat* and *Artists and Models*.

Stella Crater later described Club Abbey as “a night club of sordid reputation which, Joe told me, he visited for ‘political reasons.’” The *New York World* described the Abbey as a “white light rendezvous” and “one of the smart club places in the fifties.”

Club Abbey was owned by Owen “Owney” Madden. Madden, a Liverpool native, had been a gang leader in his youth, later a leading bootlegger, an occasional backer of Broadway shows (including Mae West’s *Sex*), and a fellow with a violent past. Indeed, he was widely known in the underworld as “Owney the Killer.” In 1912, Madden had shot and killed a man; it was almost certainly not his first homicide. Two years later he had ordered the killing of another, and had been convicted of manslaughter and sentenced to twenty years in prison. He was released in less than half that time, and, perhaps sensing the opportunities presented by prohibition, appears to have sworn off killing. Instead he “bankrolled himself . . . by a few judicious armed robberies” and went into business as a club owner and bootlegger. His Club Abbey was frequented by such like-minded criminals as Jack “Legs” Diamond, Dutch Schulz, and Vincent “Mad Dog” Coll. Judge Joseph Crater visited the club at least twice, and likely quite a bit more often than that.

The next day, Tuesday, August 5, Judge Crater lunched with a colleague, Justice Alfred Frankenthaler, and perhaps also with Justice Louis Valente, the chief judge of his court. At some point Tuesday he wrote a check for \$50 to the Broadway Temple Methodist Episcopal Church, fulfilling

VANISHING POINT

part of a \$250 pledge he had made three years earlier when he had encountered the church's pastor in Senator Wagner's office. The church was the same one at which the Craters had been married in 1917, although they had long since stopped attending.

Later the judge went to the home of Dr. Raggi at 130 West Eleventh Street, relatively near his own apartment, for dinner and an evening of poker. It ended between midnight and one o'clock in the morning. According to later accounts, Crater's poker style was conservative: ". . . He did not toss in many chips. He was a shrewd and cautious player, seldom bluffing, and when he raised his friends knew that he had sufficient to win. His complaints, when they withdrew from the pot, were always delivered in a serio-comic tone that was one of his best-known characteristics at the club." When the poker game ended, Crater returned home for what would turn out to be his last night in his own bed.

□ Wednesday, August 6, 1930, was the fourth consecutive day of ninety-degree temperatures in New York. The low for the day was seventy-five degrees, at 8 A.M. The heat drove 200,000 New Yorkers to the Rockaway beaches. Three local residents died of heat stroke during the day; another four drowned seeking refuge in the waters surrounding the city.

The heat served to remind New Yorkers of a more severe weather problem facing much of the nation's interior—a terrible drought. A milk industry spokesman observed that "Conditions in the agricultural regions are the worst in decades, [with] bleak sun-baked acres of ruined crops and panting helpless cattle." Corn topped a dollar a bushel for the

The World He Left Behind

first time in more than a year. But at least one man saw a hidden blessing in this fact. Henry A. Wallace, the Iowa publisher (and future U.S. vice president), suggested for the newspapers of August 6 that “A year or two from now, when we look back, we shall see that the drought was the first definite thing which happened to stop the depression of 1930 and start the process the other way.”

It was already clear that the market decline of nine months earlier had foretold a “depression”—of the sort, perhaps, seen in 1921 or 1907. Wednesday was an important day for reporting corporate results, and the news was almost uniformly bad. General Motors said second-quarter operating net income had fallen 41 percent, and first-half results 35 percent, although the company had nonetheless earned \$53 million in the quarter and more than \$98 million for the six months. Woolworth announced that sales for the month of July had fallen 7.2 percent from a year earlier. And Woolworth was not alone: J. C. Penney saw July sales fall 6.6 percent, though they were still up 2.5 percent for the year to date.

On the New York Stock Exchange it was a slow day. Just 1,317,370 shares changed hands, fewer than one-tenth as many as had traded on Black Thursday ten months earlier. The Dow Jones Industrial Average fell four points this August day, to close at 234.38—down 61 percent from its pre-crash high, but up 18 percent from its post-crash low. In Great Britain it was announced that the ranks of the unemployed now topped 2 million, more than twice the level of a year earlier. In the U.S., 3 million people had been out of work as the year began; the number now stood closer to 5 million.

VANISHING POINT

Economic activity was not nearly at a standstill, however—not yet. The Empire State Building, the monument of former governor Al Smith, was rising at his urging. By August 6 it was 55 stories tall, and more than 3,400 men were employed in the effort to build it. The *Daily News*, the pictorial tabloid that had taken the New York newspaper market by storm since its introduction in 1919, had just recently moved into a monument of its own, an Art Deco tower on Forty-second Street.

The pressing question in partisan politics was not what to do about the economy but whether to repeal prohibition, now in its twelfth year. Everywhere, it seemed, the battle lines were drawn between “wets” and “drys,” with the wets seemingly ascendant. Their cause was being championed in New York State Republican ranks by no less than Columbia University president Nicholas Murray Butler. And the issue was well on its way to being settled in New York: votes had gone 4 to 1 for local option repeal as early as 1926; in New York City the vote was 7 to 1. In Virginia, a forty-seven-year-old local judge named Howard Smith, unacceptable to dry forces in the Old Dominion, nevertheless won a contested Democratic primary for Congress—tantamount to election. Thursday would bring a primary in Tennessee, in which it was expected that Congressman (and former Democratic National Committee chairman) Cordell Hull would move on toward the U.S. Senate.

“Judge” Howard Smith would spend the next thirty-seven years on Capitol Hill supporting a rearguard action in defense of the racial status quo, but elsewhere on August 6 there were signs that this status quo was eroding. Dr. Simon Drew, the “Negro Billy Sunday,” was honored in Harlem on his sixtieth birthday and took the occasion to praise New

The World He Left Behind

York governor Franklin D. Roosevelt. Blacks, Dr. Drew said, appreciated the attention Governor Roosevelt had paid them, and might be enticed by him away from their traditional home in the party of Lincoln. “Such a man” as Roosevelt, the preacher noted, “would be fitting for President of the United States.” Indeed, Roosevelt was already the front-runner for the 1932 Democratic presidential nomination.

For his part, FDR spent the day relaxing on the yacht of his friend Van Lear Black, as it lay at anchor in Long Island Sound. Nine years earlier Black, now publisher of the *Baltimore Sun*, had employed Roosevelt briefly as a banker. Roosevelt might have had mixed feelings sailing with Black—he had done so off the coast of Maine in 1921, just a day before first showing the symptoms of his polio.

“Negro” leaders other than Dr. Drew weren’t waiting for the 1932 elections to seek progress in race relations. Oscar De Priest, a congressman from Chicago and the first black to serve in Congress in twenty-seven years, continued his apparently futile efforts to place young men of his race in the service academies at West Point and Annapolis. The third black De Priest named to the military academy, Benton J. Brooks, Jr., failed the physical because of a “bad heart” and left the Point that Wednesday.

The opposition faced by men such as Brooks and De Priest was considerable. Help-wanted advertisements on the front page of the *New York Herald Tribune* specified the desired race of the future employee: a white “housemaker . . . German type preferred” in New Rochelle, a “colored” cook in Suffern.

In the wider world, however, this sort of narrow-minded cynicism gave way to nearly unbridled idealism, much of it

remnant of the Great War, in this, the eleventh year of the peace. The same front page of the *Herald Tribune* carried a daily thought from the nation's immediate past president, "Calvin Coolidge Says." Coolidge termed French Foreign Minister Aristide Briand's call for a "confederation of Europe" "probably premature" but "interestingly suggestive." And Congressman Fiorello La Guardia was this day returning from London, where he had done his own bit for utopianism at the Interparliamentary Conference. Only the stubborn insurrection of the Chinese Communists seemed to mar global politics.

It was not enough to distract most New Yorkers. Silk stockings were on sale at Lord & Taylor and Wanamaker's for a dollar a pair. Men's suits at Rogers Peet were \$30, or \$35 at Saks. Macy's offered a portable phonograph for just \$9.94. Median family spending in the city was running at \$3,000 for the year.

For those seeking spectator diversions, the Brooklyn Dodgers, known universally as the "Robins" after Wilbert Robinson, their manager since 1914, offered some promise. Having not won a pennant since 1920, the Robins beat Pittsburgh that August 6 and remained in first place by three and a half games. (Real Brooklyn fans knew better; the team eventually finished fourth.)

The Robins' crosstown National League rivals did something even more unusual that night—they played ball. Night baseball had first come to the minor leagues earlier in the 1930 season. On Wednesday, August 6, John McGraw's Giants played their first night exhibition game, against the Bridgeport Eastern League team before eight thousand fans in Bridgeport. (Bill Terry, leading all major league hitters at .407, was there, but McGraw stayed behind in New York.)

The World He Left Behind

In the American League, the Washington Senators beat the Philadelphia Athletics, but the A's retained their six-and-a-half-game lead and were on their way to their second World Series championship in a row. The Yankees, even with Lou Gehrig batting .381 and Bill Dickey .362, were no match for a Connie Mack squad led by Al Simmons, Jimmie Foxx, Mickey Cochrane, and Lefty Grove.

Sports fans who thought it was too hot to enjoy baseball might have found some respite in the news that Eleanor Holm had chosen this day to set a new world's record in the 150-yard women's backstroke.

In addition to *Dancing Partner*, a new comedy produced by David Belasco, theatergoers were lining up to see Douglas Fairbanks, Jr., in the film *Dawn Patrol*, while other fans of the talkies could see Frank Capra's *Rain or Shine*, Victor Fleming's *Common Clay*, or Howard Hughes's *Hell's Angels*, which opened Tuesday night. The Hughes film was being touted as "the first multi-million dollar talking picture."

Those more daring looked skyward for their diversions. Frank Hawks, piloting a Curtiss pursuit plane, spent the day setting an east-to-west transcontinental air record of fourteen hours, fifty minutes, forty-three seconds, making five stops en route from New York to Los Angeles. It was expected that Hawks, on his return flight, would eclipse Col. Charles Lindbergh's west-to-east record.

For his part, Lindbergh seemed content to let Hawks have the records. "Lucky Lindy" spent part of the day aloft with his wife. Ninety minutes in their Lockheed Sirius monoplane marked their first flight together since the birth of their son, Charles A., III—the "Lindbergh baby"—in June.

VANISHING POINT

Mrs. Lindbergh was a budding poet as well as an aviator, but today's literary news concerned others. From Montgomery, Alabama, came word that the local Kiwanis Club had elected H. L. Mencken a member. Mencken was scheduled to marry a Montgomery girl, Miss Sara Powell Haardt, on September 3. Meanwhile, in New York, Donald Freide, the publisher of Theodore Dreiser's *American Tragedy*, announced that he would appeal a \$300 obscenity fine levied against the book.

On a less profane note, President and Mrs. Herbert Hoover must have spent the day saddened by the death of Msgr. Ramon Mestres, the pastor of the Carmel, California Mission, and the man who had officiated at their 1899 wedding. The choice had been made by the future Mrs. Hoover, a Monterey native, who had sought and received dispensation to have the Catholic priest unite the Methodist bride and Quaker groom. New York City in 1930 was no less polyglot: 37 percent Protestant, 34 percent Catholic, 27 percent Jewish, with 2 percent of the population Eastern Orthodox. While the black population of the city had quintupled in the thirty years since the turn of the twentieth century, it stood at less than 350,000 out of a total of nearly 7 million.

□ All these events provided the background to a gathering upheaval in the judiciary and politics of the City of New York.

On August 6, testimony at the municipal corruption trial of "Horse Doctor" William Doyle showed that deposits in Doyle's bank accounts had exceeded his reported

The World He Left Behind

income for three years in a row. And the differences were hardly minor:

	<i>reported income</i>	<i>deposits</i>
1927	\$59,740	\$278,787
1928	42,286	158,974
1929	57,915	179,582

Doyle had come a long way from his days as a Fire Department veterinarian. When the department was motorized, Doyle used political connections to gain a transfer to the Bureau of Fire Prevention. He retired from that post after being indicted for failing to enforce the fire code in a building that later burned. But the curtain soon rose on this third act—as a practitioner before the city’s Board of Standards and Appeals, seeking waivers of various regulations. On at least forty-nine separate occasions, he managed to persuade the board to overturn prior rulings. As a contemporary journalist put it, “He was, of course, a broker in political chicanery; he admitted under oath later that he had split his rich fees [with officials of the agencies before which he practiced], but no investigating agency was ever able to force him to divulge the identity of his partners in bribery. Since he took most of his fees in cash the money could not be traced.”

On the same day Doyle’s deposits were being compared to his salary, Mayor James J. Walker suspended Tammany Hall district leader Martin Healy as first deputy commissioner of Plants and Structures. It must have been a painful moment for the mayor; he and Healy had been boyhood friends and had served together in the State Assembly as young men in 1918–1919. But Healy had left Walker little choice. Thomas Tommaney, the chief clerk to the sheriff of

VANISHING POINT

New York County, had just become the third person to invoke his privilege against self-incrimination in a grand jury investigation of whether Healy had sold a judgeship to Magistrate George Ewald.

Despite the three witnesses' refuge in the Fifth Amendment, testimony by others had already established the outlines of the transaction. In March 1927, George Ewald's second wife, Bertha, had cashed a check from her father in the amount of \$5,000. She had also withdrawn money from her childrens' trust funds. On April 26, Mrs. Ewald had written Tommaney a certified check for \$5,000. The next day, as Ewald's court appointment was announced, Healy made a \$5,000 cash deposit to his own account. One week later, Healy made another \$5,000 deposit, this one by certified check. Total payments: \$10,000, a bit more than the \$8,500 increase in Ewald's salary from his previous post as a deputy assistant district attorney.

But the Ewald-Healy grand jury was not done. Among the witnesses slated to testify on August 7 was Tammany district leader John Mara, father of Joseph Mara, one of Joseph Crater's closest associates. And Joseph Crater was president of Tammany's Cayuga Club, the club in which Martin Healy was district leader.*

□ Judge Crater returned to his chambers at about ten o'clock on Wednesday morning, August 6. What he was working on is not known, but it is likely that politics rather than law absorbed

*Clubs were the focus of Tammany's organization at the assembly-district level, the level closest to the voters. Each district had one or more leaders who served as Tammany captains.

The World He Left Behind

his attention. Only one, relatively trivial, case was pending on his docket, but he was expected to run for a full fourteen-year term as a Supreme Court justice in the fall.

Some time that morning, Crater asked Joseph Mara, his confidential assistant, to cash two checks and bring the cash back to him. One was for \$3,000 drawn on his account at the Chase National Bank, the other for \$2,150 drawn on an another account, at the Empire Trust Company. The Empire Trust check left \$12,000 remaining in Crater's account there, but the Chase account was nearly cleared out. (Later Mara lied about the amount of the Chase check, but eventually he admitted that he had cashed both checks for the amounts stated.) Crater received a brief visit from Simon Rifkind, perhaps while Mara was out cashing the checks. There is no record of what they discussed.

When Mara returned, Crater asked for his help in lugging to the Crater apartment six portfolios of assorted papers. The cases Mara and Crater used for the purpose were later found in the apartment, but the papers themselves were not. Crater also spent some time that morning destroying other papers.

Leaving chambers, Crater told his law secretary, Fred Johnson, that he was planning to go up to Westchester for a swim, presumably as a means of relief from the stifling heat of the day. (Between 11 A.M. and 1 P.M., the temperature in midtown had risen from eighty to eighty-seven degrees.) Dismissing Mara after the papers had been delivered to his apartment, the judge again mentioned going up to Westchester for a swim. Mara and Johnson both assumed Crater meant that he was planning to visit the Larchmont Shore Club, of which he was a member. While not a strong swimmer, Crater

VANISHING POINT

was fond of the water. The club, however, later indicated that Crater did not appear, and indeed had not visited its premises since June.

Instead Crater, as was his custom once or twice a week, had lunch at the Epicure Restaurant on Stone Street with attorney Martin Lippman. Later, at around 5:30 P.M., the judge telephoned an attorney, Reginald Issacs, about a case. Issacs owed Crater \$1,000 in connection with a legal matter from Crater's days in practice, but it is not known if they talked about this. At some point in the afternoon Crater had changed his clothes, putting aside the suit he had worn in the morning to be sent to the cleaners, and putting on a brown suit with thin green stripes and the wide lapels he favored. Self-conscious about his unusually thin, size 10 neck, Crater wore a high, stiff collar of the sort still favored by President Hoover but otherwise already moving well out of style. One writer has since noted that Crater "always looked something like a turtle walking upright."

At about 7 P.M., Crater asked at the Arrow Ticket Agency, 1539 Broadway, for a ticket to *Dancing Partner*, the Belasco production of a comedy by Alexander Engel and Alfred Grunwald. The show had opened the previous evening at Belasco's own theater on West Forty-fourth Street, and the *World* had called it "one of those glib brittle, machine-made romances." Crater must have enjoyed it; he had already seen a preview during his Atlantic City visit a few weeks earlier, on which he was accompanied by the Arrow Agency broker Joseph Grainsky. The judge was well known at Arrow, and a clerk later recalled that he said he would be returning to Maine the next day. While at Arrow, Crater also bumped into Frank Bowers, Collector of Revenue and a fellow native of

The World He Left Behind

Easton, Pennsylvania, and the two talked briefly. The agency clerk told Crater that a ticket would be waiting for him at the box office, and a ticket for seat D-110 was left in his name. It was later picked up, but it is not known by whom.

At about eight o'clock that evening, Crater entered Billy Haas's restaurant at 332 West Forty-fifth Street. There, already having dinner, were Shubert lawyer William Klein and the showgirl Sally Lou Ritz (*nee* Ritzi). They invited the judge to join them, and he did so. Crater ate lobster cocktail as an appetizer, chicken and vegetables for his main course, and pie for dessert, all washed down with coffee. Showtime for *Dancing Partner* was 8:40 P.M., but the dinner did not conclude until about 9:15. Perhaps Crater, having already seen the show once, was unconcerned.

The standard account of this tale says that Crater then hailed a cab down Forty-fifth Street, headed toward Ninth Avenue. That is curious on at least two scores: first, it would have left him driving in the opposite direction from the theater to which he was ostensibly headed; and second, it would have placed him in a very warm and uncomfortable automobile, with the temperature still at eighty-six degrees, when he could easily have walked just a few blocks to his destination. Moreover, extensive inquiry later failed to turn up any cab driver who had picked up the judge.

That is almost certainly because there was no such cab. The image of Crater hailing a taxi comes from Klein's initial testimony in a later grand jury inquiry—testimony made little mention of Sally Lou Ritz. But her account of the situation differed. She and Klein, she reported, left the curb outside the restaurant first, getting into a cab and heading off together to Coney Island. She saw Judge Crater standing there as they

VANISHING POINT

left. Faced with this, Klein changed his story, to say that Crater had moved off toward Broadway, and seemed to be hailing a cab. But it is not clear how Klein could have seen such a thing as he headed away from Broadway down the side street—and the illogic of Crater seeking a taxi remains.

Yet, if we can be confident that Crater did not hail a cab, we cannot be at all sure of what he did do. Did he go to the theater? We don't know. Did he return to Club Abbey? Elaine Dawn recalls two evenings there with him, and other witnesses said they saw him there twice with Klein, but one of these nights could have been the previous week, before his trip to Maine, and Klein was off to Coney Island with Miss Ritz.

The fact is that Joseph Crater's trail runs cold at Billy Haas's restaurant. After his dinner there, no one has convincingly admitted to having seen him ever again.