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THOMAS E. DEWEY  
AND HIS TIMES



SIMON and SCHUSTER

New York

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## The Chief

The law is bigger than money—but only if the law works hard enough.

—THOMAS E. DEWEY

It seems to me, old man, that you have the opportunity of a lifetime.

—A FRIEND, TO DEWEY, JULY 1935<sup>1</sup>

There was a new district attorney in New York in March 1935 when a grand jury was impaneled to investigate the policy game and bail bonding, on top of the regular round of felonies to which the D.A. gave his attention. William Copeland Dodge was a Tammany war-horse, chosen for the job by Jimmy Hines, and elected despite the Fusion victory of Fiorello La Guardia (and a stiff challenge from Ferdinand Pecora, who campaigned as a reform Democrat). Dodge seemed perfectly willing to overlook the industrial rackets proliferating in New York, adding twenty cents to the cost of trucking every barrel of flour into the city, making it twice as expensive to unload and crate a rail car of poultry as in Philadelphia, inflating the price of restaurant meals, kosher meats, vegetables, and milk. Rackets, according to some estimates, were soaking up a half-billion dollars from the city's already crippled economy. Policy diverted at least \$100 million more from the pockets of the poor, establishing a vast slush fund with which to bribe police and buy off politicians.

When the March grand jury began its work, no one expected much to come of it, especially as Dodge was in charge. The D.A. assigned as his liaison with the jurors, the youngest, least experienced man on his staff, a self-styled "child detective" named Lyon Boston. Before long, Dodge lost all interest and began talking instead of the threat of Communism in New York. But the grand jury, led by Lee Thompson Smith, a real estate broker and president of the Grand Jurors Association of New York, was not interested in prosecuting the *Daily Worker*, or chasing prostitutes, another target suggested for its attention. It wanted to get at the heart of racketeering in the city, and the civic corruption that followed in its wake.

Throughout March and April, a mounting war of words took place between Dodge and more zealous reformers outside the grand jury room, while Smith and his colleagues complained of something

less than full cooperation from the D.A.'s staff. Then, on May 12, a Congregational pastor and president of the Society for the Prevention of Crime, G. Drew Egbert, blasted Dodge for delaying tactics in a sermon preached from his Flushing, Long Island, pulpit. Lee Thompson Smith joined in the assault, publicly calling for the appointment of a special prosecutor, to be chosen by the grand jurors themselves. The next day, Dodge's assistants were forcibly excluded from the jury room. The bar association added its voice to the growing demand for an independent investigation, and newspapers fanned the flames.

On May 17, a list of six names compiled by past and current presidents of the city and county bar associations was submitted first to the grand jury and then to Dodge. One of the six was George Medalie. Young John Harlan, who had already made a name for himself on Wall Street, was another. At the top of the alphabetical list was Tom Dewey, fondly remembered by Smith for the Waxey Gordon trial, on which the jury foreman had sat and been impressed by the prosecutor's presentation and command of fact. Dodge regarded the list as a deliberate political provocation and he selected his own man for the job, a friend of both Max Steuer's and Nathan Miller's named Harold Corbin. Smith denounced Corbin as unacceptable, and Dodge threatened retaliation by discharging the entire grand jury.

"I am the District Attorney," he raged, "and not the foreman of some runaway grand jury. I don't intend to surrender."

Thus was born the saga—half truth and half legend—of twenty-three jurors who took justice into their own hands, a story powerfully aided by indignant journalists. "Dodge Gives Himself Away," one paper editorialized. Another spoke of "a sinister plot" to obstruct justice, and suggested that Dodge himself should resign. The sound and fury raged on, without any comment from Dewey, who was busily earning a good living in private practice. He did take time out to chide a good-government group in Chicago for considering abolition of the grand jury in that criminal paradise. Without the Lee Thompson Smiths of this world, gangsters would thrive unimpeded, "because businessmen do not dare complain, and they are the only available witnesses," he said. Only "an agent of organized crime" could advocate such a radical amputation on the body politic.<sup>2</sup>

On June 6, Harold Corbin declined the special prosecutor's job, and Governor Herbert Lehman was drawn in. Within four days, the runaway grand jury had suspended operations, but not without

having insisted beforehand on a prosecutor "of unusual vigor and ability" to combat a criminal element both well organized and well financed. Foreman Smith sat down with Lehman and asked the Governor for two things: a special prosecutor to focus attention on the policy racket, and an extraordinary term of the city's Supreme Court, to hear evidence and vote indictments. Lehman listened to Smith, to the grand jury, and to District Attorney Dodge. He reviewed the grand jury testimony, and conferred with Mayor La Guardia, Police Commissioner Lewis Valentine, and others.

Meanwhile, the name of Thomas Dewey kept popping up as a possibility for special prosecutor. Lehman, however, was reluctant to make the appointment. On June 24, he handed Dodge a new list of names, four in all; Dewey's was conspicuous for its absence. Publicly, the Governor worried about the former U.S. attorney's relative obscurity. Privately, it would appear, he worried about just the opposite. Lehman had no desire to build up a potential Republican contender for future office. Moreover Jimmy Hines was dead set against the choice of Medalie's protégé.

On the other hand, William O. Douglas, by then chairman of the Securities and Exchange Commission, spoke for many when he described Waxey Gordon's prosecutor as ideal for an even larger, more onerous investigation into the rackets of New York. Approaching Roosevelt braintruster Tommy Corcoran in late June, Douglas emphasized the desperate state of the city, and of a government drowning in venality. He urged Corcoran to get clearance for Dewey's appointment from the White House, so that Lehman, well aware of the President's protective attitude toward his home turf, would be relieved of any doubts over Roosevelt's attitude. Corcoran agreed to try.

"You never could tell how much the President was listening," when he was being asked to make a hard choice, Corcoran recalled, but at least FDR voiced no specific objection to Dewey's appointment, and word of his endorsement of sorts was duly passed north to Albany.<sup>3</sup>

On June 27, all the men on Lehman's revised list declined the position, citing "professional and public obligations," and recommending Dewey in their place. Now, the newspapers took up the plea and made it their own. "Make it Dewey!" one demanded. "He is poison to crooked officials, racketeer labor leaders, and dishonest judges," another argued.

June 29 was a Saturday, and Dewey was in Boston, giving away his cousin Elizabeth in marriage. Medalie and the others on the

Governor's list were at a stormy two-hour session in Lehman's apartment at 820 Fifth Avenue. A few minutes before one that afternoon, a haggard-looking Lehman appeared before reporters to announce that "despite all my endeavors," none of his preferred candidates would take the special prosecutorial job, and that, under the circumstances, he would urge Dodge to appoint "Mr. Thomas A. Dewey." If Lehman's error about Dewey's middle initial was indicative, perhaps he had been partly right about the young man's obscurity.

Somewhat better known was the sixty-two-year-old gentleman farmer from Connecticut whom Lehman appointed to preside over the extraordinary Supreme Court term sought by Lee Thompson Smith. Phillip J. McCook was a crusty, patrician World War I hero, three decades older than Dewey, in whom, however, the young prosecutor was destined to find a staunch ally.

Dewey was still in Boston, dressing for his cousin's wedding, when Lillian Rosse called with news that Smith was now publicly demanding his appointment. The actual announcement from Lehman did not catch up with him until he returned to New York and read about it in an evening paper. Then he went home, without comment. He hadn't planned for any of this to engulf his well-ordered life; he had expected to be in Washington for a trial early in July, then vacation for a few days in Owosso and Chicago.<sup>4</sup>

But by Monday morning, July 1, when he spoke for the first time to reporters pressing him for his answer, it was clear he had given the job a lot of thought. The prosecution would take a year or two to complete, he said, and call for a staff of twenty lawyers, "young enough to be free of entanglements, but old enough to have acquired the requisite experience." If he did take the job, Dewey made clear, he would broaden its scope far beyond the policy game, to include all forms of racketeering, organized vice, bail bonding, and political protection in the city. Most important of all, he would demand complete independence from Dodge and the existing district attorney's office. He spent less than half an hour in conference with an apparently amiable Dodge that same afternoon, before leaving the D.A. to make a formal announcement that Medalie's favorite would indeed accept Lehman's offer.

A few days after his appointment as special prosecutor, Dewey asked a crime reporter what "they" thought of him. Who was "they?" the journalist wanted to know, to which Dewey replied, "The underworld." To be perfectly honest, the reporter replied,

"they" regarded the prosecutor as a Boy Scout, hopelessly mismatched against their terrorist tactics and political connections. Leaping from his chair, crackling like a high-tension wire, Dewey spit out a prophecy: "In a few months, they won't be calling me that."

It seemed an impossibly optimistic forecast at the start of July. Dewey was like a general without troops, whose most potent weapon against the racketeers was civic outrage. He had no staff, no budget, no headquarters, no broad plan of attack, and only vague promises of cooperation from state and federal authorities. There was only Dewey himself, some crusading journalists, a mildly supportive governor, a flamboyant mayor, a hostile district attorney, a skeptical populace, and a cowed legion of businessmen and labor leaders willing to perjure themselves before telling the truth about the systematic extortion of money by racketeers. Even friends cloaked their congratulations in cheeky irony.

"This is a hell of a town," one wrote, "where the only fellow who knows anything about vice and rackets is a young squirt named Dewey." Editors foresaw a rugged contest between "courage and ability" and "an extremely potent combination of talent, money, and self-interest." One likened Dewey's task to charting the Gulf Stream, while readily admitting that accurate cartography would prove of national interest.<sup>5</sup>

Dewey himself realized his work would necessarily involve a multifront war. First, he would have to prove that a crime had been committed, that the "trade associations" or corrupted unions in professions from window washing and garment trucking to construction, taxicabs, baking, and boxing were actually illegal. Harder still, he would have to extract testimony from intimidated victims. To do this, Dewey would have to make himself more frightening than the racketeers. Those who knew him believed he could do it. "Dewey knows when to be lawless," said an elderly pillar of New York's legal establishment. Others were reminded of an earlier crusader carved from ice, the brilliant, bloodless enemy of insurance and utility cheats whose achievements earned him the governorship in 1908, and a shot at the White House against Woodrow Wilson. Charles Evans Hughes was on the mind of one Dewey correspondent who told him that "no other lawyer of our generation . . . has made the reputation you have in such a short time." One man offered his services at president-making, and received a lukewarm response from the new prosecutor.

"As to you being my 'Colonel House' or 'Jim Farley,'" he answered

late in July, "I honestly hope that I won't have any use for such a person, since, when I get rid of this job, I want to go back to private practice and again making a living." Admirers might look forward to great tomorrows, but Dewey found himself in a dark wood of dismal reality, the odds stacked heavily against him. He wasted no time in adjusting them. On July 5, he traveled to Albany to confer with Governor Lehman. It was their first meeting, and it would be hard to imagine two men less similar in background or outlook: the youngest of eight children of a German-born cotton merchant, a partner in the multimillion-dollar Lehman Brothers banking firm who taught three nights a week at the Henry Street Settlement House, a financial mainstay of liberal Democrats, himself nominated for second place on Franklin Roosevelt's 1928 ticket because of his close ties to Al Smith; and the country editor's boy from Owosso, hard-driving and bumptious, dynamic as Lehman was colorless.<sup>6</sup>

When he emerged from the Governor's office, Dewey pronounced his new superior "delightful" and Lehman's public words of support "a knockout." Before long, the relationship would founder on the rocks of mutual ambition and envy, but for now the Governor was squarely in the prosecutor's corner. So, it appeared, was Mayor La Guardia, with whom Dewey had a frantic twenty-minute conference in a car speeding toward Newark Airport. The prosecutor visited Washington on July 10, when Treasury Secretary Henry Morgenthau promised to turn his department "inside out" to help, and Dewey denounced inefficient Secret Service agents and a Treasury press relations expert who bribed waitresses to eavesdrop on restaurant conversations.<sup>7</sup>

From meetings with Attorney General Homer S. Cummings and J. Edgar Hoover, a friend from U.S. attorney days, Dewey returned to New York. There he found his crusade threatened by city clerk Albert Marinelli, a Tammany district leader who on his own had gathered a grand jury pool, and a perennial mayoral candidate named Henry H. Klein, who as head of the Five Cent Subway Fare party had attracted 2,600 votes in 1933. In an abstrusely worded appeal to the courts, Klein and his Property Owners Protective League dismissed the Dewey probe as a smokescreen to cover District Attorney Dodge's failure to prosecute "bond and mortgage racketeers." The prosecutor himself had a single-word retort: "Rubbish!" When Klein continued his quixotic campaign, Dewey amplified upon this slightly: "More rubbish!"

Klein's obstructionism was reflected in the city's Board of Estimate, dominated by Tammany holdovers, which was suddenly

moved to speak out against waste and extravagance, subjects on which it was an acknowledged expert. The board objected to Dewey's budget; he threatened to quit if it were cut. As chief assistant under Medalie, he had slashed office expenses 40 percent. The same conservative instincts were at work in planning the new investigation. No one working for Dewey was likely to get rich. The prosecutor himself was settling for the same salary as the District Attorney, \$16,695 annually. (Seabury, by contrast, had been paid \$100,000 for two and a half years' work.) Assistants would receive less, ranging downward from \$8,000 to a dollar a year, the salary paid aggressive youngsters freshly minted by the best law schools and recruited by Dewey as a practical solution to the shortage of money and manpower. Three dollar-a-year men were hired that July, assigned to research, and front-row seats in a legal drama of surpassing interest. In the end, powerless to do anything more than nibble at public confidence in Dewey and his motives, the Board of Estimate went along with a five-month budget of \$121,000.

The summer of 1935 was a time for precedents, and the new special prosecutor was busy making them. After Marinelli tried to limit his range with the grand jury pool, Dewey launched detailed investigations of each prospective juror, sniffing out political and underworld ties. He sought and obtained from Lehman permission to hire outside of regular Civil Service lists, placed an accountant in his own pay on the state tax commissioner's staff, demanded his own stenographer in order to prevent leaks from the grand jury, and held out for separate office space, away from the Criminal Courts Building, where Dodge had his quarters and clusters of Tammany acolytes imparted the flavor of a political clubhouse.<sup>8</sup>

New Yorkers sweltered through one of the hottest Julys on record, but the man whom friends suspected of carrying his own built-in deep freeze worked around the clock, writing letters of resignation from outside jobs, winding down a private practice, greeting delegations of civic well-wishers, honing his budget, and poring over blueprints for an investigative office that would be airtight. There were long phone calls to George Medalie and Joseph Proskauer, lunch with Lee Thompson Smith, meetings with Police Commissioner Valentine and U.S. Attorney Frank Adams. On July 23, Dewey dined with Arthur Sulzberger and the editorial staff of the *New York Times*, where he asked to be forgotten for a while, leaving behind the front pages for the prosaic obscurity of successful investigation.

To photographers, he promised cooperation and sought the same.



getting ready to fight and do so rather soon. It begins to look as if they will have to fight fairly soon or the Dictators will dominate Europe. Anyway you look at it, it is perfectly frightful."<sup>20</sup>

From his jail cell, Dixie Davis brooded on his friendship with Jimmy Hines. He sent Hope Dare to see the man he called Pop, and beg for his help. The showgirl was tossed out unceremoniously. Soon thereafter, Davis sent word to the D.A. that he wanted to talk. A furtive meeting was arranged between Dixie and Sol Gelb in Central Park. "You know what I'm interested in," Dewey told Gelb before he left. Within a week, Gelb was able to report back, "We've got a case against Hines." Jimmy was having problems of his own battling down unflattering accounts of his power and its abuse. The papers were filled with stories about his friendship with milk racketeer Joey Fay, and charges from reformers that Welfare Island prisoners could purchase parole through him. New Yorkers knew of the discovery of Hines's name among those regularly called by narcotics dealers, and the dollar bills handed out to faithful voters each election day in Hines's Eleventh District like candy on Christmas morning.<sup>21</sup>

"I'm damned tired of all this," Jimmy finally exploded. "Hines this and Hines that—and I'm going to bring it all out in the open." On May 25, 1938, Dewey gave him his chance, with an indictment alleging Hines's participation in a conspiracy to corrupt justice and promote an illegal lottery, namely, policy. The stocky red-faced borough chief turned himself in, professed unconcern about the charges, and basked in the admiration of his friends at the Monongahela Club. Then he hired as his lawyer Lloyd Paul Stryker, a one-time Republican soured on the party after the U.S. Senate failed to confirm his appointment by President Coolidge to a federal judgeship. Stryker was a man of limitless energy and ornate courtroom rhetoric, author of a book on Andrew Johnson, a crew-cut beefy figure who exuded power and was accustomed to having his way in any confrontation. By all odds, he was Dewey's toughest opponent yet.

At pre-trial hearings, Stryker charged the D.A. with a political vendetta, and demanded that Judge Pecora compel Dewey to provide a bill of particulars, including a detailed list of all judges and other officials supposedly corrupted by Hines. To do anything less, Stryker insisted, would usher in "a reign of terror, in which every judge—every Democratic judge—is left under a cloud of suspicion." Pecora agreed, and he would have gone further, forcing Dewey to

unveil the specifics of meetings, places, money, and the like, but for the prosecutor's successful plea that the decision be reargued.<sup>22</sup>

Dewey wanted a blue ribbon jury, from which, Stryker suggested, his opponent had dropped prospective jurors in the past for not voting guilty.<sup>23</sup> This brought Dewey to his feet denouncing "slimy, stinking accusations" and putting a jury pool clerk on the stand to refute the charge. There were fresh contretemps after a cameraman with a telephoto lens snapped a shot of Dixie Davis, supposedly being held under the tightest of security, reclining in his undershirt in Hope Dare's apartment. Livid, Pecora demanded an explanation from Dewey, who rather lamely informed the court that Davis left his cell to see a dentist, only going to his girlfriend's place to change clothes. By now, it was apparent that the Kid Mouthpiece was turning state's evidence. On July 30, he did so formally, and was released without bail in Dewey's personal recognizance.

A few days later, Dewey unveiled his bill of particulars, highlighted by allegations of corruption against former district attorney Dodge and two magistrates, Hulon Capshaw and the late Francis Erwin. The approaching trial promised to be one of the most unusual in New York's history, its cast of characters including a D.A. being boomed for the White House, a judge known to hanker after the governorship, a defendant largely responsible for Pecora's 1933 loss to Dodge, and a defense lawyer regarded as a forensic genius, whose contempt for his rival was reciprocated. "Don't be disturbed about the press reports of conflict in the courtroom," Dewey wrote his mother as the People versus James J. Hines approached the opening arguments. "It is highly necessary to cool off my noisy opponent once in a while. . . . I don't believe I can educate him into conducting himself like a lawyer, but I do think I can teach him that some things will do him more harm than good."<sup>24</sup>

Privately, the tension was beginning to tell. In a visit to his doctor, Dewey held out a set of deeply ridged fingernails. "Does this mean I have cancer?" he inquired melodramatically.

Of course not, Wilbur Duryee answered. It meant that the strain under which he worked was so great that his nails had stopped growing. It wasn't cancer stunting his nails. It was Jimmy Hines.<sup>25</sup>

The hours were brutal now, with all-night work the rule as the Hines prosecution took shape. Few honestly expected Dewey to win the battle; many resented him for making the effort. Even Judge Seabury, who had tried and failed to get the goods on the boss from Manhattanville, the onetime blacksmith and war hero, the man who stood up to Charles F. Murphy and won, said with a smile, "Jimmy

Hines is the most likable rogue I know." Then, too, Dewey had been embarrassed over the Davis-Dare visits. He stayed publicly silent when a state senator under investigation in a liquor bribe scandal put a .32-caliber revolver to his head and shot his brains out. He offered no encouragements to various Young Republican groups and upstate county chairmen who were floating his name as a possible gubernatorial candidate. He told his uncle early in May that the governorship "is definitely no part of my plans," and he dispatched Paul Lockwood with a letter saying as much to the statewide Young Republican convention. But on June 20, U.S. Senator Royal Copeland died, and Governor Lehman, whom Dewey considered unbeatable, suddenly announced his own interest in sitting in the Senate. With that, a Dewey-for-Governor candidacy seemed more credible. Meanwhile, White House political strategists like Jim Farley, who doubled as state and national Democratic chairman, found themselves without a candidate of their own. Farley tried unsuccessfully to persuade Senator Robert Wagner to come home and take on Dewey should the D.A. finally toss his hat in the ring. "If they draft me for Governor," Dewey wrote after Copeland's death, "I don't have to run, because I can refuse the draft. Such an event, however, would be avoided by a preliminary statement." As a declaration of non-candidacy, it was less than Shermanesque.<sup>26</sup>

Also in June, Dewey was embroiled in a controversy linked with efforts by the state constitutional convention to forbid any use of evidence obtained through wiretapping. Dewey denounced the idea as impractical and potentially dangerous. However incriminating such evidence might be, he said in doomsday tones, if the proposed amendment were adopted, "it must be given back by the people to the criminal . . . in other words, if a policeman makes a mistake in picking up evidence, then the guilty will go free." Support for his position came from his fellow district attorneys, and Mayor La Guardia, whose economic liberalism did not conceal a preference for ends over means when it came to gangsters preying on the poor. The Little Flower once called Police Commissioner Valentine to City Hall to confront a group of angry civil libertarians.

"Lewis, these people claim you violate the Constitution."

The Commissioner thought for a moment, then replied, "So do the gangsters." The Mayor beamed. The protesters were dismissed, and La Guardia returned to the task of running his city his way.

Two days after Dewey first criticized the wiretap ban, Governor Lehman joined the fray with a strong demand for constitutional restrictions on the practice. "History teaches that tyranny and op-

pression invoke the procedure of unlawful search and seizure," Lehman said, in words quickly seconded by the American Labor party. What the public didn't know was that Lehman had reason to believe that Dewey, before becoming special prosecutor in 1935, had, in common with other New York lawyers, used wiretap evidence in his private practice. For the D.A., the fight was turning into a no-win battle, threatening both his cherished dream of a fall alliance with organized labor, and the wiretap material already gathered for use in the upcoming Hines trial. Compromise was the answer—not much of a compromise, only a practically meaningless ban on "unreasonable interception of telegraph and telephone communications," which would still permit such evidence "if time or other circumstances have prevented police officers from obtaining a search warrant."<sup>27</sup>

It was a muddy pond in which delegates to the constitutional convention swam, where white hats were stained and old alliances weakened. Lehman himself had once proposed universal fingerprinting as a weapon against crime, and lent support to a bill introduced by Herbert Brownell that would have forbidden known criminals from consorting in public or private. Dewey could count among his winning majority for the watered-down amendment such Democratic luminaries as Al Smith. "You are becoming as good a politician," Leonard Reid told him at the end of July, "as you are a prosecutor." Reid arranged a meeting between the D.A. and Landon's 1936 running mate, Frank Knox. George Medalie hired a young economic researcher named John Burton to prepare speech material if and when Dewey entered the race for governor. In one portentous month, the prospective candidate met with Landon, Hoover, national GOP Chairman John Hamilton, Walter Lippmann, and the prickly county chairman with national aspirations of his own, Ken Simpson.<sup>28</sup>

But after the wiretapping controversy, something seemed missing. A chink appeared in Lochinvar's golden armor. Innocence had been sacrificed to ambition. *The New Yorker*, tart voice of cafe society, was not alone in rethinking its hero worship. It now recalled how Dewey, to nail Luciano, had held 125 witnesses incommunicado, set impossibly high bails, traded freedom and overseas travel for testimony, and used threats of tax prosecution as a club with which to compel cooperation. "He could lock you up in a minute if he wanted to," the magazine quoted an unnamed attorney. "He's potentially more dangerous to constitutional freedom than Mayor Hague" (a reference to the undisputed power of the boss of Jersey City). Sadly *The*

*New Yorker* clucked its tongue and shook its world-weary head. The white knight from Owosso, it concluded, had turned into "just another guy we have to watch."

Reporters from Boston, Chicago, Philadelphia, and a dozen other cities joined their New York counterparts packing Room 148 of the Supreme Court Building in Foley Square on August 16, 1938, when the fight already billed as the Bulldog vs. the Tammany Tiger at last got under way. "The Battle of the Century" bannered the *New York Mirror*. The *Daily News* featured its "Courtroom Clock," with exhaustive hour-by-hour reports of the duel between Dewey and Stryker. All the major dailies ran page after page of transcripts and employed courtroom artists to evoke the atmosphere inside the stifling chamber where the air conditioning was turned off so the soft-spoken prosecutor could be heard. It was a trial of almost comic extremes, the kind of underworld pageant that a hungover Damon Runyon might have dreamed up for sale to Hollywood's moguls. There was Little Joe and Big Harry, Misfit and Spasm and badminton-playing gangsters. There was a boycott of photographs of the prosecutor after Dewey banished the photographers to the front steps of the courthouse for snapping Frances without her permission. Hanging over everything else, unknown but guessed at in the D.A.'s entourage, there was Judge Pecora's own political ambition. Just before the trial began, it was stoked in a secret courtesy call from Tommy "the Cork" Corcoran, an old friend of Pecora's from SEC days, now ambassador without portfolio from the Roosevelt White House. Pecora was given to understand, in words that any hopeful man was bound to interpret as a pledge, that his gubernatorial aspirations were looked upon with favor by the President. But of course, to have any hope of realizing them, the judge did understand that Tom Dewey must first be headed off? Pecora most certainly did.<sup>29</sup>

The D.A. arrived at the courthouse that morning without briefcase or papers. The case had long since been committed to memory. Near the back of the eight rows of benches set aside for spectators sat Geneva Hines, a gray-haired captain from the Eleventh District and mother to Jimmy's three stalwart sons. One row behind the Hines family sat Frances Dewey, who told reporters that her continued attendance at the trial would depend on her children. Like everyone else in the tightly guarded courtroom, she strained to hear her husband begin his case, telling of a 1932 meeting attended by Hines at which the district leader agreed to provide political and judicial protection for Schultz's policy racket in exchange for \$500 a week.

Dewey verbally introduced other policy kingpins, men like Pompez, Ison, and his old adversary Henry Miro. He described the methods used by Schultz to take over the game, and defined Dixie Davis as the go-between who paid Hines his weekly salary, later augmented to include campaign funds for Hines's 1933 district attorney candidate, William Copeland Dodge (chosen, according to the boss, because "he's stupid, respectable, and my man").

When his turn came, Stryker slashed the air with his right hand and denounced the moral caliber of Dewey's witnesses. He successfully detoured the prosecutor from his customary game plan of mentally building up the racket in a jury's mind before turning to specific participants able to link its operations with a defendant on trial. Already, Pecora had overruled Dewey's request that the jury be allowed to take notes. Now he ordered the D.A. to call, not the policy bankers for an overall view of the game, but a witness who could shed light on the alleged conspiracy itself. George Weinberg, tall, conservatively dressed, persuasive on the stand, came forth to describe the meeting on Washington's Birthday 1932 at which Hines guaranteed protection throughout Harlem, including the neighborhood courts. According to Weinberg, Jimmy was a man of his word, who regularly had nosy cops transferred and raids on policy banks discouraged.

Wilfred Brunder described the game in general terms, and Spasm Ison—so named for the peculiar expression frozen on his face—told of paying \$5,000 into the Democratic campaign fund in 1933, along with regular contributions to Hines's Monongahela Club. Julius Williams, a red-haired district captain in the Hines organization, blew up in Dewey's face, repudiating his own grand jury testimony and insisting that Sol Gelb and Frank Hogan had forced him to sign a statement against Jimmy. Throughout Dewey's questioning, Stryker peppered the air with objections, until slapped down by his exasperated opponent. "He's not my district captain," Dewey said. Pecora ordered the remark stricken.

The bickering went on, until it consumed more time than witnesses' testimony. One morning, open warfare broke out when Pecora left an impression that Stryker should feel free to object whenever he liked. The judge, Dewey asserted, was treating the District Attorney like "an interloper in the courtroom," and apparently didn't feel that he, Dewey, "is as good as the defense counsel." When the tantrums subsided, George Weinberg was recalled, this time to record a conversation between Hines and Magistrate Hulon Cap-

shaw on the steps of a Democratic district club following a beefsteak dinner to raise campaign funds.

According to Weinberg, Hines told Capshaw, "Judge, I have a policy case, a very important one. Would you be able to handle it for me?" to which Capshaw answered, "I have never failed you yet. I will take care of it." Weinberg, who managed the policy banks for Schultz, also testified to delivering money to Hines at his apartment at 444 Central Park West. The last statement sent Hines to his feet, shaking his finger and shouting, "You know you lie." As Stryker later proved, Hines didn't live at the Central Park address until a few weeks after Weinberg claimed to have met him there, and Dewey was frankly worried about the effect of the mental slipup.

When the turmoil quieted, Weinberg went on, recalling the delivery of \$15,000 in Schultz money for Dodge's election in 1933. His story was confirmed afterward by Dodge's own campaign manager. A graveyard of memories surfaced before Weinberg was through: Vincent Coll and Abba Dabba, and the dead Magistrate Erwin who dismissed cases within forty-eight hours of a request from Davis to Hines. Weinberg named at least half a dozen cops exiled to remote precincts after making policy raids. Even before Stryker set upon the witness, his objections to the way Dewey interviewed Weinberg led him to ask for a mistrial, and Pecora to jump in and rephrase Dewey's own questions so that they might be more acceptable.

Angry with Stryker and annoyed by Pecora, Dewey testily rebuked the bench. "May I suggest, Your Honor, that you permit me to examine the witness?" Finally, at five minutes before six, with Weinberg finished and trembling outside, Dewey casually asked permission to introduce the first of his "four-minute witnesses," a business man who could ill afford, as he put it, to spend another day away from his books. Enter Dudley Brothwell, proprietor of a Connecticut riding school where Dutch Schultz came often to admire his racehorse Sun Tan, and meet with Jimmy Hines at a time when every law enforcement official in New York was looking for the Dutchman.

Brothwell's evidence came at the end of a tough Friday, a salvaging climax to the first week's testimony. But Stryker had scored too, especially in his handling of George Weinberg, and outside in Foley Square the odds had shifted in Hines's favor.

Much of the case's fascination for the press and celebrities who flocked to see it lay in the *affaire d'honneur* between the opposing at-

torneys. If Pecora offended Dewey with what seemed a consistent pattern of unfavorable rulings, it was as nothing compared with the effect the D.A.'s courtroom manner had on Stryker. While the defense went through its cross-examination, the prosecutor rocked back and forth at his table, eyes half-closed, glasses dangling from one ear. When his chair stopped creaking, Dewey chose crucial moments in which to rise and stride over to the courtroom water fountain. He did this so often and at such detriment to Stryker's concentration that he finally waved him aside, filled a dixie cup, and handed it to his rival. The contrast in styles was mirrored in technique. Dewey was all smiles and good temper, courtroom observers wrote, while Stryker scowled indignantly. In landing a solid blow, the D.A. looked past the jury, to the press, flashing his great brown eyes like a high school tragedian vindicated of base allegations. To Damon Runyon, he was a "firstrate thinker and a whiplash on examination," who lured spectators to the edge of their seats with his quiet tone, and provoked Judge Pecora to red-faced anger. Once, Pecora bawled him out for failing to stand up when rendering an objection. Another time, Dewey blew himself up like a bullfrog and imitated Stryker's end-of-the-world oratory. "I don't think he said it in just that tone of voice," Pecora replied, his temper barely controlled.

While the principals clashed over procedure inside, outside the courtroom a thousand or more spectators besieged everyone leaving for fresh news. New Yorkers lined up each morning at seven o'clock to get a ringside seat. They heard Dewey interrogate former Tammany boss John P. Curry, a Hines foe who provided details of police transfers; and Stryker once more demanded a mistrial after Dewey asked Curry if such a practice was known as "being broken." They sat almost breathlessly when Dixie Davis finally came forward to talk freely about the famous runaway grand jury of 1935, and how Dodge tried to deflect it from investigating rackets once Davis lodged a complaint with Hines. It seemed that Dodge assistant Maurice G. Wahle was "digging too deeply" for comfort, according to the Kid Mouthpiece, and Hines obediently asked Dodge to lay off. When next Davis went before the grand jury, Wahle was gone, replaced by Dodge himself, who was contented with a few general questions before excusing the racket lawyer for good.

But events got out of hand, Davis recalled. Governor Lehman intervened, and demands for a special prosecutor became irresistible. It was then that Davis, contemplating the appointment of Dewey, had panicked and gone to see Hines in the company of James D. C.



Murray, another prominent criminal lawyer. "He will probably have us all indicted," Davis had warned Hines, who promised to talk to Dodge about the matter.

Davis emptied paper cup after cup as he told of thousands of policy dollars paid into Hines's account, and of a meeting with Schultz at which the gangster said of Jimmy, "Give him anything he wants," followed by a \$2,000 down payment and weekly installments thereafter. He described meetings on the third floor of the Monongahela Club where Hines handed over stacks of cards with phony names and addresses, to be given in turn to mobsters who would vote repeatedly under the names they contained. Davis also remembered giving Hines large amounts of cash each election day in the club's basement. Only once did his voice seem to shake and his glib confidence grow pale—as he related, for the first time in public, the gruesome details of Jules Martin's murder.

Stryker constantly interrupted the grisly tale with objections, but when he tried to demolish the substance of Davis' story, he found the Kid Mouthpiece a wily adversary. "But you must have misunderstood me, Mr. Stryker . . ." Dixie said over and over. "What I said was . . ." When he was excused, Dewey called another four-minute witness—again it was a Friday afternoon—and this time the testifier was Davis' own sister, come to tell of delivering a \$500 check endorsed by J. Hines.

U.S. Treasury agents exhumed old wiretap transcripts which had Hines calling Davis for his weekly payment. Harry Schoenhaus, Schultz's sleepy-eyed bookkeeper, swore that Hines was on his payroll for three years, and that he, too, had passed on \$1,500 in policy money on Election Day 1933. A fire chief from Troy, a friend of Hines's and also a Democratic county chairman, put on the record repeated phone calls from his big-city ally in which he and the Troy police force were instructed to "stop pushing Dutch Schultz around."

On September 7, Dewey rested his case, Stryker ritualistically moved for a dismissal of charges, and Pecora, hesitating, encouraged defense counsel to press his demand. The judge thought the conspiracy angle weak. Moreover, since the policy banks had been moved to New Jersey in 1935, Pecora publicly questioned his own jurisdiction. Only a furious counterargument from the D.A., buttressed by a twenty-six-page brief prepared over the weekend, saved Dewey from the ignominy of having his biggest case summarily thrown out of court. He could not know that events would prove it only a temporary respite.

Now it fell to Stryker to cast doubt on Dewey's carefully rendered portrait of Hines as corrupt heir to the tradition of Boss Tweed. Already he had characterized Dixie Davis as "a crook lawyer," George Weinberg as "a rattlesnake," and Harry Schoenhaus as "a fat, weak, and stupid slob of a man." Now, he called Lyon Boston to the stand to refute the D.A.'s allegations against William C. Dodge. Boston twisted a Phi Beta Kappa key in one hand as he told of conducting a nine-month rackets investigation in 1934, a probe that netted one lawyer and a few policy runners. He moved on to the runaway grand jury. "Tell the entire story" of his association with that body, Stryker instructed the witness, who responded with a reiteration of Dodge's orders to conduct a fair inquiry, as well as the split between Dodge and the grand jurors over the latter's insistence on indicating Jimmy Hines.

Then Dewey took the floor and quickly established that Boston was made head of the rackets inquiry despite his status as Dodge's youngest, least experienced, least paid assistant. Was Dewey trying to prove Boston incompetent? Pecora interrupted. "I want to show that this man was assigned to the utterly impossible," the D.A. replied, "all alone, and was deliberately so assigned by his superior." Amidst a storm of objections from Stryker, Dewey extracted the precise limits of Boston's criminal investigative background prior to 1934, "as a child detective during the war." Boston also admitted knowing next to nothing about the activities of Dutch Schultz. He said that Hines's name had crept into the grand jury minutes in a reporter's testimony, but that he had not followed up the mention, considering it to be "incompetent."

Dewey asked if Boston recalled any mention of Hines by William F. Morgan, La Guardia's commissioner of markets. According to the witness, the grand jury's bias against the Tammany leader was hard to understand, because the only reference to Hines and racketeering had come in some hearsay from a reporter. But Dewey knew otherwise. He knew that Morgan, Police Commissioner Valentine, and others had linked Hines to the rackets in appearances before the grand jury. Now, in an effort to punch fresh holes in Boston's credibility, the D.A. pressed for details of Morgan's sworn statement.

"Didn't you remember any testimony about Hines and the poultry racket then by him?"

Like a sputtering rocket, Stryker shot up. "I demand a mistrial, Your Honor. I demand a mistrial!" Surprised and unnerved, Dewey fixed his eyes on the bench. "The subject was raised by the defense,"

he declared. Pecora would have none of it. "There was no such subject opened up," the jurist said with anger evident in his voice, "and I think you should not refer to it in any way, shape, or form." The matter might have died there, with a verbal reproof, but Stryker continued to shout his demand for a mistrial, and Dewey offered to discuss the whole thing with the bench. A flustered Pecora finally slammed his gavel down with an abrupt announcement that he would consider the entire matter over the weekend.

It was two-twenty on a Saturday afternoon. Within twenty-four hours, Stanley Fuld and Felix Benvenga were ushered into Pecora's study carrying a twenty-page brief upholding Dewey's position. Both were assured by the judge that no mistrial was likely to be granted. On Monday morning, Dewey and Stryker debated again in chambers, and then, a few minutes before three, Pecora ordered the doors to Room 148 locked, and guards posted to prohibit any newspaper copy from going outside until he was finished. He began to read a two-hour polished opinion ("Pecora," Dewey said afterward, "was one of the longest-winded creatures God ever made") while the D.A. sat motionless, his only betrayal of emotion the crimson coloring slowly rising above his shirt collar.<sup>30</sup>

"It is one thing to say that a fourteen-word question could not, by any standard of imagination, prejudice a defendant in the course of a trial after 4,600 typewritten pages of testimony had been taken. A sounder analogy would be that one drop of poison taken into the human system might kill the individual."

With that, Pecora declared a mistrial, and inaugurated a scalding debate among legal scholars, editorial writers, and political odds-makers. Asked by the court clerk if he wished to concur in the decision, Dewey snapped, "I certainly do not. I am of the opinion that the question as asked was correct and proper . . . unfortunately, however, the People of the State of New York have no appeal from this or any other of the decisions in this case."

Outside the courtroom, where on earlier days lawyers gossiped and office boys took issue with Western Union deliverymen, Hines was greeted by a ten-gun salute of flashbulbs and the cheers of a large, happy crowd. For the first time in his career, Dewey heard the ugly cacophony of boos and catcalls as he hurried to a car that would return him to Centre Street. For a few minutes, he closeted himself inside his office, then emerged demanding to know why everyone else was so gloomy. "Let's get to work," he ordered jauntily. "There'll be another trial. And we'll win it." The same message was conveyed to the press late that night, after a meeting with Medalie

and others concerned over the political fallout of the case. "Make no mistake," Dewey promised New York, "Hines will be brought to justice. I will move for a new trial at the earliest possible date." The defendant meanwhile complained of suffering "a bad break" in Pecora's decision, since Dewey so obviously had no real evidence against him. Then, jovial as ever, Hines asked reporters if Hitler had done anything yet to take his own name off the front page.<sup>31</sup>

The *New York Times* led the chorus of those who felt Dewey had been cheated of victory because of a legal technicality. It was a point of view shared by most editors and relatively few trial lawyers. Drew Pearson claimed that the debacle finally exposed the D.A. as a "slipshod" and arrogant courtroom practitioner. But in Detroit, Luise Rainer opened in yet another film based on the Gangbuster's heroics, and from Kansas, Alf Landon rejoined that Pecora's decision had boomeranged.

"The public psychology is that politics entered too much into the court's decision," the 1936 Republican standard bearer wrote. "You proved your case as far as the bulk of the public is concerned and therefore you have a measure of sympathy . . . which does not ordinarily go to the prosecutor." Landon had been approached by prairie politicians in his own state seeking his opinion about 1940. When they heard the name of Dewey, they likened the New York District Attorney to Theodore Roosevelt. "There you are," Landon concluded. "I hear that everywhere."<sup>32</sup>

Columnist Raymond Clapper spoke for Americans of many ideologies who looked on Dewey as "a live figure in a party of snoozing stuffed shirts." Within a week of the mistrial, his chances to be governor actually seemed greater than ever. For the record, he continued noncommittal, but Dewey's interest was made clear when George Medalie showed up in Albany to review every jot of the Republican party's proposed platform before it was submitted to the state convention on September 29 at Saratoga Springs. Medalie argued successfully for a liberalized program designed to suit his protégé from 270 Lexington Avenue.

Not every Republican liked what was happening; the Borough President of Queens, for instance, threatening to run as a conservative independent, charged that Dewey was nothing more than a puppet for Medalie, who would, if elected, turn the state over "to the Communists"—his euphemism for the CIO and AFL.

While an old friend looked after Dewey's interests in Albany, a new one swung the weight of science behind a formidable decision on running. Earlier in the year, Dewey had befriended a promising



seat on the Supreme Court in 1932, awarded the lucrative receivership of a New York subway to a prominent Catholic layman who was willing in return to bend the presidential ear. It had done no good; Hoover had taken an instant dislike to the pushy Manton, and named Benjamin Cardozo instead.

Dewey was also able to link the old "loan" of \$25,000 to Lepke and Gurrah, the price of their release on ridiculously low bail, and compile a lengthy list of cases in which Manton had sold his judgments, reaping more than \$400,000 in the process. Within twenty-four hours of Heath's disclosures, Attorney General Frank Murphy, whom FDR was predicting would soon outclass Dewey as a gangbuster, announced his own investigation. As with Richard Whitney, Dewey found himself racing against an envious law enforcement rival, while Manton dropped hints of his willingness to leave the bench forthwith if assured of immunity from prosecution.<sup>8</sup>

It was an eventful period for the District Attorney and his men. On January 26, 1939, Dewey was back in the courtroom, handling jury selection for Jimmy Hines's retrial. Two nights later, as was his Saturday custom, he stayed up until three in the morning playing poker with Pat and Marge Hogan, then went into work on Sunday morning to confer with Goody Goodrich and others on Manton's financial skullduggery. While he was there, word came of the jurist's impending resignation. "If this is true," Dewey told his mother, "he will be the sixth public official I have driven out of office in the last four and a half years . . . a sad list but in the interest of the community, nowhere near long enough."<sup>9</sup>

Dewey had no intention of permitting Manton to take a dive, with or without Washington's connivance. He marshaled the evidence at hand, and was dictating a long letter setting forth the allegations for Hatton Sumners, Chairman of the House Judiciary Committee—under whose jurisdiction any federal action against the nation's ranking federal court judge would fall—when investigator Bill Grafenecker burst into the room.

"Weinberg's killed himself."

First silence, then consternation greeted the news that Dewey's star witness against Hines had blown his brains out in the White Plains mansion where the D.A. had secreted him, along with Dixie Davis and eight plainclothesmen. Having suffered through Stryker's bruising cross-examination at the first trial, dubious of his chances for survival in a jail cell, Dutch Schultz's bank manager had slipped into a bathroom and shattered the calm of a Sunday morning in Westchester with a single shot in the head.

"That son of a bitch," Dewey muttered, half to himself. His anger was directed not at Weinberg but Pecora. There was no time for re-creation, though; a way had to be found to salvage the Hines case. Why not simply read Weinberg's testimony from the first trial's transcript, suggested Goodrich. Of course, the D.A. agreed. It was perfectly legal, "and it had to come from someone who isn't a lawyer."<sup>10</sup>

The next morning, the *New York Times* carried news of Manton's resignation, and the full text of Dewey's letter to Representative Sumners. At 137 Centre Street, all that was ancient history. Somehow, news of Weinberg's suicide had to be broken to the jury, and a dead man summoned to the witness stand.

Inevitably, the second Hines trial lacked the drama of its predecessor. Permeating the testimony in a half-empty courtroom was the feeling of warmed-over sensationalism, legal used goods. The jury learned of Weinberg's death in a tactful, restrained account from Judge Charles C. Nott. Two Dewey assistants re-enacted Weinberg's original appearance, followed by Stryker, whose emotional rendition failed to stir the jury from its boredom. Jurors' faces creased with curiosity only when Mrs. Dutch Schultz took the stand as a prosecution witness, to recall meeting Hines with her husband in a popular night spot and being instructed by "Arthur" to immediately forget the encounter. Harry Schoenhaus remembered forking over \$2,300 so that Hines could buy Thanksgiving baskets for the poor of his district in 1932. Dixie Davis relived his warning to Pop on the links at the time Dewey was being boomed for special prosecutor.

Hulton Capshaw took the stand to deny having been influenced by Hines or Schultz in his courtroom, but Dewey sensed an opening, and quickly breached the magistrate's defenses. Capshaw admitted ordering the arrest of a policy informer at a time when Schultz was known to be on the lookout for squealers. "Did you want the underworld informant murdered?" Dewey asked, prompting a mistrial demand (the sixth) from Stryker.

Dewey had prepared a similarly grueling reception for former district attorney Dodge. Might his relationship with Hines, the D.A. wondered, be likened to that of a mother and her son? "I've never been a mother. I can't say," Dodge cracked, to appreciative chuckles from courtroom spectators. Dewey had the last laugh. He produced a thick volume of grand jury testimony and quoted Dodge using precisely that homely metaphor on July 22, 1938. Next, he held up a roll of names, contributors all to Dodge's 1933 campaign. One was a

WPA worker down for \$250. Others were minor courthouse employees said to have given \$500 apiece. Still other gifts were attributed to people who didn't exist, or who, when questioned by the D.A.'s men, denied having made any such donation. A sneer at "gangster contributors" prompted yet another mistrial request from the defense, and wrangling so heated that Judge Nott threatened to fine both men.

On February 22, with Hines apparently prepared to take the stand in his own defense, Dewey resorted to a psychological stratagem. That morning, he had wheeled into the courtroom a large file cabinet, its contents correctly diagnosed by Stryker as material for a withering cross-examination. Outside, hidden under the watchful eye of assistant D.A.s, was Dewey's ace in the hole—none other than Hines's mistress, kept under wraps but ready to blast apart what remained of Jimmy's reputation as a God-fearing family man. It was a measure of Dewey's anxiety over the result. Ordinarily, he warned his men against making a big deal out of mistresses. After all, he explained, no prosecutor could ever be certain that no juror had one of his own.<sup>11</sup>

Jimmy Hines didn't testify that day. Instead, Stryker summed up his case by roaming far afield in a search for historical and spiritual allusions. He reminded his listeners that Jesus himself had sat with "publicans and sinners" and in an impassioned parody of Patrick Henry, implored the jury, "If you can't give him liberty, give him the electric chair . . . take twelve iron bars and beat his head in."

Dewey could not resist a verbal sideswipe at his opponent's excess, wondering out loud if Stryker had swallowed the dictionary, and vowing to make no emotional detours to Gettysburg, Williamsburg, Germany, or Soviet Russia. The facts spoke for themselves, he declared, even Capshaw's lies. Stryker had attacked Schoenhaus' credibility, an idea Dewey found contemptible. Schoenhaus, he maintained, "is too stupid to lie . . . if he could lie, I am a wooden Indian with tin ears." Look at the facts, at the cops transferred, the campaign contributions, the cooperative magistrates, and the flourishing policy game. Think on the many identifications of Hines together with Schultz. Ponder the inside stories of Dixie Davis and the late George Weinberg.

Dewey professed indifference to Hines's sentence. "The important thing is that you declare to the people of New York, the police of New York, that they are free, that they won't be betrayed any longer by a corrupt alliance between crime and politics." On February 24, 1939, with two dozen seats in the dingy general sessions courtroom



vacant, the jurors did just that. Stryker wept. Hines said he felt as if he'd just been kicked in the belly. Dewey slipped into a quiet room to dash off a statement thanking by name each member of his staff involved in the case. He declared the verdict "a victory for decency," a feeling most of America seemed to share.

In Chicago, Colonel Robert McCormick's fervently anti-New Deal *Tribune* splashed a banner headline across the front page hailing Dewey's triumph over "Roosevelt job giver . . . Boss Hines." Columnist Ernest Lindley proclaimed the D.A. the most talked about, most admired young man since Charles Lindbergh flew the Atlantic alone. Caldwell, New Jersey, renamed a street in Dewey's honor. Republic Films announced plans to make a movie based on the Hines case, and in 14,000 theaters across the country, 55 million moviegoers saw pictures of the Gangbuster in Movietone, Pathé, and other newsreels. A woman in Brooklyn called Fred Allen's radio broadcast to predict a pennant for the Dodgers; Allen quipped that if the team won two more games that season, Dewey would investigate them. *Good Housekeeping* wanted to profile the D.A. So did *The New Yorker*, *True Detective*, and the *Jewish Morning Journal*. At the Inner Circle, Gotham's facsimile of Gridiron, "Diogenes Dewey" was portrayed looking for an honest man, while a chorus sang, to the tune of a popular song . . .

Who has served faithfully?  
 Guiltless of bribery?  
     Juries wearing ribbons of blue  
 Check up on whatever you do.  
 Who isn't being sought?  
 Who hasn't someone bought?  
 Who'll be the next one caught? Who? Who?  
 Maybe it's YOU!<sup>12</sup>

The Hines trial completed Dewey's metamorphosis from local figure to national hero. It also sent his presidential stock soaring. In the Gallup poll, he went from 27 percent among those Republicans with a preference for their party's 1940 nomination to 50 percent, far outdistancing his nearest rivals, Vandenberg and Taft. In May, Gallup weighed in with a survey testing the D.A. against Roosevelt, a mythical match-up, given the two-term tradition, and showed Dewey in the lead, 58 percent to 42 percent.

Democrats took note; six of seventeen articles in the next edition of the national committee's newsletter were anti-Dewey, and the President himself confessed concern over facing the Gangbuster to

Jim Farley when the two men met at Hyde Park in July. Similarly, FDR's former law partner, Basil O'Connor, took his own informal poll among customers in Southwestern hotels, theaters, and restaurants and reported himself "flabbergasted" by the trend toward Dewey, which O'Connor called "overwhelming."<sup>13</sup>

It was a situation without precedent in American history. A thirty-seven-year-old prosecutor for president? Dewey himself maintained afterward that he had a sense of "unreality" about seeking the White House from the office of the District Attorney of New York County. Prior to his victory in the Hines trial, he urged at least some old friends to disregard the optimistic polls. Public opinion was, after all, a fickle creature. Yet, behind the facade of disinterest, an overheated engine of ambition was stoked with flattering reports from around the country. "To my great surprise," Dewey discovered New Jersey's Arthur T. Vanderbilt, deliverer of that state's delegation for Landon in 1936, to be in his corner now. He lunched with Old Guard stalwarts like Iowa's Harrison Spangler and Charles Hilles, kept up a courtship of convenience with Ken Simpson, dined privately in Washington with Vandenberg and House Minority Leader Joe Martin. He savored Taft's "colossal failure" at the Grid-iron Dinner, complained of living on a fifteen-minute schedule and having to brake premature partisans—like a former classmate in Owosso who launched a Dewey-for-President Club in April. He calculated his chances, his platform, and his financial wherewithal at a series of conferences with Medalie, Dulles, and Roger Straus.<sup>14</sup>

He invited Elliott Bell, his Columbia classmate and more recently assistant financial editor of the *New York Times*, to lend an expert hand at speech production, economic policy, and overall campaign management. It was a bad time for Bell, suffering from stress and nerves "in an uproar of apprehension." Perhaps, as Dewey suggested, the presidential fling would be a tonic. Thus began a professional and personal relationship that would have profound impact on the course of American politics. The men had long been close friends—Bell, in fact, was godfather to both Dewey boys—but 1939 marked the start of the Dewey-Bell team as a political venture. Even now, survivors of the period regard Bell and his role as a subject of white-hot disagreement. That he was brilliant, capable in state office, and absolutely trustworthy as the man closest to Dewey in his official family no one disputes. Bell had a razor-sharp mind, something Dewey found appealing, and an ability to look at a problem with clinical detachment. He had as well a facility for puns and verbal swordplay sufficient to elicit a smile from the lips of John