

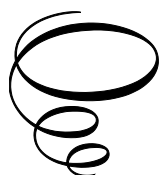
The Trials and Tribulations of Dudley Field Malone

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By

Eric B. Easton

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*This book is dedicated to Albert Copland for more than sixty
years of brotherhood.*

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INTRODUCTION

Winston Churchill once referred to the Soviet Union as “a riddle wrapped in a mystery inside an enigma.” There may be no better description of Dudley Field Malone, the civil liberties-*cum*-celebrity lawyer who actually portrayed Churchill in three Hollywood movies. The story of Dudley Field Malone begins in a modest immigrant family, soars to the highest peaks of wealth and fame, and ultimately crashes in bankruptcy, leaving three ex-wives and one son behind. Today, he is all but forgotten—though at this writing a Broadway musical pays homage to him in a song. But very few people know all that he did in an extraordinary career spanning more than half a century.

Malone’s life was filled with countless highlights, including his defense of Max Eastman, Jack Reed, and other editors of *The Masses* magazine; of John Thomas Scopes in the famous “Monkey Trial”; of Alice Paul and the suffragists who picketed the White House; and of Ludwig Martens, unofficial ambassador of the new Soviet Union in New York City. As collector of the Port of New York, Malone was responsible for implementing President Wilson’s shifting policies on neutrality and preparedness and was the public face of the controversies surrounding the *Lusitania* incident.

Malone also represented sports figures like Gertrude Ederle and Gene Tunney, hobnobbed on the French Riviera with celebrities like Charlie Chaplin, appeared regularly in Ed Sullivan’s and Hedda Hopper’s gossip columns, and portrayed Winston Churchill in the Hollywood movies *Edge of Darkness*, *Mission to Moscow*, and *An American in Paris*. Almost seventy-five years after his death, the new Broadway musical *Suffs* has commemorated his resignation from the Wilson administration in the name of woman suffrage with the song “Respectfully Yours, Dudley Malone.”

But there were also many low moments: a Paris divorce-mill scandal and three marriages and divorces of his own; financial profligacy, unpaid bills, tax liens, and bankruptcy; and a severe beating in a road-rage incident. His mental and physical abuse of his second wife, the suffragist Doris Stevens, is well documented, and suggestions of anti-Semitism persist, despite other, contradictory evidence. Once a colleague and friend of Franklin Roosevelt, Malone later savaged the New Deal and urged noninvolvement in World War II. Malone died of a heart attack on October

5, 1950, leaving no will and no assets except a claim for \$114.34 in salary owed him.

Shortly after Malone's death, journalist and friend John Reddy wrote an essay commemorating his life for *Esquire* magazine entitled "Magnificent Failure." I leave it to the reader to decide whether Reddy's epitaph was apt.



Dudley Field Malone, ca. 1913
United States Library of Congress

CHAPTER 1

FROM TAMMANY HALL TO THE WHITE HOUSE

Tammany Hall. The very name connotes bossism, patronage, and corruption—and, indeed, those associations are fully justified. But there is no denying that Tammany Hall was the beating heart of Democratic Party politics in New York City at the turn of the nineteenth century. And its principal source of power during that era was the mass of Irish immigrants that had flooded into the city during the period following the devastating potato famine.

Two of those immigrants were the parents of William Charles Malone, who first immigrated to Philadelphia, where William was born around 1845. Little is known about Malone's younger days, but his family apparently moved to New York City around 1847.¹ In 1872, William married Rose McKenny, who had immigrated to New York from Ireland around 1848, at the Holy Cross Church.² The couple had one daughter, Sarah,³ then another, Isabell, a couple of years later.⁴

In 1880, William listed his occupation as “railway agent,”⁵ although he apparently aspired to a career in the law. He read law under David Dudley Field, a Tammany lawyer who had become famous as the creator of the first code of civil procedure in the United States in 1848.⁶ Field also defended Tammany Boss William Tweed in his 1873 corruption trial.⁷

Presumably through this Tammany connection, William Malone was awarded a clerkship in the New York Surrogate's Court office, where he served until his retirement in the early 1920s, except for a stint as

¹ *William C. Malone* (obituary), N.Y. TIMES, Jan. 3, 1936, at 20.

² Ed Sullivan, *Little Old New York*, N.Y. DAILY NEWS, April 21, 1943, at 59.

³ United States Census, 1900, ANCESTRY, <https://www.ancestry.com/>.

⁴ United States Census, 1880, 1900, ANCESTRY, <https://www.ancestry.com/>.

⁵ United States Census, 1880, ANCESTRY, <https://www.ancestry.com/>.

⁶ *William C. Malone*, *supra* note 1.

⁷ *Boss Tweed Trials: 1873*, LAW LIBRARY - AMERICAN LAW AND LEGAL INFORMATION, <https://law.jrank.org/pages/2616/Boss-Tweed-Trials-1873-Reformers-Fight-Back.html>.

secretary in the Department of Docks and Ferries.⁸ Obviously grateful to Field for his career, he named his only son David Dudley Field Malone.

Young Dudley (the “David” was eventually dropped and does not appear in the 1905 New York State Census⁹) was born on June 3, 1882, in the family house at Forty-Ninth Street and Ninth Avenue. Malone once told columnist Ed Sullivan that every Christmas when Malone lived in New York, he returned to that house to play Santa Clause for whatever family lived there.¹⁰ Dudley was soon joined by two more sisters, Mary Angela and Florence. By 1915, the family had moved uptown to St. Nicholas Avenue. Sarah, Mary, and Florence had become teachers; Isabell listed her occupation as housework.¹¹

Dudley attended public Grammar School 94, where “his record was uniformly excellent.” His senior-year teacher found him to be “conscientious and trust-worthy” in character and “faithful and painstaking” as a student.¹² He also attended St. Paul’s Sunday School, established in 1864, where he sang in the Paulist Choir under Professor Edmund G. Hurley.¹³ Malone went on to attend St. Francis Xavier College, where his schoolboy compositions in those early years offer a glimpse of the poetic style he would later develop as an orator:

Every Sunday morning I sit behind my
curtained window to watch the sun steal out of the
East, and cast its shadows upon the church which
stands across the road. First the weathercock is shown
forth in all its golden glory; then the lofty spire is
embraced by numberless gleaming sunbeams; next
the tower is clothed in a glistening robe of sunlight
and the hands of the ancient time piece glitter and
shine as they point to the fleeting hours. First the
loftiest window reflects the light, then the lowest. And
at last the mellow streams of light announcing the

⁸ *William C. Malone*, *supra* note 1, at 20.

⁹ One story says Malone dropped the “David” because it would not fit on the door to his law office. John Reddy, *Magnificent Failure*, *ESQUIRE MAG.*, August 1951, at 29. It appears, however, that he dropped the name before he was admitted to the bar.

¹⁰ Ed Sullivan, *Little Old New York*, N.Y. *DAILY NEWS*, April 21, 1943, at 59.

¹¹ New York State Census, 1915, *ANCESTRY*, <https://www.ancestry.com/>.

¹² Letter from C. R. Wallace, teacher of senior class, Grammar School 94, to whom it may concern (June 4, 1897) (on file with the Papers of Doris Stevens, Series I, Subseries G, #22.3-23.3, Schlesinger Library, Radcliffe Institute for Advanced Study, Harvard University).

¹³ Ed Sullivan, *Little Old New York*, N.Y. *DAILY NEWS*, April 21, 1943, at 59; Ed Sullivan, *Little Old New York*, N.Y. *DAILY NEWS*, May 5, 1943, at 53.

advent of morn find their way down the oft-trodden
steps one by one and disperse the shadows of
darkness.¹⁴

Malone went on to earn a bachelor's degree in 1905 from Xavier, where he began honing his oratorical skills early. The "College Notes" section of the student newspaper *The Xavier* reprinted a speech he gave on December 7, 1904, at The Students' Celebration of the Golden Jubilee of the Immaculate Conception. Speaking as prefect of the College Sodality, Malone declared:

There are very many problems of grave political importance facing our country to-day whose safe solution will . . . require men, not only sturdy in their patriotism and honest in their determination to combat the evil, but men above all who are pure of heart and who love purity not as a beautiful abstraction, but as a concrete reality and a virtuous possession.

Then, who shall be better fitted for the future, who shall represent a nobler type of citizenship, who shall prove as great a bulwark to the State as you members of our College Sodality?¹⁵

"Mr. Malone's speech was received with rounds of well merited applause," according to the *Xavier* editors. "Appropriate, neat, containing much truth and sound sense, it could hardly have been improved upon as a masterpiece of simple manliness. We take pleasure in presenting it herewith that our readers may judge our verdict for themselves."¹⁶ Following their reprint of Malone's speech, the editors noted that the president of the college "took the occasion to bestow high praise on Mr. Malone's opening remarks."¹⁷

¹⁴ D. D. F. Malone, Sunday at Home (Sept. 11, 1899) (on file with the Papers of Doris Stevens, Series I, Subseries G, #22.3-23.3, Schlesinger Library, Radcliffe Institute for Advanced Study, Harvard University). A pencil annotation, presumably by his teacher, calls the quotation above "a very good paragraph."

¹⁵ Dudley Field Malone, untitled speech (on file with the 1905 collection of "College Notes," *The Xavier*, in Records of the U.S. Customs Service, Personal Papers of Dudley Field Malone 1910-1919, at 34. National Archives, Record Group 36, Entry A1 68, Box 1, Folder < 1910).

¹⁶ *Id.* at 32-33.

¹⁷ *Id.* at 37.

In his last year at the college, Malone served one term as president of the Senior Debating Society, and he gave the first affirmative argument at the Annual Prize Debate in March 1905. The issue before the debaters was “Resolved: That the policy which has in view to reduce the congressional representation of the southern states is unwise and unjustifiable.”¹⁸ That same year, Malone’s valedictory address, “The Literature of Force,” was also published in *The Xavier*. The title refers to the art of oratory, and Malone lamented that the oratory of the day was “with few certain notable exceptions, markedly inferior to the oratory of the past.” One reason for this inferiority, he said, “is because the press has usurped the chief function of the ancient orator, namely, to inform and instruct the populace.” He continued:

To-day men get their information and instruction on public affairs, not from the orator, but from their newspaper; to-day the editorial is read either as a medium of advice or a corroboration of one’s own views; to-day the most successful orator is not he who sets forth what is new to his hearers, but he who expresses best what everyone knows well; to-day the orator, shorn of his greater power, has but the limited duty of encouragement and exhortation, and proportionate to the limitations of the function of modern oratory has been the absence of incentive to supreme effort. But though the press is mighty, yet oratory shall never be completely replaced, for the orator’s power, the charm, the fascination, the spell of the spoken word shall never pass.¹⁹

Malone would live by those words for the rest of his life, earning great acclaim as a principal speaker for social, religious, and political gatherings of every variety.

¹⁸ Program, Annual Prize Debate of the Senior Debating Society of the College of St. Francis Xavier (March 22, 1905) (on file with the Papers of Doris Stevens, Series I, Subseries G, #22.3-23.3, Schlesinger Library, Radcliffe Institute for Advanced Study, Harvard University).

¹⁹ Dudley Field Malone, Valedictory (undated speech) (transcript on file with the 1905 collection of “College Notes,” *The Xavier*, in Records of the U.S. Customs Service, Personal Papers of Dudley Field Malone 1910-1919, at 350, 353. National Archives, Record Group 36, Entry A1 68, Box 1, Folder < 1910).

Yet another Malone contribution to the Xavier Alumni Sodality was a quotation from Edward Young's poem "Night Thoughts" for the program of a Sodality dinner at the Catholic Club on December 5, 1905:

Self-flattered, unexperienced, high in hope,
When young, with sanguine cheer and streamers gay;
We cut our cable, launch into the world,
And fondly dream each wind and star our friend.²⁰

Malone also gave a toast to "Our Sodality" at another alumni dinner on April 25, 1906.²¹

Malone attended Fordham University School of Law, entering with the law school's very first class in 1905.²² He appears to have finished his formal legal education early and was admitted to the bar on November 27, 1907.²³ By the time most of his law school class graduated in June 1908, Malone had already entered the practice of law with the firm of Battle & Marshall,²⁴ where he often served as a receiver in bankruptcy, foreclosure,

²⁰ Edward Young, "The Complaint: Or Night-Thoughts on Life, Death & Immortality/Night VIII, Virtue's Apology; or, The Man of the World Answered," at 187-88.

²¹ Programs of 1905 and 1906 Sodality dinners (on file with the Records of the U.S. Customs Service, Personal Papers of Dudley Field Malone 1910-1919, at 350, 353. National Archives, Record Group 36, Entry A1 68, Box 1, Folder < 1910).

²² Fordham University, School of Law, *Bulletin of Information 1906-1907*, at 98, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1001&context=bulletins> (showing Malone as a second-year student); Fordham University, School of Law, *Bulletin of Information 1907-1908*, at 129, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1002&context=bulletins> (showing Malone as a third-year student); Fordham University, School of Law, *Bulletin of Information 1908-1909*, at 140, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1003&context=bulletins>. He was not listed as receiving his LLB with his class in June 1908.

²³ New York State Court of Appeals, Card File of Attorneys Admitted to the State Bar (on file with the New York State Archives, Albany, N.Y., Series J2005, Box 16, Reel 92).

²⁴ *Malone Is Named Collector of Port*, THE SUN (N.Y.), Nov. 11, 1913, at 5; BIOGRAPHICAL DIRECTORY OF THE U.S. CUSTOMS SERVICE 1771-1989 (1985); FORDHAM GENERAL REGISTER (1916); *Paulist Sunday School to Celebrate*, N.Y. TIMES, Feb. 28, 1910, at 2; *Sunday School 50 Years Old*, THE SUN (N.Y.), March 21, 1910; other sources.

and other legal actions.²⁵ George Gordon Battle had joined Tammany Hall at an early age,²⁶ and Dudley Malone's Tammany credentials were doubtless very useful in his landing the position. His well-established commitment to the church may have brought him his first high-profile case.

In 1907, Malone represented a self-constituted committee of clergy seeking to prevent the New York City Board of Education from "surrendering to the Hebrew element of the city of New York with reference to Christmas exercises in [the] public schools." Although the board strongly denied the allegations that it had abolished Christmas exercises or directed changes in books and songs to eliminate Christian influences, the committee was not convinced. Following a meeting in his Battle & Marshall office, Malone issued a declaration on the committee's behalf:

At a meeting of the committee interested in the preservation of the Christian and religious influences which have heretofore without sectarianism prevailed in the public schools of New York city, we desire to say that we are afraid the Board of Education of New York city, notwithstanding its resolution of November 27, 1907, still has in its heart the desire to remove the name of Christ from the New York public schools.

Malone called on parents, teachers, and textbook publishers to send him evidence of any attempt on the part of the superintendent of schools that might lead to the elimination of the religious and moral significance of Christmas in any of the schools. He also promised to give legal protection to any teachers who "may legally use the American celebration of Christmas in schools in a Christlike spirit of peace and harmony."²⁷ In the end, the threatened legal action never materialized. Typically secular Christmas exercises were held as usual; there was no objection from the Jewish community. The board issued an "I told you so" statement, and Malone pronounced the Christian ministers satisfied.²⁸

By the following Christmas, however, the clergymen were back on the warpath, this time urging the revocation of licenses of movie theaters

²⁵ See, e.g., *Large Mid-Town Deal*, N.Y. TRIBUNE, Nov. 26, 1907, at 14; *In Chancery of New Jersey*, N.Y. TIMES, April 3, 1908, at 11; *Receivers Appointed – New York*, N.Y. TIMES, April 23, 1909, at 10.

²⁶ *George Gordon Battle, 80, Noted Lawyer, Prosecutor*, BROOKLYN DAILY EAGLE, May 1, 1949, at 19.

²⁷ *Christ in Public Schools*, THE SUN (N.Y.), Dec. 3, 1907, at 5; *Appeal to Teachers*, N.Y. TRIB., Dec. 3, 1907, at 6.

²⁸ *School Christmas Same as Usual*, N.Y. TIMES, Dec. 25, 1907, at 3.

that held Sunday showings, among other issues. Again, Malone was in the forefront of those calling for action, arguing at a mass meeting in January 1909 that the country must be sustained as a Christian country “despite the foreign elements which have come to us.” He urged the Jewish community to repay the “liberal benefits and protection which they receive” by joining the Christians to preserve Sunday observance.²⁹ Malone’s attitude toward and relationship with Jews and Judaism would appear inconsistent throughout his life. According to his wife Doris Stevens he despised the Jews as a race,³⁰ and he demanded that Roosevelt stay out of World War II.³¹ Yet he seemed to have a personal, as well as a political, affection for Jewish Socialist leader Morris Hillquit;³² he supported Wilson’s appointment of Louis Brandeis to the Supreme Court;³³ and he spoke out against Hitler and the pogroms in Russia.³⁴

As his legal career developed, it was clear that Malone’s future would be intensely political. For starters, Malone married Mary Patricia (May) O’Gorman on November 14, 1908, at the Church of the Ascension on West 107th Street. Miss O’Gorman was the eldest daughter of New York Supreme Court Justice James Aloysius O’Gorman, who had served as Tammany’s grand sachem and would be elected US Senator by the New York State Legislature in 1911. Following a honeymoon in San Francisco, the Malones took up residence on Riverside Drive in Manhattan.³⁵

In 1909, Malone reportedly did the legal work associated with the organization of the National Association for the Advancement of Colored

²⁹ *Wage War on Shows*, N.Y. TRIB., Dec. 24, 1908, at 4; *Pastors Open War on Sunday Shows*, N.Y. TIMES, Jan. 19, 1909, at 8; *Sunday Show Protest*, N.Y. TRIB., Jan. 19, 1909, at 2.

³⁰ Letter from Stevens to Malone (June 21, 1927) (on file with the Papers of Doris Stevens, Series I, Subseries G, #22.3-23.3, Schlesinger Library, Radcliffe Institute for Advanced Study, Harvard University).

³¹ See *infra* text accompanying notes 848-50.

³² Malone supported Hillquit’s mayoral campaign in 1917, spending election day in his apartment, see *infra* text accompanying notes 328-35; worked with Hillquit on the Max Eastman trial, see *infra* Ch. 4; and reportedly spent a night with Hillquit’s corpse in an Orthodox Jewish tradition. Reddy, *supra* note 9, at 109.

³³ See *infra* text accompanying note 193.

³⁴ See *infra* text accompanying note 849.

³⁵ *Miss O’Gorman Engaged*, N.Y. TIMES, Sept. 28, 1908, at 7; (no headline), N.Y. TIMES, Nov. 1, 1908, at 50; (no headline), THE SUN (N.Y.), Nov. 8, 1908, at 7; *Malone-O’Gorman Wedding*, N.Y. TIMES, Nov. 15, 1908, at 17; (no headline) N.Y. TIMES, Nov. 22, 1908, at 50.



Mary Patricia O’Gorman, ca. 1908
Denver Post Library

People, although there is little documentation for this assertion.³⁶ He also managed George Gordon Battle's unsuccessful campaign for district attorney on the Tammany ticket.³⁷ Battle lost to future governor Charles S. Whitman, but for his efforts, Malone was named assistant corporation counsel in the New York City Law Department by Corporation Counsel Archibald R. Watson at a salary of \$4,500 in February 1910.³⁸

Among his cases in that capacity, Malone successfully defended the city controller William A. Prendergast in a suit brought by one hundred or so fish dealers who occupied stands under the approach to the Williamsburg Bridge between Willett and Pitt Streets. The spaces on which their stands stood, for which the dealers paid twenty-five cents a day, had been allotted to the peddlers in 1904, and Prendergast sought to make new allotments. The dealers charged that they were being displaced by "men of a certain party" and compelled to take less desirable spaces for their stands. Malone argued that there were no politics in the controller's actions:

Mr. Prendergast had to change things to stamp out a system of petty graft. To make it absolutely fair to all, the Controller made a new allotment of stands by a drawing, and each dealer got the place according to the number he drew.

The Appellate Division of the New York Supreme Court declined to issue the injunction that the dealers requested.³⁹ That same month, Malone moved to an apartment at 272 West Seventy-Third Street, paying \$175 per month in rent.

Later that year, Malone campaigned actively for successful New York gubernatorial candidate John A. Dix and celebrated with the Tammany faithful as the returns came in.⁴⁰ Dix was the first Democratic governor of New York State elected in many years, and the result was an expansion of Tammany's influence, with "more offices and further fields of power and profit for 'the Organization.'"⁴¹ More importantly, Malone campaigned, "on

³⁶ Reddy, *supra* note 9, at 29. *See also* H. C. Kenyon, Letter to the Editor, *Meaning of Truth*, ORLANDO SENTINEL, Dec. 2, 1957, at 9.

³⁷ *Malone Is Named Collector of Port*, *supra* note 24; *George Gordon Battle for District Attorney* (advertisement), N.Y. TRIB., Oct. 18, 1909, at 5.

³⁸ *Watson Picks Aids* [sic], N.Y. TRIB., Feb. 22, 1910, at 8; *New City Lawyers*, THE SUN (N.Y.), Feb. 22, 1910, at 5.

³⁹ *City Beats Fish Peddlers*, N.Y. TRIB., July 9, 1910, at 3.

⁴⁰ *Tammany Jubilant as Returns Come In*, N.Y. TIMES, Nov. 8, 1910, at 5.

⁴¹ GUSTAVUS MYERS, THE HISTORY OF TAMMANY HALL 341 (2d ed. 1917).

four or five occasions,” for the successful New Jersey gubernatorial candidate Woodrow Wilson.

Malone first met Wilson in 1908 when Malone was sharing a platform with William Jennings Bryan, who spoke on the tariff. Wilson was in the audience. Afterward, Wilson came up to the platform, and after speaking with Bryan, he congratulated Malone on his speech. Soon after, Malone attended a dinner of the Friendly Sons of St. Patrick where Wilson was the main speaker. “Like so many other men who heard Wilson, [Malone] was tremendously impressed and charmed by him,” the famous muckraker and Wilson biographer Ray Stannard Baker would later write.

Malone met Wilson again in September 1910, in Jersey City through Mayor H. Otto Wittpenn, and “came eagerly into Wilson’s campaign.” Malone began speaking with Wilson throughout the state, believing him to be the “new type of man” coming into politics. While Malone had previously supported Bryan, he told Baker that the “difference between Bryan and Wilson was wide. Bryan was a wonderful orator, but when people heard a speech by Wilson, they went away saying vigorously, ‘He is right,’ or ‘He is wrong.’ Wilson made people think . . . [Every one of Wilson’s speeches was] tinged like the evening with the tint of idealism.”⁴²

To understand how Malone, a confirmed Tammany man, might campaign for the great progressive Woodrow Wilson, and ultimately become a true Wilson protégé, it is necessary to look at both the changes taking place within Tammany Hall and the New Jersey politics surrounding the gubernatorial election. In New York, the state legislature had a US Senate seat to fill in 1911, and Tammany sought to field a candidate to oppose Republican incumbent Chauncey M. Depew. The legislature was dominated by Tammany men, and two candidates emerged with the successive backing of Tammany boss Charles F. Murphy: first William F. Sheehan, attorney for streetcar magnate Thomas F. Ryan, then Daniel F. Cohalan, Murphy’s personal attorney. But a group of some twenty progressive “insurgents,” including a young Franklin Delano Roosevelt, blocked Murphy’s candidates, leading to a compromise candidate: Malone’s father-in-law, State Supreme Court Justice James A. O’Gorman.⁴³ Malone and O’Gorman would later work together on Wilson’s presidential campaign.

⁴² Ray Stannard Baker, Memorandum of an Interview with Dudley Field Malone 1-2 (Nov. 1, 1927) (on file with the Ray Stannard Baker Papers, Box 111, Reel 79-80, Library of Congress) [hereinafter Baker, *Memorandum*].

⁴³ MYERS, *supra* note 41, at 341. See also ROBERT DALLEK, FRANKLIN D. ROOSEVELT: A POLITICAL LIFE 45 (2018).

In New Jersey, meanwhile, Woodrow Wilson was serving as president of Princeton University in 1910, with little more than a passing interest in state politics.⁴⁴ It was George B. M. Harvey, conservative editor of *Harper's Weekly*, who saw the gubernatorial election in the fall of 1910 as the ideal time to defeat the increasingly polarized Republicans and saw Wilson as the ideal candidate to lead the Democratic resurgence.⁴⁵ Harvey would turn to the New Jersey political bosses to persuade Wilson to run and lend their considerable strength to his candidacy. Along the way, Wilson promised James Smith, boss of the Newark-Essex County machine, that, if elected, he would not “set about fighting and breaking down the existing Democratic organization and replacing it with one of [his] own.”⁴⁶

Wilson managed to overcome resistance from an emerging progressive wing within the party and take the nomination on the first ballot. In his acceptance speech, however, he pleasantly surprised the progressives by embracing the relatively liberal platform and declaring his independence from the bosses, who seemed to recognize that Wilson would need progressive support to win the election. At least they did not withdraw their support. In fact, Wilson managed to win not only Democratic progressives to his side, including Joseph Tumulty, who would become his personal secretary, but also Republican progressives, notably George L. Record. According to Arthur Link,

Woodrow Wilson had been launched upon his political career by as strange a combination of persons and circumstances as had ever attended the inauguration of any political career in the annals of American history. His candidacy, boss-engineered and boss-supported, was now full grown and he stood forth as the unchallenged Democratic candidate for the governorship It was Wilson's supreme accomplishment during the gubernatorial campaign that he succeeded in winning the support of the progressives without at the same time alienating the support of the machine leaders in the party organization.⁴⁷

⁴⁴ ARTHUR S. LINK, *WILSON: THE ROAD TO THE WHITE HOUSE* 133 (1968) [hereinafter LINK, ROAD].

⁴⁵ *Id.* at 140.

⁴⁶ *Id.* at 143.

⁴⁷ *Id.* at 173.

Thus, a Tammany man like Dudley Field Malone could well have supported Wilson's gubernatorial campaign without raising any eyebrows on his side of the river. As Wilson marched inexorably toward progressivism, however, Malone marched right along with him. Shortly before election day, correspondence between Wilson and Record prompted Link to opine that Wilson "had finally arrived, baggage and all, in the progressive camp; he had cut loose every vestige of boss connection that once encumbered him and had scaled the most formidable heights of progressivism."⁴⁸ Wilson's election seemed increasingly assured and, on November 14, 1910, Malone wrote to congratulate Wilson on his "great victory which has reached magnificent proportions."⁴⁹

Quite apart from campaigning, Malone was in great demand as a public speaker, with invitations in 1911 alone ranging from alumni gatherings⁵⁰ to the Sheriff's Jury social club⁵¹ to a convention of Catholic laity.⁵² At the convention, Malone declared that the Catholic Church was the only organization in the country successfully combating Socialism. "The other churches are not doing anything against it," he said.⁵³ On June 19, 1911, Malone was awarded a master of arts degree at Xavier's sixty-first annual commencement, where he delivered the Master's Oration on "Religion and Education."⁵⁴ Reprinted in *The Helper* of the Catholic Press Association, the speech praised Catholic education, exhorting the assembled academics to focus on their work:

There is no more beautiful vocation than the vocation of a teacher. The Master was a teacher. Some of the most beautiful characters in the history of mankind have been teachers, have been those who taught little children, and when you look at a small child and you interest yourself in it and you see the place which that

⁴⁸ *Id.* at 199.

⁴⁹ Letter from Malone to Wilson (Nov. 14, 1910) (on file with the Woodrow Wilson Papers, Library of Congress).

⁵⁰ See, e.g., *Alumni Talk of Fordham*, N.Y. TIMES, Feb. 8, 1911, at 6; *Tributes to Cooper Union*, N.Y. TIMES, Feb. 14, 1911, at 5.

⁵¹ *Last Sheriff's Jury Dinner*, THE SUN (N.Y.), Feb. 22, 1911, at 4.

⁵² *Lay Catholic Convention*, N.Y. TIMES, April 16, 1911, at 14; *Defends Catholic Asylums*, N.Y. TIMES, April 18, 1911, at 20.

⁵³ *Defends Catholic Asylums*, N.Y. TIMES, April 18, 1911, at 20.

⁵⁴ Program of the St. Francis Xavier College Sixty-first Annual Commencement (June 19, 1911) (on file with the Records of the U.S. Customs Service, Personal Papers of Dudley Field Malone 1910-1919, at 350, 353. National Archives, Record Group 36, Entry A1 68, Box 1, Folder 1911).

child may take in the world, and you think you have the power and possibility of molding that small character into the strength of citizenship which this country, and this community, and this state need, you can then appreciate that you have not only a powerful but a beautiful vocation. . . .

So, when you have the light of young minds dimmed and deadened by the influences about you, rekindle it at the pure . . . teachings of the Church . . . that the little girls may become noble women and the little boys become great men, making a citizenship of which we shall be proud, that the Church of God may continue to grow in this Republic and that this Republic may not die.⁵⁵

Malone's career as a dinner speaker would thrive in the years to come, although his 1912 calendar was dominated by campaign functions in support of Wilson's presidential bid.

Wilson was quite drawn to Malone and would come to consider him "a young *fidus Achates* of mine."⁵⁶ And Mrs. Wilson once told a reporter, "We are the gainers by Mr. Wilson's public life because it has brought into our household that delightful person, Dudley Malone."⁵⁷ One indication of Wilson's confidence in Malone was Wilson's reliance on Malone at a critical juncture during the campaign. William Jennings Bryan,

⁵⁵ Dudley Field Malone, "Religion and Education," *reprinted in The Helper* (June 1911) (transcript available in the Records of the U.S. Customs Service, Personal Papers of Dudley Field Malone 1910-1919. National Archives, Record Group 36, Entry A1 68, Box 1, Folder 1911).

⁵⁶ RAY STANNARD BAKER, *WOODROW WILSON: LIFE AND LETTERS, VOL. 3, GOVERNOR 372* (1927) [hereinafter BAKER, GOVERNOR] (citing a letter from Wilson to Mary A. Hulbert, a divorcée with whom Wilson was certainly in love but could not marry if he was to succeed in politics). The Latin sobriquet is from the "Aeneid" and refers to the "faithful Achates," a close friend of Aeneas.

Baker notes that "Wilson seemed to have had a very warm affection for Malone. He and all the family called him 'Dudley' in all the earlier years." Baker, *Memorandum*, *supra* note 42, at 6. And Wilson's affection for Malone was certainly reciprocated. Shortly before Wilson was to marry his second wife, Edith Galt, in 1915, Malone sent flowers to Galt, with a note expressing his gratitude for the "great joy you have brought into the President's heart and life." Malone confided to Galt that spending "just a little while" with Wilson brought him great happiness. Letter from Malone to Galt (Oct. 8, 1915) (on file with Edith Bolling Galt Wilson Papers, Box 27, Library of Congress).

⁵⁷ Reddy, *supra* note 9, at 29.

unsuccessful Democratic nominee for president in the previous three elections, still wielded considerable influence among Southern and Western Democrats, and Wilson's advisers aimed to capitalize on that influence by bringing Wilson and Bryan together. Indeed, the two men were slated to share a platform at the party's annual Jackson Day festivities on January 8, 1912, when the virulently anti-Wilson New York *Sun* published a letter Wilson had written in 1907 disparaging Bryan in most impolitic terms. Publication of the letter was calculated precisely to drive a wedge between the two men.

Wilson had sent the letter to railroad executive Adrian H. Joline, praising a speech Joline had given condemning Bryan's "socialistic, populist, anti-property crusade." Wilson had written to Joline: "I have read [the speech] with relish and entire agreement. Would that we could do something at once dignified and effective to knock Mr. Bryan once and for all into a cocked hat!"⁵⁸ Wilson, of course, was seriously embarrassed and pulled together his top advisers—Joseph P. Tumulty, William F. McCombs, Thomas J. Pence, and both Senator O'Gorman and Dudley Field Malone—in Wilson's room at the Willard Hotel to figure out how to counteract the negative effects of the letter. His advisers urged Wilson to publish a statement immediately, to "meet the issue face to face,"⁵⁹ and a statement was drafted accordingly. It was never published, however, but remained in Malone's possession.⁶⁰

When Bryan arrived in Washington, Malone and O'Gorman called on him regarding the Joline letter and found him in a generous spirit, blaming *The Sun*, rather than Wilson, and suggesting that Wilson's attitude toward him had changed since the letter was written.⁶¹ Malone would later quote Bryan: "I believe that when Mr. Wilson wrote that letter to Joline, he believed it. It doesn't follow that he believes it now. If the big financial interests think that they are going to make a rift in the progressive ranks of the Democratic party by such tactics, they are mistaken. But if Wilson can correct any false impression in the public mind, as I hope he will find it possible to do, it will be helpful all around."⁶² The Jackson Day dinner, with O'Gorman as toastmaster, was a smashing success; Baker called it "the

⁵⁸ LINK, ROAD, *supra* note 44, at 353.

⁵⁹ BAKER, GOVERNOR, *supra* note 56, at 260.

⁶⁰ LINK, ROAD, *supra* note 44, at 352-55. The drafts, showing numerous revisions, are available in the Ray Stannard Baker Papers, Box 111, Reel 79-80, Library of Congress.

⁶¹ *Id.* at 355.

⁶² BAKER, GOVERNOR, *supra* note 56, at 262 (citing a letter from Malone to Baker).

greatest gathering of its kind ever held up to that time.”⁶³ In a later note to himself, Baker noted that Malone and others believed the dinner was “the turning point in Wilson’s candidacy for the Presidency.”⁶⁴

In early 1912, Malone accompanied Wilson on a primary election campaign trip to Detroit, where he reiterated his conviction that Wilson’s strength as a candidate was best judged by the enemies he made:

The newspapers of the last few weeks show whom the enemies of the people consider dangerous. They do not bother to shoot unless they see it is worthwhile. And any man who dares to attempt to personally attack and besmire a character so above question as that of Gov. Wilson will be replied to with the ignominy and contempt of silence which such an attack deserves.⁶⁵

Malone was referring to Wilson’s repeated refusal to comment on the allegation in *Harper’s Weekly* that Wilson had asked its editor, Colonel George B. Harvey, to stop “booming” him for president, because support from the magazine would do him more harm than good.⁶⁶ Harvey, an early supporter and adviser to Wilson, was a staunchly conservative Democrat, and Wilson was campaigning as a progressive reformer. Harvey would never forgive what he saw as Wilson’s betrayal.⁶⁷

Malone would later give Baker a detailed account of the Harvey–Watterson episode, as Baker would call it. On December 7, 1911, “the day that Wilson met Harvey and [*Louisville Courier-Journal* editor Henry (“Marse Henry”)] Watterson, Mrs. Wilson came to town with him to do some shopping.” Baker wrote:

Wilson was to meet her after the conference at the Manhattan Club for tea. Malone said that Wilson did not know quite why he had been asked to the conference—that Watterson discussed Kentucky politics and other matters which did not seem highly important. The afternoon wore through, and finally Wilson looked at his watch, remembering that he had

⁶³ *Id.* at 263.

⁶⁴ Baker, *Memorandum*, *supra* note 42, at 3.

⁶⁵ ‘Watterson Nice Old Gentleman’ – Wilson, N.Y. TIMES, Jan. 19, 1912, at 1.

⁶⁶ *Woodrow Wilson Here; Silent About Harvey*, EVE. WORLD (N.Y.), Jan. 17, 1912, at 1.

⁶⁷ See LINK, ROAD, *supra* note 44, at 365.

promised to meet his wife. Seeing that it was late, he arose quickly and put on his overcoat.

Just as he was ready to go, Harvey, out of a clear sky, asked if his, Harvey's, support was hurting him. Wilson remembered of course that some of his warmest friends and supporters had been warning him of the danger of Harvey's support, considering the backing that he had. Wilson answered Harvey quite directly and honestly, with no intention whatever of offending him. The reaction that followed, Malone said, was most surprising and painful to Wilson. The reaction all over the country of the publicity given to the incident by Watterson was such that when Wilson arrived at Detroit, he wrote out a statement of his understanding of the case.⁶⁸

Watterson had indeed spread the word of Wilson's apparent ingratitude throughout the country, threatening grievous harm to Wilson's campaign. The episode finally came to an end with the publication of correspondence between Wilson and Harvey on January 17 and 18, 1912.⁶⁹

Malone's name shows up at various campaign stops during the primary campaign of 1912.⁷⁰ For example, on February 23, 1912, he spoke at the Hillsborough, Florida, County Courthouse, where he outlined Wilson's political philosophy. Calling Republicans long-time pawns of the moneyed interests, he asserted that Wilson was no longer entangled with the Democratic Party bosses. In fact, he pointed out that Wilson had once refused a \$1,500 donation to Princeton because it had been offered by someone with antidemocratic views. According to the local press, his audience responded cordially.⁷¹

Malone also served as one of Wilson's floor managers at the nominating convention in Baltimore, even though he was not an official member of the New York delegation. Malone seems to have been instrumental in blocking the efforts of former New Jersey Senator James Smith Jr. to alienate the Illinois delegation from Wilson. Ultimately, the

⁶⁸ Baker, *Memorandum*, *supra* note 42, at 2-3.

⁶⁹ LINK, ROAD, *supra* note 44, at 371.

⁷⁰ See, e.g., *id.* at 394 (Virginia), 419 (Massachusetts); *Rhode Island's Aid Promised to Wilson*, N.Y. TIMES, Jan. 29, 1912, at 2; letter from Malone to Wilson (Feb. 28, 1912) (seeking "leave to make a [campaign] speech at Tampa tonight") (on file with the Woodrow Wilson Papers, Series 2, Reel 27, Library of Congress).

⁷¹ George N. Green, *The Florida Press and the Democratic Presidential Primary of 1912*, 44 FLA. HIST. Q. 171 (citing TAMPA MORNING TRIB., Feb. 29, 1912).

New Jersey governor prevailed over his chief opponent, Speaker of the House Champ Clark, on the forty-sixth ballot. Malone's personal papers contain a letter from one Herbert McDonnell on New York Stock Exchange letterhead, congratulating Malone on his role in bringing about Wilson's nomination: "I'm sure it must be a great source of satisfaction to have been associated in a movement achieving such splendid results."⁷²

After the convention, Wilson took refuge in Sea Girt, New Jersey, where Malone and his father-in-law, Senator O'Gorman, counseled him against resigning as New Jersey governor during the general election campaign.⁷³ Malone appears to have taken some time off with his wife in the Berkshires to rest and recover from a bad cold, and in a letter from there, he urged Mrs. Wilson to see that her husband got some rest too:

How I do wish you might slip off up here with the Governor. He does so need a rest and this beautiful and quiet spot is only 40 minutes from New Jersey—a good auto run. Please insist on rest and peace for the Governor for the future and happiness of our beloved country is in his keeping.⁷⁴

Wilson finally got that rest toward the end of July, although not in the Berkshires, but aboard a private yacht in the East River and Long Island Sound, with his first wife, Ellen, and daughter Margaret. Malone had joined him on board and, at least once, had ventured ashore to buy newspapers. Wilson returned to the Sea Girt, New Jersey, residence on July 29;⁷⁵ Malone appeared to serve as a kind of gatekeeper to protect Wilson's rest.⁷⁶

⁷² Letter from Herbert McDonnell to Malone (July 5, 1912) (on file with the Records of the U.S. Customs Service, Personal Papers of Dudley Field Malone 1910-1919. National Archives, Record Group 36, Entry A1 68, Box 1, Folder Jul-Sep 1912).

⁷³ *Murphy Has Centre of Baltimore Stage*, N.Y. TIMES, June 23, 1912, at 16; *Wilson Consults O'Gorman as Leader*, N.Y. TIMES, July 6, 1912, at 2; *Wilson's Refuge Is a Yacht at Sea*, N.Y. TIMES, July 28, 1912, at 4.

⁷⁴ Letter from Malone to Ellen Wilson (July 11, 1912) (on file with the Woodrow Wilson Papers, Series 2, Reel 29, Library of Congress).

⁷⁵ *Wilson's Refuge Is a Yacht at Sea*, N.Y. TIMES, July 28, 1912, at 4; *Wilson at Sea Girt After Fine Cruise*, N.Y. TIMES, July 30, 1912, at 4. See also BAKER, GOVERNOR, *supra* note 56, at 372 (citing letter from Wilson to Mary A. Hulbert).

⁷⁶ See, e.g., letter from J. C. Monaghan of Bayonne to Malone, asking Malone whether he could bring one or two friends to Seagirt to meet Wilson. (Aug. 19, 1912) (on file with the Records of the U.S. Customs Service, Personal Papers of Dudley Field Malone 1910-1919. National Archives, Record Group 36, Entry A1 68, Box 1, Folder Jul-Sep 1912).



President Woodrow Wilson, 1914
United States Library of Congress

Malone played an active role in the 1912 general election campaign, introducing Wilson at the annual New Jersey Day celebration,⁷⁷ speaking on Wilson's behalf at the close of the Vermont state election campaign,⁷⁸ stumping for Wilson in Illinois,⁷⁹ and joining Wilson's western campaign trip to bolster the Young Men's Woodrow Wilson Movement, which Malone chaired.⁸⁰ In that capacity, Malone gave a lengthy interview to *The New York Times* in which he proclaimed that the campaign was "sounding a call to the young men of the country to stand and fight with Woodrow Wilson." He declared:

Enthusiastic support meets us everywhere. Over 50,000 young men have already volunteered their service for this fight. . . . Young men do not want President Taft. He rattled the war drum four years ago, and we assembled to fight only to learn that he intended to surrender. We do not want Roosevelt. We want a man of truth. . . .

We are calling for volunteers. Before this campaign is over the part the young men of this country will have taken in the fight will be found to be spirited and inspiring. No boss or set of bosses . . . nor the bosses of big business . . . can stand against the army of young men that will soon be marching in every town in the United States. I appeal to every young man in the Nation to raise the Wilson standard in his home district, to co-operate with his friends and form a club through which his efforts for Gov. Wilson can find their best expression.⁸¹

⁷⁷ *Wilson Greeted by Neighbors on New Jersey Day*, EVE. WORLD (N.Y.), Aug. 17, 1912, at 2.

⁷⁸ *Storm Vermont for Wilson*, N.Y. TIMES, Aug. 24, 1912, at 4.

⁷⁹ *Checks Tide to Taft*, THE SUN (N.Y.), Oct. 20, 1912, at 6 (quoting Malone as commenting that the only political effect of the attempted assassination of Bull Moose presidential candidate Theodore Roosevelt would be to "check, for the time at least, the tide of strength that has been flowing from Roosevelt to [incumbent President William Howard] Taft").

⁸⁰ *Appeals to Young Men*, N.Y. TIMES, Sept. 16, 1912, at 5.

⁸¹ *Id.* A complete transcript of the interview can be found in Records of the U.S. Customs Service, Personal Papers of Dudley Field Malone 1910-1919. National Archives, Record Group 36, Entry A1 68, Box 1, Folder Undated 1912.

Malone spent election day with the Wilson family at Wilson's home in Princeton. Malone would tell Baker that "during the day they went for a walk together around the town of Princeton, through the University buildings and over the battleground." At Princeton, "Wilson took [Malone] down to the room which he had occupied as a student and then to the museum where they looked at the death mask of Grover Cleveland . . . then passed on to the framed diploma of James Madison. 'Dudley, here is an interesting thing—the diploma of the only Princeton man who has ever been elected President.'" Baker wrote:

They came home to supper. The three daughters and Mrs. Wilson were there, and Malone thinks also that [Wilson's sister, Annie] Howe and [Wilson's brother-in-law] Stockton Axon were of the party, but he is not sure. Perhaps Tumulty also. All that evening they sat in front of the fire, the family together, reading poetry, mostly Browning. Mrs. Wilson read aloud. Malone said that Wilson seemed unperturbed, indeed uninterested, as though he had no concern with what was happening.⁸²

News of Wilson's overwhelming electoral victory reached the home around 10:00 p.m.⁸³ Wilson had taken forty states, though only 41.8 percent of the popular vote. The combined vote of the incumbent Republican President William Howard Taft and the former Republican President Theodore Roosevelt, now running as a Progressive, or Bull Moose, candidate, exceeded Wilson's tally by 1.3 million votes.⁸⁴ As Princeton students gathered in front of the house, Tumulty and Malone brought a rocking chair out to the porch and held it steady so Wilson could stand on it to deliver a speech expressing the solemn responsibility he felt.⁸⁵ Malone would later tell Baker he would never forget the appearance of that

⁸² Baker, *Memorandum*, *supra* note 42, at 9-10.

⁸³ LINK, ROAD, *supra* note 44, at 523.

⁸⁴ David Leip, *1912 Presidential Election Results* (popular vote), DAVE LEIP'S ATLAS OF U.S. PRESIDENTIAL ELECTIONS, <https://uselectionatlas.org/RESULTS/national.php?year=1912&f=0&off=0&elect=0>; *Electoral College Box Scores 1789-1996*, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, <https://www.archives.gov/electoral-college/1912#certificates> (last reviewed March 3, 2020).

⁸⁵ BAKER, GOVERNOR, *supra* note 56, at 409.