

The Real “Stolen Election”: Frank Hague and New Jersey’s 1937 Race for Governor**By Joseph M. Murray****DOI: <https://doi.org/10.14713/njs.v9i1.308>**

Any notion of a rigged 2020 national election pales in comparison to America’s real “stolen election” 83 years before, in New Jersey. Republican state senator Lester H. Clee was poised to make the 1937 gubernatorial election a very close race. He carried 14 of the state’s 21 counties and was nearly tied in 5 others. Yet the day after polls closed, people awoke to news that Clee’s 80,000-vote lead had vanished. Overnight, his majority was erased by late returns from one single county—Hudson County, the power base of state Democratic boss Frank Hague. The 45,000-vote plurality delivered by Hague’s indomitable political machine put Clee’s opponent A. Harry Moore over the top. This article examines claims made by Republicans of the day that the 1937 election was stolen: that Lester Clee lost to A. Harry Moore because of institutionalized voter fraud in Hudson County.

On election night in November 2020, Donald Trump addressed the nation from the White House. In one fell swoop, the president cried foul and prematurely declared victory, claiming, “This is a fraud on the American public. This is an embarrassment to our country. We were getting ready to win this election. Frankly, we did win this election.”¹ As he had done so often, Trump shattered another presidential norm, this time by trying to preempt official election results while votes were still being counted. Former New Jersey Governor Chris Christie, a close advisor to the president, later described Trump’s 2020 election-night speech as “one of the most dangerous pieces of political rhetoric I have ever heard in my life.”² Thus began Trump’s relentless crusade to invalidate the results of an election he lost.

¹ “Trump Tries to Claim Victory Even as Ballots are Being Counted in Several States,” *NBC News*, November 4, 2020, <https://www.nbcnews.com/politics/2020-election/10-states-still-counting-millions-votes-trump-falsely-claims-he-n1246336>.

² “Chris Christie Says Trump’s 2020 Election-Night Speech Was ‘One of the most dangerous pieces of political rhetoric’ he’s ever heard,” *Business Insider*, November 16, 2021, <https://www.businessinsider.com/chris-christie-trump-election-night-speech-made-him-sick-2021-11>.

In truth, any notion of a rigged 2020 national election pales in comparison to America's real "stolen election" 83 years before, in New Jersey. Republican state senator Lester H. Clee was poised to make the 1937 gubernatorial election a very tight race. He carried 14 of the state's 21 counties and was nearly tied in 5 others.³ Yet the day after polls closed, people awoke to news that Clee's 80,000-vote lead had vanished. Overnight, his majority was erased by late returns from one single county—Hudson County, the power base of state Democratic boss Frank Hague. The 45,000-vote plurality delivered by Hague's indomitable political machine put Clee's opponent A. Harry Moore over the top.

This article examines claims made by Republicans of the day that the 1937 election was stolen: that Lester Clee lost to A. Harry Moore because of institutionalized voter fraud in Hudson County. We explore the feasibility of fraud occurring on an order of magnitude such as to alter the outcome of the election and whether machine-orchestrated obstruction by state and county officials of both parties successfully prevented its discovery. The 1937 election and its tumultuous aftermath epitomize Frank Hague's formula for boss rule. Republicans investigating irregularities in the Moore–Clee election were not tilting at windmills. On the contrary, reappraising their legislative probe sheds new light on the power dynamics of the Hague era and the Orwellian methods integral to the efficacy of his Democratic machine.

To judge whether Clee was the victim of a fraudulent election, we must contextualize how endemic machine politics was during the Depression era, and recognize how blatant reigning party bosses were at wielding power. Consider, too, that World War II was only two years away. Democracy was in retreat. Fascist regimes ruled Germany and Italy. Dictators swaggered, armies marched, and political violence scarred the face of Europe. For it is against

³ "Moore Gains Third Term With 44,501 Margin," *Morning Post* (Camden, NJ), November 4, 1937, 1.

this backdrop that the 1937 election was fought. And for many New Jersey voters, this was less a contest between two candidates than a statewide referendum on bossism.

Political Landscape

In the first half of the twentieth century, New Jersey was Republican territory. It had yet to become what we now call a “blue state.” Between 1916 and 1928, the state went Republican in four consecutive presidential elections, including in 1916, when President Woodrow Wilson, a former New Jersey governor, lost his home state to Republican Charles E. Hughes. But in 1932, Franklin D. Roosevelt won New Jersey by a slim majority. Thereafter, being a swing state made New Jersey’s 16 electoral votes decisively necessary for any White House aspirant.⁴ Hence FDR’s increasing reliance on Frank Hague to deliver New Jersey’s Democratic vote and his willingness to tolerate the boss’s transgressions.⁵

Garden State politics presented a peculiar paradox: an urban Democratic machine towering over a landscape that was mostly rural and largely Republican. In the 1930s, Republicans held majorities in the state assembly and the Senate, and elected two of the four governors in that decade, including Harold Hoffman, sitting governor at the time of the 1937 election. Still, because of the ethnic demographics of densely populated urban areas in the northeast, it was Democrats who shaped the state’s destiny. The industrial counties of Essex, Hudson, and Passaic had the largest populations and greatest concentration of immigrants, which by 1920 reached almost 60 percent of New Jersey’s total foreign-born population.⁶ The two biggest cities, Newark and Jersey City, were immigrant towns with politically potent Irish communities. Both reached peak populations in the 1930s under Democrat-controlled city

⁴ From the years 1932 to 1960, New Jersey carried 16 electoral votes. Since then, the number of the state’s electoral votes has been reduced to 14.

⁵ Lyle W. Dorsett, “Frank Hague, Franklin Roosevelt and the Politics of the New Deal,” *New Jersey History*, 94, No. 1 (Spring 1976), 30. See also Si Sheppard, “A Common Interest:” Franklin Roosevelt, Frank Hague, and the Presidential Election of 1936 in New Jersey,” *New Jersey Studies*, Winter 2016, 149.

⁶ Douglas V. Shaw, “Immigration and Ethnicity in New Jersey History,” *New Jersey Historical Commission*, 1994, 10.

governments. But in state politics, it was Jersey City that punched above its weight; and its punch came from an inveterate Democratic machine. Jersey City was synonymous with venality and political misconduct; and Frank Hague, its notorious eight-term mayor, became an iconic urban autocrat.

Gibraltar of Democracy

During the 1930s, Hudson County functioned almost as if it were a state within a state, a self-contained province under one-party rule. It was lorded over by Mayor Hague, whose moral authority and hegemonic ambitions made him the tail that wagged the Jersey dog. Elected city commissioner in 1913, Hague's ascent was inexorable once he became mayor in 1917. By 1921, he was Democratic Hudson County leader; by 1924, vice chairman of the Democratic National Committee. Concurrently, the GOP began to wither as an opposition party within Hague's Celtic kingdom. The boss hijacked Republican primaries and installed proxies in key party posts. By 1937, Hudson Republicans were for the most part submissive to Hague's machine. "Hague Republicans" facilitated the boss's efforts to neutralize GOP gains elsewhere in the state, which, when combined with a generous patron in the Oval Office, emboldened him to choreograph state politics on both sides of the aisle.⁷ Hague's leverage over state Republicans, including a few state senators, increased exponentially due to his position as sole disburser of New Deal relief funds. All the money and jobs that poured into the state from the Public Works Administration (PWA) and Works Progress Administration (WPA) flowed through the boss. And New Jersey was a top recipient, receiving more than \$400 million from the WPA alone between 1936 and 1943.⁸

⁷ "Carey Attacks Hague Defiance of Vote Probe," *Bergen Record* (Hackensack, NJ), February 7, 1938, 2.

⁸ Simon Sheppard, "'A Common Interest': Franklin Roosevelt, Frank Hague, and the Presidential Election of 1936 in New Jersey," *New Jersey Studies* (Winter 2016): 130 (including Footnote 23). It is estimated Hague channeled over \$67 million into Hudson County alone between 1933 to 1938. See Lyle W. Dorsett, "Frank Hague, Franklin Roosevelt and the Politics of the New Deal" in *A New Jersey Anthology*, ed. Maxine N. Lurie (Rutgers University Press, New Brunswick, 1994), 402.

The GOP only half-heartedly contested Jersey City municipal elections and more often than not acquiesced to egregious machine behavior. Its last serious attempt to take City Hall was in 1929, an election held shortly after the boss ravaged the 1928 Republican primary and in the midst of a piercing investigation by the Republican-led legislature. Hague's meddling in the GOP nomination process spurred party leaders to take revenge by whipping up a near-perfect opposition storm. Trenton Republicans, in league with the city's main newspaper, the *Jersey Journal*, fomented public animus against Hague's increasingly despotic rule. Anti-Hague Democrats joined forces with upstanding Republicans to field a "nonpartisan" fusion ticket for seats on the city commission. With many a scandal from the investigative committee's revelations, which the *Jersey Journal* fed to the public on a daily basis, the fusion candidates went after the boss hammer and tong. The leading Democrat on the ticket was 37-year-old lawyer and businessman James F. Murray Sr., who polled 43,300 votes against Hague's 67,879.⁹ It was the closest Mayor Hague would ever come to losing reelection and a rare instance where the boss misjudged the magnitude of the challenge. Postelection investigation found that 20 to 30 percent of poll book signatures were forgeries, and "floaters" (persons paid to vote repeatedly) were employed by the machine late in the game to offset opposition inroads in key districts.¹⁰ In the end, Hague prevailed, election results held, and no one was prosecuted for voter fraud. The Fusionists ended their electoral recount due to the expense of a protracted audit, which dragged on for six months without yielding conclusive results.¹¹ This anti-Hague uprising foreshadows Republican vexation in 1937, when another election recount went awry trying to decipher Hudson County's arcane voting practices.

⁹ *Jersey Observer*, Jersey City, May 15, 1933, 1. Richard J. Connors, *A Cycle of Power: The Career of Jersey City Mayor Frank Hague* (Metuchen: The Scarecrow Press, 1971), 194.

¹⁰ *Matawan Journal*, Matawan, NJ, September 23, 1937, 1.

¹¹ James P. Moran, *Jersey City Municipal Election of 1929*, Master's Dissertation, Seton Hall University, 1963, 86.

League of Their Own

Hague's appropriation of receptive rank-and-file Republicans was augmented by covert cooperation with Enoch "Nucky" Johnson, his Jersey Shore Republican counterpart. Nucky Johnson was Atlantic City's sultan of swing, presiding over the Republican machine in Atlantic County. Irrespective of party affiliation, the two bosses were in league as a matter of opportunistic convenience. A live-and-let-thrive accommodation allowed chiefs of opposite tribes to solidify their individual power bases while deterring unwelcome interference from Trenton.¹² Hague and Johnson were astute power-mongers whose careers coincided for 30 years. Hague, the Irish ruffian upstart from the slums, plundered the lucrative bounty of Jersey City's waterfront while exploiting the patronage bonanza of FDR's New Deal. Johnson, a to-the-manor-born WASP bon vivant, flouted Prohibition and made fortunes from illegal liquor and the vice rackets of his boardwalk empire. On at least two occasions, Johnson and Hague colluded to fix Republican primary contests and sway gubernatorial elections to their mutual advantage.¹³ The first time was in 1916, to make Johnson's protégé, Walter Edge, governor, and then again in 1928 to help Republican Morgan Larson beat his Democratic rival in that year's race for governor. In both instances, success depended on Hague's ability to muster support for preferred Republican candidates—to the detriment of his own party's nominee—and then order a sufficient number of Hudson Democrats to stay home on election day.¹⁴

Registering Hudson Democrats to vote in GOP primary elections produced "one-day Republicans." These specially minted Republican voters helped confer nominee status on candidates preferred by both Hague and Johnson. In 1916, this fifth-column tactic crushed Austen Colgate's hopes for the GOP nomination, pitting the more malleable Walter Edge against Hague's own party candidate, former Jersey City mayor, H. Otto Wittpenn. Wittpenn's

¹² Nelson Johnson, *Battleground New Jersey: Vanderbilt, Hague and Their Fight for Justice* (New Brunswick: Rutgers University Press, 2014), 87.

¹³ Nelson Johnson, *Boardwalk Empire* (Plexus Publishing, 2002), 97.

¹⁴ Johnson, *Battleground New Jersey: Vanderbilt, Hague and Their Fight for Justice*, 89.

loss cleared the way for Hague to take over City Hall, and muscle his way into position as party sachem of Hudson County. A similar scenario played out in 1928. As many as 20,000 Hudson Democrats, including some on-duty election officials, crossed party lines to participate in the Republican primary, this time to upend the nomination of reformer Judge Robert Carey.¹⁵ All part of a Hague–Johnson scheme to torpedo Democrat William Dill in favor of Morgan Larson, an obliging Republican whom they believed could be counted on to turn a blind eye to machine shenanigans, whether in Hudson or Atlantic County.

Hague’s meddling in the 1928 Republican primary roused GOP grandees to exact retribution. Carey instigated the formation of a joint legislative investigation into the sins of Hagueism. The Case-McAllister Committee prosecuted an exhaustive yearlong probe into Hague’s political and financial affairs. The mayor himself was called multiple times to testify in person. His smug, dismissive demeanor on the stand played well with his home audience, making the committee’s interrogations look like a partisan pantomime. He diminished the legislature’s authority by dodging subpoenas and escaping arrest. In the end, the committee report detailed a litany of machine offenses, together with numerous examples of Hague’s graft, malfeasance, and self-dealing. Finally the veil was lifted on Hague’s “trick” of infiltrating GOP primaries to nominate his chosen opponents.¹⁶ For all its damning revelations, however, nothing proved this Hudson County practice violated any election laws; rather, it demonstrated how adept Hague was at exploiting their weaknesses.¹⁷

¹⁵ “Control By Hague of Primaries Lets Him Elect Rivals,” *Morning Post*, February 1, 1938, 6.

¹⁶ Steven Hart, *American Dictators: Frank Hague, Nucky Johnson and the Perfection of the Urban Political Machine* (New Brunswick: Rutgers University Press, 2013), 114.

¹⁷ Dayton D. McKean, *The Boss: The Hague Machine in Action* (Boston: Houghton Mifflin, 1940), 88.

1937 Election

New Jersey's 1937 race for governor came on the heels of President Franklin D. Roosevelt's landslide reelection the previous year. New Jersey gave Roosevelt his biggest statewide majority in 1936. Thanks to Hague's stunning delivery, the president carried all but four counties and garnered almost 60 percent of the total vote.¹⁸ The FDR tidal wave swept many down-ballot Democrats into local office as well. Incumbent Republican governor Harold Hoffman was prohibited by law from seeking another term, and many in his party breathed a sigh of relief at his departure—in particular, Arthur T. Vanderbilt, who headed the party's progressive Clean Government wing. GOP stalwart and doyen of the legal profession Vanderbilt's disaffection with Hoffman sprang from the governor's entente cordiale with Frank Hague. Hague was the chief obstacle to every government reform Vanderbilt espoused, most notably his ambition to remake the state's judiciary.¹⁹ Determined to break Hague's hold over Trenton, Vanderbilt found an ideal candidate in Republican state senator Lester Clee.

Presbyterian clergyman, Teddy Roosevelt-styled Progressive, and forthright critic of Frank Hague,

Clee was a formidable contender to succeed Hoffman. Originally from New England, Clee moved to New Jersey in 1921 to take up his pastoral ministry, first in Bergen County then later



1937 campaign postcard promoting Republican nominee Reverend Lester H. Clee for governor. Courtesy of the Murray Collection, NJHS.

¹⁸ Simon Sheppard, "'A Common Interest': Franklin Roosevelt, Frank Hague, and the Presidential Election of 1936 in New Jersey," *New Jersey Studies*, Winter 2016, 149.

¹⁹ Johnson, *Battleground New Jersey: Vanderbilt, Hague and Their Fight for Justice*, 97–99.

establishing himself in Newark. Renowned for his stirring oratory, he served as assemblyman for Essex County then briefly as Speaker of the House before being elected a Clean Government state senator in 1935.²⁰ “Political bossism must go and go forever,” Clee avowed in his last rally before the election. “This campaign is not one to elect a governor. It is a great fight to protect the sanctity of the American ballot and to save democracy in New Jersey.”²¹

On the face of it, Hague was in a tougher than usual fight. Unified Republican leadership was not to be taken lightly, nor was a candidate with authentic reformist credentials. True, Nucky Johnson had misgivings about an ethically minded, idealistic clergyman at the top of the GOP ticket and was rumored to be in secret talks with Democrats to fix the local senate race to benefit his apprentice, Assemblyman Thomas Taggart.²² But there is no hard evidence of a Hague–Johnson handshake to channel votes to Moore in 1937. Ultimately, Clee received his party’s full backing and managed to carry Atlantic County (albeit narrowly). By contrast, a shallow pool of electable Democratic candidates caused Hague to resort to pouring vintage wine into a recycled bottle. A. Harry Moore, two-time governor, current U.S. senator, Jersey City native, and patented product of Hague’s machine, was summoned from Washington and told he wanted his old job back. It was a shrewdly calculated move. Moore was a popular figure with strong voter appeal throughout the state. His WASP background and conservative reputation made him marketable to voters in rural counties. An effective campaigner, he won a Republican-held Senate seat amid a GOP resurgence in the 1934 midterms. That said, in the 1937 governor’s race, Moore was often on the defensive. The detriments to overcome were his ties to Hague (opponents referred to him as “a Hague puppet”), and the perception that his

²⁰ “Rev. Lester H. Clee Dies; Former Senator Was 73,” *Bergen Record*, March 15, 1962, 1.

²¹ “Clee Acclaimed by 3,500 In Tour,” *Bergen Evening Record* (Hackensack, NJ), November 1, 1937, 4.

²² “Checked & Double Checked,” *Morning Post*, October 6, 1937, 17. Despite not having an explicit understanding with Hague, it is highly probable Nucky Johnson would have wanted A. Harry Moore to win. In addition to their established working relationship, Johnson had a sinecure position in state government (clerk to the state supreme court), which he would have lost had Clee been elected. Interpretation based on question-and-answer email exchange between the author and Nelson Johnson, dated October 27, 2021.

Senate votes against some of FDR's policy milestones made him at best a New Deal skeptic, at worst disloyal to the president.²³ "Some people have criticized me because I didn't stand with the president," he conceded. "[But if] I assailed the President or said anything unkind about him, I'll step out of the race."²⁴ Moore deflected such criticism by touting his 29 years in public life and extensive government experience.²⁵ Stumping in the Republican heartland of Cumberland County, Moore depicted his opponent as an untried political adventurer who voters should not risk putting in office: "When you are ill, you don't send for a shoemaker."²⁶



This 1937 election political cartoon depicts Mayor Frank Hague unflatteringly as the then famous ventriloquist Edgar Bergen and A. Harry Moore as his puppet, Charlie McCarthy. The phrase attributed to Moore derives from his stated rationale when U.S. senator for voting against the 1935 Social Security Act. *The Political Digest*, June 1937. Courtesy of the Murray Collection.

²³ Piehler, G. Kurt, "Depression and War," *New Jersey, A History of the Garden State*, eds. Maxine N. Lurie and Richard F. Veit (New Brunswick, New Jersey: Rutgers University Press, 2012), 243.

²⁴ "Everyone Is Optimistic," *Daily Home News* (New Brunswick, NJ), November 1, 1937.

²⁵ Richard J. Connors, "A. Harry Moore," in *The Governors of New Jersey, 1664–1974: Biographical Essays*, ed. Paul A. Stellhorn, (Trenton: New Jersey Historical Commission, 1982), 200.

²⁶ "Democrats Report Republicans in South Jersey are Out for Moore," *Daily Home News* (New Brunswick), October 27, 1937, 1.

It was a bitter, hard-fought election. Although pundits expected a tight race, both sides exuded confidence. “We’re going to win by the greatest majority ever given to a governor of New Jersey,” Moore boasted.²⁷ Hague predicted his man would carry Hudson County by 150,000 votes and win the state by as many as 250,000. Clee forecasted a more modest 50,000-vote margin statewide. Typical of New Jersey elections in the Hague era, the most populous counties were last to report results, making the outcome anxiously suspenseful. Hague was fairly accurate regarding his own dominion: 130,000 Democratic votes from Hudson County gave Moore a 45,000 statewide margin. In a supreme act of electoral wizardry, the boss’s handpicked front man was made governor for a third time, courtesy of colossal voter turnout in Hudson County.



Mayor Frank Hague and U.S. Senator A. Harry Moore pose for the press in his city hall office on January 7, 1938, the day before his vaunted anti-reds rally at the Jersey City Armory. As a publicity stunt, the governor-elect offered up to Hague as a birthday present his soon to be vacant U.S. Senate seat. Hague declined, saying that “the people would think that Hague had deserted them.”
Courtesy Everett Collection Historical, licensed from Alamy Photos.

²⁷ “Easy Victory Seen By Moore In Speech Here,” *Asbury Park Evening Press*, October 18, 1937, 1.

“Hague alone elected the next governor,” charged one of the leading newspapers. Moore was dubbed “Governor of Hudson County” because, absent returns from Hague’s Celtic kingdom, Clee would have carried the state by 85,000 votes.²⁸ A total of 145,000 ballots were cast in Jersey City alone. That singular statistic became the wellspring of contentious controversy. Political analysts estimated that if 90 percent of all eligible voters in the city were registered, and 90 percent of those registered actually cast ballots, the maximum number of total votes could be only 119,336.²⁹ In other words, 26,000 votes could not be accounted for, which Republicans (and others) argued was evidence of padded registration rolls. Dubious registrations were estimated to range between 30,000 to 50,000, resulting in votes cast by infants, those deemed insane, the dead, and people yet unborn and unbegot. Clee’s Republican colleagues howled in protest, leading one GOP assemblyman to brand Hague “Political Public Enemy No. 1.”³⁰

The Spoiler Candidate

Primarily a two-party contest, there were independent candidates on the ballot as well. Most notable was Jersey City’s apostle of dissent, James F. Murray. The maverick Democratic skipped his party’s primary and announced himself a Roosevelt-Labor-Anti-Hague candidate in the election. He stumped against Moore for being Hague’s puppet, and reminded voters that the senator opposed transformative FDR initiatives, such as social security and enlarging the Supreme Court. In addition, Murray advocated compulsory use of voting machines throughout the state and pushed to abolish “permanent registration,” which, he argued, “enables political machines to corruptly control elections.”³¹ Hague’s homeboy antagonist entered the fray as a spoiler, hoping to draw Democrats away from Moore in Hudson County. His decision to run

²⁸ “The Governor of Hudson County,” *Morning Post*, November 4, 1937, 12.

²⁹ Nelson Johnson, *Battleground New Jersey: Vanderbilt, Hague and Their Fight for Justice* (New Brunswick: Rutgers University Press, 2014), 100.

³⁰ “Osmer’s To Push Probe of Hague by Legislature,” *Bergen Evening Record*, November 5, 1937, 1.

³¹ “Clee Men Aid Anti-Hague Hudson Ticket,” *Jersey Journal* (Jersey City, NJ), October 19, 1937, 19.

appears to have had tacit support from Arthur T. Vanderbilt's Clean Government wing of the Republican party, the same Hague-hating confederates who advanced Lester Clee's nomination.³² Once again, Republicans outside Hudson County aligned themselves with dissident Democrats to constrain the boss's reach. Murray later confessed he had no expectation of winning but "did hope to cut into the Democratic vote."³³ So his twin objective was to shrink Moore's margin in his home county while raising the anti-Hague banner across the state.



James F. Murray Sr., independent candidate for governor in 1937. Murray ran as a Roosevelt-Labor-Anti-Hague Democrat to offset his party's support for A. Harry Moore in Hudson County. He later served as associate counsel for the Young Committee in support of the state assembly probe into Hudson County election fraud. Courtesy of the Murray Family.

If being a spoiler was Murray's purpose, he fell short of the mark. In his native Jersey City, where just five years before he polled 28,673 votes in his second run for city commissioner, he fetched a mere 392 votes.³⁴ This stark disparity lends credence to local lore that Murray ballots were either physically altered or "dumped in the river."³⁵ Conversely, in Camden County, where Clee earned his largest majority, Murray received 1,203 ballots, slightly less than his paltry 1,392 Hudson County showing.³⁶ These baffling statistics strongly suggest something was amiss. Murray lashed out at Hague's lieutenants for "stealing" votes from him on November 2, insisting his true Hudson vote count "was actually anywhere

³² "Murray Declares For Mandatory Recounts," *Jersey Journal*, October 19, 1937, 8.

³³ "James F. Murray Guest of Honor," *Millville Daily*, June 10, 1938, 1.

³⁴ "Hague Big Winner," *Bergen Record*, May 10, 1933, 1.

³⁵ Childhood conversation between the author and his grandmother, Murray's widow, Mrs. James F. Murray Sr., circa 1968.

³⁶ State of New Jersey, Department of State, Result of the General Election Held November 2, 1937, To Elect A Governor and Members of the General Assembly.

between 15,000 and 20,000.”³⁷ Based on past performance, this is a reasonable estimate, given Murray had twice captured the lion’s share of anti-Hague Democratic votes in Jersey City. Though Murray participated in the Hudson recount in support of Clee’s legal team, his results were excluded from the re-tallying process and, as such, never investigated for fraud. Common cause with Clee earned him praise in Republican circles. Months later he reproved a GOP audience for their party’s complicity in abetting the Hague machine, observing, “It is a peculiar fact that when Hague has been returned to office every four years, he has had full control of the election machinery [because] the Republicans were working with him.”³⁸

1937 New Jersey Election Votes Cast for Governor

Candidate	Party	Hudson County	Statewide Total
Lester H. Clee	Republican	68,662	700,767
A. Harry Moore	Democrat	197,889	746,003 (1) (2)
James F. Murray	Roosevelt-Labor-Anti-Hague	1,392	9,532 (3)(4)

Source: State of New Jersey, Department of State, Result of the General Election Held November 2, 1937

As we review the votes cast, note that:

(1) A. Harry Moore carried only 6 of the 21 counties in the state, 4 with pluralities below 2,000 votes. His strongest showings were in Hudson and Middlesex Counties.

(2) Moore secured a **129,237** Democratic margin in Hudson County, far greater than in the gubernatorial election three years before. In 1934, Democrat William Dill received only **89,196** more votes in Hudson County than his Republican opponent, Harold Hoffman.

(3) Murray fetched a mere 392 votes in his native Jersey City, where just 5 years before he polled **28,673** votes in his second run for city commissioner.

³⁷ “GOP Claims Votes Altered For Moore,” *Morning Post*, December 3, 1937, 14.

³⁸ “James F. Murray Guest Of Honor,” *Millville Daily*, June 10, 1938, 1.

(4) Murray's spoiler strategy almost worked in Mercer County, where his highest total vote count of 2,762 cut Moore down to a slender majority of 1,639 votes.

The significance of Murray's bid for governor is appreciated in historical hindsight. Though it escaped scrutiny at the time, his sharply deflated showing in Hudson County underscores how elections were manhandled by the Democratic machine. It also reveals the lengths Hague would go to mortify an intrepid opponent. Murray's insights into his failed spoiler strategy elucidate, if not substantiate, Clee's charge that "something was wrong" with the vote in Hudson. "I ran against Hague for the City Commission in 1929," Murray recalled. "In that year he [Hague] did not believe any opponent could secure any more than 5,000 votes. Since that time he has systematically [inflated the] registry lists and held absolute control of both Democratic and Republican election board members. . . . [They deliver] the votes he demands for his candidates not only in municipal but in general state elections."³⁹ Ultimately, Murray wanted Democrats to imagine New Jersey without Frank Hague. By challenging the mayor at the state level, he hoped to signal to FDR and his political consiglieri, James Farley, that groundwork could be laid for a transition that kept New Jersey in the Democratic column, but without the boss and his baggage. Hague foresaw the threat and negated it. Yet it is possible Roosevelt was already on the same wavelength as Murray. Three years later the president floated a New Jersey trial balloon by advancing a genuine reformer for the governorship.⁴⁰ Roosevelt cajoled Hague into running Navy Secretary Charles Edison, son of the great inventor, for governor. Edison went on to win in 1940, and became the first chief executive to actually stand up to Hague by curtailing state patronage to Hudson County.⁴¹

³⁹ "Murray Warns Fight On Hague Is State Issue," *Bergen Record*, February 24, 1938, 12.

⁴⁰ Lyle W. Dorsett, "Frank Hague, Franklin Roosevelt and the Politics of the New Deal," *New Jersey History*, 94 (1975-76), 405.

⁴¹ "Edison Names Hague Foe To Hudson Post," *Morning Call* (Paterson, NJ), March 5, 1942, 2. In a high-profile snub of Frank Hague, Governor Edison appointed James F. Murray, one of the mayor's most persistent political opponents and harshest critics, to the position of Hudson County Register in 1942.

Election Postmortem

Immediately after Moore's victory, Hague reacted to Republican threats of a recount by throwing down the gauntlet. "I dare you to come to Jersey City or any other city in this county and proceed with your recount," fumed the mayor.⁴² By contrast, Clee was conspicuously reticent, allowing others to vent Republican outrage over the election upset. Hesitant to commit to a recount, the beleaguered candidate greeted Hague's bluster with restraint: "We are thinking seriously whether to go ahead with the recount. We have received many letters and telegrams from voters telling us something was wrong in Hudson County last Tuesday (election day)."⁴³



A. Harry Moore casting his ballot in Jersey City on Election Day, November 2, 1937. Frank Hague shunned mechanical voting machines, keeping voting in Hudson County tied to paper ballots and signature matching until 1944. Courtesy ACME News Pictures.

⁴² "Hague Challenges Clee To Open Every Ballot Box in Jersey City," *Asbury Park Press*, November 5, 1937, 1.

⁴³ "Clee To Decide Tomorrow On Recount," *Morning Post*, November 9, 1937, 1.

After Republicans paid the \$10,000 fee to initiate the recount, Hague's chest-thumping gave way to trademark machine tactics of obstruction, diversion, and delay. Following the boss's lead, Hudson County officials treated Clee's call for a recount with flagrant contempt. From the outset, conditions were hostile and relations tense. Republican lawyers and legislators snooping around town during and after the election triggered Jersey City's "us against them" reflex, a xenophobic antipathy toward Trenton WASPs that Hague knew all too well how to exploit. "Surely nobody for a minute thinks that Governor Moore's election can be overturned," Hague taunted. "There must be a sinister object to all of these maneuvers."⁴⁴ Hague was a cunning street fighter whose character bore marks of an intimacy with violence. His pugnacious stance signified things would get ugly. "Dirty tricks" and police-state tactics were in store for those aligned against him. These included surveilling local opponents involved in the recount and subsequent investigation.⁴⁵ Once underway, the mayor denounced the recount as part of a nefarious Republican scheme to foist voting machines on Hudson County.⁴⁶ At the time, mechanical voting machines were in use throughout the state but had been strenuously resisted by the boss. They would only come to Hudson County after being imposed by the state in 1944.⁴⁷

⁴⁴ "Vote Machine Bloc Backs Recount, Hague Asserts," *Bergen Record*, December 2, 1937, 1.

⁴⁵ Jane F. Murray to James F. Murray Sr., the Murray Collection, New Jersey Historical Society, file 1937, James F. Murray Gubernatorial Election Correspondence. Undated typed memo from his wife documenting incidences of suspected wiretapping of home and office phones, and a New Jersey Bell Telephone technical team visiting Murray's Jersey City residence to investigate the suspicious activity. See also Lyle W. Dorsett, "Frank Hague, Franklin Roosevelt and the Politics of the New Deal," *New Jersey History* (1975–76), 400; and Donald W. Rogers, *Workers Against The City: The Fight For Free Speech In Hague v. CIO* (Urbana, Illinois: University of Illinois Press, 2020), 91. In the 1938 fight with the CIO, the ACLU charged Hague with mail tampering and filed complaints with Postmaster General James Farley. Farley relayed the concern to President Roosevelt, who reportedly instructed Farley to "Forget prosecution. You go tell Frank to knock it off."

⁴⁶ "Democrats To Battle Inquiry," *Bergen Record*, December 2, 1937, 1.

⁴⁷ "New Jersey: Against The Kakistocracy," *Time* magazine, February 21, 1944, <https://content.time.com/time/subscriber/article/0,33009,774711,00.html>.

The Recount

Clee's Hudson recount is most memorable for what it was unable to achieve, the endgame result being less important than the obfuscation committed by those charged with election integrity. Starting on November 15, 1937, the recount was performed by Hudson County's board of elections (BOE) under the aegis of New Jersey Supreme Court Justice Thomas J. Brogan. A 12-year veteran of Hague's City Hall's law department, the Ireland-born Brogan was elevated to the state supreme court in 1932 by then governor A. Harry Moore, and made chief justice a year later. Also, he had served as defense counsel for Hague during the mayor's tussles with the Case-McAllister Committee.



State senator Lester H. Clee with his wife, Katherine, casting his ballot on Election Day, November 2, 1937. Unlike his opponent, Clee is shown using a newly deployed voting machine. Voting machines were utilized throughout the state, with Hudson County being the conspicuous exception. Courtesy ACME News Pictures.

In short, Brogan was a creature of the machine and could be relied on to do the boss's bidding. Brogan ordered ballot boxes across Hudson's 653 voting districts to be opened and their contents recounted in an expeditious manner. He sternly reminded lawyers on both sides that the proceeding was a "recount, not an investigation," and that only a re-tabulation of ballots would be permitted.⁴⁸

Hudson's BOE was a tangled bureaucratic anomaly. A GOP oasis in a patronage desert, it was created by a Republican-led legislature to monitor and hopefully minimize the county's disproportionate Democratic majorities in state elections.⁴⁹ The two principal BOE figures were: Charles F. Stoebling, commissioner of registrations since 1926, and John H. Ferguson, superintendent of elections.⁵⁰ Ferguson was appointed in 1928 after Trenton Republicans (overriding a veto by then governor A. Harry Moore) sacked his predecessor for being "useless," i.e., a Hague Republican.⁵¹

As Republicans, Ferguson and Stoebling should have partnered to demonstrate how voter fraud cost their man the election. But these were no ordinary Republicans. Hague had poisoned GOP waters in Hudson to such a degree that their own elections administration was not only dysfunctional, its principals were at each other's throats. Stoebling's close ties to Republican governor Harold Hoffman gave him primacy in the county party committee, which galled Ferguson and further divided the local GOP.⁵² Ferguson was in Clee's corner. It was he who helped convince the Republican contender to pursue a Hudson recount.⁵³ A strident Hague critic, Ferguson railed against machine interference in the voting process: "Floaters and thugs have been used to falsify the vote."⁵⁴ Citing registration padding as the culprit, he laid blame

⁴⁸ "Judge Admonishes Re-Count Lawyers To Stop Quarrels," *Morning Call*, December 2, 1937, 2.

⁴⁹ Richard J. Connors, *A Cycle of Power: The Career of Jersey City Mayor Frank Hague* (Metuchen, NJ: The Scarecrow Press, 1971), 114.

⁵⁰ "Stoebling To Retire on \$3,437 Pension," *Morning Call*, July 6, 1940, 8.

⁵¹ "McDonald Ousted From Hudson Post By Vote of 55-4," *Evening Courier* (Camden, NJ), July 25, 1928, 1.

⁵² Connors, *A Cycle of Power: The Career of Jersey City Mayor Frank Hague*, 114

⁵³ "Moore To Fight Clee Demand For Court Probe of Election," *Courier Post* (Camden, NJ), December 11, 1937, 2.

⁵⁴ "Moore Returns To Third Term; Capital Hostile," *Bergen Evening Record*, November 3, 1937, 3.

squarely on his colleague, Charles Stoebling. Ferguson may have talked loudly, but he carried a small stick. During the recount, for example, an embarrassing incident revealed shortcomings in his own department: 20,551 sample ballots were found to be unclaimed in post offices throughout Hudson County. Envelopes mailed out before the election to persons on the voter registration list were returned undelivered to the post office. They awaited collection by the superintendent of elections but were never retrieved.⁵⁵ Returned ballots were used to update the challenge or “strike-off” list, which identified voters no longer eligible to vote. This helped determine changes in voter status since the last election. Since no purge analysis was performed, it was unknown whether: (a) the 20,551 returned ballots correlated with the 22,649 names on the current challenge list; and (b) any returned ballot addressee names were used to vote in the 1937 election.⁵⁶

Caught flat-footed, Ferguson blamed lack of funds for not collecting the returned envelopes (the postage due was \$308.28). Reproached by his Essex County Republican counterpart, Ferguson insisted it would be “an impossible job” to add 20,000 names to the challenge list days before an election.⁵⁷ While Ferguson’s foibles may have dumbfounded Clee’s investigators, Stoebling’s role in the postelection debacle beggars the imagination. Clean Government Republicans suspected Stoebling of being a machine collaborator, whereas local anti-Hague leaders in both parties flatly accused him of being “a Hague stooge.”⁵⁸ As commissioner of registrations, Stoebling was uniquely equipped to expose how bloated registration rolls were the alchemy behind Hague’s prodigious turnouts. He admitted as much following the 1928 Case-McAllister Committee hearings, moaning to the press that registration lists were “in direful need of revision,” and that 55,000 voters would be “stricken off” if he

⁵⁵ “Moore To Fight Clee Demand For Court Probe of Election,” *Courier Post*, December 11, 1937, 2.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ “Control By Hague of Primaries Lets Him Elect Rivals,” *Courier Post*, February 1, 1938, 6.

were given his own force of clerks.⁵⁹ It is doubtful any such steps would have been taken. On the contrary, subsequent events suggest Stoebling's real job was to make registration records a permanent mystery. Instead of furnishing Republican investigators proof of voter fraud, Ferguson and Stoebling bumbled and blundered their way through the recount process, incriminating each other in a futile blame game that Hague, ever the grandmaster, shrewdly played to his advantage.

The Plea

Realizing a re-tally of votes would reveal only minor mischief, Clee's lawyers sought to expand the scope of the recount to include poll books and registry rolls.⁶⁰ Conversely, Brogan resolved to interpret the statute as narrowly as possible, refusing to rule on any dubious ballots or signature mismatches raised by the Clee team. Exasperated by these constraints, Clee moved to have the Supreme Court itself investigate the election. Accordingly, on December 1, a petition was filed with Brogan charging widespread fraud by Hudson's district election boards. It was Clee's preference to have the Supreme Court carry out a judicial investigation, rather than a legislature probe into the Hudson election, as in 1928, fearing the latter would be assailed as overtly partisan.⁶¹

Acting for Clee was former state attorney general Robert H. McCarter, who asked the Chief Justice to restrain the state board of canvassers from certifying Moore's election until registration records and poll books could be inspected and signature discrepancies reconciled.

⁵⁹ "Hudson Registry Lists Are Padded," *Bergen Record*, August 18, 1928, 3.

⁶⁰ Poll books and voter registries were evidence pre-requisite to any audit of a paper ballot election. The manual voting process in effect at the time of New Jersey's 1937 general election, as carried out in Hudson County prior to introducing mechanical voting machines, was prescribed by the Geran election law of 1911. To cast a ballot on election-day the voter had to sign his/her name in a poll book called the "signature poll-book." Signatures had to match corresponding signatures in the register, signed at the time of voter registration. An official ballot would only be issued once a voter's signature was judged to be a match and certified as such by an election officer at the polling location. See Arthur Ludington, "Election Laws: The New Geran Law in New Jersey," *The American Political Science Review*, Vol. 5, No. 4, November, 1911), 579-585.

⁶¹ "Clee Counsel Sees Way Open For Inquiry In Voter Registry," *Morning Post*, December 7, 1937, 4.

Brogan declined to intercede, and the board of canvassers officially declared Moore elected.⁶² Counsel for the governor-elect was Edward J. O'Mara, one of Hague's municipal lawyers, who had served with Brogan earlier as a fellow Jersey City corporation counsel. O'Mara motioned for the court to throw out the petition on the grounds that charges of fraud were "insufficient." Brogan set December 28 as the date for the hearing.

An ironic twist to Clee's petition was citing Stoebling as the source of the most compelling evidence. The relevant section of the petition is summarized below:

in one instance . . . Clayton Freeman, Chairman of the Republican State Committee, did visit the office of Charles F. Stoebling, on Saturday, November 13th, 1937; Freeman did request production of poll books and duplicate signature copy registers of a certain district and was permitted to make a comparison of some of the names in the poll books with the signatures of voters in the duplicate copy registers in that particular district. He discovered a number of forgeries written in the poll books, but before afforded an opportunity to complete the district and make a notation of the particular forgeries, the books were taken from him at the direction of Charles F. Stoebling, and no further examination of this kind was permitted.⁶³

To substantiate the rationale for auditing election records, McCarter made specific reference to the pattern of irregularities uncovered:

Two poll books . . . disclosed that men in the insane asylum voted, a rabbi who has lived out of Jersey City for three years voted, voters who had moved out of the district signed statements that they never voted . . . and people who were known on Election Day to have been on their death beds also voted?⁶⁴

Furthermore, Clee's request to examine poll books and signature registries was boosted by a concurrent probe into Stoebling's own recent run in the Republican primaries. Defeated GOP candidate August Ziegner filed suit to contest Stoebling's election as state committeeman. The case alleged that fraudulent votes from Hague's "one-day Republicans" gave Stoebling a narrow victory over Ziegner.⁶⁵ Unlike Brogan, presiding judge Thomas

⁶² "Brogan Refuses Clee's Plea For Election Probe," *Herald-News* (Passaic, NJ), January 12, 1938, 1. "Clee Gains Two Votes In Hudson," *Bergen Record*, December 1, 1937, 1.

⁶³ "In The Matter Of The Petition Of Lester H. Clee, To Contest The Election," Supreme Court of New Jersey, January 11, 1938, Paragraph 318.

⁶⁴ "Clee Continues Gain In Recount," *Montclair Times*, January 14, 1938, 31.

⁶⁵ "Clee Counsel Sees Way Open For Inquiry In Voter Registry," *Morning Post*, December 7, 1937, 1.

Brown permitted a comparison of the Hudson County registration records with the poll books used in the primary election of September 1937. Ultimately, this parallel investigation led to Stoebling's election being voided, the judge ruling it was marred by "fraud and corruption."⁶⁶

Clee's experience was the exact opposite. There would be no proper hearing, no discovery, no witnesses, and no testimony. Notwithstanding the precedent set in the Ziegner case, Justice Brogan refused to allow any review of registry records or poll books. Without much ado, the chief justice accepted O'Mara's motion to dismiss the Clee petition, and declined to have the Supreme Court investigate the Hudson County election. "I know of no case where a justice has been asked or undertaken to dismiss a petition," McCarter objected, also pointing out that Brogan sat at these proceedings in a "ministerial capacity" as an adjunct to the Hudson County election board, not in a judicial role.⁶⁷ A fair point, since the board, still in the throes of the recount, was deadlocked over Clee's demand to see Stoebling's books. In dismissing the plea, Brogan ruled Clee's charge was of "doubtful competency" insofar as support for his claim that 55,000 votes were illegally cast for Moore was "beyond comprehension."⁶⁸ This stunning reversal of fortunes left Clee no alternative but to ask the state legislature to launch an investigation. His hand was forced, he explained, because Hudson's Democratic machine "blocked the probe they dared me to make."⁶⁹ As a result, the recount was halted on January 28, 1938. Altogether it lasted 10 weeks and covered 180 of Hudson's 653 districts. Out of the 78,000 ballots recounted, Clee was able to accumulate a small net gain of 820 votes.⁷⁰

⁶⁶ "Hudson Committee Election Voided," *Central New Jersey Home News* (New Brunswick, NJ), December 9, 1937, 10.

⁶⁷ "Clee Vote Inquiry Delayed By Brogan," *Courier-Post* (Camden, NJ), December 29, 1937, 2.

⁶⁸ "Denied Court Sift, Clee To Ask Vote In Probe In Trenton," *Morning Call*, January 12, 1938, 2.

⁶⁹ *Ibid.*

⁷⁰ "Hudson's Recount Ends Suddenly By Clee Faction," *Central New Jersey Home News*, January 28, 1938, 1.



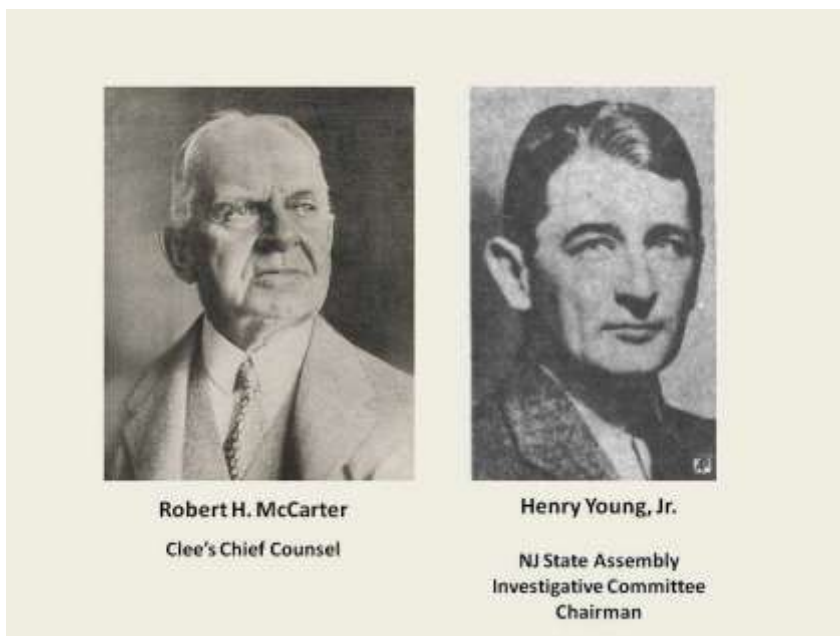
Inauguration Day, January 18, 1938. Governor A. Harry Moore takes the oath of office as New Jersey governor for the third time. The oath was administered by New Jersey Supreme Court Chief Justice Thomas J. Brogan. Both men owed their careers to Frank Hague. Courtesy Wide-World Photos.

Assembly Probe

It was painfully evident to Clee and his backers that Hague's mesmeric effect on the state judiciary doomed any possibility of getting Clee's day in court. The only venue left to pursue his case was the state legislature. But even there Clee faced headwinds. Several of his cohorts in the GOP-controlled upper house frowned upon an election investigation, and joined with Democrats to withhold Senate support. Naturally, these senators were suspected of conniving with Hague. Among them was Thomas D. Taggart of Atlantic County, a Nucky Johnson favorite, who, as events unfolded, would give Clee cause to fear a Hague-Republican

cabal in the upper house.⁷¹ Lacking Senate support, the assembly forged ahead on its own and opened an independent investigation, a decision that would prove to have fateful consequences.

On January 18, the same day A. Harry Moore was sworn in as governor for the third time, the Republican-led general assembly voted 35 to 24 in favor of Clee's request to investigate charges of "malconduct and fraud in Hudson."⁷² In doing so, it agreed on \$35,000 to fund the committee's efforts, a budget its Republican brethren in the state senate would never approve. Prominent Clean Government Assemblyman Henry Young Jr. from Essex County was chosen to chair the investigative committee, with Robert H. McCarter, already immersed in the Hudson recount, serving as senior attorney. Defeated independent candidate James F. Murray was retained as local counsel in Jersey City.⁷³ The probe's legislative purpose was to reform the state's election laws. In actuality, the Young Committee was meant to be the battering ram to breach the walls of Fort Hague and acquire Hudson's elusive voter registration data.



McCarter: Courtesy of State of New Jersey, Department of Law & Public Safety, Office of the Attorney General.

Young: Courtesy of the Bergen Record, January 18, 1938, p 1.

⁷¹ "Showdown On Hudson Ripper Bills Mays Reveal Hague's GOP Aides," *Courier Post*, February 14, 1938, 1.

⁷² "GOP Leadership Of Clee Pends In State Senate," *Daily Record* (Long Branch, NJ), January 18, 1938, 1 & 3.

⁷³ "Hudson Probe Is Stymied," *Paterson Evening News*, January 25, 1938.

Once the committee was established, Hudson County's siege mentality began to manifest itself. The fight with Trenton Republicans became as ruthless as it was tribal. Hague went from stonewalling to manning the ramparts, retaliating with a blitz of counterstrikes designed to undercut the probe and blunt any possible findings. First, he blindsided Republicans on the issue of election reform by leaking to the press his plan for "the most drastic election reform bill since 1890." The *Jersey Journal* reported how the boss labored over the measure while luxuriating on one of his frequent Florida vacations, inviting input from state attorney general David T. Wilentz.⁷⁴ Unveiled on January 22 by Senate Democratic minority leader Edward P. Stout, the gist of the proposal was abolishing the much-maligned bureau of elections, the GOP-spawned entities existing nowhere else except in Hudson and Essex Counties.

Second, Hague hoped to steal Republican thunder over allegations of illegally registered voters. Senator Stout introduced Hague's election reform bill by acknowledging there were indeed more than 50,000 illegitimate voters on Hudson registration rolls. Turning the tables on the issue astonished Senator Clee, who termed it a "startling Democratic machine admission . . . that there is corruption in Hudson County." Then, as prologue to the legislative committee, Clee inquired: "For how long has he [Stout] and the Hague machine known this? Why has he waited until the eve of an investigation . . . to make these shocking facts known?"⁷⁵ But Stout's bombshell was more deflection than confession, since he blamed Republicans for failing to prevent false registrations. The Hudson senator put Ferguson and Stoebling in the crosshairs for "(leaving) the door wide open to fraud" and "squandering public funds with their useless institutions."⁷⁶

⁷⁴ "Hague Reported Drafting Drastic Vote Reform Bill," *Courier News* (Bridgewater, NJ), January 22, 1938, 1.

⁷⁵ "Clee Hits Stout On Padded Vote," *Jersey Journal*, January 28, 1938, 14.

⁷⁶ "50,000 Bad Hudson Votes Says Stout," *Paterson News*, January 28, 1938, 1. "GOP Subpoenas Hudson Poll Books As Recount Ends," *Morning Call*, January 29, 1938, 2.

Finally, to divert attention from the assembly probe, Hague kicked up dust in Jersey City. The mayor unleashed his police on Republican election deputies brought in from Essex County to man the polls in the gubernatorial election, alleging they had criminal records but insinuating they were furtive agents of candidate Clee. In defending his operation, Ferguson accused “dictator Hague” of creating “a red herring to prevent an investigation of the last rotten election here.”⁷⁷ Grand jury indictments of other Republican poll workers quickly followed on charges of election fraud. Among those indicted was Democratic opponent John Longo, who dared but failed to field a slate of anti-Hague candidates in the recent Democratic primaries, an offense that ultimately landed him in prison.⁷⁸

Every lever of power and influence at the boss’s command was used to impede investigating the Hudson election. The chief justice straitjacketed the Hudson recount then scotched a Supreme Court review of the machine’s electoral expedients. Now it was time to stymie the assembly and emasculate those Republicans who rejected Hague’s papal supremacy over the state. As a harbinger of things to come, the committee was hampered from the start by not being able to set up shop in Jersey City. “Those in authority [failed] to make available for us the kind of quarters we require,” complained Young.⁷⁹ Denied “suitable” office space in the Hudson County Courthouse, the committee reluctantly decided to operate out of the courthouse in Newark, which is where most of its hearings would be held.

Both sides knew if evidence of fraud were to be found, it would be in the voter registration data—the Rosetta stone to Hague’s formula for engineering an election. Hence the committee’s first action was to subpoena poll books and registry records. Indeed, that was the rationale for winding up the recount. Clee’s lawyers resolved to obtain the poll books for all 653 Hudson County districts, together with duplicate registry lists of the first ten districts of

⁷⁷ “Hague Askes Probe of Poll Aides With Criminal Records,” *Morning Post*, January 18, 1938, 7.

⁷⁸ “Hudson in Armed Revolt Against NJ, Young Says,” *Bergen Evening Record*, February 2, 1938, 4.

⁷⁹ “Newark To Get Hudson Inquiry,” *Morning Call*, January 28, 1938, 2.

Jersey City's first ward.⁸⁰ The records were locked in a sealed vault in Commissioner Stoebling's office at the BOE suite on the seventh floor of the Spingarn Building in Jersey City. This would become the scene of a fierce Trenton–Hudson showdown that set the stage for the mayhem that followed.

Clee's first attempt to access the registration records was on November 19, shortly after the election. Undeterred by Brogan's tight reins on the recount, Republican chief Clayton E. Freeman paid a call on Stoebling to research suspected ballot discrepancies. As the Clee petition attests, Freeman wormed his way into the poll books until Stoebling, for reasons unknown, abruptly halted the session. On December 1, Freeman made a second attempt, but this time was barred outright. With Stoebling purportedly ill, his staff asserted the records were off-limits, legally impounded because of the recount. No access would be granted without a court order or permission from the county BOE. Ironically, the recount initiated by Clee became the pretext for withholding the records from his own representative. Freeman described the encounter as "another example of the barriers being thrown in the way of this investigation by Hudson County authorities."⁸¹ It would prove to be one of many "barriers" to come.

Three-Week Runaround

From Friday, January 28, to Tuesday, February 15, the Young Committee ricocheted from crisis to calamity and back again. Developments across this 18-day period proceeded at a frenetic pace. On January 28, within hours of ending the Moore–Clee recount, the Young Committee appeared before Stoebling brandishing a subpoena. Earlier that day David H. Weiner, in his capacity as chief recount counsel, busied himself in Stoebling's office compiling lists of election districts pertinent to committee allegations. It was widely known Stoebling was out sick. So as soon as Brogan signed the order terminating the recount, Weiner, along with

⁸⁰ "County Police Block Attempt to Open Vault," *Morning Call*, February 2, 1938, 1.

⁸¹ "2 Clee Appeals Fail in Hudson," *Bergen Record*, December 1, 1937, 1.

the committee sergeant at arms, hastened to Stoebling's home. There the bedridden commissioner was served a subpoena instructing him to produce the election records forthwith. A deal was brokered that evening between Weiner and Stoebling's legal advisor, Benjamin Dowden, whereby Stoebling would transfer the poll books and registration binders to the committee by 10:30 a.m. the next day. Dowden assured Wiener of Stoebling's wish "to cooperate to the fullest extent," and announced that he (Dowden) would personally oversee loading the records into an armored truck and accompany their delivery to Newark on Saturday morning.⁸²

Come Saturday morning, everything changed. Local press coverage of Stoebling's illness was an indicator of what was in store. The evening before, the *Jersey Journal*, a reliable and often predictive machine mouthpiece, described Stoebling as having had a nervous breakdown after receiving the subpoena. By Saturday morning, the commissioner's health was a medical emergency. The paper now said Stoebling suffered from a chronic heart ailment and needed prolonged convalescence. Doctors went so far as to warn that his very life depended on having no more visitors.⁸³ Meanwhile, in Newark, the committee waited in vain. The promised 10:30 a.m. delivery time came and went. No armored truck or records appeared, only a Union City district court judge named Isador Haber, who claimed to legally represent Stoebling. Stoebling's written reply to the committee stated he was "unable to comply with the subpoena." In doing so, he postulated a novel interpretation of his job description. "I am charged with the sole responsibility for the safeguarding of these records and have no authority to permit them to come into the possession or control of any other person."⁸⁴ Haber insisted Stoebling was not trying to evade the subpoena. The records could not be produced, he explained, because the law required Stoebling to maintain personal custody of them. But, alas, he was too ill to even

⁸² "Hudson Probers Get Election Books," *Jersey Journal*, January 29, 1938, 8.

⁸³ "Bar Visitors to Stoebling," *Jersey Journal*, January 28, 1938, 1.

⁸⁴ Commissioner Charles F. Stoebling to Henry Young Jr., January 28, 1938, the Murray Collection, New Jersey Historical Society, file 1937, James F. Murray Gubernatorial Election Correspondence.

“talk about the books.” To which Chairman Young retorted: “The records, not Stoebling, are under subpoena.” Somewhat menacingly, Haber alluded to the fact that the books were being guarded, adding “the Committee can have its own guards if it wants.”⁸⁵

Committee suspicions were duly aroused on two fronts. First, Stoebling’s rationale for disobeying the subpoena rested on doubtful legal grounds; and, second, it was now known the incapacitated commissioner had met with lawyers and policemen at his home immediately following Weiner’s Friday-night vigil.⁸⁶ Summoned to Newark that morning, Benjamin Dowden, the BOE lawyer who had negotiated with Weiner the night before, testified that the registration books had been turned over previously to officials during the recount, without Stoebling being present. In addition, Dowden reaffirmed his client’s consent to release the records, and could only conclude that “Stoebling changed his mind over night.”⁸⁷ In an oddly defensive, long-winded press release, Dowden tried to dispel any “talk about Hague control” over Stoebling. Referencing a “suspicion” among the public, he denied emphatically that “there was a concerted effort to block the committee from getting the records.”⁸⁸ Not looking behind the curtain was supposed to hide the long arm of Frank Hague, who on that very day left town for another Florida vacation, his second in as many months. The boss escaped New Jersey’s winter of discontent on the same train as his friend Thomas J. Walsh, the Catholic archbishop of Newark.⁸⁹ The mayor’s timing was impeccably convenient. The political tempest he precipitated was about to engulf the state.

The committee went on the offensive. Young and a few committee colleagues, trailed by a caravan of cars packed with newspapermen and photographers, rushed to Jersey City to confront Stoebling. Upon entering Stoebling’s home, Dr. Robert Stockfish emerged to prohibit

⁸⁵ “Probers to Force Hudson Vote Aide to Produce Books,” *Morning Post*, January 31, 1938, 4.

⁸⁶ “Hudson Prober Committee Meets with GOP Heads,” *Daily Home News* (New Brunswick), January 31, 1938, 1.

⁸⁷ “Probers to Force Hudson Vote Aide To Produce Books,” *Morning Post*, January 31, 1938, 4.

⁸⁸ “Group Unable To Get Poll Records Here,” *Jersey Journal*, January 31, 1938, 8.

⁸⁹ “Hague Travels to Florida with Archbishop Walsh,” *Jersey Journal*, January 31, 1938, 8.

them from seeing his patient. During the exchange with Dr. Stockfish and Mrs. Stoebling, Young learned that Stoebling's wife had phoned her husband's office and instructed the clerk, Mrs. Alice Seglie, to close up shop. Young quickly countermanded the order. After being scolded by the physician for causing "great annoyance" to the Stoeblings, the probers dashed over to the BOE.⁹⁰ Once there, the same Mrs. Seglie was spotted leaving the Spingarn Building. She had been phoned earlier by Young and was told to await his arrival. Intercepted by committee lawyers, she was barraged with questions and then promptly subpoenaed. Following a hectic sidewalk conference with other Stoebling staff, including Dowden, the entire entourage repaired upstairs ostensibly to have Mrs. Seglie unlock the safe and release the coveted records. Despite being the only person besides Stoebling to have the combination, Mrs. Seglie ignored committee subpoenas and refused to open the safe. Raucous interrogations of Stoebling underlings ended in stalemate. So back it was to Stoebling's apartment for another failed interview attempt, but this time the committee was literally left out in the cold. Stoebling's wife refused to let them in. Later she was described by Dr. Stockfish to be "in a state of collapse."⁹¹ After seven and a half hours of futile effort, the committee adjourned at 5:30 p.m. and returned to Newark empty-handed. Incensed by the Jersey City runaround, the committee endorsed Young's call for direct action by the legislature.⁹² An emergency session of the assembly was fixed for Monday night.

Before heading to Trenton, Republican moguls, including Senator Clee and Arthur T. Vanderbilt, huddled with McCarter's legal team to draft the next round of subpoenas and prioritize what should be asked of the legislature. All agreed that "sterner measures" were warranted—law enforcement muscle to wrest records from Stoebling, and specific legislative

⁹⁰ "Stoebling's Doctor Condemns Probers," *Jersey Journal*, January 31, 1938, 1.

⁹⁰ *Ibid.*

⁹¹ James F. Murray to James R. Guiliano, Special Assembly Committee Appointed By The House of Assembly Resolution No. 1, December 2, 1938, the Murray Collection, New Jersey Historical Society, file 1937, James F. Murray Gubernatorial Election Correspondence, "1938 Young Committee Billing Records."

mandates to impose Trenton's will on a recalcitrant Hudson machine.⁹³ Across the river in Jersey City, a whirlwind of subpoenas encircled the BOE. Associate Counsel James F. Murray went to Stoebling's office to serve Mrs. Seglie and Benjamin Dowden, ordering them to appear before the assembly in Trenton that evening. Also subpoenaed was John Ferguson, the elections superintendent. Though overshadowed by the Stoebling drama, his records were equally relevant. Unlike his Republican nemesis, however, Ferguson was eager "to cooperate in every way." Before a battery of journalists and cameramen, he handed over to Murray all requested documents, including the challenge list, the "black list," and the voter affidavits used in November's general election.⁹⁴ Of course, without the corresponding registration records in Stoebling's vault, this evidence on its own was incomplete.

An extraordinary session of the legislature convened in Trenton on Monday at 9 p.m. and continued well past midnight. Tempers flared in the chamber. Clee's lead attorney Robert McCarter blasted the speciousness of Stoebling's excuse for defying the subpoena: "These books have left the registration office on three different occasions when Mr. Stoebling wasn't there." It was debated whether to hold Stoebling in contempt or to oust him altogether; both options were left for the assembly speaker to decide. Committeeman Frank C. Osmers decried Stoebling's behavior as a manifestation of Hudson County separatism: "The people of the state demand that public records be public not only in 20 of the 21 counties, but in all counties."⁹⁵ McCarter concluded with a battle cry that framed for legislators the constitutional principle at stake in the standoff. "Is this House to be defied? . . . Is Hudson County stronger than the Assembly of New Jersey?"⁹⁶ Convinced that Stoebling was playing the imaginary invalid, and resolved in its constitutional authority, the assembly voted 41 to 17 to seize the records. February 1 was the deadline. Stoebling and/or the BOE were ordered to surrender the records

⁹³ "Summon Ferguson Records," *Jersey Journal*, January 31, 1938, 10.

⁹⁴ "Ferguson Receives Subpoena," *Jersey Journal*, February 1, 1938, 1.

⁹⁵ "Probers Are Set to Seize Poll Books," *Jersey Journal*, February 1, 1938.

⁹⁶ "Hudson Poll Books are Ordered Seized," *Evening Courier*, February 1, 1938, 4.

the next day or face legal consequences. Assembly Sergeant at Arms John Hogan was assigned to the committee and empowered to use all necessary force to confiscate the documents, an implicit threat that calling in the state police was on the table.⁹⁷



Hudson County police on guard at the board of elections office in Jersey City, where voter registration records were sealed in a vault under the control of Commissioner of Registration Charles F. Stoebing. Police were assigned to prevent the records from being seized by the New Jersey state assembly as part of a legislative probe into election fraud. February 1, 1938, courtesy ACME News Pictures.

Tuesday, February 1, opened with Chairman Young bringing yet another delegation to Jersey City, albeit one backed by a fit-for-purpose assembly resolution and a law enforcement detail. Hogan's security unit comprised three deputies and an expert safecracker. Their plan

⁹⁷ "Assembly Committee Gets State Police Aid To Obtain Hudson County Poll Books," *Daily Home News* (Camden, NJ), February 1, 1938, 1.

was to launch an “assault” on the BOE office in the name of the New Jersey state assembly.⁹⁸ Hudson County had reinforced itself, too. The vault was now flanked by uniformed Hudson County police, all armed and ready “to protect” the election records. Young stepped forward, identified himself, and demanded the safe be opened. Inspector Joseph Neary, the senior police officer on site, blocked his path, saying he would not permit it.⁹⁹ Hogan read aloud the assembly resolution, warning that any obstruction “would be contempt of the Legislature.”¹⁰⁰ When Hogan’s company advanced, the police closed ranks. “Officer, you are defying the Legislature of the State of New Jersey,” bellowed committee lawyer James Giuliano. Neary replied he was “following orders,” and testified a few days after that his orders came from the Democratic county supervisor at the instigation of a Democratic member of the BOE.¹⁰¹ John Ferguson, the election official who only weeks before had placed the red-colored seal on the vault door, was on hand to assist the committee. Hogan instructed Ferguson to remove the seal, but Neary told him to desist.¹⁰² Finally Hogan ordered his deputies to “break the seal” and crack open the vault. A shoving match ensued. Committee officials were grappled and repelled in the scuffle with police. Young stepped in to quell the altercation: “That’s enough!” he said. “Let’s go.”¹⁰³ Had a truce not been called, the face-off might have deteriorated into a violent brawl. In his statement to the press, Young characterized the confrontation as a rebellion against the state of New Jersey: “The Mayor of Jersey City in a fantastic statement several weeks ago [November

⁹⁸ “House Directs Stoebling Aide To Open Vault,” *Courier Post*, February 1, 1938, 1.

⁹⁹ “County Police Block Attempt To Open Vault,” *Morning Call*, February 2, 1938, 1.

¹⁰⁰ “Assembly Committee Asks State Police Aid To Obtain Hudson County Poll Books,” *Daily Home News* (New Brunswick), February 1, 1938, 5.

¹⁰¹ “Voted To Put Cops At Vault,” *Bergen Evening Record*, February 3, 1938, 4. The Board of Elections member identified by Inspector Neary was John J. Corcoran, the Board Secretary. Corcoran had no authority to act unilaterally for the Board, and other Board members, including the Chairman, testified that no resolution had been passed by the Board requesting police protection. Like Commissioner Stoebling, Corcoran also succumbed to a timely illness, reportedly collapsing upon being subpoenaed. His alleged cardiac trouble kept him from testifying to the Committee to clarify on whose authority police protection was ordered.

¹⁰² “Assembly Committee Asks State Police Aid To Obtain Hudson County Poll Books,” *Daily Home News* (New Brunswick), February 1, 1938, 5.

¹⁰³ “Shall They Not Pass?” *New York Daily News*, February 2, 1938, 2.

11, 1937] said 'I am the law.' . . . Now his henchmen are brazenly backing that statement with guns and clubs."¹⁰⁴

The committee was now resigned to engage the state police. It was announced Young and Hogan would travel to Trenton to officially request a detachment of troopers. Colonel Mark Kimberling was the superintendent of the state police. As a Governor Hoffman appointee, Kimberling was presumed to be sympathetic to Hague's wishes. He had already raised eyebrows with earlier statements to the press about conferring with the attorney general's office to see what could be done. Young had doubts from the start. When asked if he would enlist the aid of the state police, he replied forebodingly: "I don't think Col. Kimberling would send them here."¹⁰⁵

The next day, Young and Hogan came to Kimberling with a new committee resolution directing the state police to enforce the assembly's order to seize the records. Hogan wanted Kimberling to furnish a detail of six troopers to accompany him to Jersey City. Before he could ask, Kimberling flashed a ruling from the attorney general's office, signed by Assistant Attorney General Robert Peacock, legal advisor to the state police department.¹⁰⁶ After reading Young's formal request, Kimberling insisted he was "without power to comply" and "prohibited by law" from assisting the committee. Peacock advised there was "no warrant in the law" requiring Kimberling to comply. His interpretation blurred the question of whether the assembly could order state police to enter a city without prior consent of local authorities.

¹⁰⁴ "Hudson in Armed Revolt Against NJ, Young Says," *Bergen Evening Record*, February 2, 1938, 1.

"I Am The Law, Hague Says In Saving Youths," *Jersey Journal*, November 11, 1937, 1. Mayor Hague's best known and most cited public remark came from a speech delivered at the Emory Methodist Church in Jersey City. Governor-elect A. Harry Moore was also in attendance, as both were speakers at the church's 75th anniversary event. To illustrate his concern for wayward boys, Hague related a story of two 12-year-old boys apprehended for truancy. The youths preferred to be sent to prison rather than return to school, which the mayor was told were the only options, because state law prohibited minors from working. To which Hague said his response was: "Listen, here is the law. I am the law. These boys go to work."

¹⁰⁵ "Stoebling Aide Defies Probers, Police Guard," *Jersey Journal*, February 1, 1938, 3. "Assembly Committee Asks State Police Aid To Obtain Hudson County Poll Books," *Daily Home News* (New Brunswick), February 1, 1938, 1.

¹⁰⁶ "Probers Seek Way To Seize Hudson Data," *Courier Post*, February 2, 1938, 1.

Such authority, according to Peacock, vested in the governor alone. In effect, the attorney general's office accused the assembly of overreach by challenging the validity of the committee itself.¹⁰⁷ Peacock's opinion that "the state police shall not be used as a posse" was the vicarious objection of David T. Wilentz.¹⁰⁸ A political comrade and confidant of Frank Hague, Wilentz was appointed the state's top lawyer by Governor Moore in 1934. The stance taken by Peacock would become the juridical rationale for crippling the Young Committee. It was premised on a legal fallacy: that the Young Committee's formation was constitutionally improper. In particular, the Hudson investigation was unlawful because it was authorized "only by a resolution passed by one House [of the legislature]."¹⁰⁹ Committee counsel quickly pointed out amendments to the State Police Act of 1929, which clearly legitimized Hogan's request.¹¹⁰ Calling the situation "ridiculous," Young fired back, taking aim at the attorney general: "Wilentz's office gave Kimberling to understand that he need not obey the clear mandate of the Assembly. So, the state police, created by the Legislature, is advised that it need not obey orders of that Legislature."¹¹¹

Chairman Young demanded the attorney general promulgate a ruling "personally and not through some deputy." But Wilentz stayed silent, giving cover to Kimberling's inaction. When the assembly passed a bill directing the state police to seize the records, the colonel punted, deferring any decision until Wilentz approved.¹¹² But that was not to be. Taking his cue from the boss, Wilentz left for Florida on February 4. Boarding the train, he crowed to reporters that this would be his thirteenth trip to the Sunshine State, and he would be away "for a couple of weeks." Asked if he would see Mayor Hague, the AG replied, "I'll see him at the

¹⁰⁷ "County Police Block Attempt To Open Vault," *Morning Call*, February 2, 1938, 1.

¹⁰⁸ "Probers Ponder Next Move," *Jersey Journal*, February 3, 1938, 12.

¹⁰⁹ "Probers Seek Way To Seize Hudson Data," *Courier Post*, February 2, 1938.

¹¹⁰ "Kimberling Delays Hudson Raid Until Wilentz Approves," *Bergen Evening Record*, February 15, 1938, 4.

¹¹¹ "Assembly Committee Asks State Police Aid To Obtain Hudson County Poll Books," *Daily Home News*, February 1, 1938, 5. "Sees Rebellion Against Government in Probe," *Central New Jersey Home News*, February 2, 1938, 1.

¹¹² "Kimberling Delays Hudson Raid Until Wilentz Approves," *Bergen Evening Record*, February 15, 1938, 1.

“races,” meaning Hialeah Park, the boss’s favorite playground.¹¹³ By ducking out of town, Wilentz was able to keep Young dangling and the committee running in circles. Defied from the start by Hudson officialdom, its authority was now being undermined, if not rejected, by agencies of the state government. Eroding its legitimacy impaired investigation efforts, which is exactly what the boss intended.



Attorney General David T. Wilentz (center), ally and confidant of Mayor Frank Hague (right), at the 1936 Democratic Convention in Philadelphia. Wilentz was also head of the Middlesex County Democratic Party. Congresswoman Mary T. Norton (left) was also part of the New Jersey delegation. Courtesy ACME News Pictures.

¹¹³ “Marks Thirteenth Such Trip for County Democratic Leader,” *Central New Jersey Home News*, February 4, 1938, 3.

Clee's quiver was almost empty. Supplemental assembly resolutions failed to intimidate Kimberling or induce BOE witnesses to cooperate. In an incongruous gesture, Young appealed to the very man whose election he sought to repudiate. On Tuesday, February 8, Committee members marched over to the statehouse to ask Governor Moore to intercede on their behalf. Moore was indignant. "You have recourse to the Courts!" he chafed. Then Young presented a letter formally asking for executive intervention. The letter accused Hudson officials of "acting with a premeditated purpose and fixed determination to thwart this election fraud investigation."¹¹⁴ Reading it briskly, Moore chided the delegation on his way to the exit: "You know I do not have the authority to intervene in this matter. . . . If you are right, the courts will sustain you. That's all I have to say."¹¹⁵ The governor feigned impotence when, in fact, he had constitutional authority to compel release of the Stoebling records. It was his executive prerogative to order Kimberling to dispatch state troopers or for that matter to summon the National Guard to enforce assembly subpoenas. Instead, Moore sent the committee back to the same judges who had previously ruled against them. Young scorned the governor's response as "tantamount to connivance with the armed forces of rebellion in Hudson County."¹¹⁶

Trapped in uncertainty for over a month, a legal turning point came on March 17. In a court appearance before Vice Chancellor Henry T. Kays, the committee's authority was put on trial. The case concerned three BOE functionaries who were held on \$3,000 bail for refusing to testify before the committee. Among the evidence introduced was Young's letter to Moore and the governor's terse reply. Skeptics predicted Hague lackeys in the courts would doom the committee's ability to survive, with any appeals left to wither on the vine until the clock ran out on the legislature's term.¹¹⁷ The skeptics were right. On March 26, Kays ordered the release of the election officials on the grounds that the Young Committee had no authority to arrest

¹¹⁴ "Hudson Ripper Bills Introduced as Moore Refuses to Aid Probe," *Courier-Post*, February 10, 1938, 2.

¹¹⁵ *Ibid.*

¹¹⁶ "Probers Weigh Ripper Bills To Open Vault," *Morning Call*, February 14, 1938, 1.

¹¹⁷ "The Predictograph Strictly Hunches," *Morning Call*, March 19, 1938, 16.

them. Indeed, Kays determined the committee to be “unconstitutional,” because in creating it, the assembly had usurped powers of the judiciary. “The resolution . . . attempts to usurp the functions of the judiciary,” Kays wrote, “and is therefore unconstitutional and void.”¹¹⁸

The vice chancellor was in Hague’s Democratic orbit, appointed to the bench two years before by Chancellor Luther Campbell, who was himself an earlier appointee of Governor Moore. Kays relied on legal precedent from Mayor Hague’s clash with the Case-McAllister Committee ten years before. In that case, the court of errors and appeals upheld Hague’s right to refuse to testify about his personal finances in a joint legislature hearing.¹¹⁹ So the 1928 Hague case, not the Peacock opinion, became the basis for finding the House resolution unlawful. Kays deemed it irrelevant that either house of the legislature had the power to compel testimony to the working of existing laws. Usurpation was the crux of his argument, irrespective of the fact that Young’s attorneys went through a magistrate to issue the arrest warrants. Committee lawyer David H. Weiner rebutted: “We knew we couldn’t interfere with the judiciary. That is why we made our complaint to the prosecutor.”¹²⁰

Declaring the committee unlawful was equivalent to a death sentence. Young was effectively powerless to prosecute the investigation, and all those rooting for him to fail knew it. “The Legislature is . . . just as independent as the judiciary,” the chairman observed, “and I do not believe the Court of Chancery has any authority to rule on its [the legislature’s] acts.”¹²¹ To that end, Chief Counsel Robert McCarter went through the motions of appealing the chancery court ruling to the court of errors and appeals, the last resort tribunal under the state’s pre-1947 constitution. Among the court’s members were the chancellor and justices of the Supreme Court. The committee’s petition asked for “a quick decision of the appeal . . .

¹¹⁸ “Young Inquiry Illegal, Court Rules 3 Free,” *Bergen Record*, March 26, 1938, 1.

¹¹⁹ *Ibid.*

¹²⁰ “Vote Probers to Ignore Ban in Hudson Quiz,” *Morning Post*, March 28, 1938, 1.

¹²¹ *Ibid.*

[because] of the transcendent importance of the case to the general public.”¹²² Their request for urgent consideration had no bearing on the course of events. Six months would pass before the case appeared on the docket. When it finally did, 60-odd cases were adjudicated, except for the one of transcendent importance. The coup de grace occurred a month later on October 17. In a vote of 12 to 3, the court of errors and appeals sustained the vice chancellor’s ruling that the investigative committee was unconstitutional. Among the 12 who voted to sustain were Vice Chancellor Kays himself and Chief Justice Brogan.¹²³ There was no written majority opinion, only an incisive critique penned by Justice Case on behalf of the three dissenting Republican judges. This is the same Clarence Case who ten years before as state senator headed the sensational Case-McAllister Committee investigations into Mayor Hague. Justice Case wrote: “The predominant function of the legislature is to pass laws. It follows that the Assembly had the right to obtain information legitimately pertinent to subject matters upon which it was called to legislate. The elections constitute an essential subject of legislation.”¹²⁴

The only appeal from this decision would be to the U.S. Supreme Court. That step was not taken, although Young did invite Federal Prosecutor John J. Quinn to look into Hudson’s voting practices. Sharing Committee findings with Quinn may have prompted the U.S. Senate probe of 1940.¹²⁵

Denouement

The 1937 election saga came to an end as the state legislature recessed for the summer of 1938. A highlight of the Senate’s closing session was Clee and Stout exchanging final salvos. “The recount in Hudson was stopped because they could not discover anything wrong,” Stout gloated sarcastically as laughter shook the chamber. “The probe petered out. They wanted to

¹²² “Kays’ Decision Which Voided Inquiry Appealed with Plea for Quick Action,” *Morning Post*, April 6, 1938, 9.

¹²³ “Errors Court Dooms Hudson Election Quiz in 12 to 3 Vote,” *Morning Post*, October 18, 1938, 1.

¹²⁴ *Ibid*, 15.

¹²⁵ “Quinn Tells Young to Produce Facts,” *Asbury Park Press*, October 31, 1938, 2.

open the vault . . . but a Republican official would not let them.” Ever the gentleman, Clee’s rejoinder could have been less diplomatic: “The House resolution for the investigation was not illegal . . . in spite of some of the decisions of some of the judges of our state.”¹²⁶ Taken in totality, the Clee–Moore election postmortem encountered what can only be construed as premeditated acts of aversion, evasion, and deception, implemented by Hague liegemen at all echelons of local, county, and state government. But three years later a surprise finale would shock even the most cynical Hague detractors.

On September 30, 1940, a Jersey City official admitted under oath that the 1937 election records were destroyed. As fate would have it, the revelation occurred in the courtroom of Chief Justice Thomas Brogan. In response to an order directing Jersey City to produce poll books from the years 1936 to 1939, City Clerk Joseph Colford confirmed he was unable to comply—because there were no 1937 records. They had been incinerated by City Hall, according to Colford, back in January.¹²⁷ The records had been requested by William E. Sewell, newly appointed county superintendent of elections, who assumed office in July upon the ousting of Ferguson and Stoebling. It took two years for the legislature to finally clean house at the BOE. The Stoebling–Ferguson functions were consolidated under one department, forcing release of the 1937 election records. Counsel quibbled over the legality of the city clerk’s action and whether retention of voting records should be two or five years after an election.¹²⁸ The upshot was City Hall’s book burning dashed any hopes of proving election fraud in 1937. Lester Clee, who retired from the New Jersey Senate in 1938, was quick to pronounce himself vindicated. “Now, after 3 long years, the truth is finally revealed. [This is] conclusive proof that the 1937 election . . . was stolen in Democratic Hudson County.”¹²⁹ The then Republican gubernatorial candidate, state senator Robert C. Hendrickson, went even

¹²⁶ “Legislature Ends in Stormy Session,” *Evening Courier*, June 9, 1938, 4.

¹²⁷ “Book Burning Stirs Row in NJ Campaign,” *Morning Post*, October 2, 1940, 1.

¹²⁸ “Clee Sees Admission in Hudson,” *Central Jersey Home News*, October 1, 1940, 1.

¹²⁹ “Hudson County Machine Admits Destroying Evidence,” *Morning Call*, October 1, 1940, 14.

further: “. . . these records were not burned in January (1940) but in recent weeks,” implying that burning the books was Hague’s way of depriving Republicans an October surprise before the 1940 state elections.¹³⁰

The startling news broke weeks before a U.S. Senate probe into Hudson voter fraud. The Senate Campaign Expenditures Committee opened hearings in Newark on October 15, 1940. Subcommittee member Charles W. Tobey, a New Hampshire Republican, was appalled to learn that vital evidence, which he believed would conclusively prove existence of wide-scale fraud, had turned to dust.¹³¹ Among the witnesses called to testify was none other than Charles F. Stoebling. His health evidently restored, the ex-commissioner prevaricated his way through Tobey’s tenacious interrogation.¹³² To the bemusement of his inquisitors, Stoebling excelled at the art of implausible deniability. “There’s been a lot of talk but never any proof . . . of a dishonest election in Hudson County,” he pontificated.¹³³ Reminded that his own 1937 election was nullified due to incontrovertible evidence of corruption, and confronted with affidavits detailing flagrant voting violations, Stoebling finally conceded there was fraud when three men voted 60 times for the same candidate. To this, a rankled Senator Tobey sneered: “Thank God you’re out of office now.”¹³⁴

Epilogue

Unlike the numerous recounts and lawsuits following President Trump’s 2020 defeat, New Jersey’s 1937 election was neither litigated in court nor independently audited. Clee and his assembly sleuths found indicative incidences of Jersey City voter fraud. They sought redress first in the courts and then through the state legislature—all to no avail. The allegations

¹³⁰ “Book Burning Stirs Row in NJ Campaign,” *Morning Post*, October 2, 1940, 4.

¹³¹ “Hudson Frauds Never Proved, Stoebling Says,” *Bergen Record*, October 21, 1940, 2.

¹³² “Services Set for Stoebling, GOP Leader,” *Jersey Journal*, January 19, 1953, 12. Stoebling lived with no reported incidences of illness for another 13 years, dying at the age of 77. The cause of death was not disclosed.

¹³³ “Hudson Frauds Never Proved, Stoebling Says,” *Bergen Record*, October 21, 1940, 2.

¹³⁴ “Campaign: Open Season,” *Time* magazine, October 28, 1940, <https://content.time.com/time/subscriber/article/0,33009,764858-2,00.html>.

were never granted proper hearing or thorough investigation. Republican attempts to venture beyond ballot counting were stonewalled, thus sheathing Hague's mechanism for producing monumentally disproportionate turnouts. The House investigation was no match for the machine's cloak-and-dagger operation. Hague Republicans stoked GOP infighting and pandemonium at the BOE, while the boss's hold on the state judiciary and clout with law enforcement, up to and including the state police, precluded any analysis of relevant registration records or polling data. As the state's New Deal patronage czar, Hague used the lure of WPA spoils to keep the Republican-controlled Senate in check during the course of the assembly probe. Governor Moore's \$43 million highway rebuild proposal, for example, was meticulously timed to beguile the Senate while the Young Committee escalated efforts to seize Hudson's election records.¹³⁵

To Republican pharisees like Clee and Vanderbilt, Hague was a pernicious tyrant and Hudson County a dystopian nightmare. They suffered through a yearlong ordeal of Sisyphean torment. Every tactic and maneuver to expose systemic Hudson election fraud was spurned by a staggering array of official skullduggery, the cumulative effect of which contorted Clee's civic remonstrance into a fiasco. The culmination was discovering that the evidence desperately sought by Clee and buried in subterfuge by Hague's minions had been willfully destroyed just before the 1940 elections and a federal probe into Hudson voter fraud.

¹³⁵ "Who Will Sell Out the Senate to Hague," *Courier Post*, February 23, 1938, 1.



Mayor Frank Hague on opening day at Hialeah Park, Florida. Watching the races at Hialeah was one of Hague's favorite pastimes during his frequent vacations to the Sunshine State. January 11, 1940, courtesy ACME News Pictures.

Invoking the culture of Tammany Hall, the mayor once said, "Politics is a business." Put another way, politics is about making money—"honest graft," as Tammany sage George Washington Plunkett called it. Hague's political enterprise was a for-profit Irish monopoly of

government built on the spoils of office and harborside racketeering. Historian James T. Fisher applies the term “populist realism” to define Hague’s political philosophy, seeing it as “a key component of a distinctly Catholic worldview that resonated across the Irish waterfront.”¹³⁶ Hudson’s Democratic machine, with its statewide network of protégés, cronies, and sycophants and a uniquely remunerative waterfront ecosystem, thrived in a separatist ethos with its own moral code. The 1937 election showcases the boss at the pinnacle of his power. He reaped the benefits of a spectacular Democratic turnout for FDR in 1936 by retreading A. Harry Moore as governor the following year. His much derided and often misconstrued “I am the law” speech was made days after that gubernatorial coup. What ensued was boss rule on steroids, exemplified by his most publicized controversies: whitewashing a tainted election and fearmongering a Communist takeover of organized labor. Hague’s obsession with the CIO steered him into extremist territory and elevated him to demagogue status. That, coupled with sandbagging the Young Committee, may have been the tipping point for President Roosevelt. Did FDR grow weary enough of his Jersey bad boy to contemplate an alternative? Only if one could be found to guarantee the state’s crucial electoral votes in 1940. Roosevelt’s quiet ambition to run again changed the political calculus. His bid for an unprecedented third term received a cool reception among party mandarins, which, in turn, deepened White House reliance on machine bosses.¹³⁷ Chicago mayor Ed Kelly and his DNC vice chairman compatriot Frank Hague were instrumental in the Draft Roosevelt movement at the Democratic convention in Chicago.¹³⁸ Hague got behind FDR’s renomination and followed through with another robust New Jersey turnout in the 1940 election. In spite of these pivotal contributions, the pragmatist president advanced Charles Edison as a hoped-for alternative to Frank Hague. According to

¹³⁶ James T. Fisher, *On the Irish Waterfront* (Ithaca, NY: Cornell University Press, 2009), 35.

¹³⁷ Lyle W. Dorsett, *Franklin D. Roosevelt and the City Bosses* (Port Washington, NY: National University Publications, 1977), 95.

¹³⁸ Barbara G. Salmore and Stephen A. Salmore, *New Jersey Politics and Government* (New Brunswick, NJ: Rutgers University Press, 2013), 40.

historian Lyle W. Dorsett, anointing Thomas Edison's son to be New Jersey's next governor was a sly FDR experiment to see if the boss could be eclipsed.¹³⁹ Once in office, however, Governor Edison could only loosen Hague's choke hold on the state. It would take two Republican successors another seven years to finally hound the boss into retirement.

Conclusion

If an instruction manual were written on how to steal an election, Frank Hague would be the ideal author, the Moore–Clee election a model template, and institutionalized voter fraud the lesson learned. Hague's black box election methodology, sanctioned by an archaic judiciary with many a be-robed Hague apologist, delivered a surrogate governor in 1937. Conversely, Donald Trump's "stolen election" polemic subsists on a willing suspension of disbelief. His own attorney general disavowed any claims of widespread voter fraud, and Republican Senate majority leader Mitch McConnell had no qualms accepting the outcome of an election he said "actually was not unusually close." Indeed, the only concrete evidence of any conspiracy to steal the 2020 election incriminates the incumbent, not the challenger.

What about evidence of systemic voter fraud in 1937? In an era of paper ballots and signature registries, elections were rife with mischief and malefaction, nowhere more so than in Jersey City. An inexplicably scant Hudson vote count for anti-Hague Democrat James F. Murray evinces doctored ballots and chicanery at the polls. Especially in light of Murray's voter appeal both before 1937 and 12 years later as a member of the machine-wrecking 1949 Freedom Ticket. With 73,577 votes, he bested all of Hague's commission candidates in that year's landmark municipal election.¹⁴⁰ Undeniably, Hague utilized extraordinary, if not extralegal, means to cache Hudson's 1937 election data. Concealed with Machiavellian panache, the records remained in quarantine until willfully destroyed by Jersey City officials

¹³⁹ Lyle W. Dorsett, "Frank Hague, Franklin Roosevelt and the Politics of the New Deal" in *A New Jersey Anthology*, ed. Maxine N. Lurie (New Brunswick: Rutgers University Press, 1994), 405.

¹⁴⁰ Connors, *A Cycle of Power: The Career of Jersey City Mayor Frank Hague*, 194.

in 1940. It is safe to assume, therefore, as U.S. Senate investigators did at the time, that the City Hall bonfire was intentionally lit to destroy damning evidence, thus preempting any disclosure during the federal probe into Hudson County election fraud.

So in the final analysis, was the 1937 election stolen from Lester Clee? Would Hudson County's election results have differed materially if voter registration rolls had been purged of unlawful voters? History offers no definitive answers, only preponderant circumstantial evidence to support a compelling hypothesis. Hague left nothing to chance when it came to elections. He perfected and normalized a brazen system of curated voting that achieved consistent, predictable outcomes in both local and state contests. His electoral triumphs and gubernatorial kingmaking were adroitly crafted with contingencies to dead-end any forensic pursuits. Most important, his elections were rarely, if ever, legally determined to be corrupt. With respect to the Clee–Moore matchup, the Young Committee had well-founded justification to pursue its case; it also had a legal right to evaluate public record information that was assiduously suppressed. Had the investigation come to fruition, Hudson County election data would have shown that Hague's machine manufactured not only the votes needed to secure a Moore majority, but also a sufficient number of voters to tip the scales in the election. Admirers and critics alike acknowledge Frank Hague as an urban boss archetype, a tycoon politician whose Democratic syndicate had an imposing national impact. Aside from being a paragon of machine politics, his most enduring political legacy was to generate a blue wave that would surge across New Jersey throughout his reign and beyond.

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curiosity, and exceptional knowledge of the Irish waterfront culture of the New York port, and graciously appeared in documentary films produced by the author. Also acknowledged are the contributions of the late Steven Hart, whose perspective on the world of Frank Hague continues to enhance our understanding of New Jersey machine politics. Finally, thanks to John Beekman, New Jersey Room archivist and researcher extraordinaire at the Jersey City Free Public Library. His ready assistance and support over the past few years have been invaluable to this work.

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