

William Magear Tweed, or Boss Tweed, as he was known, was one of the most famous political criminals in U.S. history. The following article describes his rise to power and how he was prosecuted in New York City in 1873. Read the article and answer the questions that follow.

Boss Tweed Trials: 1873

by Stephen G. Christianson

Defendant: William Magear Tweed **Crimes Charged:** 55 criminal offenses relating to embezzlement of public funds **Chief Defense Lawyers:** David Dudley Field, John Graham, and Elihu Root **Chief Prosecutors:** Wheeler H. Peckham, Benjamin K. Phelps, and Lyman Tremain **Judge:** Noah Davis **Place:** New York, New York **Dates of Trials:** January 7–November 19, 1873 **Verdict:** Guilty
Sentence: 1 year in prison and a \$250 fine

SIGNIFICANCE

After decades of committing blatant embezzlement of New York City municipal funds with the connivance¹ of Tammany Hall² and public officials, Boss Tweed's power was broken. Tweed's fall from power marked the beginning of a new demand by the public and by the press for efficient and honest urban administration.

1 **D**escended from hard-working Scottish immigrants, William Magear Tweed was born in 1823 in New York City. He was a brawling bully from his early youth, heavyset and strong, and as a boy he enjoyed beating the other children in his neighborhood. As an adult he weighed nearly 300 pounds. Tweed bullied and fought his way to a position of leadership among New York's criminal elements, notably the "Forty Thieves" gang. In the 1851 elections Tweed used threats and intimidation of the voters in his precinct to force his way onto New York City's Board of Aldermen.

2 Tweed was an alderman for two years, and he used the position as a stepping stone for his political career. He served on the Board of Education, and even finagled³ his election to the U.S. House of Representatives. In 1857, Tweed was elected to New York City's Board of Supervisors, which ran the city's municipal government and controlled its finances. The position was ideal for the greedy Tweed, who promptly installed his cronies as "assistants" and raised the level of city corruption to new heights.

¹ *connivance* — secret cooperation

² *Tammany Hall* — an organization that played a major role in New York City and State politics from the 1790s to the 1960s

³ *finagled* — achieved by trickery or deceit

3 Tweed and his gang were called the Tweed Ring, and they stole enormous sums from the city treasury by falsifying municipal accounts and by creating false or grossly exaggerated expense records. Anyone who opposed them was beaten or killed. In the 1860s, Tweed extended his power to include control over the city's courts. Tweed had George G. Barnard appointed chief judge, although Barnard had practically no legal experience and his only qualification for the post was his allegiance to Tweed. Other judges were on Tweed's payroll as well, including the father of future Supreme Court Justice Benjamin Cardozo.

4 Tweed's control of the city was buttressed by the support of the Tammany Hall political organization. To control the elections, Tammany Hall sold citizenship documents to practically any immigrant who promised to vote for the Tweed slate. Since New York was teeming with millions of new immigrants, most of whom had fled poverty and were desperate to stay in America, Tweed and Tammany Hall not only were able to control the elections but made hundreds of thousands of dollars as well.



Reformers Fight Back

5 By the early 1870s, reform politicians determined to end urban corruption had risen to power. New York State Governor Samuel Tilden and state Attorney General Charles Fairchild went after Tweed. They were supported by influential elements of the New York City press, led by political commentator and cartoonist Thomas Nast of the *New York Times*. Nast had grown up in Tweed's neighborhood, and as a child lived with the fear of Tweed's random beatings. Nast's personal vendetta against Tweed took the form of scathing cartoons depicting Tweed as a fat and corrupt Tammany boss. Other papers, such as *Harper's Weekly*, joined the *Times* in exposing Tweed's abuse of power and in calling for his prosecution.

6 Nast's *Times* and the other papers successfully stirred New Yorkers out of their apathy toward Tweed. On September 4, 1871, an enormous crowd went to hear various influential reformers speak out against Tweed. Bolstered by the crowd's enthusiasm for their cause,

the reformers, led by Tilden and Fairchild, sought an injunction against Tweed and his Ring preventing them from using any more public funds. Probably because Tilden promised him protection, Judge Barnard turned against Tweed and granted the injunction on September 7.

Once Tweed was prevented from plundering the city treasury, his organization began to fall apart. On October 27, 1871, Tilden had Tweed arrested and charged with 55 criminal offenses relating to embezzlement of public funds. Because each alleged offense involved several counts, or multiple incidents, Tweed was actually prosecuted for several hundred crimes. Tweed's lawyers were David Dudley Field, John Graham and Elihu Root. The chief prosecutors were Wheeler H. Peckham, Benjamin K. Phelps and Lyman Tremain. On January 7, 1873, the trial began before Judge Noah Davis.

The proceedings began badly for the prosecution when their poor choice of witnesses caused a mistrial. Tweed bragged that no jury could ever convict him and took a vacation in California. Tweed's second trial began November 5, 1873. This time, the prosecution conducted its case more carefully, and after only a minimal amount of evidence was presented the jury found Tweed guilty on November 19, 1873.

Tweed Fights Verdict

Of the several hundred counts contained within the 55 charges against Tweed, the jury found him guilty of 102 crimes. Each crime was punishable by a year in prison and a nominal \$250 fine, and so the prosecutors sought a conviction totaling 102 years and a fine of \$25,500. On Tweed's behalf, Graham pleaded for mercy:

Your honor, we are taught, from the time we enter this world, to ask for mercy; and those prayers which we put up in our own behalf must teach us to render deeds of mercy to . . .

Graham, either genuinely upset or putting on a superb act, could not continue and broke down in tears. Prosecutor Tremain retorted:

I cannot but feel, and I am sure my associates feel with me, indeed, all must feel, how terrible is the position of this man, who has been so high and who has fallen so low. He is now drinking the bitter waters of humiliation. The spell is broken.

Tremain turned to Judge Davis, and reminded him of the notoriety of the case:

The law has placed in your hands the responsibility of the matter. The case is one of international interest and attracts the attention of the whole world. We now leave to you the question of what shall be meted out to the prisoner as an impartial and just penalty.

15 Judge Davis sentenced Tweed to 12 years in prison and a \$12,750 fine. Tweed's attorneys appealed the verdict to the New York Court of Appeals, which ruled that despite the multiple offenses Tweed could not be sentenced for more than the punishment applicable to just one crime. Therefore, Tweed served just one year in prison, paid his \$250 fine, and on January 15, 1875, was released from prison.

16 However, Tilden had anticipated Tweed's release. Tilden had Tweed arrested again, this time to recover the millions Tweed stole from the treasury. Unable to make the \$3,000,000 bail, Tweed sat in prison awaiting his next trial. Although greatly diminished, Tweed's influence was still strong enough to enable him to circumvent most of the restrictions of his confinement. The prison warden allowed him to take carriage drives throughout the city, and dine at Tweed's own home if he wished. On December 4, 1875, Tweed took advantage of the warden's laxity and never returned from one of his afternoon drives.

17 Tweed stayed in various hideouts in Staten Island and New Jersey until he was able to obtain a boat to take him to Florida. From Florida he fled to Cuba and from there on to Spain, which was then a notorious haven for refugees. The Spanish authorities, however, would not tolerate Tweed's presence, and arrested him when he arrived in Vigo, Spain. Spain turned Tweed over to the United States and the naval vessel U.S.S. *Franklin* brought Tweed back to New York.

18 Tweed returned to prison, having now committed the additional offense of attempted escape. He confessed to the charges against him, and what was left of the Tweed Ring was either arrested or, if they returned their share of the stolen money, allowed to fade into obscurity. Of the tens of millions of dollars embezzled over the decades, however, the city recovered only a fraction. The rest had been frittered away in high living by Tweed and his cronies, spent in maintaining the Tammany Hall organization, or lost to the gangs and criminals affiliated with the Ring.

19 In 1871, when Tweed was still firmly in power and the public and press had just begun to challenge him, a reporter confronted Tweed and asked him about the charges against him. Tweed answered arrogantly, "Well, what are you going to do about it?" Thanks to the efforts of a new breed of reform politicians, supported by the demands of the public and the press for efficient and honest urban administration, Tweed found out just what could be done about it. Tweed's power was forever broken, and he died in prison on April 12, 1878.