

Friends of Copp's Hill
Burying Ground

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MEMORANDUM

TO: Antonia Pollack, Commissioner
Donald Griffiths, Cemetery Division
Kelly Thomas, Historic Burying Grounds
Joe Byrne, Treasurer's Office

FROM: Thomas F. Schiavoni

RE: Copp's Hill Burying Ground
Incident Report: Elm Tree Vandalism

DATE: March 29, 2005

BACKGROUND: In 1995 and 1996, the destruction of several elm trees occurred within Copp's Hill Burying Ground and at Copp's Hill terrace by unknown individual(s) in a series of late fall and winter incidents. A scout troop from Meredith, New Hampshire donated two American elm trees which were resistant to Dutch elm disease. These young elms were planted near the main gates in a ceremony marked by the installation of bronze markers commemorating the scouts' act of stewardship and the service of a World War II veteran and purple heart recipient. This event occurred in the late spring of 1996. Five months later, the trees were vandalized and destroyed by multiple holes drilled through the trunks. The following spring of 1997, the scouts returned again for a second rededication ceremony. These 7-year-old trees were watered and flourished without further incident. Seven years later in November 2003, one tree was destroyed by what is believed to have been a hand-held, battery-charged saw. The 7 to 8 inch trunk was sawed along the circumference with only a one-inch core left to support the tree. This tree

could not be saved and had to be taken down. In March 2004, the same type of vandalism destroyed the remaining tree. Two replacement trees were obtained by Parks and Recreation and planted in a ceremony with the mayor on June 23, 2004. In the early morning of January 22, 2005 (the coldest night of the winter at minus 3 degrees), the trunks of these two trees were completely severed.

SITE INVESTIGATION: On Friday evening, January 21, 2005, the main gates of the burying ground on Hull Street were secured with a lock and chain by Parks and Recreation staff according to the procedure implemented after the March 16, 2004 vandalism and destruction of the last of two young (15 years) American elm trees. (NOTE: These trees had been dedicated 7 years prior by a Meredith, N.H. scout troop and were memorialized with plaques embedded in the ground.) The first of the two elms had been destroyed on November 21, 2004. Both were deeply gouged beyond restoration with what was thought to have been a battery-powered hand tool similar to a "Sawz-All".

At approximately 9:25 a.m. on Saturday morning, January 22, as a parks partner, I unlocked the same gate on Hull Street according to the above protocol. As was my daily routine after opening the gates, I walked to the top of the steps of the entrance to make a brief and cursory visual sweep – a kind of perimeter check. I immediately noticed that both of the recently-dedicated (July 2004) young replacement elms had been severed and leaning against the support wires strung between wooden stakes for their stabilization. I immediately relocked the gates and returned home to telephone the mayor's hotline: 617-635-4500. I called three times in an attempt to get assistance. However, I was placed on hold for long periods due to a heavy call load of persons experiencing heat and housing emergencies after a night of sub-zero temperatures. I finally called the Area A-District 1 station of the Boston Police and was told to dial 911. I followed their instructions and awaited the eventual arrival of a cruiser which was assigned to my non-emergency. I met Officer Fitzgerald who arrived in a cruiser at approximately 10:15 a.m. After explaining who I was, I unlocked the gates and we proceeded into the burying ground. I had brought along a camera, and, as a lawyer and former police officer, made some suggestions about how we should proceed to investigate a crime scene.

The burying ground had an approximately 6 to 8-inch cover of light powdery, "dry" snow from a recent storm with no melting during an extended cold spell. A very light breeze had coated and filled in the tracks of visitors to Copp's Hill from the previous day (at least 15 hours before our arrival) with one notable exception. There was one very distinctive, fresh track leading from the rear of the burying ground to the base of the now-severed trees and ending abruptly at the end of a wrought-iron picket fence 7 to 8 feet over the sidewalk on Hull Street. At this point the granite wall drops to an adjoining brick wall which runs the length of the lower portion of the burying ground in the direction (easterly) of Old North Church. This wall has a concrete capstone which had a layer of undisturbed snow. It appeared that the person grabbed the last iron fencepost, swung around to the outside of the granite wall, and dropped to the sidewalk below. The drop would only be 2 to 3 feet if the vandal held on to the pickets at their base and hung down as far as possible. This maneuver was not dangerous, but obviously required physical strength and dexterity.

After establishing the point of exit, Officer Fitzgerald and I retraced the solitary set of footprints to a point along the same type of wrought iron railing and wall at the rear of the burying ground which borders Charter Street. At this point of entry, the granite base is only 3 to 4 feet over the sidewalk. Several of the railing pickets are missing, thereby making it relatively easy to 'boost' one's self up by swinging each leg over the fence. We could see footprints – actually the prints of a fairly large boot with three distinctive disc-like traction marks the size of pennies on the heel. The prints began on the sidewalk below which was dusted with snow. They were so fresh that brown grains of nearby sidewalk sand which adhered to the soles of the tracks had not yet been covered by the powdery snow.

At this point I will refer to the culprit as a male based upon the size of the footprints. However, given the size and design of some woman's winter boots, the gender cannot be established with absolute certainty.

After the entry and exit points were clearly determined, the trail of prints was easy to follow. The individual walked through deep snow to a footpath covered with packed snow near the Mather Tomb, proceeded to the crest of the hill and took a right at the old wrought iron pump. After about 20 yards, he took a left and walked directly to the elm tree closest to Snow Hill Street. It appears from the prints that he walked 3/4 way around the tree as if studying where he

would saw the 3 to 4 inch trunk. The cut was made very close to the ground. A high-speed tool must have been used because the cut was clean and smooth, and a small ring of sawdust of an equal radius was plainly visible on the undisturbed snow. The cut had to have been made in a crouching position. The vandal then proceeded to the second tree which he cut about a yard above the ground at a narrow point in the trunk. If a Sawz-All tool was used, each cut could have been made in 4 to 6 seconds.

I have enclosed enlarged black-and-white photocopies of the color photos taken on January 22. The details of the original photos are clearer.

I have spoken with the owners of the buildings on Hull Street directly opposite the main Copp's Hill gates. They are considering the rooftop installation of video cameras trained on replacement trees. If such cameras were actually procured, perhaps information flyers similar to those posted in the spring of 2004 could be affixed to the granite walls near the gates and used as 'bait. Last spring, several of the securely-mounted flyers (copy attached) were removed by unknown individual(s).

COMMENT: All the incidents occurred in the late night during periods of seasonably inclement weather when there would be no passers by and when visibility from an apartment window would be poor. It is my belief that the same individual (s) were involved in all the incidents of vandalism over the years. It is also my belief that this destruction was not perpetrated by random acts of youthful vandalism. These were clearly premeditated acts. Although one cannot be totally certain, the theory that the trees were removed to enhance a harbor view from abutters' windows is implausible in light of the extremely small size of the trees and their leaf canopies. Even the 15-year old trees which were destroyed in late 2003 and early 2004 were not large enough to affect a view. There seems to be some kind of link between the timing of the tree destruction and the locks and wrought iron fixtures on the rear Charter Street gate. These have been stolen or destroyed over the years. The worst damage occurred in close proximity to the destruction of one of the elms in March 2004.

I can be reached at my office in Lynn (781-596-1090) if you wish to follow up on this report.