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Above, a 1934 plaque from the Big Apple Night Club at West 135th Street and Seventh Avenue in Harlem. [Discarded as trash in 2006.](#)

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Above, [Big Apple Corner](#) at 54th Street and Broadway in Manhattan.



Above, John J. Fitz Gerald, from the Oct. 17, 1931, *Turf Play*, p. 7.

Listen to Robert Emmerich introduce [The Big Apple](#), a hit song from 1937. Music written by Bob and performed by Tommy Dorsey's Clambake Seven with Bob on piano. Lyrics written by Buddy Bernier and sung by Edythe Wright. Audio provided by Dorothy Emmerich.

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Entry from July 15, 2004

"Indict a ham sandwich"

This famous modern legal term that a prosecutor can get a grand jury to "indict a ham sandwich" -- that is, indict anything -- began in New York. It was immortalized in the Tom Wolfe novel, *Bonfire of the Vanities* (1987). "[Ham sandwiches](#)" are common sandwiches, cited in print from at least 1806. Wolfe credited Sol Wachtler, chief judge of the State Court of Appeals, but Wachtler (who said it in 1985) did not originate the saying. The *Democrat and Chronicle* (Rochester, NY) published on September 2, 1979:

"The district attorney could get the grand jury to indict a ham sandwich if he wanted to," one Rochester defense lawyer said."

Brooklyn-born Thomas Puccio (1944-2012) was head of the Justice Department's Organized Crime Strike Force for the Eastern District of New York in the early 1980s when he ran the Abscam investigation, videotaping politicians accepting bribes from a fraudulent Arabian company. Abscam was a controversial sting operation, and some critics believed that it was entrapment. Washington (DC) *Post* columnist Jack Anderson wrote on February 23, 1982:

"In his Brooklyn domain, he (Thomas Puccio -- ed.) stands guard like St. Peter at the gates of justice. He decrees whom his grand juries shall indict. 'I could,' he boasted in front of witness, 'indict a ham sandwich.'"

I spoke in the 1990s with Sol Wachtler, the former New York State chief judge, and he believed then that the phrase was his and that it had been coined during a lunch interview with Marcia Kramer of the *New York Daily News*. Wachtler -- who is Jewish -- told me that he regretted that he didn't say "pastrami" sandwich, adding that he may (surely) have been misquoted about "ham."

[This entry's research was assisted by [Ben Zimmer](#) and [Peter Jensen Brown](#).]

[Wikipedia: Abscam](#)

Abscam—sometimes written *ABSCAM*—was a Federal Bureau of Investigation (FBI) sting operation that took place in the late 1970s and early 1980s that led to the convictions of seven members of the United States Congress, among others. The two-year investigation was directed from the FBI's office in Hauppauge, New York, and was under the supervision of Assistant Director Neil J. Welch, who headed the bureau's New York division, and Thomas P. Puccio, head of the Justice Department's Organized Crime Strike Force for the Eastern District of New York. The operation initially targeted trafficking in stolen property and corruption of prestigious businessmen, but was later converted to a public corruption investigation. The FBI, aided by the Justice Department and a convicted con-man, videotaped politicians accepting bribes from a fraudulent Arabian company in return for various political favors.

More than 30 political figures were investigated and among those —six members of the United States House of Representatives and one United States senator—were convicted.

[Wikipedia: Sol Wachtler](#)

Solomon Wachtler (born April 29, 1930) is a New York State lawyer and former Chief Judge of the New York Court of Appeals, which is the highest position in the State judiciary.

(...)
"Ham sandwich" quote
 Wachtler famously observed that prosecutors have so much control over grand juries that they could convince them to "indict a ham sandwich." The phrase has become something of a cliché used in television legal dramas.

2 September 1979, *Democrat and Chronicle* (Rochester, NY), "Grand jury system -- justice behind closed doors" by Nancy Monaghan, pg. 1, col. 2:
 But critics say the grand jury doesn't shield anybody because the prosecutor runs the show. "The district attorney could get the grand jury to indict a ham sandwich if he wanted to," one Rochester defense lawyer said.

23 February 1982, *Washington (DC) Post*, "Mel Weinberg Is Denounced As a Scoundrel" by Jack Anderson, pg. B15, col. 5:
 Abscam prosecutor Thomas Puccio is a young man who is apt to startle visitors by springing out of his chair and pacing his office.

In his Brooklyn domain, he stands guard like St. Peter at the gates of justice. He decrees whom his grand juries shall indict. "I could," he boasted in front of witness, "indict a ham sandwich."

1 June 1982, *Washington (DC) Post*, "FBI in Abscam Later Appeared As Less Heroic" by Jack Anderson, pg. B13, col. 8:
 The Abscam prosecutors, meanwhile, had been winning most of their court battles, thanks to a compliant federal judge named George Pratt. They got Pratt as the Abscam judge after some adroit maneuvering in the backrooms of the federal judiciary. Prosecutor Puccio boasted happily that he could get Pratt "to indict a ham sandwich."

13 June 1982, *Daily News* (New York, NY), "People" by Phil Roura and Tom Poster, pg. 8, col. 1:

Puccio: 'He could indict a ham sandwich'
 Former Assistant U.S. Attorney Thomas Puccio, who made it big when he prosecuted all the sheik's men in the Abscam scandal, got a royal send-off to the private sector from 250 colleagues and cronies at a bash in the Union League Club recently.

(...)
 He (Puccio -- ed.) was having too much fun getting ribbed by his former boss, David Margolis, who said that Puccio was so good "he could even indict a ham sandwich."

31 January 1985, *Daily News* (New York, NY), pg. 3:
New top state judge: Abolish grand juries & let us decide
 By MARCIA KRAMER
 and FRANK LOMBARDI

IN A BID to make prosecutors more accountable for their actions, Chief Judge Sol Wachtler has proposed that the state scrap the grand jury system of bringing criminal indictments.

Wachtler, who became the state's top judge earlier this month, said district attorneys now have so much influence on grand juries that "by and large" they could get them to "indict a ham sandwich."

Pg. 46:

New York State's top judge speaks out

DAILY NEWS

NewsMaker

Chief Judge Sol Wachtler

Sol Wachtler, newly appointed chief judge of the New York Court of Appeals, was questioned at a Daily News NewsMaker lunch this week. Following are excerpts from his discussion with senior Daily News news executives and members of the editorial board and news staff.

(...)

(Col. 4 -- ed.)

Q: And the death penalty?

A: I referred to it in a speech once as being the chicken soup of politics -- it can't hurt.

[Washington \(DC\) Post](#)

In Claus' Corner

By Laura Kiernan May 28, 1985

Early on a Saturday morning last October, Thomas P. Puccio, the Abscam prosecutor turned New York defense lawyer, arrived at 960 Fifth Ave., an apartment building Puccio describes as "a real big-time place.

(...)

Puccio, the man who once said that he could indict a ham sandwich (the real issue, he says, is can you convict one?), said, "I'd had enough of being a prosecutor."

[Google Books](#)

The Bonfire of the Vanities

By Tom Wolfe

New York, NY: Bantam Books

1987

Pg. 629:

But mainly you used the grand jury to indict people, and in the famous phrase of Sol Wachtler, chief judge of the State Court of Appeals, a grand jury would "indict a ham sandwich," if that's what you wanted.

8 August 1992, *The Tennessean* (Nashville, TN), "lawyer applaud indicted judge" by Kirk Loggins, pg. 1B, col. 1:

(Circuit Judge Thomas W. -- ed.) Brothers responded, quoting the late U.S. Court of Appeals Judge Learned Hand: "A skilled prosecutor could indict a ham sandwich."

"I know now what it's like to be a ham sandwich," Brothers added. "But this is one ham sandwich that's not going to be eaten."

[New York \(NY\) Times](#)

Thomas Puccio, Ex-Prosecutor and Lawyer for Notorious Clients, Dies at 67

By ROBERT D. McFADDEN MARCH 13, 2012

Thomas P. Puccio, a tigerish New York lawyer who won fame prosecuting congressmen in the 1980s Abscam scandals, then switched sides and defended Claus von Bülow, corrupt politicians, an accused rapist who ran off to the ski slopes of Europe and other notorious clients, died on Monday in New Haven. He was 67.

(...)

Mr. Puccio's methods often raised questions. In the Abscam cases, critics said he devised stings that amounted to illegal entrapment. And some lawyers said his aggressive cross-examinations — attacking witnesses against his clients with disclosures about their pasts — bordered on character assassinations.

(...)

A year later, he became head of the Organized Crime Strike Force in Brooklyn. He was the key investigator and chief prosecutor in four of eight trials in the Abscam case in 1980 and 1981, in which Senator Williams and five congressmen were convicted of bribery and other crimes.

[The Wall Street Journal \(New York, NY\)](#)

'Indict a Ham Sandwich' Remains on the Menu for Judges, Prosecutors

Saying about prosecutorial power stretches back decades; the upstate New York connection

Ben Zimmer

June 1, 2018 10:24 a.m. ET

(...)

I reached Mr. Wachtler, now 88, and told him about these early examples. He surmised that the Rochester lawyer was echoing public statements that Mr. Wachtler himself made about the grand jury system in 1972 when he campaigned statewide for the Court of Appeals judgeship (then an elected position). "That was the language I used," he told me, adding that Puccio, who he says he knew well, likely also got the expression from him.

Posted by Barry Popik

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