

- 1982b "Study Suggests Solutions for a Continent in Crisis." Report: *News and Views from the World Bank*. Washington, D.C.
- 1983a *The World Bank Annual Report, 1983*. Washington, D.C.
- 1983b "Sub-Saharan Prospects, Problems Revisited." Report: *News and Views from the World Bank*, (August-September). Washington, D.C.
- 1984 *The World Bank Annual Report*. Washington, D.C.
- 1985 *The World Bank Annual Report*. Washington, D.C.

FEDERAL COURT PROCESSING OF CORPORATE, WHITE COLLAR, AND COMMON CRIME ECONOMIC OFFENDERS OVER THE PAST THREE DECADES

Kirk A. Johnson
Washburn University

Mid-American Review of Sociology, 1986 Vol. XI, No. 1:

The history of white-collar and corporate crime in our nation has been one of toleration. Throughout much of this century, the victims, the government, and the criminal justice system have been largely inactive in attempting to control this form of law-violating behavior. As a result, occupational and organizational crime offenders have been treated preferentially in our courts when compared to traditional or common crime offenders. Beginning in the 1970s, however, public attitudes began to change and the government and criminal justice system were given a mandate to pursue these offenders. This paper utilizes aggregate data on the U.S. District Courts for the fiscal years ending June 30, 1964, 1974, and 1984, and is designed to investigate whether a shift in criminal justice policy (arising from public concerns over corporate and white-collar crime) has been put into effect. That is, have equitable operational policies for the adjudication and sentencing of corporate, white-collar, and common crime offenders evolved over the past three decades? The conclusions drawn from the data suggest that while corporate and white-collar criminals are more frequently being brought to the attention of the courts, and have been receiving more and more serious sanctions, they are still receiving more lenient penalties for their actions than are common property crime offenders.

INTRODUCTION

Since its inception, the American criminal justice system has been primarily oriented toward the apprehension, prosecution, adjudication, and punishment of working-class offenders who, by necessity and social placement, disproportionately engage in the more visible predatory acts of traditionally-defined property theft and conversion (see Balkan, et al. 1980;

Simon and Eitzen, 1982; Thomas and Hepburn, 1983; Bequai, 1978). However, as Sutherland (1949) argued over a quarter of a century ago, the existence of elite deviance in the form of white-collar and corporate offenses indicates that economically-motivated crime is not entirely a working-class phenomenon. Upper-status members of society also engage in illicit acts for the purposes of acquiring money and capital. Since the time of Sutherland's early writings, a growing amount of information has arisen which suggests that the social and economic consequences of criminality are far more wide-ranging than traditional theories and research focusing upon the lower classes and their involvement in property offenses have led us to believe (see Balkan, et al., 1980; Braithwaite, 1981; Bequai, 1978; Coleman, 1985; Little, 1983; Meier and Short, 1982; Simon and Eitzen, 1982). In light of these changing interpretations regarding the costs of crime, it has become equally important to consider how the criminal justice system responds to differing forms of crime on both the policy and operational levels.

When one considers the property offenses of the working class, one typically thinks of such acts as burglary, robbery, larceny-theft, etc. The images of what constitutes traditional or common crime in America are fairly uniformly conceptualized and taken for granted. However, when one considers the economically-motivated offenses of the middle and upper classes, conceptualization is less clear. We may distinguish between two broad classes of "elite" criminality: "white-collar" or "occupational" crimes and "corporate" or "organizational" crimes. White-collar offenses refer to those actions committed by individuals or groups, either during the course of fulfilling their legitimate occupational roles or as an illicit occupation, which are designed to economically benefit themselves through the use of nonphysical and non-coercive means such as concealment, fraud, and misrepresentation. These actions are designed to victimize individuals, groups, organizations, and agencies. Typical examples of such offenses are embezzlement, forgery, mail and tax fraud. Corporate crimes are offenses carried out by (most typically high-ranking) employees of an organization in the name of the firm's central goals of growth and accumulation. Examples of these offenses include violations of laws governing worker and consumer safety, restraint of trade, and other unfair labor and business practices. Thus, in the case of corporate crime, the business is the offender, while in the case of white-collar crime the business is often the victim.

The criminal justice system's long-standing justification for focusing its resources and activities upon common property crimes has been the public "outcry" over such activities. The state and criminal justice system have

also attempted to create and perpetuate these anxieties (see Johnson and Wasielewski, 1982). Historically, the public has been perceived as exhibiting higher levels of anxiety over traditionally-defined predatory crimes than for corporate and white-collar offenses. This has not only been taken as a justification for a decreased concern over "elite" criminality on the part of law enforcement agencies, but it has also provided the government with its mandate to "get tough" with common crime offenders.

As a consequence of this ideology, our system of criminal justice has been largely inoperative in combatting corporate and white-collar crime because it has oriented an insignificant amount of its economic and personnel resources toward the containment of these activities (see Bequai, 1978; Coleman, 1985; Skoler, 1980; Simon and Eitzen, 1982). In addition to such regulatory inaction, official rhetoric has seldom, at least until quite recently, contained references to the problem of white-collar and corporate crime. Moreover, the FBI uniform Crime Reports fail to include any white-collar or corporate offenses among the list of "index" or serious crimes. Additionally, there has been a notable lack of any thorough system of compiling, reporting, and analyzing governmental data concerning the nature and extent of these activities comparable to that developed to disseminate information on the traditional property crimes of the working class (see Skoler, 1980; Little, 1983; Simon and Eitzen, 1982; Bequai, 1978; Conklin, 1977).

Governmentally-compiled data on white-collar and corporate crimes to date, however, have generally confirmed the findings of independent social scientific research. Together these sources indicate that throughout this century, white-collar and corporate criminals have not only less likely been the targets of police investigation and arrest, but once apprehended they have typically received much less severe penalties in our courts (Stotland, 1982; Conklin, 1977; Katz, 1979; Simon and Eitzen, 1982). As Hagan, et al. (1980), Conklin (1977), and Wheeler, et al. (1982) have argued, to focus upon the differential treatment of white-collar and corporate offenders, as compared to their common crime counterparts, is to bring into focus an image of the allocation of power and privilege in our society. In sum, not only has it been less likely for the police and courts to become aware of these activities given that they often do not occur in public settings where they can easily be observed or detected by police agencies, but the system has traditionally been more likely to respond to these actions with leniency compared to other forms of illicit conduct involving property relations and economic gain. It would appear, then, that the majority of evidence suggests that for much of this century white-collar and corporate offenders have

experienced differential treatment by the government and criminal justice system at both the operational and policy levels.

STATEMENT OF THE PROBLEM

While one might easily summarize the history of the American response to white-collar and corporate crime as one of toleration on the part of the public, victims, criminal justice system, and government, changes have been occurring. Most notably, the criminal justice system's response to these actions has begun to shift over the past ten to fifteen years. This alteration in policy appears to reflect changes in public opinion surrounding the issue. For example, Skoler (1980:65) notes that "after the consciousness-raising ordeal of Watergate" had begun to settle into the hearts and minds of Americans, the (now defunct) Law Enforcement Assistance Administration began to provide funds to researchers wishing to develop crime control programs and strategies aimed at white-collar and, to a lesser extent, corporate crime. In addition, in the 1970s and early 1980s, the FBI and the U.S. Department of Justice began to refer to white-collar and corporate crime as among their top investigative priorities.

Social scientists have provided research support for the necessity of this shift in criminal justice policy. Rossi et al. (1974), Schragger and Short (1980), and Rand, et al. (1983), for example, indicate that although members of the public often view white-collar and corporate offenses to be somewhat less serious or problematic than violent street crime, they often consider economic crimes perpetrated by societal elites to be about equal in severity to the economically/materialistically-motivated offenses committed by the traditional or common crime offender. Research has also pointed out that the corporate and white-collar offenders respond to public condemnation and scrutiny, as well as to court proceedings, in many instances (see Fisse and Braithwaite, 1983; Stotland et al., 1980). This awakening public concern over the consequences of elite deviance has led such writers as Meier and Short (1982), Little (1983), Fisse and Braithwaite (1983), and Stotland et al. (1980) to conclude that today's public does consider white-collar and corporate crime to be serious issues, and that the criminal justice system and government must become more proactive in their control. The public has, in effect, provided the government and its agencies with a mandate to constrain elite deviance. The question is whether the government has followed through on this mandate.

The increase in public and apparent governmental concern over white-

collar and corporate crime since the early 1970s renews the need for research into whether the criminal justice system has in fact shown a history of differential treatment for white-collar and corporate offenders. More importantly, does such a pattern appear to be the case as we move into the middle of the 1980s? The purpose of this research is to reveal whether official court responses to traditional economic common crimes, white-collar crimes, and corporate crimes have shifted over the past three decades. It is of central concern whether the number of cases of each of the three types of law-violating behavior coming to the attention of the courts has changed, and whether the severity of sentencing for each has shifted. In sum, does one observe a constant pattern of preferential treatment of white-collar and corporate offenders across-time, or have the responses to these activities gone through changes in court processing?

RESEARCH STRATEGY

In order to assess whether white-collar and corporate offenders are treated differently than their contemporaries engaged in common property crimes, this investigation focuses upon national prosecution, adjudication, and sentencing data for each of the three types of law-violating behavior. Despite shortcomings in the availability of official data on the processing of white-collar and corporate offenders relative to common property crime offenders, one useful source of official data exists: *The Annual Report of the Director of the Administrative Office of the U.S. Courts*. While this report provides detailed information on the number of offenders processed annually for each type of offense considered, it has the drawback of being a step removed from the entry level into the criminal justice system. Therefore, it is subject to the biases of unofficial police and public/organizational actions which influence the number and types of offenders coming under court jurisdiction. This bias should favor the inclusion of common crime offenders due to the historical definition of the role of policing, and to the fact that most corporate and white-collar offenders are less likely to be brought to the attention of the police when discovered by an employer, victim, or other corporation.

For ease of comparison, the investigation is limited to the consideration of three forms of white-collar, corporate, and common crimes which are primarily motivated by economic considerations. Moreover, the study is focused strictly upon felony offenses in order to concentrate upon the more serious, but nonviolent offenders within each offense category. The

white-collar offenses investigated are embezzlement, fraud, and forgery/counterfeiting. The corporate offenses to be examined are antitrust violations, violations of the Pure Food and Drug Act, and violations of the U.S. Motor Carrier Act. Finally, the common crime economic offenses under consideration are burglary, larceny-theft, and motor vehicle theft. Aggregate data is obtained for each category of offense from the *Annual Report of the Director of the Administrative Office of the U.S. Courts* for the fiscal years ending June 30, 1964, 1974, and 1984.

A potential shortcoming of the present research design is that it cannot determine, on the basis of official aggregate data, how many of the white-collar crime defendants were actually lower-versus upper-status persons. Nor can the proportion of persons brought to the attention of the courts for traditional or common crime offenses who are actually upper-status persons be ascertained from such data. For example, the data do not indicate what proportion of the embezzlers processed by the courts during any given year are high-status executives and how many are lower-level employees (e.g., cashiers, tellers, etc.). Despite this inescapable flaw in the data, comparison across categories will yield useful information on the actions generally taken by the criminal justice system against each of the three forms of law-violating behavior.

DISCUSSION

Table 1 provides information on the number of felony cases filed in U.S. District Courts for the nine offenses under consideration. At first glance it can be observed that the number of white-collar offenders having proceedings initiated against them has grown throughout the period under study, while the number of common crime property offenders has declined. No major trend can be observed in the processing of corporate offenders at the court in-take level, however, due to incomplete data. For the selected offenses under consideration, while 51 percent of the filings were for white-collar crime in 1964, this figure climbed to 70 percent of all cases filed in 1984. The most prevalent white-collar violations reviewed by the courts in both 1964 and 1974 were forgery-counterfeiting (46 percent of all white-collar cases, 24 percent of all selected offense filings in 1964; 48 percent vs. 29 percent in 1974). In 1984 the most frequently processed white-collar cases involved fraud (61 percent of all white-collar cases; 43 percent of all selected offense filings). The most frequent common crime economic offenses considered by the courts shifted from motor vehicle theft in 1964 (62 percent of all

common crime cases; 31 percent of all selected offenses) to larcenytheft in 1974 (63 percent vs. 24 percent) and 1984 (88 percent vs. 25 percent). Due to missing data for the corporate offenses, all that one may conclude from Table 1 is that there has been a slight downturn in the number of such cases being brought to the attention of the courts between 1974 and 1984. This suggests that there may actually have been a lessened tendency for the courts to initiate proceedings against corporate offenders as time has progressed, rather than an increase in court processing of such cases as one would expect had public concerns become a part of administrative policy. The overall image one receives from Table 1 is that the U.S. District Courts have become more active in the prosecution of white-collar criminals over the 1970s and 1980s, while having slightly decreased their processing of common crime and corporate offenders.

The number of defendants disposed of in U.S. District Courts for each of the three years is presented in Table 2. Although the numerical and percentage distribution of defendants differs slightly from the number of cases filed (Table 1), presumably due to past cases being decided in court and more recent cases not yet having been decided, the ratio of white-collar (1964, 47 percent of all defendants; 1974, 59 percent; 1984, 69 percent), to corporate (1964, 9 percent; 1974, 4 percent; 1984, 2 percent), to common crime (1964, 44 percent; 1974, 37 percent; 1984, 28 percent) offenders remains largely unchanged. This data indicates that the relative percentage of corporate and common crime defendants brought before the courts has decreased, while the percentage of white-collar defendants has increased dramatically over the past three decades.

One may also observe some changes in the number of individuals coming before the courts within each of the three major categories of law-violating behavior. For example, in 1964 the most prevalent common crime economic offense considered by the courts was motor vehicle theft (63 percent of all common crime cases), while larceny-theft became the most typical common crime offense before the courts in 1974 (63 percent) and 1984 (87 percent). Among the white-collar crimes, forgery/counterfeiting (44 percent of all white-collar defendants) and fraud (41 percent) defendants were about equally likely to come before the court in 1964 and 1974 (forgery/counterfeiting, 47 percent; fraud, 36 percent). In 1984, those accused of fraud (62 percent) became the clear majority of white-collar defendants. Finally, among the corporate offenses, antitrust cases came to replace Food and Drug Act and Motor Carrier Act violations in 1984 as the most commonly processed corporate offenses. In summary, not only has there been a tendency for fewer

Table 1. Criminal Cases Filed (Felony Only) In U.S. District Courts By Selected Offenses

	1964 ^a		1974 ^b		1984 ^c	
	Number Charged	Category %	Overall %	Number Charged	Category %	Overall %
<u>Common Crime Offenses</u>						
BURGLARY	538	7	3	271	5	1
LARCENY-THEFT	2459	31	15	3565	63	24
MOTOR VEHICLE THEFT	4995	62	31	1790	32	12
Totals	7992	100	(49)	5626	100	(37)
<u>White-Collar Offenses</u>						
EMBEZZLEMENT	1337	16	8	1612	18	11
FRAUD	3112	37	19	3073	34	20
FORGERY-COUNTERFEITING	3868	46	24	4360	48	29
Totals	8317	99	(51)	9045	100	(60)
<u>Corporate-Offenses</u>						
ANTITRUST VIOLATIONS	--	--	--	--	--	--
FOOD/DRUG LAW VIOLATIONS	--	--	--	116	34	1
MOTOR CARRIER ACT	--	--	--	225	66	1
Totals	--	--	--	341	100	(2)

--information missing or inappropriate

^aAdapted from: Administrative Office of the U.S. Courts, 1964: Table N:148.

^bAdapted from: ..., 1974: Table 69:275.

^cAdapted from: ..., 1984: Table 41:164.

common crime and corporate cases and more white-collar cases to come before the courts, but the most prevalent type of offense within each category has shifted over time.

Table 2 also provides information on the adjudication of cases for each type of offense. This data reveals that about the same proportion of white-collar (1964, 87 percent of all white-collar defendants; 1974, 81 percent; 1984, 84 percent), common crime (1964, 91 percent of all common crime defendants; 1974, 79 percent; 1984, 82 percent), and corporate (1964, 87 percent; 1974, 85 percent; 1984, 83 percent) offenders were convicted within any given year. That is, the courts do not appear to have allowed any greater proportion of common crime, white-collar, or corporate offenders to escape conviction. It can be noted, however, that while the lowest rates of conviction for common crime and white-collar offenses occurred in 1974, there has been a small but steady decline in the conviction rates for corporate offenders. This suggests that corporate offenders are experiencing a declining probability that criminal sanctions will be imposed upon them. This decline appears contradictory to governmental policy statements and public concerns, while the increase in conviction rates for common crime and white-collar offenses in 1984 seems more in line with the shift in public opinion and governmental policy.

Table 2 also reveals that while approximately the same percentage of those failing to be convicted for each category of offense had their cases dropped prior to trial in 1964, major shifts occurred in 1974 and 1984. Although the probability of having one's case dropped prior to trial grew for white-collar (1964, 72 percent of those failing to be convicted for white-collar offenses had their case dropped prior to trial; 1974, 83 percent; 1984, 82 percent) defendants, it declined substantially for corporate offenders (1964, 70 percent; 1974, 90 percent; 1984, 41 percent). This suggests, that over the past three decades, corporate offenders have been less likely to have their cases dropped prior to trial as compared to the other categories of defendants considered herein. Thus, it would appear that when corporate crime offenders escape conviction it is more likely to have occurred as a consequence of the trial process, while white-collar and common crime defendants are more likely to have escaped conviction during the pre-trial stages of processing.

Finally, as one might expect, the vast majority of convictions come as the result of guilty and *nolo contendere* pleas for all categories of offense. The greatest cross-time change occurred among those charged with corporate offenses who in 1964 (97 percent) were somewhat more likely to have been

Table 2: Felony Defendants Disposed Of In U.S. District Courts By Selected Offenses

1964*	TOTAL DEFENDANTS		NOT CONVICTED				CONVICTED			
	N	%	A	B	Total Not Convicted		C	D	Total Convicted	
					n	%			n	%
<u>Common Crime Offenses</u>										
BURGLARY	277	3	16	10	26	9	234	17	251	91
LARCENY-THEFT	2861	33	232	102	334	12	2311	216	2527	88
MOTOR VEHICLE THEFT	5456	63	293	97	390	7	4757	309	5066	93
<u>Totals</u>	8594	99	541	209	750	(9)+	7302	542	7844	(91)+
<u>White-Collar Offenses</u>										
EMBEZZLEMENT	1311	14	50	30	80	6	1181	50	1231	94
FRAUD	3817	41	543	218	761	20	2609	447	3056	80
FORGERY-COUNTERFEITING	4080	44	255	80	335	8	3476	269	3745	92
<u>Totals</u>	9208	99	848	328	1176	(13)+	7266	766	8032	(87)+
<u>Corporate Offenses</u>										
ANTITRUST VIOLATIONS	208	12	24	41	65	31	137	6	143	69
FOOD/DRUG LAW VIOLATIONS	572	34	84	9	93	16	450	29	479	84
MOTOR CARRIER ACT	909	54	41	15	56	6	838	15	853	94
<u>Totals</u>	1689	100	149	65	214	(13)+	1425	50	1475	(87)+

*Adapted from: Administration Office of the U.S. Courts, 1964: Table D-4: 256-57.
 A Case Dismissed B Not Convicted by Court or Jury C Convicted by Guilty or Nolo Contendere Plea
 D Convicted by Court or Jury + Category average

Table 2 cont.

1984***	TOTAL DEFENDANTS		NOT CONVICTED				CONVICTED			
	N	%	A	B	Total Not Convicted		C	D	Total Convicted	
					n	%			n	%
<u>Common Crime Offenses</u>										
BURGLARY	199	4	35	5	40	20	142	17	159	80
LARCENY-THEFT	4138	87	594	118	712	17	3139	287	3426	83
MOTOR VEHICLE THEFT	419	9	70	9	79	19	302	38	340	81
<u>Totals</u>	4756	100	699	132	831	(18)+	3583	342	3925	(82)+
<u>White-Collar Offenses</u>										
EMBEZZLEMENT	1922	17	166	31	197	10	1656	69	1725	90
FRAUD	7186	62	968	238	1206	17	5290	690	5980	83
FORGERY-COUNTERFEITING	2426	21	346	53	399	16	1853	174	2027	84
<u>Totals</u>	11,534	100	1480	322	1802	(16)+	8799	933	9732	(84)+
<u>Corporate Offenses</u>										
ANTITRUST VIOLATIONS	212	56	5	34	39	18	145	28	173	82
FOOD/DRUG LAW VIOLATIONS	101	26	13	3	16	16	79	6	85	84
MOTOR CARRIER ACT	67	18	8	1	9	13	56	2	58	87
<u>Totals</u>	380	100	26	38	64	(17)+	280	36	316	(83)+

***Adapted from: Administrative Office of the U.S. Courts, 1984: Table D-4: 348-51.

Table 2 cont.

	TOTAL DEFENDANTS		NOT CONVICTED				CONVICTED			
	N	%	A	B	Total		C	Total		
					n	%		n	%	
<u>1974**</u>										
<u>Common Crime Offenses</u>										
BURGLARY	250	4	37	6	43	17	183	24	207	83
LARCENY-THEFT	4189	63	756	157	913	22	2906	370	3276	78
MOTOR VEHICLE THEFT	2230	3	338	90	428	19	1573	229	1802	81
Totals	6669	100	1131	253	1384	(21)+	4662	623	5285	(79)+
<u>White-Collar Offenses</u>										
EMBEZZLEMENT	1778	17	238	47	285	16	1407	86	1493	84
FRAUD	3787	36	749	181	930	25	2435	422	2857	75
FORGERY-COUNTERFEITING	4945	47	712	177	829	17	3730	386	4116	83
Totals	10,510	100	1699	345	2044	(19)+	7572	894	8466	(81)+
<u>Corporate Offenses</u>										
ANTITRUST VIOLATIONS	115	18	4	4	8	7	104	3	107	93
FOOD/DRUG LAW VIOLATIONS	254	40	46	5	51	20	117	26	203	80
MOTOR CARRIER ACT	262	42	35	0	35	13	216	11	227	87
Totals	631	100	85	9	94	(15)+	497	40	537	(85)+

**Adapted from: Administrative Office of the U.S. Courts, 1974: Table D-4: 470-72.

convicted by plea than they were in 1984 (89 percent).

In terms of sentencing, some major differences in the treatment of the three categories of offenders are found (Table 3). Although the probability of imprisonment has increased for corporate (1964, 2 percent of all convicted corporate offenders received prison sentences; 1974, 5 percent; 1984, 14 percent) and white-collar (1964, 39 percent; 1974, 36 percent; 1984, 41 percent) offenders, the probability of incarceration for common crime economic offenders (1964, 61 percent; 1974, 50 percent; 1984, 47 percent) has decreased. Even so, common crime offenders have still been more likely to be sentenced to prison throughout the past three decades.

Moreover, while the average length of incarceration meted out to all three groups of offenders has increased over the period, the average length of incarceration for white-collar offenders (1964, 19.4 months; 1974, 23.0; 1984, 39.1) has remained about half that received by common crime offenders (1964, 36.3 months; 1974, 42.0; 1984, 59.8). Not only have corporate crime offenders seldom been sentenced to prison, when it does occur their sentences are the shortest of all three groups (1984, 7.8 months). Thus, white collar and corporate offenders have received and apparently continue to receive lesser penalties in our nation's federal courts when compared to common crime economic offenders. Turning attention towards the individual offenses within each of the three major categories, it can be observed that the common crime offense with the highest probability of imprisonment, as well as the offense with the longest average sentences, is burglary. In contrast, the greatest probability of imprisonment and longest average sentence for white-collar offenses was for forgery/counterfeiting. No discernible pattern emerges among the corporate offenses. While the offenses most likely to result in imprisonment in 1964 were Food and Drug Act violations, it was antitrust law violations which garnered the greatest likelihood of imprisonment in 1974 and 1984. Those convicted of Food and Drug Act violations received the longest average sentences among corporate offenders (1964, 9.4 months; 1974, data missing; 1984, 12.5 months).

Given the large proportion of persons sentenced to prison for common crime economic offenses, it comes as no surprise that a far greater proportion of white-collar offenders (1964, 52 percent; 1974, 60 percent; 1984, 56 percent) received sentences limited to probation than did their common crime counterparts (1964, 38 percent; 1974, 49 percent; 1984, 49 percent). Relative to the two other categories of criminality, corporate offenders are unlikely to be sentenced to probation. However, just as they are more likely today than in the past to be sentenced to prison for their activities, the

corporate offender is now more likely to be placed on probation (1964, 17 percent; 1974, 18 percent; 1984, 34 percent). Unlike incarceration, the gap between the average term of probation for common crime offenders (1984, 37.5 months) relative to white-collar offenders (1984, 39.0 months) is much narrower. Corporate offenders receive the shortest average probationary sentences (1984, 29.1 months). Among corporate offenders, Motor Carrier Act violations carried the longest period of supervision in 1984 (34.3 months), and those convicted of Food and Drug Act violations (23.1 months) received the shortest period of supervision. Among the white-collar offenses probationary sentences were longest for forgery/counterfeiting (40.0 months) and shortest for fraud (37.4 months). For offenders convicted of common crime economic offenses, those convicted of motor vehicle theft were awarded the longest probationary sentences (44.0 months), and those convicted of larceny-theft received the shortest length of supervision (31.2 months).

Fines were infrequently used by the U.S. District Courts as a sole means of punishment throughout the period. Corporate crime offenders (1964, 78 percent received a fine as the only penalty; 1974, 74 percent; 1984, 51 percent) were far more likely to have received a fine as their only form of punishment as compared to white-collar (1964, 8 percent; 1974, 3 percent; 1984, 2 percent) or common crime property offenders (1964, 1 percent; 1974, 1 percent; 1984, 3 percent). Among the nine offenses considered, fines were most commonly administered in antitrust cases in 1964 (94 percent of such cases received only a fine), for violations of the Motor Carrier Act in 1974 (89 percent), and were about equally applied to Food and Drug Act violations (53 percent) and antitrust cases (54 percent) in 1984.

In sum, with few exceptions, common crime offenders convicted of economically-motivated crimes were generally more likely to have been sentenced to prison and to be sentenced to longer periods of confinement than were white-collar offenders, and white collar offenders were more likely to be imprisoned than corporate offenders. Corporate offenders brought to the attention of the courts have disproportionately received probation or fines as the sole means of punishment. Although the proportion of white-collar (1964, 60 percent; 1974, 63 percent; 1984, 58 percent) and corporate (1964, 95 percent; 1974, 92 percent; 1984, 85 percent) offenders receiving decisions limited to one or the other of these two actions has decreased over the past three decades, the proportion of common crime offenders receiving fines and probation has increased (1964, 39 percent; 1974, 50 percent; 1984, 52 percent). The courts have clearly favored the corporate and white-collar offender with less severe penalties. Only a small minority of offenders

received sentences involving deportation, life imprisonment, or had their fines and/or prison sentences suspended (see Table 3 under the heading "Other Sentences").

CONCLUSION

The recent changes in public attitudes and governmental policy toward white-collar and corporate crime appear to have had some impact upon the criminal justice system's response to these activities. One indication of this is that, of the offenses considered, the majority of case filings were for white-collar offenses. The data on conviction rates also suggests that the courts pursued all three types of offenses with approximately equal vigor and, therefore, did not favor white-collar and corporate offenders in case disposition.

This is where the similarity in processing ends, however. When sentencing is considered, the common crime economic offender is clearly at a disadvantage. Not only have those convicted of common crime offenses been more likely to receive prison sentences, they were generally sentenced to longer periods of incarceration. This indicates that white-collar and corporate offenders have received and continue to receive preferential treatment by the criminal justice system at the court level into the 1980s. Moreover, those offenders most closely linked to corporate crime have been the least likely to be imprisoned for their actions and, if incarcerated, have received the least restrictive sentences. Thus, while it appears that white-collar and corporate offenders are no more or less likely to have been acquitted or to have had their cases dismissed, they have generally been the recipients of more lenient sentences in our courts. Although incarceration rates have increased for both offenses and prison sentences have lengthened, judges still tend to utilize fines and probation in dealing with these offenses. Though the trend in the data is toward a more equitable treatment of property crime offenders coming to the attention of the courts from all three categories of law-violating behavior, the actual culmination of this "equity" process has yet to be fulfilled. The only white-collar offense for which this did not hold true was forgery-counterfeiting, an offense theoretically more open to members of all status backgrounds. Those sentenced to prison for this offense did, however, receive shorter terms of imprisonment than did those convicted of the common crime offenses of burglary and motor vehicle theft.

In conclusion, while such writers as Balkan et al. (1980), Conklin (1977), and Simon and Eitzen (1982) have clearly pointed out that white-collar and

Table 3: Felony Defendants Sentenced In U.S. District Courts By Selected Offenses

	TOTAL SENTENCED N	SENTENCED TO PRISON		SENTENCED TO PROBATION		FINE ONLY		OTHER ^c			
		N ^a	%	Average ^b in Months	N	%	Average in Months	N	%	N	%
<u>1964*</u>											
<u>Common Crime Offenses</u>											
BURGLARY	251	152	60	50.0	97	39	--	0	0	2	1
LARCENY-THEFT	2527	1162	46	25.6	1303	52	--	39	1	23	1
MOTOR VEHICLE THEFT	5066	3477	69	33.3	1571	31	--	2	0	19	0
<u>Totals</u>	7844	4788	(61) ⁺	(36.3) ⁺	2971	(38) ⁺	--	64	(1) ⁺	44	(0) ⁺
<u>White-Collar Offenses</u>											
EMBEZZLEMENT	1231	259	21	14.2	953	77	--	10	1	9	1
FRAUD	3056	787	26	15.7	1587	52	--	646	21	36	1
FORGERY-COUNTERFEITING	3745	2050	55	28.3	1661	44	--	7	0	27	1
<u>Totals</u>	8032	3096	(39) ⁺	(19.4) ⁺	4201	(52) ⁺	--	663	(8) ⁺	72	(1) ⁺
<u>Corporate Offenses</u>											
ANTITRUST VIOLATIONS	143	3	2	--	5	3	--	135	94	0	0
FOOD/DRUG LAW VIOLATIONS	479	30	6	9.4	138	29	--	289	60	22	5
MOTOR CARRIER ACT	853	0	0	0.0	105	12	--	721	84	27	3
<u>Totals</u>	1475	33	(2) ⁺	--	248	(17) ⁺	--	1145	(78) ⁺	49	(3) ⁺

*Adapted from: Administrative Office of the U.S. Courts, 1964: Table D-5: 259-60.

--information missing ⁺category average ^aincludes sentences of more than six months followed by a term of probation
^bexcludes split, indeterminate, and life sentences ^cincludes deportation, suspended sentences, imprisonment for four days or less or for time already served, remitted and suspended fines, and life sentences.

Table 3 cont.

	TOTAL SENTENCED N	SENTENCED TO PRISON		SENTENCED TO PROBATION		FINE ONLY		OTHER ^c			
		N ^a	%	Average ^b in Months	N	%	Average in Months	N	%	N	%
<u>1974**</u>											
<u>Common Crime Offenses</u>											
BURGLARY	207	117	57	60.5	90	43	--	0	0	0	0
LARCENY-THEFT	3276	1261	38	29.4	1944	59	--	55	2	16	1
MOTOR VEHICLE THEFT	1802	1239	69	36.1	551	31	--	8	0	4	0
<u>Totals</u>	5285	2617	(50) ⁺	(42.0) ⁺	2585	(49) ⁺	--	63	(1) ⁺	20	(0) ⁺
<u>White-Collar Offenses</u>											
EMBEZZLEMENT	1493	268	18	15.3	1192	80	--	25	2	8	0
FRAUD	2857	941	33	19.5	1651	58	--	210	7	55	2
FORGERY-COUNTERFEITING	4116	1860	45	34.2	2231	54	--	13	0	12	0
<u>Totals</u>	8466	3069	(36) ⁺	(23.0) ⁺	5074	(60) ⁺	--	248	(3) ⁺	75	(1) ⁺
<u>Corporate Offenses</u>											
ANTITRUST VIOLATIONS	107	16	15	--	29	27	--	54	50	8	7
FOOD/DRUG LAW VIOLATIONS	203	10	5	--	51	25	--	138	68	4	2
MOTOR CARRIER ACT	227	0	0	0.0	19	8	--	203	89	5	2
<u>Totals</u>	537	26	(5) ⁺	--	99	(18) ⁺	--	395	(74) ⁺	17	(3) ⁺

**Adapted from: Administrative office of the U.S. Courts, 1974: Table D-5: 473-478.

Table 3 cont.

TOTAL SENTENCED	SENTENCED TO PRISON			SENTENCED TO PROBATION			FINE ONLY			OTHER		
	N ^a	%	Average ^b in Months	N	%	Average in Months	N	%	N	%	N	%
1984***												
<u>Common Crime Offenses</u>												
BURGLARY	159	80	89.4	29	18	37.3	1	1	2	1	1	1
LARCENY-THEFT	3426	43	41.6	1781	52	31.2	133	4	32	1	1	1
MOTOR VEHICLE THEFT	340	68	48.4	106	31	44.0	0	0	3	1	1	1
<u>Totals</u>	3925	(47)+	(59.8)+	1916	(49)+	(37.5)+	134	(3)+	37	(1)+	1	1
<u>White-Collar Offenses</u>												
EMBEZZLEMENT	1725	31	36.2	1167	68	39.5	18	1	12	0	0	0
FRAUD	5980	39	35.9	3424	57	37.4	166	3	54	1	1	1
FORGERY-COUNTERFEITING	2027	56	45.1	882	44	44.0	6	0	14	0	0	0
<u>Totals</u>	9732	(41)+	(39.1)+	5473	(56)+	(39.0)+	190	(2)+	80	(1)+	1	1
<u>Corporate Offenses</u>												
ANTITRUST VIOLATIONS	173	19	4.7	46	27	30.0	93	54	1	0	0	0
FOOD/DRUG LAW VIOLATIONS	85	4	12.5	36	42	23.1	45	53	1	1	1	1
MOTOR CARRIER ACT	58	14	6.3	25	43	34.3	24	41	1	2	2	2
<u>Totals</u>	316	(14)+	(7.8)+	107	(34)+	(29.1)+	162	(51)+	3	(1)+	1	1

*** Adapted from: Administrative Office of the U.S. Courts, 1984: Table D-5: 352-357.

corporate crime are at least as costly, if not more so, to our nation than as are common economic crimes, the penalties do not reflect this reality or the public's condemnation of these activities. Given that common crime economic offenders still appear to receive more severe penalties than the more costly white-collar and corporate offenders, pressure needs to be applied to members of the government and criminal justice system to alter our present course in the interests of equitability. The question to be addressed, then, is not so much one of whether we should increase the penalties for the "elite" offender or decrease the penalties for the common crime offender, but how we can move toward a more equitable treatment of those proven guilty of all three types of economic crime. Perhaps the best tactic available to the public and social science community in meeting this challenge is to educate the members of the criminal justice system as to the relative costs and consequences of each form of crime. This may further the process of altering the historical pattern of preferential treatment and leniency toward the corporate and white-collar offender.

REFERENCES

Administrative Office of the United States Courts.
 1984 "Annual Report of the Director, 1984." Washington, D.C.: Administrative office of the U.S. Courts.
 1974 "Annual Report of the Director, 1974." Washington, D.C.: Administrative Office of the U.S. Courts. 1969 version of same report.
 1964 "Annual Report of the Director, 1964." Washington, D.C.: Administrative Office of the U.S. Courts.
 Balkan, Sheila, Ronald Berger, and Janet Schmidt
 1980 *Crime and Deviance in America: A Critical Approach*. Belmont: Wadsworth.
 Bequai, August
 1978 *White Collar Crime: A 20th-Century Crisis*. Lexington: D.C: Heath.
 Braithwaite, John
 1981 "The Myth of Social Class and Criminality Reconsidered." *American Sociological Review* 46: 36-57.
 Coleman, James W.
 1985 *The Criminal Elite: The Sociology of White-Collar Crime*. New York: St. Martin's Press.
 Conklin, John E.
 1977 *Illegal But Not Criminal: Business Crime in America*. Englewood Cliffs: Prentice-Hall.
 Fisse, Brent and John Braithwaite
 1983 *The Impact of Publicity on Corporate Offenders*. Albany: State University of New York Press.
 Hagan, John, Illene Nagel (Bernstein), and Celesta Albonetti
 1980 "Differential Sentencing of White-Collar Offenders." *American Sociological Review* 45:802-820.
 Johnson, Kirk and Patricia Wasielewski
 1982 "A Commentary on Victimization Research and the Importance of Meaning Structures." *Criminology* 20:205-222.

- Katz, Jack
1979 "Legality and Equality: Plea Bargaining in the Prosecution of White-Collar Crime." *Law and Society Review* 13:431-460.
- Little, Craig B.
1983 *Understanding Deviance and Control: Theory, Research and Social Policy*. Itasca: Peacock.
- Meier, Robert F. and James F. Short
1982 "The Consequences of White-Collar Crime." Pps. 23-49 in Herbert Edelhertz and Thomas D. Overcast (eds.), *White-Collar Crime: An Agenda for Research*. Lexington: D.C. Heath.
- Rand, Michael R., Patsy A. Klaus, and Bruce M. Taylor
1983 "The Criminal Event." Pps. 4-5 in U.S. Department of Justice, *Report to the Nation on Crime and Justice: The Data*. Washington, D.C.: Bureau of Justice Statistics.
- Rossi, Peter H., Emily Waite, Christine E. Bose, and Richard E. Berk
1974 "The Seriousness of Crimes: Normative Structure and Individual Differences." *American Sociological Review* 39:224-237.
- Schrager, Laura Hill and James F. Short
1980 "How Serious a Crime? Perceptions of Organizational and Common Crimes." Pps. 14-31 in Gilbert Geis and Ezra Stotland (eds.), *White-Collar Crime: Theory and Research*. Beverly Hills: Sage.
- Simon, David R. and D. Stanley Eitzen
1982 *Elite Deviance*. Boston: Allyn and Bacon.
- Skoler, Daniel L.
1980 "White-Collar Crime and the Criminal-Justice System: Problems and Challenges." Pps. 57-75 in Herbert Edelhertz and Charles Rogovin (eds.), *A National Strategy for Containing White-Collar Crime*. Lexington: D.C. Heath.
- Stotland, Ezra
1982 "The Role of Law Enforcement in the Fight Against White-Collar Crime." Pps. 69-98 in Herbert Edelhertz and Thomas D. Overcast (eds.), *White-Collar Crime: An Agenda for Research*. Lexington: D.C. Heath.
- Stotland, Ezra, Michael Brintnall, Andre L'Heureux, and Eva Ashmore
1980 "Do Convictions Deter Home Repair Fraud?" Pps. 252-265 in Gilbert Geis and Ezra Stotland (eds.), *White-Collar Crime: Theory and Research*. Beverly Hills: Sage.
- Sutherland, Edwin H.
1949 *White Collar Crime*. New York: Dryden.
- Thomas, Charles W. and John R. Hepburn
1983 *Crime; Criminal Law, and Criminology*. Dubuque: W.M. C. Brown.
- Wheeler, Stanton, David Weisburd, and Nancy Bode
1982 "Sentencing the White-Collar Offender: Rhetoric and Reality." *American Sociological Review* 47:641-659.

THE SOCIAL PSYCHOLOGY OF FRAUD: DRAMATURGY, CARNEGIE AND PUPPET THEATER

John F. Welsh
Pittsburg State University

Mid-American Review of Sociology, 1986, Vol. XI, No. 1:

THE PRIVATIZED DRAMATURGY OF CAPITALIST CIVIL SOCIETY.

Sauntering through the typical franchise bookstore in the typical suburban shopping mall, the radical social psychologist cannot help chuckling and grimacing at the titles of the slick paperbacks usually found in the "self-improvement" and "Psychology" sections. A battery of titles exist giving evidence of a preoccupation with mastering the principles of human relations as they exist in their current alienated forms. *How to Sell Yourself, The Power of Positive Thinking, Winning Through Intimidation, Looking Out for Number One, Dress for Success, The Executive Look, Office Politics, Power! How to Get It, How to Use it, Your Erroneous Zones, and Guerilla Tactics in the Job Market* are titles of books and workshops which speak of a concern on the part of those in bureaucratic and/or capitalist societies attempting to succeed. Furthermore, all of these indicate that interpersonal strategies exist which can make success easier to attain. Of course, "success" in the present American lexicon refers typically to the crude possession of power, money, prestige, and the commodities which accrue from these. In addition, these titles and their contents suggest that the person can affect - to some quantitative extent - the course of his/her fortunes through the development of a style, an image or a presentation of self that is acceptable to those who control access to success and the valued commodities. In these so-called self-improvement books are all of the elements of a fraudulent dramaturgy at the level of interpersonal relations in everyday life. With the specific reference to popular culture these provide one of the best illustrations of the existence of a dramaturgical society (Young and Massey, 1977). Certainly, they indicate that human interaction has become reduced in many instances to a ritualistic acting out of externally prepared scripts.

To the extent that persons read these self-improvement books, attend the various workshops and seminars, and generally orient their thoughts and behaviors as they are so taught, these efforts constitute an important