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**MIDDLE-CLASS, WHITE-COLLAR
OFFENDERS: NEEDY WOMEN - GREEDY MEN?**

A Dissertation
Presented for the
Doctor of Philosophy Degree
The University of Tennessee, Knoxville

Karen A. Mason
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DEDICATION

To the memory of my father, Johnny McKinnley Mason, a simple man.

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ABSTRACT

Little research on white-collar offenders has focused on gender. This study focuses on previously neglected gendered dimensions of white-collar criminality by examining both motivations for crime and reactions to adjudication among men and women convicted of white-collar crimes. Data for this study were collected via in-depth interviews with 35 male and female white-collar offenders from the Eastern Tennessee Federal District. Information was also gathered from the offenders' presentence investigation reports. The analysis suggests that gender differences among white-collar offenders are not as stark as presented in previous research. Both men and women were found to be equally represented among several categories of motivational accounts including, financial interest, need, psychological problems, and revenge. Gender similarities were also found in the coping strategies used to adapt to imprisonment and in reactions to community supervision. By focusing on the experiences of both men and women convicted of white-collar crimes insight can be gained that may inform future research.

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Chapter I

Introduction

Statement of the Problem

To date the subjective experiences of white-collar offenders who pass through the criminal justice system have seldom been given explicit attention by sociologists or criminologists (see Benson 1985b). In particular, little attention has been paid to the white-collar offender's account of involvement in the offense. The few studies that are available were collected during the 1970s and most do not include information on women offenders. Two studies provide data on women and conclude that there are stark gender differences in the motivations for white-collar crime (Daly 1989; Zietz 1981). Specifically, these studies find that men commit crimes due to financial self-interests while women commit white-collar offenses as a means to fulfill relationship roles. While these studies help us to identify and understand differences in male and female criminality, they are also dated. Considering changes during the past 20 years in the social and work roles of men and women, these analyses of gender differences and white-collar criminality may no longer provide accurate descriptions of criminal motivations.

In addition to the neglect of gender differences and motivations for white-collar crime, few studies have examined the reactions of both men and women to imprisonment (see Benson and Cullen 1988). It is assumed that white-collar offenders have a "special sensitivity" to the adjudication process (Mann, Wheeler, and Sarat 1980). According to the special sensitivity view, the upper class background and unfamiliarity with the criminal

justice system makes punishment, particularly imprisonment, more painful for white-collar offenders than for lower class offenders. The sensitivity perspective is widely accepted, although imprisoned white-collar offenders have never been closely studied. Research on prison life and the effects of imprisonment for both men and women has focused almost exclusively on juvenile delinquents and common offenders in state prisons (Irwin 1980; Irwin and Cressey 1962; Giallombardo 1966; Heffernan 1972; Sykes 1958; Owen 1998; Ward and Kassebaum 1965). In the only critique of the special sensitivity hypothesis, Benson and Cullen (1988) present evidence from interviews with white-collar offenders that demonstrates the adaptability of these offenders to imprisonment. These researchers argue that the class and cultural backgrounds of most white-collar offenders foster adaptations to the prison world. However, no women were included in the study. Thus, due to the lack of research, the prevailing understanding of how female and male white-collar offenders adjust to imprisonment relies mostly on preconceptions of prison rather than empirical research.

Preconceptions also dominate what we know about the experiences of white-collar offenders under community supervision. The experiences of white-collar offenders under community supervision are not mentioned, except to condemn it as an example of the lenient treatment afforded these offenders. Undoubtedly, the deprivation and penalty of imprisonment is more harsh and severe than community supervision; however, the question raised is whether community supervision of white-collar offenders makes any sense, since these offenders are regarded as highly unlikely to commit new offenses, and since they tend to have a stable home lives, and good prospects of stable employment.

Some scholars, citing recent correctional reforms that have toughened supervision requirements, argue that community supervision may be harmful and cause offenders to become infantilized, incompetent citizens (Clear 1994; Cullen 1995). A study based on interviews with newly incarcerated inmates in a state prison supports the argument that probation has become more intrusive and finds that some offenders prefer prison over probation (Crouch 1993).

To update and expand what we know about reactions to community supervision and imprisonment of white-collar offenders and to examine motivations for white-collar crime, this study presents an analysis of a sample of male and female offenders from the Eastern Tennessee Federal District Courts. A total of 35 offenders (24 men and 11 women) were interviewed using an open-ended, face-to-face format. Presentence investigation reports (PSI) of the offenders were also examined. Due to the small sample size, the goals of this research are not theory testing. Rather, the aim is to provide a comparative analysis of the subjective experiences of male and female white-collar offenders during and after their offenses.

Defining White-Collar Crime

The definition of white-collar crime has been debated since Sutherland's inaugural work in the 1950s. The white-collar crime debate peaked during the 1970s and 80s and has lingered throughout the 90s (Katz 1980; Shapiro 1990). Some of the arguments and inconsistencies of the debate centered on the question of whether white-collar crime was a type of crime committed by individuals or a type of corporate criminal activity. This

question was addressed by Clinard and Yeager (1980) in one of the most influential typologies of white-collar crime. Clinard and Yeager argued for the division of white-collar crime into two categories, occupational crime and corporate crime. Occupational crime refers to offenses committed by individuals in the course of their occupations for personal gain. As the name implies, corporate crime is an offense committed by agents of a corporation or organization not for individual profit, but for the benefit of the corporation or organization

The present study focuses on occupational or individual level crimes rather than on corporate or organizational crimes. There are two answers to the question, 'Who is the white-collar criminal'. The more traditional approach limits the offender pool to those individuals of an upper or elite social class. Based on Sutherland's work, the offender-based approach focuses on professional offenders such as doctors, lawyers, the managerial ranks of public and private corporations, public officials with significant discretionary powers, and the owners of substantial capital. The second approach includes anyone who has committed a white-collar offense, regardless of their social or occupational status. Rather than emphasizing the offender, this perspective considers how a crime is committed. Using the offense-based approach, white-collar crime is defined as, "an illegal act or series of illegal acts committed by non-physical means and by concealment and guile to obtain money or property – to avoid payment or loss of money or property or to obtain business or personal advantage" (Edelhertz 1970: 3).

For this study, white-collar crime is defined using the offense-based perspective. One reason for selecting this approach was to create a broad sample of offenders. Since

little research has focused on the ordinary, garden-variety white-collar offenders, using an offense driven approach increases the likelihood that such individuals will be identified. Also, a more inclusive definition may more accurately reflect the types of crimes that are prosecuted in most federal districts as indicated by the small number of high level white-collar offenders in previous quantitative studies (Weisburd, Waring, Wheeler, and Bode 1991).

Second, an offense-based approach is more likely to include women offenders. Previous studies focusing on major forms or organizational crime and workplace crime committed by professional workers rarely include a woman. One reason is that, relative to men, few women are in powerful, professional positions. But there are other reasons for the absence of women in these studies: few scholars have thought that it is important to interview female professional workers to investigate how gender relations may influence occupational or organizational crime (Daly 1989). Whether the absence of women in research is a product of researcher neglect or a reflection of sex distribution within occupations, arrest data confirm that a conceptually broad definition of white-collar crime is more likely to identify female offenders¹.

Previous Research on White-collar Crime

Numerous studies have attempted to explain the phenomenon of white-collar crime. Most of the research has focused on the either the social psychological factors that

¹ The percentage of arrests for forgery, fraud, and embezzlement that were women were 36%, 41%, and 44% respectively (Maguire and Pastore 1997).

motivate criminal acts (Blum 1974; Spencer 1965) or on the organizational structure that accounts for the prevalence and distribution of white-collar crime (Braithwaite 1993; Calavita and Pontell 1990; Geis 1967). The theoretical approaches of motivation and opportunity are used to classify the review of the literature.

Motivation

Criminal motivation is a multi-dimensional phenomenon. The scope of research on criminal motivation reflects this complexity and is broken down into several interrelated parts. One category of research examines the role of individual personality in formulating the original motivation to commit a white-collar crime. A second category examines the role of the what Coleman (1994) terms the “culture of competition”. Since society creates strong moral and ethical barriers to criminal behavior, a mere attraction to its rewards is not a sufficient explication of criminal motivation. Accordingly, the third area of motivational research focuses on the ways in which white-collar criminals neutralize societal controls.

It is generally agreed that psychological pathology plays no significant role in the origin of white-collar crime and that white-collar criminals are psychologically healthy. One exception is Gottfredson and Hirschi's (1990) thesis that all criminals, including white-collar criminals, suffer from a predisposition to crime in the form of low self-control. Whether this is true or not is a question yet to be answered by empirical research. The sparse number of studies that have analyzed the psychological profiles of white-collar offenders have found some recurring traits. All of the studies agree that white-collar

criminals do not suffer from major psychiatric afflictions such as hallucinations, delusions, and neuroses. Two conclude that offenders are ego-centric and reckless (Bromberg 1965; Selling 1944). However, these conclusions are based on interviews with patients at a psychiatric practice and a psychiatric hospital and have obvious sampling flaws that cast doubt on the generalizability of the findings.

Another study of 30 white-collar prisoners also found a high degree of recklessness (Spencer 1965). Characterizing the white-collar offenders as overly ambitious and reckless, Spencer concluded that what distinguished them from others was , “their ambition, their drive, their desire to mix with people of higher social position than their own, and to give their children an expensive private education, and their willingness to take financial risks in the process” (1965, p. 261). Spencer later cautioned against accepting these “adventurous gamblers” as representative of the typical white-collar offender since he found just as many offenders were “muddlers and incompetent” who simply drifted into crime.

Similar to other psychological research, Blum (1972) found that white-collar offenders were “remarkably free from instability”. The main difference between the white-collar offender and the control group was that the offenders reported over three times as many difficult and troubling childhood experiences.

Overall, these studies provide little evidence for the assertion that white-collar criminals are significantly different psychologically from other white-collar workers. Nevertheless, because of the small number of subjects, questionable validity, and the dated nature of the research on psychological characteristics of white-collar offenders it

would be inappropriate to rule out the personality factors completely. Coleman (1995) suggests that personality differences may predispose some executives to criminal activity and that a particular personality makeup may facilitate criminal acts in one occupational situation and discourage them in another, so that no single set of characteristics is conducive to crime in all situations.

Motivation and culture

Perhaps even more popular than psychological predisposition explanations of white-collar crime is the common sense assertion that people break the law because it is a quick and easy way to make a buck. This view is rooted in the history of criminological theory dating back to the late eighteenth century work of Beccaria and Bentham (1764/1963). The basic theoretical premise is that individuals violate the law because they believe it will bring them more pleasure and less pain than not breaking the law. In other words, going back to conventional wisdom, white-collar crime occurs because people are greedy.

Analyses of case studies of egregious cases and offenders' accounts in PSI reports suggest that the desire to "get rich quick" is certainly a motivating factor but other financial motivations may be equally important. Many white-collar offenders are driven more by the fear that they will lose what they already have or what has been termed the "fear of falling". Weisburd et al. suggest that offenders,

...who would be reasonably happy with the place they have achieved through conventional means if only they could keep that place. But the fate of organizational success and failure, or the changing nature of the economy in their line of work, may put them at least temporarily under great financial pressure, where they risk losing the lifestyle that they have achieved. They may perceive this situation as a short-term threat that can be met through short-term fraud-a temporary taking to be restored as soon as business fortunes turn around. The motivation for their crime is not selfish ego gratification, but rather the fear of falling, of losing what they have worked so hard to gain (1991, p. 224).

Although there is a difference between the desire to protect what one already has and the desire to have more, both of these can be viewed as manifestations of financial self-interest.

Coleman (1995) suggests that financial self-interest is part of a larger motivational web related to the desire to be successful and an overall cultural goal of competition. Similar to Messner and Rosenfeld's (1994) view of crime as a product of the "American Dream," this explanation credits widely shared societal values for promoting criminal activity, specifically, values that stress success, materialism and individualism. Successful individuals are admired for the ability and drive that made them winners. The honor bestowed on the rich and successful coupled with the stigmatization of the poor provide reinforcement for personal success, and contribute to a culturally driven fear of failure and sense of insecurity.

Motivation and neutralization

Societal values that may inadvertently promote crime are strong, but so are widely espoused ethical standards against crime. Religious institutions and schools emphasize the importance of maintaining ethical standards. The legal system and network of laws lend support to those values through the threat of punishment and by stigmatizing those who violate the standards.

Negotiating conflicting cultural values and standards requires individuals to either reject conflicting ethical standards or find some means of accommodating both. One way to construct a personal reality obliging the American Dream and ethical standards is to use what Sykes and Matza (1957) call the techniques of neutralization. A technique of neutralization is a mental device that enables individuals to violate important normative standards while at the same time neutralizing any definition of themselves as deviant or criminal. Essentially, the techniques are preemptive rationalizations used to justify actions. It is important to note that techniques are available before and after an action.

Cressey (1953) was the first to examine the rationalizations of white-collar criminals. Based on interviews with incarcerated embezzlers, Cressey concluded that three elements were necessary for embezzlement to occur: the perpetrator must have a nonshareable financial problem, the opportunity and skills necessary to commit the act, and a rationalization to manage the conflict between their actions and society's standards. The first proposition is the most questionable since it is just as likely that embezzlements occur due to simple greed. The second proposition was accepted prior to Cressey's work, but the third statement sparked a new trend in research.

According to Cressey, most people legitimize crimes of embezzlement by convincing themselves that they are just borrowing the money. Other neutralizations were also used but the borrowing rationalization was by far the most common. An example of another neutralization technique was the claim that “everybody else is doing it”. One of Cressey’s subjects stated that, “ In the real estate business you have to paint a pretty picture in order to sell the property. We did a little juggling and moving around, but everyone in the real estate business has to do that. We didn’t do anything that all don’t do” (1953).

The “everybody else is doing it” theme was also found in a study of offenders’ rationalizations formulated after the crime that were aimed at reducing degradation. Drawing on information from interviews and court records, Benson (1985a) states that white-collar offenders attempt to “adjust the normative lens” by which they are judged by society by either minimizing the seriousness of the crime or their own blameworthiness (1985a, p. 602). Also, Benson found that the most consistent theme was the denial of criminal intent and that those convicted of fraud were most likely to use that as their rationalization. It is suggested that the aggressive nature of the offense makes it difficult for the fraudster to admit his part in the crime while at the same time attempting to present himself as noncriminal. In this situation, the only option is to deny involvement altogether and shift the blame to something or someone else.

Motivation and gender

There are only two studies that investigate the neutralizations promoting white-collar crime among women. First, Zietz (1981) questioned whether Cressey's theory of nonsharable financial problems and the borrowing rationalization applied to women convicted of embezzlement or fraud. Based on interviews with 100 incarcerated women, Zietz concluded that women were more motivated by their family responsibilities than men. Zietz found women's experiences, "did not present problems they considered to be nonsharable (for example, a husband's need for surgery or a child's need for 24-hour nursing care). In fact, these problems were usually well known to relatives, associates, and employers" (1981, p. 76). Zietz also found little consensus between the rationalizations of females in her study with Cressey's subjects. Zietz found that women expressed a "Joan of Arc quality" and they, "sacrificed their positions of trust in an effort to meet what they perceived to be their responsibility as a wife or mother, or to preserve for themselves what they considered to be their most important possession – a husband's love" (1981, p. 57-58).

The second study does not find the stark gender differences presented in Zietz's and Cressey's findings. In an analysis of the Weisburd et. al (1991) data, Daly found that "family-need dominated women's need-based motives more than men's" (1989, p. 787). But most women gave a combination of other motives including financial need for themselves and nonfinancial personal reasons. For example, half of the male embezzlers in Daly's study cited motives that reflected a "nonshareable" financial problem, but about 40% of the female embezzlers also gave such motives. Daly states that although family

need is a more frequently stated motive for the female bank embezzlers (36%), it was also a motive among their male counterparts (18%).

Opportunity

No matter how strong a motivation to commit a crime may be, by itself motivation can not provide a complete explanation of criminal behavior. If there is no opportunity, there is no crime. Almost all white-collar offenders have an opportunity to commit a white-collar crime, but all opportunities are not equal. The offenders' evaluations of the rewards and cost of each opportunity play significant roles in determining their behavior. The attractiveness of an opportunity is strongly influenced by the individual's perception of the size of the reward, the likelihood of getting caught, and the severity of the punishment. But each criminal opportunity is also judged in comparison to other options. The fewer legitimate opportunities available, the more attractive a crime is likely to appear.

The distribution of attractive criminal opportunities is critical to our understanding of white-collar crime, in part, because the decisions to commit crime may be limited or otherwise influenced by the availability of opportunities. Available research suggests that opportunities for white-collar crimes are unequally distributed among occupations and between genders.

Opportunity and occupations

Illegal opportunities can be found in every occupation. Some occupations clearly hold more possibilities for illegal gains than others. Due to the diversity of occupational categories and the lack of research, little beyond basic generalizations are known. Based on available research, the factors that influence the opportunity for white-collar crime within occupations include the economic value of illegal services, the financial trust of positions, and the financial arrangements of payments (Shapiro 1990).

The attractiveness of opportunities for white-collar crimes, such as bribery, depend on the economic or political value of the services the holder of a particular job can offer in exchange for corrupt payments. One of the reasons police corruption is most common among officers involved in the enforcement of narcotics is that organized criminals are willing to pay those officers large sums of money to look the other way.

Opportunities for embezzlement and theft vary with the degree of financial trust placed in the holders of different occupational positions. Bookkeepers and accountants have many opportunities for embezzlement, while other employees may have none. There are a number of other ways employees can cheat their employers, including cheating on expense accounts, unauthorized company vehicle usage, till tapping (stealing from the cash register) and stealing merchandise. Clark and Hollinger's (1983) survey of employee theft in different types of work environments found that employees with access to and knowledge about vulnerable targets for theft were the most likely to report having actually committed a theft.

Opportunities for fraud are greater in occupations with direct involvement in

financial transactions. Professionals working on a fee-for-service basis rather than salaried professionals, such as doctors, lawyers, and contractors, have opportunities to convince clients to purchase unnecessary services and procedures. An important related factor is the clients' lack of knowledge of clients about what kind of services are needed and professional-client relationship that discourages the questioning of the a professional judgement (Shapiro 1990).

Gender and opportunity

Gender is one of the strongest known predictors of criminality. However, the strength of this relationship may be weaker with respect to white-collar crimes. Although only 20.4 percent of the persons arrested in the United States in 1996 were female, women made up roughly 44 percent of those arrested for embezzlement and 41 percent of those arrested for fraud (Maguire and Pastore 1997). Although the rates of arrests for certain types of white-collar crimes are nearly equal among men and women, Daly's (1989) analysis indicates significant differences between male and female offenders and their offenses. The women in Daly's study were typically younger, less educated, had lower-status positions and had lower incomes than the men. Women were found to make less money from their crimes and were more likely to commit their offenses alone. The crimes of women were also generally less sophisticated than men's and of shorter duration. Also, Daly found that virtually none of the indictments against women included indictments against businesses. Women rarely appeared to use access to organizations as tools for what Weisburd et al. (1991) found to be the most serious crimes.

Daly's finding that very few women are involved in corporate crimes reflects the low representation of women in upper level corporate positions. The same gender distribution among occupations continues throughout the middle and lower levels corporate bureaucracy. The fact that male bank embezzlers are more likely to hold managerial positions, while women are more likely to be tellers is one possible explanation for the lesser seriousness of women's crimes. However, some scholars argue that other influences may affect the unequal distribution of criminal opportunities for white-collar crime among men and women. Box (1983) argues that female workers are more closely supervised than men in the same job and thus have fewer criminal opportunities.

In summary, previous research on the motivation and opportunity for white-collar crime contributes significantly to our understanding of white-collar criminality by identifying motivational themes and characteristics of occupational positions conducive to crime. Despite these important accomplishments, our knowledge of white-collar crime is limited, first of all, by the lack of recent data and studies that include women. Second, few studies take a micro-sociological perspective to examine the subjective experiences of offenders regarding conviction and adjudication.

In response to these limitations, the goals of this research are: 1) to describe and compare the motivations to commit white-collar crimes among men and women; 2) to compare the subjective experiences of male and female offenders to imprisonment; 3) to examine the reactions of white-collar offenders to community supervision. To achieve these goals the next chapter describes the method and research design. Chapter 3 focuses on offender motivation with a specific focus on gender. Chapter 4 presents gender

differences in adjustment and coping strategies as a response to imprisonment. Chapter 5 describes offender reactions to community supervision and discusses the utility of this form of punishment for white-collar offenders. Finally, in Chapter 6, a summary of the findings is presented, including a discussion of their implications and suggestions for future research.

Chapter II
Method and Research Design
Data Collection

The study was conducted under the auspices of the United States Probation Office of the United States District Court for the Eastern District of Tennessee. The district main office is located in Knoxville with branch offices in Chattanooga and Greenville.

The data were collected from February 1998 through October 1998. The two sources of data are: 1) Interviews with current and former probationers and 2) A review of presentence investigation reports (PSI).

Offender interviews

The chief probation officer for the district supported the study and presented the project to the judges at the monthly district judicial meeting. After permission to conduct the study was granted by the chief judge of the district, the chief probation officer contacted the 32 district probation officers and asked them to review their current case loads for potential subjects. The investigator also wrote a memo describing the study and included a list of federal statutes to be used to identify potential subjects. (See Table 1). The list of offenses was taken from the Weisburd et al. (1991) study of middle-class white-collar offenders. The list was used to guide the probation officers' review of cases and to familiarize them with the types of crimes that are the focus of the study. The officers'

Table 1: List of Statutes

Title: Section	Description
15:1	Sherman Antitrust Act
15:77	Securities Act of 1933
15:78	Securities Exchange Act of 1934
18:656	Theft, embezzlement, or misapplication by bank officer or employee, if \$100.
18:1001	False, fictitious, or fraudulent statements or entries.
18:1005	False bank entries.
18:1006	False credit institution entries.
18:1014	False statement in loan or credit application.
18:1341	Mail frauds and swindles.
18:1343	Fraud by wire, radio, or television.
18:1701	Obstruction of mail.
18:1708	Theft or receipt of stolen mail.
26:7201	Attempt to evade or defeat tax.
26:7203	Failure to file return, supply information, or pay tax.
26:7205	Fraudulent withholding statement.
26:7206	False or fraudulent statement.
26:7207	Fraudulent returns, statements, or other documents.

selection of cases was not limited to the statutes listed in the Weisburd study since the criminal code may have changed over time.

The offenses selected are believed to be included in most conceptions of white-collar crime. Some of the choices were those that virtually any American would regard as quintessential white-collar crimes, such as securities laws and antitrust laws. Bribery and embezzlement offenses were chosen because they specifically included the abuse of public and financial trust. Mail and wire fraud statutes were chosen since many of the most important financial transactions require the use of mail or wire communications. Mail and wire fraud can be used to prosecute any crimes in which the postal service or other federally regulated communication systems are used for fraudulent purposes. Three other violations involving fraud or misrepresentation were also selected including: tax fraud, false claims and statements, and credit fraud. Because people in the highest income categories have the most to gain from tax frauds, such offenses are regarded as especially prevalent in the white-collar population. The final offense category is credit or lending institutions fraud, in other words knowingly making a false statement on loan and credit applications to federally insured financial institutions. Since the United States economy operates on credit, it is reasonable that the submission of fraudulent applications for loans is an important form of nonviolent economic crime (Weisburd et al. 1991, p. 9-11).

A total of 111 individuals were identified by the probation officers' review of their current case loads. These potential subjects were mailed a form letter on official stationery with the probation officer's signature. (See Appendix A.) The form letter provided a standardized means to introduce potential subjects to the study and reduced the likelihood

that offenders would be selected in a biased manner due to differences in their probation officers' personal styles. The letter introduced the investigator, briefly described the study, and requested the offender's participation. Enclosed in each letter was a postcard with a self-addressed, stamped envelope that asked how the investigator could contact those individuals interested in participating in the study. The response rate for the current case load was approximately 16 percent, or 18 out of 111 cases.

Because the resulting sample from current cases was small, a list of potential subjects who had completed court supervision was created. The source of the list was the district's closed cases files. A file containing cards on all closed probation cases for the district is housed in the Knoxville office. Using the same list of offenses used to identify offenders currently on probation, the investigator reviewed all of the cards in the file. Only those individuals whose cases were closed within the last five years were included on the closed case list. This method was used because of the unreliability of older addresses. It is not uncommon for probationers to relocate after completing their court supervision. Another form letter and postcard was developed and mailed to prospective subjects on University of Tennessee stationary with the investigator's signature. (See Appendix B.) The closed case list identified 191 potential subjects. Seventeen people volunteered to participate in the study for a response rate of 9 percent.

Because the sample was self-selected, the results of the analysis must be viewed as provisional. Given the sensitivity of the subject, the stress and life disruption caused by a federal conviction, it is not surprising that few people volunteered to share their

experiences. Those offenders interviewed varied in their accounts of their experiences, as well as occupationally and demographically.

Since access to court records of those offenders not voluntarily participating was restricted, an examination of potential differences between those individuals volunteering to be interviewed and other offenders was not possible. Conceivably, those who refused to be interviewed may have felt more ashamed and embarrassed by their conviction. If this is the case, this study may underestimate the stigmatizing effect of criminal conviction.

Because the primary concern of the study is the subjective interpretations of offenders of the adjudication process, an open-ended interview technique was used. The interviews were conducted in various locations: the offender's home or place of business, the Department of Sociology at the University of Tennessee-Knoxville, coffee shops, and restaurants. All of the interviews were tape-recorded and transcribed. Since the focus of the study includes an examination of motivations for white-collar crimes as well as reactions throughout the adjudication process, the following general topic areas were included in each interview.

1. Circumstances leading up to the offense.
2. Experiences during the investigation and conviction.
3. Reactions to court supervision.
4. Adjustment and re-entering the community.

Review of presentence reports (PSI)

Access to the PSI reports was granted by the district judges contingent upon the offender's authorization. A release form for the PSI report was presented to each participant along with an informed consent form. (See Appendices C and D.) The PSI report is a document prepared by a probation officer after the defendant has been convicted but prior to sentencing. The primary purpose of the report is to aid the court in determining the appropriate sentence. The PSI contains the following information:

1. A description of the offense.
2. The defendant's version of the offense. After November 1987, as part of the 1987 Sentencing Reform Act, the defendant's version was not included in the report. The report was changed so that the defendant's "total offense conduct" was recorded. This included the versions of the offense from the defendant, the defendant's lawyer, investigating officials, and the court.
3. Prior criminal record.
4. Offender characteristics. (Family Data, Health, Education and Vocational Skills, Employment Record, and Financial Condition.)
5. Sentencing Options.

Basic biographical and demographic data were from the PSI report. Variables included age, marital status, prior record, occupation, income, plea, and sentence. PSI reports for five participants were not collected due to participant refusal or the inability of the probation office to provide a current address. For these missing PSI cases information on the demographic characteristics was taken from the interviews.

Sample

The sample included 35 cases, 24 men and 11 women. Because the sample is nonrandom, small, and localized, the results of the study must be viewed as provisional and exploratory. A larger sample was not possible due to time and financial constraints. Also, court refusal of access to the records of probationers not interviewed limited the scope of the study. Nevertheless, the lack of qualitative research in the area offsets the losses incurred by not having a larger sample. The Eastern Tennessee District offers both rural and metropolitan environments. The district has two moderate-sized cities and numerous agricultural enterprises. Thus, it is likely that the findings of this study could be replicated in these types of environments. But, in larger urban areas, reactions of white-collar offenders may be much different, though it is difficult to hypothesize the direction those differences in reactions may take.

Demographic Characteristics

The sample is overwhelming white (99%), with one female African American participant. The age at the time of the offense ranged from 22 to 70. The average age of males was 46 and of females was 44. A majority of the sample were married at the time of the offense; 72% of the women and 54% of the men. Over 70% of the participants had at least some college and nearly one-quarter (23%) had a college or professional degree. The occupations represented ranged from executives, such as bank officers and vice presidents, to small business owners and salespeople. A listing of the occupations by sex is presented in Table 2. In those cases where the PSI reported monthly incomes that did

Table 2: Frequency Distribution of Offender Occupations by Sex

Occupation	Number of Offenders*	
	Male	Female
Accountant	2	0
Bank Officer	2	3
Bank Teller	0	3
Business Owner	10	0
Business Executive	1	1
Lawyer	1	0
Medical Doctor	1	0
Postal Worker	0	2
Salesperson	4	1
State Official	1	1
Total:	22	11

n = 33

Note: Two male offenders were unemployed at the time of their offense.

not reflect the income at the time of the offense, information from the interviews was used to approximate the offender's income. The income data reflect the diversity of the offenders. The average yearly income for the men was \$59,000 compared to \$27,000 for women.

Considering the criteria used in selecting the sample, the demographic characteristics are not surprising. Unlike common offenders, the offenders in this study are predominantly white, over 40 years of age, and educated. However, these figures do not convey the degree to which the majority of the subjects of this study do not fit the stereotype of the white-collar offender. Images of white-collar offenders presented in the media and in a significant amount of research, portray these offenders as members of the upper echelon of the corporate world. Although this image is true of some cases, it is a misconception to think that the stereotypical white-collar offender represents the majority of cases.

Perhaps the most striking characteristic of the sample is the ordinariness of the offenders. With the exception of the vice president of one of Tennessee's well known banks most of the offenders were far removed from the corporate elite. Most of the offenders worked a 40 hour a week job and were scraping to carve out their piece of the American Dream. Some of the offenders were barely making enough to pay the bills, while others had a comfortable life where they owned their home, had a stable career, and took yearly vacations. The typical offender in this sample was lower-middle to middle-class and led a moderately comfortable lifestyle.

Legal Characteristics

Nearly three-quarters of the sample (74%) had no prior record. Three offenders had previous convictions for white-collar crimes including embezzlement, income tax evasion, and bank fraud. Another six offenders had prior convictions for other offenses including drug possession, drunk driving, assault, and impersonating a police officer. All of the offenders with a prior record were male.

The most frequently committed offense for both men and women was embezzlement. Other women were convicted of signing a false statement or fraud of postal money orders. The next most common convictions for the men were mail and wire frauds. Table 3 lists the offenses represented in the sample.

Most of the offenses were crimes committed against organizations, specifically banking institutions and the federal government. Four offenders, three men and one woman, committed crimes against individuals. A majority of the offenses (60%) were committed by individuals working alone. Fourteen offenders, ten men and four women, had co-offenders.

The monetary costs of the crimes committed by men were nearly double the costs of the offenses committed by women². The damages of the crimes committed by male offenders ranged from two thousand to ten million dollars with an average of over one million dollars. The range of the monetary costs of the offenses committed by women ranged from one thousand dollars to four million dollars with an average of approximately

²Information of the amount of monetary loss to victims was not available for four male offenders and one female offender.

Table 3: Frequency Distribution of Offenses by Sex

Offense	Number of Offenders	
	Male	Female
Bank fraud	1	2
Bribery	1	0
Embezzlement	7	5
False statements	3	2
False statement on loan or credit application	1	0
Fraud of postal money orders	0	2
Income tax evasion	4	0
Mail/Wire Fraud	5	0
Theft of government property involving kickback	2	0
Total:	24	11

695,000 dollars. One reason why the crimes committed by men were more costly may be due to the use of legitimate business to front their crimes. While only one women used a legitimate business to front her crime, eight male offenders used legitimate businesses to execute their offenses.

Most of the subjects retained their own lawyer (66%). Most of the offenders pled guilty (92%) as part of a plea agreement. Surprisingly, many of the offenders (63%) served time in prison. Five women served an average of 12 months and seventeen of the men served an average of 26 months. Thirteen offenders served six months to one year on electronic home monitoring or received three to five years probation.

Chapter III

Need, Greed and Good Deeds: Motivation Among White-collar Offenders

Why did you do it? This seemingly simple question has seldom been given explicit attention by criminologists studying white-collar crime. The previous review of the literature on motivations for white-collar crime reveals the scarcity of research and the absence of attention to etiological factors other than material and psychological background characteristics. While one would be remiss to neglect the presence of financial and psychological problems from any study of criminal motivation, it is necessary to examine other possible factors. The focus of this chapter is on the subjective accounts of offenses by white-collar offenders. The goal of this examination is to investigate how the offenders' interpret and understand their behavior.

Accounts

The writings of Goffman (1959), Garfinkle (1956, 1967), Scott and Lyman (1968) led the theoretical development of accounts. The focus of earlier writings on accounts was on the content and context of accounts and on the conditions necessary for an account to be accepted or "honored" by society. Traditionally, an account was defined as a linguistic device that explained behavior (Scott and Lyman 1968). Accounts were given

by actors as justifications or excuses for socially undesirable occurrences or as a means of connecting disparate social events.

Goffman (1959) focuses on the account as a “performance” of actors when social acts have potentially negative consequences. “Regardless of the particular objective which the individual has in mind and of his motivation for having this objective, it will be in his interests to control the conduct of others, especially their responsive treatment of him (Goffman 1971, p. 3)”. The purpose of account giving according to Goffman is to maintain one’s social identity.

Similar to Goffman, Scott and Lyman (1968) argued that accounts are presented to others to explain potentially problematic events. They focused on the premise that, at the microsociological level, daily interactions and the use of talk are significant mechanisms by which individuals neutralize negative behavior or its consequences. Scott and Lyman identified two general types of accounts, justifications and excuses. Justifications are explanations for behavior whereby one accepts responsibility for the act in question, but denies the disparaging quality of the act. Excuses are explanations whereby one admits that the act in question is negative or wrong, but denies full responsibility.

In contrast, Garfinkle (1956, 1967) did not limit his conceptualization of accounts as simply explanations that counteract social sanction. Garfinkel argued that accounts are a more general aspect of social life and less of a response to a special circumstance. Garfinkel stressed that individuals organize and manage their everyday affairs in order to be able to account to others for all behavior, if called upon to do so.

Evolving out of early work on accounts, most importantly Garfinkel, current theoretical views emphasize that accounts are not merely social constructions to protect the self. Recent work focuses on how accounts give individuals a greater sense of control and understanding of their environment and reflect culturally embedded normative explanations (Orbuch 1997). One example of research that explains the consequences of account-making is Weiss's (1975) study of individuals' accounts following divorce. Weiss argues that newly separated individuals develop accounts to explain and understand what happened and why. Further, Weiss found that the development of the account was crucial to the sequence of events in which individuals achieve closure. Another example demonstrating recent theoretical trends in the study of accounts is Harre, Clark and DeCarlo's (1985) investigation of subcultures. These researchers argue that, in producing accounts actors are displaying knowledge of the ideal ways of acting and ideal reasons for actions. In addition to displaying normative ideals of and for action, other research emphasizes the importance of socially constructed morality and how people make their behavior accountable in a moral world. According to this perspective, accounts are used to demonstrate that people are capable of explaining their experiences in ways that are intelligible and legitimate. The focus of accounts according to these recent perspectives is demonstration of knowledge about how the world works, rather than a self presentation that avoids stigmatization.

Following recent developments in the conceptualization of accounts, the motivational accounts of white-collar offenders in this study are analyzed from the perspective of story-like subjective explanations for courses of action. The account is

considered to be a means by which offenders make sense of themselves. Because the interviews were conducted years after the events, it is expected that the accounts contain information that has changed over time and reflects a broader understanding of how these events fit into one's sense of self.

To explore motivations for white-collar crime among this sample of male and female offenders, the analysis is divided into sections corresponding to distinct types of motivational accounts. The motivational accounts of the offenders in this study can be divided among five themes: financial interests, need, mental illness, life as a party, and anger or revenge. Table four presents the frequency distribution of motivational themes by sex. A portion of each thematic discussion addresses gender differences and similarities among the motivational accounts of white-collar offenders.

Financial Interests

To many people, the motivation for white-collar crime is not much of an issue - these offenders break the law because they want to "make a fast buck" or "get rich quick". These commonly shared assumptions concerning financial self-interests were found in the accounts of many offenders in the present study. In some respects, all of the financial interest based motivational accounts are the same in that the object was to obtain money for personal gain. But, to better understand the motivations for white-collar crime, it is necessary to examine how monetary gain may affect other goals.

The following analysis is an attempt to understand what offenders who are motivated by financial interests are trying to accomplish by committing their offenses.

Table 4: Frequency Distribution of Motivational Themes by Sex

Motivation	Number of Offenders	
	Male	Female
Financial Interests:		
Conned-men	2	0
Good citizens	7	1
Good soldiers	3	2
Jones'	4	1
The Needy	1	3
Mental Illness	2	2
Life as a Party	3	1
The Avengers	2	1
Total	24	11

There are four different types of accounts that included financial interest as a motivation for their offenses, including the conned-men, the good citizens, the good soldiers, and the Jones'.

Conned-men

The characteristics that distinguish the conned-men from other accounts is a focus on themselves as victims of other "cons" and an arrest history including other fraudulent schemes. In the present sample, two male offenders' accounts can be classified as conned-men. The following account is from a 52 year-old white male who participated in an insurance fraud scheme with a long-time friend. The scheme consisted of the subject signing insurance documents with false information and posing as a "financial advisor". The subject denies that he received anything for his participation other than a "loan" of 2,500 dollars and "free" insurance coverage from the co-defendant.

I was convicted of mail fraud . What happened was, I had a friend that I had known since third grade and he was in the life insurance business. He approached me about some of his life insurance. At first I told him that I wasn't interested. Then he said he would pay the premium for me and he said it wouldn't cost me anything. And he said all I had to do was go take the physical and sign the papers he would send later. So, I said okay. Then I said there's nothing illegal about this, is there? Well, no he says, they call it rebating. I might could possibly lose my license but it's nothing for you to worry about. So, I agreed to do it. He Federal

Expressed me the blank applications which I signed and sent them back to him. Then he covered me with insurance for one year. At the end of that year he calls me and says that he is changing companies and he can cover me for another year. So, I said okay. I did this over six years and he kept changing companies. He would send me a blank application and I would sign it and fill it and send it back. Then they would call me up from Equifax [*a credit verification institution*] and ask me verifying questions about the application. Like, are you in the leather manufacturing business - yes. Have you lived here - yes. And they never really asked me my net worth, of course it was on there. Then anyway, at one time he called me up and he said hey I've got a guy in Texas and I need you to verify that he is a multi-millionaire. He said - he told me his name and everything and he said he is 70 years old and I have to have someone say that he is worth what he is worth cause he doesn't have an accountant. I said, well, if he is. And he said, well, he is. They called me from Equifax and asked me if I was aware of what's his name and is he a multi-millionaire. I said he has property and stuff and that was it. Well, about two months the FBI came along and they wanted to talk with me. What had happened is that L., when he would take out these policies he would take out the first and even the second months premium and make the year's commission in advance. Then, he would let the policies lapse and they would want their money back and he would say I've already spent it but I can get you 50 cents on the dollar. And they would settle for that. He would make a deal with them if they didn't turn him into the insurance commission, then he would go to another

company and underwrite for them. So, he did. Well, when he got busted they made a deal with him to turn states evidence on who all was involved in this illegal scheme. Well, he told them I was. My public defender asked me what happened and I told him. He said, I can't believe this, six years you do this and you didn't know what he was doing. And I said no. He kept wanting me to plead guilty. I said I'm not going to plead guilty to bank fraud. I didn't do any wire transfers or anything of the sort. Yes, I did verify that the one man was worth several million dollars and I did fed-ex some things, so they worked a deal and they charged me with wire and mail fraud. I tried to tell my attorney, I said you don't understand - He conned me. I don't know why you don't understand that this man could con million dollar insurance companies - he can con some little ole boy from Alabama or Tennessee into something that he conned these million dollar companies into.

Interviewer: So is that how you explain your involvement - that you were conned?

Offender: Yes.

Interviewer: Even though you knowingly gave false information about the insurance coverage for yourself and the old man in Texas?

Offender: Well, I didn't know that L. was doing all this. I mean he got a lot of money out of it. I didn't get anything besides the insurance and I borrowed 2,500 dollars from him.

Although the offender acknowledges his participation in the scheme, he minimizes his responsibility because his partner did not disclose the extent of the scheme. During the

interview, the offender described his feelings of betrayal, but the emphasis was on the amount of money made by his partner.

I mean, how can they convict me and give me 10 to 14 months - the same as L. when he's the one that got all the money? It just ain't right. I didn't get a damn thing out of this.

A similar account was given by a 77 year-old male convicted of wire fraud. The offender had promoted himself as a financial advisor. People who were attempting to establish new businesses or who wanted to expand older enterprises, but were having difficulty obtaining conventional financing, would solicit the offender for help obtaining financing.

I would provide people financial services under a best efforts contract. I used to be in the construction business. My family had a contracting business and we were into developing houses. I got to wondering how all those people made all this money doing all this guaranteeing loans and that kind of thing. Anyway, it wasn't that hard to get into because we had been in the construction business so I was familiar with how things worked. So, I did my consulting business for some years and made a lot of contacts with people doing similar kinds of work. What happened is that one of these fellas I knew called and said that he and some other individuals wanted to do a consulting ring for the development of a fish farm. This fish farm was intensive - it was supposed to be enclosed in a building that had no

chemicals or anything. So, I agreed to work on it. He put up 125 thousand dollars and I put up something around 250 thousand dollars. As it turns out this guy was working for the government. He was already in trouble for some financial dealings that weren't right. So, in short, these folks did a scam on me and I haven't got any of my money back

According to statements in the PSI report there had been numerous complaints about this offender and he had been involved in another fraudulent scheme netting him nine thousand dollars in the early 1980s.

Two distinctive characteristics presented in the accounts of these offenders is their long-term association with other individuals who are known to be working scams and the offender's view that he was a victim. From the accounts above, it seems as though in both cases the men were more upset about their co-defendants receiving more money than themselves and they rationalize that to mean that they are less responsible for the crime.

Another trait shared by these individuals is their sporadic employment history, as well as, a previous arrest record for fraudulent activity. Both individuals had a history of drifting in and out of various sales jobs in their quest for a "fast buck". Each of these offenders had substantial periods of time where no information was provided on their PSI reports concerning previous employment. Both offenders stated in the interview that they had attended college. This information was not corroborated by the PSI reports. Rather, one offender had received a general equivalency diploma and the other was a high school graduate. This suggests that the offenders lacked the education and experience necessary

for legitimate employment. Also, both offenders had previous criminal records including a fraudulent telemarketing scheme and impersonating a police officer.

In both instances these offenders neutralized their culpability in the offense by downplaying their role in the offense, or what Sykes and Matza (1957) define as denial of responsibility. While both deny criminal intent concerning the actions that led to their conviction, both acknowledged some fraudulent activity to promote their own financial self-interest. Also, both offenders had previous convictions and promoted themselves as more educated than they actually were, suggesting that both men identified with the false identity they created. Therefore, carrying out the schemes can be interpreted as another manifestation of their false self-identities as cons.

No women in the sample presented the distinct characteristics of the conned-men. At present, we have no information that compares the experiences of women who act as con artists relative to that of men. Previous research on male con artists speculates that one reason for the absence of women in this type of offense may be due to characteristics of this type of activity such as unexpected relocation (Blum 1972). Individuals who work scams as a primary means of income must move periodically to find more victims and to avoid detection by the authorities. Sporadic relocation may be more difficult for women who are more likely to be responsible for the care of children and other family members.

Good citizens

Another distinct motivational account was described by the entrepreneurs who used their power and financial standing in the community to commit crimes. Most of these

offenders had started their own businesses and achieved a comfortable lifestyle. All of these individuals had outstanding records and had received numerous school achievement and civic awards. These offenders denied responsibility for their crimes by either: 1) appealing to higher loyalties or 2) contending that no one was victimized or no money was taken.

Consider the following statement from a man convicted of making false statements on a loan application.

I had been in the carpet business all of my life. My family had really started the carpet business in this area. And knowing the business very well, I had invented a process through a static control process - making the carpet completely static free. I didn't have the money to make the stuff to go into full production. I applied for a loan from the SBA loan [*Small Business Association*] for 325 thousand dollars and was successful in getting that and the government pays 90% of it. No one lost any money except the government when they had to buy the loan back. But, anyway I took the loan and me and my group traveled to Atlanta - closed the loan. I had two-party checks and here's the mistake I made. I had those checks made out to my company and to the vender, such as I was going to buy a machine from this outfit. They made it out to me, and to the company I was going to buy the machine from. Well, in the process of elimination, I didn't need that machine. I got another machine. The mistake I made was when I had all these checks - I go to my bank - I sat down with the banker and I signed my name and I signed the other signature.

Which basically is forgery. I didn't know it. I thought it was fine. I didn't have any criminal intent. If I did I would have spent all the money. Every dollar plus all of my southern textile money went into my performance mat thing. At the end of the process there was a stainless steel storage, my specialized equipment was late in getting to me, therefore I was broke. I missed the entire season. I had one season to make it and I missed it. And then I didn't have all the equipment that these two party checks that were there - that were giving to me that I deposited in the bank. And so, when the SBA people came in to do an inventory, things weren't set up like they were originally supposed to be. I didn't just run off and blow the money on myself. I put everything into the business. I had no intent. In all my years of an exemplary life - none of that counts. So they auctioned off my house and the business and I was convicted and sent to prison.

Not only would these offenders deny their own culpability, but they argued that it was their consideration and interest in helping others that got them into trouble. The following statement was made by a woman convicted of defrauding the government. This offender was the executive director of a regional Head-Start Program who assigned government contracts for services to a rehabilitation company that she and her husband owned.

Offender: I was the director of a Head-Start program for 4 counties. I had been since 1966. This came down in April 1990. We [*offender and husband*] ran a

rehabilitation center for children with handicaps. We were mandated by Head-Start to serve those children. It was my husband's business and my second business was the rehab. center. It was the only one in the area. The only rural one in the state at the time as I understand it. Our children [*Head-Start children*] were being seen at the rehab. center. I had some people in my office, one that did not work with me but who I gave space to work out of, and a couple of girls that worked for me. I guess out of jealousy, I don't know, they had been trying to get rid of me since 1981. They finally got a hold of someone that would listen. From then on it was a spiral going down. They finally got me for signing a false statement.

Interviewer: So what got you interested in starting a rehab. service. Why not let some other local service provider handle that?

Offender: At the time I started the business there was no other service provider in the area. The state came in and said that you can transport them to Knoxville. I said, let me ask you something - would you want your handicapped child transported, depending on where you live in our county, two hours to get to an hour of therapy. Well, if so, you're not thinking about the children! So, you see, it was the fact that there were not services offered close by that got me into wanting to start a business. We didn't make money at this - I loved my job. I love doing things for people. Since we've gone out of business the services have been picked up by the hospital. The hospitals didn't offer it when we started. Since then, they have built a rehab. center because they wanted to make all that money. What we

were charging 35 dollars a session for, they get 80. But the government said that was wrong for us to do - it doesn't make much sense does it?

A similar statement was made by a man who owned a electrical supply company. The offender used his business to front a kickback scheme that involved another man who was employed by a contractor for the United States Department of Energy. The offender claimed that he or his company did not benefit in the scheme but were merely trying to help someone who had some personal problems.

We had a customer who worked for MM., a buyer from there that we had been dealing with for several years. He came to me and my partner and asked us to say that he had sent through something, a product, that really wasn't related to any of our orders. He had some real personal problems and could we help him and could we give him that money. We knew what we were doing was wrong but we thought – he convinced us that he had some real personal problems that we could help him with. We let our hearts overrule our head and gave him the money. As it turned out, he kept doing it – kept sending money through like that and we kept giving it to him, which was a foolish thing to do. But we really didn't know how to stop it once we had made the initial mistake. We didn't keep the money. We weren't looking for any benefit from it, but this went on for 3 years

As the above examples illustrate, some white-collar offenders consider themselves to be the pillar of the community and feel that their access to money and services warrants the breaking of laws to aid other people. These offenders neutralize their criminality by citing a desire to help someone to explain their illegal acts or an appeal to higher loyalties (Sykes and Matza 1957). The ability to come to the aid of others is a source of self-pride and creates a sense of power. For example, consider the following statement from a Compliance Official for the Charitable Solicitations Division of the Secretary of the State of Tennessee who was charged with conspiracy and income tax evasion:

When you have some power and you can do things for people and help people you miss it when that's taken away. It gets in your blood. Especially when you've had a pretty good position.

As a Compliance Officer this individual was responsible for regulating all of the bingo halls in the state of Tennessee, including authorizing and renewing bingo licenses. This individual admitted that he had done favors for numerous people in the industry as well as helping out others with "political problems". The offender stated that originally he was indicted on charges of bribery but those charges were dropped as part of a plea bargain.

In general these offenders used a combination of techniques of neutralization to including the denial of criminal intent and an appeal to altruism. Looking beyond the criminal incident, it appears that the actions taken by these offenders were part of an identity they valued.

Of the eight subjects in the sample whose accounts are categorized as good citizens, only one was a woman. Considering the economic marginalization of women it is not surprising that female offenders were less likely to be in positions with access to autonomy, power and money. The economic marginality thesis argues that, while there have been observable increases in labor force participation among women, employment opportunities for women remain restricted, thus accounting for the absence of women who are in positions with access to financial capital.

Good soldiers

Another type of financially motivated account asserts that work obligations are responsible for the offender's involvement in the crime. Often these offenders denied responsibility for their actions since they were "just following orders" or "just doing my job". According to Sykes and Matza, denial of responsibility is a strategy in which acts are typified as beyond the control of the actor. The offender's self concept is one of a "billiard ball" or a "cog in a machine", where the actor is continually pulled or pushed into situations beyond her control. The following statement is from a woman who was a customer service executive for a locally owned medical supply company. The owner of the company and the offender were indicted for defrauding the government because they were charging higher prices to Medicaid recipients.

There came a time when our company got bigger and we had an attorney put on staff. Okay, and he was trying to define what point of sale is. There are many

interpretations of the satellite offices. There are no black and white. I've been in a room where six different attorneys tell different things. So basically, the bottom line was, you say were you a decision maker? I was a manager. I took care of the people under me as far as supervising. Did I make company decisions? NO! Was I involved in listening to the attorney say if we did it this way it was Okay, sure. If I had a question I would ask the attorney and I would get it in writing. I would feel okay about it. So, you see it was filtered very carefully, you know, what was and wasn't told to me.

Later in the interview while explaining what it felt like to plead guilty, the offender stated:

I mean, supposedly I'm really supposed to feel like I did it. I did these two, three things that were brought out. Instead of the hundreds of things in the indictment they chose two or three things that I would say 'yes' to. Yes, this did happen. Did I know it was wrong? NO! 'But did you put your head in the sand'? Well, I wasn't a decision-maker. It wasn't my decision. I didn't own the company. I didn't personally or financially benefit from it. So, I mean it's real - hard to understand that.

Describing oneself as "just doing my job" was a common theme in statements from offenders utilizing this neutralization technique. The following is the account of a local business man convicted of bank fraud. The offender concealed money from the Federal

Deposit Insurance Corporation (FDIC) and state bank examiners that he had collected as payment for securing a loan for another business.

Basically what happened is a group of us here in town got together and they had an auction and sold the old D & D bank building.... We bought the building and then got the bright idea to start a bank. And so we got started. We hired a fellow who we thought was an experienced banker – had some problems with him and in July we ended up letting him go. We didn't have a bank president. So, the board asked me to sit in until we found somebody. And like a fool I agreed to do that. I didn't know anything about banking. I had served on the First American board of directors here in town for two or three years. So anyway, I took over as president. And anytime I brought up, hey, let's hire a president. I got the same thing from the board. 'We want you to stay – We want you to stay'. And I listened to them instead of doing what I knew I should have been doing. So, the next year, 1988 there was this company that had been formed in Oak Ridge called A. and the Department of Energy had agreed to give them the total centrifuge thing in Portsmouth, Ohio. Part of the deal was they had to have a two million dollar bond. So the agency here worked a little bit on getting a bond and we got one. It wasn't exactly what DOE wanted but with their deal they decided to take a bond and have cash in a bank account. So, then the bank decided that we would look at the possibility of making a loan and we went over our legal lending limit. The bank's attorney Mr. C. said, well, you know, we could do this by sectioning it up to

individuals. So, that's basically what we did. We did 450 thousand dollar loans to individuals which kept us in ...you see, the deal was supposed to work was the 2 million dollars was to stay in our bank and build up for DOE. So, another firm in Oak Ridge drew up all the papers and the bank paid them 50 thousand dollars. I had told all the lawyers that I wanted to make sure that everything was tied down and I wanted to have them by the short hair. That's exactly what I said. I wanted to make sure that we have all the i's dotted and the t's crossed. So, basically we ended up with an additional 150 thousand dollars and 75 thousand went to a man who was the executive director of A. And then 75 thousand went to the lawyer Mr. C. and Mr. C. split that with me. This was revealed to the board at the bank but the problem was that Mr. C's wife was the secretary of the board and did not keep real good notes, so it wasn't reflected in the minutes. So, when the FDIC came in and investigated they said that we tried to conceal all of this. I had no intention of concealing anything. I did my part the best I could. It might have been questionable but it was out there. You know, if the minutes and everything would have been done correctly we wouldn't have had a problem. Another thing was that Mr. C., when he took the money, he opened a separate account for it instead of going ahead and putting it in his regular checking account. Of course that didn't look good either.

Another example of a motivational account that is based on the offender's identity as a good worker is found in the statements made by a superintendent for a railroad machine

shop who was convicted of wire and mail fraud. According to the offender, when equipment was needed for the shop, he would place the order without proper authorization.

You see, this is way the railroad was run. If you need, it get it. Keep the plant running at all cost. See, one guy would retire and another guy would come in but you did your books all the same way. If you needed it – it cost more to shut down than it would to rig the paper work to keep yourself running. Cause it was a huge machine shop. And what I did was weld railroad rails together to make continuously welded rail —to get the clickity-clack out of the railroad track – it was heavy, heavy equipment. It was probably a four million dollar budget a year on operating costs. I started as a laborer and worked my way up as a superintendent. I just continued to do what they did. The majority of what was done was done when the others were there. I lasted about two years. See, they were all old men that had connections deep in the company to where they were untouchable. And I'm just a young pup that's doing the same thing but I'm not connected. The people I was connected with either died or retired and that left the door swinging for this railroad cop to just pounce.

Of the four offenders comprising this category two were women. One difference between the accounts of men and women as good soldiers is that women assumed that everything was completely within the limits of the law. However, the men seemed to suspect that the

way they were operating was illegal. At various times, both women discussed the documentation of everything they did on their job, including conferences with supervisors to double-check their decisions. The men in this motivational category never referenced official documentation as a legitimizing source for their actions.

The Jones'

Another prominent financially based motivation is "the fear of falling" or losing ones financial security. This type of motivation is very similar to greed in that it is based in a cultural value system that honors materialism and success. Both motivations come from a sense of wanting to succeed and be on top and grow from an anxiety driven sense that the only way to get there is to break the law.

The following account is from a young male business owner convicted of wire fraud. The offender was part owner of a packaging and office supply store and was certified as an agent for Western Union. On several occasions the offender and his partner used their certification as Western Union agents to wire money that they did not have to make investments in other business enterprises.

Basically, me and a friend of mine had a business together in Knoxville. It was a packing and shipping company. And the people we bought, D. and M. it from financed it for us. One day not long after we bought it, D. came to us and said, hey, I got a great deal for you to make some money. Since it was being presented to us by someone that we knew – I had known D. for a couple of years and B. had

known him for several years – it had always been a friend type thing. So, that gave it more credibility in my mind. It sounded like D. had put a lot of money into it so he was doing it and it was alright. D. came to us and said that if we wired in money to pay for operating expenses and attorney fees, and basically support the thing, when the money comes in you'll be, I never did really understand it...it didn't make a whole lot of sense. But we did it. I guess you know you get tempted. You can make a lot of money doing this. It sounded good.

Similarly, the following account was given by a man who embezzled money from a bank where he was a loan officer. When asked why he took the money the offender stated:

Offender: I wanted to have things. I guess you would say that I wanted to keep up with the 'Jones'.

Interviewer: What sorts of things did you buy?

Offender: Just anything – not really anything. I think we took a couple of trips to the beach and to Gatlinburg. Other than that it was nickeled and dined away.

One common theme in the two cases presented above is the almost anxious desire to have more money and to succeed. The first person stated that he was just out of school and really wanted to make his first business endeavor a success. The lure of financial success was too great. The bank embezzler simply wanted to have the "good things in life". Later in the interview, he admitted that the money was not made to make any major

purchases and was mostly spent on entertainment and weekend vacations.

The major difference between the men and the woman in this category is that the female offender emphasized the needs of her family. The following is an account given by a woman who embezzled money at a bank where she worked. When asked why she started taking the money, she said:

Offender: My ex-husband and I have always had financial problems. We have never been good at managing money. So, it started that I was just borrowing the money. Borrowing and putting it back until it just got built up and was out of control. It was never meant to be stolen. It was always, "borrow" this. That's the term we used. After three years it was so out of control and I knew that the only way to get away from it was to quit the bank. I quit and it was a large factor in us breaking up - my ex-husband and I because of the stress and strain - hating it and dealing with it.

Interviewer: Did you feel pressure from your husband to do this?

Offender: Not exactly. I think a lot of it was me, because I tend to try to make things better for people. So, when things would be rough, I guess it was my way of trying to make things better. You know, here's the money, so things are better now. What are you going to do? The kids wanted new sneakers, of course, they cost over 100 bucks, so they can be just like their friends. My husband was a musician and of course he had to have the best equipment. I think once I handed him 500 dollars to get a piece of equipment. Then, when things were hard he

would say, like, you know, I'm going to go hock this stuff for blah, blah, blah - making me feel guilty for cramping his lifestyle. Money just got pissed away like that. We were just living a lifestyle that we couldn't afford.

The emphasis on the fulfillment of a relational role as a care-giver is missing in the accounts of men. Rather, the men stressed self-pride and success as primary reasons for their crimes. This finding mirrors the results of Daly's (1989) analysis of gender differences and white-collar crime. Daly found that financial concern for their families were more frequent rationales for women's involvement in crime than men's.

The Needy

Contrary to the image of white-collar criminals as financially secure, some of these offenders were barely making ends meet. Each of these offenders was the primary care-giver in his or her family. These offenders attribute their criminal activity to their attempt to fulfill relationship roles and provide for the family. Following is an account of a female bank teller who embezzled money from the bank where she worked:

It's like this, I've always been the one in the family that has sort of been what you would call a parent figure. Even to my parents. They are divorced but they have both always been alcoholics. When I got out of high school, I started a job at the bank. The money I made paid for things for everybody. Not just me. I started

taking the money for ordinary things, everyday kinds of things, when we were a little short. But it just added up over time.

This young women requested at her defense that she have a moment to tell the court that the money was used for groceries and other household items. She stated, "I just wanted them to know that the money was not wasted or spent on buying myself nice things".

A similar story was told by a single parent male who owned a small electrical repair company. The offender and another individual were involved in a scheme to bribe a public official.

This was a time when my business wasn't doing good. My rent was due. My utilities were due. Everything was due. Three thousand dollars would have jacked my boot straps up real good for me and my kid. And, I mean, I wasn't out to break the law or anything. I just had something that I thought the guy would be interested in.

From the accounts presented above, it is evident that all considered protection of the family as an acceptable reason to commit the crime. Similar to findings in previous studies women were more likely to rationalize their crimes on the basis of family need.

Mental Illness

One-quarter of the sample, six men and three women, had significant psychological, drug or other adjustment problems before and during the time that they committed their offense. As noted earlier, previous research has found that white-collar criminals are, for the most part, stable individuals especially when compared to other common criminals. Most of the offenders credit the lack of self-control associated with their psychological problems as a significant impetus for the offense.

One female offender convicted of embezzlement gave the following account of how difficulties with depression influenced her decision to commit the offense:

The whole thing is a tremendous blur. Of course, they were all demanding a reason. Everybody kept wanting a reason. And I couldn't give anybody a reason. I think part of it was the depression. We had a change in management. People were not getting along. I had always an excellent job and this manager and I did not get along. Possibly I hated him and I took it out on him. I couldn't sleep. I was depressed. I was in a horrible mood all the time and I had actually gone to the doctor because I had felt so bad and he put me on medication, Prozac. And, after I had been of the medication for three months, it all started hitting me like, 'What am I doing?' . So, I think that I just realized that I was making a terrible mistake.

A similar account was given by a doctor convicted of income tax evasion.

I was going through a divorce and I was really depressed. I was drinking heavily and that had gotten way out of control. So, as part of that, I let all of my day to day management of things just go. Not reporting my income tax was the furthest thing from my mind. I thought I would be dead by the time it caught up with me. I mean, I was that fatalistic about it. When you are sure that you're going to be dead, the IRS isn't a big concern.

Life As a Party

In addition to people who felt as if their life was out of control due to depression and drug problems, others described their drug use and adjustment problems in terms of an overall reckless way of life. These offenders described their offense as a part of their lifestyle emphasis on partying and taking risks. One man gave this explanation his career as a fraudulent telemarketer:

Well a lot of it was the lifestyle and I was very good at it. The majority of the people that are working for you they are making as much money as I am. They're making sometimes five or six thousand dollars a week. And some of these guys are 19 years old. So, it gets pretty wild and crazy. Of course, I did a lot of drugs at that time, too. Cocaine mostly. The last year or two I was spending probably about 100,000 dollars a year on cocaine. There was a lot of fun to it, I can't deny that,

you know. Because I was so good at it and, when I was in telemarketing, I could quit a place like when I was the manager and I would have 20-35 telemarketers that would go with me everywhere I went. And even if I didn't know where I was going, I would just say I'll get there and call you. And they'd hop in their cars or take a bus or whatever and get there. I'd put them up in a hotel until they found an apartment and we would just start rocking and rolling.

A similar statement was made by a female bank teller who embezzled money.

For all the money that we took in three years time there's little that I can point to and say okay this is what we spent money on. Most of it was, like, you know, going to the grocery store. Getting more wine because, you know, I've gotta go home and drink wine to forget about it. Most of it all got literally pissed at the fast food places and getting wine.

These accounts demonstrate that there are portions of the white-collar offender population that do not differ greatly from street criminals. The abuse of drugs and the search for a party lifestyle may influence white-collar crimes in the same way as street crimes (Shover 1996). Also, the partyers are very similar to Katz's (1988) definition of sneaky thrills and badasses. These white-collar offenders are fulfilling a need to live life on the wild side. In this sense, they do not differ from some types of ordinary street-

offenders. These offenders differ from the other white-collar criminals because they readily recognize and value their deviant lifestyles, whereas the other white-collar offenders are trying to stay in the mainstream.

The Avengers

Another motivational theme presented in the data was anger or revenge.

Sentiments of anger and revenge are often present in the accounts of violent offenses and other types of street crime but are rarely linked to the types of financial offenses known as white-collar crime. To date, there are no empirical studies that examine the role of aggression in the motivation for white-collar crimes.

The offenders who incorporated sentiments of revenge or “getting back”, along with feelings of rage, anger and resentment, all felt that they had been taken advantage of in some way. An executive vice president of retail for a mobile home company stated that he felt that his work was unappreciated. When asked why he committed the offense, the offender replied:

The conviction was one count of mail fraud and one count of money laundering.

The mail fraud came in because the bank statements were sent through the mail, believe it or not. You see, JC is the lowest piece of humanity that you could ever imagine. I was there for 15 years. I see how he uses people and throws them away, so to speak. And, you know, I knew that it was wrong to do it. I didn't take the money from the company, I took it from him personally. Aside of murdering

the man, that was the best way to get back at him that I could. After all was said and done, I netted a little over a half a million dollars. Unfortunately, yes, I would probably do the same thing again. My main objective in doing this was to get at him. And I still feel deep down that was the only way to really, really get him 'cause it made him look stupid in the eyes of the public. The judge said, when I was up there, he said, 'How did you do this? I thought JC was a good businessman.' And I didn't say anything. I wanted to say he's not as smart as you think he is.

Well, I did a report – budget and a real good, I thought, presentation and everybody loved it. But all he could do is sit there and cut me down. And that's just one of many that I can think of right off the top of my head. He would never, no way, would he ever discipline by himself. He'd cut ya. Everybody that worked for him. He'd cut you down in front of other people. We would have quarterly managers meetings, we might have five or six hundred people in the meetings, and you'd get up and give a presentation. Not just me, this is everybody, and if he didn't like it, he would cut you down in front of everybody.

Interviewer: Like what kinds of things wouldn't he like about it?

He might say that you weren't going fast enough. Another thing is that you'd hand out a pamphlet or something to everybody. They would be going over it and he'd say, 'Everybody can read. You don't need to read to us.'

Consider the statements from a female bank manager who was angry about the gender gap in pay. When asked what she did with the money she embezzled, she replied:

I just tried to live and keep up with the banks expectations when they were paying methey paid the men something like 35,000 dollars when I quit when I got caught I was making 16,000 dollars. The bank was using me. The attorneys the FBI, everyone of them said that. I had the biggest branch of 21 branches that they had. They wanted you to drive a new car. They wanted you to live good.

They wanted me to dress. They wanted me to be at all the functions. They wanted me to do everything the men did and that the families did. The first time I took money it was 75 dollars for a bank Christmas party. I didn't have the money, so I figured it was owed to me.

The hostility evident in these cases arises out of the offenders' feelings of unfair and unjust treatment in the work place. This perception is based on the feelings that the only way to regain a sense of self-worth is to strike out at their employer or supervisor. The offender in these cases sees the world as unjust and committing an offense is rationalized as "treating them the way they treated me".

Gender and Motivation

In this sample of white-collar offenders both men and women were found to be motivated by financial gain and emotional or relational needs. However, within the

categories of offenders motivated by financial interests, specifically the conned-men, the good soldiers, the good citizens, and the Jones', only four were women. An examination of the qualitative differences of accounts suggest that men may be more greedy and self-interested and women are more needy. Those women that did include financial interests were more likely to specify how their offenses enabled them to fulfill relationship roles. Women were more prevalent in the motivation categories that involved an emotional or relational component, such as revenge, need, or psychological problems.

These findings support those of previous research on gender differences in motivations for white-collar crime in that more women than men credit family and relational responsibilities as partial motivation for their crimes. However, the women in this study did not cite family responsibilities to the same extent as the women in Zietz's or Daly's studies.

Chapter IV

White-collar Offenders in Prison

Deterrence is one of the primary reasons for punishing white-collar offenders. According to one study of judicial decision-making, "So strong is the belief in deterrence that in most white-collar cases incarceration is a likely possibility even if the defendant has no prior record (Wheeler, Mann and Sarat 1988, p. 145). Although general deterrence would appear to support the use of imprisonment, judges often consider mitigating factors in determining a sentence. One prominent mitigating factor is the white-collar offender's special sensitivity to imprisonment (Mann, Wheeler and Sarat 1980).

The special sensitivity perspective contends that the background and lifestyle of white-collar offender makes imprisonment more painful for them than for offenders from lower social classes. According to one federal judge,

There is no getting away from the fact that the type of existence that jail provides is more hard on people who are accustomed to the better existence than it is on people who may not be fed as well in their homes as they are in jail. That is something you really can't articulate. It sounds as though you are penalizing poverty. There is no question that is a fact. A person who doesn't get three square meals a day, and no possibility of getting it, isn't so seriously hurt by being put in an environment where at least you are to get three meals a day, regardless of what

other disadvantages there are, than one who is in the habit of - he is just deprived of - gets no benefit from it - all deprivation. But you can't articulate that. It sounds condescending - but it has to be a factor...."(quoted in Wheeler, Mann and Sarat 1988, p. 161).

In addition to the material deprivations, white-collar offenders are thought to have "suffered enough" due to the embarrassment and loss of occupation caused by a criminal conviction (Wheeler, Mann, and Sarat 1988).

Although the special sensitivity perspective is widely accepted, very little is known about the experiences of white-collar offenders who are imprisoned. One study examining the adjustment and coping strategies of white-collar offenders in prison found that white-collar offenders adjusted to prison life without difficulty (Benson and Cullen 1988). Benson and Cullen (1988) found that white-collar offenders were able to use their relationships with people on the outside and their interpersonal skills to survive while inside prison. These researchers cite studies on social class, personality and stress to support their findings and argue that social and emotional skills of individuals from higher social classes reduce vulnerability to stress.

In this chapter the experiences of men and women sentenced to serve time in federal prison camps is examined. Twenty-two interviewees, seventeen men and five women, were sentenced to federal prison camps. Most of the men (10) were sentenced to serve time at a federal prison camp in Montgomery, Alabama. The other male offenders served at federal prison camps in Atlanta, Georgia and Manchester, Kentucky. The women

were sentenced to either the federal prison camp in Alderson, West Virginia or the federal prison camp in Lexington, Kentucky.

White-collar Men in Prison

The institutions where the men were sentenced were all minimum security federal prison camps. Generally, offenders housed in federal prison camps have not committed violent offenses and are not the hardened felons dramatized on television and in Hollywood movies. The institutions usually lack fencing and guard towers and the offenders are allowed to go outside for recreation. Overall, the male offenders expressed little, if any, anxiety about going to prison. The absence of anxiety and fear is surprising considering that another study found that, initially, stress and anxiety was very high among white-collar offenders (see Benson and Cullen 1988). The following statements typify the initial sentiments expressed by most of the offenders:

Interviewer: So, what were your initial feelings when you realized that you were going to prison.

Offender: Relieved. I was relieved. I'm here and I've got it done - everything else is behind me. The biggest problem was the uncertainty of not knowing how much time you're going to do down in Atlanta. And at first, where are you going to go. The stories you hear -- and the stories you hear, believe me, the stories you hear are not true. You see, they built a new place and it is different from the regular federal prison down there. No, I really wasn't afraid. I knew it wasn't going to be

like a regular federal place. The first night I was there, a couple of guys came over and asked if there was anything I needed. They gave me earplugs cause it is so noisy. Its nothing like you hear about. It might be different over in the regular place but this one wasn't like that. (Man sentenced to 25 months for embezzlement.)

Well, I mean I had never been to prison before but it wasn't going to be like the type of thing that most people go to. So, its like I knew I wasn't going to be raped or anything. (Man sentenced to 16 months for wire fraud.)

After the shock of being convicted eased, these offenders accepted their sentence and did not express fear about going to prison. One reason for the absence of fear among the men is that they may have been informed that they would more than likely serve their time in a minimum security prison camp where the number of violent offenders would likely be small.

Coping Strategies among Male White-collar Offenders

Previous research on inmate adjustments to prison have found that those with a strong sense of self and supportive relationships with persons on the outside are less effected by the prisonization process (Clemmer 1958; Irwin 1970; Thomas 1975). Similarly research has found that there is a inverse relationship between education and depression in prison (Porporino and Zamble 1984). In their critique of the special

sensitivity perspective, Benson and Cullen (1988) argue that the high degree of self-efficacy of white-collar offenders, as well as skills in emotional management, add to their ability to adjust to prison. Several of the offenders interviewed touched on this theme in their accounts:

You had to know how to watch yourself. I mean most of the fights in the place were over stupid stuff, like waiting in line for chow or the phone or mail or something. Some people would try to push your buttons but you realize that you can't let that happen cause, if you fight, then you get shipped out to some other place or put in lock down. You just have to keep cool and not do or say anything that will cause you trouble later on. (Man sentenced to serve 16 months for bank fraud.)

I had retired from the military years earlier. In prison I had a bed and a bathroom. I wasn't sleeping in muddy holes and people weren't shooting at me. That [*being in prison*] was not any problem for me. The military took care of that. (Man sentenced to 24 months for bank fraud.)

Being in there is kind of like being in the military in some respects in that you're in there and you can't leave. Probably the camp time is the easiest time to serve. Especially cause there are no walls and no fences. It's like a dormitory in college. (Man sentenced to serve 9 years for embezzlement and forgery.)

In addition to characteristics of the offenders' social backgrounds and personal traits, another adjustment strategy used by most of the offenders relates to the choice of friendships with other inmates.

You know the place where I went there were older people and they were in for the white-collar type of thing too. We just sort of stayed together. The other prisoners called us the five crazy old men. We would sit and drink coffee every morning and generally associated with each other. I have to say that I met some fine people in prison. I mean, there are some of the most awful people in prison, you know, but the folks I associated with were professionals. Most had owned a business or worked in a bank or something like that. (Man sentenced to 14 months for bank fraud.)

Most of the offenders described how associating with fellow inmates similar to themselves in social status lessened the isolation and feelings of depression while in prison. The white-collar offenders divided other prisoners into two broad categories, "people like me" and "those criminals" (Benson and Cullen 1988, p. 212). For example, one offender described the different types of people in prison as follows:

You have all different types of people. You have the druggies and the really rough crowd but you don't get around them to much. You know, you look for people

that you have something in common with. I never saw any fights or drugs or really anything but it don't take you to long to figure out where that stuff is. You hang out with people that have some sense. People that have a family outside or are in there for a short time like you. (Man convicted of bank fraud).

The feelings of elitism and superiority were also directed at the guards. For example, one offender described his feelings about people working for the correctional system by stating:

The federal prisons hire some of the most undesirable people in life. You have guys in there that honestly couldn't get jobs busing tables. But because they are working in a prison and they are given a little bit of authority they like to show it off and try to be sure that you know who's boss. Most of those guys don't have the sense enough to get out of the rain. And I wouldn't demean anybody but they're some of the stupidest people I've ever been around. When I was there I made the statement several time that if you located the ten most intelligent guys on the entire property they would be in the prison - they would be the inmates. (Man sentenced to 14 months.)

A similar statement was made by a man serving 16 months:

It wasn't being down there and being confined and away that was the hardest part. The hardest part was being surrounded by stupidity. When I first got there, I worked in the garage. The guy they hired to oversee the place was just out of the army. He was filling out a report and wanted to know how many minutes were in an hour. I mean that is no joke. That is how stupid some of those people are down there. It was ridiculous.

Although the offenders expressed feelings of resentment and superiority towards the correctional staff, they conformed to the rules of the institution. Unlike the often hostile orientation of ordinary offenders, white-collar offenders strive to make a good impression of the staff. Consider the following statement by a man sentenced to 14 months for bank fraud:

My counselor, they called him, was an ex-marine and he had retired. He was a real lazy person. He was a type of person that just didn't want to be bothered. If you didn't bother him or cause any problems then you didn't have any problems with him. I didn't complain about anything, ever, to him. If you were like that with him, why, you got along real well. If you were smart, you didn't cause any problems for the people that worked there.

A similar statement was made by a man serving time for embezzlement:

My case worker was this black lady and she was about half nuts. I was real concerned about dealing with her 'cause I wanted to ask if I could get some of my time transferred to a half-way house. So, I asked somebody that I knew that had been down there longer than me for some advice about how to handle it. He said, well all I can tell you is this - you've got to remember this - that you're a white man asking a nigger woman to do something for you. That's what you've got to remember. So, I thought about that for several days. So one day I went past her office and stuck my head in. The way she'd do is if you wanted to talk to her she would just bite your head off. So, I said Ms. R. I know that you're real busy right now but sometime when you have time I'd like to talk to you. I didn't say anything else to her. After 2 weeks she came over the squawk box for me. So, she sat down and I started talking about how much she had to do and I guess that was the right thing to say cause I had no problems with her and we got straight to my paperwork.

In sum, the male white-collar offenders, like those discussed by Benson and Cullen (1988), used their interpersonal skills, emotional control and conformity as a means of coping with imprisonment. The men were able to adjust to prison and find companionship with other inmates.

White-collar Women in Prison

The two institutions where the women served their time are different in both physical environment and the types of offenders they house. The federal prison camp in West Virginia was built in a cottage style located in the Appalachian Mountains. According to the offenders who served there, the accommodations were very nice and gave the feeling that one was sent away to summer camp. A woman sentenced to serve 10 months for bank embezzlement described it like this:

It is hidden in the mountains of West Virginia. It is beautiful. It looks like a university. It is absolutely manicured. You get there and there are scenic views everywhere you look. In the morning the fog lifts and it's beautiful. It was these brick buildings they call cottages. They have tile on the floor but I'm sure there are hardwood floors underneath. The doors are solid wood with brass handles. The rooms are small but, you know, it was like going up into your grandparents' attic to see what's up there. It had that kinda feel to it there. The yards were slick, everything raked up. It had flowers and everything was pretty. They said it was a showcase. Its where Billy Holiday and Tokyo Rose stayed. But as far as being there, in spite of all that good stuff, you're still in prison.

The facility located in Lexington was very different. The facility had been converted from a regular federal institution for men into a minimum security facility for women. The three women who served time there described the place as follows:

It was hell. The buildings were old and there was a big problem with pigeons getting in the windows or nesting right inside there. There was pigeons and pigeon crap everywhere. They were still trying to get everything remodeled cause this place was really old and used to be only for men. They would put people in unfinished parts. At times there was no running water and we had to use disposable plates and stuff in the kitchen. Now, can you imagine all of those women in one place and not being able to flush the toilet? (Women sentenced to 14 months for defrauding the government.)

It was very deplorable conditions. The windows on it were so corroded over that you couldn't close all of them and you would have to fight the birds from building nests and there was bird poop all over the place. (Woman sentenced to 12 months for bank embezzlement.)

Overall, the women offenders housed in the older facility in Kentucky stated more problems in their day-to-day routines caused by the structural condition of the institution than those offenders housed in facility located in West Virginia. However, these environmental differences did not produce different reactions and adaptation to incarceration among women. In the following section initial reactions and coping strategies among women offenders housed in both facilities are presented.

Initial Fear and Coping Strategies Among Female Offenders

Women new to the prison world experience different levels of culture shock. As they move through the initial processing, concerns about their safety, sexuality, and their ability to “do time” become less pronounced as they gradually adjust to the prison routine (Owen 1998). For example, consider the comments made by three women on their initial fears prior to and after arrival:

I mean I was scared to death. I mean, my friends that knew I was going would say oh, it will be okay. You can handle it. But I guess I was in panic mode some days, thinking that it was awfully easy for someone to say that, but I’m the one that’s having to handle it. So, I would get mad at them sometimes and I would be angry at the whole world right before I went in. (Woman who served 10 months for bank embezzlement.)

Well, I couldn’t believe it. I was in total shock and denial even when I first got there. Now, I’m not a loud crier or a scene maker, but when I first got there I was sobbing and losing it. I had never in my life envisioned me being there. There was this guard and she saw me standing there with tears so she goes and gets a psychologist. He was probably 22 or 23 years old. He immediately takes me down to his office and asks if I’m thinking about killing myself. I looked up at him and said, no, but I might kill somebody but I will never kill myself. I was just hysterical

and kind of out of control I guess. (Woman who served 9 months for defrauding the government.)

When you first get there they put you in this little cell thing downstairs with 7 or 8 other people. They give you this bath and they take all your clothes. You had to wear uniforms. They gave me 3 shirts and 3 pairs of pants. I didn't get a toothbrush or anything like that. They took everything and they hand you this stuff in a little bag. You go in and there's like a courtyard and they take you around. And all these prisoners are dressed in their uniforms and they're looking you up and down and they're talking at you saying that you're going to be this and you're going to be that. You go in and you are scared to death. I mean, a fear like nothing else you could ever, ever imagine. (Woman sentenced to serve 12 months for bank embezzlement.)

One reason for the presence of initial fear and anxiety among the women in the sample could be the differences in offender populations between facilities for men and women. Since there are not as many federal institutions for women as there are for men, women's facilities tend to house a broader range of offenders, including violent offenders.

The women also reported problems adjusting to sexual relations between inmates. Homosexuality was not an issue for the men. In general, the men reported that sexual relationships between fellow inmates were uncommon and none of the men reported witnessing homosexual activity.

There was lesbianism that I thought I would never have to see, I mean, I have nothing against it that's each individual's prerogative. But if it had been a man and a woman, I would have felt the same way - out in front of people like they were - you can't even begin to imagine it. The guards let it go on. You weren't supposed to smoke in the building and I got caught smoking. They denied me a furlough because of I got caught smoking. They caught women in bed together, it was not anything different to see two women together and they didn't deny them furlough for that. (Woman who served nine months for defrauding the government.)

It was like extreme culture shock. The lesbianism was just, like, shocking and how it was condoned. I asked for a specific roommate three different times but I wasn't given that choice. But yet the lesbians roomed together and worked together. I don't want to get into that lifestyle, you know, and I don't want to be judgmental about it but it was just hard for me 'cause it was right there in front of my face.

(Woman sentenced to serve 12 months for bank fraud.)

After the initial shock and feelings of disorientation the women offenders used several techniques for coping with imprisonment. Similar to the male white-collar offenders the women used conformity as a means of adjustment. Rather than identifying with the inmate culture and adopting a hostile orientation to institutional regulation and authorities, female white-collar offenders submit to official authority.

I tried to stay busy and get along with everybody. Personally, I got along with everybody in there. You talk to people but you have to know what to say and not to say. I didn't say anything about anybody, especially the guards. If you do someone will tell on you and then they will harass you. But I would talk to people about things like the weather and stuff just to pass the time. I made a lot of friends like that. You could do a lot of different things, like activities and things like that. I made jewelry. They had a leather shop and you could make stuff in there. People would come in and teach different things, I took a real estate class. I did a lot of walking. I guess I lost 60 pounds while I was there. (Woman sentenced to serve 24 months for bank fraud.)

You know what you're supposed to do and not do. You follow the rules and stay away from trouble. For the most part, that's what everybody did. If you knew or heard that somebody had drugs, then you stayed away from that and anybody that was a trouble maker. I mean you could be shipped out very fast. They would ship you out to a much worse place for doing anything against the rules. There was a definite line with the guards. For the most part, I tried to be polite and not get in their way. (Woman who sentenced to 10 months for bank embezzlement.)

A second strategy used by the women who served time in a federal prison camp was their relationships with people on the outside. All of the women reported that their families on the outside were a source of support and encouragement. Unlike other

offenders whose relationships with family members may be complicated prior to incarceration and aggravated as a result, the relationships of the offenders in this sample with their families remained positive.

What got me through was the phone calls. My husband and I were in terrible financial shape after all of this, but my mother was able to pay for the phone bill. So my phone bill was like 200 or more dollars a month, but I had to have that link. My husband would come up and see me every Sunday. That's what I lived for - the phone calls and the visits. So, I made a way in my mind to manage it and to handle it. I knew what my time period was and I started a Bible study so I had that. My church was very supportive. They wrote me letters and I think I got more letters than anyone else there. The letters, phone calls and visits are the only way I made it through it. (Woman sentenced to serve 12 months for bank fraud.)

All of the women reported having frequent visitors from family and their children. Contact with people on the outside seemed to comfort the women and make them better able to handle the separation. Consider the following statement made by one offender concerning the visits from family:

The visits were what really helped me. I mean they were hard - it was hard to see them and not be able to hug and kiss and then watch them leave. I was really sad immediately after visitation was over but after a while had passed, I think it helped

me. I know that probably sounds like I'm confusing right now. But after the sadness it was good to know that somebody cared on the outside. (Woman convicted on bank embezzlement.)

The women also used friendships with other inmates to adjust to prison. For example, one woman described how a connection with another inmate aided her in the initial orientation to prison:

There was a lady in my room that was about my age and in for the same type of thing. And, I tell you, I was so lucky cause she took me under her wing and she helped me through the whole ordeal. She helped me get a job. You're in there three days and you have to have a job. She told me how to get things and how to do just about everything.

Most of the friendships developed by woman did not have the elitist tone that was presented by the men. The women reported developing friendships with people very different from themselves and seemed to appreciate the exposure to a variety of people. Consider the following statement:

This one girl came in and I liked her so much, she was ugly as she could be. She was a skinny little junky from New York. Her hair was shaved up the sides and I mean she was a little bitty scrappy thing. She had a tatoo of her vertebrae going

down her back and she was pierced everywhere. She was as sweet as she could be. Everybody else was talking about her but they didn't have room for anybody to be different. I liked her a lot. I met some really different people while I was there. I really had some neat experiences. There were some times that were so neat it would be just like one of those moments, you know. And you would look around and think that this is a good time. (Woman convicted of bank embezzlement.)

One reason for the differences in friendships among male and female white-collar offenders may be that there are fewer women from similar backgrounds in federal prison.

Although the women offenders who served some time in prison experienced more initial disorientation than their male counterparts, they eventually adjusted. Overall, the experiences reported by the women in this study were similar to experiences of other types of female offenders documented in previous research. A recent study of inmates housed in large state institution found that those women who developed a personal routine and did not participate in the prison culture were better able to cope emotionally with imprisonment (Owen 1998). In summary, contrary to the special sensitivity perspective both male and female white-collar offenders were able to adapt to the prison environment by using their personal and social resources.

Chapter V

Punishment as "Paper Work": White-Collar Offenders

Under Community Supervision

Just as little is known about how white-collar offenders respond to imprisonment, little is known about how they react to other forms of sanctions, such as community supervision³. Discussions of community supervision as a form of sanction for white-collar offenders are usually presented as an example of the lenient treatment afforded to these privileged and sensitive offenders. Research on the relationship between treatment and class position has found that the shared class and cultural background among criminal justice practitioners and white-collar probationers is a source of empathy and affects the supervision given to these offenders (Benson 1985; Wheeler, Mann and Sarat 1988). However, no research has investigated the experiences of the offenders to examine how supervision affects their lives.

In the following chapter, the reactions of white-collar offenders to community supervision are presented. I begin with a brief discussion of how changes in the broader field of corrections have influenced the traditional implementation of community supervision. Next, the reactions of the offenders are presented. The chapter concludes

³Community supervision is any form of punishment that places the offender in a community setting rather than an institution. Types of community supervision include supervised release from prison, probation, and supervision in a half-way house. In this study only probation and supervised release are included in the discussion

with an examination of the utility of community corrections as applied to white-collar offenders.

Changes in Corrections

Penal ideology and practice became more conservative during the 1980s and 1990s. Ways of thinking about crime and punishment were epitomized by political slogans like “get tough on crime” and “three strikes, you’re out”. The political and public shifts in thinking about crime are reflected in drastic increases in imprisonment. Between 1973 and the early 1990s, the number of prisoners in the United States increased by 332% (Clear 1994, p. 43). The punitiveness of imprisonment has also increased and is reflected in the growth of time served for crimes. For instance, the time served for burglary increased 53% and the time served for violent crimes has nearly tripled (Clear 1994).

The explosion in imprisonment has been accompanied by an equally large increase in the number of individuals under community supervision. Following the implementation of the Sentencing Reform Act of 1984, offenders sentenced to prison, while no longer eligible for parole, were required to serve a defined term of supervision following release from prison. Once community supervision was thought of as an economic means to supervise offenders who posed little or no risk to the community. However, the explosion in prison populations has caused the economic advantages of community supervision to shift from the status of an ancillary selling point to a principal rationale.

Historically, the purpose of community supervision has been two-fold: to act as a form of control and to provide assistance and reintegration into the community. Due to

increases in populations of individuals under community supervision, the strategy of probation has shifted from individual rehabilitation and supervision to the management and control of aggregates of offenders. The shift to “risk management” of aggregates of offenders is one aspect of a change in the conception of the functions of criminal sanction termed the “new penology” (Feeley and Simon 1992). The concern with offender problems and needs has now drastically declined and the term reintegration seems to have fallen from common usage.

The decline in reintegration as a goal of federal probation was described by several offenders in the present study. These offenders cited the traditional goal of probation officers as a type of helping profession and expressed sentiments of disappointment and frustration when rehabilitative services were not available. For example, a young woman convicted of bank embezzlement described her experience and feelings as follows:

I just thought that the probation people would help me find a job. I would like to go back to work and I called the probation office to ask him [*probation officer*] how to fill out the job applications cause they have that question about being convicted in the last 5 years and it hasn't been long enough. I wanted to know what the best thing to say was and he had no idea what to tell me, what to put on there. I mean, if they can't tell you how to do it then who can? The probation office sends a list of places that supposedly will hire and you can check and I tried all of those and never heard a word. They go so far to help but then they really don't. I would think that's part of their job to give you some idea about how to get

a job. Now, I must say that they don't bother me either. I couldn't ask for a better probation officer as far as somebody not hassling me or coming to check on me all the time. They do what they have to do get their job done and that's about it as far as I can tell.

The new emphasis on control in probation is manifested in strategies that increasingly monitor all aspects of the probationers' life. Monthly income reports, home visits, and random drug testing are standard techniques of supervision. These monitoring strategies are aimed at reducing the recidivism of offenders and protecting community safety. Although extensive supervision may be appropriate when directed towards populations of offenders who have a propensity to recidivate, their application to white-collar offenders, who are regarded as highly unlikely to commit a new offense, seems misguided.

According to one study on the beliefs held by federal probation officers concerning their role in supervising white-collar offenders, Benson (1985) found that supervision was regarded by most officers as "going through the motions." Benson suggests that the complacent attitude is in part due to the class position and lifestyle of the typical white-collar offender as it is perceived by the officers. Further, Benson argues that the interactional patterns that typically develop between white-collar offenders and their probation officers may facilitate denial of criminality by these offenders.

The interactional theme of "just going through the motions" was presented by several offenders in the present study. On occasion, offenders described how the

probation officers were sympathetic and even questioned the validity of the charges brought against the offenders. For example, a doctor who was convicted of income tax evasion described his experience with his probation officer and community supervision by stating:

When I went to the sentencing, the probation officer, I think, wrote me a very favorable report. He felt like something was amiss, that the IRS had treated me poorly. So, anyway I was sentenced to two years probation. The people in the probation office were great. My probation officer even told me that something about this just stinks to high heaven. Basically, he said that all we will do is what is required by law and he just needed to come to my house once a year and I had to fill out some reports showing that I was employed. He said that if I needed to travel outside the area that was fine but I just needed to fill out a form. It was a matter of paperwork for two years.

A few offenders even described their relationship with the probation officer as a type of friendship. For instance, consider the statements of a business executive convicted of embezzlement:

The probation officer I had became sort of like a friend of mine. I mean, if you make their life easy, they'll make your life easy. If you make their life difficult, then you're going to have problems with the system. It's not different from dealing with

any other bureaucracy thing. You do your paperwork. You do the requirements and their life is fine and they don't come around and bother me.

Many offenders had experience dealing with bureaucracy in either career or education environments and understood the use of documentation, or "paper work," as verification of procedures completed. These statements by offenders suggest that both offender and officer were legitimizing what was considered superfluous requirements of probation. Offenders who described probation as a matter of filling out paperwork often viewed their probation sentence as a "kind of standing joke" (Martinson 1976). A female postal worker who used money orders to embezzle described her probation experience as follows:

The probation people I had no problems with. The worse thing about it all is that I now have a criminal record, but at my age who really gives a damn anyway. I'm on disability and it really doesn't matter to me. The probation people, I've had several different ones, they came to my house and I have to report to them once a month. I have had no problems. I have made my trips just like I wanted to. I have a daughter that lives out in Washington state and I got permission to visit her. We went for vacation in the spring. My family more or less treated the whole thing as a joke and so did I. I mean look at me - a granny-felon. It's just me feeding the system. I give them their paper work and that's all that I did.

The statements reported here illustrate how past experiences and the lifestyles of white-collar offenders render probation an ineffective and inappropriate form of punishment. The perception of punishment as “paper work” seems to undermine commitment to the legitimacy of the law and to reduce it to just another bureaucracy to be maneuvered.

Community Supervision as Degradation

While some white-collar offenders do not perceive probation as a form of punishment and have no problems interacting with probation officials, other offenders express feelings of resentment and hostility over the loss of autonomy resulting from community supervision. The loss of autonomy is one aspect of a change in identity that offenders experience as they are labeled criminals by society. When individuals are accused and convicted of crimes, they are caught up in a degradation ceremony (Garfinkle 1956). The object of a degradation ceremony is to redefine the individual's identity. Since the offender's identity contained aspects that violated social order, the goal of the ceremony is to bring that individual back in line with society. Such an undesirable status passage produces deep emotions in those who value their social standing in the community (Glasser and Strauss 1971). White-collar offenders have achieved success materially and symbolically in the community through their social positions. They are generally perceived as respected and trustworthy members of the community, and it is assumed that their social reputation means more to them than to the street criminal.

The status degradation occurs through characterizations of the offender and

offense in black-and-white terms. The offender is exposed as a person who, when allowed autonomy, makes decisions and selects actions that are against the social order. The offender is made to report to authorities and is required to answer personal questions about aspirations, choices and needs. Many of the offender's actions must be approved by an official who stands as a representative of community interest. Ordinary aspects of personal liberty, such as changing homes or jobs, getting married, and selecting recreational preferences, are subject to review by the community representative.

In most cases, the loss of autonomy may be appropriate since, by virtue of the crime, the offender is identified as someone who, if left unmonitored, breaks the law. However, some scholars argue that unnecessary and intrusive monitoring of some offenders may be harmful and have potentially dysfunctional effects (Clear 1994; Cullen 1995). Incursions into the lives of offenders are not restricted to those aspects of autonomy that relate to demonstrated law-violating potential. Rather, community agents of social control involve themselves in much broader areas of the offender's life (Stanley 1976; Clear 1994). For example, consider the statements of frustration expressed by a woman convicted of bank fraud.

Probation, well those people are awful. I figured I must have got the worst officer that they had. She was telling me how to run my personal life. She was asking me questions about everything. She wanted to have, like, all this stuff about my relationship with my husband and I'm talking about things that I don't even discuss with the closest members of my family. I felt like it was harassment. You had to

watch your p's and q's 'cause they could send you back. The whole thing is about following their rules - you break the rules and you go back [*to prison*] or they will do something to you.

A male offender who committed insurance fraud described feelings of incompetence resulting from the monitoring of his life decisions. He also questioned the effectiveness of probation, since, by way of the conviction, he no longer had access to a position that could front the criminal activity.

All it does it confine you to where - I honestly feel that it's more degrading than helpful. That you have to go answer to this little person, to even go certain places you have to call and get permission like you're 12 years old again. I can see that if you're a murderer or a drug dealer or something like that but, you know, a white-collar crime where I'm not in a position where I can do anything like that again - I don't see the reason for it.

Offenders also expressed anxiety and stress placed on family relationships as a result of the supervision. The following statements were made by a man who owned a electrical supply company that was involved in a kick back scheme:

I guess my feeling is that me and my family have been put through enough. We're finally getting to a point where we feel that it is going to all be over soon but the

probation thing is still hanging over us. The probation officer can make visits to your home and so forth. One time, when I wasn't there, they came to my home and my wife was there and it upset her. She said, I didn't do anything wrong - why do they have to come and embarrass me. And I understood where she was coming from. I told the probation officer that my family didn't do anything wrong, so to leave my family out of it. I told him that when he came to the house to let me know and I would be there but don't come unannounced because I didn't think it was fair to my wife. And he said how do I know that you're not beating your wife or something. I said well we've been married for 35 years and I think it's pretty clear that I'm not doing something like that. You see, you don't have any privacy - no secrets. It definitely crosses a line when you've paid back all of the restitution and they still come after you and invade your home and your family's space.

Similar statements were made by a woman who felt that her supervision unnecessarily affected her husband.

Every month I send in a paper, a monthly supervisory support. The big problem is that it asks if I have a checking or a savings account. Well, I have a joint account with my husband and it's none of their business what my husband has. So, I mean there are some things that I have a real problem with. And I don't blame him. He's not saying that against me but it does affect him whether they say it does or not. It does affect him too.

In some cases, the offenders express feelings of anxiety and paranoia because of the detailed and specific nature of some aspects of supervision. The following account was given by a woman convicted of bank fraud.

Offender: Probation, it just means that you have to give them a report every month and you have to look over your shoulder all the time. And by that I mean you are a sitting duck. Anything can break my probation. If anybody wants to break my probation all they have to do is stick something in my car and call the law and tell them that it's in there. I'm defenseless.

Interviewer: What do you mean by anything can violate your probation?

Offender: Well, you know, it is all so technical and full of legal mumbo-jumbo. Let's say that I just forget to send my report in on time. That I send it in the next day or I forget to report something that I spent money on. By the way they put it to me, that is a violation and that means go to jail and don't pass go, you see.

Another similar account was given by a man convicted of bank embezzlement.

It makes me worry 'cause I think about what would happen if I drive to town and get a speeding ticket that could be classified as a violation of my probation. Just anything they could violate you on and knowing that if I violated probation that I have to start back over at square one. I feel confined - like more of my freedoms

have been taken away. I thought prison was supposed to be the loss of freedom part but I mean now I can't even take the kids for any kind of recreation because of the travel and then the monthly financial report. All they want is to get the money and the paperwork. That's all they [*probation officials*] are concerned about.

One offender stated that he would rather go back to prison than be subjected to what he felt were unnecessary reviews of his financial record. According to this offender, the rules and requirements changed after his probation officer was changed and became more unclear.

My first P.O. [*probation officer*] was a fellow named Mr. L. He told me to go and try to reconstruct my life and I tried for 6 months but I couldn't find a decent job. He was a nice guy but he had a tremendous workload. Anyway they promoted him and I got a new P.O. - a lady this time. Anyway, the first guy knew that I had walking around sense and he said that he thought what had happened to me was unbelievable. But when they turned my case over to Ms. J. I had a stroke not too long after that. And if you think she cares anything about humanity you're dead wrong. I don't know what planet she came from. Anyway, she knocks on my door and I can't hear and when she does get in touch with me she comes down on me like a ton of bricks. I was so sick. They were giving me shots in my stomach but all she told me that she was going to collect the money I owed and that she was in

charge of me now and I could forget about what the other guy had said.

She wanted to see my phone bill, and, you see, I was living at friend's house so I took the bill and my friend went with me to help me explain anything on there. I finally was so fed up that I told, her look, Ms. J., you can do anything with me that you want to. So, why don't you just go ahead and send me back so that you can satisfy your ego. I really didn't give a damn at that point. To me, prison was better than this nonsense. I mean, it was crazy. I said, you just go ahead and send me back to Maxwell [*name of the prison*]. That was the attitude I had to pull to even deal with her and that probation hooey.

As evident in the accounts presented above, the loss of autonomy and status leads to anger directed at those individuals perceived by the offender to be responsible for the loss. This anger may be useful to the individual in helping them manage their shame and embarrassment but these feelings may have potential disadvantages for society. The feelings of anger may be used to neutralize the criminal identity and weaken the morally binding force of the law. Feelings that the sanctions of the law are unnecessary and merely part of a bureaucratic paper chase threatens respect for the legitimacy of the law. According to Braithwaite (1989), sentiments of anger and disrespect for the law may strengthen cohesion of subcultures of noncompliance in the business world, thus, provoking rather than deterring antisocial attitudes.

Having described the experiences of white-collar offenders, I am not suggesting that these offenders deserve any special consideration. The hardships they endure pale in

comparison to those undergone by many street criminals. However, the findings presented here suggest that probation may not be an appropriate form of sanction for white-collar offenders. Because, correctly or not, white-collar offenders are thought to be less likely to recidivate than other types of offenders, community supervision may be inappropriate. White-collar offenders are often conventional people who have a high degree of stability in their professional and personal lives. These individuals are likely to be strongly affected by the process of punishment itself (Feeley 1979; Wheeler et al. 1988). For them, community supervision may not provide more than a marginal impact beyond the experience of prosecution, conviction and sentencing (Benson 1985). Whatever specific deterrence is gained may be produced before any sanction is imposed.

Chapter VI

Discussion and Conclusions

A major limitation in the study of white-collar crime is the lack of data on the offenders' subjective interpretations of events prior to conviction and their responses to punishment. Most of the research on white-collar offenders is based on either reviews of court documents and arrest statistics or biographical data of egregious cases, neglecting an examination of broader issues of motivation and reactions to forms of punishment, specifically imprisonment and community supervision. Also, since studies examining offenders' accounts do not include women, what we know about *the* white-collar offender is really the experiences of the *male* offender. This study broadens the approach taken in most previous research by examining preemptive rationalizations for crime and the responses to imprisonment and community supervision among a sample of male and female white-collar offenders.

There are two significant findings with respect to motivation for white-collar crime among women and men. First, the motivational accounts of men and women were dispersed among several thematic categories, including financial interests, need, anger or revenge, mental illness, and life as a party. The diversity of motivational themes has not been emphasized in previous studies. The presence of motivational factors, such as addiction and revenge, suggest that the motivations for white-collar crime may be more similar to motivations for other types of crimes than previously envisioned. Second, an

examination of motivational accounts of financial interests finds that women are more likely to commit white-collar crimes as an attempt to fulfill relationship roles, such as wife or mother, while men tend to commit crimes out of financial self-interests, or greed. Although there is some distinction in motivations of financial interests between men and women, in general there are more gender similarities in motivational accounts than differences. Both sexes were equally represented in all other thematic categories suggesting that gender differences in motivations for white-collar crime may not be as pronounced as indicated in previous research.

The chief finding with respect to gender and reactions to imprisonment is that both men and women use similar techniques to adjust to life in prison. However, the women experience more initial anxiety than do men. As stated previously one potential explanation for gender differences in initial reactions may be due to differences in the types of offenders housed in the men's and women's facilities. Because there are fewer institutions for women inmates, the likelihood that women offenders will be housed with a diverse mix of inmates is increased. The diversity of inmates in facilities for women may also explain why the women did not express the same sentiments of elitism communicated by the men.

While limited gender differences were evident among the motivations for crime and in the reactions of white-collar offenders to imprisonment, the responses of both men and women to community supervision were remarkably similar. Most of the offenders described community supervision as "paper work" and did not view it as punishment but as a minor inconvenience. Other offenders described the probation experience as another

source of degradation which caused emotional reactions such as anger, stress and paranoia. One reaction shared by all of the offenders concerning community supervision is represented by the question, "What's the point, anyway"? Regardless of the individual's experience with his or her probation officer, all of the offenders expressed feelings of frustration by what they perceived to be unnecessary intrusion into their personal lives.

Implications

There has been a great deal of concern and debate over the sanctioning of white-collar criminals and the fairness of sentences of white-collar offenders compared to those of ordinary street criminals (Benson and Walker 1988; Hagan and Palloni 1986; Weisburd, Waring, and Chayet 1995; Weisburd et al. 1991). The present study informs the sanctioning debate by providing information of the offender's reactions to two forms of punishment, incarceration and community supervision. In this final section a preliminary research agenda is outlined.

The data presented here shows that white-collar offenders adjust to prison equally as well as other types of offenders. The offenders interviewed in this study all had been incarcerated in the federal correctional system. State correctional systems may pose significantly different obstacles to adjustment for white-collar offenders. Clearly, more research is needed that would help determine whether the coping strategies of white-collar offenders are widespread among male and female offenders in different types of institutional settings.

Another issue which research on incarcerated white-collar offenders could examine

involves the relationship between social class and abilities to withstand extremely stressful experiences. Although the special sensitivity perspective assumes that lower class socialization reduces vulnerability to harsh physical and social environments, the ability to survive harsh experiences like imprisonment may cut across social demographic lines. Without research, we should not assume that social class alone determines how individuals respond to imprisonment.

Additional research exploring white-collar offenders' experiences under community supervision is needed. In recent years community supervision, as a correctional strategy, has changed from a rehabilitative orientation to a method of control and supervision (Clear 1994). The data presented here shows that intensive monitoring of an offender's personal life stigmatizes many offenders and produces feelings of anger. When offenders feel anger toward a criminal justice system that strips their freedom of individuality, they also may feel less respect for the law. Following Braithwaite (1989), I suggest that the emphasis on punishment and the stigmatizing nature of community corrections creates a disrespect for the law among white-collar offenders. If this is the case, then community supervision for these offenders may be counterproductive in that it promotes rather than deters criminal ideals. To determine the effectiveness of community supervision as a corrections strategy research is needed that examines the extent and effect of stigmatization processes.

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References

- Beccaria, Cesare. 1764/1963. *On Crimes and Punishments*. Indianapolis, IN: Bobbs-Merrill.
- Benson, Michael L. 1990. "Emotions and Adjudication: Status Degradation Among White-collar Criminals." *Justice Quarterly* 7: 515-528.
- 1985a. "Denying the Guilty Mind: Accounting for Involvement in White Collar Crime." *Criminology* 23: 583-604.
- 1985b. "White Collar Offenders Under Community Supervision." *Justice Quarterly* 2: 429-438.
- and Francis T. Cullen. 1988. "The Special Sensitivity of White-Collar Offenders to Prison: A Critique and Research Agenda." *Journal of Criminal Justice* 16: 207-215.
- and Esteban Walker. 1988. "Sentencing the White-Collar Offender." *American Sociological Review* 53:294-302.
- Blum, Richard. 1972. *Deceivers and Deceived*. Springfield, IL: Thomas.
- Box, Steven. 1983. *Power, Crime, and Mystification*. New York, NY: Tavistock.
- Braithwaite, John. 1989. *Crime, Shame and Reintegration*. Sydney: Cambridge University Press.
- Bromberg, Walter. 1965. *Crime and the Mind: A Psychiatric Analysis of Crime and Punishment*. New York: Macmillan.
- Calavita, Kitty and Henry N. Pontell. 1990. "Heads I Win, Tails You Lose: Deregulation, Crime, and Crisis in the Savings and Loan Industry." *Crime and Delinquency* 36: 309-341.

- Clark, John P. and Richard Hollinger. 1983. *Theft by Employees in Work Occupations*. Washington, D.C.: National Institute of Justice.
- Clear, Todd R. 1994. *Harm in American Penology: Offenders, Victims and Their Communities*. Albany, NY: State University of New York Press.
- Clemmer, Donald. 1958. *The Prison Community*. (Reprint ed.) New York: Holt.
- Clinard, Marshall B. and Peter Yeager. 1980. *Corporate Crime*. New York: Free Press.
- Coleman, James W. 1995. "Motivation and Opportunity: Understanding the Causes of White-Collar Crime." Pp. 360-381 in *White-Collar Crime: Classic and Contemporary Views*, edited by G. Geis, R. Meier, and L. Salinger. New York: Free Press.
- 1994. *The Criminal Elite: The Sociology of White-Collar Crime*. New York: St. Martin's Press.
- Cressey, Donald R. 1953. *Other People's Money: A Study in the Social Psychology of Embezzlement*. Glencoe, IL: Free Press.
- Crouch, Ben M. 1993. "Is Incarceration Really Worse? Analysis of Offenders' Preferences for Prison Over Probation." *Justice Quarterly* 10: 67-88.
- Cullen, Francis T. 1995. "Assessing the Penal Harm Movement." *Journal of Research in Crime and Delinquency* 32: 338-358.
- Daly, Kathleen. 1989. "Gender and Varieties of White-Collar Crime." *Criminology* 27: 769-794.
- Edelhertz, Herbert. 1970. *The Nature, Impact and Prosecution of White-Collar Crime*. Washington, D.C.: USGPO.

- Feeley, Malcolm M. 1979. *The Process is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation.
- and Jonathon Simon. 1992. "The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications." *Criminology* 30: 449-474.
- Garfinkel, Harold. 1967. *Studies in Ethnomethodology*. Englewood Cliffs, NJ: Prentice Hall.
- 1956. "Conditions of Successful Degradation Ceremonies." *American Journal of Sociology* 61: 420-424.
- Giallombardo, Rose. 1966. *Society of Women: A study of a Women's Prison*. New York: John Wiley & Sons.
- Geis, Gilbert. 1967. "The Heavy Electrical Equipment Antitrust Cases of 1961." Pp. 139-150 in *Criminal Behavior Systems*, edited by M. Clinard and R. Quinney. New York: Holt, Rinehart & Winston.
- Glaser, Barney G. and Anselm L. Strauss. 1971. *Status Passage*. Chicago: Aldine.
- Goffman, Erving. 1971. *Relations in Public*. New York: Basic Books.
- 1959. *The Presentation of Self in Everyday Life*. Garden City, NJ: Doubleday-Anchor.
- Hagan, John and Alberto Palloni. 1986. "Club Fed and The Sentencing of White-collar Offenders Before and After Watergate." *Criminology* 24: 603-621.
- Harre R., D Clark and N. DeCarlo. 1985. *Motives and Mechanisms*. New York: Methuen.

- Heffernan, Esther. 1972. *Making It in Prison: The Square, the Cool, and the Life*. New York: John Wiley & Sons.
- Irwin, John. 1980. *Prisons in Turmoil*. Boston: Little & Brown.
- 1970. *The Felon*. Englewood Cliffs: Prentice Hall.
- and Donald Cressey. 1962. "Thieves, Convicts and Inmate Culture." *Social Problems*. 10: 142-155.
- Katz, Jack. 1988. *Seductions of Crime*. New York, NY: Basic Books.
- Maguire, Kathleen and Ann L. Pastore. 1997. *Sourcebook of Criminal Justice Statistics 1996*. Washington, D.C.: USGPO.
- 1996. *Sourcebook of Criminal Justice Statistics 1995*. Washington, D.C.: USGPO.
- Mann, Kenneth, Stanton Wheeler, and Austin Sarat. 1980. "Sentencing the White-Collar Offender." *American Criminal Law Review* 14: 479-500.
- Martinson, Robert. 1976. "California Research at the Crossroads." *Crime and Delinquency* 22: 178-191.
- Messner, Steven F. and Richard Rosenfeld. 1994. *Crime and the American Dream*. Belmont, CA: Wadsworth.
- Orbuch, Terri L. 1997. "People's Accounts Count: The Sociology of Accounts." *Annual Review of Sociology* 23: 455-478.
- Owen, Barbara. 1998. *In the Mix: Struggle and Survival in a Women's Prison*. Albany, NY: State University of New York Press.
- Porporino, Frank J. and Edward Zamble. 1984. "Coping with Imprisonment." *Canadian Journal of Criminology* 26: 403-421.

- Scott, Marvin B. and Stanford Lyman. 1968. "Accounts." *American Sociological Review* 33: 46-62.
- Selling, Lowell S. 1944. "Specific War Crimes." *Journal of Criminal Law, Criminology and Police Science* 34: 303-310.
- Shapiro, Susan P. 1990. "Collaring the Crime, Not the Criminal: Reconsidering the Concept of White-collar Crime." *American Sociological Review* 55: 346-365.
- Shover, Neal. 1996. *Great Pretenders: Pursuits and Careers of Persistent Thieves*. Boulder, CO: Westview Press.
- Spencer, John C. 1965. "White Collar Crime." Pp. 233-266 in *Criminology in Transition*, edited by E. Glover, H. Mannheim, and E. Miller. London: Tavistock.
- Stanley, David T. 1976. *Prisoners Among Us: The Problem of Parole*. Washington, D.C.: Brookings Institute.
- Sykes, Gresham. 1958. *Society of Captives*. Princeton, NJ: Princeton University Press.
- and David Matza. 1957, "Techniques of Neutralization: A Theory of Delinquency." *American Sociological Review* 22: 664-670.
- Ward, David and Gene Kassebaum. 1965. *Women's Prison: Sex and Social Structure*. Chicago: Aldine-Atherton.
- Weisburd, David, Elin Waring, and Ellen Chayet. 1995. "Specific Deterrence in a Sample of Offenders Convicted of White-Collar Crimes." *Criminology* 33: 587-607.
- Stanton Wheeler, Elin Waring, and Nancy Bode. 1991. *Crimes of the Middle-Classes: White-Collar Offenders in the Federal Courts*. New Haven, CT: Yale University Press.

Weiss, R.S. 1975. *Marital Separation*. New York: Basic Books.

Wheeler, Stanton, Kenneth Mann and Austin Sarat. 1988. *Sitting in Judgement: The Sentencing of White-Collar Criminals*. New Haven, CT: Yale University Press.

Zietz, Dorothy. 1981. *Women Who Embezzle or Defraud: A Study of Convicted Felons*. New York: Praeger.

Appendices

Appendix A: Introduction Letter - Active Supervision Cases

[Date]

[Name and address]

Dear [Probationer's Name],

I am writing to invite you to participate in a research study currently being conducted by Ms. Karen Mason, a Ph.D. candidate at the University of Tennessee. The purpose of the study is to describe and assess the impact of prosecution on the lives of the high status offenders. Ms. Mason would like to speak with you about your experiences with the criminal justice system and the effect your experiences have had on your family and friends.

This is an opportunity for you to make a contribution to social science research and knowledge. You may express your feelings about your experience in the criminal justice system and make recommendations on how to improve the treatment of people.

Your conversation with Ms. Mason will be held in the strictest confidence. Ms. Mason is not working for the Probation Office and will not report on your discussions with her to me or anyone else in the Probation Office.

If you would like further information, Ms. Mason can be reached at the Sociology Department (423-974-6021). If you would like to speak with me further about participating in the study, please call for an appointment.

If you are willing to participate, please fill out and mail the enclosed postcard in the self-addressed, stamped envelope.

Sincerely,

[Probation Officer's Name]

Appendix B: Introduction Letter - Closed Cases

[Date]

[Name and address]

Dear [Probationer's Name],

I am writing to invite you to participate in a study on people who have been convicted of Federal crimes. The Federal Probation Office of the Eastern Tennessee District has identified you as someone who might be interested in participating in the study. My name is Karen Mason and I am a Ph.D. student in the Sociology Department at the University of Tennessee.

Being arrested, convicted, and sentenced for a crime is a very difficult and trying experience. It is an experience about which there has been little research. This research project will focus on what happens to people after they have been charged and convicted of a federal crime. If you decide to participate, you may express your feelings about your experience in the criminal justice system and make recommendations to improve the treatment of people.

All of the information about you and your participation in the study will be held in confidence and you will not be identified in any research reports resulting from my study. I am not working for the Probation Office and will not report to anyone about our discussions.

To participate in the study all you would have to do is be interviewed by me. I will conduct the interviews at your convenience and will be happy to make arrangements to meet with you. If you would like to participate, please fill out and mail the enclosed postcard in the self-addressed, stamped envelope. If you are interested in participating but would like to have more information, please contact me at the Department of Sociology at (423-974-6021).

I hope that you consider participating in this study and I look forward to hearing from you.

Sincerely,

Karen A. Mason

Appendix C: Release Form

As part of your participation in the white-collar offender study, being conducted by Karen Mason, access to your Presentence Investigation (PSI) report is requested. The purpose of reviewing the PSI report is to clarify and provide information about your case.

All information abstracted from the PSI report will be completely confidential. All information will be securely stored and accessed only by the researcher and her advisor. If you have any questions at any time about the study or the procedures, you may contact the researcher, Karen Mason, at the Sociology Department at the University of Tennessee, Knoxville, (423) 974-6021. If you have any questions about your rights as a participant, contact the Compliance Section of the Office of Research at the University of Tennessee, Knoxville, (423) 974-3466.

Your participation in this project, including the release of the PSI report, is completely voluntary and you may end your participation at any time for any reason without penalty.

I have read and understand the above information. I have received a copy of this form. I agree to release my PSI report.

Participant's Signature _____

Date _____

Investigator's Signature _____

Date _____

Appendix D: Informed Consent Form

You are invited to participate in a study of white-collar crime. The purpose of the study is to learn about the experiences during and after the adjudication process of persons convicted of white-collar crimes.

You can be assured that your responses are completely confidential. You will not be identified by name in any way and no reference will be made in oral or written reports which could link you to the study. The interview will be audio-taped and transcribed for clarity. Your participation is only during the interview process lasting approximately 2 hours.

All information will be securely stored and accessed only by the researcher and her advisor. The project holds little risks for participants. If you have any questions at any time about the study or the procedures, you may contact the researcher, Karen Mason, at the Sociology Department at the University of Tennessee, Knoxville, (423) 974-6021. If you have questions about your rights as a participant, contact the Compliance Section of the Office of Research at the University of Tennessee, Knoxville, (423) 974-3466.

Your participation in this project is completely voluntary and you may end your participation at any time for any reason without penalty. If you decide to withdraw from the project the information you provided will be destroyed.

I have read and understand the above information. I have received a copy of this form. I agree to participate in this study.

Participant's Signature _____

Date _____

Investigator's Signature _____

Date _____

VITA

Karen A. Mason was born in Statesville, North Carolina on May 10, 1969. She attended North Iredell High School and graduated in June, 1987. The following August, she entered Lenoir-Rhyne College, located in Hickory, North Carolina and in May 1992 received the Bachelor of Arts in Sociology and Psychology. The following August, she accepted a Graduate Teaching Assistantship at the University of Tennessee, Knoxville. In May 1995, after receiving a Master of Arts degree in Sociology, she entered the doctoral program in Sociology at the University of Tennessee, Knoxville.

During her doctoral program, she served as a Research Assistant for the Criminology faculty in the Department of Sociology from 1995 through 1998. From the fall of 1998 to the Summer of 1999, she served as a Teaching Associate for the Department of Sociology at the University of Tennessee offering a course in social psychology.

Currently, the author is a member of the faculty of the Department of Political Science/Criminal Justice Program at the Washington State University, Pullman.