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PARADOXES OF CLASS BIAS IN CRIMINAL JUSTICE

Class bias in criminal justice is defined broadly here as any systematic tendencies for legal institutions to impose more severe punishments on categories of persons lower in wealth, status, or power than on persons (or organizations) higher on any of those dimensions. The sources of class bias in the criminal justice system are many. Class bias can be manifested in a disproportionate tendency for working-class people who break the law to be subjected to surveillance rather than ignored, arrested rather than warned, prosecuted rather than have charges dropped, convicted rather than acquitted, subjected to a severe rather than a lenient sentence. The extent of such biases is the subject of considerable empirical dispute (Chiricos and Waldo, 1975; Greenberg, 1977a; Hagan, 1974; Lizotte, 1978; Liska and Tausig, 1979). Perhaps the most fundamental class bias, however, is the tendency for those types of crimes which are the prerogative of the powerful—white-collar crimes—to be given less attention by the criminal justice system than the other types of crimes (Hopkins, 1977; Reiman, 1979). This type of bias will be the focus of this chapter. White-collar crime will be defined here according to the conventional definition first articulated by Sutherland (1949: 2): "a crime committed by a person of respectability and high social status in the course of his [or her] occupation." Common or traditional crime in this chapter means all other offenses which are not white-collar.

The study will be structured around four propositions which lead to the following conclusion: To choose for a fundamentally more equitable criminal justice system in which the crimes of the powerful are no longer executed with impunity is to exacerbate certain other types of inequali-

ties. It follows from the propositions that there can be no class justice in crime control policy, only choices between different forms of injustice.

Proposition 1: White-collar crime does more harm and is more common than traditional serious crime.

Harm is typically defined in one of two ways: objectively, according to the value of property stolen or the number of persons killed or injured, or subjectively, according to how serious members of the community say the offense is. On either measure, it is white-collar crime which causes greater harm. The now considerable evidence to this effect will not be reviewed here, as it has been detailed in a complementary article (Braithwaite, forthcoming). While it has long been accepted that the loss of property and injury to persons from white-collar offenses is greater than for common crimes, it is only in recent years that a formidable body of survey research evidence has accumulated showing that the public perceives many forms of white-collar crime as more serious, and deserving of more punishment, than most forms of common crime. No longer can it be asserted that the average citizen is unconcerned about and tolerant toward white-collar crime.

It is not only in terms of objective and subjective harm that white-collar offenses constitute a bigger problem than traditional crime; it is also in terms of the number of offenses and the number of offenders. The latter does not hold up if victimless crimes (drug use, consensual sexual offenses, etc.) and minor traffic violations are counted. This is why Proposition 1 used the words "serious crime," meaning crimes in which there are victims whose persons or property are threatened. The proposition that the number of white-collar offenses and offenders exceeds those for all other types of serious crimes can be supported by showing that certain offenses which constitute only a minor part of the white-collar crime problem are so common as to almost equal in number *all* the traditional offenses dealt with by the police.

A study of odometer fraud in Queensland, Australia found that over a third of vehicles randomly selected from used car lots had had their mileage readings turned back (Braithwaite, 1978). The sample in this study is not sufficient to permit us to assert confidently that this kind of fraud occurs for a third of the used cars sold in Queensland. Nevertheless, using a third as the best estimate available, there would be about 70,000 odometer frauds in Queensland each year. This is almost equal to the total of 80,181 offenses of all types (including victimless crimes, but excluding public order offenses such as drunkenness and vagrancy) reported to the Queensland police in the year of the study. For most odometer frauds there is a conspiracy involving more than one offender (Braithwaite, 1978).

Moving to a more respectable profession, Quinney (1963) found that 25 percent of pharmacists in Albany, New York had been found by government investigators to have violated prescription laws. Government surveys in two Australian jurisdictions have recently found 15 and 32 percent of gas pumps to be giving short-measure gas to motorists (Sunday Telegraph, February 3, 1980; Canberra Times, January 13, 1981). What, then, of serious crimes by large corporations, as opposed to the widespread dollars-and-cents frauds of gas station proprietors, used car dealers, and pharmacists? Few crimes could be more serious than bribing government health officials to entice them to allow a drug on the market which is banned in many other parts of the world. Yet in many countries this is common practice by transnational pharmaceutical companies (Braithwaite, 1982: chap. 2). Of the 20 largest American pharmaceutical companies, 19 have disclosed foreign bribes to the Securities and Exchange Commission. Looking at a wider range of offenses, Sutherland (1949) and Clinard et al. (1979) have been able to show that corporate crime is not a minority phenomenon among large American corporations, but that a majority of top companies violate the law on a fairly regular basis. All in all, this volume of offenses, combined with the inevitability of multiple offenders for each offense, is sufficient to invert conventional assessments of the class distribution of crime.

Proposition 2: Because of the volume of white-collar crime, consistent and equitable enforcement is not even remotely attainable. More punitive treatment of white-collar criminals implies that they will be treated less equitably.

Under this proposition I will attempt to show that with white-collar crime there is little hope of even approximating the principle that offenders who have committed the same offense should be punished equally severely. Further, it will be concluded that any attempt to step up the prosecution of white-collar criminals will worsen the inequities of treatment among white-collar criminals. By attempting to redress the imbalance of treatment between white-collar criminals as a class and common criminals as a class, we widen the sentencing disparities within the class of white-collar criminals. To develop this argument, let us first return to some concrete examples.

Only 40 prosecutions of gas station proprietors followed from the aforementioned survey by the New South Wales Department of Consumer Affairs (Sunday Telegraph, February 3, 1980). Some particularly bad cases were singled out for the purpose of achieving deterrence. Meting out "just deserts" to all the offenders would have tied up more of the agency's resources than it could afford. Similarly, continually having a quarter of the pharmacists or of the auto dealers in a jurisdiction being processed for prosecution would bankrupt the wealthiest of governments. The impossibility of consistent and equitable enforcement becomes more profound with more serious types of cases, because these are the ones which are most complex and therefore most costly at both the investigation and litigation stages.

Writers who in other areas have been attracted to just deserts as a basis for criminal sentencing have concluded that white-collar crime is one area where it is undesirable to attempt consistently to administer just deserts. Norval Morris (1974: 79), who advocates that desert set an upper limit on sanctions, says of tax violations: "Not every tax felon need be imprisoned, only a number sufficient to keep the law's promises and to encourage the rest of us to honesty in our tax returns."

It is for white-collar crimes against the person, the very crimes which the community feels deserve most punishment (Scott and Al-Thakeb, 1977; Cullen et al., 1980; Schrager and Short, 1980; Wolfgang, 1980), that the case for selective enforcement is strongest. This is because the offense so often poses a continuing danger to the community. Just deserts must at times be sacrificed for protection of the public. Regulatory agencies often resist the urge to prosecute guilty parties when the cooperation of those parties is needed to safeguard the public health. If a drug company has criminally negligent quality control procedures that are putting the community at risk, an injunction to close down the plant followed by a criminal prosecution can set company lawyers to work on very effective delaying tactics (see Green, 1978). Justice delayed is profits retained. The public interest will often be better served by an approach to the company offering immunity from prosecution if it will cooperate in a package of measures, which might include a voluntary recall of impure drugs from the market, dismissal of certain irresponsible quality control staff, revision of standard operating procedures to improve product quality, and compensation to victims of the impure drugs. Such negotiated settlements foster deterrence, more so than a paltry fine which might be handed down by a court. But more important, they achieve deterrence while minimizing the risk to consumers. A voluntary recall of drugs already on the market is almost invariably more rapid and efficient (in the sense of maximizing the proportion of the batch that is located) than a court-ordered seizure (Hutt, 1973: 177). Only the company knows where all of its product has gone. A seizure that is resisted by the company faces considerable practical difficulties.

A classic illustration of the dilemmas in choosing between retribution against alleged white-collar criminals and the wider public interest was the aftermath of the thalidomide drug disaster (Knightley et al., 1979: 122-136). Nine executives of Chemie Grünenthal, the manufacturer of thalidomide, were indicted in Germany on charges of intent to commit bodily harm and involuntary manslaughter. After the complex legal proceedings had dragged on for five years, including over two years in court, the charges were dropped as part of a deal in which Grünenthal agreed to pay $31 million in compensation to the German thalidomide children. The press cried "justice for sale!" But the German government had to consider the ongoing misery of the thalidomide families who up to that point had struggled for nine years rearing their deformed and limbless children without any financial assistance. Would retribution against Grünenthal and its executives have justified perhaps another nine years of limbo and deprivation for the victims?

There are many reasons against prosecuting even some violations that endanger human life. Government safety inspectors have an educative role that is more important than their enforcement role. Many unsafe practices are not covered by the law. The inspector must build up a store of goodwill with companies in order to persuade them to change unsafe practices, to improve quality assurance systems, when such changes are not really required by law (Blau, 1955: 165-178). One very effective way for inspectors to generate the goodwill necessary to persuade companies to improve their standard operating procedures is to "give a second chance" to company officers who have broken the law. Obversely, prosecuting offenses which were unintentional can foster resentment and dissipate motivation to improve. Another reason for inconsistent enforcement of the law is that it is usually good inspectorial practice not to recommend a prosecution when the company comes forward and admits the violation, even in many circumstances where the offense is serious. This is because the government must encourage companies to come forward with their safety problems so that they can assist in finding solutions and warn the public of the danger.

Although there are many more compelling reasons for not consistently prosecuting white-collar offenders, cost is undoubtedly the most

influential reason in practice. Philip Schrag's (1971) gripping account of what happened when he took over the enforcement division of the New York City Department of Consumer Affairs underlines the inevitability of a retreat from commitment to consistent and equitable enforcement of the law when dealing with white-collar crime. When Schrag began the job he adopted a prosecutorial stance. But in response to a variety of frustrations, especially the use of delaying tactics by company lawyers, a "direct action" model was eventually substituted for the "judicial" model. Nonlitigious methods of achieving restitution, deterrence, and incapacitation were increasingly used. These included threats and use of adverse publicity, revocation of license, writing directly to consumers to warn them of company practices, and exerting pressure on reputable financial institutions and suppliers to withdraw support for the targeted company.

Whether we approve the retreat from the justice model with white-collar crime or not, it must be conceded that, given the clumsy legal system we have inherited, the public gets most of its protection from extralegal muscle-flexing by regulators. We might shudder at the cavalier disregard of due process by the inspector who says, "Fix that up or I'll be back once a month looking for things to nab you on." But to the extent that white-collar crime is prevented in modern societies, that is the most important kind of way it happens. Moreover, I suspect that most companies would prefer to live with a little of such standover every now and then than with the legal costs of a more litigious relationship with government agencies.

At the same time, most regulatory agencies are cognizant of the habit-forming value of law. Most individuals obey the law because they think it immoral to disobey. One of the reasons they think it immoral is that they sometimes see society punish other people for disobeying. A degree of formal and public punishment is also necessary to maintain general deterrence. These ends can be achieved by white-collar crime enforcement policies in which only occasional offenders are made an example of. The offenders chosen are usually those for whom none of the aforementioned arguments against prosecution apply. They are chosen not because they are the most "deserving" of punishment but because their case would be less costly than others, because their cooperation is not required to retrieve dangerous drugs from the market, and so on.

The Food and Drug Administration, for example, settles for a warning rather than prosecution in over 90 percent of first offenses reported by its inspectors. Such a policy is plainly contrary to the principle that

those who have committed the same offense should be punished equally severely. A small minority of first offenders is victimized on grounds that have little to do with justice. One solution is to enact a rule forbidding prosecution for *any* first offender. This, however, would sacrifice crime prevention for equity and consistency. A rule that no offender will be prosecuted unless it has been previously warned reduces incentives for law observance among firms that have not yet been warned (Kriesberg, 1976: 113).

Food and drug lawyers, in fact, are forever voicing concern about the inconsistency of selective prosecution, advocating rulemaking to constrain the administrative discretion that makes possible inequitable treatment of food and drug offenders. These champions of equity, however, do not stop to consider the inequity between food and drug versus other types of offenders. The most fundamental inequity in criminal justice systems is that serious white-collar crimes are carried off with impunity while prisons bulge with minor working-class criminals. Given the unworkability of consistent enforcement of white-collar crime, the only route to consistency is to cease the victimization of the few. Yet the latter equity could only be achieved at the expense of further exacerbating the inequality between the treatment of white-collar criminals as a class and common criminals as a class. Petty disparities between offenders of the same type are narrowed only to widen more fundamental structural disparities between white-collar and traditional offenders. This is a feature of efforts to reduce any kind of petty inequality that ignore global inequality. For example, equalizing income disparities among doctors by raising the remuneration of GPs to that of specialists achieves petty equality among doctors. However, it also increases societal inequality by further widening the gap between doctors as a class and the rest of the population.

When the resident of an affluent suburb is convicted of tax evasion, many neighbors are secretly struck by the injustice of this person being singled out. Perhaps not many of them are impressed, however, by the injustice of the way the law treats their suburb as a whole compared with some other neighborhoods in the city.

For all types of white-collar crime, only a tiny minority of known offenders is prosecuted. Many areas of common crime, in contrast, see a situation where the majority of apprehended known offenders are prosecuted, even if for a different offense in a plea bargain. Certainly apprehending common criminals is difficult, but once caught, they are generally convicted. Areas of common crime where this is not true

include petty offenses regarded as not serious enough to tie up overburdened courts. The relevant comparison here, however, is between serious white-collar crime and serious common crime. With the former we see a situation where a tiny minority of known and apprehended offenders is prosecuted. As a consequence, the easiest way to achieve more equity (in fact, the only way) is to stop victimizing the few. With serious common crimes, where majority prosecutions of known and apprehended offenders are more likely, the shortest route to equity is to prosecute the minority of guilty persons who at present have their charges dropped. Hence, with white-collar crime the least radical departure from existing practice to achieve equity would be to prosecute *no* suspects; with serious common crime the least radical change would be to prosecute *all* suspects. Within both classes, policies to increase the proportion of apprehended offenders who receive the same treatment (prosecution with common criminals, nonprosecution with white-collar criminals) will widen interclass differences.

Moreover, even if it is not true that a majority of apprehended offenders are prosecuted for most serious common crimes (consider rape, for example), the argument about the white-collar crime side of the equation still applies. Irrespective of what policies we adopt with respect to traditional crime, if 90 percent of known white-collar offenders of a particular type are currently set free, then increasing this figure toward 100 percent will increase the consistency with which we treat those white-collar offenders. Such a policy will also widen the disparity between white-collar and common offenders so long as changes in policies toward common crime are not so dramatic to have reversed the assumption that common criminals are punished more than white-collar criminals.

A public policy choice is therefore called for. Which is more important —individual inequalities among white-collar criminals who have committed the same offense, or structural inequality between white-collar offenders as a class and traditional criminals as a class? Radicals will opt for the latter as more important because it is a form of inequality based on power. The former, in contrast, is a form of inequality based more on chance. Working-class offenders are treated more harshly than white-collar criminals because they have less power; they do not command the resources to employ top lawyers; they engage in simple crimes for which guilt is easily proven because they do not have the capital for the financial manipulations which provide a safe haven of complexity. In contrast,

those white-collar offenders who are prosecuted are victimized not because they have less power than other white-collar offenders but in considerable measure because they are plain unlucky. Perhaps they were unlucky because their impure batch of drugs caused visible symptoms in patients rather than invisible symptoms, because the government was able to obtain records which they neglected to shred, or because their case was not so complex as to be beyond the comprehension of a jury.

It can be argued that inequality based on chance should be of less concern to those who form public policy than inequality based on power. We are forever being victims of chance inequality. Some of us go through life without breaking a bone in our body while others are always falling down stairs. Nothing can or should be done about the kind of inequality that leaves some of us in plaster while others play golf. Public policy does not concern itself with inequality based on chance alone because it is assumed that while misfortune will frown on us with respect to some chance inequalities, good luck will smile on us with others. Not so with inequality based on power. The fact that one is a victim because of powerlessness increases the probability that one will be a victim in many other kinds of ways. Powerlessness begets victimization begets powerlessness begets more victimization. This is what is meant by "self-perpetuating poverty" or "cycles of disadvantage" (Rutter and Madge, 1976). Public policy therefore rightly has a greater concern with rooting out structural inequality based on power in all its insidious forms than with removing inequality based on chance. This is why inequality among white-collar offenders should be of less concern than inequality between white-collar offenders as a class and traditional criminals as a class. It is why we should be prepared to accept increased prosecution of white-collar criminals even though those who face prosecution will justly feel that they have been arbitrarily selected from a large pool of unpunished white-collar criminals.

In developing this argument, the extent to which inequality among white-collar offenders is based on chance has been overstated. Governments are less inclined to prosecute large pharmaceutical companies than small ones (Braithwaite, 1982); similarly, the Internal Revenue Service devotes only 2.5 percent of its investigation time to corporations with over $250 million in assets (Saxon, 1980: 42). Moreover, we will see later that when individuals are brought to account for organizational crimes, they are often junior scapegoats who carry the blame for more senior criminals. It remains true, nevertheless, that the structural

inequality between the way white-collar and traditional criminals are treated has more to do with power than the inequality between the way prosecuted and nonprosecuted white-collar criminals are treated.

Proposition 3: White-collar criminals can use their power:

(a) to prevent prosecution,
(b) to displace blame downward in the class structure,
(c) to place blame on the organization rather than on powerful individuals within it.

(a) *To prevent prosecution.* White-collar criminals occasionally prevent their prosecution through the sheer exercise of political muscle. Politicians afraid of losing campaign contributions or patronage from powerful individuals have been known to influence prosecutors (Clinard and Yeager, 1980: 143-145). A more important deterrent to prosecution, however, is the generalized reluctance of conservative bureaucrats to bait powerful actors who can bite back and who are able to hire more competent lawyers than the government is willing to pay for. These competent lawyers, in turn, can further push up the cost disincentives of prosecution by using delaying tactics (Green, 1978).

Much has been written about how the complexity of white-collar crimes makes conviction difficult (Edelhertz, 1970; Harvard Law Review, 1979; Stone, 1975). In part, this complexity is inherent in offenses that are embedded in complex financial transactions or convoluted organizational realities or that involve difficult scientific questions. Equally, however, the complexity which makes conviction forlorn is contrived by the white collar criminal. The books of account are confusing because the criminal wants them that way. What could be a simple transaction between A and B is intentionally concealed by a round robin or daisy chain arrangement through a series of intermediary transactions.

The case is similar with organizational complexity. Every individual in a large organization can present a different version of what company policy was, and individual corporate actors can blame others for their own actions (x says he was following y's instructions, y says that x misunderstood instructions she had passed down from z, ad infinitum). So how can either company policy or any individual company employee be guilty? Even if this is not the reality, it is difficult for the prosecution to prove otherwise. Many corporations present to the outside world a picture of diffused accountability for law observance while ensuring that lines of accountability are in fact clearly defined for internal law compliance purposes. Companies have two kinds of records: those designed to allocate guilt (for internal purposes) and those for obscuring guilt (for presentation to the outside world, see Braithwaite, 1982).

(b) *To displace blame downward in the class structure.* White-collar criminals do not normally set out with the purpose of committing a crime in the way a bank robber does. Rather, the white-collar criminal wishes to achieve certain goals related to his or her occupation (increasing profits, reaching a production target, election to office) and violation of the law is something that happens in the course of pursuing a means to the goal. It is not difficult for powerful actors to structure their affairs so that all of the pressures to break the law surface at lower levels of their own organization, or in another subordinate organization. Hence, the American executive who wants to sell products to Middle Eastern governments hires an agent to do the negotiation. The agent is paid an enormous fee, which is sufficient to cover bribes to government officials (Jacoby et al., 1977; Kennedy and Simon, 1978). The drug company, which would not dream of putting pressure on its own scientists to compromise their standards of integrity, will give a toxicological testing job on a new drug to an outside laboratory known for its sloppy standards. The contract laboratory maintains its popularity with the pharmaceutical giant by telling it what it wants to hear about the safety of the drug, even if that involves fudging data (Braithwaite, 1982: chap. 3). The reputable chemical corporation can contract out disposal of toxic materials to a waste disposal company, which, being controlled by organized crime, is not particularly fussy about environmental protection laws (Raab, 1980).

In these situations, the superordinate organization cuts costs by having the subordinate organization do the job to standards that would be unconscionable in-house. The advantages of white-collar crime are attained without anyone in the dominant organization being a white-collar criminal. This phenomenon has been most systematically demonstrated in the automobile industry. Leonard and Weber (1970) showed how the oligopolistic control over the supply of new cars by the Big Three in the 1960s allowed them to impose sales quotas on their franchised dealers, who were then forced to turn to consumer fraud in order to move their cars in sufficient volume to stay afloat. General Motors does not perpetuate the frauds which include "accessories not ordered but 'forced' on buyers, used cars sold for new, engines switched in cars, excessive finance charges, automotive repair overcharges, 'fake' repair diagnoses" (Leonard and Weber, 1970: 415-416). However, General

Motors is, in Taft's (1966) terms, a "dangerous person" who sets economic conditions that have the effect of driving subordinates into crime. Farberman (1975: 456), in a participant-observation study of automotive dealers, confirmed Leonard and Weber's conclusion:

> In sum, a limited number of oligopolistic manufacturers who sit at the pinnacle of an economically concentrated industry can establish economic policy which creates a market structure that causes lower level dependent industry participants to engage in patterns of illegal activity.

Denzin (1977) has found similar criminogenic market pressures at work in the liquor industry (see also Needleman and Needleman, 1979). These pressures on responsibility for illegality percolate downward within organizations as well as between them. While used car sales managers are put under enormous pressure by quotas imposed on them by the distributor, these pressures are passed on to salespersons who, in turn, are set their quotas by the sales managers. If salespersons do not meet the quota, they are dismissed. Hence, within used car firms, it is often the salesperson who comes to the manager pleading for approval (or a blind eye) for the turning back of odometers (Braithwaite, 1978). If you set up a cutthroat system, some throats are going to get cut.

The classic illustration of the passing of blame downward in the class structure is with mining. A common strategy of mine owners is to put workers on piece rates based on the amount of coal or asbestos extracted in a given day. Such a strategy often produces the situation of miners wanting to go into workings that are unsafe, or even doing so against the counsel of management (Scott, 1974: 220).

Blame is not always passed all the way down to blue-collar workers. The chief executive officers of some (at least two) transnational pharmaceutical companies have "vice-presidents responsible for going to jail" (Braithwaite, 1982). Lines of accountability are drawn in the organization so that if someone's head must go on the chopping block, it will be that of the vice-president responsible for going to jail. This person takes the (very slight) risk in return for promotion to vice-president, and undoubtedly a period of faithful performance in the role would be rewarded by a sideways shift to a safe vice-presidency. A more mundane example is the use of dummy directors by New South Wales transport companies which evade road maintenance tax. The executive director of the Long Distance Road Transport Association has said of these directors who are paid to go to jail: "I've heard of a few cases in which the dummy directors were alcoholics who were quite happy to dry out in jail for a few weeks."

Concomitant with the passing of blame downward is a need to ensure that the taint of knowledge about the nefarious activities of more junior people does not bounce back upward. Gross (1978: 203) has explained the importance of screening "bad news" about law breaking from those at the top:

> A job of the lawyers is often to prevent such information from reaching the top officers so as to protect them from the taint of knowledge should the company later end up in court. One of the reasons former President Nixon got into such trouble was that those near him did not feel such solicitude but, from self-protective motives presumably, made sure he did know every detail of the illegal activities that were going on.

The heavy electrical equipment price-fixing conspiracy of the 1950s demonstrated various communication blockages orchestrated from above. Senior managers intentionally ruptured line reporting to prevent low-level employees from passing up their concern over illegalities.

> Even when subordinates had sought to protest orders they considered questionable, they found themselves checked by the linear structure of authority, which effectively denied them any means by which to appeal. For example, one almost Kafkaesque ploy utilized to prevent an appeal by a subordinate was to have a person substantially above the level of his immediate superior ask him to engage in the questionable practice. The immediate superior would then be told not to supervise the activities of the subordinate in the given area. Thus, both the subordinate and the supervisor would be left in the dark regarding the level of authority from which the order had come, to whom an appeal might lie, and whether they would violate company policy by even discussing the matter between themselves. By in effect removing the subject employee from his normal organizational terrain, this stratagem effectively structured an information blockage into the corporate communication system. Interestingly, there are striking similarities between such an organizational pattern and the manner in which control over corporate slush funds deliberately was given to low-level employees, whose activities then were carefully exempted from the supervision of their immediate superiors [Coffee, 1977: 1133].

Although the downward pressure on responsibility for law breaking is a ubiquitous phenomenon, the extent to which it results from

conscious manipulation by those at the top is variable. In many corporations the president might not be aware that his loyal henchman, the executive vice-president, has set up a system to protect both of them through the expedient of nominating junior scapegoats. Middle managers might not have to be told to protect top management from the taint of knowledge. They may perceive their job as achieving the goals set them without worrying top management with the sordid details of how they do it. In any case, middle managers score more points by pretending that they have achieved their goals legally (without exposing the corporation to risk) through sheer managerial competence. Were the president to know the details, he might genuinely be shocked.

This reality renders comprehensible a fascinating finding from a national sample survey of 236 managers (Carrol, 1975, 1978). Top managers split equally on the proposition: "Managers today feel under pressure to compromise personal standards to achieve company goals." In contrast, 65 percent of the middle managers and 85 percent of the lower managers agreed with it. Cressey and Moore (1980: 48) have reported on surveys within the Uniroyal and Pitney Bowes corporations which reached the same conclusion. At Pitney Bowes, 25 percent of persons earning over $30,000 agreed that they had to compromise personal standards to achieve company goals compared to 59 percent of those earning under $30,000. The interpretation that would follow from the analysis in this section is that middle and lower managers *feel* under greater pressure to compromise personal standards because they *are* under greater pressure to do so (see also Getschow, 1979).

The increasingly transnational nature of business means that the possibilities for those at the top of the organization to distance themselves from the dirty work become more and more profound.

> Headquarters may insist that their subsidiaries meet certain profit (or other) goals, while at the same time making it clear that headquarters can hardly be intimately acquainted with the laws of foreign countries. Hence, under the guise of local autonomy (which may be hailed as throwing off the shackles of colonialism by local enthusiasts), the subsidiary may be forced to engage in crime for which *they will be held responsible by their governments*. Meanwhile, headquarters (in New York, Tokyo, or Rotterdam), while hardly pleased with the result (loss of income), nevertheless escapes criminal prosecution [Gross, 1978: 209].

(c) *To place blame on the organization rather than on powerful individuals within it.* Juries are notoriously reluctant to convict

individual executives even in situations where the conviction of the corporation would seem to imply that there must have been guilty individuals as well (Harvard Law Review, 1979: 1248-1249). Allocating individual guilt is extremely difficult if all corporate actors are determined to propagate a smokescreen of diffused accountability. Each individual who might be called to account can be instructed to point the finger at someone else whose orders they were following, and they in turn can be told to point the finger at yet another person, or to say that their instructions were misunderstood. With the corporation of all involved, the most palpable instances of individual guilt can be quite readily beat up into a My Lai syndrome. Equally, a Lieutenant Calley can often be scapegoated for the most blatant instances of top management guilt.

Organizations do not normally want to sacrifice a Lieutenant Calley who might be so aggrieved by his employer as to be willing to help the authorities pierce the smokescreen of diffused responsibility. Moreover, employers are usually genuinely concerned to protect their faithful employees from victimization. Hence, blaming the organization is often a more attractive strategy than blaming a scapegoat. No one wants to see blood spilled, and organizations which are hurt do not bleed in the way individuals do. While a guilty individual is at risk of imprisonment, a guilty corporation cannot go to jail—at worst it might get a heavy fine, the costs of which can be spread among consumers, shareholders and employers without hurting anyone perceptibly.

> ***Proposition 4: Because of this power of white-collar criminals, prosecutors have little option but to adopt policies that result in convicted white-collar criminals being treated more leniently than common criminals.***

Placing blame on the organization is a strategy that usually works because the prosecutor is dealing with an offense to which the only witnesses are individuals within the organization who are themselves implicated in the offense. The only way the "blaming the organization" strategy can be foiled is by winning insiders to testify as to who did issue critical instructions and approvals. Similarly, the strategy of sacrificing junior scapegoats can only be foiled by "flipping" a witness (usually the scapegoat). If the scapegoat has been or is being in some way rewarded by the organization for taking the rap, then the prosecutor can only entice him to turn on the organization with a bigger reward. As Ogren (1973: 974) remarked: "It is no surprise that government witnesses to

many fraud cases include the sleazy, the corrupt and the guilty who were not indicted, a demonstration of the price the government must pay to prosecute its prime targets." Hagan and Burnstein (1979: 472) point out that judges cooperate in helping prosecutors make their payoff to insiders who come across. One assistant U.S. attorney in their study remarked: "I would say most judges understand that in order to expose official corruption you do have to give some concessions to people who are involved. Again, because only those people who are involved know and can testify about it."

The white-collar crime prosecutor can therefore adopt a strategy counterbalancing the forces that push blame downward in the organizational hierarchy. Favorable plea bargains or immunity can be offered to A to establish a case against his superior, B. B having been placed in the breach, she can be flipped to testify against her superior, C, and so on up the organization. Dilemmas are confronted in such wheeling and dealing. Should one grant immunity to a middle manager who is the single most blameworthy individual in the organization in order to have him testify against several of his superiors, who each may be someone less blameworthy than he? While the negotiation and guesswork would seem to sacrifice fairness terribly, it does hew a rough justice by pitting one form of unfairness which pushes up the class structure against another which pushes down. The criminal justice system can choose the reactive path of fairly treating people who have been unfairly handed to it as scapegoats, or it can conclude that the more important injustice is that which always hooks the small fish while the big ones get away. For the sake of righting this structural injustice, it might be deemed justifiable to tolerate inconsistent treatment of equally guilty individuals involved in the same crime.

If a prosecutor's office wants to bring many white-collar criminals to justice, especially the more powerful ones among them, it has no choice but to offer immunity, favorable plea bargains, and prospects of leniency in sentencing to flip guilty insiders. The more this proactive dealing is done, the larger grow the numbers of white-collar criminals who are treated leniently on the conviction. Paradoxically, then, the gap widens between the severity of the sanctions handed out to white-collar criminals as a class compared to traditional criminals as a class. Hagan et al. (1980) have shown empirically that this may be exactly what happens. Comparing 10 federal district attorney offices, they found that the most proactive office, the one that brought most white-collar criminals to justice, was also the office that achieved the most lenient average sentences

for white-collar criminals. The study showed, then, that "there may be an inverse relationship between the volume of white-collar prosecutions and the severity with which they are sentenced" (Hagan et al., 1980: 802).

There is another reason for the paradox that more lenient treatment of convicted white-collar criminals will be associated with more white-collar criminals being convicted. It was argued earlier that proving guilt in complex white-collar crimes is more difficult than with traditional crimes. One of the few ways of bringing more white-collar criminals to justice is to strip white-collar criminals, especially corporate criminals, of some of the due process protections which make conviction so extraordinarily difficult. Reasonable arguments can be advanced that many due process protections, which were enacted historically to protect powerless individuals from abuse of the superior power of the state, should not be relevant to organizations that themselves approach or exceed the state in power. Certainly they typically surpass the state in their capacity to hire expensive legal talent. The U.S. Supreme Court has long denied corporations the privilege against self-incrimination (Hale v. Henkel, 201 U.S. 43, 75 [1906]). The Court has accepted that publicly traded companies "can claim no equality with individuals in the enjoyment of a right to privacy." (U.S. v. Morton Salt Co., 338 U.S. 632 [1950]). Perhaps proof "beyond reasonable doubt" should be replaced by proof "on the balance of probabilities" in many complex types of white-collar cases where the former is an impossible burden. In environmental cases involving scientific disputes over whether company policy X caused environmental impact Y, proof beyond reasonable doubt is logically impossible given the probabilistic nature of science.

Any decision to jettison due process protections, no matter how reasonably based, must be balanced against the rights of the suspect. We tolerate the fact that we have almost no due process protections when found guilty of a parking offense largely because the penalties are not very severe. Packer (1968: 131) argued that the stigma and loss of liberty of imprisonment is the oppressive measure which sets apart the need for due process protections. The full paraphernalia of traditional procedural protections certainly should be available when there is any possibility of imprisonment. When lesser penalties such as fines are involved, American courts have been willing to relax the guarantees of the Sixth Amendment, the protection against double jeopardy and the requirement of proof beyond reasonable doubt (Harvard Law Review, 1979: 1306-1307). This makes a tempting case for removing imprisonment provisions from many white-collar crime statutes. The apparent tradeoff of

less severity for more certainty is hardly a tradeoff at all, given the demonstrated unwillingness of courts to send senior executives to prison.

Whether the criminal justice system *should* trade off severity for more convictions, this is in fact what it does. When OSHA lawyers are confronted with a choice between recommending to the Justice Department a civil prosecution (with less onerous burdens of proof) which would attract only a fine and a criminal prosecution, in all but a handful of cases in the history of the act they have opted for the civil route (Levin, 1977). The same is true of antitrust enforcement (Posner, 1976: 25; Saxon, 1980: 55), the enforcement of the Food, Drug and Cosmetic Act (Braithwaite, 1982), and the enforcement activities of the Securities and Exchange Commission (Reisman, 1979).

While the critics of prosecutors who take the easier civil route are many (Bequai, 1976; Green et al., 1972; Reisman, 1979), the unarguable fact is that such a choice generates more deterrence for the severely limited prosecutorial dollar. A considerable increase in the number of convictions is achieved at the expense of only moderate reductions in the average severity of sentence that would result under the criminal route. As with the earlier choices, however, the more efficient enforcement of the law against white-collar criminals is achieved at the expense of widening the disparity between the punishments given to convicted white-collar criminals and those exacted against common criminals.

CONCLUSION

It has been argued that the most fundamental inequality in our criminal justice system is that the crimes of the powerful are both the most harmful and the least sanctioned, while the powerless are sanctioned often and severely. A just society would have many more white-collar criminals in prison than common criminals. Yet when prosecutors attempt to redress this injustice, they worsen other injustices: namely that of unequal treatment of offenders who have committed the same offense and that of convicted common criminals attracting heavier average sentences than convicted white-collar criminals whose offenses are equally serious.

Because justice is inevitably balanced against other important goals when dealing with white-collar crime—ensuring the safety of the public, protecting the jobs of innocent employees, keeping the wheels of industry turning, restraining the costs of administering justice within the capacity of taxpayers—any attempt to tip back the scales of injustice can

only be achieved by selective prosecution of white-collar criminals. Such selectivity conflicts with the important equitable principle that offenders who have committed the same crime should be similarly punished.

The choice here is not a noble one. Some would contend that the only proper course is to strive to prosecute the powerful nonselectively, whatever the costs. Bankrupting a society by putting a substantial proportion of its pharmacists, doctors, and business executives behind bars, sacrificing the suffering of consumers for the sake of litigated justice, are hardly noble choices. More important, they are choices that could never be made, given what we know about how states struggle against fiscal crisis (O'Connor, 1973). More intensive, yet selective, enforcement of white-collar crime, in turn, can be painted as the best policy, but never as a noble one. It is ignoble in retreating from the just principle of equal treatment of offenders who have done equal wrongs, and in reaching that position through yielding meekly to the bargaining power of the white-collar criminals who remain unpunished. It is a policy which explicitly eschews moving toward a position where all offenders of a given type are treated the same. Instead we make a small minority shoulder the guilt of the unpunished majority of white-collar criminals.

The second conclusion is that redressing the balance by bringing more white-collar criminals to justice will widen the disparity between the average punishment administered to convicted white-collar and traditional criminals. This is because the number of fish caught is a function of how many others are promised leniency (Hagan et al., 1980). Moreover, the size of the catch can be increased by proceeding under statutes that offer fewer due process protections but less punitive sanctions.

Again, public policy must choose which is the lesser of the two evils. The status quo wherein white-collar criminals are seldom brought to justice is surely the greater evil. Better to have a large increase in the number punished even if the quantum of punishment pales beside that bestowed on common criminals. We can only hope that as more white-collar criminals are convicted but sentenced more leniently than working-class criminals who have done lesser harm, demands will increase for less severe treatment of the underclasses who fill our prisons. Such demands will only become more focused, however, when white-collar criminals begin to be brought to justice in numbers.

Paradoxically, if we approach equity between white-collar and common criminals from the other end, by treating common criminals more leniently, we have come full circle. As some common criminals

(who previously might have been given 10 years) benefit from the new leniency, inequity grows between them and offenders who are still serving their 10 years for the same kind of offense. As some common criminals are not punished because the victim is willing to agree to restitution, injustice is exacerbated for those criminals whose victims are not so cooperative. Nevertheless, while the shift toward leniency exacerbates injustices within the class of common criminals, inequality of treatment between the classes of common and white-collar criminals is attenuated.

This returns us to the question of which is more important—intraclass or interclass inequality? Again, the kind of injustice which causes some common criminals to be punished more heavily than others is based more on luck (drawing a lenient judge, a forgiving victim), whereas the injustice of punishing common criminals more harshly than white-collar criminals is based more on power. As I argued earlier, for good reason public policy is less concerned about inequality based on chance than with rooting out self-perpetuating structural forms of inequality.

These arguments are made the more telling by the fact that there is also an institutional dimension to the tendency for blame to be passed downward in the class structure. The rising concern over white-collar crime which came in the wake of Watergate was a concern over abuses by those with power (the Nixons, ITTs, and Lockheeds). Yet this concern has been captured by the powerful and turned to their interests. Today the predominant push against white-collar crime is to protect large organizations (corporations and governments) from crimes against them by employees, welfare claimants, and other less powerful actors. Computer crime has been made the type of white-collar crime which grips the public imagination—the malevolent mathematical genius defrauding the large corporation. The effect of widespread use of public money to catch computer criminals is, in aggregate, to redistribute wealth from the average taxpayer to the large organizations which are saved from computer crime victimization. What of the powerless individuals who cannot afford to own computers? Why, they have become the white-collar criminals. Hence, in Hagan et al.'s (1980) empirical study of white-collar offenders (in which the latter were defined operationally as individuals convicted of fraud, bribery, conspiracy to defraud, embezzlement, etc.) most white-collar criminals would seem to have had blue-collars! More precisely, 74 percent of the "white-collar criminals" earned less than $13,776 a year in deflated dollars, and 63 percent of them had only a high school education or less.

The institutional pressures to pass blame for our social problems downward in the class structure are all-pervasive. Economic crisis, for example, is more likely to be explained by lazy welfare cheats than by incompetent capitalists. The criminal justice system is central to this process. There is a great deal of evidence that during economic crisis, when unemployment increases, the criminal justice system becomes more punitive and prison populations swell with lower-class criminals (Box and Hale, 1982; Braithwaite, 1980; Greenberg, 1977b; Jankovic, 1977; Quinney, 1977; Yeager, 1979). Underclasses provide individual scapegoats for our collective failures. Policies that attempt to reverse the normal pressures to pass blame downward therefore have a more transcendental virtue than simply the restoration of justice. They are part of a struggle against a pervasive mystification that victimizes the poor in an infinite variety of ways.

Finally, there is the utilitarian rationale for stepping up prosecution of white-collar criminals even in the face of the other inequalities thereby exacerbated. Because the harm from white-collar crime is so much greater than that of traditional crime, and because the former is more preventable than the latter (Braithwaite and Geis, 1982), in the compromise between utilitarian and justice goals the white-collar crime emphasis should shift somewhat toward utilitarianism. There is evidence to suggest that the coal mine fatality rate today is less than a quarter of its level of 40 years ago because of the enforcement activities of the Bureau of Mines (Lewis-Beck and Alford, 1980). Many rivers that were once polluted are now relatively clean thanks to the Environmental Protection Agency. Modest consumer product safety enforcement in recent years has produced a 40 percent drop in ingestion of poisons by children, a halving of crib deaths of babies, and virtual elimination of children's sleepwear as a cause of flameburn injuries (Costle, 1979). It might be that we are prepared to tolerate some injustice to achieve these kinds of goals.

For deterrence to work, sanctions do not have to be consistently applied to all offenders. Selective enforcement need be sufficient only to make deterrent threats credible. In most areas of white-collar crime, however, enforcement falls short of credibility. Deterrence demands more convictions. Are we willing to shy away from this by invoking the selective injustice that will inexorably follow from it? A public policy choice cannot be avoided between the injustice of selectivity and the structural injustice that blinks at the abuses of the rich while bludgeoning those of the poor.

REFERENCES

BEQUAI, A. (1976) "Why the SEC's enforcer is in over his head." Business Week (October 11): 70.

BLAU, P. (1955) The Dynamics of Bureaucracy. Chicago: Univ. of Chicago Press.

BOX, S. and HALE, C. (1982) "Unemployment, crime and imprisonment," in National Deviancy Conference, Class and Social Justice. London: Hutchinson.

BRAITHWAITE, J. (1982) Corporate Crime in the Pharmaceutical Industry. London: Routledge & Kegan Paul.

——— (1980) "The political economy of punishment," pp. 192-208 in E. L. Wheelwright and K. Buckley (eds.) Essays in the Political Economy of Australian Capitalism, Volume 4. Sydney: ANZ Books.

——— (1978) "An exploratory study of used car fraud," pp. 101-122 in P. R. Wilson and J. Braithwaite (eds.) Two Faces of Deviance: Crimes of the Powerless and Powerful. Brisbane: Univ. of Queensland Press.

——— (forthcoming) "Challenging just deserts: the sentencing of white-collar criminals." J. of Criminal Law and Criminology.

——— and G. GEIS (1982) "On theory and action for corporate crime control." Crime and Delinquency.

CARROL, A. B. (1978) "Business ethics and the management hierarchy." National Forum 18: 37-40.

——— (1975) "Management ethics: a post-Watergate view." Business Horizons (April) 75-80.

CHIRICOS, T. G. and G. P. WALDO (1975) "Socioeconomic status and criminal sentencing: an empirical assessment of a conflict proposition." Amer. Soc. Rev. 40: 753-772.

CLINARD, M. B. and P. C. YEAGER (1980) Corporate Crime. New York: Free Press.

——— J. BRISSETTE, D. PETRASHEK, and E. HARRIES (1979) Illegal Corporate Behavior. Washington DC: Law Enforcement Assistance Administration.

COFFEE, J. C., Jr. (1977) "Beyond the shut-eyed sentry: toward a theoretical view of corporate misconduct and an effective legal response." Virginia Law Rev. 63: 1099-1278.

CONKLIN, J. E. (1977) Illegal But Not Criminal: Business Crime in America. Englewood Cliffs, NJ: Prentice-Hall.

COSTLE, D. M. (1979) "Innovative regulation." Economic Impact 28: 8-14.

CRESSEY, D. R. and C. A. MOORE (1980) Corporation Codes of Ethical Conduct. New York: Peat, Marwick and Mitchell Foundation.

CULLEN, F. T., B. G. LINK, and C. W. POLANZI (1980) "The seriousness of crime revisited: have attitudes toward white-collar crime changed?" Presented at the American Society of Criminology annual meeting, San Francisco.

DENZIN, N. K. (1977) "Notes on the criminogenic hypothesis: a case study of the American liquor industry." Amer. Soc. Rev. 42: 905-920.

EDELHERTZ, H. (1970) The Nature, Impact and Prosecution of White-Collar Crime. Washington, DC: National Institute of Law Enforcement and Criminal Justice.

FABERMAN, H. A. (1975) "A criminogenic market structure: the automobile industry." Soc. Q. 16: 438-457.

GETSCHOW, G. (1979) "Some middle managers cut corners to achieve high corporate goals." Wall Street J. (November 8).

GREEN, M. (1978) The Other Government: The Unseen Power of Washington Lawyers. New York: Norton.

——— B. C. MOORE, Jr., and B. WASSERSTEIN (1972) The Closed Enterprise System. New York: Norton.

GREENBERG, D. F. (1977a) "Socioeconomic status and criminal sentences: is there an association?" Amer. Soc. Rev. 42: 174-176.

——— (1977b) "The dynamics of oscillatory punishment processes." J. of Criminal Law and Criminology 68: 643-651.

GROSS, E. (1978) "Organizations as criminal actors," pp. 199-213 in P. R. Wilson and J. Braithwaite (eds.) Two Faces of Deviance: Crimes of the Powerless and Powerful. Brisbane: Univ. of Queensland Press.

HAGAN, J. (1974) "Extra-legal attributes and criminal sentencing: an assessment of a sociological viewpoint." Law and Society Rev. 8: 357-383.

——— and I. H. NAGEL BURNSTEIN (1979) "The sentencing bargaining of upperworld and underworld crime in ten federal district courts." Law and Society Rev. 13: 467-478.

——— and C. ALBONETTI (1980) "The differential sentencing of white-collar offenders in ten federal district courts." Amer. Soc. Rev. 45: 802-820.

Harvard Law Review (1979) "Developments in the Law: Corporate crime: regulating corporate behavior through criminal sanctions." Harvard Law Rev. 92: 1229-1375.

HOPKINS, A. (1977) "Is there a class bias in criminal sanctioning?" Amer. Soc. Rev. 42: 176-177.

HUTT, P. (1973) "The philosophy of regulation under the federal Food, Drug and Cosmetic Act." Food, Drug and Cosmetic Law J. 28: 177.

JACOBY, N. H., P. NEHEMKIS, and R. EELLS (1977) Bribery and Extortion in World Business. New York: Macmillan.

JANKOVIC, I. (1977) "Punishment and the post-industrial society: a study of unemployment, crime and imprisonment in the United States." Ph.D. dissertation, University of California, Santa Barbara.

KENNEDY, T. and C. E. SIMON (1978) An Examination of Questionable Payments and Practices. New York: Praeger.

KNIGHTLEY, P., H. EVANS, E. POTTER, and M. WALLACE (1979) Suffer the Children: The Story of Thalidomide. New York: Viking.

KRIESBERG, S. M. (1976) "Decisionmaking models and the control of corporate crime." Yale Law J. 85: 1091-1129.

LEONARD, W. N. and M. G. WEBER (1970) "Automakers and dealers: a study of criminogenic market forces." Law and Society Rev. 4: 407-424.

LEVIN, M. H. (1977) "Crimes against employees: substantive criminal sanctions under the Occupational Safety and Health Act." Amer. Criminal Law Rev. 14: 717-745.

LEWIS-BECK, M. S. and J. R. ALFORD (1980) "Can government regulate safety? The coal mine example." Amer. Pol. Sci. Rev. 74: 745-756.

LISKA, A. E. and M. TAUSIG (1979) "Theoretical interpretations of social class and racial differentials in legal decision-making for juveniles." Soc. Q. 20: 197-207.

LIZOTTE, A. J. (1978) "Extra-legal factors in Chicago's criminal courts: testing the conflict model of criminal justice." Social Problems 25: 564-580.

MORRIS, N. (1974) The Future of Imprisonment. Chicago: Univ. of Chicago Press.

NEEDLEMAN, M. L. and C. NEEDLEMAN (1979) "Organizational crime: two models of criminogenesis." Soc. Q. 20: 517-528.

O'CONNOR, J. (1973) The Fiscal Crisis of the State. New York: St. Martin's.
OGREN, R. W. (1973) "The ineffectiveness of the criminal sanction in fraud and corruption cases: losing the battle against white-collar crime." Amer. Criminal Law Rev. 11: 959-988.
PACKER, H. L. (1968) The Limits of the Criminal Sanction. Stanford: Stanford Univ. Press.
POSNER, R. A. (1976) Antitrust Law: An Economic Perspective. Chicago: Univ. of Chicago Press.
QUINNEY, R. (1977) Class, State and Crime. New York: David McKay.
——— (1963) "Occupational structure and criminal behavior: prescription violation by retail pharmacists." Social Problems 11: 179-185.
RAAB, S. (1980) "Ex-owner says mob took over chemicals firm." New York Times (November 24).
REIMAN, J. H. (1979) The Rich Get Richer and the Poor Get Prison. New York: John Wiley.
REISMAN, W. M. (1979) Folded Lies: Bribery, Crusades and Reforms. New York: Free Press.
ROSSI, P. H., E. WAITE, C. E. BOSE, and R. E. BERK (1974) "The seriousness of crimes: normative structure and individual differences." Amer. Soc. Rev. 39: 224-237.
RUTTER, M. and N. MADGE (1976) Cycles of Disadvantage. London: Heinemann.
SAXON, M. S. (1980) White-Collar Crime: The Problem and the Federal Response. Washington, DC: Congressional Research Service, Library of Congress.
SCHRAG, P. G. (1971) "On Her Majesty's Secret Service: protecting the consumer in New York City." Yale Law J. 80: 1529-1603.
SCHRAGER, L. S. and J. F. SHORT, Jr. (1980) "How serious a crime? Perceptions of organizational and common crimes," pp. 14-31 in G. Geis and E. Stotland (eds.) White-Collar Crime: Theory and Research. Beverly Hills, CA: Sage.
SCOTT, J. E. and F. AL-THAKEB (1977) "The public's perceptions of crime: a comparative analysis of Scandinavia, Western Europe, the Middle East, and the United States," pp. 78-88 in C. R. Huff (ed.) Contemporary Corrections. Beverly Hills, CA: Sage.
SCOTT, R. (1974) Muscle and Blood. New York: E. P. Dutton.
STONE, C. (1975) Where the Law Ends: The Social Control of Corporate Behavior. New York: Harper & Row.
SUTHERLAND, E. H. (1949) White-Collar Crime. New York: Holt, Rinehart & Winston.
TAFT, D. R. (1966) "Influence on the general culture on crime." Federal Probation 30: 15-23.
WOLFGANG, M. E. (1980) National Survey of Crime Severity Final National Level Geometric Means and Ratio Scores by Offense Stimuli Items. University of Pennsylvania. (mimeo)
YEAGER, M. G. (1979) "Unemployment and imprisonment." J. of Criminal Law and Criminology 70: 586-588.