



White Collar Crime

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National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
United States Department of Justice

WHITE COLLAR CRIME

A Selected Bibliography

by

Peter Ostermann

Esther L. Williams

Kevin O'Brien

Susan Shapiro

National Criminal Justice Reference Service

NCJRS

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INTRODUCTION

White collar crime is costing this country about \$44 billion dollars each year, according to the Joint Economic Committee of the United States Congress. Types of offenses which fall under the "white collar" heading include embezzlement, anti-trust violations, price-fixing, employee theft, corruption of public officials, bribery, kickbacks, computer crimes, land fraud, securities fraud, frauds against government programs, consumer fraud, tax evasion, bankruptcy fraud, etc . . . the list is growing longer. These crimes are often committed in the course of "normal" business operations and result directly from executive decisions. Conversely, many businesses are organized for the explicit purpose of carrying out fraudulent practices.

How is it that we have allowed white collar crime to get so out of hand? Police and prosecutors are often hesitant to enter this area because the crimes are not easily identifiable and investigating them requires sophisticated techniques. Many citizens do not report their victimization because they are embarrassed at having been taken or feel that they will not be able to recover their losses. Society in general does not equate the white collar offender with the "common criminal." Public education and energetic prosecutions are necessary to reverse these attitudes and combat this growing crime trend. The offenders need to be identified and held responsible for their crimes. They should not be allowed to shrug off their wrongdoings with the laconic excuse, "that's business."

This bibliography provides pertinent reference data for researchers, citizens, and law enforcement personnel who wish to increase their awareness and understanding of white collar crime. The entries are arranged by four main categories:

- o General works which relate white collar crime to the broader study of criminology or which discuss a broad area of white collar crime.
- o Law Enforcement — Prosecution selections which present material of interest to investigators and prosecutors and which describe the promising steps that have been made by special white collar prosecution units.
- o Case Studies of specific types of white collar crime or specific crimes.
- o Foreign Selections. These are all either foreign English-language documents or NCJRS translations. They illustrate the disparate definitions of and approaches to white collar crime.

HOW TO OBTAIN THESE DOCUMENTS

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THEORETICAL WORKS AND GENERAL STUDIES

1. AMERICAN BAR ASSOCIATION. Bibliography on White-Collar Crime. American Criminal Law Review, v. 11, no. 4: 1011-1013. Summer, 1973. (NCJ-16070)

This bibliography covers books and articles on general and specific areas of white collar crime. Antitrust, commercial crime, consumer protection, environment, official corruption, and securities are the specific areas of white collar crime under which the bibliographic material is categorized.

2. AUBERT, VILHELM. White Collar Crime and Social Structure. In Geis, Gilbert, Ed., White-Collar Criminal - The Offender in Business and the Professions. New York, New York, Atherton Press, 1968. p. 173-184. (NCJ-39160)

The author argues that the terminology one accepts in the "crime-no crime" controversy about white collar offenses will depend upon how much one wants to get rid of these activities. It is pointed out that usually there is no clear-cut opposition between the white collar criminals and the general public, who are themselves often violating the same laws on a modest scale. A review of two Norwegian studies on the definition of white collar crimes found that the public's and the violators' perceptions of crimes in general are frequently not congruent with legal definitions, the implication being that important differences in motivation and other causal mechanisms may be found within even very specific legal categories.

3. CALDWELL, ROBERT G. A Re-examination of the concept of White-Collar Crime. In Geis, Gilbert, Ed., White-Collar Criminal - The Offender in Business and the Professions. New York, New York, Atherton Press. 1968. p. 376-387. (NCJ-39166)

This article re-examines the concept of white collar crime, considers its legal and sociological implications, and analyzes the controversy arising from its usage. Two major issues involved in the controversy over the concept of white collar crime are discussed. The moral issue has arisen from the contention that our criminal laws and their administration are biased and unfair, tending to favor the rich and influential, with the result that the stigma of crime is eliminated or minimized with white collar offenses. The scientific issue springs from the contention that those who commit white collar crimes are relatively immune because of the class bias of the criminal law and its administration, and that this in turn has led to a distortion of the criminological theories of causation, based extensively on the official records.

4. CHAMBER OF COMMERCE OF THE UNITED STATES. A Handbook on White Collar Crime — Everyone's Problem, Everyone's Loss. Washington, 1974. 96 p.
LOAN (NCJ-14039)

Many law enforcement officials regard white-collar crime as the fastest growing sector of crime. This handbook outlines a general strategy as well as specific measures by which those in the business and the professions can take prompt and effective steps against white-collar crime. The methods, procedures, policies, and controls emphasized are measures which require more in the way of willpower than manpower and expensive hardware. The overall problem is first defined and the nature of the crime, its consequences, and traditional unsuccessful responses are discussed in the following categories of white-collar crime: Bankruptcy fraud; bribes, kickbacks, and payoffs; computer-related crime; consumer fraud; illegal competition and deceptive practices; fraud by credit card and check, embezzlement and pilferage; insurance fraud; receiving stolen property, and securities theft and fraud. For each offense, the author explores many of the schemes and methods used by perpetrators of the crime, indicates some of the early warning signals frequently associated with it, and refers readers to likely sources of assistance, such as law enforcement agencies and certain private organizations. In addition, the reader is referred to subsequent pages which describe specific countermeasures. Causes of white-collar crime are highlighted and various policies and preventive procedures that apply to all, or at least to several, of the crime categories are reviewed. Sets of tailor-made countermeasures, each set keyed to a specific white-collar offense, are presented. The final chapter supplies examples of how white-collar crime can be combatted through collective action by business.

5. CRESSEY, DONALD R. The Criminal Violation of Financial Trust. American Sociological Review, v. 15, p. 738-743 (NCJ-40954)

A central problem in explaining trust violation is determining whether a definable sequence of events is always present when trust violation is present, and never present when trust violation is absent. In the study reported, direct information on the causes of such violations was obtained through informal contacts over a period of five months with all prisoners whose behavior met the criteria and who were confined at the Illinois State Penitentiaries at Joliet. Hypotheses relating to systematic causation were formulated progressively. When a hypothesis was formulated, a search for negative or non-conforming cases, was conducted, and when such cases were found the hypothesis was reformulated in light of them. The initial hypothesis, which was abandoned almost immediately, was that positions of financial trust are violated when the incumbent has learned in connection with the business or profession in which he is employed that some forms of trust violations are merely "technical violations" and not really "illegal" or "wrong". Three subsequent revisions focused on multiple factor causation, shifting in emphasis from financial "obligations" to non-shareable "problems". The final hypothesis, for which no negative cases were found either in the interviews or the literature, took the following form: Trustee persons become trust violators when they conceive of themselves as having a financial problem which is non-shareable, have the knowledge or awareness that this problem can be secretly resolved by violation of the position of financial trust, and are able to apply to their own conduct in that situation verbalizations which enable them to adjust their conceptions of themselves as trusted persons with their conceptions of themselves as users of the entrusted funds or property.

6. Other People's Money — A Study in the Social Psychology of Embezzlement. Montclair, New Jersey, Patterson Smith, 1973. 208 p.

(NCJ-12687)

Why, after years of honest work, does a man suddenly start dipping into company funds? This reprint of a 1953 classic study by Donald Cressey offers a sociological theory which identifies factors leading to embezzlement. The study was limited to trust violation cases, where the embezzler had accepted a position of trust in good faith, and had violated that trust by committing a crime. Cressey examined cases collected by other investigators and interviewed convicted men who related in their own words how they came to commit their crimes. In these accounts he discovered three circumstances common to cases of trust violation. First, the potential embezzler had a financial problem which he felt unable to share with other people. Second, he saw the violation of his trust as an opportunity to solve his financial problem. Third, he rationalized the act to himself before commission. Numerous case histories vividly illustrate these circumstances and give the reader a valuable insight into the embezzler's situation as he himself sees it.

7. DALLAS COUNTY DISTRICT ATTORNEY. Specialized Crime Division. Everything You Always Wanted to Know About Preventive Consumerism — But Were Afraid To Ask. Dallas, Texas, n.d. 11 p.

(NCJ-34951)

This guide to avoiding and/or redressing consumer fraud was prepared by the Dallas County, Texas, District Attorney's Office Specialized Crime Division. Various forms of consumer fraud are described, and consumers' legal rights are summarized. Procedures are described for registering complaints, and the addresses of several Dallas area agencies which handle consumer complaints are provided.

8. DERSHOWITZ, ALAN M. Increasing Community Control Over Corporate Crime — A Problem in the Law of Sanctions. In Geis, Gilbert, Ed., White-Collar Criminal The Offender in Business and the Professions. New York, New York, Atherton Press, 1968. p. 136-154.

(NCJ-39158)

Different approaches to the control of corporate crime are surveyed and evaluated in this paper and an analytical framework for consideration of alternative social policies and their likely deterrent effects is provided. It is proposed that the rate of "acquisitive corporate crime" (acts engaged in for the immediate purpose of increasing corporate, as opposed to personal, wealth) engaged in on behalf of any large, publicly held corporation will (1) vary directly with the expectation of net gain and (2) vary inversely with the certainty and severity of the personal impact of the criminal sanction on those who formulate corporate policy. Analysis revealed that because of the presently insubstantial nature of the criminal fine and the uncertain impact of the private damage suit, the corporation contemplating acquisitive crime has a high expectation of net gain. Likewise, because of the difficulty of pinpointing guilt above the level of overt actors, the real formulators of corporate policy have little cause to fear criminal penalties. It is suggested that the existing ineffective sanction should be replaced by a system which would enable the government to attach illegal profits; return to any injured party compensation for any damages resulting from the crime; and impose an affirmative duty on corporate executives to exercise reasonable care in preventing acquisitive crime.

9. EDELHERTZ, HERBERT and GILBERT GEIS. Criminal Law and Consumer Fraud -- A Sociological View. American Criminal Law Review, V. 11, No. 4: 989-1010. Summer, 1973. (NCJ-16069)

The history of attitudes toward the exploitative behavior of the aristocracy and controllers of production processes is examined to show a tendency of legislators and courts to ignore or be permissive toward the acquisitive excesses of such persons in their occupational roles. Lower class persons, on the other hand, have been severely labeled and punished for lesser crimes performed by force outside of acceptable occupational roles. The author uses quotes from Nader and Sutherland to argue for increased use of criminal, civil, administrative, and private sanctions that will establish a stigma as well as criminal punishment for the behavior of white collar offenders.

10. GARDINER, JOHN A. and DAVID J. OLSON. Theft of the city -- Readings on Corruption -- in Urban America. Bloomington, Indiana, Indiana University Press, 1974. 447 p. (NCJ-15252)

Theft of the City is an examination of the different aspects of municipal corruption, including the influence of organized crime, police corruption, and misconduct by elected and appointed government officials. The readings that constitute the Theft of the City have been organized into three main categories. The first selection deals with the definition of corruption. It is often difficult, both factually and conceptually, to identify the acts that are based upon corrupt motives or to sort out the corrupt from the legitimate motives in a particular act. These readings suggest criteria for making these decisions and describe classic examples of urban corruption. The selections in Part II identify the targets of corruption. One of the targets (especially of organized crime) is the immobilization of the anti-corruption law enforcement machinery of the police departments and the courts. Graft and kickbacks involving government contracts are also discussed in this section. One of the selections that is included is "Kickbacks on Engineering Contracts in Maryland" in which the prosecuting U.S. Attorney details former Vice-President Agnew's role in the scandal that led to his resignation. Part III deals with the causes and the costs of corruption. These readings are divided concerning who is responsible for corruption -- the individual perpetrator or our social system.

11. GEIS, GILBERT. Avocational Crime. In Glaser, Daniel, Ed., Handbook of Criminology. Chicago, Illinois, Rand McNally College Publishing, 1974. p. 273-299. (NCJ-40797)

"Avocational Crime" is crime deterrable by the prospect of public labeling as a criminal committed by one who does not think of himself as a criminal and whose major source of income or status is something other than crime. Since this term refers primarily to offenses against property, especially to offenses such as shoplifting and white-collar crime, these crimes are analyzed in terms of the three definitional components -- the self-image of the offender, the sources of his income and status, and his deterrability. These analysis are followed by calls for additional criminological research on the purpose of criminal sanctions in these two areas, the characteristics and motivations of offenders, official response to these violations, and the eventual consequences of the proscribed behavior. A five-page reference list is included.

12. _____ . Defrauding the Elderly In Goldsmith, Sharon, and Goldsmith, Jack, Eds., Crime and the Elderly. Lexington, Massachusetts, D.C. Heath and Co., 1976. p. 7-20. (NCJ-39178)

Vulnerability of the elderly to consumer and other types of fraud, the types of fraud perpetrated against them, and the problems of elderly victims in dealing with the criminal justice system are discussed. The article concludes that there is a special need for new laws with statutory shields against criminal exploitation of the elderly. Such shields would take the form of harsher penalties and more intensive enforcement against crimes that bear particularly on the elderly as victims.

13. _____ . Upperworld Crime. In Blumberg, H.S., Ed., Current Perspectives on Criminal Behavior — Original Essays on Criminology. New York, New York, Alfred A. Knopf, 1974. p. 114-137. (NCJ-40334)

"Upperworld Crime" includes lawbreaking acts committed by those who, due to their position in the social structure have obtained special kinds of occupational slots and/or skills essential for the commission of these offenses. This paper deals with the problems of defining upperworld crime and with attitudes toward it in various periods of history. Later sections consider the social consequences of upperworld crime, its investigation by reform groups, its handling by the criminal justice system, and the influence of the study of upperworld crime on the study of crime in general. It is pointed out that behavior duplicating in form and spirit what would now be regarded as upperworld crime can be found throughout history although a large number of offenses prominent in the existing inventory of upperworld crime could not have come into existence until the appearance of social arrangements permitting their performance (corporate crime, for example). The social costs of such crime include public cynicism and the rationalization of crimes by lower-class offenders, who say that unpunished lawbreaking is endemic in the upper classes. A positive consequence of upperworld crime, however, has been the rise in consumer awareness and activism. The study of upperworld crime, due to its failure to fit readily into earlier molds of definition and explanation, has been the precursor of the contemporary swing of criminology toward more penetrating investigations of the political processes by which certain behaviors become defined as criminal.

14. _____ . Victimization Patterns in White-Collar Crime. In Drapkin, I., E. Viano, Ed., Victimology: A New Focus. Lexington, Massachusetts, 1975. p. 89-106. (NCJ-40335)

This paper focuses on white collar crimes incidental to and in furtherance of business operations, but not to the central purposes of the business, and takes most of its examples from the general area of consumer fraud. It is suggested that there are various kinds of white collar crime in which the statutes pre-ordain the nature of the victims (commercial espionage and deceptive advertising, for example). The distribution and patterning of victimization among such definitionally delimited targets is a function of the perceived need of the offender to enhance his position and a consequence of the fact that the white collar entrepreneur or executive comes to believe that he can and should violate

the law. The key analytical concept relating to white collar crime victimization appears to be what might be labeled "victim/responsiveness" – the awareness of the victim that he has been cheated or injured, his anger over the fact that this has taken place, the actions he takes to see that he is more adequately protected in the future and the procedures he employs, if any, to see that other kinds of white collar acts which exploit people are outlawed.

15. White-Collar Criminal – The Offender in Business and the Professions.
New York, New York, Atherton Press, 1968. 460 p. (NCJ-39155)

An anthology of 32 reprinted articles; this document includes major classic and contemporary studies of crimes committed in the upper echelons of society, as well as significant theoretical writings on the subject. The areas covered include the definition and nature of white collar crime, controversy regarding the concept of white collar crime, and white collar exploitation and its victims. The readings on white collar offenses and the legal process deal primarily with the delineation, processing, and treatment of white collar offenses and include material from countries other than the United States. Consideration of the different types of white collar criminality cover offenses committed in the corporate, business, commercial, and professional realms. Readings were selected for inclusion which contained empirical material derived from the study of one or another aspect of white collar crime. Priority was also given to systematic inquiries, particularly when they proceeded from one or several hypotheses. A four page list of selected references is provided along with an index.

16. GORDON, DAVID M. Capitalism, Class, and Crime in American. Crime and Delinquency, v. 19, No. 2: 163-168. April, 1973. (NCJ-10630)

A radical economic analysis of crime suggests that the present character of crime in America flows from the structure of U.S. social and economic institutions. Many kinds of crime represent perfectly rational responses to the conditions of competition and inequality fostered in capitalism. Examples of this rationality are white collar crime, organized crime, and ghetto crime. Many of the most important differences among crimes flow from the duality of American systems of justice and law enforcement, and that duality in turn reflects the biases of the state in capitalist societies. The author states that solving the problem of crime in America is contingent upon first effecting a radical redistribution of power in our basic institutions.

17. HARTUNG, FRANK E. The White-Collar Thief. In Cressey, D.R., and D.A. Ware, Ed., Delinquency, Crime, and Social Process. New York, New York, Harper and Row, 1969. p. 1103-1113. (NCJ-40332)

The development and use of vocabularies of motives are by no means confined to some juveniles learning to be delinquent and some others learning to be lawful. The same process characterizes both the criminal and the lawful adult, and may be observed with particular clarity in the adult offender commonly known as the "embezzler". Cressey, in his book "Other People's Money," studied the criminal violation of financial trust. He hypothesized that if a person in a position of financial trust defines

his financial problem as being nonshareable, realizes that he can solve it illegally, and at the same time applies to his own conduct verbalizations enabling him to adjust his conception of himself as a trusted person with his conception of himself as a user of the entrusted funds, he will violate that trust. When these three components are in conjuncture, the criminal violation of trust will occur, when anyone of them is absent there will be no such violation. Physical contact with others already criminal (differential association) is therefore not always necessary to the development of criminality in a given individual. The criminal violator of financial trust and the career delinquent thus have one thing in common — their criminality is learned in the process of symbolic communication, and it is dependent upon cultural sources for patterns of thought and action, and for systems of values and vocabularies of motives.

18. HILLS, STUART L. Crime, Power, and Morality. The Criminal-Law Process in the United States. San Francisco, California, Chandler Publishing, 1971. 215 p. (NCJ-10243)

Three major crime problems in American society — marijuana use, white collar occupational crime, and organized crime — are related to the process of the enforcement of criminal laws. One of the most significant movements in the modern sociological study of crime has been the increasing focus on the nature of the legal process itself — the formulation, enforcement, and administration of criminal laws. The introductory chapters provide a theoretical perspective for examination of the three crime problems. It is suggested that the nature of criminal statutes, their mode of enforcement, and their administration through the judicial process, help to pattern criminal behavior. Hypothetically, these factors contribute to the emergence and persistence of the particular crime problem, the form that it takes, and the difficulties of coping with it effectively. The lenient handling of white collar criminals is analyzed and explained. It is suggested that in myriad ways, white collar offenders utilize their status attributes, resources, and power to reward legal authorities for selective non-enforcement of the law and threaten intolerable stress and strain for law enforcement bureaucracies that might attempt to do otherwise. Prospects for changing this situation through social reform are analyzed, and new approaches to enforcing laws against white collar criminals are offered.

19. KRIESBERG, SIMEON. Decisionmaking Models and the Control of Corporate Crime. The Yale Law Journal, v. 85, no. 8: 1091-1129. July, 1976. (NCJ-38014)

It is argued that with an understanding of the decisionmaking process underlying corporate action, legal policymakers can impose criminal penalties on those most capable of preventing corporate lawbreaking. As a result, those who shape the corporate decisionmaking process will be encouraged to do so in a way that enhances the likelihood of law-abiding corporate conduct. The note proceeds by analyzing different characterizations of the corporate decisionmaking process and exploring their implications for the development of appropriate legal policy. The analysis is structured by three widely used models of decisionmaking, each of which isolates and illuminates distinctive facets of the decisionmaking process. The models are employed to elucidate how corporate lawbreaking takes place and how it may be controlled. The rational actor model (model one) assumes that corporate lawbreaking results from the purposeful, consistent

acts of the corporate entity. It suggests to legal policymakers — legislators, prosecutors, and judges — that the key to controlling corporate crime is to focus on the rational calculus that underlies corporate violations, effecting the substitution of desirable courses of action for undesirable ones. The organizational process model (model two), views most corporate actions as consisting of sub-corporate units following preexisting organizational routines (standard operating procedures). It implies that corporate violations occur because existing routines mandate or allow illegal actions or because no standard operating procedures exist to prevent illegal actions. Legal policy based on this model would impose on individual corporate decisionmakers an affirmative duty. This duty would be to correct routines known to be flawed and to ferret out flawed procedures they have the authority to correct. According to the bureaucratic politics model's (model three) conception of the decisionmaking process, the responsibility for corporate crime must be defined in terms of the political resultant of the actions of individuals. The legal policy implications of this model suggest that criminal liability should apply to those individuals participating in law-breaking, as well as those who acquiesce in or, advocate an unlawful decision.

20. LANE, ROBERT E. Why Businessmen Violate the Law. In Geis, Gilbert, Ed., White-Collar Criminal — The Offender in Business and the Professions. New York, New York, Atherton Press. 1968. p. 88-102. (NCJ-39157)

Possible explanations considered for trade practice and labor relations violations include economic motivation, ambiguity or ignorance of laws and difficulty of compliance. The effects of geographic or industry differential association and the personality and personal experiences of the violator are also taken into account. It is suggested that government assistance to marginal or declining firms, publication of legally binding interpretations of ambiguous laws, increased communication between management and regulatory agencies, and joint business-government efforts to promote respect for the law would aid in reducing the rate of violation and minimizing business-government friction.

21. LEFF, ARTHUR A. Swindling and Selling. New York, New York, Free-Press, 1976. 202 p. (NCJ-39193)

This book explores the underlying elements common to classic swindles and "normal" selling techniques, revealing how various types of con games are reflected in both wholesale and retail modern mass marketing methods. To get at the essence of all licit and illicit salesmanship, the author describes several typical swindles and shows how the same intrinsic features that make these con games work are used in legitimate business ploys such as the clearance sale and the one-day special, as well as in mass media advertising. Con men and salesman, it is maintained, face identical problems of sales resistance — and must meet them in similar ways. The swindler's and the seller's central problem, convincing the "mark" that both parties — buyer and seller — are getting a bargain is analyzed. The fine line between gulling a customer legitimately and outright swindling is also explained.

22. **NEWMAN, DONALD J.** Public Attitudes Toward a Form of White-Collar Crime. In Geis, Gilbert, Ed., White-Collar Criminal — The Offender in Business and the Professions. New York, New York, Atherton Press. 1968. p. 287-294. (NCJ-39157)

A study on the reactions of a sample of citizens, some of them victims, all of them potential victims, to violations of the Federal Food, Drug, and Cosmetic Act, revised 1938, is reported. All offenses used in the study pertained to food. A sample of 205 consumers was asked to judge 6 selected cases, not in terms of guilt or innocence, but in terms of how they would treat, or more likely punish, the offender in the cases. The consumers' responses were compared with actual decisions in the cases and with possible decisions provided in the federal law. The general hypothesis underlying the research was that consumer judgments would be more severe than actual administrative decisions and would, in fact, approximate punishments meted out for more conventional offenses such as larceny or burglary. An analysis of responses revealed that 78 percent felt that penalties should have been more severe than the actual court decisions while falling within the maximum penalties provided by the federal law. Almost 20 percent felt that the violators should receive a prison term longer than a year, which was inconsistent with existing legislation. Consumers reacted to violations without regard for their class position or the type of case.

23. **NORTHWESTERN UNIVERSITY SCHOOL OF LAW.** Consumer Protection: New Hope Following Failure of Civil and Criminal Remedies. The Journal of Criminal Law and Criminology. v. 66, no. 3: 271-285. (NCJ-30732)

Class-action suits initiated by States' Attorneys General and civil remedies such as compensatory damages are described as effective weapons against consumer fraud. After a series of false hopes, tools are available which enable the consumer to find justice in the market place. In achieving the long-sought goals of compensation and deterrence, these remedies have drawn from traditional private and public methods of enforcement. Both the FIC and State Attorney General actions depend on public officials to champion the rights of the consuming public. Both also include the age-old remedy of compensatory damages as an integral part of the available sanctions. Once the merchant realizes that his activities fall under the hopefully watchful eye of the public agency rather than the powerless consumer, he will be wary of engaging in unlawful business practices. If he does, he will be liable not simply to an individual consumer but to all consumers he has cheated. Upon elimination of the profit motive, the incentive to initiate illegal acts disappears.

24. **PEPINSKY, HAROLD E.** From White Collar Crime to Exploitation: Redefinition of a Field. Journal of Criminal Law and Criminology, v. 62, no. 2: 225-233. June, 1974. (NCJ-16094)

The author criticizes Sutherland's definition of crime as a "legally defined social injury" for which a "penal Sanction" is provided. It is argued that what does and does not constitute crime cannot be adequately distinguished using Sutherland's definition and that his characterization of white collar crime fails to eliminate the social bias inherent in previous definitions of crime. It is maintained that social injuries commonly depicted as white collar crimes can more

accurately be redefined under the broader category of exploitation, which, it is held, is a socioeconomically unbiased, conceptually united area for research and its application.

25. QUINNEY, EARL R. The Study of White Collar Crime: Toward a Reorientation in Theory and Research. Journal of Criminal Law, Criminology, and Police Science, v. 55, no. 2: 208-214. June, 1964. (NCJ-39747)

Although there has been considerable interest and activity in the study of white collar crime, the development of the area has been hampered by a number of problems that have not been made explicit. The concept has remained unclear because criminologists have subsumed different behaviors under the term. In addition, writers have varied the amount of emphasis given to the social status of the offender, employed different meanings of occupational activity, and lacked consistency in designating the illegal nature of the offenses. Because the concept includes a wide range of behaviors, it becomes necessary to delineate more homogeneous units for the purpose of explanation. These would include "occupational crimes" (all violations that occur in the course of occupational activity); "occupational deviation" (all occupational behavior that violates the institutionalized expectations of an occupation); and "criminal occupational deviation" (criminal violations which are also deviations from occupational norms). Several distinct orders of behavior become evident when the relationship between criminal behavior and occupational deviancy is considered. Finally, it is important that different levels of explanation be employed in future studies of occupational crime and deviation. Therefore, consideration should be given to the explanation of differential crime rates among diverse social groups, of rates of criminal behavior in occupations, and of the criminal laws themselves.

26. REED, JOHN P. and ROBIN S. REED. Doctor, Lawyer, Indian Chief - Old Rhymes and New on White Collar Crime. Australian and New Zealand Journal of Criminology, v. 7, no. 3: 145-156. September, 1974. (NCJ-26263)

Public perceptions of white collar crimes are discussed, as well as the sanctions felt appropriate for such offenses, and willingness of the public to associate with white collar offenders. Data were acquired through administering questionnaires to American college students. Knowledge of white collar criminality among the study subjects was limited, and only minor success was achieved in asking the students to characterize psychological traits associated with offenders. For white collar offenses, the harshest penalties were imposed by males, blacks, young adults, non-flag flyers, students with fathers in clerical, sales and blue collar occupations, non-social science majors, rurals and small city dwellers, non-church attenders and non-members. On social distinction items, subjects indicated an unwillingness to associate with those labeled criminal whether white collar or other. It is concluded that those with secular and minority characteristics are more likely to recognize white collar crime and impose penalties for its commission, but are less likely to incapacitate either kind of criminal permanently. Those with majority group and morality characteristics are less likely to recognize or penalize white collar crime, but are more likely to incapacitate both kinds of criminals permanently once the label has been applied.

27. **ROBIN, GERALD D.** White-Collar Crime and Employee Theft. Crime and Delinquency, v. 20, no. 3: 251-262. July, 1974. (NCJ-16972)

The relationship between white-collar crime and employee theft is explored in a comparative profile covering 19 points, and a proposal for a new category, occupational violations, is made. The author states that there has been some confusion about the definition of white-collar crime. In some instances, it is defined as offenses committed by business managers and executives against society, while at other times it is expanded to include thefts by bank or chain-store employees and service overcharges. A comprehensive comparison of the similarities and differences in various aspects of white-collar crime and employee thefts is made. It was found that the two are alike with respect to typological dimensions such as the offender's self-image, previous record, court treatment and community identification, but that they are very different with respect to the type of laws governing each. The author argues that white-collar crime and employee theft should both be conceptualized as part of the category of occupational crime in that both are occupational violations by "normal" persons.

28. **ROTHSCHILD, DONALD P. and BRUCE C. THORNE.** Criminal Consumer Fraud: A Victim-Oriented Analysis. Michigan Law Review, v. 74, no. 4: 661-707. March, 1976. (NCJ-35462)

Criminal consumer fraud is defined as an intentional act of lying to, cheating, or stealing from a consumer (or attempting to do so), which is punishable as a crime in any jurisdiction. The full range of law enforcement problems connected with criminal consumer fraud is explored. Recommended changes in law enforcement priorities and procedures include recognition of the impact of fraud on consumers; allocation of investigatory resources with regard to victimization patterns and maintenance of a systematic record of complaints; and cooperation of law enforcement authorities and local consumer groups in sorting out potential criminal offenses from civil disputes reported. A further recommendation is made to enact a general consumer-fraud statute carrying penal sanctions reflecting the extent of victimization in a given case.

29. **SEYMOUR, WHITNEY N.** Social and Ethical Considerations in Assessing White-Collar Crime. The American Criminal Law Review, v. 11, no. 4: 821-834. Summer, 1973. (NCJ-16065)

Sentence disparity between white collar and street crimes is examined, and increased policing of ethical and legal standards in the business community is urged. Advice for businessmen in policing their own ranks includes speaking out against bribery and the currying of favors, cooperation with law enforcement and prosecuting authorities, and the cultivation of social pressure that will discourage unethical behavior. Discrimination and disparity of sentencing are cited from a 1972 sentencing study of the Southern District of New York. Disparity is shown between offenses and individual cases. Quarterly reports containing detailed data on sentences imposed in each district are recommended. These reports would be circulated among the judiciary for self-education and discussion. Annual sentencing institutes on a regional and national basis are suggested. It is urged that sentencing philosophy be standardized and be

reoriented to reflect the difference between rehabilitation of the individual defendant and the deterrence of others who might be tempted to violate the law. It is suggested that the primary objective of deterrence should be focused on deliberate and willful crimes which might be prevented by prompt and firm detection, prosecution, and sentencing.

30. STEARNS, LISA. Economic Crime. Stockholm, Sweden, University of Stockholm, Scandinavian Research Council for Criminology. 1976. 84 p.

(NCJ-35042)

An alphabetical listing of approximately 700 books, articles and reports, dated between 1916 and 1975, deals with economic and white collar crime. Bibliographic entries are listed according to the following sixteen categories: Theory of economic crime, general discussions on economic crime, violation of trust laws, violations of environmental legislation, violations of labor legislation, crimes against the consumer, violations of banking legislation and bankruptcy, violations of stocks and securities legislation, crimes against and evasion of tax laws, government cooperation in economic crimes, organization in economic crime, computer crimes, the rackets, crimes in defense of the economic status quo, control of economic crime, and related bibliographies. Entries are in English, French, German, Scandinavian, and Italian, to name a few. An author index is provided.

31. SUTHERLAND, EDWIN H. Crime of Corporations. In Geis, Gilbert and Robert F. Meier, Eds., White-Collar Crime — Offenses in Business, Politics and the Professions. New York, New York, Free Press, 1977. p. 71-84. (NCJ-40490)

Criminal behavior is learned just as any other behavior is learned. Personal and social pathologies play no essential part in the causation of crime. This thesis can be substantiated by a study of the violation of law by businessmen. Analysis of the recorded violations of 70 large industrial and commercial corporations in the United States reveals a total of 980 adverse decisions in the areas of restraint of trade, rebates, unfair labor practices, misrepresentation of advertising, and infringement of patents, copyrights, and trademarks. Ninety-eight percent of the corporations were recidivists, having two or more adverse decisions against them. Illegal behavior by the corporations is much more prevalent than the prosecutions indicate, resulting in a few corporations being prosecuted for behavior which is industry-wide. Therefore, the ideal businessman and the large corporation are very much like the professional thief. The only differences are that businessmen have a greater interest in status and respectability and therefore do not think of themselves as a criminal or lawbreaker.

32. _____ . Is "White-Collar Crime" Crime? In Geis, Gilbert, Ed., White-Collar Criminal — The Offender in Business and the Professions. New York, New York, Atherton Press, 1968. p. 353-364. (NCJ-39164)

A combination of two abstract criteria is generally regarded by legal scholars as necessary to define crime; namely, legal description of an act as socially injurious and legal provision of a penalty for the act. An analysis of 547 adverse

decisions made by courts and commissions against 70 large industrial and mercantile corporations in the United States indicated that all of the classes of behavior on which the decisions were made are legally defined as socially injurious. A review of the four types of laws covering these proscribed behaviors (anti-trust, false advertising, violations of national labor relations laws, and infringement of patents, copyrights, and trademarks) showed that each provides a penal sanction and thus meets the second criterion in the definition of crime. This conclusion is made more specific by an examination of the penal sanctions provided in the laws. It is shown that the corporations committed crimes according to 473 adverse decisions, although the criminality of their behavior was blurred and concealed by special procedures. Three factors which assist in explaining this differential implementation of the law and the accompanying elimination of the businessman, the trend away from punishment, and the relatively unorganized resentment of the public against white collar criminals.

33. _____ . On Analyzing Crime. Chicago, Illinois, University of Chicago Press, 1973. 320 p. (NCJ-11422)

Differential association and white collar crime are two of the theoretical terms coined by Sutherland which are examined in this text. The former suggests that an individual's tendency toward or away from criminal activity is influenced by the cultural standards of his associates. The latter theory is concerned with occupational crimes of the upper socioeconomic classes. Introductory material contains an analysis of Sutherland's perspective, his major contributions, and method of work. Reprints of several of Sutherland's classic works on white collar crime follow this introductory material. Also included in this publication are a brief biography and autobiographical statement, and papers dealing with crime and social organization, juvenile delinquency, crime control considerations and trends, and criminological research methods and techniques. The appendix contains a listing of books, articles, and reports by Sutherland, as well as a list of biographical sketches.

34. _____ . White Collar Crime. New York, New York, Holt, Rinehart and Winston, 1949. 287 p. (NC 1-10815)

The thesis of this book is that persons of the upper socio-economic class engage in much criminal behavior, that this criminal behavior differs from the criminal behavior of the lower socio-economic class principally in the administrative procedures which are used in dealing with the offenders, and that variations in administrative procedures are not significant from the point of view of causation of crime. The significant thing about white collar crime is that it is not associated with poverty or with social and personal pathologies which accompany poverty. Sutherland's argument is that there is only one definition of crime — the legal definition. Most of the controversy about Sutherland's contribution in this area has arisen because of the belief that he was trying to extend or change the concept of crime. The volume's principal argument is that the behavior it examines is crime because it is punishable by law. Procedural differences are not important if the offense is clearly prohibited by criminal law. Sutherland is asking that white collar offenses be included in the data analyzed by criminologists. White collar crime should be taken into consideration in the formulation and development of theories of crime and criminality. A wealth

of material in this book deals with the decisions of courts and administrative commissions against seventy large manufacturing, mining, and mercantile corporations. The analysis is concerned with such violations of the law as restraint of trade, misrepresentation in advertising, and infringements of patents, and copyrights. Also discussed are unfair labor practices, rebates, financial fraud and violation of trust, and violations of war regulations. The data suggests that "white collar crime" has its genesis in the same general process as other criminal behavior, namely, differential association. The hypothesis of differential association is that criminal behavior is learned in association with those who define such behavior favorably, and that a person in an appropriate situation engages in such criminal behavior if the height of favorable definitions exceeds the weight of unfavorable definitions. Donald R. Cressey comments on the impact of this book on criminological theory in the foreword.

35. _____ . White Collar Criminality. In Bersani, Carl A. Ed., Crime and Delinquency — A Reader. New York, MacMillan Co., 1970. p. 25-34. Reprinted from American Sociological Review, v. 5, no. 1: 1-12, February, 1940.

(NCJ-10186)

This classic essay on white-collar crime, written in 1948, sought to disprove the theory that criminal behavior is due to conditions associated with poverty. The reasons for the perpetuation of this fallacy are explored. Sutherland contends that the data used by criminologists to formulate the theory that crime is poverty-linked are limited since the data are gathered from criminal and juvenile courts which deal principally with criminals of lower economic status. He presents an alternative hypothesis to explain white-collar crime, i.e. that such criminal behavior is learned by a process of differential association. Thus, the kind of criminal one becomes is largely dependent on one's associations. The factor which differentiates white-collar criminality from lower class criminality is the process within the criminal justice system which segregates white-collar criminals administratively from other criminals.

36. TAPPAN, PAUL W. Who is the Criminal? In Geis, Gilbert, Ed., White-Collar Criminal—The Offender in Business and the Professions. New York, New York, Atherton Press, 1968. p. 365-375.

(NCJ-39165)

This paper considers a few of the schisms of thought relating to the definition of "crime" and "criminal", with particular reference to "white collar crime". The author maintains that the "white collar criminal", the violator of conduct norms, and the antisocial personality are not criminal in any sense meaningful to the social scientist unless they have violated a criminal statute, and that they cannot be known as such unless they have been properly convicted.

37. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Background Paper on White Collar Crime — Considerations of Conceptualization and Future Research. Susan Shapiro. Washington, D.C.

(NCJ-39520)

This paper explores the conceptual history of white collar crime, proposing distinctions that might alleviate confusion on its usage, and outlines an agenda of research problems and theoretical issues. It considers the delimitation of

offenses considered to be white collar on the basis of attributes of the actor, attributes of the enactment of the illegality, the social relationship between victim and offender, the beneficiary of the illegality, and empirically observable differences between illegalities and their perpetrators that are encountered by agencies of social control. Many of these conceptualizations are found deficient primarily because of imprecision and impracticality as operational definitions. Other criticisms focus on the use of social criteria as meaningful classifications of illegalities. Difficulties in reliance upon notions of legitimacy, problems with criteria that pertain to intent or purpose, and the confusion between persons and supra-individual entities. Two types of white collar crime are then delimited - transactional property violations in which the means by which property is secured is proscribed (transactional violations) and those in which transactions are proscribed because they are thought to victimize third parties (violative transactions), the discussion then turns to methodological problems in the study of white collar crime. Various substantive issues, ranging from the social organization of white collar crime and its regulation to the intelligence and sanctioning of white collar crime, its normative dimension, and its victims, are also explored. An 11 page bibliography is provided.

38. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Nature, Impact and Prosecution of White-Collar Crime. By Herbert Edelhertz. Washington, U.S. Government Printing Office, 1970. 77 p. (NCJ- 4415)

Concern with street and organized crime has diverted public resources from white-collar crime, which is viewed as being socially destructive and costly. Detection of white collar crime is hindered by the operative structure of such crime. By its nature, it is nonphysical, covert, and not immediate in impact. While monetary impact may be measurable, the social, physical, and psychological costs are found to be incalculable because white-collar crime is deeply interwoven in the economic structure of society. Prosecution has required longer, more sophisticated and complicated investigations and trials. This, in addition to light sentences and fines, has tended to discourage increased prosecution. Such evaluations lead to the concluding legislative recommendations, which will hopefully deter such crime by increased penalties and provide additional relief for victims.

39. U.S. PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE. Task Force Report: Crime and its Impact - An Assessment. Washington, U.S. Government Printing Office, 1967. 220 p. (NCJ- 494)

The urban crime problem is analyzed in a number of research studies and consultant papers. This volume makes use of the results of three major public surveys to examine the problem of unreported crime, public attitudes toward crime and law enforcement, the characteristics of victims and victim-offender relationships, and a variety of other crime problems. Chapters are devoted to the special problems of the economic burden of crime, white collar crime, riot control, and an appraisal of the current national system of statistical accounting on crime and criminal justice matters. The chapter on white collar crime focuses on the extent and scope of the problem, the costs of white collar crime to the public, and the effectiveness of criminal sanctions in dealing with

this type of criminal. Background papers from the Antitrust and Tax Divisions of the U.S. Justice Department follow the chapter. They relate the experience of these divisions in prosecuting white collar criminals.

40. UNIVERSITY OF CALIFORNIA. Institute of Governmental Studies. White Collar Crime — A Bibliography. Dorothy C. Tompkins. Berkeley, California, 1967. 85 p. (NCJ- 7166)

This annotated bibliography of publications dealing with white collar crime and protection of the consumer against sharp and illegal practices was compiled in 1967. Approximately half of the document is devoted to illegal and sharp practices of legal professions and businesses. Examples of the illegal practices are in the areas of baby brokers, charitable solicitation, debt adjusters, land sales, television practices, and truth in lending. An index by author and subject is provided.

41. White-Collar Rip-Off (Motion Picture). Films Incorporated Distribution Center. Made by NBC News, Inc., 1975. 48 min., color, 16 mm. (NCJ-34613)

This National Broadcasting Company (NBC) news documentary deals with what "white collar crime" is, the different types of white collar crime, and its effects on prices paid by individual consumers and business morality. This film covers employee theft, shoplifting, bribes and kickbacks, medical fraud, insurance fraud, embezzlement, and computer crime. Representatives of employer protective services, security specialists, businessmen, and convicted offenders discuss the extent and nature of these crimes, how they are committed, why they are committed, how easy they are to "get away with", and the low prosecution and conviction rates for white collar criminals. Also examined are school, government, public, and institutional reactions to the growth of white collar crime and the de-emphasis of integrity and ethics in business.

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42. BALL, HARRY V. and LAWRENCE M. FRIEDMAN. The Use of Criminal Sanctions in the Enforcement of Economic Legislation. A Sociological View. In Geis, Gilbert, Ed., White Collar Criminal — The Offender in Business and the Professions. New York, New York, Atherton Press, 1968. p. 410-432. (NCJ-39156)

The effect of legal regulation on the conduct of business and businessmen and the relationship of regulations to the prevailing morality are explored. Possible implications of this relationship to the use of criminal sanctions are also considered. This inquiry assumes that there are no pure "economic crimes". A distinction is also drawn between the authorization to invoke criminal sanctions and their selective application. Empirical evidence, it is asserted, tends to show that moral approval by the regulated is not a necessary condition of general compliance. It is also maintained that general compliance does not of itself mean that application of criminal sanctions is an appropriate technique to ensure achievement of the social ends underlying given regulations with maximum efficiency. Since it may actually impede the attainment of the ends supported by public policy and morality. In addition, it is suggested that the morality or immorality of proscribed conduct has little to do with whether the law labels the conduct criminal or leaves enforcement in private (administrative) hands.

43. BRODSKY, EDWARD. Self-Incrimination in White-Collar Fraud Investigations: A Practical Approach for Lawyers. Criminal Law Bulletin, v. 12, no. 2: 125-139. March-April, 1976. (NCJ-34469)

The author, an attorney with both prosecution and defense experience, explores the question of the insulation of third-party documents from the government in white collar fraud investigations. Various defense strategies are discussed, as well as conflicting court decisions. The author concludes that the best way in which to take full advantage of the self-incrimination with respect to third-party documents is on a bare record, with no explanation of possession offered to the court.

44. BUREAU OF NATIONAL AFFAIRS. White-Collar Justice — A BNA (Bureau of National Affairs) Special Report On White-Collar Crime. United States Law Week, v. 44, no. 40. April, 1976. (NCJ-35445)

This assessment of evolving enforcement initiatives directed against white collar crimes focuses particular attention on bribery, tax evasion, securities fraud, and antitrust. Definitions of white collar crime formulated by the justice department and state and federal law enforcement officials are explored and the annual costs of these crimes to the American public are estimated. Increased investigations and prosecutions are discussed, and the use of a computerized complaint index in the Los Angeles area is described. Sentencing disparity in white collar convictions is analyzed. Two studies by a prisoner and by a prosecutor are summarized. Alternative sentencing methods devised by judges in specific cases are reviewed. A selected bibliography on white collar crime literature is included.

45. CAREY, MARY and GEORGE SHERMAN. A Compendium of Bunk and How to Spot a Con Artist — A Handbook for Fraud Investigators, Bankers, and Other Custodians of the Public Trust. Springfield, Illinois, Charles C. Thomas Co., 1976. 213 p. (NCJ-30329)

The wide range of fraud practiced by confidence men, from the common pigeon drop to more sophisticated schemes involving shell corporations and forged securities is discussed. Esoteric swindles such as the money blessing are discussed, as are common consumer frauds which are frequently regarded simply as bad business, insurance and investment swindles, carnival cons, mail order frauds, credit schemes and "hot" merchandise are among the numerous other types of fraud and confidence tricks dealt with in this volume. Also included is a chapter on the continual devising of new ways to con the unsuspecting public. This book is based on interviews with law enforcement officials and attorneys in several parts of the country. Prototype case histories are included, all of them based on actual cases from police files. Intended as a primer for police officers, this book will also be of interest to lawyers, bankers, insurance companies and others charged with the responsibility of handling money in large or small amount, the need for good public information programs is stressed as are the advantages of cooperation between civil attorneys and municipal, county and federal investigative offices.

46. CRONIN, CLINTON E. and MICHAEL E. HURD. New Jersey's Blueprint For Training Prosecutors and Investigators. The Prosecutor, v. 11, no. 5: 360-363. June, 1976. (NCJ-34680)

The development of the New Jersey Economic Crime Investigation and Prosecution Training Program is outlined in this article which also describes the courses and topics covered in the training sessions. In view of the growing problem of economic crime, New Jersey undertook an evaluation of the laws, equipment, and personnel available for dealing with these crimes. It was determined that a major problem was the lack of a sufficient number of investigators and prosecutors who understood the nature of these crimes and the methods of handling these cases. A training program for these personnel was thought to be a solution to this problem. As a result, New Jersey, with aid from a LEAA grant, designed a prosecutor and investigator training program. The planning and development of this program are outlined. A pilot training program was developed and conducted in the spring of 1973. Results of the pilot program were used to develop the current program. That program, which is ten days in length, consists of the following topics: An outline of business and accounting methods and procedures; instruction on the financial information sources available; and an overview of government activity in the state of New Jersey.

47. CURNOW, DAVID P. Economic Crimes: A High Standard of Care. Federal Bar Journal, v. 35, no. 1: 21-33. Winter, 1976. (NCJ-37539)

The author reviews the case law involved in the evolution of standard of criminal intent in economic crime situations, and presents guidelines for attorneys advising businessmen. It is noted that the convictions of the auditor defendants in what are commonly known as the "national student marketing" and the "equity

funding" cases, and the affirmance of a conviction in the former case emphasize what has been the gradual evolution of a federal standard for proof of criminal intent in economic crime cases. This standard lies between the gross negligence standard and the federal common law definition of "willfulness" or criminal intent. In both the cases mentioned above, the juries were instructed to find criminal intent or willful conduct if they found a defendant had "deliberately closed his eyes to the obvious" or "recklessly stated as facts matters of which he was ignorant." The author lists the various conditions under which the federal courts have held that an economic crimes defendant had the requisite criminal intent, and reviews recent case law on such economic crimes. Finally a checklist for business lawyers is presented which lists the signs which may indicate the presence of fraud or the need for corrective action. The appendices present pertinent portions of the jury instruction or opinion in the "national student marketing" and "equity funding" cases, and in a mail fraud case.

48. FITZPATRICK, CHRISTOPHER. Securities Law Rule — 10B-5 — Compliance with Generally Accepted Accounting Principles Will Not Insulate Accountants from Civil Liability for Fraud. *Herzfeld v. Laventhol, Krekstein, Horwath and Horwath (SDNY 1974)*. Catholic University Law Review, v. 24, no. 2: 343-352. Winter, 1975. (NCJ-19746)

Section 10B-5 of the Securities Exchange Act of 1934 protects investors against fraudulent or misleading practices employed by any person "in connection with the purchase or sale of any security." In *Herzfeld*, the court held that an accountant was liable under rule 10B-5 for issuing false and misleading financial statements despite compliance with generally accepted accounting principles. This note concerns itself with the demise of generally accepted accounting principles as a standard of professional due care and with the district court's conclusion that the plaintiff relied on Laventhol's audited report in making his investment decision. Relevant case law is cited to illustrate the inconsistent treatment which the "generally accepted accounting principles" standard of conduct has received from the courts. The author suggests that the court's conclusion that reliance was established is a tenuous one since Herzfeld only relied on the audited report in deciding whether to take advantage of a refund offer and not in his original investment. He also points out that the rejection of the "generally accepted accounting principles" standard could radically change the role accountants may be willing to play in investment audits.

49. FLORIDA BUREAU OF CRIMINAL JUSTICE PLANNING AND ASSISTANCE. Florida - Securities Fraud Detection Unit — Final Report. Gerald W. Oliver. Tallahassee, Florida, 1976. 25 p. (NCJ-32575)

The unit has been attacking land securities fraud five ways: Through civil, criminal, and administrative proceedings, a state wide public awareness program, and proposals for remedial legislation. The legal operation of a land sales company that wants to offer corporate notes to the public is contrasted with the illegal offering of such notes. In prosecuting such cases, the state seeks permanent injunctions against the sale of promissory notes and the disgorgement of the ill-gotten gains of the transactions from corporate directors, officers, brokers, and salesmen.

50. FLYNN, JOHN J. Criminal Sanctions Under State and Federal Antitrust Laws. Texas Law Review, v. 45, no. 7: 1301-1346. October, 1967. (NCJ-39749)

The history and use of jail sentences and criminal fines are examined along with the myths and presumptions that have grown up around these controversial antitrust remedies. Criminal antitrust prosecutions have been attacked on three grounds - that the antitrust laws are too vague for the imposition of criminal penalties upon violators; that the degree of moral turpitude found in the average antitrust violation does not justify the punishment involved in branding an individual a criminal; and that the assessment of responsibility for a violation is all but impossible because of the size and complexity of the modern corporation. However the risk of criminal liability for venturing into a practice subsequently condemned as violative of antitrust policy is substantially mitigated by the Department of Justice Antitrust Division policy of reserving criminal sanctions for clear-cut violations. Moreover, antitrust violations do contain an element of moral wrong, and those violating antitrust laws should be held to a high degree of responsibility in view of the certainty of standards in many areas of antitrust regulation, the availability and use of well-trained counsel by many of those indicted for antitrust violations, and the high degree of intelligence, education, and social background of the normal antitrust violator. Federal enforcement officials have, in addition, increased their efforts to assess criminal liability upon corporate officers, directors, and agents where they have authorized, ordered, or done any of the acts constituting in whole part the corporation's violation of the antitrust laws. Therefore, it is recommended that federal antitrust regulation be enforced primarily by criminal sanctions: That federal officials limit criminal enforcement to per se and other types of violations which are predatory, willful, or amount to economic racketeering; and that the use of jail sentences be retained for particularly flagrant antitrust violation. The case for criminal sanctions in state antitrust statutes is even stronger since local violations are usually clear-cut per se violations by small business entities, making the task of assessing individual responsibility less difficult and the deterrent value of sanctions more effective. Appended materials include tabular data on the disposition of cases brought by the Department of Justice and on the remedies available under state antitrust statutes.

51. GEIS, GILBERT. Criminal Penalties for Corporate Criminals. Criminal Law Bulletin, v. 8, no. 5: 377-392. June, 1972. (NCJ-28633)

This article offers several arguments to support the author's contention that the most effective deterrent for corporate criminals is the imposition of criminal penalties on executives who knowingly commit offenses. It was noted that corporate offenders tend to be particularly responsive to penal sanctions, and it was suggested that class bias plays a large role in keeping such offenders out of prison. The article further argued that corporate crime accounts for more death, injury, and deprivation than the traditional crimes now punished by imposition of criminal sanctions. It was noted also that corporate crimes probably create a cynicism and general social malaise far more serious for the well-being of the country than the consequences of the kinds of events that make up the usual statistical summaries of crime. Finally, it was pointed out that evidence exists for the view that public opinion favors social policies aimed at inflicting upon corporate criminals the kinds of criminal penalties they deserve.

52. _____ . Detering Corporate Crime. In Reasons, Charles E.. Ed., Criminologist — Crime and the Criminal. Santa Monica, California, Goodyear Publishing, 1974. p. 246-260. (NCJ-40333)

Since the public cannot be armed adequately to protect itself against corporate crime, those law enforcement agencies acting in its behalf should take measures sufficient to protect it. High on the list of such measures should be an insistence upon criminal definition and criminal prosecution for acts which seriously harm, deprive, or otherwise injure the public. The first prerequisite for imposing heavier sanctions on corporate criminals involves the development of a deepening sense of moral outrage on the part of the public. A number of possible strategies involve widespread dissemination of the facts, incessant emphasis on the implications of such facts, and the promotion of methods by which the situation can be improved. Alternatives to imprisonment suggested as sanctions against corporate criminals, while perhaps less effective as deterrents, possess the advantage of being more likely to be implemented. They include the utilization of corporate resources to make atonement for crimes committed, the levying of heavy fines which would disgorge the corporation of its illegal profits, and the barring of convicted violators from employment in the industry for a stipulated period of time.

53. GLICK, RUSH G. and ROBERT S. NEWSOM. Fraud Investigation — Fundamentals for Police. Springfield, Illinois. Charles C. Thomas Co., 1974. 347 p. (NCJ-14905)

Techniques and principles for effectively controlling and handling a fraud investigation are presented. R.G. Glick and R.S. Newsom explore the trilogy of fraud, the three-sided geometric analogy of false pretenses, trick and device, and embezzlement. These crimes of theft are the total basis of fraud, all other forms are mere modifications. A structured approach to each situation is presented giving basic points to be covered in a step-by-step process. Witnesses, statements, documentation, physical evidence and legal principles are these basic points which make up the final product presented for prosecution. Certain areas of study are included which in the past have not been normally a part of the general study of investigation in the police science curriculum. One of these is accounting, presented in simplified form as it applies to embezzlement (source and application of funds) and insurance frauds. Another is public records, a source of information frequently overlooked or ignored by investigators whose experience has been limited to burglary, robbery, and crimes of violence. Forgery and related offenses are examined and methods of classification, both manual and computerized, are discussed at length. Consumer and medical frauds, burgeoning problems which no longer can be ignored, are analyzed and methods of investigation are discussed. Included is the working relationship and joint responsibilities of police and regulatory agencies. The increase in real estate and corporate investment frauds with their interstate complications are discussed as to the interest and responsibility that a police agency has in such crimes. The type of evidence needed and the methods to develop it are examined along with sociological concepts and the resulting effect upon the community.

54. HYLAND, WILLIAM F. **Combatting Official Corruption in New Jersey: Deterrence and Detection.** The Criminal Justice Quarterly, v. 3, no. 4: 164-169. (NCJ-31651)

The different methods employed by the New Jersey Attorney General's Office in the deterrence, detection, and prosecution of official corruption are outlined. Legislation established the Attorney General as the chief law enforcement officer in the state, putting at his command the resources of the state police and a corruption control unit. Anti-trust litigation and civil suits have been shown to be effective weapons, against both corrupt officials and individuals who solicit public corruption. Additional crime deterring and fighting tools are the campaign contributions and political candidate disclosure laws.

55. INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE. **Economic Crime — Training Key 240.** 1976. 5 p. (NCJ-35770)

A training guide for patrol officers, describing the nature and common types of economic crimes — defined as a consumer related offenses and crimes, such as fraud and forgery, that are perpetrated against commercial interests. The criminal methods involved in these crimes are described and proper patrol investigative procedures are outlined. Specific types of crimes covered include consumer fraud, commercial fraud, home improvement fraud, fraudulent collection practices, charity fraud, and frauds by door-to-door salesmen.

56. KADISH, SANFORD H. **Some Observations on the Use of Criminal Sanctions in Enforcing Economic Regulations.** In Geis, Gilbert, Ed., White Collar Criminal - The Offender in Business and the Professions. New York, New York, Atherton Press, 1968. p. 388-409. (NCJ-39167)

Outlined are special characteristics of economic regulatory legislation relevant to the use of the criminal sanction and their implications for effective use of the criminal law. The kind of economic regulations examined are those which impose restrictions upon the conduct of business as part of a considered economic policy. The relevance of the interest protected, the behavior regulated, and the contemplated role of the criminal penalty are discussed in terms of three major problems — the problem of defining the proscribed conduct, the problem of corporate criminality, and the problem of moral neutrality. The issues of fundamental fairness and retention of the vitality of the criminal law prompt consideration of two uses of the criminal sanction which go beyond the goal of enforcing the specific regulatory norm. They are the loosening of minimum requirements for culpability in the name of enforcement efficiency and the criminalizing and punishment of behavior that does not generally attract the sentiment of moral reprobation.

57. KWAN, QUON Y. and PONNUSAMY RAJESWARAN. Role of Criminalistics in White-Collar Crimes. Criminologist, v. 7, no. 24: 12-33. Spring, 1972. (NCJ- 4996)

A survey of the application of scientific methods in the detection of insurance fraud, tax evasion, false advertising and food and drug violations is presented. The author suggests that criminalistics should be a multi-disciplinary coordination of the natural sciences engaged in the administration of both civil and criminal justice the contributions forensic scientists have made in such areas as detecting improperly labeled textiles and drugs, and in identifying improper classifications of goods by importers who wish to avoid taxes are reviewed.

58. MASSACHUSETTS LEGISLATIVE RESEARCH COUNCIL. The Commonwealth of Massachusetts — Legislative Research Council — Report Relative to Commercial Bribery, House No. 5533. Boston, Massachusetts, 1975. 40 p. MICROFICHE (NCJ-29962)

This report discusses the crime of commercial bribery with regard to Massachusetts, and other state laws. In addition, the report examines prosecution problems relative to this offense and recommendations made by legal scholars and social scientists regarding ways of strengthening the deterrent effects of the commercial bribery statutes. Suggested deterrents to commercial bribery include the increased use of jail sentences; the awarding of damages equal to potential gains and losses; revocations of state licenses or sanctions by professional organizations for convicted offenders; and equalization of commercial bribery with larceny penalties, because the effects are identical.

59. MATHEWS, ARTHUR F. and WILLIAM P. SULLIVAN. Criminal Liability for Violations of the Federal Securities Laws: The National Commission's Proposed Federal Criminal Code, S. 1, and S 1400. American Criminal Law Review, v. 11, no. 4: 883-958. Summer, 1973. (NCJ-16067)

The weaknesses and strengths of the National Commission on Reform of Federal Criminal Laws' Proposed Code on securities laws are examined. The National Commission's Proposed Code is considered to needlessly eliminate all existing felony deterrence under the 1934 Act. It is said that while S. 1 (Senate Bill 1), 93d Congress, preserves the needed felony sanctions under all the statutes, it does so only through implementation of a regulatory offense mechanism embracing violations outside the code itself and containing highly refined culpability gradations novel to federal law. S. 1 is also said to provide a flexible new sentencing system. The administration Bill, S. 1400, 93d Congress is deemed to contain the best treatment of securities offenses. Felony deterrence is considered preserved under all the statutes, along with the achievement of consistency between similar provisions in each of the statutes. The commission's goal of having all federal felonies specifically enumerated in the code itself is considered accomplished. In the view of the authors, the new federal criminal code should combine the substantive provisions of L. 1400 with the more flexible fining and imprisonment provisions contained in S. 1.

60. MILLER, Edwin L. Land Fraud Prosecutions. Crime Prevention Review, v.1, no. 3: 21-27. April, 1974. (NCJ-37016)

This article discusses theories of prosecution, techniques in obtaining essential evidence, and methods of proving specific misrepresentation for local and state prosecuting agencies. The article shows how the local prosecuting agency can, without expending large sums of money, develop a land fraud case of regional importance. By utilizing local agencies to assist in the preparation of the case, by utilizing public agencies in the state where the land is located, and, perhaps, by utilizing aerial photography, the prosecutor will find sufficient information.

61. MITCHELL, LARRY H. "Willfulness" in Federal Income Tax Evasion: United States v. Bishop and the Proposed Federal Criminal Code. American Criminal Law Review, v. 12, no. 2: 381-400. Fall, 1974. (NCJ-26441)

The federal case law which has given rise to confusion concerning the meaning of "willfulness" in tax evasion is examined, with a discussion of the 1973 Supreme Court decision which attempted to clarify this issue. The federal tax misdemeanor and felony statutes employ the word "willfully" as the element of intent required for conviction. For many years, the courts have had considerable difficulty in defining this term. Four court cases in which an attempt was made to define "willfully" are explored. The Supreme Court decided in United States v Bishop (1973) that "willfully" does in fact require the same high degree of mens rea in both felony and misdemeanor tax cases. This decision also effectively precluded a defendant from being permitted to instruct the jury on a lesser-included-tax-offense where willfulness is the only disputed element of the crime charged. The proposed federal criminal code dealing with tax crimes are briefly discussed. This recodification would replace "willfully" with two new culpability standards, "intent to evade" and "knowingly."

62. NATIONAL ASSOCIATION OF ATTORNEYS GENERAL. Committee on the Office of Attorney General. Land and Condominium Sales Regulation. Christopher M. Wyne. Raleigh, North Carolina, 1975. 82 p. (NCJ-35362)

State legislative and regulatory responses to land and condominium sales fraud is described. Emphasis is on both the state's and the state attorney general's role in enforcing these laws. Reference is provided to existing legislative, regulatory, and enforcement activities and proposed legislative responses are outlined. Novel applications of state unfair and deceptive trade practices statutes to land sales and lease issues are highlighted. A digest of reported and non-reported court decision is also appended.

63. _____ . Committee on the Office of Attorney General. Legislative Approaches To Campaign Finance, Open Meetings and Conflict of Interest. William A. Barnes. North Carolina, 1974. 82 p. (NCJ-17460)

A survey of state and federal laws in these three areas is presented. The review of election and campaign reform statutes covers public financing of elections. Limits on campaign contributions and expenditures, reporting requirements, and enforcement of campaign reform legislation. In addition, state open meetings

laws are discussed and their individual provisions are compared. The discussion of conflict of interest laws considers legal provisions on public disclosure of financial interests, restraints on self-dealing, penalties, and monitoring and enforcement procedures. The appendices contain an outline of key provisions of the Federal Campaign Act Amendment of 1974, a copy of the Tennessee Open Meetings Law, and the California Disclosure Statute.

64. _____ . Committee on the Office of Attorney General. State Antitrust Laws and their Enforcement. Patton G. Wheeler. Raleigh, North Carolina, 1974. 86 p. (NCJ-39748)

This overview of state activity in 39 U.S. jurisdictions is intended primarily to assist those Attorneys General's offices which are initiating active antitrust enforcement programs. It is also directed at those programs proposing the enactment or amendment of antitrust legislation. Each state's major antitrust or antimonopoly laws are cited and discussed along with the extent and nature of parens patriae powers and legislation. Antitrust budgets and staffs, areas of state activity, and enforcement procedures, renewed interest in and emphasis on antitrust enforcement is evidenced in state efforts to draft and obtain the enactment of legislation in growths in funding procurement activities, and in increased antitrust investigations and suits. A model antitrust act prepared by the Pennsylvania Office of the Attorney General is appended.

65. _____ . Committee on the Office of Attorney General. State Regulation and the Antitrust Laws — Conflicting Roles for Attorneys General. Ben A. Rich. Raleigh, North Carolina, 1975. 25 p. (NCJ-35335)

The origin and rationale of legal doctrines designed to reconcile potentially anti-competitive regulations and the anti-trust laws are analyzed. The report also discusses governmental activity intended to review regulatory schemes in light of the anti-trust laws and, when appropriate, to bring regulation in line with those laws. Emphasized are state regulation and the role of the attorney general in harmonizing this regulation with the anti-trust laws. An outline of the history of the state regulation defense is included, along with a discussion of the doctrine of primary jurisdiction (whether a court ought to be brought into the regulatory process, and if so, at what stage and in what capacity).

66. NATIONAL DISTRICT ATTORNEYS ASSOCIATION. Economic Crime Project — First Annual Report, 1973-1974. Washington, 1974. 146 p. MICROFICHE (NCJ-28030)

The accomplishments of the National District Attorneys Association (NDAA) Economic Crime Project are reviewed. Problem areas of the project are analyzed. This federally funded project was one of the first to be subsidized for the purpose of investigating and prosecuting economic crime project facilities and staff, the organization of the field offices, the project fiscal administration, the project conferences, and the communications and liaison activities of the project are outlined. Extensive data tables indicating the demographic characteristics and economic crime indicators for the project's jurisdictions are provided. Recommendations are made for each of these major areas of discussion.

67. Fighting the \$40 Billion Rip-Off: An Annual Report From the Economic Crime Project. Washington, 1976. 77 p. MICROFICHE (NCJ-34544)

This project involves a total of 536 attorneys, investigators, paralegals, and administrative support personnel. This report contains a discussion of project organization, activities, informational and publicity materials distributed, project efforts in organizing and managing economic crime units for non-participating district attorneys, liaison with federal, state, private, and other local agencies, and the public awareness and education program. Project-wide statistics on program activities, staff, and inter-office contacts are also compiled and explained. In addition, the individual organization and activities of each of the 41 units are described and the statistics compiled by that unit summarized. The appendix contains a list of the jurisdictions, district attorneys, and unit chiefs of the 41 field offices, a list of the staff of the Economic Crime Project Center in Washington, D.C., and copies of the standards for project associated offices and the agenda for the unit chief quarterly conferences.

68. NORTHWESTERN UNIVERSITY SCHOOL OF LAW. Reporting Illegal Gains as a Taxable Income — A Compromise Solution to a Prosecutorial Windfall. Northwestern University Law Review, v. 69, no. 1: 111-142. March-April, 1974. (NCJ-14661)

Since income from unlawful activities is taxable, there is a conflict between the requirement that it be reported and the privilege against self-incrimination, which might be resolved by a judicially-imposed "use" restriction. Where disclosure is incriminating and no statutory immunity is available, it seems appropriate for the court to utilize the use restriction as a compromise between the colliding interests. Under the current constitutional doctrine proposed in *Kastigar*, a use restriction requires the government to demonstrate that evidence introduced in a criminal prosecution was obtained from sources completely independent of the compelled disclosure. Within the context of the income tax, this creates no great burden on the government and provides the taxpayer with necessary protection. By the creation of such a use restriction, the basic revenue-raising and uniformity purposes of the tax will be reconciled with the essential values of the privilege against self-incrimination. Such an analysis actually goes beyond a balancing approach and creates a compromise to a "prosecutorial windfall under which relief is provided from the necessity of choosing between complete protection and no protection at all."

69. OGREN, ROBERT W. Ineffectiveness of the Criminal Sanction in Fraud and Corruption Cases — Losing the Battle Against White-Collar Crime. American Criminal Law Review, v. 11, no. 4: 959-988. Summer, 1973. (NCJ-16068)

Investigations, convictions, and sentencing of con men, public officials and businessmen are not commensurate with the extent and seriousness of the economic crimes in which they are involved. It is held that prosecuting white-collar crime at the prevailing level and fashion will not effect reform or establish a believable threat leading to deterrence. A massive infusion of investigative and prosecutive resources proportionate to the problem is recommended. A revision of fraud and corruption statutes to provide for the possibility of

substantially increased fines and prison sentences in serious cases is urged. It is further proposed that a major education effort be directed at judges, prosecutors, investigators, and legislators to make clear to them the vital role each must play in stemming white collar crime. Suggestions for undercover investigative methods for particular target crimes are included.

70. RAY, Frank A. Selling Funding of a Prosecutor's Economic Crime Unit with Local Officials. The Prosecutor, v. 11, no. 6: 444-446. 1976. (NCJ-35300)

This proposal is suggested for use as a guideline by district attorneys needing appropriations from local governments to establish economic crime units. The written proposal includes outlines of unit goals, expenditures, and personnel assignments. It describes economic crime and its impact.

71. SEATTLE LAW AND JUSTICE PLANNING OFFICE. Seattle — Consumer Crime Prevention Project — Evaluation, November, 1973 to June 1975. Doris Lock and Kenneth E. Mathews, Jr., Seattle, Washington, 1975. 27 p.
MICROFICHE (NCJ-30291)

The Seattle Consumer Crime Prevention Project serves a two-fold purpose — to educate the public on business fraud, and to prosecute (either administratively or criminally) violations that are reported to it. An administrative investigation and prosecution results in a suspension or revocation of a business license. Among the types of data collected and reported are the number of cases investigated and/or prosecuted; the number of arrest warrants, felony charges, and misdemeanor charges; the number of case convictions, cases dismissed, and cases pending; the number of license suspensions/revocations. All these data are compared internally, i.e. to five four-month periods over which the project has been operating.

72. SEYMOUR, WHITNEY N. Fighting White Collar Crime — A Handbook on How to Combat Crime in the Business World. New York, New York, Office of the Attorney for the Southern District of New York, 1972. 64 p. (NCJ-9493)

The U.S. Attorney's Office of the Southern District of New York prepared this handbook to inform the business community and the public of the various forms of white collar crime, listing ten steps businessmen can take to combat white collar crime. Further understanding of the subject is facilitated by summaries of a number of indictments and trials of white collar crime cases in the Southern District of New York. The modus operandi of different types of white collar criminals, such as those involved in Ponzi games and securities frauds, are also outlined.

73. STEELE, ERIC H. The Dilemma of Consumer Fraud: Prosecute or Mediate. American Bar Association Journal, v. 61, 1230-1234. (NCJ-30200)

Consumer fraud agencies are said by the author to be engaged primarily in the mediation of disputes between consumers and businesses, rather than the

identification and prosecution of fraudulent businesses. This is said to be the result of a gradual goal displacement, several reasons for which are offered. The author concludes that dispute mediation is a valid and constructive activity, but that the data available from consumer complaints must be used more effectively as the basis for investigation and prosecution.

74. U.S. CONGRESS. Senate Subcommittee on Administration of Internal Revenue Code. Role of the Internal Revenue Service in Law Enforcement Activities — Hearings Before the Senate Subcommittee on Administration of the Internal Revenue Code, December 1 and 3, 1975, and January 22, 1976. Washington, U.S. Government Printing Office, 1976. 351 p. (NCJ-37309)

Testimony and other materials on the extent to which the special authority granted to the Internal Revenue Service for tax collection purposes should also be utilized in peripheral or nontax-related federal criminal inquiries, particularly where organized crime or white collar crime is involved. The types of law enforcement authority considered include the right to conduct noncourt-ordered searches and seizures and the right to administratively summon taxpayer and third party records. Witnesses included the Commissioner of Internal Revenue, Donald C. Alexander, and the Attorney General of the United States, Edward H. Levi. A study of Internal Revenue Service participation in an organized crime strike force is appended.

75. U.S. DEPARTMENT OF JUSTICE. Criminal Division. General Crimes Section. Securities Unit. Let's Blow the Whistle on the Securities Game. American Bar Association Journal, v. 60, 461-464. April, 1974. (NCJ-25580)

The use by criminals of stolen and counterfeit securities is reviewed and the activities of a new unit in the Department of Justice in combatting them are described. In order to increase its effectiveness in combatting this problem, the Criminal Division of the Department of Justice has created a unit — the Securities Unit — within the General Crimes Section, to deal exclusively with the use of stolen and counterfeit securities in violation of federal statutes. The operation of this unit falls within three areas: The co-ordination of investigative and prosecutive efforts involving offenses utilizing stolen and counterfeit securities; the maintenance of an intelligence data base on unlawful activity or persons dealing in stolen and counterfeit securities; and the development of programs and practices designed to prevent the theft and counterfeiting of securities and their subsequent use.

76. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. A Plan for Evaluation of the Financial Crimes Bureau of the Illinois Attorney General's Office. Michael D. Maltz. Springfield, Illinois, 1975. 27 p. MICROFICHE (NCJ-32055)

The Financial Crimes Bureau (FCB) is a special prosecution unit which handles cases concerning the statutory misappropriation of state funds (mostly tax violations) and consumer fraud. This report describes the operation and goals of the FCB, some of the difficulties associated with evaluating it and similar

economic crime units, and factors to include in evaluating the effectiveness of the FCB. Also outlined are the reporting system and procedures needed to obtain data for the evaluation. In addition, the uses to which the evaluation information can be put are described. A list of references is included. Sample data collection forms are appended.

77. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Economic Crime: A Prosecutor's Hornbook. Charles A. Miller. Washington, D.C. 1974. 95 p. (NCJ-13360)

Techniques for the effective investigation and prosecution of criminal fraud are presented. The legal definitions of fraud, false pretense, false representation, false promise, scheme to defraud, money and property are given. Brief examples of certain fraudulent schemes are cited together with the prosecutions successfully undertaken in each example category. Excerpts from significant court decisions bearing on points of law in fraud cases are quoted. The most frequently used defenses are also discussed. Rulings under the federal statute are used as points of reference. Also covered is the approach and strategy used by the fraud investigator in following-up a complaint. A five-page table is furnished of the cases, both federal and state, cited in this report.

78. Law Enforcement Assistance Administration. Final Report — American Bar Association — Section of Criminal Justice — Committee on Economic Offenses. American Bar Association. Washington, 1976. 74 p. (NCJ-39521)

This report documents the committee's efforts in formulating a working definition of economic crime, studying overall federal and state prosecutorial efforts and reviewing attendant problems such as sentencing. The committee identified problem areas by inviting individuals with experience in the economic crime area to present statements concerning specific issues. In addition, committee members were assigned problem areas to investigate and to report to the committee as a whole. An 88-item bibliography was also assembled to guide the committee's discussions. The efforts of nine federal agencies in the economic crime area are summarized along with those of state and local government and the private sector. Based on this study, the committee defined economic crime as "any non-violent, illegal activity which principally involves deceit, misrepresentation, concealment, manipulation, breach of trust, subterfuge, or illegal circumvention." In addition, ten recommendations with accompanying commentaries are detailed. It is recommended, among other things, that the federal government collect data from all its agencies having jurisdiction in the detection, investigation, or prosecution of economic crimes and that it consider establishing a case-weighting system to prioritize cases. Other recommendations include requiring annual compliance reports from all state and federal agencies with either a law enforcement or law inspection function, increased pretrial, reciprocal discovery in economic crime cases, and greater emphasis on punishing economic crime offenders following their conviction. The bibliography assembled by the committee is appended.

Law Enforcement Assistance Administration. Office of Regional Operations. The Investigation of White-Collar Crime — A Manual for Law Enforcement Agencies. Herbert Edelhertz. Washington, U.S. Government Printing Office, 1977. 325 p. (NCJ-40553)

This manual was developed for the use of those who investigate white-collar crime and related abuses, and to assist those who supervise and must interact with investigators in this field. It is designed to orient new organizations as to what must be done to successfully set up and operate an organization which investigates white-collar crime and to provide an inventory of strategies, tactics, and techniques which will help both new and already established organizations to improve and enhance the comprehensiveness of their operations. The organization of the manual goes from the general to the specific. First it deals with the basic issue of what white-collar crime is, why it is a proper area for law enforcement efforts, and what its impact is on individuals, business, and the general community. As part of this discussion, white-collar crime elements, characteristics, offender motivations, relationships to other crime areas, and remedies are discussed at some length — for the light they shed on both the justifications for and proper methods of responding to these crimes and the abuses related to them. From there the Manual goes on to discuss the kinds of organizations and organizational activities which have been found to be required to effectively deal with white-collar crime, and factors such as the form of organizational units, interfaces of unit activity within agencies and externally, personnel selection, and the role of intelligence in a white-collar crime enforcement effort. Having thus set the stage for action, the elements of white-collar crime are then analyzed for the purpose of showing how the investigator can identify and target the kinds of information and evidence he will need in order to construct his case. Once this is done it becomes relevant to go into detail as to how the investigator should proceed to obtain this information and evidence, for example by searches for documentation, finding and interviewing victims and witnesses, and interrogation of suspects. Also included in this section of the Manual is a discussion of computers, both as a tool used by the white-collar criminal in committing his crimes and as an investigative resource for use by the investigator to unravel and prove a case. The main part of the Manual concludes with a discussion of evaluation of white-collar efforts, not merely as a basis for judging success or failure but, more importantly, as an aid to setting goals and priorities, as a source of information for guiding and steering agency or unit operations and as a basis for resource allocation and budget justification. The Appendices are added for the purpose of providing more specific forms of expertise and assistance with respect to such matters as training investigators, readily identifying the sources of information needed in white-collar crime investigations, following financial trails, and directing the reader (by use of a selected glossary of white-collar crimes numerically keyed to an organized bibliography) to sources of further information on white-collar crime issues, victims and specific offenses.

80. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Prosecution of Economic Crime — San Diego and Seattle Fraud Divisions — Exemplary Projects. Peter Finn and Alan R. Hoffman. Washington, U.S. Government Printing Office, 1976. 163 p. (NCJ-31615)
Stock No. 027-000-00375-3

These LEAA exemplary projects, two highly successful efforts to curb economic crime activities, focus on investigation, prosecution and prevention. The individual programs are described, providing information on the goals, organizational structures, operations, costs, and results. Basic program similarities (distinct organizational and operational separation from the other divisions in the prosecutor's office, clearly defined program goals, highly qualified and experienced staff) as well as program differences (the effort devoted to individual consumer complaints, reliance upon other agencies for investigative assistance, size and cost of operations, methods for selecting cases) are emphasized. A discussion of suggested procedures for planning and operating a fraud program outlines several organizational issues which must be addressed in implementing an economic crime program. Funding and evaluation guidelines are also reviewed. The appendixes contain copies of project forms and a sample print-out from the San Diego Fraud Division which used a computer-based complaint filing system to identify persistent suspects and/or victims and to detect other patterns in criminal activity.

81. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Wisconsin — Public Corruption Control Unit — Statewide — Final Report. Bronson C. La Follette. Washington, 1976. 50 p. MICROFICHE (NCJ-34517)

This final report focuses on a project to investigate complaints of alleged corruption involving public funds or trusts in Wisconsin. In order to achieve project goals, a complaint investigation and screening procedure was initiated. The evaluation methodology was an in-house evaluation of the program by an evaluative review staff. Results of the project reveal that several successful prosecutions have come about as the result of project activities. Statistics relating to the unit's operation and a trial manual on misconduct in public office, are included. Types of offenses investigated include misuse of public funds, falsification of records, bribery, campaign finance violations, private interest in public contracts, employee theft, and embezzlement.

82. UNIVERSITY OF NORTH DAKOTA. Institute for the Study of Crime and Delinquency. North Dakota Attorney General's Office — Consumer Fraud Division — An Evaluation. Boyd C. Wright. Grand Forks, North Dakota, 1973. 99 p. (NCJ-15681)

This program investigated claims of fraud or misrepresentation in the sale or advertisement of merchandise. The Consumer Fraud Division kept several types of statistics including monthly logs of cases closed and monies recovered

for complainants. The evaluator has constructed 12 pages of tabular data on the types of complaints handled by the division and the various reasons for each class of complaint. An evaluation survey form was mailed to all police chiefs, sheriffs, and states attorneys in North Dakota. Responses indicated states attorneys as a group were the most aware of the existence and activities of the division, and had the most contact with it. The survey responses of the police chiefs and sheriffs indicated that there was a serious need of an information program for both law enforcement officials and the general public. Consumer education programs and printed literature had not been included in division activities due to a lack of funds. There was a lack of formal procedural guidelines, records, and progress reports. Cited was the lack of time, money, and personnel available to the division. The appendix contains a copy of the evaluation survey form and copies of the forms used by the Consumer Fraud Division.

CASE STUDIES

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83. CLARKE, THURSTON and JOHN J. TIGUE. Dirty Money — Swiss Banks, the Mafia, Money Laundering, and White Collar Crime. New York, New York, Simon and Schuster, 1975. 216 p. (NCJ-19182)

This book describes how illegally gained money or money intended for illegal purposes is hidden in secret accounts, has its real origin obscured, and is re-circulated. A guidebook to Swiss and tax haven banks, money washing, and financial crime describes in detail several dirty money schemes and techniques that have been investigated and discovered. The authors of this book are former employees of the United States Attorney's Office in the Southern District of New York.

84. CLINARD, MARSHALL B. The Black Market — A Study of White Collar Crime. Montclair, New Jersey, Patterson Smith, 1969. 409 p. (NCJ-15515)

The extent and nature of price and rationing violations by American businessmen, criminals, and average citizens during World War Two are described. This study emphasizes the black market activities relating to meat, gasoline, and rent. The author details, in the case of gasoline, the extensive collusion that existed between filling station operators and professional criminals who sold them stolen and counterfeit ration currency. How the government tried to control the black market and the mistakes it made are discussed. The average citizen's attitudes toward the black market are also described. The author offers some observations on the relative blame of government, business, and the public, and discusses the implications of these past experiences for future national emergencies. A large part of the data for this book was obtained from case records, field reports, and administrative orders during the three years the author worked with the Enforcement Department of the Office of Price Administration. The appendix contains a classification of price, rent, and rationing violations as of 1944. A bibliography is also included.

85. _____ . Criminological Theories of Violations of Wartime Regulations. In Geis, Gilbert, Ed., White-Collar Criminal — The Offender in Business and the Professions. New York, New York, Atherton Press, 1968. p. 71-87. (NCJ-39156)

Violations of the price and rationing regulations issued by the Office of Price Administration (OPA) during World War Two is discussed. Several possible explanatory or causal theories are analyzed. Emphasis is placed primarily on violations by wholesalers, retailers, and manufacturers. Analysis of OPA investigations, prosecutions, and sanctions showed wide-scale violations which could be classified into three main types — direct violations in the form of straight overceiling charges; indirect overceiling charges involving the use of evasive practices to cover up the violation and hamper detection; and violations of record keeping and reporting requirements. Theories advanced to explain this criminal behavior comprise situational reactions to pressures of profits, supplies, and different types of businesses, as well as Sutherland's theory of differential association. This theory implies that the person has acquired certain antisocial norms through association with other persons which predispose him to violate the law. Several limitations in Sutherland's position are noted, however, and it is concluded that there can be no single explanation of OPA violations. One area recommended for future examination, though, is the "life organizations" of the violators.

86. GARDINER, JOHN A. Politics of Corruption in an American City. In Geis, Gilbert and Robert F. Meier, Eds., White Collar Crime — Offenses in Business, Politics, and the Professions. New York, New York, Free Press, 1977. p. 212-221. (NCJ-40493)

This article catalogs acts of nonfeasance, malfeasance, and misfeasance by public officials in a city referred to as Wincanton, U.S.A. The extent and nature of illegal activities carried out by the mayor, police chief, and other high-ranking city officials are described in detail. These activities included bribery, kick-backs, graft, and the protection (for a fee) of vice and gambling. Resident surveys indicated that public awareness of the existence of this corruption was quite limited, with knowledge of specifics being available only after legislative hearings and the indictment of the police chief.

87. GEIS, GILBERT. White Collar Crime: The Heavy Electrical Equipment Antitrust Cases of 1961. In Bersani, Carl A., Ed., Crime and Delinquency — A Reader. New York, New York, Macmillan, 1961. p. 170-185. (NCJ-10197)

Early speculations about white collar crime are re-evaluated through an analysis of the antitrust violations in the heavy electrical industry. The facts of the 1961 antitrust violations and the techniques of the conspiracy are presented, and it is concluded that the practices involved were widespread. Several possible explanations for the price-fixing conspiracy are offered. The defendants themselves tended to place the blame in the structure of corporate pressures rather than in their own characters. Many of them did not view their behavior as "criminal" at all, but rather saw it as economically necessary or even beneficial. Earlier theories about white collar crime were substantiated, e.g. that learning and associational patterns are important causal factors, that national trade conventions are often sites of corporate criminal conspiracies, and that secure market arrangement is a major incentive to draw corporate executives into an antitrust conspiracy.

88. GEIS, GILBERT and ROBERT F. MEIER. White-Collar Crime — Offenses in Business, Politics and the Professions. New York, New York, Free Press, 1977. 356 p. (NCJ-40489)

A comprehensive overview of criminal activity in the upper echelons of American society is presented in this text. Bringing together 21 of the major classic and contemporary writings on white-collar crime, it contains a provocative array of studies of corporate offenses, consumer fraud, illegal practices in the professions, and political corruption. From the first significant sociological statements on white-collar criminality, including the paper which introduced the term "white-collar crime," to a contemporary account of "the World Behind Watergate," these essays explore why and how white-collar crime emerges, how prevalent it is, and how society reacts to and deals with it. The contributors offer empirical accounts, theoretical viewpoints, and opposing ideas about definitions of, and public policy toward, the white collar criminal. In addition, the editors' introduction and comments on the individual selections offer an historical and theoretical perspective on the sociological study of white-collar crime. A nine-page bibliography and an index are provided.

89. GROVES, HAROLD M. An Empirical Study of Income-Tax Compliance. In Geis, Gilbert and Robert F. Meier, Eds., White-Collar Crime — Offenses in Business, Politics, and the Professions. New York, New York, Free Press, 1977. p. 197-206. (NCJ-40492)

This study measured unreported residential rental income and failure to comply with tax obligations in one Wisconsin City. Classified by type of facility, the sample included 205 cases of multiple units, 63 cases of rooms, 48 cases of single unit structures, 8 of garages, and 11 of subletting. In the cases of multiple units, researchers found 182 cases and \$304,865 of estimated gross rent available for comparisons with tax returns. The eight cases totaling \$11,261 in which landlords reported no rental income when filing their income tax returns represented the clearest instance of noncompliance and amounted to nearly 4 percent of total estimated gross rent. The 23 cases for which no income tax returns were filed (totaling 25,686 in estimated rent) represented only eight percent of the total estimated gross rent. The remaining 151 cases (totaling \$257,917 in estimated rent) represented only three percent of the total estimated gross rent from all multiple-unit cases. Analysis of data on reported net income indicated that gross income was under-reported by 20 percent and that expenses were over-reported by 10 percent, resulting in a ratio of aggregate reported to aggregate estimated net rent of 51 percent.

90. HARTUNG, FRANK E. White-Collar Offenses in the Wholesale Meat Industry in Detroit. In Geis, Gilbert, Ed., White-Collar Criminal — The Offender in Business and the Professions. New York, New York, Atherton Press, 1968. p. 159-172.. (NCJ-39150)

A tentative and partial statement of some of the theoretical considerations presented in a study of wartime violations of Office of Price Administration (OPA) regulations are discussed. Part of a larger study of law and social differentiation, it considers (1) the objective basis on which white collar offenses are to be considered as criminal, (2) whether an act committed without deliberate intention is to be regarded as criminal, (3) the significance of white collar offenses for current criminological theories, and (4) a characteristic of these offenses which distinguishes them from usual crimes and which has special significance for the community. It is concluded that violations of OPA regulations in the preretail meat industry are criminal acts, in that they meet the criteria of formally defined, proscribed, and prescribed acts and of punishability. Willfulness or deliberate intent to violate is denied as essential in making a white collar offense a criminal act. In addition, it is noted that, at least in the wholesale meat industry, the commission of an offense almost always necessarily involved the commission of another similar offense by a different party, such as wholesalers raising prices to retailers who pay above ceiling prices and then overcharge consumers. A comment by Ernest Burgess and an accompanying rejoinder by the author centers about the question of whether white collar criminals who do not regard themselves as criminals and who are not so regarded by the public should be considered as such by persons involved in the study of criminal behavior.

91. **INTERNATIONAL CRIMINAL POLICE ORGANIZATION. Pyramid or Chain Referral Schemes. International Criminal Police Review, No. 288: 144-149. May, 1975. (NCJ-26399)**

This expose shows the inherently fraudulent nature of chain distributorship schemes, and the way they are organized and operated. Without having the inclination or the ability to market the goods that they are supposed to distribute, these white collar criminals rely on the selling of distributorships. The purchaser of a distributorship finds he can recoup his cash outlay by selling two or more distributorships. Unfortunately, the number of distributorships exceeds the parent company's ability to supply them, and often exceed the number of potential customers.

92. **KWITNY, JONATHAN. The Fountain Pen Conspiracy. New York, New York. Alfred A. Knopf, 1973. 364 p. (NCJ-12167)**

Case studies and exposes of loosely connected series of land and securities fraud schemes are presented. The author unravels the ingenious haze of fake conglomerates, worthless Tennessee land deeds, assetless banks, phony mutual funds, and corporate shells that have impressive boards of directors. He shows how men and institutions of considerable stature can be bilked, and makes clear why it is so difficult to put these fountain pen conspirators in jail and keep them there.

93. **LEONARD, WILLIAM N. and MARVIN G. WEBER. Automakers and Dealers: A Study of Criminogenic Market Forces. In Geis, Gilbert and Robert F. Meier, Eds., White-Collar Crime — Offenses in Business, Politics, and the Professions. New York, New York, Free Press, 1977. p. 133-148. (NCJ-40491)**

Insufficient attention has been focused on the extent to which market structure — that is, the economic power available to certain corporations in concentrated industries — may generate criminal conduct. Concentrated market structure generates excessive power in the hands of a few corporations which can use it against suppliers, distributors, and customers and create conditions conducive to corporate profits which may, however, induce those with whom the corporations deal directly — e.g. distributors, — to engage in unethical activity against the public. The high concentration in the automobile industry, plus entry barriers erected by capital costs, scale economics, and product differentiation gives the big three car companies abnormally high profit rates and great market power. The intense emphasis on new car sales often leads dealers to sell cars for low margins and then endeavor to recoup by larger markups on used cars, overcharging for repairs, high financing, parts pushing, and forcing of (unorderd) new car accessories. Therefore, the frequent unethical actions of dealers and service mechanics must largely be regarded as coerced occupational crime resulting from a market structure in the automotive industry which provides the automaker with potential and applied criminogenic power.

94. **LIEBHOLZ, STEPHEN W. and LOUIS D. WILSON. Users' Guide to Computer Crime — It's Commission, Detection and Prevention. Radnor, Pennsylvania, Chilton Book Company, 1974. 216 p. (NCJ-15251)**

A detailed account of how computers have been used in a variety of criminal activities and how operating and financial executives can detect and prevent abuses is provided. The first chapters present the basic problems as they exist today and are illustrated by more than 50 case histories which include what may be the biggest-yet-discovered crime — equity funding. Ways of attaining a reasonable degree of protection from such losses are then discussed and the authors provide specific measures that can be taken, as well as general operating principles that should be practiced in order to achieve protection. They then present methods of detecting criminal activities as well as the auditing and legal implications of computer use, how to detect criminal activity, prosecution possibilities and the responsibilities of a computer system user are discussed. The concluding chapters provide programs of action required by computer users and programs in the accounting and legislative areas that are required for the reasonable future development of computer data security. The appendixes include a checklist of items to be accounted for and acted upon in establishing proper security of the data processing operations, a reprint of the first of 105 counts in the equity funding indictment, and a brief survey of programmer ethics.

95. **MENDELSON, MARY A. Tender Loving Greed — How the Incredibly Lucrative Nursing Home "Industry" is Exploiting America's Old People and Defrauding Us All. New York, New York, Alfred A. Knopf, 1974. 268 p. (NCJ-19173)**

Nursing home fraud, which ranges from stealing money from patients to corruption of social workers who collect kickbacks for committing patients who often have no need for nursing care is examined in this book. The author uncovers incidents where government aid, together with lack of government control, have made the nursing industry into a giant profit machine which has attracted thousands of small-time hustlers as well as big-money manipulators. Much of the data presented is from a study of nursing homes in Cleveland, Ohio. The author also uses data from incidents occurring in other states.

96. **NATIONAL DISTRICT ATTORNEYS ASSOCIATION. Economic Crime Project Newsletter. Chicago, Illinois, 1975. 59 p. MICROFICHE (NCJ-27762)**

This newsletter reports on cases of business fraud and economic crimes that have been successfully prosecuted and presents other items of interest to prosecutors. Fourteen different categories of economic crime are represented. These categories include charity frauds; health, medical, and welfare frauds; home improvements; merchandising frauds; and Ponzi schemes.

97. **NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS. High Profitability — The Reward for Price-Fixing. H.N. McMenimen, Jr. Washington, 1969. 16 p. (NCJ- 818)**

This economic analysis reviews the benefits which accrue to price-fixing businessmen. It is suggested that indictment by a grand jury, punishment inflicted

through criminal action, the payment of trebled damages resulting from civil trials, and the legal costs of defense fail to deter this type of criminal. Data gathered for the study revealed that under present circumstances and procedures an industry group which chooses to fix prices illegally can feel assured of ending up with at least double its normal profit margins.

98. **PARK, ROLLA E.** Effects of Graft on Economic Development: An Examination of Propositions from the Literature. Santa Monica, California, Rand Corporation, 1969. 30 p. (NCJ- 3283)

This report analyzes the direct and monetary effects of several types of graft, both collusive and noncollusive. They include bribes to expedite government action or avoid paying tax, stealing of government funds, kickback on government purchases, help to legitimate and illicit businessmen, job buying, and policy buying.

99. **PARKER, DONN B.** Crime By Computer. New York, New York, Scribner's, 1976. 320 p. (NCJ-35110)

Case histories of ingenious computer-aided crimes are presented. Enough specific information is provided to make the reader aware of faults in computer hardware and software design and to suggest ways that these security loopholes may be closed. Among the examples used are a kidnapping with payment made through automated bank stations, the infamous equity funding insurance fraud, the first prosecuted case of computer software theft through telephone terminals, and a case of arson of a computer installation. Other crimes aided by or perpetrated on computers include embezzlement, bank theft, data eradication, consumer abuse, gambling with the illegal aid of computers, and violations of data privacy concerning mental patients.

100. **QUINNEY, RICHARD.** Occupational Structure and Criminal Behavior. In Geis, Gilbert, Ed., White-Collar Criminal — The Offender in Business and the Professions. New York, New York, Atherton Press, 1968. p. 210-218. (NCJ-39161)

Since deviant behavior is a function of social structure, pharmacists attuned to the "business" role are wont to violate regulations to a much greater extent than those oriented to a "professional" role. This theory of prescription violation by retail pharmacists was formulated and verified in a comparative study of prescription violators and nonviolators within the city limits of Albany, New York.

101. REICHSTEIN, KENNETH J. Ambulance Chasing: A Case Study of Deviation and Control Within the Legal Profession. In Geis, Gilbert, Ed., White-Collar Criminal — The Offender in Business and the Professions. New York, New York, Atherton Press, 1968. p. 219-230. (NCJ-39162)

Ambulance chasing, a form of conduct that may lead to disbarment of lawyers, is only rarely officially defined as a crime. The author questions the validity (or necessity) of differentiating those kinds of behavior officially labeled as crimes and separating them from deviant conduct which may result in administrative recriminations more severe than the consequences of criminal prosecution. Analysis of the decisions handed down by Illinois Supreme Court in eight cases of personal injury between 1931 and 1956 showed a tendency for the court to take a tolerant attitude toward personal injury solicitation, in sharp contrast to the recommendations of the bar associations and the majority opinion of the lawyer community.

102. U.S. DEPARTMENT OF JUSTICE. Federal Bureau of Investigation. White-Collar Crime Strikes Home: FHA- (Federal Housing Administration) Related Frauds. FBI Law Enforcement Bulletin, v. 44, no. 12: 12-15. December, 1975. (NCJ-31063)

Since 1972, the FBI, with assistance from the Internal Revenue Service and the Department of Housing and Urban Development, has pursued a comprehensive program to eliminate fraud and corruption in FHA programs. Concentration has been on fraud involving single family homes, area management brokers charged with the maintenance, repair and resale of FHA-acquired property, and multi-family dwellings. Sources of documentation are suggested for proving fraud in each of these areas. In the three years since the inception of this program, the Department of Justice reports that its caseload of FHA-related fraud has doubled.

103. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Corruption and Regulation — New York Police and Kentucky Surface Mining. James M. Broadus. Washington, D.C., 1976. 231 p. (NCJ-34205)

A study on corruption in regulatory or quasi-regulatory situations; two cases are examined in which extra-legal services in the enforcement of established laws were exchanged for payment. One case, Kentucky's regulation of strip-mine reclamation, involves a small, administratively-centralized agency interacting with a single large industry. The other concerns a large and diverse agency, the New York Police Department, in its regulatory or quasi-regulatory relationship with many different economic activities, one of the largest of which is organized crime. Analysis of the cases assumes that, by declining to enforce statutory requirements or by making favorable discretionary rulings, regulatory officers can supply a service which diminishes regulated operators' costs of doing business, in both cases, corruption was customary, systematic, and of an economic nature defined by political institutions and events. Information costs were high, and corruption flowed largely from bilateral monopoly bargaining in relatively stable contexts.

104. YEAGER, MATTHEW G. The Gangster as White Collar Criminal: Organized Crime and Stolen Securities. Issues in Criminology, v. 8, no. 1: 49-73. Spring, 1973.
(NCJ-10573)

Several government hearings which investigated the role of organized crime in the theft and illegal use of stolen stocks and bonds are analyzed. The author describes a theoretical orientation by which the reader may better understand the etiology of white collar crime and critically analyzes the ecological conditions which facilitate the theft of securities, the process of using stolen securities to engage in legitimate business practices is documented through the testimonies of various criminal figures. Countermeasures which have been implemented by the government and the securities industry are outlined. A list of references is provided.

FOREIGN SELECTIONS

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105. **APEX CHARITABLE TRUST. Placing of the "White-Collar" Offender and the Sexual Offender During 1973.** London, England, 1974. 33 p. (NCJ-19094)

The problems of providing meaningful employment for white collar and sexual offenders are discussed, and the efforts and results of Apex Charitable Trust in referring applicants for employment are reported. One of the problems for "white collar" ex-offenders is that the applicant is required to complete an application form, attend two or possible three interviews, and have his references taken up during a time-scale which can range from two to six months. Thus whereas an unskilled man leaving prison on a Thursday or Friday can, without help arrange employment to start the following Monday the "white-collar" man has to face some months of unemployment or, at the best, inappropriate employment. There was therefore seen to be a need for a specialist employment service to help the "white-collar" man, commencing its action some months before the man was due to leave the prison. Similarly the sexual offender has particular problems, regardless of his skills and qualifications, because of employment problems connected with his offense and the fears that such offenses raise in most of us. This report also deals with the problems faced by the employer and the social worker. Statistical data are supplied on Apex services.

106. **DWIVEDI, ISHWAR C. Combatting White-Collar Crime in India. United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) Report for 1975 and Resource Material Series No. II.** 98-105. Tokyo, Japan. March, 1976. (NCJ-37165)

The control of economic crime in a developing country like India is frustrated by public apathy toward such crimes as well as corruption and inadequacy of the regulatory and criminal justice system. In the process of industrializing and modernizing a simple agrarian economy, the scope for manipulation of expanded government regulatory processes by influential and resourceful economic offenders increases. Further, government organizations in a developing country incur substantial expenditures on public welfare projects; this results in vulnerability to fraud by unscrupulous contractors and corrupt political officials. Law enforcement is frustrated in India by incompetent prosecution, inadequate laws and procedures, delay in trials, and abuse of due process of law by defense lawyers.

107. **MACK, JOHN A. and HANS-JURGEN KERNER. The Crime Industry.** Westmead, Farnborough, Hants., England, Saxon House, D.C. Heath Ltd., 1975. 219 p. (NCJ-17432)

This study, originally presented as a report to the Council of Europe, discusses various aspects of European organized crime, business-type crime, and white-collar crime. Definitions of organized and professional crime, the rise of business-type crime, and the differences between North American and European manifestations of organized or syndicated crime are explored. The author outlines recent developments in major crime in the United Kingdom, France, Italy, the Netherlands, German Federal Republic, Denmark, and Sweden. Special attention is focused on the rise of white collar crime in Europe. Several reasons are advanced to explain its growth.

108. MEYER, JOHN C. An Action-Oriented Approach to the Study of Occupational Crime. Australian and New Zealand Journal of Criminology, v. 5, no. 1: 35-48. March, 1972. (NCJ-4966)

A typology is proposed for classifying job-related criminal behavior. Occupational crime is a resource that is available to the offender in carrying out his main economic activity. Defined as the source of his economic wherewithal. The use of occupational crime as a resource is determined by the individual's actionorientation, which is a statement of the offender's goals, interests, and available means and techniques. Three classes of occupational offenders are defined. structural (with sub-classes of executor, functionary and managerial), situational and ancillary. These three classes of offenders operate in economic, socio-economic and social matrices respectively, while not explicitly stated in this paper, it is clear that these offenses are not mutually exclusive and an individual may find himself committing any number of offenses in many combinations between classes.

109. NORTH, STEVEN E. Fraud in Industry -- Detection, Prevention and Prosecution. London, England, Industrial and Commercial Techniques Ltd., 1973. 69 p. (NCJ-17910)

This reference manual describes the types of fraudulent crimes which can affect businesses and security measures which can be developed to combat such behavior. A profile of the type of employee most apt to engage in industrial fraud is presented, and the need for good employee screening measures and some form of business intelligence program is emphasized. The ways in which different types of business fraud are committed are described along with ways in which business and industry can prevent and/or detect such crimes. Topics covered include industrial espionage and protection, procedural and manipulative frauds, exploitation of business by organized crime, stock, bond, and credit card fraud, dealing with and prosecuting fraud and embezzlement cases, and security management. A two-and-a-half page list of references is included.

110. OUGHTON, FREDERICK. Fraud and White-Collar Crime. London, England, Elek Books Limited, 1971. 160 p. (NCJ-15314)

The modus operandi of both small and large-scale white collar criminals are presented in the form of case histories. The author relates accounts of fraud schemes, and confidence games from his first-hand acquaintance with white collar criminals and their methods. Emphasized is the psychology of these offenders and their schemes. Detailed case histories range from the sale of acorns for "genuine Japanese oak trees" to gullible garden enthusiast to complex dealings in phoney insurance, shares, and property.

111. PECAR, JANEZ. White Collar Crime and Social Control. International Journal of Criminology and Penology, v. 3, no. 2: 183-199. May, 1975. (NCJ-26998)

White Collar Crime -- its nature and causes, offender characteristics, and attempts at control -- is examined in Yugoslavia's socialist society. White collar crime

is defined to include many practices which would be acceptable in a non-socialist state, such as property speculation and the appropriation of rent from land. Too little research is said to have been done in this area, so that the usefulness of the term "white collar crime" is said to be limited to stigmatization, rather than as a basis for etiological theory. The general relevance of social conditions to such crime is discussed, although no structured causal relationship is suggested. A tentative offender psychological profile is presented. Because such crime occurs within a certain profession and social strata, it is said to be important that it not come to be viewed as accepted behavior within that strata, for this would endanger social norms. Formal control is said to be difficult, due to problems of detection, but control is said to be important, not only to reinforce accepted values, but to demonstrate justice and equality of people before the law.

112. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Balance Sheet Offenses — A National Criminal Justice Reference Service (NCJRS) Translation. Washington, 1975. 18 p. LOAN (NCJ-32508)

This translation focuses on 34 cases in West Germany involving falsification and concealment of facts in balance sheets by white collar personnel in violation of the accepted principles of bookkeeping. A full account is given of the method used in collecting and processing the case histories, which were obtained from the state criminal police bureaus and public prosecutors. The National and State Central Offices of the Association of Credit Institutions also were of some assistance. The cases are subdivided according to whether they were chiefly concerned with defrauding others connected with the same company, defrauding financial institutions, a combination of both of these types of fraud, or defrauding creditors. Illustrative company structure diagrams are provided with some of the case histories. Statutory provisions concerning the keeping of books and auditing them are cited and their implications in regard to the possibilities for violating them are discussed. In general, the fewer the people involved in drawing up balance sheets, the less intensive the auditing and the fewer outsiders having access to the books, the easier it is to falsify balance sheets and conceal facts. In 22 of the 34 cases, the offenders' balance sheets were not audited by an outsider, furthermore, in only seven of the cases were more than two people involved in committing the offense. The four-phase investigative process used by the West German Police in these cases is described. The authors state that the best way of obtaining evidence against a suspected firm is to get detailed knowledge regarding its personnel, administration and operations. If wrongdoing exists, such knowledge will enable the investigators to uncover the required evidence, statistical information is provided on the age and educational level of the offenders and on the types of institutions, individuals and groups that were victimized by these offenses. The total amount obtained through falsifying balance sheets in the 34 cases was 65,240,000 marks. West German law requires a business to prepare a balance sheet at the end of each fiscal year, showing profit or loss and assets and liabilities. The amount of detail is not specifically prescribed by law. A falsified balance sheet can mislead creditors, potential investors in the business and potential lenders of money.

113. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Computer Crime — Some Marginal Notes on Recent Literature Regarding a New Phenomenon — A National Criminal Justice Reference Service (NCJRS) Translation. Washington, 1975. 16 p.
LOAN (NCJ-32517)

Computer crime is portrayed as a special form of white collar crime, particularly as it is concerned with the invasion of privacy. Case histories are cited and recommendations that specific legislation be passed are made. The author divides computer crime into four categories — aggressive behavior (destruction of computer equipment), crimes against property, stealing computer time and economic espionage. He states that the modern trend toward collecting information on individuals constitutes a serious threat to the right to privacy. The burglarizing of Daniel Ellsberg's psychiatrist's apartment is the most notorious example of this trend. The work of computer specialists tends to be shrouded in a certain amount of mystery, and management control and supervision often is inadequate. This makes it relatively easy for specialists to commit computer crime. Several countries have already adopted so-called computer laws, and the author says that the Netherlands should do so too, particularly with respect to the danger of invasion of privacy.

114. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Crimes in the Economy — A National Criminal Justice Reference Service (NCJRS) Translation. Hans J. Suchan. Washington, 1975. 17 p.
LOAN (NCJ-32507)

This collection of papers discusses the problems of white collar crime in various economic areas and from the point of view of various segments of the criminal justice system. The papers emphasize the problems of developing criminal justice policies and procedures capable of preventing, detecting, investigating, and prosecuting a type of crime which often involves complex financial, legal, or technical factors. The special areas of the economy which are discussed are foreign trade, agricultural subsidies, private home payments, embargo regulations, and insurance companies. The book also assesses the problem from the perspectives of legislative reform, police investigation, public prosecutor's office, and defense services. A paper on judicial processes in white collar criminal cases discusses the roles of jurors, witnesses, and expert witnesses. Actual cases are cited throughout the text.

115. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Economic Crime — Dealings in Foreign Securities — A National Criminal Justice Reference Service (NCJRS) Translation. J. Von Ungern-Sternberg. Washington, 1976. 20 p.
(NCJ-32527)

The author describes the methods used by unscrupulous promoters of stock to swindle West German citizens and provides information on the laws and statutes applicable in such cases and on the probability of obtaining convictions. Experience has shown that Germans tend to be so naive about investments that unscrupulous people are able to make good profits by selling them so-called penny stocks of doubtful value. Fraudulent devices are frequently used in order

to maximize profits. These devices are divided into two categories. Those where a criminal accusation probably cannot be proved are promises of an increase in price, concealing the fact that the shares are worthless, and manipulation of prices. Those where a criminal accusation is easier to prove are forging securities, charging the wrong price, selling nonnegotiable stock, and fraudulent switching of stocks. Reasons are given in each case as to why it is or is not easy to prove an accusation. Also discussed are certain illegal practices indulged in by persons managing trusts for individuals and operating businesses dealing in securities. Fictitious case histories are included to illustrate some of the methods used.

116. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. The State — Victim of Organized Crime — A National Criminal Justice Reference Service (NCJRS) Translation. Washington, 1975. 12 p. LOAN (NCJ-32511)

The distinction between American definitions of organized crime and the European definition is explored in the introduction. It is suggested that Europeans use the term to describe phenomena in the field of business criminality, which are labeled as "white collar crime" in the United States. The techniques used by dishonest businessmen in France to obtain value-added tax refunds from the Treasury on bogus export deals are outlined and application of these techniques in tax-fraud deals in the European Economic Community (EEC) is analyzed. Specialized, well-paid personnel recruit figurehead managers for fictitious firms that produce the documents to indicate they are actively engaged in exporting merchandise. Domestic business transactions are subject to the value-added tax, so that claims for refunds are honored by the Treasury for fictitious export deals. The recruiters rent offices and arrange for the opening of bank accounts by the figurehead managers, but it is the businessmen who employ the recruiters, who take the bulk of the fraudulently obtained profits. There are numerous, more or less sophisticated variations of this basic technique. This fraud can be detected by the fact that the documents include value-added tax computation. Honest businessmen do not include this in connection with export deals.

117. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Swindling on Credit — A National Criminal Justice Reference Service (NCJRS) Translation. Washington, 1976. 14 p. LOAN (NCJ-32523)

The legal provisions in Luxembourg applicable to swindling in connection with various commercial documents and installment plan selling are reviewed. Proposals for new legislation to cover offenses of this type are also discussed. Swindling and the laws applying to it in connection with loans and credit accounts, bills of exchange, bad checks and credit cards are discussed with case histories presented. The author describes Luxembourg as an important bank and financial center which is threatened by organized, international, white collar crime. He contends that the legislative proposals he presents should be adopted in order to bring Luxembourg abreast of the rest of Europe in regard to laws covering swindling and fraud. Furthermore, more complete reconciliation of the laws applicable to these offenses in the EEC (European Economic

Community) countries should be arranged — for example, where extradition of swindlers is desirable. The international aspect of this problem can be expected to become more significant in the future than it already is.

118. UNIVERSITY OF SIDNEY. Faculty of Law. Corporate Crime — Proceedings of the Institute of Criminology — University of Sydney. Sydney, Australia, 1974. 158 p. (NCJ-19796)

Four papers were presented on white collar crime, followed by critical commentaries and a panel discussion. Based on the applications of Australian law to corporate crime, the following papers were presented: "Duties and Responsibilities of Corporate Officers Under the Companies Act, the Crimes Act and the Securities Industries Act;" "Functions of the Investigation and Prosecution Division of the Corporate Affairs Commission Under the Companies Act, the Crimes Act and the Securities Industry Act;" "Treatment of Persons Offending Against the Provisions of the Relevant Legislation;" and "Is the Law Adequate? Are Penal Sanctions Appropriate for Corporate Crime?" Comments by conference participants on the papers are reported. A transcript is provided of the discussion which followed the comments.

119. VOLLMUTH, EMIL. Fraudulent Business Practices. International Criminal Police Review. No. 289: 158-165. June-July, 1975. (NCJ-31094)

Discussion of large-scale fraud involving manipulation of commercial and banking information and unlawful use of business information centres in West Germany. Commercial fraud, committed under the cover of apparently honest companies, causes enormous losses. The victims are mainly manufacturers and large firms operating in all sectors of business activity. Experience has shown that these frauds are carefully planned.

RESOURCE LIST

This list identifies some of the agencies and organizations that are performing research or funding projects in the general area of white collar crime. These agencies should provide additional information for researchers studying specific facets of white collar criminology.

Associations and Organizations

American Bar Association
Section of Criminal Justice
Committee on Economic Offenses
1800 M St., N.W. (2nd Floor)
Washington, D.C. 20036

Battelle Law and Justice Study Center
Human Affairs Research Center
Battelle Memorial Institute
4000 N.E. 41st St.
P.O. Box 5395
Seattle, WA 98105

Chamber of Commerce of the United States
1615 H St., N.W.
Washington, D.C. 20006

International Association of Chiefs of Police
11 Firstfield Road
Gaithersburg, MD 20760

National Association of Attorneys General
Committee on the Office of Attorney General
1516 Glenwood Avenue
Raleigh, NC 27608

National Council on Crime and Delinquency
Continental Plaza
411 Hackensack Avenue
Hackensack, NJ 07601

National District Attorneys Association
Economic Crime Project Center
1900 L St., N.W.
Washington, D.C. 20036

Federal Agencies

U.S. Department of Commerce

Federal Trade Commission

U.S. Department of Housing and Urban Development

Internal Revenue Service

U.S. Department of Justice
Federal Bureau of Investigation
Law Enforcement Assistance Administration

Securities and Exchange Commission

U.S. Treasury Department

Foreign Organizations

Apex Charitable Trust
9 Poland Street
London W1V 3DG
England

Asia and Far-East Institute for the Prevention of Crime and Treatment of Offenders
26-1 Harumi-cho, Fuchi
Tokyo, Japan

International Criminal Police Organization
26 Rue Armengaud
92210 St. Cloud
France

United Nations Social Defense Research Institute
Via Giulia, 52
00186 Rome, Italy

APPENDIX A - LIST OF SOURCES

All references are to bibliography entry numbers, not pages.

1. American Criminal Law Review
American Bar Association
1155 East 60th Street
Chicago, Illinois 60637
2. Atherton Press
70 Fifth Avenue
New York, New York 10011
3. Same as No. 2.
4. U.S. Chamber of Commerce
1615 H Street N.W.
Washington, D.C. 20006
5. American Sociological Review
American Sociological Association
1722 N Street N.W.
Washington, D.C. 20086
6. Patterson Smith
23 Prospect Terrace
Montclair, N.J. 07042
7. Dallas County District Attorney's Office
600 Cummers Street
Dallas, Texas 75202

Also available on microfiche from:
National Criminal Justice Reference
Service
P.O. Box 24036, S.W. Post Office
Washington, D.C. 20024
8. Same as No. 2.
9. Same as No. 1.
10. Indiana University Press
Tenth and Morton Streets
Bloomington, Indiana 47401
11. Rand McNally College Publishing
Box 7600
Chicago, Illinois 60680
12. D.C. Heath and Company
125 Spring Street
Lexington, Massachusetts 02173
13. Alfred A. Knopf
201 East 50th Street
New York, New York 10022
14. Same as No. 12.
15. Same as No. 2.
16. Crime and Delinquency
National Council on Crime and Delinquency
Continental Plaza
411 Hackensack Avenue
Hackensack, N.J/ 07601
17. Harper and Row
10 East 53rd Street
New York, New York 10022
18. Chandler Publishing Company
124 Spear Street
San Francisco, California 94105
19. The Yale Law Journal
Yale University Law School
NewHaven, Ct. 06520
20. Same as No. 2.
21. Free Press
866 Third Avenue
New York, N.Y. 10022
22. Same as No. 2.
23. The Journal of Law and Criminology
Northwestern University School of Law
350 East Superior Street
Chicago, Illinois 60611
24. Same as No. 23.

25. Williams and Wilkins Company
428 East Preston Street
Baltimore, Maryland 21202
26. Australian and New Zealand Journal
of Criminology
Australian and New Zealand Society of
Criminology
University of Melbourne
Parkville
Victoria 3052, Australia
27. Same as No. 16.
28. Michigan Law Review
Michigan Law Review Association
Hutchins Hall
Ann Arbor, Michigan 48104
29. Same as No. 1.
30. Scandinavian Research Council for
Criminology
University of Stockholm
FACK
104 05 Stockholm
Sweden
31. Same as No. 21.
32. Same as No. 1.
33. University of Chicago Press
5801 South Ellis Avenue
Chicago, Illinois 60637
34. Holt, Rinehart and Winston
383 Madison Avenue
New York, New York 10017
35. Macmillan
868 Third Avenue
New York, New York 10022
36. Same as No. 2.
37. U.S. Department of Justice
Law Enforcement Assistance
Administration
National Institute of Law Enforcement
and Criminal Justice
Washington, D.C. 20531
38. Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402
39. Same as No. 38.
Also available on interlibrary loan from:
National Criminal Justice Reference
Service
P.O. Box 24036, S.W. Post Office
Washington, D.C. 20024
40. University of California Press
2223 Fulton
Berkeley, California 94720
41. Films Incorporated Distribution Center
733 Greenbay Road
Wilmette, Illinois 60091
42. Same as No. 2.
43. Warren, Gorham and Lamont, Inc.
210 South Street
Boston, Massachusetts 02111
44. Bureau of National Affairs
1231 25th Street N.W.
Washington, D.C. 20037
45. Charles C. Thomas
301 East Lawrence Avenue
Springfield, Illinois 62703
46. The Prosecutor
National District Attorneys Association
211 East Chicago
Chicago, Illinois 60611
47. Federal Bar Journal
Federal Bar Association
1815 H Street N.W.
Washington, D.C. 20006
48. Catholic University Law Review
Catholic University of America
620 Michigan Avenue N.E
Washington, D.C. 20017
49. Florida Bureau of Criminal Justice
Planning and Assistance
620 South Meridian
Tallahassee, Florida 32303

50. Texas Law Review
University of Texas
School of Law
Austin, Texas 78705
51. AMS Press Inc.
56 East 13th Street
New York, New York 10003
52. Goodyear Publishing
15115 Sunset Boulevard
Pacific Palisades, California 90272
53. Same as No. 45.
54. The Criminal Justice Quarterly
New Jersey Division of Criminal Justice
Appellate Section
7 Glenwood Avenue
East Orange, N.J. 07017
55. International Association of Chiefs of Police
11 Firstfield Road
Gaithersburg, Maryland 20760
56. Same as No. 2.
57. Forensic Publishing Company
9 Old Bailey
London
England
58. Massachusetts Legislative Research Council
11 Beacon Street
Boston, Massachusetts 02108

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59. Same as No. 1.
60. California Attorney General's Building
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61. American Criminal Law Review
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62. National Association of Attorneys General
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68. Northwestern University Law Review
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72. U.S. Attorney for the Southern District of New York
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82. University of North Dakota
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Box 8276 University Station
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83. Simon and Schuster
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91. International Criminal Police Review
International Criminal Police Organization
26 Rue Armengaud
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98. Rand Corporation
1700 Main Street
Santa Monica, California 90406
99. Scribner's
597 Fifth Avenue
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100. Same as No. 2.
101. Same as No. 2.
102. Federal Bureau of Investigation
Washington, D.C. 20535
103. Same as No. 37.
104. University of California, Berkeley
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Berkeley, California 94720
105. Apex Charitable Trust
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106. United Nations Asia and Far East Institute
for the Prevention of Crime and Treatment
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26-1 Harumi-Cho, Fuchu
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107. D.C. Heath Ltd.
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