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Did Print Media's Coverage of White-Collar Crime Change After the 'Bernie Madoff Scandal'?

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Did Print Media's Coverage of White-Collar Crime Change

After the 'Bernie Madoff Scandal'?

Susan Wennermark

Independent Study

To fulfill a partial graduation requirement in Justice Studies

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Did Print Media's Coverage of White-collar Crime Change After the 'Bernie Madoff Scandal'?

ABSTRACT

The question guiding this research is: What are the meanings associated with white-collar crime in the media, and how, if at all, have those meanings changed in the wake of the 'Bernie Madoff scandal'? This analysis explores how the newspaper article was framed (either episodic or thematic) and what labels were used to describe the crime and actors involved. Articles between 2007 and 2011 were analyzed, covering the year before the scandal to two years after Madoff was convicted in 2009. For framing, this analysis found that, unlike stories on poverty or street crimes which focus more on episodic themes, newspapers used a combination of thematic and episodic frames. However, after the Madoff scandal, there was a slight turn towards specific crimes and criminals – suggesting that newspapers were moving more towards episodic framing. For labels, the newspaper articles suggest at least two major types of labels. One is the fairly consistent association of white-collar crime with complexity. A second is the omission of working and middle class victims when discussing white-collar crime. Further, the use of labels connoting complexity intensified after the Madoff scandal.

Keywords: White-collar crime, public perception, media framing and labeling

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INTRODUCTION

The purpose of this thesis is to explore the meanings attributed to white-collar/cybercrime¹ in print media. As white-collar crime becomes more salient to the everyday American citizen it becomes more important for social scientists to explore the ways in which the mass media talk about white-collar crime and the criminal justice system's response to it. How an issue of importance is presented to society may determine society's response to that issue. Ultimately, how an issue is framed in the media may determine what social policies garner public support.

For example, literature suggests that the word 'victim' evokes a picture of someone who has suffered a violent act. It also suggests an 'evil' perpetrator. However, with white-collar/cybercrime, there is no obvious physical injury. Also, the perpetrators of white-collar crime do not fit the 'profile' of a criminal, as their ethnoracial and class backgrounds do not fit common perceptions of criminality. Finally, the crime is hidden in the guise of normal business practices, making it harder to see as an outright aggressive act, or associate it directly to the victim. These facts allow the average law-abiding citizen to identify with the perpetrator. This has allowed the general population to consider white-collar crime as victimless. Often, there is the perception that the victim

¹ This paper uses white-collar crime and cybercrime interchangeably because, increasingly, crimes committed within an office setting use computers either directly or indirectly. However, distinctions will be made, as in statistics, reporting white-collar crime distinct from cybercrime, where needed.

willingly engaged with the perpetrator – motivated by greed, and therefore may share a certain amount of the responsibility for having been a victim.

The arrest of Bernard Madoff in December of 2008 and his guilty plea in March of 2009 presents a unique moment in the timeline of media reporting on white-collar crime. Madoff's case was not the first high profile criminal – there was Enron, WorldCom, Martha Stewart, and many others before him, but the sheer enormity of Madoff's crimes made him a media sensation. On the other hand, the global coverage of Madoff's malfeasance could be a CNN effect, a way to continue the 24 hour cable news. Further, unlike the crimes in Enron, Madoff was a criminal in a more classic sense. He was a singular person accused of a moral transgression. Many of the people whom he victimized, or financially devastated, were shown full of emotions ranging from sadness to confusion to anger. Madoff's family was engulfed in the scandal, with his son and wife both being a part of the media's coverage. In short, the Madoff scandal was sensationalized, making him an easy target for the media and an easy story to follow for the public. A question may be asked: Did the Madoff scandal lead to a change in the way white-collar crime in general is reported, or was it reported likewise to Enron and others?

Because the production of meaning is central to answering this question, a symbolic interactionist perspective is taken. A content analysis of 60 newspaper articles from 2007 – 2011 are used for data on framework and labeling used by the media. These years were chosen because of their timing with the 'Bernie Madoff scandal', one year prior to two years after his conviction. The newspapers chosen were *The New York Times*, *The Wall Street Journal*, and *The Washington Post*.

DEFINING AND MEASURING WHITE-COLLAR CRIME

Defining White-collar Crime

White-collar crime has been discussed in a number of different ways, and the definition is “hotly contested within the community of experts” (Barnett, 2000:1). Arguably the most common definition – in no small part because it was the first – is from Edwin Sutherland. In his study, *White-collar Crime*, Sutherland defined white-collar crime as “an offense committed by a person of respectability and high social status in the course of his [or her] occupation” (Sutherland, quoted in Barnett, 2000:1). Since Sutherland, there continue to be debates among sociologists who argue that this definition is too vague. As a consequence several new definitions have been proposed by scholars.

A notable iteration is that of Marshall Clinard and Richard Quinney. These authors suggest that white-collar crime should be divided into corporate and occupational crimes. Corporate crime is committed by employees for the benefit of a corporation, and occupational crime committed by employees for personal gain (Payne, 2012). Corporate crime is often veiled in “improper accounting procedures”. For example, American International Group (AIG), an insurance broker for large corporations, was charged with inflating assets and deflating losses. The goal was to improve the financial profile of the company to the market. On the other hand, an example of occupational crime would be embezzlement, such as when Bernie Madoff absconded with his investors monies for his

own personal gain. Occupational crime can also be as simple as pilfering from the office supply cabinet.

Shapiro (1990), taking a definitively more sociological viewpoint, argues that definitions of white-collar crime "share a fundamental problem: they confuse acts with actors, norms with norm breakers, the modus operandi with the operator" (1990: 347). Shapiro argues that ultimately what defines white-collar crime is not the status of the criminal or the crime itself, but a violation of the norms of trust citizens place in economic and governmental institutions. Actors within these institutions exploit the norms cultivated within these institutions to lie and steal.

The above definitions assist in understanding the different ways in which white-collar crime can be understood. However, the definition provided by The United States Justice Department (USJD) will guide this research. The USJD's definition focuses on the nature of the criminal activity as well as on the job of the offender. The USJD uses the working definition:

White-collar offenses shall constitute those classes of non-violent illegal activities which principally involve traditional notions of deceit, deception, concealment, manipulation, breach of trust, subterfuge or illegal circumvention (Simon, Swart. 1984:109).

This definition is clearly not one set in stone. Indeed, the US government is currently fielding grant proposals for research that will more effectively operationalize white-collar crime. This request for proposals, from the US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, states that this is:

...the first BJS effort to focus on white-collar crime investigated and sanctioned by state and local governments. The immediate goals of the State and Local White-collar Crime Program (SLWCCP) are to develop an operational definition of white-collar crime. (Announcement BJS-201-3346, July 16, 2012)

So while there are current refinements to the definition, this thesis will be organized around the definition provided by the USJD. The main reason is because definitions produced by the USJD quickly become institutionalized. Journalists and other writers use the data collected by entities within government to comment on crime trends. Also, this definition orders much of the data collection done by law enforcement agencies. In short, this definition is used because of its practicality.

Measuring White-collar Crime

The National White-collar Crime Center (<http://www.nw3c.org/>) has made available to the public reports from three nationally representative surveys on white-collar crime victimization and public perceptions of white-collar crime. These studies, entitled the National Public Survey on White-collar Crime, were done in 1999, 2005, and 2010. This thesis focuses primarily on the most recent year of collection, 2010, as it is the year that falls within the parameters of this thesis. However, 1999 and 2005 are also used as a comparison.

Information collected from the 2010 National Public Survey on White-collar Crime, a survey of American households, asked respondents questions about white-collar crime victimization. The survey asked respondents if they had ever been a victim of mortgage fraud, credit card fraud, identity theft, unnecessary home or auto repairs, price misrepresentation, losses occurring due to false stockbroker information, fraudulent business ventures, and Internet scams. In that year, 24% of households and 17% of individuals had been a victim of one of these crimes within the previous year, with the most common types of crimes reported being credit card fraud, price misrepresentation, and unnecessary object repairs. Of those households victimized, 54% reported the crime

to at least one source or agency (the business employing the criminal, the Credit Card Company, etc.). However, only around 12% of household crimes were reported to law enforcement agencies.

A trend appears when the numbers from 2010 are compared to the previous surveys conducted in 1999 and 2005. Over the last 10 years, there have been less crimes reported in total, and less crimes reported to law enforcement (See Table 1). However, this decline in white-collar crimes must be placed within the context of the Internet age. As more social interaction migrates to the online world, and more commerce is mediated by computer technology, the emphasis on white-collar crime shifts from the physical environment to the digital environment. This may have more significance as perpetrators become more technologically sophisticated. Like ‘outgunned’ police officers, investigators of internet crimes are often trying to learn digital systems before finding the offense.

The Internet Crime Complaint Center (IC3), a partnership between the Federal Bureau of Investigation and the National White-collar Crime Center, produces yearly reports on the number of cybercrimes reported in the United States. The IC3 collects complaints from individuals on all Internet related criminal activity. Thus, unlike the survey done by the National White-collar Crime Center, data is collected through the voluntary reporting of offenses to the IC3.

The Internet expands the range of potential crimes committed. As the website for the IC3 states:

Since its inception, the IC3 has received complaints crossing the spectrum of cybercrime matters, to include online fraud in its many forms including Intellectual Property Rights (IPR) matters, Computer Intrusions (hacking), Economic Espionage (Theft of Trade Secrets), Online Extortion, International Money Laundering, Identity Theft, and a growing list of Internet facilitated crimes (Internet Crime Complaint Center, 2013).

The IC3 has been publishing yearly reports on the number of complaints, the type of complaints, and the total dollar losses of each year since 2003². Some general data from 2003 to 2011 are presented in Table 2. Table 2 shows that the number of complaints and the total dollar amount reported lost has risen. This rise has not been steady, however. The number of complaints and dollars lost peaked in 2009, and then decreased in 2010 and 2011. It may not be a coincidence that 2009 was the year in which Bernard Madoff pled guilty to eleven federal felonies. The Madoff scandal may have made people more aware of cybercrime and more likely to report being victimized, although this cannot be verified by the data. Therefore, if we take into account the cyber reporting, an analysis may well show a total overall increase.

² Internet Crime Complaint Center (<http://www.ic3.gov/media/annualreports.aspx>)

Table 1			
Select Responses from the National Public Survey on White-collar Crime from the years 1999, 2005, and 2010			
	1999	2005	2010
% Households Reporting Crime	64	47	24
% Individuals Reporting Crime	--	36	17
% of Crimes Reported to an Agency	41	67	54
% of Crimes Reported to Law Enforcement	--	30	12

Table 2									
Number of Complaints and Total Losses in Dollars as Reported by the Internet Crime Complaint Center									
	2003	2004	2005	2006	2007	2008	2009	2010	2011
No. of Complaints	124509	207449	228400	200481	206884	275284	336655	303809	314246
Total Losses in Dollars (in millions)	126M	68M	183M	198M	239 M	265 M	560 M	--- ³	485 M

³ Yearly dollar losses from 2010 were not found on the IC3 website.

WHITE-COLLAR CRIME AND THE MEDIA

Why is white-collar crime coverage in the media important? First, because the media shape crime discourses and may well influence public perceptions of harmfulness and of what 'the law and order problem' consists of. Second, because knowledge of the effects of the media may encourage us to re-think justice policy.... (Levi, 2006:1038)

In this section the argument is made that the media has an influence on how white-collar crime is understood in society. This section provides the justification for this thesis' efforts to understand how the media understood and portrayed the 'Bernie Madoff scandal'.

Media Influence and White-collar Crime

A review of recent scholarship suggests that public perception of white-collar crime and/or the criminal is heavily influenced by the media. The media contributes to public perception of white-collar crime and the criminals. This analysis suggests it undermines the justice system by giving unwarranted bias to the jury pool. Scholars argue that corporate media has undue influence on what is shown on nightly news or written in newspapers (Benediktsson 2010), and that "at a wider structural level, the ownership of the mass media may inhibit certain forms of reporting" (Levi, 2001:1053). Further, "Journalists are not necessarily biased towards the powerful—but their bureaucratic organization and cultural assumptions make them conduits of that power" (Levi, 2006:1040).

Many media are owned by powerful organizations like News Corp and Bain Capital that generate billions in revenues and contribute financially to politicians. They work extremely hard to change the focus of the story from the corporation to the individual because of economic interests. Termed as the "bad apple theory"

(Benediktsson, 2010), this allows media attention to focus on the individual, preventing corporate stigmatism.

A review of the reporting of white-collar crime shows it rarely focuses on the institution or the corporation but instead focuses on the individual. Reporting may begin at the institutional level, but soon shifts focus to individuals. For example, in the 2007 *Wall Street Journal* article, **Corporate Focus; BUSINESS: Black Trial Revives Bad Old Days**, Mr. Conrad Black –aka Lord Black of Crossharbour -- CEO Hollinger International (now Sun-Times Media Group), was the one on trial for “looting his company” of \$400 million. It was with the knowledge of the “star-studded board of directors, which included Henry Kissinger...” that the crime was committed. However, the news media quickly silenced any mention of Hollinger or the board and instead focused only on Conrad Black. In this case, Conrad Black was the “bad apple”, eliminating Hollinger as a “bad barrel”. In their argument, Hollinger iterated vehemently that they did not tolerate corporate deviance. Severing their connection with the malfeasant Conrad Black redirected public attention from the corporation to the individual (Benediktsson 2010).

Media also tend to sensationalize the story if, and when, the focus is on the individual. Again, this suggests an economic interest. High profile stories sell newspapers! It is a focus on ratings rather than exposing the damage done by the crime. Levi termed it as “infotainment”. (2006) The ‘Bernie Madoff scandal’ is a very good example of this sensationalization. Media coverage was more focused on Madoff’s wealth, power, and lifestyle, then on the crime – or the victims. Unintended consequences of this sensationalization, or framework, would be the public perception of the crime and the criminal, and public support for resource allocation for investigations and criminal processes. In addition, the stigmatization of the criminal leads to social bias and consequently taints the jury pool.

Public Perception of White-collar Crime

Early research suggested that the transgressions of the white-collar world may not be initially understood as a crime. Edwin Sutherland's 1946 study focused on 70 of the largest corporations at that time. The laws considered were: "antitrust, false advertising, National Labor Relations, and infringement of patents, copyrights, and trademarks." (p.132). The results showed 547 adverse decisions, with an average of 7.8 per corporation, and each corporation had at least one. Interestingly, of those numbers only 49, or nine percent, were considered criminal. Many of the court decisions in those cases resulted in "consent decree". Similar to an "Alford plea" in a "street crime" criminal case, the defendants admit there may be evidence of a crime for which they could be prosecuted, but they do not admit actual guilt. "...they are treated as though they were not crimes, with the effect and probably the intention of eliminating the stigma of crime" (Sutherland, 1946:136).

"Research on crime seriousness perceptions has tended to neglect white-collar crime" (Piquero, N., Carmichael, A. Piquero, 2007:292). This social research may well be part of the problem. In their research, they found that if the white-collar crime was perpetrated by an individual, it was considered more serious than if the perpetrator was an organization. However, this does not hold true when white-collar crime involves physical injury. It is then perceived as more serious than a street-crime involving physical injury (Rebovich, Kane, 2002). The U.S. Supreme Court ruled that "public opinion is a valid justification for state criminal punishment practices" (Gregg v. Georgia, 1976; see also Brace and Boyea, 2008).

Suggesting that white-collar crime is not a crime may have added to the perception by criminal justice actors and the government. Because this paper is focusing on public perception, it is worth noting that government officials did not find it critical enough to gather data. Consider that the National Criminal Justice Reference Service (NCJRS) was established in 1972. However, this research suggests their first National Public Survey on White-collar Crime was not until 1999. Additionally, it was not until 2003 that data were gathered on the amount of dollars lost. Perhaps further study is warranted to ascertain the reasoning of this lack of data.

Seemingly, this contributes to the perception by criminal justice actors that white-collar crime is of little importance. Prior research shows that “legal institutions tend to be blind to the severity of crimes committed by organizational actors” (Benediktsson, 2020:2194).

THEORETICAL BACKGROUND

The understanding that the media has an influence on our perceptions of white-collar crime provides a justification for pursuing this work. The next step is to adopt a theoretical perspective through which research questions can be developed. In the paragraphs that follow, the theoretical perspective – symbolic interactionism, and the specific theories that develop out of this approach – labeling theory and framing, are discussed.

Symbolic Interactionism and the Construction of Reality

Pragmatists, or “philosophical realists”, believe “reality does not exist in the world but is created as we act in and toward the world” (Ritzer, Goodman 2004:201). They also believe people base their knowledge on life experiences and label “objects” according to their use. In addition, John Dewey, a “nomalist pragmatist”, thought of the mind as a “process” in which we learn how

to define an object by gathering information, rationalizing its use, considering consequences of our actions, and selecting the proper action.

George Mead was influenced by psychological behaviorism and differentiated between radical and social behaviorism. It is radical behaviorists that focus on observable human behaviors while social behaviorists focus on the mental process between an act and response. Mead describes “the act” as comprising both overt and covert parts, “attention, perception, imagination, reasoning, and emotion”. (Ritzer, Goodman 2004:202.). Mead also discussed the qualitative differences between humans and animals. His argument was that humans, unlike animals, have the ability to make decisions based on stimulus and response.

Mind, Self and Society, Mead’s most important work on symbolic interactionism, suggests an order to the thought process. Mead places primacy on “society first and then mind” because society is “accorded priority in Mead’s analysis” (Ritzer, Goodman 2004:206). He argued that we begin with a “social whole” to which we “analyze individual behavior”. It is within this context that we see Mead’s point of view that society as a whole is first in the hierarchy of learning. It is within the socialization that both humans and animals learn to ‘read signs’ and how to respond to them. We learn the consequences of our actions and choices made in our response.

Mead suggests that the act must be analyzed using dialectically interrelated stages. These stages are: Impulse - “an immediate sensuous stimulation”, perception - “the actor searches for and reacts” to this stimulation, manipulation - “taking action with regard” to the stimulation, consummation - “the taking of action which satisfies the original impulse”, gestures - “the basic mechanism in the social process”, significant

symbols - “a kind of gesture which only humans can make, mind - “a process and not a thing”, self – “the ability to take oneself as an object.. to be both subject and object”. In addition, Mead focuses on child development, with play and game stages. It is the play stage in which we first learn to “take the attitudes of particular others”, and the game stage in which we first “take the role of everyone else”. This is how we learn to associate “labels” with society. (Ritzer, Goodman 2004:207/13).

The main ideas surrounding symbolic interactionism can be summed up in three basic statements:

1. The actions of people are pragmatic and meaningful, developing only through interactions with others.
2. People attempt to maintain a positive self-identity and produce a positive self-image in the eyes of others – what Goffman (1959) termed “impression management”
3. Each social interaction is an exchange of symbols (language, clothing, demeanor, etc.) leading to an understanding of the situation, the people involved, and the motivations of each person. This can be stated as, “reality is constructed” through the exchange of symbols. We therefore use stereotypes to bring practical context to our perceptions.

The Framing of Events and the Construction of Reality

The work of Goffman provides a link between the above ideas of symbolic interactionism and the current work’s interest in the meanings attributed to white-collar crime. Goffman understood that reality depends upon the frame within which one understands a situation. In a sense, frames act like strainers or colanders, letting in some information, but blocking others. His most important work in this regard was *Frame Analysis: An Essay on the Organization of Experience*

(1974). Goffman's insight implies that the objective crime itself matters less than the subjective elements of what aspects of the crime are highlighted or the moral evaluations of the crime or criminals, for example. Research has shown that framing affects people's perceptions of high profile people such as athletes (Seate et al. 2010, Mastro 2011), and crimes that attract a national audience such as the "Jena 6 controversy" (Holt and Major 2010:17) and corruption in the Pentagon (Singer 2011).

One particular strand of research on framing starts from the assumption that a news story can be presented in at least two ways (Iyengar 2001). One way is to present the story as a part of a broad trend, affecting groups of people, and placing the story within a national or historical context. This type of framing is "thematic". Thematic frames are usually abstract and point to the structural causes of a particular phenomenon. Thus, a discussion of a war may focus on the political maneuvering that led to the conflict. Or, poverty can be seen as based in changes in the economic structure of society. A second way to present a story is to focus on the actors involved and the specific context and circumstances. This type of framing is "episodic". Episodic framing is more emotional, descriptive, and relies on the characters and personalities of the story. Further the story and the actors involved are presented as if they are isolated events. Thus, the story of war can be told through the eyes of families that have lost their loved ones, or cities that have been turned to rubble. Also, poverty can be illustrated through the struggles of a single mother.

Differences in framing by newspapers have consequences for the audience. Experimental studies in political science have shown that the way a study is framed effects a viewer's interpretation of a topic (Jorg 2009, Aarøe 2011 and Shen et al., 2012).

Qualitative research of the type used in this thesis has also provided support for the influence of frames. Using a method similar to the one that will be employed in this research, a longitudinal analysis, Dimitrova (2006) analyzed coverage of the Iraq War by the *New York Times*. Her analysis covered a six-week period in 2003. She found that the early coverage of the war was episodic, focusing on single battles, the players in the war conflict, and the violence of war. However, as time progressed the *Times*' coverage became more thematic, focusing on the rebuilding of the country and the economic and political consequences of the war's conclusion. Dimitrova writes that "It [changes in framing] suggests...that framing is not a static phenomenon, but a dynamic process, which warrants further investigation" (2006: 82).

Tillinghast and McCann (2013) conducted a longitudinal analysis of four magazines - *The Economist*, *Mclean's*, *Newsweek*, and *U.S. News and World Report* – news stories on climate change. Their analysis was extensive, covering 20 years from 1989 – 2009. Their research showed that over time all four magazines shifted their coverage of climate change from episodic to thematic. Stories that have strong moral undertones are also subject to differences in framing by the media. Holt and Major (2010) analyzed the news coverage, both local and national, of the "Jena 6 controversy" (p. 17), where six black children were charged with attempted murder. Many of society's leaders considered the charge unfair and an indicator of continuing racism and discrimination in America's institutions. The researchers hypothesized that, like other crime stories, the "Jena 6 controversy" (Holt and Major, 2010:17) would be episodic. Contrary to their hypothesis, Holt and Major found that this issue was framed thematically. Instead of focusing on the actors in the controversy – the black and white students – the news media presented the story within a context of historical racism, discrimination, and current racial inequalities within the American South.

The studies highlighted here work under an assumption, stated by Entman (2004), that “public opinion cannot be divorced from the political discourse and media frames that surround it” (p.142). This thesis also adopts this assumption, and looks to explore how reality is constructed around white-collar crime. Thus, this research explores the descriptions of white-collar crimes, the criminals, and the victims, as written by journalists and other persons producing the symbolic content that people consume.

Several studies have explored how white-collar crime is framed in the news media. Randall (1987) compared the coverage of corporate crime and white-collar crime in newsmagazines (*U.S. News & World Report*, *Time*, and *Newsweek*) with network news (ABC, NBC, and CBS). Her content analysis showed that, from the years 1974 to 1984:

corporate crime was given more space on network news than in newsmagazines by a ratio of 1.8 to 1, while white-collar crime had greater proportionate coverage in newsmagazines than on network news by a ratio of 3 to 1 (1987: 290).

Singer (2011) shows how the scapegoating of white-collar criminals creates an episodic and individualistic understanding of phenomena. This type of framing, Singer argues, leads to a lack of understanding of the systemic nature of the corruption.

Labeling of Criminals and the Construction of Reality

Howard Becker and his work on labeling provide another link through which the meanings attributed to white-collar crime can be explored. Similar to Goffman above, Howard Becker’s labeling theory is grounded within a symbolic interactionist perspective. Here is Becker (1963) discussing the dynamics of labeling:

social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a

consequence of the application by others of rules and sanctions to an “offender” (p.9, emphasis in the original).

Labeling theory orients the researcher to the meanings that are attributed to the act. It is not the act itself which is ultimately deviant but instead how people react to the act. Labeling theory also posits that individuals who lack social power relative to agents of social control are more likely to succumb to the negative labels assigned to them. Conversely, those groups with the economic resources or social prestige will have ability to resist those labels. This is consistent with the popular adage of the ‘golden rule’, where those with the gold make the rules.

Erving Goffman also applies the ideas of labeling theory in his work, *Stigma: Notes on the Management of Spoiled Identity* (1963). He explores the ways in which people given a negative label (or stigma) manage their social interactions while either possessing or at risk of possessing a social stigma. In Goffman’s framework, a stigma can be based upon a physical deformity, a moral failing, or an ascribed status such as class, race, or religion. Goffman understood that the intensity to which a stigma affects an individual’s life chances is grounded in the interactions between that person and the others he or she frequently encounters and the ability of that person to hide the symbolic associations connected with the stigma. For example, a person convicted of a white-collar crime – and thus given the label of “white-collar criminal” – may wish to avoid social contexts where finances are discussed. Similarly, stigmatized people can work to be known personally by others, thus becoming more than simply their stigmatized category (e.g. moving from “tax cheat” to “Fred”).

Once the negative label has been accepted by the individual, a reorganization of that person’s life may result, in which case he embarks on a career as a criminal, outsider, or socially deviant person. This is termed secondary deviance, and is a testable assumption. Research has

provided some support for the assumption that labels lead to secondary deviance.

Longitudinal survey data collected on youths who had entered the juvenile justice system in Rochester, New York subsequently increased their interactions with deviant groups.

These youths were significantly more likely to join a gang after they had entered into the juvenile justice system (Bernberg et al, 2006). These findings were corroborated in a more expansive study, following youths from ages 15 to 31. The authors of that study concluded that:

police intervention in adolescence is indirectly related to the probability of receiving welfare when participants are roughly 30 years old, through the increased probability of being arrested in their early 20s and their failure to receive a high school diploma. In addition, adolescent intervention has an effect on unemployment in young adulthood, which in turn is significantly related to later adult unemployment (age 29) (Lopes et al, 2012).

Thus evidence suggests that labels matter. However, it should be noted that the evidence is not uniform. Some studies show a weak relationship between labeling and the internalization of those labels (Hirschfield 2008) or that the effects of labeling on secondary deviance is uneven (Ray and Downs 1986).

The studies above, used to explain labeling theory, primarily focus on street crime and in some cases the criminal justice system's impact on the labeling process. This thesis looks to extend these ideas into white-collar crime, and the print media's impact on the labeling of white-collar criminals. Curiously, there is relatively little research that applies labeling theory to white-collar crime. One study of note explores the means through which tax evaders and their lawyers in the United Kingdom are able to manipulate labels for their benefit (McBarnet 1991). For example, tax evaders avoid, as

the author puts it, the “taint of fraud” by labeling their actions as failure to disclose tax information. McBarnet (1991) concludes her research by arguing that:

Labelling [sic] theory in the context of white-collar crime should therefore be reviewed: it may be not so much a matter of others defining the individual or organisation as deviant but of individuals or organisations managing the labelling process to pre-empt the possibility of stigma (McBarnet 341).

SUMMARY AND RESEARCH QUESTIONS

To recap, this thesis begins by providing a definition and some summary statistics on white-collar crime in the United States. Following this was a discussion of how the media can influence public perceptions of white-collar crime. This provided a justification for the research topic – the media’s reactions in the wake of ‘Bernie Madoff scandal’. Next, the theoretical foundation for the rest of this thesis was built. Taking a symbolic interactionist perspective is appropriate for this thesis because this perspective focuses on the meanings attributed to white-collar crime. This beginning focus led to two separate, but related, avenues through which the relationship between white-collar crime and the meanings that newspapers attribute to it can be explored. First is the notion of framing. One way through which the stories on white-collar crime can be categorized is either episodic or thematic framing. Second is labeling theory. Through labeling theory, it is understood that the meanings attributed to any given act is what defines deviance and what produces the stigma of white-collar criminal. These ideas produce four research questions.

The first two questions are concerned with frames:

1. How were white-collar crimes framed from the years 2007 - 2011?

2. Did the Bernie Madoff scandal in 2009 affect the way in which these crimes were framed?

The third and fourth research questions are concerned with labels:

3. What labels were used to describe white-collar crimes and (suspected) criminals from the years 2007 – 2011?
4. Did the Bernie Madoff scandal in 2009 affect the way in which these crimes were labeled?

METHOD

The results produced come from a combination of longitudinal and cross-sectional summative content analysis of newspaper articles. While some researchers suggest that qualitative analysis can be impressionistic, this study relies completely on concrete modifiers within each article. Additionally, because this paper uses a symbolic interactionist perspective, qualitative data analysis is most appropriate.

Three articles from each year, 2007 - 2011, were gathered from *The Washington Post*, *The Wall Street Journal*, and *The New York Times*. The analysis of these 60 articles used a “concurrent flow of activity” (Clark) because qualitative data analysis is fluid. First, articles were selected at random using Lexus/Nexus through the Rhode Island College Adams Library search tools. The randomly selected articles were first separated by source, then by year. The articles were analyzed, episodic or thematic frames were found, and labeling modifiers were noted. One of the standards for determining the

variable was; framework, to look at the article's overall framing – episodic or thematic. Next, was to look at words used by the journalists to describe the theme; crime, criminal, prosecution/investigation, and victim. Various highlighters were used to categorize the different themes within each article. For example, green for the crime. Because the goal was to gather the concrete descriptive words used within each article, there was no bias by this author.

The initial analytic coding included gathering common descriptive words used to label the crime, the criminal, the prosecution and or investigation, and the victim. For example: “*embezzlement or fraudulent accounting scheme, self-dealing corporate honcho or privileged wall-street insider, a shoddy investigation or judicial discretion, and average person of modest income or swindled retirees*”. These common descriptive words were tallied which allowed for a more focused coding. Descriptors used only once were disregarded.

Once the coding was complete, and to advance the analysis (Clark), memoing was completed. This memoing proved to be a crucial building block, not only theoretically but methodologically as well. For example, episodic and thematic frames became apparent. In addition, future research necessities became more apparent, and are discussed later.

Data displays can take many forms and are as individual as the author. The data display used for this paper is a meta-matrix, often referred to as a monster-dog, because of its enormity. (Clark) The monster-dog contains the listing of the 60 articles, separated first by year, then by episodic or thematic frames, and finally by the common descriptive words. Different researchers may produce a different data display, but the monster-dog did allow for quick thorough comparison.

Once all the information was gathered, a pattern developed which serendipitously led to a conclusion. The scholarly articles used for the literature review seem to be substantiated by this

data. This then led to the final step, the data analysis – findings. Considered the “old-fashioned way”, transcription, coding, memoing, and data display were all done by hand.

FINDINGS

The Framing of White-collar Crime

Two research questions ordered the data analysis concerning frames. First, *How were white-collar crimes framed from the years 2007 – 2011?* News articles can be written thematically or episodically. Thematic accounts included stories about the increase of white-collar crime, the investigation and prosecution of the crime, and new laws/regulations and government agencies tasked with oversight. For example:

A state law went into effect Jan. 1 that bars all employers, public and private, from printing the number on pay stubs, checks or other pay information. The state excised the numbers from its payroll in November in preparation for the change. Other businesses have been following suit.

The law is one piece of a raft of legislation passed over the past several years aimed at curbing identity theft, which is, by some estimates, the fastest-growing white-collar crime in the country.

According to statistics compiled by the Federal Trade Commission, more than 4,000 Maryland residents report identity theft each year, an increase of 400 percent over the past five years. Experts believe that many more people experience fraudulent charges on their credit cards but straighten out the problem privately and never report the crime.” Rosalind S. Helderan, The Washington Post, January 11, 2007, Social Security Number Barred From Paychecks; Md. Law Attempts to Curb Identity Theft

Md. Law Attempts to Curb Identity Theft.

Episodic accounts included stories about the specific crime, the criminal, the criminal justice actors, or the victim:

On a March afternoon in 2003, Henry C. Yuen, the former chief executive of Gemstar-TV Guide International Inc. sat alone in his Pasadena, Calif., office and installed a software program called Eraser 2003. According to his own testimony, he then deleted the contents of his hard drive, committing a crime with the potential to put him behind bars. Spencer, Jane and Kara Scannell, 2007.

And, second, *Did the 'Bernie Madoff scandal' in 2009 affect the way in which these crimes were framed?* The three newspapers were very similar in their use of framing throughout the years analyzed.

This study found that there were no clear differences in framing. The newspaper articles talked thematically about broad trends in white-collar crime as well as episodically about specific criminals, crimes, and prosecutors. Consider these descriptions of the crime used by all three newspapers; *shoddy lending, scam, hoax, fraud, wrongdoing, corporate kleptocracy, Ponzi scheme, and fraudulent accounting scheme.*

For example, in 2009, an article in *The Washington Post*

*...the government needed to prove he was trying to line his own pockets with the **fraudulent accounting scheme** that brought down the giant company...*” (Barnes, 2009).

The use of the phrase *fraudulent accounting scheme* portrays to the public a misdeed, not necessarily a crime. Additionally, when describing criminal justice actors, descriptives such as *sorry record, lackadaisical approach, judicial discretion, upside down investigation, and violated constitutional rights* were used.

A 2011 *Wall Street Journal* article, “Spitzer's Latest Loss” focused on abuses by criminal justice actors in their quest to control powerful corporations.

*Federal and state prosecutors have built a **sorry record** since the fall of Enron created a political incentive to pursue white-collar defendants, whether or not they've committed crimes. In the latest embarrassing episode, the abuses include prejudicial evidence, botched jury instructions and "compelling inconsistencies" suggesting that the government's star witness "may well have testified falsely.*

A September 2007 *Wall Street Journal* article “Abuse of Privilege”, shows the criminal justice system and how it separates the individual from the corporation. This is further suggestion of relief for the corporation of the ‘rotten barrel’ innuendo.

For years it has been Justice Department policy to demand that companies under investigation waive attorney-client privilege and turn over privileged documents to prosecutors. It has also been Justice policy to routinely demand the firing or cutting off from legal assistance of accused employees, even before they've been charged, much less tried.

Media attempts to focus on ‘the bad apple’ instead of the ‘bad barrel’ are vivid in many of the articles. This suggests a need by corporate owned media to protect economic interests, and shows they are inclined to protect ‘Corporate America’.

Common themes are apparent in the 10% of the articles which focused episodically on the criminal. The descriptors used appear to use positive attributes such as: *grandest most colorful, executive, wizard of Wall Street, and mastermind.*

Interestingly, the descriptives or labels of the criminal appear to be gender biased. For example, “...*very highly paid, educated and sophisticated..., handsome, well-dressed pillar of society...*” when referring to male perpetrators, while, “...*housewife..., or ...mother of two...*” when referring to female perpetrators.

One descriptive term of interest, and perhaps ‘catchy’ is *hacktivist*, used in a 2011 *New York Times* article.

*Unlike extortion cases, in which hackers typically demand a fee for not disclosing specific proprietary information, attacks by **hacktivists** put companies in a potentially more precarious and vulnerable waiting mode. The companies do not know precisely what has been stolen, how destructive its disclosure will be, when it will be dumped online or even whether the hackers are still roaming through their internal networks. All the while, they must reassure anxious clients and try to minimize the inevitable public relations fallout. (Henriques, 2011).*

Adding more credence that public perception and prior research is scant, at best, when discussing the victim; consider that only 8% of the articles focused on the victim. Labels given to victims include, *computer user, investor, average citizen with modest income, and swindled retirees.* Of

interest here is that of the 8% focusing on the victim, only four of the articles discuss the impact.

For example,

“...the buyers deal with ruined credit, crushed dreams and an annoying stream of collection calls...” or “I have experienced sleepless nights with these financial setbacks...” (Jackman, 2010).

As he was wheeled into open-heart surgery, 76-year-old William Sirk turned to his only daughter and revealed a secret that he had been too embarrassed to share: The retired construction supervisor had been swindled out of his life savings, all \$600,000 of it. On top of his heart ailment...had lung cancer...his wife of 50 years had dementia... (Wilbur, 2011).

This is an indication that the victim is of very little importance. Or perhaps, the victim does not allow the media its infotainment. This study has found little sensationalism when describing the victims, unlike the descriptions of the perpetrator.

One interesting article, *The Washington Post*, July 2011, writes,

...disgraced Democratic donor, Norman Hsu. He had been accused of using money from a \$60 million Ponzi scheme to make campaign donations to leading candidates, including President Obama and Secretary of State Hilary Clinton. (Mr. Obama and Mrs. Clinton later donated the money to charities.)

The analysis of frames did not present clear conclusions. The questions that guided this research in frames were (1) How were white-collar crimes framed from the years 2007 - 2011? and (2) Did the ‘Bernie Madoff scandal’ in 2009 affect the way in which these crimes were framed? It appears as if white-collar crimes were a mixture of episodic and thematic. This is in contrast to issues such as black poverty and street crime, which are framed episodically, and give the reader a somewhat inaccurate view of these issues as being an issue only related to minorities’ personal choices (Kendall 2011). In some ways, this mixture is heartening because it would give the reader who found an interest in these issues a broad understanding of white-collar crime in the United States. The second question, that of the Madoff scandal being a turning

point in how issues were framed, could not be answered definitively. The Madoff scandal was heavily reported, but it did not lead to the news media focusing on one type of frame or the other.

However, one trend in the framing really stood out. Little was written – especially episodically - about the victims of white-collar crime. When changes in white-collar crime rates were discussed – a type of thematic article that can be seen as focusing on victims, the article’s emphasis tended to be on the policies that have enabled or constrained these changes (thematic, with an emphasis on policy) or the response by criminal justice actors (thematic, with an emphasis on prosecutors, and FBI). Stories about poverty have archetypal characters such as the young black male in street crime, the teenage black single mother in poverty, or the loner white male in mass shootings. These characters are convenient tropes for the news media. However, the typical victim of white-collar crime is not as obvious as a ‘street crime’ victim. A question can be asked if there is a typical white-collar victim that is “sexy” enough for a story to be written. For whatever reason, the victim was a non-entity in this frame analysis.

The Labeling of White-collar Crime

Two research questions ordered the data analysis concerning frames. First, what labels were used to describe white-collar crimes and (suspected) criminals from the years 2007– 2011? The newspaper articles analyzed suggests at least two major types of labels. One is the fairly consistent association of white-collar crime with complexity. Another is the omission of victims when discussing white-collar crime. And second, did the ‘Bernie Madoff scandal’ in 2009 affect the way in which these crimes were labeled? This analysis suggests that in the later years, 2010 and 2011, there was a greater emphasis on the prosecution of criminals, leading to even greater descriptions of white-collar crimes as complex. However, the victim was still not existent, even

as society became more aware of crimes by Bernie Madoff as well as the crimes of organizations such as AIG and Fannie Mae.

The first type of label was that of “complexity”. Crimes were inevitably described as being excessively intricate and wide-ranging. For example, in 2008, an article by *The Washington Post* discussed the problems with prosecuting financial giants:

A half-dozen current and former government lawyers cautioned that mortgage-related cases presented significant challenges for investigators because of their complexity, which they said surpassed even the five-year-long probe into wrongdoing at Enron. "The reason is they involve securities . . . that are all but incomprehensible even to sophisticated investors," said Timothy J. Coleman, a former Justice Department official who oversaw the government's corporate fraud task force. (Johnson, 2008).

As the years passed, and the litigation dragged on, print media continued to discuss the complicated nature of trying to prosecute white-collar crime. As this article from *The New York Times* states:

Wall Street's role in the crisis is complex, and cases related to mortgage securities are immensely technical. Criminal intent in particular is difficult to prove, and banks defend their actions with documents they say show they operated properly. (Morgenson, Story, 2011).

This tendency to harp on the complexity of the crime extends to the criminal. But often, this leads to backhanded compliments of sorts: the criminal who has the ability to master such esoteric knowledge is intelligent and sophisticated. Here, an article by *The New York Times* describes Lance Poulsen after he was convicted of fraud and sentenced to 30 years in jail:

"Mr. Poulsen is an architect of a fraud of such magnitude that it would make sophisticated financial analysts shudder," Judge Algenon Marbley said in Federal District Court in Ohio. (Kouwe, 2009).

In fact, when a criminal is not highly educated, that is in itself news. Thus, when describing Ponzi schemer Marcia Sladich, a *New York Times* article reads:

She's no Bernard L. Madoff, Robert Allen Stanford, Charles Ponzi or any of the fallen titans of finance convicted or accused of running toxic pyramid schemes. Instead she's a well-liked working-class mother of four who is married to a teacher and who worked as a ticket collector at Giants Stadium and the Izod Center in the Meadowlands. She nonetheless found time from 2004 to 2007 to raise more than \$15 million from hundreds of her neighbors and fellow churchgoers here and investors elsewhere with the promise that she would invest their money in risk-free ventures and double it within a year...How did a ticket collector put together a \$15 million Ponzi scheme? Why did anyone go along with such an amateurish and sloppy swindle? (Applebome, 2010).

When prosecutors are discussed in relation to this complexity, they are often painted as bumbling and inept. In this *New York Times* piece, the author writes:

“the prosecutors for the Justice Department's Enron Task Force, who have racked up an impressive array of guilty pleas in the case, but whose performance at trial has been decidedly less dazzling.” (The New York Times, 2006)

The cases that fail or the convictions that are overturned get just as much attention as convictions. The attention of the media to the failures of the USDOJ help to reinforce the idea that the crimes are too complex, the laws governing them are too byzantine, and the criminals too brilliant to be handled easily. Again, from *The New York Times*:

While prosecutors have had their share of successes in their battle against corporate fraud, yesterday's ruling was the latest in which they have seen a prominent case unravel because it hinged, in part, on aggressive legal tactics. In 2005, the Supreme Court overturned the conviction of the accounting firm Arthur Andersen, a death knell for the firm, in connection with the collapse of Enron. And the case against Richard M. Scrushy, the former chief executive of HealthSouth, was undermined by the complexity of the conspiracy case. (Browning, 2007).

It is hard to overestimate the use of complexity in its many forms – technical, intricate, complicated, and arcane – to describe white-collar crime. The notion that crimes done by individuals of high status during the operation of their work is too incomprehensible for the

common man dominates newspaper articles. The descriptions of the law and order process in newspaper articles, from the crime itself to the criminal to the prosecution are informed by this theme of complexity.

A second type of labeling is in some ways a label of non-existence. The word “victim” is not used with frequency in the sample of articles, only about eight percent. What was striking was how it was used. The word victim was associated at times with banks, members of companies that folded (e.g. Enron), potential investors that became gun-shy, and even with convicted white-collar criminals. However, **no** articles in the sample discussed the average victims of white-collar crimes. ‘Average victim’ refers to ordinary people, not corporations.

For example, here is a human interest story that engenders a discussion on victims of white-collar crime, arguing that it is hard to pinpoint a victim because of the nature of the crime:

A mugging or a burglary or a murder is usually counted whether or not the criminal is caught. A street crime has a victim, who typically reports the crime to the police, which generates data, which in turn generate thousands of academic papers by criminologists, sociologists, and economists. But white-collar crime presents no obvious victim. Whom, exactly, did the masters of Enron steal from? And how can you measure something if you don't know to whom it happened, or with what frequency, or in what magnitude? - The New York Times, June 6, 2004 Sunday, “What the Bagel Man Saw”

This story was about a bagel vender, Paul F., who sold bagels to businesses in the Washington, DC area. He worked on an honor system. He would drop off bagels to business and organizations in the morning, along with a jar through which those who took bagels would leave money. In the evening he would come back, take the money and take the leftover bagels. Some of his clients took bagels without paying. So here we have a victim, a business owner: “Paul F.'s bagel business was different. It did present a victim. The victim was Paul F.” (Ibid). Clearly, Paul F. is not the ordinary type of victim of white-collar crime. Neither were his losses the sort

that lead to financial ruin – Paul F. was trying to reduce thievery in order to increase his bottom line.

Another example shows the invisibility of the working class victim. In this article, the term victim is used, but in this story the **banks** are the victims:

“No matter defendant's motive,” Judge Reade wrote, “he defrauded the victim banks out of millions of dollars.” She also sentenced Mr. Rubashkin to pay almost \$27 million in restitution to the institutions “There was no bank robbery, he never intended to cheat or steal from anyone,” said Guy Cook, Mr. Rubashkin's defense lawyer. Mr. Cook said the term was “essentially a life sentence” for Mr. Rubashkin, who is 50, and was especially difficult for Mr. Rubashkin's 10 children, one of whom is autistic.” (Preston, 2010).

Another aspect of this story is the attention paid to the convicted criminal, who may have gotten an excessive sentence given his age. Thus, we see that the victims in this particular story are the financial institutions and the criminal himself.

In another example, here an article mentions “hard working people” in association with the term victim, and makes a strong case for why the victim is so often neglected. However, the final two sentences are not about working class people who may lose their homes because of corporate malfeasance or cybercrime, but the well paid former employees of Enron and potential investors:

No one is auditing the agencies charged with investigating white-collar crime the way the Department of Justice and the F.B.I. audit the police. And because the bodies of white-collar crime victims are not piling up at the morgue, there is little public pressure to do so. This should change. As devastating as murder is for the victims and their loved ones, it's a contained crime. Significant time, money, and manpower are spent tracking down murderers, even though statistically, they are not likely to kill again. But the effects of corporate crime are felt worldwide, sending ripples throughout the economy in the form of decreased investment and product development. Such fraud can send innocent hard-working people, like Enron's 21,000 employees, into poverty or financial distress. – The New York Times, July 16, 2005, “Counting Corporate Crooks”

There was one article in the sample, from *The Washington Post*, that spoke directly to the victimization of working class people. In an op-ed piece discussing a potential change in law, a law professor from the University of Florida writes:

The result of a waiver prohibition, of course, would be a significant slowdown of white-collar criminal prosecutions -- exactly what the business lobby wants. And the losers, once again, would be the victims of white-collar crime: the American people. – (Seigel, 2007).

It is telling that this contributor was someone from outside of the media, employed at a state university in the Southern United States, away from the concentrated wealth, privilege and Ivy League pedigrees of the Northeast. His may have made him more cognizant of the everyday effects of white-collar crime than a journalist.

Unlike the complexity label, the disregarding of the working and middle class victim was constant throughout the sample. The use of the term victim did increase over the years, especially as it related to gross trends (e.g. the number of victims has grown) or to changes in policy (e.g. victims will be protected more with the new law). However, at no point did an article focus on working and middle class victims of white-collar crime.

CONCLUSION

Perhaps not unlike previous studies and those yet to be written, this project has taken unexpected turns. The original thinking of what would be found was that clear differences in journalistic writings would emerge as the years progressed, 2007 – 2011. Definitive differences would be shown in descriptive phrases and labels used by journalists to define white-collar crime and criminals. This distinct difference would be attributed to the arrest and notoriety of the ‘Bernie Madoff scandal’. However, the findings seem to indicate that labeling has not changed.

Research on white-collar/cybercrime has been going on for decades; from the ‘original’ Ponzi scheme of 1922, to present day corporate frauds. With this plethora of research and written studies comes a variety of perceptions and subject matter. In addition, weekly television shows, and radio talk shows portray, or occasionally discuss, white-collar/cybercrime. For example, MSNBC’s *American Greed* is an hour long show profiling white-collar crimes; USA Network’s *White-collar* is a popular series that pitches a con man (cybercriminal) against the FBI; and various David Letterman episodes (and jokes) on white-collar crime are just a few salient examples. Topics of discussion include the crime, the criminal, the prosecution, the punishment, and the victim.

Studies vary widely depending on their focus. For instance, corporate or individual crime, hierarchical status of the criminal, biased prosecution (or lack thereof), fines imposed or prison terms, and to what extent the lives of victims have been forever changed. In addition, some studies focus on the media attention, and on public perceptions. However, there is little scholarship on whether the ‘Bernie Madoff scandal’ has changed societal perception of the crime and the criminal. Because the emphasis of this paper is on the perceptions of white-collar/cybercrime and the labels given to white-collar/cybercriminals, it uses a symbolic interactionist perspective.

To better understand the importance of labels used by media, public, and criminal justice actors, this paper gives a theoretical background. This background offers a sociological viewpoint for labeling and framing. For example, Mead suggests that as a “social whole” we “analyze individual behavior”. As shown in the literature on white-collar crime, the labels given to the deviant behavior of criminals’ stems from behavior learned through our social contacts.

Society seemingly regards money as power. Thus, the powerful are able to lie, cheat, steal, ruin victims' lives and remain relatively unscathed.

Goffman discusses that “reality depends upon the frame within which one understands a situation”. Like the qualitative data findings in the summative content analysis, the frame can be either episodic or thematic. Because framing affects perception, it is not surprising that the public often perceives white-collar crime as not criminal. Of course, this leads to a lack of an understanding of the systemic nature of the corruption. However, it is those that lack social power whom are more likely to succumb to negative labels about the crime and the stigma.

It may well be that media influence allows the police to perceive white-collar crime as *victimless*. Because only 8% of the articles focused on the victim, this gives more credence to that perception. In fact, only four articles mention the devastating victim impact. Research shows that victims are often blamed or categorized as associated with the criminal. It is often the perception that the victim is somehow reaping benefits from the crime, or is in some way deserving of the deception perpetrated on them because of their lack in protecting themselves. (Levi, 2006.) Additionally, scholarly articles relating to victim impact is very limited. This suggests further research is needed to understand if the lack of victim focus is yet another unintended consequence of media influence. When looking at the 2010 National Public Survey on White-collar Crime, it is curious that only 24% of households reported a crime and of that only 12% reported to law enforcement. This seems to suggest that society may feel that law enforcement may not react to the crime as they would, perhaps, if it were a ‘street crime’. An interesting read on white-collar crime (identity theft) and its impact on the victim is TC Boyle’s

Talk Talk. Although fictional, it is seemingly factual in that it shows a lack of interest by law enforcement to help because “identity theft is a victimless crime”.

It is possible that because discussion continues today for the best way to define white-collar/cybercrime, that public perception is mixed. Edwin Sutherland defined the crime as ‘an offense committed by a person of respectability and high social status in the course of his or her occupation’ (Sutherland quoted in Barnett, 2000:1. This matches the descriptors used by the media when the ‘Bernie Madoff scandal’ was first reported; *a handsome, well-educated, multimillionaire, upstanding pillar of society*. However, a current request for proposals from the USJD asks for a more definitive operationalization.

The study of white-collar crime can lead one to focus on the individual rather than the corporation. Like the Conrad Black story, focus quickly turned away from the corporation. This allows for “the bad apple theory”. “The spectacle blurs the line between what is typical and unique. Hence, white-collar crime is sensationalized with a ‘rotten apples’ explanation. However, these actions are typical and representative of the entire system.” (Walker, Darryl, 2012). If the focus is on the individual, this prevents the corporation from the label as the ‘bad barrel’.

Bernard Madoff was considered “the Gold Standard” of Hedge Fund Managers. (CBS: 60 Minutes). The well-educated, finely dressed, multimillionaire was arrested in December 2008 for what has been labeled “the Bernie Madoff Scandal”. This ‘affinity scam’ began with friends and family and grew to be global. Newspaper articles and investment websites such as StockPicksSystem Investment Services use descriptors like “a very clever Ponzi scheme”, a “\$35 – 65 billion dollar fraud”. Madoff has been described with labels like “pariah” and “the greatest

crook” and his 11 felonies included descriptors such as “fraud, perjury, money laundering, making false statements”. This is hardly the nomenclature of a criminal that ‘ended the lives’ of all his investors – not by murder *per se* but by destroying the ‘life as they knew it’. Absconding with their retirement savings and leaving them virtually penniless has destroyed their hope for a comfortable retirement.

Interestingly, newspaper articles of the ‘Bernie Madoff scandal’ did not seem to include the corporate name. In fact, it took a separate Google search, for this study, to discover the name of the corporation; Bernard L. Madoff Investment Securities LLC. Perhaps the media presumed the readers were already aware, or because the corporate name includes Bernard Madoff, it need not be announced. This curious finding seems to support the thesis that media focuses more on the individual as opposed to the corporation.

Unintended consequences of this sensationalization, or framework, would be the public perception of the crime and the criminal, and public support for resource allocation for investigations and criminal processes. In addition, the stigmatization of the criminal leads to social bias and consequently taints the jury pool. The labels of *improper accounting procedures*, *embezzlement*, and *financial wrongdoing*, played into public perception, but particulars of accounting methods does not seem a significant focus in regards to media and public perception. However, studies on this subject are limited. Further studies should include accounting/business practices and the governmental accounting regulations to understand how proper oversight is imperative.

Further studies should also include whether there is a subculture within the field of journalism. Literature does seem to suggest that professional journalists can be ‘objective’ or

‘publicity agents’. “Objectivity, as the concept underpinning professional journalism as well as the expectations of the public is in itself inherently ambiguous”. (Timber, Prentoulis, 2003:215). Perhaps there is a subculture of journalists which describe white-collar crime and criminals with a bias, as opposed to objectivity. Nomenclature may be dictated by journalistic guidelines, however, as evidenced with descriptors such as “*She’s no Bernie Madoff, housewife, mother of two*” when describing female criminals, gender bias may well be prevalent within journalistic subculture and warrants further study.

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Appendix A

Evolution of the Concept of White-Collar Crime

Table 2.1 Evolution of the White-Collar Crime Concept

Concept	Definition	Reference
Criminaloid	The immunity enjoyed by the perpetrator of new sins has brought into being a class for which we may coin the term <i>criminaloid</i> . By this we designate such as prosper by flagitious practices which have not yet come under the effective ban of public opinion. Often, indeed, they are guilty in the eyes of the law; but since they are not culpable in the eyes of the public and in their own eyes, their spiritual attitude is not that of the criminal. The lawmaker may make their misdeeds crimes, but, so long as morality stands stock-still in the old tracks, they escape both punishment and ignominy.	E.A. Ross (Sin and Society, 1907, p. 48)
White-collar crime	Crime committed by a person of respectability and high social status in the course of his occupation.	Sutherland (1949)
Corporate crime	Offenses committed by corporate officials for their corporation and the offenses of the corporation itself.	Clinard and Yeager (1980, p. 189)
Occupational crime	Offenses committed by individuals in the course of their occupations and the offenses of employees against their employers.	Clinard and Yeager (1980, p. 189).
Organizational deviance	Actions contrary to norms maintained by others outside the organization . . . [but] supported by the internal operating norms of the organization.	Ermann and Lundman (1978, p. 7)
Elite deviance	Acts committed by persons from the highest strata of society . . . some acts are crimes . . . may be criminal or noncriminal in nature.	Simon (2006, p. 12)
Organizational crime	Illegal acts of omission or commission of an individual or a group of individuals in a formal organization in accordance with the operative goals of the organization, which have serious physical or economic impact on employees, consumers, or the general public.	Schrager and Short, (1978, p. 408)
Occupational crime	Any act punishable by law which is committed through opportunity created in the course of an occupation that is legitimate.	Green (1990)