



1989

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Jonathan J. Rusch
Georgetown University Law Center

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Recommended Citation

Rusch, Jonathan J. (1989) "Book Review: Crème de Crime: Techniques for Interviewing White-Collar Criminals," *University of Baltimore Law Review*: Vol. 18: Iss. 3, Article 10.

Available at: <http://scholarworks.law.ubalt.edu/ublr/vol18/iss3/10>

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BOOK REVIEW

CRÈME DE CRIME: Techniques for Interviewing White-Collar Criminals

By Judith M.T. Addis† (Vantage Press 1988)

Reviewed by Jonathan J. Rusch‡

In his *tour d'horizon* of human exploration, *The Discoverers*,¹ Daniel J. Boorstin identified two developments that have decisively influenced scientific research since the late seventeenth century. The first was the transition from the mere recounting of experience—"always personal, and never precisely repeatable"—to the conduct of experiments in a more precise and rigorous manner.² The second, an unanticipated by-product of the printing press's faster dissemination of information, was the importance the scientific community attached to the priority of discovery.³

A third development that Boorstin did not identify, but that has become increasingly evident in this century, is the dynamic tension between these first two developments. As the scientific community continues to emphasize priority of discovery as a determining factor in professional advancement and distinction, researchers must constantly resist the temptation to lessen the rigor of their experiments, to draw unduly optimistic conclusions from their experimental data, or even to falsify data for the sake of ensuring a suitably impressive discovery.

A new study by Dr. Judith Addis, *Crème de Crime*,⁴ provides a significant opportunity to examine this dynamic tension more closely. A specialist in forensic psychotherapy,⁵ Addis seeks in this study to explore the efficacy of various psychotherapeutic techniques for interviewing white-collar criminals.⁶ What immediately sets this study apart from other empirical studies in psychology is the boldness of Addis's claims about its significance. With an immodesty unusual for a scholar who has completed her doctoral research so recently,⁷ Addis asserts that her study not only "provides important information that has not been ex-

† B.A., 1969, Long Island University; M.S., 1974, Long Island University; M.A., 1984, C. W. Post University; M.A., 1984, Hofstra University; Ph.D., 1986, U.E.C.U. Curriculum vitae information obtained by telephone interview with Elsa Maldonado of Vantage Press (June 3, 1988).

‡ Trial Attorney, Fraud Section, Criminal Division, U.S. Department of Justice. A.B., 1974, Princeton University; M.A., 1978, University of Virginia; J.D., 1980, University of Virginia. The views expressed herein are solely those of the author and do not necessarily represent those of the Department of Justice or any officer thereof.

1. D. BOORSTIN, *THE DISCOVERERS* (1983).

2. *Id.* at 395.

3. *Id.* at 409.

4. J. ADDIS, *CRÈME DE CRIME: TECHNIQUES FOR INTERVIEWING WHITE-COLLAR CRIMINALS* (1988) [hereinafter *ADDIS*].

5. *Id.* at 38.

6. *Id.* at 23.

7. Addis states that her doctoral research, which involved the exploration of therapeu-

plored up to this time,"⁸ but is "the pioneer in this area . . . [that] will serve to pave the way for other significant studies to be conducted."⁹ She also states, with slightly greater modesty, that she "may be the pioneer of this topic [*i.e.*, interviewing white-collar criminals] at this point in time."¹⁰

Any methodologically sound inquiry into the psychological dimensions of crime, of course, should always be welcomed by students of law and the social sciences. Since 1933, when Jerome Michael and Mortimer Adler declared that "[a]n empirical science of psychology does not exist,"¹¹ there has emerged a "vast literature dealing with psychiatric or psychoanalytic criminology"¹² that includes numerous studies grounded in the scientific method. The extraordinary claims that Addis makes about her study, however, make it necessary to examine the methodology employed, the techniques tested during the research, and the results reached, to determine the extent to which those claims are justified.

Addis begins her study in an academically traditional manner, by conducting a review of what she terms "the pertinent literature for white-collar criminal behavior, psychotherapy techniques, interviewing, and white-collar crime."¹³ She notes that this review, which provided her with leads to additional methods that she incorporated into her research methodology, "was an excellent method for initiating [her] study plan."¹⁴ Professors in numerous disciplines, who routinely expect their students to survey the relevant literature when conducting original research, would surely concur.

Addis's review of the literature, however, omits a number of the leading works in the areas that her review purports to cover. For example, on the topic of interviewing, neither the literature review nor the bibliography include a number of standard texts on psychiatric and psychological interviewing,¹⁵ or on interviewing in general.¹⁶ On the topic

tic techniques for their efficacy in interviewing white-collar criminals, extended from the autumn of 1983 to 1986. *Id.* at ix, xii, 20, 149.

8. *Id.* at ix.

9. *Id.* at 147.

10. *Id.* at 16.

11. J. MICHAEL & M. ADLER, *CRIME, LAW AND SOCIAL SCIENCE* 80 (1933).

12. N. MORRIS & G. HAWKINS, *THE HONEST POLITICIAN'S GUIDE TO CRIME CONTROL* 174 (1970).

13. ADDIS at 24.

14. *Id.*

15. *See, e.g.*, H. ARGELANDER, *INITIAL INTERVIEW IN PSYCHOTHERAPY* (1976); W. BINGHAM & B. MOORE, *HOW TO INTERVIEW* (4th rev. ed. 1959); B. BIRD, *TALKING WITH PATIENTS* (2d ed. 1973); M. BRENNER & E. J. LIEBERMAN, *INTERVIEW ART AND SKILL* (1980); J. DAVIS, *THE INTERVIEW AS ARENA* (1971); A. ENELow & S. SWISHER, *INTERVIEWING AND PATIENT CARE* (1972); A. FENLASON, *ESSENTIALS IN INTERVIEWING* (rev. ed. 1962); *DIAGNOSTIC INTERVIEWING* (M. Hersen & S. Turner eds. 1985); R. KAHN & C. CANNELL, *THE DYNAMICS OF INTERVIEWING* (1957); R. MACKKINNON & S. YUDOFSKY, *THE PSYCHIATRIC EVALUATION IN CLINICAL PRACTICE* (1986); S. SHEA, *PSYCHIATRIC INTERVIEWING* (1988); H. SULLIVAN, *THE PSYCHIATRIC INTERVIEW* (H. Perry & M. Gawel eds. 1954).

of white-collar crime, Addis does not mention the seminal work on the topic, Sutherland's *White Collar Crime*,¹⁷ nor a number of more recent works by criminologists and lawyers.¹⁸

Moreover, the review of the literature contains little evidence of analysis or identification of contributions that the works make to Addis's study. In the nineteen printed pages of the literature review, forty-five paragraphs solely consist, and another fourteen paragraphs primarily consist, of block quotations.¹⁹ Even if the literature on methods for interviewing white-collar criminals is scant, as Addis contends,²⁰ the very paucity of materials on this highly specialized topic should have prompted a more searching review and analysis of the available materials on white-collar crime, if only to ensure that no significant observation or insight was overlooked. The incompleteness and superficiality of the literature review hardly inspires confidence in the foundation for Addis's study.

Addis's statement of the objective of the study, however, makes clear that the foundation contains even more severe weaknesses. She states, in various ways throughout the study, that the purpose of the study "was to find effective techniques for interviewing the white-collar criminal."²¹ This statement, notwithstanding its brevity, reflects two substantial problems with Addis's methodology.

The first substantial problem with Addis's methodology is that Addis nowhere defines what she means by the terms white-collar crime and white-collar criminal. Although the task of defining the term white-collar crime has daunted many researchers over the years,²² the lack of such a definition is a striking omission from the study's research design. Because the term white-collar crime was devised for sociological analysis, it is necessarily an unwieldy and imprecise mechanism for defining categories of crime.²³ As Susan Shapiro has observed, it is not clear "whether

16. See L. DEXTER, *ELITE AND SPECIALIZED INTERVIEWING* (1970); A. GARRETT, *INTERVIEWING* (2d ed. rev. 1972); J. MATARAZZO & A. WIENS, *THE INTERVIEW* (1972).

17. E. SUTHERLAND, *WHITE COLLAR CRIME* (1983 ed.). For an assessment of this, Sutherland's best-known work, see G. GEIS & C. GOFF, EDWIN H. SUTHERLAND: A BIOGRAPHICAL AND ANALYTICAL COMMENTARY, in *ON WHITE-COLLAR CRIME* 171 (1982). Addis's study does cite two of Sutherland's general texts on criminology. See ADDIS at 153, 155, 161.

18. See, e.g., A. BEQUAI, *WHITE-COLLAR CRIME* (1978); J. COLEMAN, *THE CRIMINAL ELITE* (1985); *WHITE-COLLAR CRIME: AN AGENDA FOR RESEARCH* (H. Edelhertz & T. Overcast eds. 1982); M. LEVI, *REGULATING FRAUD* (1987); K. MANN, *DEFENDING WHITE-COLLAR CRIME* (1985); S. SHAPIRO, *THINKING ABOUT WHITE-COLLAR CRIME* (1980).

19. See ADDIS at 1-19.

20. See *id.* at 8.

21. *Id.* at 29-30. See also *id.* at ix, 23.

22. See S. DINITZ, *MULTIDISCIPLINARY APPROACHES TO WHITE-COLLAR CRIME*, in *WHITE-COLLAR CRIME: AN AGENDA FOR RESEARCH*, *supra* note 18, at 140.

23. H. PACKER, *THE LIMITS OF THE CRIMINAL SANCTION* 354 (1968); see also S. SHAPIRO, *supra* note 18, at 1.

the term characterizes acts or actors, types of offenses or types of offenders; or whether it refers to the social location of deviant behavior, the social role or social status of the actor, the modus operandi of the behavior, or the social relationship of victim and offender."²⁴ Thus, in any study of white-collar crime, a researcher who does not explicitly articulate and make operational a definition of the term white-collar crime creates an appreciable risk that the research design, and even the results of the study, may be skewed by the researcher's unarticulated assumptions or conceptions.

Addis's comments on her selection of a sample population for the study indicate that the risk in this case is more than hypothetical. She asserts that the fourteen persons who were willing to cooperate in the study "are representative of an array of white-collar criminality including corporate embezzlement, trust fraud, client bilking, tax evasion, misuse of public office, insurance fraud, and computer crime."²⁵ The phrase "representative of an *array* of white-collar criminality," however, is rank circumlocution in a study of this nature. Either the sample population is representative of the *universe* of white-collar criminality, or it is not. In this case, there is good cause to doubt the representativeness of the sample population. The study itself contains no objective criteria by which Addis might have determined that the offenses listed in the above quotation are truly representative of white-collar crime, and numerous offenses that are among the most frequently cited examples of white-collar crime—such as antitrust violations, bank fraud, defense procurement fraud, extortion, and health and safety regulatory violations²⁶—are not reflected in either the sample population or the universe of persons from which the sample population was chosen.

Moreover, one must use the term *universe* advisedly when referring to Addis's research design. As she acknowledges, Addis selected her sample population of fourteen from a universe of only twenty-three persons whom she met and surveyed.²⁷ When one considers that tens of thousands of persons are now serving, or have recently completed service of sentences for federal and state criminal violations, it almost defies belief that a researcher who purports to conduct scholarly research on white-collar crime identified fewer than two dozen persons throughout the country to survey for possible participation in the study. Other studies on white-collar crime have shown the feasibility of identifying larger numbers of possible participants in a universe of persons many times

24. S. SHAPIRO, *supra* note 18, at 1.

25. ADDIS at xiii.

26. See, e.g., R. BECKLER & M. EPNER, *PRINCIPAL WHITE COLLAR CRIMES* 36-63 (J. Glekel ed. 1982); K. MANN, *supra* note 18, at 30; *WHITE COLLAR CRIMES* 1 *passim* (G. Naftalis ed. 1980); H. PACKER, *supra* note 23, at 356-57; U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL, *NATIONAL PRIORITIES FOR THE INVESTIGATION AND PROSECUTION OF WHITE COLLAR CRIME* 14-42 (1980).

27. ADDIS at xiii.

smaller than the universe of persons available to Addis.²⁸

The second substantial problem with Addis's methodology requires no lengthy explanation. Addis simply selects as the sole objective of her study the effective interviewing of white-collar criminals without specifying the criteria by which she determines a particular interviewing technique effective. Although "the interview may be the single most effective tool the forensic psychologist and psychiatrist has for evaluative purposes,"²⁹ evaluation is evidently not the objective of Addis's interviewing techniques. Nor is treatment of the subjects of the study. Addis specifically points out "that the use of therapeutic modes employed in interview sessions was intended primarily to draw out information from respondents, not to treat them."³⁰ To say, as Addis does, that the objective of the study "was to explore, eclectically, the strategies, techniques, and styles that worked in the successful interviewing sessions conducted with white-collar criminals"³¹ begs the question of what constituted success for the purposes of the study.

The techniques that Addis used to conduct her interviews are scarcely more innovative than the elements of her methodology. Addis's interviews with white-collar criminals rely heavily on simple techniques familiar to police officers, television newscasters, and other professional interviewers for gaining a person's confidence and efficiently obtaining useful information. If any of the techniques has even a semblance of originality, Addis's insistence on "eclecti[c]" exploration of interviewing techniques precludes the reader from determining whether that particular technique has in fact been effective, and discourages future researchers from seeking to replicate her study with other respondents.

Addis's techniques for recording and recounting her interviews with criminals and informants also warrant critical examination. Addis states that she found it impractical to record or take notes of her interviews, and therefore "chose instead to jot down key words immediately after the interviews were over and used these clues to help reconstruct the sessions as fully as possible."³² From these cautionary remarks, one might expect that Addis would, at most, simply state the general tenor of each interview, summarize the pertinent exchanges of conversation, and include one or two direct quotations of particularly memorable phrases or remarks.

Instead, Addis invariably uses quotation marks to report numerous questions and answers from the interviews as direct quotations. These direct quotation renditions of the interviews range from several sentences

28. See K. MANN, *supra* note 18, at 30, 32.

29. M. MALONEY, A CLINICIAN'S GUIDE TO FORENSIC PSYCHOLOGICAL ASSESSMENT 4 (1985).

30. ADDIS at 53.

31. *Id.*

32. *Id.* at 32.

to several pages in length,³³ and often seem like verbatim transcripts of the interviews. In addition, these accounts of the interviews frequently include Addis's observations on the nuances of speakers' vocal inflections,³⁴ facial expressions,³⁵ and bodily positions.³⁶ Some accounts include even the grammatical errors and vernacular speech of individuals.³⁷

If one were to believe that each of these numerous quotations accurately records the actual words spoken by Addis and her interview subjects, then Addis's ability to reconstruct lengthy interviews merely from key words jotted down after interviews would entitle her to acclaim for a prodigious memory. Common sense invites a different conclusion: that Addis has faithfully tried to recall the details of her interviews, without using any of the conventional devices for recording such information accurately, and therefore has likely set down an indeterminate number of words different from those actually spoken. Had she presented the interviews as reconstructed accounts without using quotation marks, those accounts would have properly indicated to the reader their nature and accuracy. Addis's pervasive use of quotation marks throughout her interview accounts lends a spurious air of authenticity and accuracy to those accounts, and deceives the reader into believing that those reconstructed conversations occurred exactly as reported in the study. However well-intentioned Addis was in choosing not to create a contemporaneous record of her most important interviews, even when permitted to do so,³⁸ her methods for recording these vital data again preclude future researchers from reviewing her notes and confirming the accuracy of her accounts. Although Addis is certainly not the first person to "reconstruct" lengthy exchanges of conversation after the fact from memory, she would have inflicted less damage on the credibility of her study if she had either distinguished between real and reconstructed quotations, as other recent authors have done,³⁹ or refrained from reproducing as direct quotation any remark that could not be specifically cross-checked for accuracy in her interview notes.

Because Addis failed to articulate criteria for determining whether a particular interviewing technique was effective or successful, as stated earlier, there is literally no way for the reader to determine whether the results of Addis's research have truly made a contribution of any signifi-

33. See, e.g., *id.* at 43-49, 60-70, 72-75, 91-96, 97-100, 100-04, 114-22, 136-41.

34. See *id.* at 41, 63, 90, 96, 97, 99, 104, 117, 136-37.

35. See *id.* at 42, 46, 48-49, 60, 62, 66-69, 73, 83, 92, 95, 115-16, 121, 136-41.

36. See *id.* at 90, 95, 97, 101, 136, 141.

37. See *id.* at 37-40, 41, 42-49, 51, 54-55, 57-60, 62-70, 71-75, 80-84, 84-86, 91-96, 97-100, 100-04, 114-22, 136-41.

38. One of Addis's informants who discussed her association with a white-collar criminal, Paul, gave Addis permission to take written notes or tape-record her discussion. Addis chose not to do so, explaining that she "felt it would be a good idea to keep our meeting on an informal, conversational level." *Id.* at 80.

39. See Streitfeld, *Book Review*, Wash. Post, May 29, 1988 (Book World), at 15, col. 1.

cance to the scholarly literature on white-collar crime. It is regrettable that the principal result of this study is to serve as an object lesson, for all who are interested in the empirical branches of psychology and law, that the siren song of professional acclaim can still tempt scholars to sacrifice the intellectual rigor and capacity for self-criticism on which lasting professional acclaim truly depends.