

Journal of Criminal Law and Criminology

Volume 28
Issue 2 *July-August*

Article 1

Summer 1937

Editorials

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Editorials, 28 Am. Inst. Crim. L. & Criminology 161 (1937-1938)

This Editorial is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

EDITORIALS

THE PROFESSIONAL THIEF

The skilled pickpockets, confidence men, shoplifters, check writers, and certain other offenders may be regarded as professional thieves. This profession has a complex of skilled techniques, status, consensus, organization, and segregation in the underworld. They depend primarily on their wits, "front," and talking ability; they must be good actors. By these characteristics they are differentiated from non-professional thieves, and also from professional criminals in other rackets.

The earnings of some members of this profession are envied by people in legitimate occupations. Eddie Jackson (misnamed the Immune, for he spent a larger part of his life in prison than most professional thieves) said it was a poor week when he got less than \$1500 for his personal income. Jackie French had a famous week in Florida in February, 1922, when he took \$345,000 from three victims in confidence games. The states' attorney of Cook County, Illinois, stated in December, 1934, that Joseph (Yellow Kid) Weil and his troupe in six months took more than a million dollars from victims in confidence games. It is reported that the federal authorities are planning to accuse William Elmer Mead, professional confidence man, known as the Christian Kid, of income tax shortage of \$60,000 during the years 1921-1928, due to failure to report his gains from swindles.

These professional thieves are able to pursue their occupation successfully for three principal reasons: First, they select the rackets in which conviction is very improbable. In some of the rackets the victim is induced to undertake an illegal act and is therefore not willing to bring accusations against the thief; this is true especially in confidence games and the "shake" (shake-down in connection with income tax frauds and homosexuality). Also, the stores are very reluctant to accuse a person who looks like a legitimate customer of theft, and the thieves look like legitimate customers. It is very difficult to secure sufficient legal evidence to convict a pickpocket. Second, the thieves have perfected their techniques by training and experience, both from the point of view of the criminal act and from the point of view of avoiding incriminating

evidence. A shoplifter saw in a department store a bundle of men's suits which had just been unpacked; he went back around the corner, took off his coat and hat and put a pencil behind his ear so that he would look like an employee of the store, returned and picked up from the pile all the suits he could carry, took the service elevator to the ground floor, walked out the door, and stepped into a taxicab. In the confidence game the "build-up" is so convincing that many victims insist on going through with the swindle even after they have been warned by the police or by bankers that they are being swindled. Third, the thief works on the assumption that he can fix practically every case against him. He is arrested frequently but because of his ability to fix cases he is seldom sent to prison. The arrests are inconvenient, but bad weather is inconvenient also and persons do not give up their business because of bad weather. The thief takes the arrests as a matter of course and is not disturbed.

Cases against the professional thief are fixed sometimes by his own efforts, sometimes by efforts of political office-holders, and most frequently by a professional fixer for professional thieves. The fixing is accomplished principally by inducing the victim to drop the prosecution in return for restitution of property. Then, in order, assistance is rendered by policemen, prosecutors, clerks, bailiffs, and judges. The policemen, clerks, and bailiffs generally receive cash for their services after each act of assistance; the prosecutors and judges are likely to receive Christmas presents, loans which are not repaid, or contributions to campaign expenses.

This fixing of criminal cases is a specific instance of the modern social disorganization. First, the victim looks at the theft from the point of view of his own interest and has practically no consideration of the general social welfare; in this respect he has the same point of view as the professional thief. When he drops the prosecution he is not only acting from a narrowly individual point of view but also he is committing a technical crime. Second, the office-holder who accepts gifts for protecting the thief is a part of a political organization which, in general, is engaged in predatory control. The patronage system which is for the welfare of the party organization and in opposition to the general social welfare is an illustration of this predatory control. Other illustrations may be found in the methods of enacting and blocking legislation, the methods of voting, taxing, and granting contracts and franchises. The fix in professional crime is a part of this system of predatory control. The

police and the courts are selected as agents to protect the general society against crime; under orders from the party organization or on payment of money they pervert their function and protect the thieves. Not every policeman or prosecutor does this, to be sure. In order to secure a conviction it is necessary to have the cooperation of victim, police, prosecutor, clerks, bailiff, judge, jury, and perhaps grand jury. The thief works on the assumption that he can always find a weak link in this chain and that it is only a matter of using ingenuity to find where the chain can be broken most easily.

EDWIN H. SUTHERLAND.