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Max Huhner

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## CRIME DOES PAY

MAX HUHNER<sup>1</sup>

Above the entrance of one of the popular features at the Brussels Exposition in 1935, there was a sign bearing the inscription "*Crime Does Not Pay.*" This was surrounded by pictures depicting the death of Dillinger, the electrocution of the Diamond boys and similar features, all tending to illustrate the above motto. It must be admitted that such exhibits may have a beneficial effect, and may act as a deterrent to the commission of crime. In fact, the motto referred to seems so obvious to most people and so unnecessary to discuss, as to appear to be almost axiomatic.

It is the object of the present essay to examine the problem anew, and to show that, not only is this popular impression very far from the truth, but that, quite to the contrary, crime is one of the best paying ventures under our social system.

Accurate statistics prepared by specialists in this field show that in the United States and particularly in New York, out of every 100 crimes committed, only 15% of the perpetrators are ever brought to trial and that only 2% are ever convicted. In other words the criminal has a 98% chance of escaping ultimate punishment and an 85% chance of escaping arrest.

It is only the brazenly stupid criminal, who like Dillinger and his ilk, commit crimes so openly that everybody knows the perpetrator, that get into trouble. Even among these bold clumsy criminals, we find that before they ended their careers, they had previously committed a considerable number of more or less serious crimes, for which they had either escaped punishment entirely or had received comparatively light sentences.

Several years ago it was pointed out that in New York State alone there had been over 1000 unsolved murders in a single year and that in many cases the victims could not even be identified. It follows therefore that the perpetrators of these 1000 murders certainly received no punishment whatever. When we add the larger number of crimes of lesser degree the perpetrators of which have

<sup>1</sup> Fellow of the New York Academy of Medicine.

never been detected, we can get some idea of the large number of criminals who escape conviction.

Every once in a while we read how the Federal government by accident comes upon the makers of counterfeit money, but we do not know how many expert counterfeiters are never detected and how many of them have retired from their criminal careers to enjoy their illgotten wealth for the rest of their lives. The trouble with scientific investigations of crime is that we come to know the few who go to jail, that is, the 2% or so who have been actually convicted, and that we know next to nothing about the other 98% who have escaped. We have absolutely no data concerning the 85% who have never been arrested or even suspected, and who may be living lives of luxury, perhaps as respected church members in their particular community.

It is frequently stated that no matter how much a crook steals he soon dissipates his gains and never accumulates wealth. This argument again, is likewise based only on the experience of the 2% that land in jail, and entirely ignores the 98% that never get into jail.

From time to time we read about some escaped convicted criminal who has changed his name and thereafter leads an exemplary life. The probation officers have furnished a vast number of accounts of criminals who, after serving their time, have led exemplary lives also. If this is true of known criminals, who had to face the natural prejudice that exists in the business world against employing anyone who has served time and, who have nevertheless ultimately succeeded in life, how much more frequent and more easy must be this result in the case of those 85% or 98% of criminals who have never been convicted and have even escaped suspicion or arrest. As before stated we know absolutely nothing of those criminals who have been content with a modest fortune or have accumulated substantial fortunes in their respective communities.

As an example of the foregoing I might mention the case of a physician who died only recently and who was highly respected both in charitable and communal circles. On one occasion he told the following incident in his career. Shortly after his graduation, when his practice was small and his means scanty, he hit upon the criminal device of impersonating applicants for civil service positions as well as medical students coming up for their final medical examinations. This was many years ago before the Board of Ex-

aminers compelled applicants to submit their photographs with their papers. The risk which this physician ran, especially in taking examinations for medical students in the very college from which he had been graduated only a few years before, was certainly very great, but nevertheless he continued this method of making money for a number of years and was fortunate in escaping detection. As soon as his medical practice improved sufficiently, he gave up this illegal procedure and maintained an honorable reputation, respected by the entire community until the day of his death.

If newspaper reports can be credited, our country is at present full of various bootleggers and racketeers, and from the facts established in various cases, the number of persons engaged in such illegal practices runs into thousands while the amounts collected by them reach many millions of dollars a year. Every once in a while there is a spectacular announcement in the newspapers of some racketeers being exposed and sent to jail or of some particular racketeer having been killed by his rivals. But even most of these who have been exposed and who are serving jail terms at present have *not* been sent to jail because of their racketeering operations but have come to grief because of irregularity in their income tax returns, certainly a more minor offense than their criminal operations. What, however, of the thousands of other persons who make large sums of money in this illegal manner and who escape detection, and enjoy their illegal gains without annoyance, and even without the loss of the respect of an unsuspecting community. Such, in many instances, is the case of high political officials who are directly connected with the underworld, and who are often the protectors of the racketeers. Many of these are not only not exposed, but are repeatedly elected to high office as a token of the high regard in which they are held.

Many years ago, when the red light districts were under investigation, it was brought out that the madams of immoral houses had to pay large sums of money to the ward politician for protection, while the latter in turn, after keeping a certain percentage for himself had to turn over the rest to "the man or men higher up," the latter, in many cases being supposedly reputable members of the community.

From the foregoing it will be seen that "*Crime Does Pay*" and those who argue to the contrary merely call attention to the very few who come to grief, and entirely ignore the much larger number who escape. It might be likened to the case of a physician who

would discuss the ills of humanity and draw all his conclusions from the few sick people in the world, entirely ignoring the vastly larger portion of humanity who are not sick.

But it is not merely the notorious breakers of the law who are to be considered. There are thousands of high class citizens, several of them prominent philanthropists, who, when they sit around a director's table, never hesitate deliberately to steal money from the pockets of stock holders, and in doing so have not the slightest throes of conscience, but look upon their schemes as simply matters of good business. They never, or very rarely, come into conflict with the law because they are well advised by competent legal authorities how to steal without running the danger of exposure or punishment. It is only when some great crisis occurs and when some company or bank must go into bankruptcy that an investigation brings out illegal practices, many of which often are obscured from the public or the jury, on the theory that the officers or directors were innocently misled and really did not know the true state of affairs. There seems to be a general opinion, especially in this country, that every person is honorable no matter what he does, as long as he can keep out of jail. Several years ago when life insurance companies were being investigated by Charles E. Hughes, who later became Governor of New York and is now Chief Justice of the United States Supreme Court, it was disclosed that some of the officials were absolutely dishonest. This exposure, however, did not materially hurt their reputations, and one of them was repeatedly thereafter elected to high public office and not only retained his membership in one of the most aristocratic societies of America, but subsequently became its president.

Many years ago a clergyman made a most useful and practical invention. A large corporation simply appropriated it. The inventor enlisted the aid of a few Wall Street men and brought suit which lasted over a generation. He died a pauper and his children lived in poverty, but finally after the culprit corporation had been beaten in the highest court, it effected a settlement with the heirs of the inventor for a fraction of what was due. Of course, had no such settlement been made, an accounting and resulting litigation would have consumed many more years. During all this time the offending directors lived in luxury and died leaving large estates. Nor is this an isolated case. Several financial giants have made their fortunes in like manner and their children and children's children are enjoying the fruits of their misdoings.

A prominent clergyman sometime ago asserted that the recipient of illgotten wealth could not be happy, for no one knows or can appreciate the secret twinges of conscience with which he is constantly assailed. This statement, however, is true only of the more obvious infractions of the law. After all conscience is a purely artificial attribute, and depends largely upon training and environment. In some of the Southern states for instance, the lynching of a Negro does not cause any pangs of conscience in the perpetrators. In the far East, until quite recently it was considered wrong for a woman to expose her face to any man other than her husband, while in America and most European countries, such action is not considered wrong or immodest and certainly does not arouse pangs of conscience as it would in the eastern woman. In countries where polygamy is the rule, the man does not consider that he has violated his conscience by committing polygamy as would be the case in American and other countries. In war, the soldier will shoot down the enemy with no compunction, whereas in time of peace he would suffer the most intense pangs of conscience by killing one he had never seen before.

And so it is with the matter under consideration. Many men are brought up with the idea that certain really criminal actions are nothing more than good business practices and they are never troubled by conscience for having defrauded stockholders.

Only recently, the papers have called attention to discoveries of secret correspondence showing that some prominent diplomats, not only in the United States but also in Europe, deliberately plunged great nations into the most terrible and far reaching war, with all its horrible incidents of death and unspeakable tragedy, and that this was done in large part for the sake of either saving their own investments or making fabulous profits from the sale of ammunitions. These diplomats never felt the slightest pangs of conscience, because they have been educated to the idea that what they did was politely called diplomacy. The history of the whole world is, in large degree, a record of merciless wars entered upon merely to gratify some nation or ruler in his personal ambition. No pangs of conscience ever accompany such acts.

These, too, are crimes that pay.

The question naturally arises that if crime pays so well, why do we not all become criminals? In the first place, only a comparatively few have the ability. For instance it takes artistic skill and workmanship to turn out a good counterfeit. It takes great

ability to be able to head a large corporation, to manipulate its earnings, give out reports which will mislead the investor, illegally extract for one's self high profits and still remain immune from prosecution. It takes great ability to be a diplomat and so play one nation against another that it may appear to the general public that the war which he brings about is prompted by patriotism only, and is absolutely necessary for the safety of the nation.

Another reason given as a deterrent from committing crime and wrong doing was stated by a prominent lawyer in an address delivered before a Parents Association about a year ago, when he said "Do not tell your children not to do anything wrong because it was supposed to have been enunciated centuries ago at Mt. Sinai that it is wrong to steal or to kill; but tell them not to do wrong things, because by so doing they will lose the respect of their fellow men, and so from a purely practical point of view, wrong doing will not pay."

While the consideration of reputation may in part account for deterring many from the wrong path, it is after all not an absolute deterrent for it has been shown again and again as instanced above that the wrong doer may escape detection and not even forfeit the respect of his community.

The writer of this essay is not a clergyman nor does he intend this essay to be a sermon. A careful consideration of the facts shows that in most cases *crime does pay*. There can be but one great deterrent and that is the power of religion. If boys and girls were brought up with the thought that all crimes and wrongdoing should be avoided not because of the opinion of the community but because such action is contrary to the law of God, and subject to punishment by a higher power, then, even though the child grows up and ultimately finds that in many cases criminals may escape and reap wealth even without loss of the good opinion of the community, his conscience has been properly trained and his faith in a higher justice will be the supreme deterrent.