DECEIVERS AND DECEIVED

Observations on Confidence Men and Their Victims, Informants and Their Quarry, Political and Industrial Spies and Ordinary Citizens

By

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This book is dedicated to all those law enforcement personnel who have been working to bring criminological and social science research together with police planning and practice. It is particularly dedicated to our deceased colleague in the Cell, Ed Comber, and to the Cell's members Fabbri, Guidici, Kimble, Lewis, Pomeroy and Ross, along with our sometime visitors, Beal, Ingersoll and McLaren. It is also dedicated to those leaders, former Chief Justice Earl Warren and former Attorney General Ramsey Clark, whose example and personal encouragement have meant so much to us.

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Chapter I

OVERVIEW

This book presents a series of observations of people who have consistently deceived others or who, as victims, have been deceived. The aim in undertaking these inquiries was to learn something of the settings, personalities and interpersonal transactions which are productive of violations of trust, to learn something of the chain of events leading to and comprising deception and to gain some perspective in an arena of human conduct which is emotionally charged, as the words "treason," "fink," "squealer," "Judas" and "betrayer" imply. This endeavor was not intended to encompass the whole range of human deception nor judgments thereof, nor was it embarked upon with the idea that only one set of factors would be identified as accounting for trust violation. To the contrary, the initial premise was that trust violations, like most forms of human congress, arise from varied circumstances and serve several possible interpersonal functions. It was not and it is not now the intent to enumerate all of these but rather to identify some aspects of trust violation which might not already be known in the wisdom of folklore, practical politics, or the human sciences.

Some of the people and actions observed and reported here constitute criminological cases. Implicit in that classification of criminality is that an individual knowlingly intended to steal from another, as in defrauding through bunco games, and that the perpetrator planned or engaged in the wrongdoing itself. Implicit in that criminality is the notion of a victim of the crime, one presumed innocent, on whose behalf the state as law enforcer and prosecutor stands ready to act through its agents. The observations on confidence men contained in this book are instances of that criminal deception. Complementary observations on the victims of confidence men are also presented. The

results, it will be seen, make the innocence of the victim, especially his psychological innocence, a matter of some question. We sought additional evidence of criminal trust violation by comparing embezzlers with confidence men and with other randomly selected criminals. That inquiry, which reviewed social and psychiatric records of every identified confidence man and embezzler processed through the prison system of northern California, revealed little except that embezzlers, unlike confidence men, were more often said to be gamblers and were less often described as having poor relations with their wives and parents. Because such facts as these contribute little to our understanding of the embezzler's trust violation, we do not further report that study here. Similarly, we sought among smugglers information that would yield us insights into their deceptions. What we learned was the cleverness of modern smugglers and the foolishness of amateurs but nothing that bespoke etiology and dynamics of deception as a psychological, as opposed to an operational, matter.

Observations on political defectors are of a different order. We have two samples; first, persons defecting from the United States and NATO countries to the Iron Curtain lands and second, those from the Iron Curtain coming West. In either East or West, their acts are usually judged according to criminal statutes but of a different sort, since the State conceives itself as victim as well as prosecutor (given the chance for the latter to take place). These political offenses are usually thought of as ideological matters, and because of that component of idealism and imputed morality, viewers may respond with sympathy and admiration even if the offender is a traitor. Yet it will be seen that preconceptions may be erroneous. Especially among the defectors from the West, the individual histories are so strongly suggestive of sociopathy and unpremeditated entry into the espionage business that ideological or political motivation is difficult to show. In consequence, we shall reason that the careers of most traitors evolve from personal difficulties and situational pressures—as well as opportunities—rather than burning political convictions or even an explicit intent to "spy." On the other hand, the Iron Curtain defectors, especially Soviet,

may more often be idealists. Since spies are cast as criminals in their homeland because of their defection, the average Western viewer is not only likely to approve their conduct but in examining their careers as presented here, will find less evidence for deviant personality, delinquency or the exploitation of trust for personal gain. That does not rule out a history of deception in their lives, especially since life in the Soviet Union appears to require deception for survival.

A third and limited set of observations presented here concerns persons involved in events which are on the borderline between civil as opposed to criminal violations of trust. Civil complaints are those in which the state adjudicates, determining where injury or negligence has occurred, but does not prosecute on behalf of an injured party. Such grievances come to court as torts. Our data focus on persons alleged or found to have engaged in industrial espionage. A broader population of deceivers could have been obtained had we studied adultery in marriage or contract violation in business. The prospects of either endeavor as a focus of study were overwhelming, although some information on cheating in marriage and in business is presented in our survey of a sample of ordinary citizens. As to the study of industrial spies, it began accidentally from opportunities arising during a preliminary work on character and managerial competence. We tried to use the opportunity to learn if there were differences in the personal histories and presumed character of those engaged in industrial trust violations in comparison with their peers not known to have engaged in trust violation.

Two other borderline groups had been planned for inclusion in the work, but both were frustrated. We had learned from reading Hubner (1965) that many credit risks would be careless, immature people; others we suspected of more planned theft. The records of credit bureaus proved inadequate for our purposes, whereas our funds and energy were insufficient for beginning a credit risk study without a case-finding base. Consumer fraud was also to be included, but unexpected ambiguity stood in our way and because of it we foundered. Prosecutions were so few that judicial decisions could not serve as criteria for defining criminal violation of trust. Citizen complaints were

more common, but records of these were poor at best. And we found at the outset that a customer complaint might be evidence only of disappointment or occasionally a deceptive device on the part of the customer himself who sought aggressively to avoid payment of bills. For example, is an allegedly poor job of roof oiling the result of criminal intent or is it the bad luck of a customer stuck with an incompetent contractor? Might it even be the bad luck of the contractor stuck with a litigious customer?

Another set of observations presented here comprises yet a different classification of trust violations. The persons involved are rarely accused of criminal deception or of being criminal. No political coloring is involved in their cases. An intentional failure in contractual obligations is not implied. Most often there is not even awareness on the part of the one deceived that Mr. X is his betrayer. Who are the cases? Police informants. These may play their part by virtue of being the confidents of criminals, in which case the nicer word used to describe them in our American culture which claims (usually inconsistently at best and sometimes hypocritically) to abhor tattling is "double dealer." Other words are fink, rat, stoolie, informer, snitch and squealer. An informer, it will be shown, may not be acting perfidiously to mine confessions of secret things; he may simply observe or overhear enough to convince him that the police should hear what he has seen or heard. If he reports it, he is an upright citizen doing his civic duty. If he remains in a privileged place so as to continue to observe such goings-on, as barkeeps, cab drivers, prostitutes or wives of racketeers may do, and should he or she become a regular and reliable information source, then one has an informant in the law-enforcement sense of the word, or an agent-in-place as the intelligence community would call him. Does such a person deceive? There will be argument about it, less so if it can be shown that the informant seeks such privy places so as to exploit them, more so if the informant himself is exploited by those upon whom he informs or by those to whom he gives the information. It will be seen that the informant is rarely a simple "rat." Rather his act of betraval, if it is decided to call it that, is also (as with the other

trust violators in this study) the result of a sequence of events and a play of forces which may call into question the degree of choice or responsibility which an informant can exercise as he is propelled into his sometimes desperate position.

We also asked a sample of the quarry of informants what they thought their nemesis to be moved by and to be like. The quarry—a group of drug dealers—offered accurate if unextraordinary descriptions of the snitches they knew or thought they knew. What was extraordinary was what we took to be their blind spots, in contrast to the insights as to motives and relationships between victim (quarry) and fink as recounted both by the police handling snitches and the snitches themselves. These discrepancies led us to speculate on hidden complexities underlying some trust violations, our thesis being that betrayal is engendered in situations where the victim insists on being unrealistic about a relationship, failing to comprehend enmity for himself and affection for his enemies on the part of someone close, and that one becoming the betrayer. The thesis also proposes that the betrayal itself can be a means whereby the angry weak instruct the strong in their hostility and, in doing so reorder the relationship among the lives of all concerned.

The question of responsibility, indeed of awareness, can be raised for other conduct which may also be considered a violation of trust. To pursue it, we sought to identify two rather different groups; first, the "inside men" used by more sophisticated safecrackers and burglars to provide intelligence for their "stings," and second, missing persons. We found some inside men, too few, though, to justify a full chapter here but sufficient to remind us of the complexities of our subject. "Inside men" are often simply unwitting employees adroitly pumped for information by Don Juan behavior by the burglar to dazzle a payroll secretary, companions at the next barstool, or other seemingly casual conversationalists. The aware kind exist, of course, such as the disloyal employee paid for his help, a criminal cohort documented so as to be hired by a jewelry store as sales help or, cleverly, the silent long-time partner who does the filing of safe and payroll data for the insurance company covering the store.

But the ones who most likely shake preset judgments about whose trust is being violated are those inside men who are also the owners of the store; they themselves hired the burglar.

As for missing persons, we mention our venture but shall not report it further. We cannot say whether or not missing persons have violated trust because we could not find them! Why not? Not because they were missing but because they had returned. We took records of every missing person reported in a major city for one year-2,631 of them. Within half a year, only eleven were still gone. Of these, there were only four adults, three of them believed dead and the fourth a chap who left his wife meanly but not mysteriously. Review of the cases of returning prodigals showed that most adults had left a mate (heterosexual or homosexual, married or otherwise) after fighting. Most juveniles were truants, eloping, going off with a divorced parent, or seeking the high life. Whether or not trust had been violated, no one could be sure. For many, there had been no binding compact perceived, and consequently, responsibility and awareness for anything as profound as betrayal remained in doubt.

Clearly, the study of violations of trust is made difficult by the problems of case definition and of case finding. It is made difficult by the complexity of the psychodynamic, interpersonal, institutional, economic and political levels involved. It is also made difficult, but very pertinently, by the inevitable intrusion of moral and ideological matters. Case-finding rests at a primary level upon the moral stance of the participants. At the secondary, or removed, scientific level, it still rests upon a moral stance. We propose that violations of trust are mostly moral matters and more intensely these, than they are problems of law, of politics or of social science. These latter are but external forms classifying what happens between people. The real process of trust violation, its raw material, is deception between people.

Betrayal, once that word is invoked by some party to the process, is the emotional characterization attendant upon discovery that a relationship has not been what it ought, morally, to be. The charge of betrayal then, of being "had," is an exclamation of moral outrage which comes first among humans. Only later does one come to actions at law, political speculation or the

beginning of scientific inquiry. The point needs stressing; there will be no understanding of trust violation which ignores its moral-emotional dimension and the primacy of that in defining those events which are considered as trust violations.

As to determining forces (the roots and antecedents of trust violation), we shall see that these are a mix of the history and circumstance of the person, his groups, his situation, the politics of his times, the relationship between victim and deceiver, the psychodynamics of them both and, in addition, the morality and the predilections of the observer. The latter is noted because we shall demonstrate a relationship between being a deceiver and being deceived and between these correlated experiences and sensitivity to corruption and deception in others. One sees many parallels in this mix of antecedents and correlates with findings from other research on lives, on crisis behavior, on person appraisal, on psychopathology, on criminal careers and the like. We conclude initially that trust violations are the same order of conduct as other complicated human interactions and endeavors. We also call attention to the possibility that part of the communality of explanation—that ubiquitous social science assertion of multideterminism and multiple levels of correlates and functions-may rest not within the events observed but with our means and fashions for accounting for human conduct. The limitations of criminology in particular and the social/behavior sciences in general are such that investigators and clinicians use much the same tools and concepts in looking at and talking about one form of social conduct as another.

As there is no single cause for trust violation, there is no uniform phenomenon which is trust violation. Deception is the practice of falsehood on another, a process between people we propose, but it has many guises. Betrayal is the reaction to a discovery of a relationship where moral/emotional expectations have been disappointed, but the characterization embraces varied enterprises. Indeed, both definitions are pale enough to bespeak the complexity of events when trust is given (perhaps) and trust is abused (perhaps). At best, the events judged to be trust violation have in common the judgment by someone that someone else should not have acted, given the confidences involved, as

he did. A rule has been broken, a wrong has occurred, even though the rule may never have been written or even discussed. Nevertheless, the person wronged assumes that both parties have subscribed to the rule and that it was a fundamental one for continuing human intercourse. The essence of that "rule" would appear to be that persons who enter into socially defined relationships with one another (or with plural "others," as in organizations or nation-states) which require for their function and continuation the giving and receiving of confidences, engage not to reveal or exploit their knowledge, position or advantages to bring harm to the other. The giver of confidence is vulnerable because the deceiver appears to have accepted the usually unstated obligation to protect the self-interest of the other. The reaction on the part of the one betrayed is outrage or sorrow. That reaction seems predicated at the very least on the feeling that harm should not come from an unanticipated source pledged personally or obligated by custom to do no harm and to get no self-gain from the vulnerability arising from the granting of trust. If harm is to come not only from outsiders or identified competitors, predators and the like but also from those in whom one engages in special trusting relationships, relationships where most of the emotional business of life is transacted, then is not the core of one's life jeopardized? Trust is given to those one is close to, those one needs something from, those on whom one depends—the co-workers in living; if they violate trust, have they not torn out the heart of one's hopes and satisfactions? Ironically it must be in these needful and exposed circumstances that any betrayal arises, simply because by definition and opportunity it is within the family, between lovers, or within the combat group, the business partnership or the intelligence unit that one person can exploit the confidence of another to his own ends. There is, further, the likelihood that a person's vanity as well as his confidence in himself and his social universe can be traumatically shocked by trust badly placed; that is, but not realizing that one is or is about to be "had." We can understand how such an event could undermine one's self-trust at being able to judge others, to read the signs of loyalty or love or to defend oneself from the expected beasts in the jungle of human affairs. Such a failure to

estimate accurately the intentions and capabilities of others vis-à-vis oneself can well be a fundamental threat to anyone's sense of security as well as to that core of vanity which, inside us, would have us believe that all others ought to love and serve us. If such failures are repeated, that is, if a person is repeatedly deceived—and we shall see that some victims are repeaters just as violators can be chronic ones—must not the victim also begin to hear an inner voice which tells him of his own culpability? May there not be some compulsion to enter into relationships based on fantasy, magical thinking or exploitative lying? Perhaps, after all, naiveté is a commitment to the irrational. In any event, recognition that one's plight is one's own doing is not likely to lessen the intensity with which others are blamed for what has transpired.

It will be seen, as one compares our working conceptions of trust violation with the popular definitions which came out of our study of the experience of ordinary folk with deception (see Chapter XII), that our definition is the more elaborate but does not contradict popular themes and does contain the elements present in most folk definitions. Our definition, like our methods, will be useful at best for a brief span of time and ought soon to be replaced by better. This book will serve its ends if only it stimulates others to consider the problems of trust violation and out of that to develop further means for a better understanding of one domain of human conduct.

Chapter II

CONFIDENCE MEN: A BRIEF INTRODUCTION

THE CONFIDENCE MAN is no stranger to mankind, and so it is that history as well as fiction, biography, police annals and, much more recently, criminology and its social, scientific or medical contributors, is filled with examples. Was not Hermes himself a charming trickster, our earliest example and god to thieves? The confidence man's essence, whether illustrated in the biography of Kreuger, the match king: The Yellow Kid Weil. Herman Melville's complex novel; or as observed by Maurer or other scholars, is theft by guile in a person-to-person relationship. A first cousin to the confidence man, indeed usually the con man himself wearing another face, is the salesman perpetrating fraud upon the consumer. The difference is that the latter is, as is to be expected in these days of mass media, mass organizations and mass sales, impersonal in approach. It is also the case that whereas the confidence man usually provides no material objects in exchange for his victim's money, the consumer's exploiter may deliver a product, albeit not the one desired.

We shall not burden the reader with a review of the literature on confidence men and their operations, although we do cite the following works for those seeking further references: Aydelotte, 1968; Barbash, 1952; Brannan, 1948; Bromberg, 1941; Bromberg and Keiser, 1938; Brunswick, 1943; Campion, 1957; Gibney, 1960; Janney, 1942; Jenkens, 1954; Karpman, 1949; MacDonald, 1939; Maurer, 1940; Norfleet, 1924; Podalsky, 1957; Roebuck and Johnson, 1964; Scarne, 1961; Schmideberg, 1958; Schur, 1948; Shaplen, 1960; and Wile, 1942. Among these, there are only a few which count as objective studies, Maurer's being the classic, and their findings are limited to some extent by the prevalence of lower-class offenders as the popuation studied. The biographies of Kreuger and the Yellow Kid are exceptions. A common thread

in all of the observations is that profit-making is but one of the motives to be inferred in the confidence man. Confidence men also are busy acting out their fantasied desires to be (more accurately to appear to others to be) persons of importance. They are also enjoying the development and exercise of power over their victims, repetitively "proving" their cleverness and superiority. A further recurring feature is that of the "big spender," for whom money is important only insofar as one demonstrates one's worth in its spending and, not incidentally, shows oneself to be a "swinger," that is a generous, risk-taking, pleasure-loving, free-and-easy sort of chap. Also central to the confidence man as portrayed in biographies and studies is his chronic violation of a wide range of criminal laws, almost all of them property crimes (ranging from pickpocketing to income tax evasion), and his disregard for ordinary interpersonal conventions. Psychologists would speak of a general socialization failure; that is, confidence men do not grow up with a proper conscience. Instead, they learn a set of skills which allow them to prey on their fellow men, not to live with them under the set of rules which requires honest work and respect for others as basic ingredients for life in the community.

The descriptions of their inner life, that is of the psychodynamic components of their personalities, are necessarily more tentative. There is general agreement that as confidence men can be seen to differ from respectable citizens on the surface by being less honest and more disdainful of their fellow men, so there are psychological features which either account for or are accompaniments to that visible deviation. Most psychiatrists and psychologists who have studied them emphasize the presence of psychopathology, either in the form of neuroses or character disorders. The agreement among diagnosticians ceases there. Some call attention to psychosexual conflicts and their expression through the seduction of victims, which becomes a way of mastering the inner inability of the confidence man to enjoy normal loving relationships with others. Some diagnosticians note the prevalence of depression, of self-destructive behavior, or poor reality contact as evidenced by grandiose fantasies, i.e. the con man comes to believe he really is as important as he

tells others he is. The importance of lying is to be stressed; the Roebuck and Johnson (1964) study is richly illustrative of the use of lies by cons when they were children. The evidence is for lies being learned as a psychological defense against the sexual indiscretions of parents or of heavy involvement of the (male) children in Oedipal-complex situations with their mothers. Implicit here is that deception as an adult way of life has beginnings in early neuroses. The use of the lie as a technique for sharing fantasies, for it is a sharing between con man and his victim, may reflect an earlier sharing of lies between the child and his parents. It is also possible that the impersonation which is so much a part of con man activities is an outgrowth, a repetition, of a much earlier childhood fantasy in which the con man as a child imagined himself to be in a position of power and sexual supremacy vis-à-vis his father and mother. If so, the narcissism, the inability to tolerate frustration, the distortions of reality, the inability to be emotionally close to others, and the other adult defects observed must be presumed to be the result of very early failures in psychological development. If that is the case, we would expect the confidence men whom we set out to study also to show pervasive personality disorder. We shall see that such is indeed the case.

It is well not to overlook how "normal" it is to be a confidence man or swindler. In our society, salesmanship is valued, commerce is based on the ability of people to persuade others whom they do not know that their products are worthy. The promise of gain is central to our-and to most-societies. It is not in itself abnormal to offer to others "opportunities" which will make them richer, handsomer, happier, more successful and the like. It is also not extraordinary to lie, nor to misrepresent and to deceive in ordinary business. Viewed in this light, what the confidence man does is simply an extreme expression of normal business dealings. In this sense and in his rejection of violence, his pursuit of status, his reliance on team work, the practice of a skilled trade and aggressively competitive behavior (granted it is against his clients rather than other con men), the swindler embraces the values of the larger society. His need to appear honest or to assuage guilty feelings is also to be inferred, for he rationalizes

his dishonesty by claiming that the swindle is the fault of the victim because it is the victim's greed which is to blame for his succumbing to the blandishments of the con game. Both victim and con man are thus the same, he claims, and there is no innocent man to stand in contrast to the guilty. Some of those who have described swindles accept the con man's justification, agreeing that victims are larcenous and are cheated only because they are so busy cheating. Others disagree and call attention to the innocent victim who is perfectly honest in seeking a bargain or in taking advantage of an opportunity for a clever but not evidently dishonest gain.

As far as special techniques for the identification and successful persuasion of victims, there is no evidence in the literature which suggests that con men have any special sensitivity or gifts of insight into the minds of others. The assumption of the con man to the effect that everyone is larcenous and that anyone who is not a con must therefore be a mark (victim) certainly provides them with enough potential victims—nearly the whole of society. The con man's own assurance, freedom from remorse or conventional morality, lack of affection or empathy for others, enjoyment of acting and theater, skilled salesmanship, and timetested effectiveness of the various con game scams (scenarios, plots) are all assets in operations. When there is added to these a systematized approach, as for example the use of mass advertisements, the preparation of the marks with props, shills and impersonation, the employment of criminal specialists as prospecthunters and ropers (aides), it is not surprising that marks are indeed found and do provide a living for whatever number of confidence men this society supports.

As for victims, the literature provides us no clues except Norfleet (1924), who was a remarkable one-time victim who spent his life in pursuit of his original exploiters. Norfleet described himself as by no means motivated by greed or willing to be dishonest, just a trusting Texas rancher doing what any American would do to capitalize on a money-making opportunity which appeared to be falling into his lap. His own part was not crooked, although Norfleet did engage in small conspiracies (using his name to bet the stock exchange "president's" interests