DEVIANT BEHAVIOR

THIRD EDITION

ERICH GOODE

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Deviant Behavior

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Preface

The study of deviant behavior is intrinsically fascinating. Nearly all of us love to look at "knavery, skulduggery, cheating, unfairness, crime, sneakiness, malingering, cutting corners, immorality, dishonesty, betrayal, graft, corruption, wickedness, and sin—in short, deviance" (Cohen, 1966: 1). Part of that sense of fascination is voyeuristic: We want to see things that are forbidden, excluded, hidden from our everyday gaze. Some of it stems from our sense of righteousness: We have been virtuous, yet other people have broken the rules. Are we missing out on something? Are these others gaining an unfair advantage over us? Why aren't they being punished? In addition, many of us have the feeling that deviance and crime may be, by their very nature, thrilling, seductive; there may be "moral and sensual attractions in doing evil," to quote the subtitle of a recent essay on the subject (Katz, 1988).

Whatever the reason, deviance is a perennial favorite among topics of interest to most of us—and that includes undergraduates. What student would fail to find robbery, murder, rape, white-collar and corporate crime, pornography, prostitution, homosexuality, alcoholism, and drug use and abuse fascinating? At the same time, instructors struggle to make a fundamental point in the study of deviance: The sociologist's attraction to the field is guided mainly by theoretical, not thrill-seeking, motives. We are interested in *rule-making, rule-breaking,* and *reactions* to rule-breaking. What ties together the topics generally treated in studies on deviance is social control and punishment. If we find such investigations titillating, so much the better; but that is not their main function. The goal of any student of deviance is the investigation of social structure and process—why and how society and social relations work, and why and what happens when they don't.

In spite of recurrent complaints that sociologists of deviance too often focus on the

scandalous, the dramatic, the sensationalistic (Gouldner, 1968; Liazos, 1972; Piven, 1981), recent developments have demonstrated that behavior traditionally studied by sociologists of deviance does have momentous consequences and does reveal crucial sociological processes. In 1987, a front-running presidential candidate is caught in an extramarital affair, and his campaign is abruptly short-circuited; and views concerning the "new morality," as well as current relations between public figures and the press, are widely discussed. Also in 1987, again, the sexual liaison of an extremely popular televangelist is revealed, and his multimillion-dollar financial empire is wrested from his control.

In 1989, a woman jogger is gang-raped in New York City's Central Park; since the victim is white and her alleged attackers are Black, subsequent discussions of the incident reveal painful racial fissures in the supposedly liberal city. Indeed, the incident itself is said to touch off even more intolerant attitudes toward Blacks by many of the city's whites (Klein, 1989). Moreover, media attention to the incident and its virtual blackout on news about similar attacks on poor and minority women reveal racial and class biases in the press's coverage of deviant behavior.

Throughout the 1980s, the scourge of AIDS has focused attention on, indeed, has exacerbated the heterosexual majority's negative attitudes toward, the homosexual minority—another representative on that list of categories to which sociologists of deviance are said to have paid altogether too much attention (Liazos, 1972: 106, 107). If anything, the AIDS crisis reveals basic sociological processes by emphasizing that homosexuals are a despised minority to begin with, and their medical problems of interest to the heterosexual majority only when they begin to threaten the latter's very existence (Shilts, 1987).

In 1984, a white man riding a New York City subway shoots four Black teenagers who approach him and ask him for money; the ensuing public uproar reveals deeply held attitudes toward crime and race on all sides of the controversy—fear among whites of crime; their feeling that Blacks are likely perpetrators and whites, their likely targets; and the suspicion among Blacks that whites overreact to this fear out of racist attitudes.

In fact, deviance, including the behavior of "nuts, sluts, and deviated preverts," *is* central to sociological structures and processes (Ben-Yehuda, 1985: 3). The subject matter of the investigation is less important than how one goes about that investigation. (True, some behaviors are more pivotal and tell us more about how society works than others, but that must be examined in each case and cannot be assumed in the first place.) Unless one studies behavior on the level of mere description, social structures and processes can be revealed by examining some of the traditional topics in the sociology of deviance. The point is not to study "nuts and sluts" to the exclusion of more uplifting topics (racism, sexism, and the oppression of the working class, for instance), but to examine whatever reveals how wrongdoing and denunciation work. By all means, bring on the studies of corporate and white-collar crime! (In fact, in the past decade in the study of deviance and crime, studies of white-collar crime have blossomed.) To the extent that one can be sanctioned for engaging in it, it is deviant. And to the extent that "damaging, unethical" behavior (to quote Liazos) is neither condemned nor formally punished, well, it just isn't deviant, is it?—an interesting contradiction worthy of study!

Too often, approaches, perspectives, and theories in the study of deviance have been taken as competitive and mutually exclusive. "If X approach is right, Y must be wrong," commentators seem to be saying. In fact, in deviance research, different aspects of almost any phenomenon are highlighted by different approaches; few perspectives seem to be directly competitive in the logical sense. In the sociology of deviance, there is no single, grand, overarching theory that can guide our observations through the many aspects and phases of deviant behavior. The many perspectives simply address and illuminate pieces of the puzzle, but none puts them all together into a coherent

picture (Davis, 1980: 13; Wright, 1984: v–vi). At the same time, observers too often treat deviance theories as if they were competing or mutually exclusive; as if they focused on the same questions, their differences being resolvable by examining a clear-cut data set. Although this is true of a small number of limited theoretical approaches, much of what passes for deviance theory is incommensurable. Any thorough examination of the subject of deviant behavior, then, must be thoroughly eclectic and broadly focused theoretically. This edition carries on the more eclectic tradition that was begun with the book's second edition.

The third edition of *Deviant Behavior* represents a substantial revision. The introductory discussion, entitled "Looking at Deviance" in the previous edition, has been expanded into two chapters. A great deal of material has been added to the chapters on deviance theory, including a discussion of Cohen's and Cloward and Ohlin's additions to the Mertonian anomie scheme, a summary of control theory, and a delineation of various brands of Marxist theory, including vulgar utopian Marxism. The second edition's chapter on behavior, labeling, and identities was eliminated as too specialized and addressed more or less exclusively to interactionist sociologists. The two chapters on drug use were consolidated into one. In the chapter on heterosexual deviance, the sections on premarital, marital, extramarital, and postmarital sex were eliminated; and the section on pornography was considerably expanded. Forcible rape, a section in the previous edition, was expanded into a whole chapter. White-collar crime, originally a section in the chapter on property crime, is now an entire chapter; the chapter on property crime has been expanded and is now devoted entirely to property crime as such. Almost as much material has been added (or deleted) as was carried over into the new edition. In short, the third edition of *Deviant Behavior* is a new book, very different from its predecessor.

I owe a debt of gratitude to a number of friends and colleagues who have helped me by supplying information and otherwise assisting me in the preparation of this edition. They include Nachman Ben-Yehuda, William McAuliffe, Lester Grinspoon, Henry Pontell, Rick Troiden (whose death just a few weeks ago causes me unspeakable grief), Michael Kimmel, Gilbert Herdt, Ronald Hinch, Joseph Jones, Gina Bisagni, Stanley Cohen, Martin Levine, and my wife, Barbara Weinstein. In addition, I would like to thank the many students who have enrolled in my deviance courses over the years. Their questions, comments, and suggestions have been extremely valuable to me in improving this book. Last, I would like to thank the men and women who have contributed the accounts published in this volume. I admire their bravery and their candor, and I am deeply grateful to them for sharing their experiences and their feelings with me and with the readers of this book.

Erich Goode

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CHAPTER

1

Deviance: An Introduction

Humans are evaluative creatures. We continually make judgments about the behavior of others—and ourselves—and those individuals who engage in that behavior. In societies everywhere, there are rules governing the behavior of members; throughout human history rules that dictate correct and incorrect behavior have been laid down, and enforced. Sociologists call behavior that is regarded as wrongdoing, that generates negative reactions in individuals who witness or hear about it, *deviance* or *deviant behavior.*

What exactly is deviance? How may we define deviant behavior? What comes to mind when you encounter these words? To many students, and to the man and woman on the street, the terms "deviance" and "deviant" sound distinctly nefarious and vile. They conjure up images of evil deeds, degenerate practices, activities of an abysmally corrupt nature. "Deviants," the popular image would hold, are perverts, junkies, murderers, child molesters, skid row alcoholics, pimps, drag queens, perhaps inmates of an insane asylum—in short, sick, twisted, violent, dangerous, corrupt, decadent people.

The first and most fundamental axiom that anyone observing, thinking about, or describing a social scene or aspect of social reality must accept is: "Things are often not what they seem" (Berger, 1963: 23). The public image of deviance may bear a very loose relationship to what we would discover if we were to take a closer look at it. It is the sociologist's job to take as close a look at deviants and deviance as possible. By doing this, we can assemble a more accurate, richer, more meaningful picture of our subject matter if we were to adopt a *subterranean* view of it. In other words, we cannot rely on popular notions of deviance—ideas we might hold before learning very much about it. Though popular myths about deviance may influence the phenomenon, they are not the phe-

nomenon itself. We want to look behind publicly approved versions of reality, to see through official smoke screens portraying the way things are supposed to be, to understand why and how popular myths and misconceptions arise and are sustained. We need, in other words, to examine deviant behavior itself.

Although most people are able to supply concrete examples of the phenomenon of deviance, a general definition would be more difficult for most of us to come up with; although most of us recognize deviance when we come across it, we may not be able to spell out exactly what it is in general. Let's begin our exploration of deviance by looking at several examples, concrete instances of what some people might see as wrongdoing.

In March 1987, a popular televangelist

What Is Deviant Behavior?

On the first day of class, I asked the undergraduates enrolled in a recent course on deviant behavior to write examples of what they regarded as deviant behavior. I received almost 800 replies from the 230 students in the course. Some replies were completely idiosyncratic, that is, were offered by only one student. In all, there were 80 examples given by only one student, including pretending you are a bird, laughing at a funeral, spitting in the professor's face when you receive a poor grade, walking on your knees for 12 hours a day, wearing shorts when it snows, driving on the left side of the road, putting your clothes on backward, sky diving, having sex with an animal, breaking wind when others are around, being a member of the KKK, asking for a single slice of turkey in a deli, being an artist, showing up late for a meeting, and begging for money when you're rich.

At the same time, we would suspect that examples that were thought of by more than a very few students would, in turn, be more widely regarded as deviant by the general public. Clearly, if students spontaneously think of a given example of behavior as deviant, they regard it as such; however, if they do not offer it as an example, they do not necessarily not regard it as deviant. Also, the more students that think of a certain behavior as deviant, the more widely it will be so regarded. A number of examples of deviant behavior were not idiosyncratic and were offered by many students. Murder was, by far, the most common response, with exactly half of the class saying it a good example of deviance. Rape was second, with a bit over one third of the students (37 percent) offering it as an example. Tied for third place, offered by nearly a quarter of the class (23 percent), were homosexuality and robbery. Stealing was in sixth (17 percent), and prostitution and drug abuse (13 percent each) tied for seventh place. Table 1-1 presents the behaviors that were cited by more than 10 students as examples of deviance.

Would you regard these forms of behavior as instances of deviance? What other—or better—examples could you come up with? And what is it that *makes* these good examples of deviance—or examples of deviance at all? These and similar questions will be explored in the first two chapters of this book, and, indeed, throughout the book.

TABLE 1.1 What Is Deviant Behavior?

Form of Behavior	*Percent Offering as Example*
Murder	50
Rape	37
Homosexuality	23
Robbery	23
Stealing	17
Illegal drug use	13
Prostitution	13
Incest	10
Walking naked in the street	8
Drug dealing	6
Suicide	6
Child abuse	6

named Jim Bakker resigned his ministry in scandal. Bakker had been the chairman of the PTL (Praise the Lord) club, a financial and spiritual empire that included a satellite television station, a television program (*The Jim and Tammy Show),* which Bakker co-hosted with his wife, Tammy Faye, and a religious theme park, Heritage USA, the third-most-popular theme park in the nation, after Disney World and Disneyland. These enterprises grossed substantially in excess of $100 million annually in recent years, and yet there was deep trouble in the Rev. Bakker's financial and spiritual empire, which is why he was forced to resign.

Bakker's ministry was assumed by the Rev. Jerry Falwell, a fundamentalist Baptist preacher who also has a popular religious television program and runs a preaching empire. Falwell accused Bakker of numerous serious spiritual and financial improprieties, including:

- A sexual liaison with a church secretary and subsequent financial bribes totaling more than $250,000 in hush money to keep the episode a secret
- Vaguely specified homosexual liaisons
- Approval and encouragement of "mate swapping" by PTL members
- Financial extravagances, including the purchase of an air-conditioned doghouse, the installation of $60,000 worth of gold-plated bathroom fixtures in the Bakker's house, and the purchase of a Rolls-Royce to adorn a hotel roof
- Fiscal irresponsibility, leaving the PTL some $70 million in debt and the Internal Revenue Service searching for an unaccounted-for sum of over $12 million.

Bakker denied Falwell's accusations concerning his alleged homosexual practices and tolerance of mate-swapping, but admitted to foolishness and poor judgment in the other areas (King, 1987; Freedman, 1987; Watson, 1987).

Bernhard Goetz, a slender, white, 37-year-old electrical engineer living in New York's Greenwich Village, sat in a subway car opposite four Black teenagers, Darell Cabey, 19, Troy Canty, 19, Barry Allen, 18, and James Ramseur, 19. Two of them, Canty and Allen, stood over Goetz, and Canty said, "Give me $5." The young men were unarmed, although two had screwdrivers in their pockets. (It was revealed later that they carried the screwdrivers not as weapons, but to pry open machines in video parlors to steal quarters.) Hearing the request, Goetz stood up, unzipped his jacket, and asked Canty what he had said; Canty repeated his demand. Goetz then drew an unregistered nickelplated .38 caliber revolver from his jacket and, assuming a combat stance, gripped the gun with two hands and began firing at the youths, wounding all of them. Seeing Cabey sprawled on the seat, apparently unharmed and playing possum, Goetz said, "You seem to be doing all right. Here's another," and shot him in the back, severing his spinal column and leaving him paralyzed for life from the waist down.

When the train came to a halt, Goetz slipped out, ran through the tunnel along the tracks to the next station and out into the street to his apartment, changed clothes, packed a bag, rented a car, and drove to Vermont. In a motel room, he took the revolver apart and dumped the pieces, along with his jacket, in some woods nearby.

The four young men Goetz shot, it turns out, were not strangers to crime. All had been arrested before—and at least two would be arrested again—on charges as serious as armed robbery and rape. Still, the central issue in the explosion of debate that followed the news stories covering the case was whether Goetz's armed attack on the four youths was justified. Was he threatened by them in any way? Did Canty's demand for $5 constitute a threat, or was it a simple innocuous request? Did Goetz have the right to gun down four unarmed teenagers because they approached him and asked for money? Goetz insisted the quartet was about to make him a victim, that it was their intention to rob him. He claimed he responded much as a cornered rat about to be "butchered"

would have. "I just snapped," he said. On his way to Vermont, Goetz phoned a neighbor and said, "Those guys, I'm almost sure, are vicious, savage people" (Friedman, 1985: 38).

Two weeks after the shooting, Goetz walked into a police station in Concord, New Hampshire, and turned himself in, explaining he was the fugitive wanted in the subway shooting. He talked to the police about the incident for about four hours, two of which were videotaped. The Concord police transferred Goetz to New York City police jurisdiction to stand trial. In June 1987, Goetz was acquitted of all charges, including attempted murder and assault with a deadly weapon, except the possession of a licensed handgun. Members of the jury—2 Blacks, 10 whites—insisted that Goetz's acquittal had nothing to do with the fact that he was white and his victims were Black.

In a poll taken slightly more than a week after Goetz turned himself in to the police, residents of New York City and Long Island were asked the following question: "Recently, a man named Bernhard Goetz was arrested for having shot four young men he believed were going to rob him.... Do you think that it was right or wrong for him to shoot the four young men? Over half the sample (54 percent) said it was right; only 29 percent said it was wrong; 17 percent weren't sure. Interestingly, when confronted with a more general formulation, the answers were quite different. Only 25 percent of the respondents answered yes to the question: "Is it justifiable to shoot a person you think is going to rob you, even if you have not been threatened with a weapon?"—the circumstances of the case in a nutshell. Given the racial background of attacker and victims, it is entirely possible a racial interpretation could be read into the incident. Blacks, however, were only slightly less likely to say Goetz was right (47 percent) than whites were, indicating that the racial angle was only one of several aspects embedded in the case. Still, just under half of the respondents (45 percent) said public reaction would have been different had the shooter been Black and his victims been white; 49 percent disagreed (Bookbinder, 1985; Stengel et al., 1985; Johnson, 1987).

Dr. Joseph Cort was a research scientist at the Mount Sinai School of Medicine. His work on synthetic hormones was regarded as so valuable that the Vega Corporation supported him and his research in the hope that he would develop a drug that could be used in the treatment of hemophilia. Such a drug, if patented and successfully marketed, could yield millions of dollars in profits to a drug company, making Vega's interest in Dr. Cort's work understandable. Cort submitted data on a series of experiments he had conducted to the patent office that indicated his synthetic hormones would cure hemophilia. Based on the data, Vega was granted a patent on the drug. Dreams of unlimited profits danced in the heads of Vega executives.

One day, disheveled and distraught, Dr. Cort walked into the office of Vega's president and admitted he had fabricated the data on which the drug patent was based. "I knew immediately it was disastrous," Vega's president said. The head of the Mount Sinai School of Medicine stated: "The value of that patent ... is now something less than zero." A colleague who recommended Cort for the Vega research summed up the implication of the fabrication: "What Cort did was professional suicide. He would have been better off robbing a bank." Said Cort, now unemployed: "It's so important to get a patent before someone else does.... Nobody told me to fake it. It was a stupid thing to do. But I was under a lot of pressure and things got a bit confused. I had to earn the money for research, or die." Executives at Vega and colleagues at Mount Sinai agreed that the pressure to which Cort was exposed was no different from that felt by any other research scientist (Farber, 1982).

In September 1978, Charles Daniels was arrested and charged with sexual assault and attempted murder. A 10-year-old boy said that he had seen Daniels throw a 2-year-old boy from the roof of a three-story building. Daniels claimed the detective who arrested

him threatened to castrate him unless he talked. The detective said he had a dozen witnesses to the crime. Daniels replied he knew nothing about the sexual assault. Unable to make bail, he awaited trial in the Queens House of Detention. When asked by other inmates what he had been arrested for, Daniels naively told the truth. A day later, several inmates set his clothes on fire. Soon after, he was beaten unconscious. He was transferred to a segregated unit. One night while he was asleep, someone hurled boiling water through his cell bars. At his trial, the jury delivered a guilty verdict; Daniels was sentenced to a maximum of 18 years.

Not long after his incarceration at Sing Sing, prison officials learned through an informer of a contract among inmates to kill Daniels. He was put in isolation to protect his life. Over the next three years, he was transferred to three other prisons, each time because his identity became known to the other inmates.

In August 1982, nearly four years after his arrest, a state appeals court reversed Daniels' guilty verdict and ordered a new trial. It turns out that the police had withheld key evidence from the defense and prosecution lawyers—specifically, that, at the time of his testimony, the 10-year-old boy who was the only witness against Daniels was under psychiatric treatment as emotionally disturbed, and that the boy had identified someone else on the roof prior to identifying Daniels. In addition, newly discovered evidence indicated that the 2-year-old victim was not thrown from a roof and was probably not raped by an adult. A full review of the facts suggested that the 10-year-old had raped the younger boy himself and concocted the story to incriminate someone else. Reviewing the case, the Queens district attorney dismissed the charges against Daniels. The detective who originally arrested him—and was awarded a departmental citation for his work on the case—was still convinced that Daniels had committed the crime.

In a 1984 out-of-court settlement, the City of New York awarded Mr. Daniels $600,000 to compensate him for the "huge chunk of time" he spent in prison, wrongfully convicted of and imprisoned for a crime he clearly did not commit (Raab, 1985).

Gordon Hall was the out-of-wedlock child of servants who worked for a wealthy family in a castle in England. He is described as having had incomplete sex organs of both sexes. His grandmother treated him as a girl, and everyone else treated him as a boy. During adolescence, he experienced menstruation. As a young man, Gordon inherited a fortune from a distant relative on his mother's side. He began writing, and became the successful author of 17 books, mainly about celebrities, including the royal family. In time, he was informally adopted by Dame Margaret Rutherford, a British actress, now deceased. Gordon settled in a mansion in Charleston, South Carolina, and enjoyed the attention of privileged, polite Charleston society as the genteel, wealthy author of respectful biographies of respected figures. One day, Gordon Hall issued a two-part bulletin to the Charleston community: He was going to become a woman. Hall insisted, however, this would not make him, now her, a transsexual, because, she insisted, she was always female. And second, as the "reconstituted" Gordon Hall, Dawn, she would marry a Black man who worked in a local garage, one John-Paul Simmons, a former mental patient.

Charleston society did not take the news well. After the wedding, her house was bombed, her wedding presents were set on fire, and she was beaten and thrown from a third-story balcony. The insurance on the house was cancelled, she lost the mortgage, her husband sold her antiques for next to nothing, and he temporarily abandoned her while she lived in a welfare hotel. She now claims to be divorced from Simmons, with whom she still lives in a vermin-infested hovel in upstate New York, and to be engaged to Lemuel Smith, a convicted multiple rapist and murderer, now currently residing at Great Meadow Correctional Facility in Comstock. She says her interest in Smith began when her late adoptive mother, Dame

Rutherford, appeared to her in a dream, saying, "Go and help Lemuel." Smith, the most frequently visited inmate at Great Meadow, says that Dawn Simmons's interest in him is not reciprocated (Agus, 1984).

At the age of 7, Leonard Ross passed an examination for a ham radio operator's license. By 11, he had won $164,000 on two television quiz programs, answering questions about the stock market. Lenny graduated from high school at 14, from college at 18; he entered Yale Law School when he was four years younger than nearly all his classmates. He taught at Harvard, Columbia University Law School, and Boalt Hall, the University of California at Berkeley's law school. Ross also worked on the successful gubernatorial campaign of Jerry Brown and at the State Department and the Civil Aeronautics Board in Washington. His last job was with a small law firm in San Francisco.

Lenny Ross was brilliant; his mind worked like "quicksilver." Said the dean of the Columbia Law School, "I've never seen anybody grasp problems as quickly and see the implications on so many different levels." Even his ordinary conversations with friends were studded with dazzling insight and originality. He drew parallels between seemingly unrelated phenomena such as James Joyce and McDonald's commercials, ancient history and comic books. Even normally intelligent friends often had difficulty following his conversations, so daring, brilliant, and original were his ideas.

One spring evening, Lenny climbed over a fence surrounding the pool area of the Capri Motel in Santa Clara, California, just a mile and a half from his brother's house. He took off his glasses and shoes and went into the water. Ross did not know how to swim. At 10:30 the next morning, the motel manager found his body lying face down, arms crossed, at the bottom of the pool. Ross was 39 years old.

Lenny Ross, while seemingly so successful, continually left "a trail of unfinished projects through much of his life." He studied at Yale's graduate school of economics for three years after law school but failed to write his doctoral dissertation. He undertook a number of writing projects, but always collaborated with authors who were willing to finish what he began. "He had great ideas," said one of his co-authors, "but no follow-through." During the last dozen or so years of his life, his behavior became increasingly erratic. He spoke faster and faster, often leaving sentences unfinished, leaping from thought to thought without supplying connections. His mind was full of brilliant ideas, many of which made no sense to his listeners. A compulsive dieter and overeater, Lenny often wolfed down food while it was still frozen because he was too impatient to defrost it. Once, depressed over a failed romance, he tried to cut his throat with a broken bottle.

Ross was not a successful teacher at Harvard, Columbia, or Berkeley. One of his colleagues said, "His mind moved so fast, he tended to skip over the intermediate premises . . . without articulating them. The students found him a little bewildering." At Boalt Hall, he was unable to complete several of his courses. He once came to a lecture and stood in front of the class, unable to speak a single word for a half hour; finally, his students straggled out, leaving him standing, completely mute, in front of the room. One morning, Ross was found lying underneath a parked car, rehearsing a lecture. Following this incident, he was hospitalized briefly; he resigned from the Boalt Hall faculty soon afterward.

Ross's life "had begun to shatter." His brilliant mind began to spin out of control as "his attention span grew shorter and shorter." Said a lawyer friend, seeing Lenny disintegrate was "like standing in front of a great painting that melts in front of your eyes. . . . It has defective pigments and disappears. There's an enormous sense of waste." Ross realized his brilliance would not help him out of his depression. He began to look on suicide as a relief, a deliverance from his unbearable misery. Toward the end, he was unable to hold down a job, and his mother and brother were caring for him.

At his memorial service, a Columbia Law School professor summed up his life by say-

ing: "What could account for Lenny's remarkable decline and despair? What is it about a world that made a genius like Lenny find it so intolerable? I do not know. I do not want to know" (Dowd, 1985).

It's called the "empty box" scam, and it's usually done with small, expensive items, such as jewelry. It works like this. A customer makes a purchase at a store. In New York State, the sales tax is 8.25 percent. On a $100,000 purchase, this amounts to $8,250, a substantial sum. The customer complains about the size of the tax. The sales clerk mentions the tax does not have to be paid if the item is sent to an out-of-state address. "Do you have a residence in another state? Or do you know someone to whom the item may be sent?" the customer may be asked. The customer, however, does not want to wait for the mailed item to arrive; he or she wants it immediately; in fact, wants to walk out of the store with the item. Well, the salesperson explains, we could let you have the item immediately, and without paying the tax. We'll mail an *empty box* to an out-of-state address of your choosing. We'll pretend to the tax people that we actually mailed the item in the box, and you can walk out with your purchase.

The scam is, of course, illegal, and it costs New York State precisely the amount of the tax the customer avoided paying. It is a tax burden that must be shouldered by all other New York State taxpayers. An obvious aspect of the scheme is that the rich purchaser makes the most use of it, while the average working person has to pay more in taxes in order to make up for the tax the rich avoided paying. In a recent state investigation, the stores mentioned as participating in the empty box scam included Cartier, Van Cleef & Arpel's, and Bulgari, among the most expensive and exclusive of Fifth Avenue jewelry stores. Some purchasers who were snared in the recent audit include:

- Adnan Khashoggi, a billionaire Saudi Arabian arms dealer, at one time reputedly the world's richest man, purchased several silver items from Bulgari costing $200,000. The empty boxes were mailed to Switzerland. Tax saved: $17,000.
- Frank Sinatra purchased about $30,000 worth of jewelry from Bulgari. It was delivered to his Waldorf Towers suite. The empty boxes were sent to casinos in Las Vegas and Atlantic City. Tax saved: about $2,500.
- Donald Trump, one of New York's biggest builders and property owners, purchased $65,000 worth of jewelry from Bulgari, including a $50,000 necklace. The empty box was sent to Trump's former attorney in Connecticut. Tax saved: over $5,000.
- Leona Helmsley, owner of half of a $5-billion husband-and-wife real estate empire, made 10 purchases from Van Cleef & Arpel's, including a $375,000 diamond necklace and a $105,000 platinum-and-diamond clip. The empty boxes were sent to Helmsley's Florida address. Tax saved: $38,000 on these two items alone.

The state's commissioner of taxation and finance estimated that New York City loses approximately $100 million per year on the tax evasion scheme. According to the commissioner, this scam "has existed for some time," it is "pervasive and widespread," a "systematic practice"; and it "involves all levels of store employees." Customers at luxury stores expect to be treated royally; they have spent a great deal of money, and know that the store's mark-up and profit on their purchase are substantial. Generally, the more expensive the item, the greater the margin of profit. Customers also know that the sales staff is aware they could take their business elsewhere and they expect special treatment. The store managers and sales staff want to retain their business; stores earn as much on a single luxury purchase as they do on 100 routine purchases. Why not treat the big-spending customers in a special way? The tax evasion scheme is one way that such stores have of holding onto favored customers (Purnick, 1985; Bastone, 1986a, 1986b).

Dorrian's Red Hand is a popular bar on New York's fashionable Upper East Side; it caters mainly to a young crowd, many of whom are teenagers—underage by the state's drinking law, but usually able to pro-