THE RICH GET RICHER AND
THE POOR GET PRISON
AN OVERVIEW OF THE BOOK
BY JEFFREY REIMAN
TARA GRAY

In his thought-provoking book *The Rich Get Richer and the Poor Get Prison*, Jeffrey Reiman shows that the criminal justice system favors upper-class criminals, whether they commit street crime or white-collar crime. First, poor people are more likely than rich people to be arrested, charged, convicted, and sentenced to prison for street crimes (Reiman, 2001:110). For example, one study found that boys from the lowest socioeconomic class committed street crimes at a rate 1.5 times higher than boys in the highest socioeconomic class; however, boys from the lowest class were arrested five times as often as those in the highest class (Gold as cited in Reiman:115). Similarly, the ratio of sentences given for possession of powder cocaine to crack cocaine is 3 to 100. This difference is significant because powder cocaine is popular in suburbs, but crack is popular in poor, inner-city neighborhoods. Federal laws require a five-year mandatory sentence for either 500 grams of powder cocaine, or only 5 grams of crack cocaine. This means that a first-time drug offense for possession of crack with no aggravating factors yields a sentence harsher than that for kidnapping, and only slightly less harsh than that for attempted murder. (McDonald and Carlson, as cited in Reiman:130).

Second, the wealthy disproportionately commit white-collar crimes, which are not always defined as crimes and are punished less severely than street crimes. White-collar crimes are sometimes called occupational crimes because they are committed "in the course of a legal business or profession" (Coble, 1995:47). Reiman tells us that white-collar crime is serious, but its treatment is lenient. He addresses the myths that surround white-collar crime, especially the myth that such offenses are not serious because they do not typically result in injury or death. Reiman argues that the way we define crime has meant that white-collar crime is not even defined as illegal behavior. And when we do acknowledge the deeds of white-collar offenders as crime, we still make excuses for their actions, and punish them leniently. In contrast, we demonize street criminals and punish them harshly. Why? Reiman explains that people in power benefit when they scrutinize the "criminal" actions of the poor, while ignoring the actions of the rich. In summary, Reiman asserts that white-collar crime is more serious than street crime but is punished leniently because of the way crime is defined, and excuses are made for "higher-class" criminals—excuses that serve the interests of people in power.

WHITE-COLLAR CRIME—SERIOUS, BUT PUNISHED LENIENTLY

There are many ways to steal, including crimes such as fraud and embezzlement, and they all cost Americans a great deal of money, but white-collar crimes are not as easy to understand as street-level theft. For example, fraud is stealing through deceit or misrepresentation. Embezzlement occurs when someone steals
or "misappropriated" money or property entrusted to 
his or her care, usually because the person is in a 
power of position or responsibility. Many people in-
same that the losses from this kind of theft are 
absorbed by big corporations, but they are not. Cor-
porations pass their losses onto consumers by charg-
ing higher prices. In fact, white-collar criminals "take money out of the very same pockets muggers do: 
yours!" (Reiman:124).

Most people know that white-collar criminals steal far more in dollars than street criminals do, but 
white-collar criminals are punished less often and less 
severely. In 1997, the cost of embezzlement alone was 
more than four times the total value of all stolen prop-
erty and money listed in the FBI Index of street-level 
crime. That is, one type of white-collar crime cost al-
most as much as the most serious street level property 
crimes combined. Although the costs were compara-
bly, the number of arrests for street crimes in 1997 was 90 times greater than arrests for white-collar 
crime; there was one arrest for every 8,000 stolen but 
one for every $726,000 "misappropriated" (Reiman: 
124). The biggest crime of fraud ever recorded was 
the savings and loan scandal, involving about 400 billion 
dollars. Considering the amount stolen, the punish-
ments were very small. The average savings and loan 
oflcer stole $500,000 in contrast to the average prop-
erty offender who steals only $1,250; however, the av-
age prison sentences were similar: 36 months for the 
savings and loan officers, and 38 months for motor ve-
hicle theft. Reiman quotes one official who con-
cluded, "The best way to rob a bank is to own one" 
(Reiman:136-137).

Many people assume that white-collar crime is 
relatively harmless, but it is actually deadly. Reiman 
cites several studies that estimate the number of deaths 
due to unnecessary surgery, which was not performed to 
save the life of the patient. In one study, the number of 
Aedtions resulting from surgeries recommended and per-
formed by salaried doctors who receive no extra in-
come from surgery, according to this research, about 
16,000 people die every year from unnecessary 
surgery (Wolfe, as cited in Reiman:85-86). For fewer 
people die from what the FBI calls a "cutting or stab-
bing instrument." Reiman concludes that:

obviously the FBI does not include the scapel as a cutting or stabbing instrument . . . No matter how you slice it, the scalpel may be more dangerous than the switchblade (86).

Moreover, work may also be dangerous to your health. In 1997, the number of work-related deaths was 
31,000, in contrast the number of workers murdered was about 9,000 (75). The typical murderer serves 
eight years in prison, but the typical fine to a company for a work-related-death is only $480 (84).

Pollution is the single biggest killer of Americans: One in four of us will die of cancer, with 70 to 
90 percent of these deaths caused by pollution, which is theoretically preventable. Of course, reducing pol-
lution would require a massive effort and an incredible amount of money. Nonetheless, Reiman suggests that 
we would make this kind of effort if another nation were systematically killing this many people: "How 
much of an effort . . . would this nation make to stop a foreign invader who was killing a thousand people a 
day and bent on capturing one-quarter of the present population?" (88). In 1992, the United States allocated 
only $1.9 billion to the National Cancer Institute, but spent at least $45 billion to fight the Persian Gulf War.

The simple truth is that the government that Stroke to 
mightily to protect the borders of a small, undemoc-
ratic nation 7,000 miles away is doing next to nothing to 
protect us against the chemical war in our midst 
(Reiman:88-89).

There is a moral to this story: When the harm 
cau sed is one-on-one, we take notice and punish the 
crime severely; however, when the harm is caused less 
directly, we turn a blind eye.

HOW WHITE-COLLAR CRIME IS EXCUSED

We excuse white-collar criminals in several ways: we 
define crime in a way that excludes white-collar 
crime; we focus on criminal intent, we emphasize that 
one-on-one crime is more terrifying, we consider cor-
porate crime a threat to a legitimate end, and we as-
sume that workers freely choose the dangers of the 
workplace. Reiman acknowledges that each of these
views has some merit; however, in each case, he asks whether the idea has enough merit to justify vast dif-
f erences between the treatment of street criminals and white-collar criminals.
First, we define crime so that white-collar crime does not fit our definition:

The fact is that the label “crime” is not used in Amer-
ica to name all or the worst of the actions that cause mis-
ery and suffering to Americans. It is primarily
reserved for the dangerous actions of the poor
(Reiman:58).

Reiman cites the example of a 1993 mining accident in
which two workers died. The company pleaded guilty to
a “pattern of safety misconduct,” including falsifying
reports of methane levels, requiring miners to work be-
neath unsupported roofs, and systematically hiding
these violations from safety inspectors. The company
was fined $3.75 million (59). The acting foreman of
the mine was the only person charged with a crime,
but because he cooperated with the investigation, pros-
ceutors recommended that he receive the minimum
sentence—probation to six months incarceration (59).
In contrast, in another 1993 incident, a man boarded
a commuter train in Long Island, New York, and shot
passengers, killing five and wounding eighteen. This
man was clearly a murderer. But were those responsi-
ble for the death of miners also murderers?

Why do less dead miners amount to “an accident,” a
“tragically bad five dead commuters a “mass mur-
der”? “Murder,” suggests a murderer whereas “acci-
dent” and “tragically” suggest the work of impersonal
forces (Reiman:59).

Note that “even the language becomes more delicate
as we deal with a better class of crook” (Reiman:24).
In the end, we need to reexamine “what will be
called crime and who will be treated as a criminal”
(Reiman:60).

We also excuse corporate crime by saying that the
degree of intent is low for the executive who kills than
for the street murderer. Indeed, the intent of street
murderers is clearer because they harm purposefully,
but executives often do not. Still, executive killers may
be punished criminally because we have criminal laws
against both reckless and negligent acts. And although
the street criminal purposefully harms a particular per-
son, the executive criminal knowingly risks the lives of
a large number of workers. The street criminal may
act in the heat of passion, whereas the executive may
act with cool reckoning:

Two lovers or neighbors or relatives find themselves
in a heated argument. One seldom is it a matter of
chance which one picks up a weapon and strikes a
fatal blow. Such a person is clearly a murderer and
rightly subject to punishment by the criminal justice
system. Is this person more evil than the executive
who, knowing the risks, voluntarily chooses not to pay
for safety equipment (Reiman:74)?

Although executive killers may have weaker intent,
their crimes are still serious because they risk more
people’s lives, and they kill with premeditation, not in
the heat of passion.

We also excuse white-collar crime by emphasizing
that direct personal injury is more terrifying than
indirect personal injury—and it is. But both types of
crime have very serious consequences:

After all, although it is worse to be injured with ter-
ror than without, it is still the injury that constitutes
the worst part of violent crime. Given the choice, seri-
ously injured victims of crime would surely rather
have been terrorized and not injured than injured and
not terrorized (Reiman:76).

Therefore, we should not treat a workplace “tragedy”
as a minor crime or a regulatory matter. Instead, de-
spite differing levels of terror, we should acknowledge
that both street murder and corporate murder are dan-
gerous acts with grave consequences.

Another excuse we make for white-collar crime is
that street criminals are committed for self-interest, but
business crimes are a means to an important end (i.e.,
productivity and profit). However, in neither case does
the end justify the means. Besides, in one important
sense, the corporate criminal actually does act in self-
interest because he or she is likely to be rewarded for
keeping costs down, even though his or her actions
could lead to increased workplace injury and death.
The final excuse made for white-collar crime is
that workers freely choose to work, and thus they con-
sent to the dangers of the job in advance. However,
workers can consent to dangers only if they know
about them, and the dangers are often concealed. Although it is true that "no one is faced at gunpoint to accept a particular job" (Reiman 76), virtually everyone must take some job. In an economy where there are more workers than jobs, some workers end up with dangerous jobs, and these workers may or may not know the risks of the jobs they take. In the end, this excuse like rich of the others, has some merit, but not enough merit to account for the vast difference in the treatment of white-collar criminals compared to that of street criminals.

EXCEUSES SERVE PEOPLE IN POWER

The excuses we make for white-collar criminals serve the self-interests of people in power because they suggest two other self-serving ideas: that there is a real threat to law-abiding middle America, and it comes from the poor, not the rich, and that the poor are criminally inclined and therefore are moral degenerates who deserve poverty. If it were true that the real threat always comes from the poor, then the public would be wise to ignore the way it is injured and robbed by the rich, and focus instead on law-and-order tactics aimed at the poor. These tactics take the heat off the rich and enable white-collar crime.

If it were true that the poor are always criminally inclined and moral degenerates, then the public should not demand a more equal economic system, which again would help the rich by leaving them rich and leaving the poor poor. Instead, those in power benefit when others do not demand a more equal economic system.

The have-nots and the have-littles could have more if they decided to talk it up from the have-plentiess. . . . [Therefor,] the have-nots and the have-littles must believe it would not be right or possible to take away what the have-plentiess have. In other words, they must be able to see that one of the benefits of our system is about the best that human beings can reasonably do. (Reiman 78).

However, it is a myth that our system is "about the best that human beings can reasonably do." The distribution of wealth in this country is very unequal, and is becoming more skewed over time. At no time in our history has the majority of our population owned more than about ten percent of the nation's wealth. The top one-fifth of households, by contrast, owns 85 percent of our wealth (Reiman 79). Reiman concludes that

Because we are neither war nor aging all Americans a good education and an equal opportunity to get ahead, we have no right to think that the distribution of income reflects what people have truly earned, . . . Few people who are well off can honestly claim they deserve the they have. Those who think they do should ask themselves where they would be today if they had been born to migrant laborers in California or to a poor black family in the Harlem ghetto (170-171). The have-plentiess need everyone else to believe the system is fair as it is. If we accept this, we will not demand changes that will adversely affect the have-plentiess.

CONCLUSION

If our justice system is to be truly just, we must work hard to educate the public about the seriousness of white-collar crime. To do so, we must redefine crime to include all dangerous actions rather than only the dangerous actions of the poor, and we must redefine the image of the typical criminal to include the upper-class criminal. We must stop making excuses for white-collar crimes. This is difficult because excuses make the lives of the have-plentiess easier in two ways. The excuse keep the "beat on street criminals rather than on those in power, and they demonize the poor people so that there is little popular support for reducing poverty.

Those in power do not intentionally downplay the seriousness of white-collar crime. Historically, one-on-one crimes have been the main way that people have harmed each other, especially in pre-industrial societies. Therefore, confusion about the seriousness of white-collar crime comes not from a conspiracy on the part of the rich, but from historical inertia. The current system generates no effective demand for change (Reiman 161). As a result, those in power continue to focus on individual wrongdoers, which means the attention of the public is diverted away from issues of equality. To focus on individual guilt is to ask whether the individual has fulfilled his or her obligations to society—but not whether the society has fulfilled its obligations to the individual. Reiman states, "Justice is a two-way street—but criminal justice has become a one-way street" (1157).