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PRACTICAL PEDAGOGY

THE FICTIONAL CON MAN AS A TEACHING TOOL

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The con man has long been a powerful figure in American history and fiction. This study examines that figure in three popular novels: Jim Thompson's *The Grifters* (1963), Stephen Robinett's *Unfinished Business* (1990), and Lawrence Sanders's *Sullivan's Sting* (1990). These novels trace the con man from the street hustler to the swindler, using worldwide modern technology. The authors' insights into the character, motivation, jargon, and methods of the con man will illuminate him for students, who will be exposed at the same time to the syntactical and narrative skills of fiction writers.

The academic legitimacy of white-collar crime, half a century after Sutherland's (1983) seminal works, is now unquestioned (Hirschi & Gottfredson 1987). The growth of courses on white-collar crime has been due, in part, to an expanding public awareness of the prevalence and monetary cost (Braithwaite 1985) of white collar crime and even of the physical harm it can cause (Cullen, Maakestad, and Cavender 1987). Yet despite the increasing acknowledgment of harm, members of the public also have continued to be grudging admirers of the white-collar criminal's skills, if not forgiving victims. Probably no other criminal has inspired more of those contradictory feelings than the con man.

The con man (indeed, usually a man) is such an important figure in American culture that some of our greatest authors have used him as "a covert cultural hero" (Lindberg 1982:3) to comment both on the general corruption of society and on the depravity of the characters themselves. Inevitably he has become the subject of popular fiction. This study examines three novels with con men at their centers: Jim Thompson's (1963) *The Grifters*, a late example of the *fiction noire* popularized by Raymond Chandler, James M. Cain, and others in the 1930s and 1940s; Stephen Robinett's (1990) *Unfinished Business*, an overview of two "generations" of con men told from the perspective of an investigative journalist; and Lawrence

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Sanders's (1990) *Sullivan's Sting*, the story of a compulsive, conniving gigolo who moves from swindling widows to concocting an elaborate plot to defraud drug dealers. *Sullivan's Sting* also portrays the cooptation and the corruption of law enforcement agents drawn to the person or to the example of the con man.

These three novels outline the personality and character of con men, the ingenuity and diversity of their methods, and some of the harm they inflict. They also feature local and federal law enforcement and investigative journalists, sometimes in a less-than-flattering light. Thus the novels can serve as teaching tools in criminal justice courses.

TEACHING CRIMINAL JUSTICE THROUGH FICTION

The examples that criminal justice departments might follow have been in use for more than a decade in law schools, which offer courses such as "The Law in Literature" and "The Literature of Legal Writing." These courses examine how great works of fiction, such as like Herman Melville's *Billy Budd*, reveal the dynamics of the legal system or demonstrate how the great jurists and legal thinkers have shaped our laws with the humanism and insights of their writing. "Mastery of language and its techniques enables the lawyer to practice his profession more effectively" (Leventhal 1979:605). Literature also can be a mechanism through which "legal education should attempt to foster in students an awareness of these [moral] values and the ability to analyze the cultural matrix in which the law operates" (J. Smith 1976:225).

Since the late 1970s, the controversies over law and literature have moved beyond the original questions: whether the two are related and whether literature has a place in already overburdened law school curricula. The questions now address more complicated issues such as the mixture of literary criticism with legal interpretation and the moral ambiguity of some literature (Dunlop 1991; Posner 1988; Weisberg 1988). Reading lists for literature courses in law schools have concentrated on classic novels, and two new journals (*Cardozo Studies in Law and Literature* and *Yale Journal of Law and the Humanities*) are devoted to the relationship of law and literature.

The use of literature in criminal justice education and research has not approached this level of controversy or interest. It has been argued (B. Smith 1987) that short stories and one-act dramas can be inserted easily into "mainline" or frequently required criminal justice courses to introduce immediate, vibrant, often first-person views of such topics as spouse abuse, murder, juvenile delinquency, riots, and rape, with the attendant subjects of police techniques and

courtroom pyrotechnics. The criteria for selection include a short format, authorship by an acknowledged master of twentieth-century fiction, and relatively sophisticated literary criticism concerning the work in question. The use of masterworks enhances the legitimacy of the use of fiction with students and with faculty curriculum review committees. Literary criticism encourages a close reading of the texts and an examination of the authors' perspectives and/or biases. Therefore, it can encourage students to question more searchingly the social science works to which they are exposed most often.

Lesser fictional works and popular culture in general also have a place in the study and teaching of criminal justice. Graeme Newman (1990) argues that criminal justicians have incorrectly ignored the importance of popular culture in both shaping and reflecting the image and the reality of crime and the system. He urges further examination of television detectives, soap operas, nonfiction television newscasts and documentaries, print and visual advertisements, comic books, and movies, especially those featuring detectives and western lawmen or outlaws. In addition to the private eye, the frontier villain and/or hero, and the gangster, another criminal figure—the con man—has occupied an important places in American popular culture.

THE CON MAN IN THE AMERICAN LITERARY AND CULTURAL TRADITION

Critics have traced the con man theme in American literature from European folktales; to the pre-Civil War novels of Herman Melville (*The Confidence Man*) and Nathaniel Hawthorne (*The House of Seven Gables*); to the river novels of Mark Twain (Huck Finn, indeed an engaging huckster) and the social commentary novels of William Dean Howells (*The Leatherwood God*); and finally to the works of William Faulkner (*The Reivers*) and John Barth (*The Sot-Weed Factor*). The con man in those novels and others reflects both the best and the worst of society.

Progress, opportunity, and expansion have long been seen as ideals, indeed inevitable outcomes, for individuals and for society as a whole. "The visionary tradition has been one of the major continuities in American culture, linking land boomers and poets, prophets and profiteers" (Lindberg 1982:120). Because so many people believe that the future means "better," the con man has been able to deceive his victims into thinking that success, defined in many ways from restored health to enhanced wealth, is inevitable

whatever the enterprise. The con man preaching "equality, opportunity, and freedom" (Lenz 1985:183) finds a receptive, preconditioned population, ready to believe in their own luck or inherent value.

When the con man (although not under that name) seems intelligent, innovative, and skillful, those characteristics are valued by his potential victims. "Superior wit, skill in the use of resources, a nomadic and bachelor existence, adaptability, enthusiasm, and a continual desire to better one's condition—those are qualities associated with the type of character whom we think of as having 'opened' our country" (Kuhlman 1973:6). Our society selectively ignores the fact that riverboat gamblers, saloon shills, and medicine show quacks were part of the advance of the American frontier.

As long as American society has remained fluid, we have had to accept or reject one another on the basis of impressions. "Instead of relying on family background, class habits, inherited manners, many Americans have had to confront each other as mere claimants, who can at best try to persuade each other [as to] who they in fact are. It is easy to see how a con man can slip into such a situation and exploit it" (Lindberg 1982:5). The chameleonlike con man can alter more than his appearance; he can and does alter his entire public identity at will while being able to "alternately swindle, ridicule, and inspire all whom he meets" (Quirk 1982:110). In the guise of self-help, he literally helps himself (Lindberg 1982:96). On one hand, the con man uses the strength of our values against us. On the other, he unwittingly reinforces those values by contrasting them with his own deviance. "He clarifies the uneasy relations between our stated ethics and our tolerated practices" (Lindberg 1982:4). In the latter role, however, he remains a conjurer controlling or entertaining us with his tricks.

Even when the con man's tricks are recognized, they still receive our applause:

> Perhaps the tonic will not cure warts, and perhaps the tract of land is actually two feet under water, but the real promise is of another kind. If we share the con man's faith, allow ourselves to ride his words into his imagined world, we may literally be transported and thus tap a corresponding source of energy within ourselves (Lindberg 1982:260).

This invigoration frequently satisfies in lieu of realized promises. Even when the con man is found out, the excitement does not necessarily dissipate. "To cry 'Fraud' does not end the show, it swells the audience" (Lindberg 1982:207). The audience who sees through the fraud may still admire the intricacies of the con and the skills of the perpetrator. Thus the con man, perhaps more than any

other criminal, is a special example of the structural theorists' description of deviance. He not only shares societal goals of success or status, but also uses—even preaches—society's accepted means to achieve those goals (Lindberg 1982:137). The true deviance exists only beneath the rhetoric, at the level of action.

The con man stands as a comment on our society, and not solely through his existence.

> When twentieth-century versions of the confidence man appear (for other than nostalgic or purely fictional purposes), they usually don one of those often overlapping guises: They may be secondary characters whose main function is to reveal the helplessness and alienation of the protagonist as victim. Alternately, they may appear as self-deluded manipulators who fall prey either to the social forces they initially juggle or to their unfounded confidence in their control over their own destinies. Lastly, shifty characters may act as symbols of the forces of universal disorder, victimization, and betrayal that seem representative of the modern age (Lenz 1985:200).

The three popular novels discussed here contain examples of Lenz's types of con men. The characters in *The Grifters* (1963) are both historical and relevatory of alienation. One of the con men in *Unfinished Business* (1990) is self-deluded and eventually self-destructive. Another con man in that same novel, like most of those in *Sullivan's Sting* (1990), is an example of the modern technological con man to whom even the rules of his own subculture mean very little.

Beyond their illustration of Lenz's con men, I chose these novels for a number of other reasons. All three, with the possible exception of *Unfinished Business*, seem likely to remain in print and in affordable paperback editions. Lawrence Sanders is a prolific writer with a consistent following. Stephen Robinett seems well on his way towards writing a series on his investigative reporter protagonist, one of the few muckraking journalists in current popular fiction. And Jim Thompson has become a minor cult figure, whose popularity has been revived with recent films of his novels, including *The Grifters*.

Of course, there are advantages and disadvantages in using a book that has been the basis for a box-office success. Students may ask "Why do I need to read the book?" One may reply that the same story and characters in two accessible forms of popular culture invite comparisons. For example, does the charisma of an established actor add to the allure of the con man? Or does the use of actors add a second, distracting layer of performance to that of the con man himself? Does the novel present more anonymous and

therefore more intriguing characters? Does the printed version encourage readers to imagine what settings or gestures would make the con man and his scam more persuasive?

THE GRIFTERS

Such a persuasive con man is Roy Dillon, whose relatively short career is described in *The Grifters*. That career illustrates several interesting points for students. Because the con man is so chameleonlike, his background often has been erased, perhaps even from his own mind, by a series of intertwined aliases, lies, and schemes. *The Grifters*, by contrast, allows students to trace the early development of such a man. Yet an important question is left unanswered: did Roy become a con man because of his transient, dysfunctional family, because of the role model provided by his hardened, pernicious mother, or because of his own taste for excitement, danger, and deviance? Here the classic questions of criminological theory are asked about a different kind of criminal. Students could be asked what factors they believe were the most influential in the emergence and training of Roy Dillon as a con man.

The Development and Apprenticeship of a Con Man

Roy Dillon's mother Lilly married at age 13, gave birth to Roy at 14, and abandoned him to her parents until her whip-wielding father forced her to raise the boy. She supported them as a bar girl hustling drinks, as "a managing hostess, as a recruiter for a chain of establishments, as a spotter of sticky-fingered and bumbling employees; as courier, liaison officer, 'fingerwoman,' as collector and distributor. And so on up the ladder . . . or should one say down it" (Thompson 1963:9). Finally she was employed by an East Coast crime family to lay off bets at West Coast racetracks. She shaped her son into a con man by neglect, emotional abuse, and her own example.

The con game also offered its own attractions and excitement to Roy, who had become self-concealing as a defense against his mother. After graduating from high school, he drifted first into door-to-door sales and "[t]hen, he stumbled onto the twenties" (Thompson 1963:34), a deception of tellers and cashiers who give the con man both change and a large bill. Having accidentally duped a cashier, "[h]e wondered if there were any gimmicks similar to the twenties, ways of picking up as much money in a few hours as a *fool* made in a week" (35; emphasis in the original).

The night after his first deliberate use of the twenties con, Dillon lost his money to another con man and gained greater skills for the grift. He was pulled into the tat, a doubling of bets with the roll

of a single die, and his "griftings were down the drain in twenty minutes. In another ten, all his honest money had followed it" (Thompson 1963:36). Mintz, the seasoned con man, took pity on Roy and returned some of his money. Roy insisted that Mintz become his "instructor in swindling" (36). Mintz warned against having a partner, which cut the score in half, and "put an apple on your head, and handed the other guy a shotgun" (7). Bartenders would help a con man escape ("give you a *take-out*") because they "were chronically fed up with drinkers. They'd as soon see them chumped as not, it made them a buck . . . unless the guys were their friends" (37; emphasis in the original). Mintz instructed Roy in the "normal short-con," which would not take in more than a thousand dollars, and the big-con, involving more people and more risk, as well as more money (37).

Mintz also warned Roy to avoid "any mannerism, any expression, any tone or pattern of speech, any posture or gesture or walk—anything that might be remembered" (Thompson 1963:38). Mintz, however, did not have to teach Roy the so-called "grift sense":

> No one, it seems—not even the grifters themselves—can say just what grift sense is. It appears to be a faculty which the grifter is acutely aware of when he needs it: a something that "clicks" within him, enabling him to sense at once whether or not the man is good for a play and to chart the mark's probably reactions to the game; it guides him materially in eliciting the proper response from his victim, and tells him how to handle the particular man in question . . . no more than a highly sensitized and elaborately coordinated set of reactions to people and to situations . . . (Maurer 1974:122).

Roy had that faculty already.

After narrowly avoiding arrest by the New York City police, Roy moved to the more spread-out, even more impersonal Los Angeles area. Frightened by his experience in New York, he worked for a year as a traveling salesman. "Gliding back into the grift, he remained a salesman" (Thompson 1963:25); he kept one foot in the legitimate world while reverting to old patterns. Roy's abilities as a salesman, legitimate and otherwise, built his nest egg, which he kept in his inconspicuous hotel room. As a con man, however, he made a careless mistake while playing the twenties game that had drawn him into the grift originally. He misread a young clerk, who recognized that he had been swindled. The clerk struck Roy a damaging blow in the stomach with a baseball bat. "He'd [Roy'd] simply caught a goof, and goofs couldn't be figured" (7). Yet despite his evidence to the contrary, Roy continued to believe that his skills as a con man would protect him. His development and education as a

con man show students the attraction of crime for some people, especially when the crime involves self-intoxicating skills, intelligence, and charm.

The Downfall and Disillusionment of the Con Man

Ordinarily con men merely slip out of sight or, at worst, find themselves on the enforced "vacation" of a prison term. In Roy's story, however, students can follow an injured con man as he regroups, reevaluates, and eventually (too late) rejects his career. Con men, like many other criminals, find themselves caught up in recidivism, fear of the unknown, and the excitement of their crimes, but the con game does not require the physical agility of youth. What, then, is necessary for a con man's success? Does Roy Dillon, in the minds of students, have what is necessary? Are con men caught in the lures of drugs, alcohol, and women chiefly because they use all three to entice their victims?

By the time of his injury, Roy had acquired (despite Mintz's warnings) a lover and possible partner in Moira Langtry. He met her in church, a church which itself was a con?

> It was one those screwball outfits which seem to flourish on the West Coast. The head clown was a yogi or swami or something of the kind. While his audience listened as though hypnotized, he droned on and on of [sic] the Supreme Wisdom of the East, never once explaining why the world's highest incidence of disease, death, and illiteracy endured at the fount of such wisdom . . . .
>
> The audiences were automatically boobs. Mostly well-to-do boobs, middle-aged widows and spinsters; women suffering from a vague itch which might be scratched for a bundle (Thompson, 1963: 26).

Roy and Moira shared a disdain for the stupidity of the congregation.

Moira Langtry had been married for 10 years to another, more famous con man—Cole "The Farmer" Langley. Langley looked and dressed like a gullible rube while defrauding small-town banks. "For mere money, a thing worthless and meaningless in itself, he traded great hopes and a new perspective on life. And nothing was even managed so that the frammis [trick] would show through for what it was" (Thompson 1963:80). He traded on the dreams of others, in a sense including Moira's.

As Langley moved from drinking from his stage prop jar of corn whiskey into more serious drinking and then to drug addiction, Moira lost her hope and her belief in him. Like other mates of con men, she turned to hustling or prostitution. She stole the Farmer's "rat-holed money" (84), the money to pay bail or to use to become

legitimate (Maurer 1974:200) and left him. To rationalize her theft and abandonment of Langley, Moira told herself that the money would only have hastened his decline.

Moira continued to use her body to hustle money and to barter with hotel managers. Her body was also a major part of her relationship with Roy, but she was getting older. "She could not go on as she had the past few years eking out her capital with her body, exchanging her body's use for the sustenance it needed. There were not enough years left, and the body inevitably used more than it received." (Thompson 1963:156). Moira was dreaming of a partnership in a wire shop to swindle marks by manipulating sports results or other information—the classic "big" con. Just as Roy, frightened by his injury, was thinking of leaving the grift, Moira was planning to draw them both into a big con, more dangerous than anything either had tried before.

Other factors also were leading Roy to consider abandoning the grift for the legitimate life that he had maintained part-time as a cover. He had met a woman very different from either Moira or his mother Lilly, who resembled one another both physically and morally. This woman was Carol Roberg, a nurse who tended Roy after his injury. Until he met Carol, a survivor of the Dachau concentration camp, Roy had always believed that victims, including his, deserved to be victimized: their greed, stupidity, and weakness had created their vulnerability, on which he merely capitalized. Carol's victimization, however, so brutal and so senseless, had occurred through no fault of her own. Roy could not justify it in his own mind. It also made him reluctant to use her as he had used other women, including the worldly Moira. Ironically, when he tried to reach out to her and to the straight life she represented, Carol rebuffed him. Their sexual encounter reawakened memories of the surgeries and molestations she had suffered in Dachau.

Roy also failed in his other attempts to establish a non-criminal life. His supervisor at work, recognizing his intelligence and skills, first relied on him for advice and then offered him a promotion to sales manager, a position that would have allowed him to live comfortably. The supervisor also treated him as a friend, part of a normal life away from the "hit-and-get" of the con, which was already tiring even for a young man (Thompson 1963:22).

During a trip by train with Moira, Roy became more disillusioned; he was ashamed at having swindled a group of servicemen. His fear of ending up in prison became even more real when a police officer accosted him for fraud in a bar. Roy had been playing a punchboard, an easily rigged gambling device. The police officer questioned him roughly, but backed off when he received proof of

his legitimate identity. The confrontation with the police destroyed Roy's budding friendship with the bartender, who (in the traditional relationship between a bartender and a con man) had helped keep Roy from being arrested.

When Roy and Moira returned to Los Angeles, their strained relationship deteriorated further. Roy's mother Lilly, who had come to the West Coast to lay off bets at pari-mutuel track for her bookmaker boss, warned him to stay away from Moira. She also told him to get out of the grift before it was too late for him; it was too late for her already (Thompson 1963:113). Lilly's boss, having realized that she had been skimming money for years, threatened to kill her, humiliated her, and beat her by abusing the tricks of con men who fake accidents (62-70).

Moira, aware of the power of Lilly's opposition, attempted to kill her and perhaps to grab her stash of money. Instead Lilly killed her. Seizing an opportunity to disappear, she disguised Moira's body as her own and went to Roy to ask for his "fall money." The knowledge that his mother had killed his lover was the last straw. Roy wanted out of the grift, just as his mother had said she wanted for him. Yet Lilly wanted his money, his nest egg, to get away more literally herself:

> "We're criminals, Roy. Let's face it . . . ."
>
> "We don't have to be, Lil. I'm turning over a new leaf. So can you."
>
> "But we've always had class. We've kept our private lives fairly straight. There's been certain things we wouldn't do . . ." (Thompson 1963:187).

When Roy remained adamant about keeping the money, Lilly distracted him by using the incestuous sexual attraction that had always been part of the tension between them. In other words, she used a version of a classic con trick. In the ensuing struggle, she struck Roy in the face with her purse and broke a glass against his throat. She watched him die, stole his money, grieved momentarily for her son and for herself, and finally laughed dismissively at the body. "And then she went out of the room and the hotel, and out into the City of Angels" (Thompson 1963:189).

Not only the sardonic closing line, but the entire novel is a comment on the lives of con men and con women. Choice, luck, and circumstance led them into lives in which fear and excitement were as addictive as the drugs and alcohol in which so many of them indulged. Roy Dillon felt both the excitement and the fear, and he wanted out while he was still young. The reader does not know whether he would have left this life. He left, however, in a figurative sense, killed by the woman who had given birth to him. The con game which was his identity was also his demise.

The Grifters exposes students to some of the classic methods and jargon of the con game, also outlined in David Maurer's (1974) *The American Confidence Game.* In one respect, Roy Dillon was the ingenious con man, a part of American popular culture for more than a century. His inner thoughts take students below the surface veneer and show a desperate man incapable of honesty and safety even among fellow crooks.

THE MODERN CON GAME FOR TWO GENERATIONS OF CON MEN

Today's con games, a generation later than those of *The Grifters*, frequently are telemarketed, boilerroom-hustled, and computer-directed consumer scams raking in hundreds of thousands of dollars. Despite the destruction they cause, such scams seldom result in more than a short article in the newspapers and bulging files in a state's consumer affairs office. Exceptions exist, of course: land fraud schemes involving the oxymoronic "safe investment" in land have been large enough, have corrupted enough politicians, and have destroyed enough of the American dream of home ownership to attract prolonged attention from journalists and academics (Snow 1978). Because of technology even small-scale frauds are often both simple and complex in motivations, planning, and execution.

These inherent contradictions are apparent in Stephen Robinett's *Unfinished Business* (1990). This novel is the second in Robinett's mystery series on Gerald Jeeter, a muckraking journalist employed by the fictitious magazine *Global Capitalism.* A disintegrated marriage and a self-defense killing in an earlier case had pushed Jeeter towards a nervous breakdown. Seeking to regain his mental balance and his slipping position at the magazine, Jeeter began a new investigation, which opened when he met an old friend. This reunion turned Jeeter into something other than the typical narrator, "detached from the events he is describing and thoroughly ambiguous and nonjudgmental about motives and characters" (Quirk, 1982:106).

The friend was George Sloane, known professionally as Don Quick, a lifelong salesman and con man. Sloane chose the name Don Quick as a variation on Don Quixote. Like his namesake, he appeared oblivious to some aspects of reality. He could not acknowledge that he was part of a crime, an investment scheme involving windmills geared to produce electricity by disposing of garbage. When Quick finally realized that he had been duped by his partner, he killed himself by driving a bulldozer into the scam's showcase windmill, which crushed him in a pile of garbage. That death, another variation on the Don Quixote legend, is Robinett's

rather obvious metaphor for the end of Quick's dream and his lifetime as an inept con artist. It also may be a metaphor for the "death" of one kind of con man. Quick is one of those "self-deluded manipulators who fall prey either to the social forces they initially juggle or to their unfounded confidence in their control over their own destinies" (Lenz 1985:200).

Quick sold modern mechanical "miracles," but he used the face-to-face exuberance and the fawning duplicity of the traditional snake oil salesman. Having drafted his old friend Jeeter as his aide, Quick outlined the investment scheme to a group of well-off retirees. His speech was filled with aphorisms designed to compliment and reassure his audience: "Emulate The Eminent! [sic]" and "Faith in yourself! Faith in your dream! Faith in your future!" (Robinett 1990:40, 42, 43).

> The average age in the room topped sixty. At sixty, people either have most of their dreams behind them or consider any dreams they once imagined now out of reach, a situation they have to accept with grace or anger but nevertheless accept. At first, I thought Quick's optimism attracted them, a quality that attracted me as well. Quick's optimism probably played its part—at their age, the suggestion a future existed at all probably comforted them—but something more went into their rapt attention than admiration for Quick's optimism (Robinett 1990:43).

Jeeter astutely compared Quick's hold on the crowd to that of the guru or cult leader who can mesmerize even wealthy and celebrated followers: "None of the people in Quick's audience believed their brains were programmed to fail—their bank balances argued otherwise" (41). In similar terms, Maurer (1974:90-91) confirms the vulnerability of the moneyed in our society.

At Quick's urging, Jeeter set up a small-scale plastic windmill, a model of full-sized windmills that would " 'turn garbage into dreams!' " (46). Jeeter punctuated the sales pitch with *sotto voce* cynical comments, and accidentally broke the model. Quick, ever the flexible salesman, responded: " 'Even broken . . . this windmill serves as the perfect symbol of the opportunity I'm going to tell you about tonight' " (45-46).

The broken model was indeed a symbol, but not in the way that Quick intended. The windmill scheme was doomed from its outset, both for its investors and for its instigators. Like many real schemes, this investment scheme was aimed at one of society's most vulnerable groups, the elderly. They were also the targets of a second modern ploy—"boiler room" telephone sales.

The Technological Con Game

In the next, crucial scene of *Unfinished Business*, students can see how the modern, impersonal con man uses technology to swindle more people for even more money. As Quick's friend and a possible long-term recruit, Jeeter had the opportunity to see QuickSilver Investments' banks of phones and quick-talking salespersons spouting "technobabble" (Robinett 1990:62). A variety of people, some down on their luck and others on their way up, called prospective investors culled from purchased "sucker lists." The most energetic and most successful salesperson was Hilly Fergusson, whose salespitch mixed enthusiasm with appeals to greed, patriotism, and supposed astuteness. The windmills, according to Hilly, would cut dependence on foreign oil, would be ecologically sound by converting old tires to oil, would use the best Japanese technology, and would produce both electricity and profits at equally prodigious rates.

> [Hilly's] expression suggest[ed] she might be talking to someone she considered retarded but, when she spoke, her tone of voice patient.
>
> "Plastic bottles, sir," she said. "Anyway, the process converts hydrogen chloride to nontoxic materials. The Japanese scrubbers also get rid of sulfur dioxide, one of the main ingredients in the famous acid rain."
>
> She listened.
>
> "Acid rain, sir. It's been all over the newspaper. It's a form of pollution. Believe me, you don't want to be caught out in an acid rain and, with QuickSilver Investments's pilot plant, you won't! That's exciting!"
>
> Evidently the idea of avoiding acid rain failed to excite the man.
>
> "Tax advantages—you bet!" She launched into a discussion of the minimum investment unit required to be part of "the QuickSilver Investments opportunity" and the tax benefits of that opportunity, shifting effortlessly from the boring subjects of Japanese incinerator scribers and acid rain to the equally boring subjects of state and federal tax write-offs for investors—all of it, from her, moderately interesting and all of it without notes (Robinett 1990:60-61).

The modern con may be technological in both its medium and its message, but, like its predecessors, it relies on ignorance, greed, and clever deception. By comparing of the con games in *Unfinished Business*, students can examine how opportunistic criminals adapt to changing circumstances. Hilly's extended spiel also would allow students to dismantle line by line the come-on of a successful con. Without the warnings of Jeeter's narration, would they or could they have been drawn in themselves?

The scam uncovered by Jeeter includes the basic elements of any confidence game: (1) finding a potential "mark" or victim, (2) gaining the mark's confidence, (3) explaining how the mark can make money from other, less intelligent persons, (4) taking the mark's money under the guise of "good investments," and (5) "cooling out" the mark to avoid discovery or at least to delay investigations (McCaghy and Nogier 1984:107-108). These same techniques were applied to Jeeter in a futile attempt to recruit him as a public relations man for the scheme. He remained an investigative reporter, however, and traced the scheme to its chief instigator, Stan Silver, the other half of QuickSilver Investments.

The Con Man as Megalomaniac

In an interview, Silver gave Jeeter "a nice blend of sophisticated business jargon to give the ignorant confidence in Silver's expertise and pie-in-the-sky possibilities—a new public utility, for Heaven's sake—to deflect close inspection of what he in fact said—all of it delivered with glib self-confidence, all of it smoke" (Robinett 1990:130). Behind the smoke screen of Silver's fake name and personality was a vicious, greedy man who exploited his marks and his colleagues. Through computer searches, hints from government regulators, and traces of a criminal career pieced together from scattered news stories, Jeeter discovered two major customary aspects of Silver's schemes. First, his scams included more than one fraud at a time; in addition to QuickSilver, Silver was conducting a venture capital fraud and a concurrent ploy to encourage investors to put money into bogus futures, stocks, and commodity options. Second, Silver had a history of establishing complex schemes whose layers of paperwork, fake companies, and hierarchical control mechanisms assured his profits and left him unscathed while his impoverished subordinates went to prison. His prior schemes included a real estate development fraud in 1978, a medical insurance fraud in 1980-1982, and a ponzi (get-rich-quick) scheme in 1985-86 based on selling silver (Robinett 1990:179, 184).

Jeeter uncovered Silver's personal life. Originally named Stan Brin, Silver had graduated second in his class from Stanford's business school. He seemed to be destined for legitimate success, but he chose an odd mix of role models. In his office, Brin/Silver displayed a group of pictures that captured Jeeter's attention:

> Even from the door, I recognize several famous faces, John D. Rockefeller, Sr., Donald Trump, Al Capone, William Randolph Hearst, Michael Milken. The combination—oil tycoon, deal-making tycoon, crime tycoon, publishing tycoon, junk bond tycoon—struck me as an interesting mix (Robinett 1990:104).

Turn-of-the-century robber barons have been labeled frequently as white collar criminals, but students can be asked in this context whether more recent industrial and investment magnates deserve praise or blame. Silver's own explanation for his choice of portraits was that all of the men, including Capone, "sold hope" (Robinett 1990:137). Silver was no altruist; he was attracted by the danger of discovery: "This goes beyond greed . . . . Silver put his dick out there three times in ten years and no one stepped on it" (186). Motivated by greed, more than the danger, Silver wanted to create "the scam of scams" (213). He wanted to cheat on a grand scale, to get away with it, and to be remembered for having done so.

Although Quick, too, wanted to succeed, he represented another, earlier generation of con men, who self-deceptively believed that other men, like drug addicts, are the real criminals (Robinett 1990:31) and that con men's schemes benefit marks and con men alike (Stotland 1977:189). When forced to recognize his self-deceptions, Quick reacted angrily against the cause and the symbol of his failures as a con artist and as a man: he took Silver hostage. Under the eye of the police, Jeeter rescued Silver. Then, in an attempt to save Quick from arrest, Jeeter tried to convince the police that they had misinterpreted the scene. In the interim, Quick seized a bulldozer and used it to topple the windmill, which was built on land shielded from the wind and was doomed never to work. Quick died in the tangled wreckage of the windmill and the rotting garbage gathered for faked on-site demonstrations. The traditional confrontation of con men (Quirk 1982:31) had become deadly: the older, more naive, less harmful generation of con man was dying out, to be replaced by the college-educated, computer-aided generation with no conscience. In the chaos of Quick's death and a roundup of the boiler room sales staff engineered by Jeeter, Silver escaped.

The unfinished business of the title is, in part, Silver's ongoing fraud. The book ends with the reprint of an advertisement for Silver's next scam, involving time-share condos in Palm Springs (Robinett 1990:248). The title also suggests Jeeter's sense of guilt. When Jeeter broke the story of the QuickSilver scam, his readers blamed him, not the con artists, for their losses. He continued to blame himself for the loss of an old friend. Students also may consider another question, which haunts both investigative reporters and the police. Should con games, once discovered, be shut down to control the number of often anonymous victims, or should they be allowed to continue to permit the capture of the con men?

The scams of *Unfinished Business* are age-old, yet resilient, with a new generation of college-trained con artists, new technological assets such as phone banks and computers, and an inept regulatory or enforcement system that lags one step behind the media and two steps behind the crooks. The novel's examples of modern con games bring the multimillion-dollar frauds alive and make them understandable for students.

THE CON MAN AND THE COOPTATION OF LAW ENFORCEMENT

In *Sullivan's Sting* (1990), Lawrence Sanders describes master con man David Rathbone, his subordinates, and various law enforcement agents who investigate his many schemes. Rathbone's scams ranged from boosting or shoplifting to a multimillion-dollar ponzi scheme for defrauding drug dealers. His associates, who eventually became involved in the drug scheme, specialized in certain con games; each con was valuable to Rathbone's overall scheme. The con men, however, constantly jockeyed with one another and at times even stole from one another. The law enforcement agents chosen for their special skills were caught up in the excitement of the investigation; some even succumbed to the sexual and monetary attractions of the con artists. The undercover investigators were compromised, even coopted into the schemes in ways described by Marx (1982) and Miller (1987). The two sides, con men and cops, were pitted against each other, but the lines dividing them became blurred. This novel explores the basic questions that confront vice and fraud investigators. How much deviance does or (more important) should law enforcement commit in order to gain the trust of those who, ironically, feed off the trust of others?

New Varieties of Old Cons

The book opens on what seems a relatively ordinary, if not quite innocuous, scheme. David Rathbone, "a perfect gentleman, attentive, eager to please" (Sanders 1990:1) was trying to persuade a rich widow to invest in what was really a pyramid scheme: the newest investor's money would be used to pay off the first victims, if they should ask for their profits. The con man/gigolo is an age-old figure, but Rathbone was stealing on a grand scale. In his scheme to defraud the widow, his subordinates posed as a retired industrialist, a yacht-owning natural gas magnate, a neurosurgeon, a real estate agent, and a sports equipment importer to convince her that their chief was an honest, profit-generating investment counselor (Sanders 1990:4). The widow's judgment clouded already by Rathbone's

sexual attractiveness. She was a typical victim: "middle-aged women—married or single—are especially susceptible for sooner or later the element of sex enters the game" (Maurer 1974:94). Ironically, sex also contributed to this con man's downfall.

Rathbone's colleagues/subordinates represent a range of modern con games. Ellen St. Martin, actually a real estate agent, ran a scam on the side. She rented out to tourists the houses and condos that she was paid to safeguard while their owners were away. Frank Little, under the cover of being a sports equipment dealer, imported and distributed drugs. Mort Sparco, in addition to making Rathbone's ill-gotten gains earn more money on the stock market, was a discount broker who sold worthless penny stocks to the unsuspecting. Sidney Coe ran a boiler room operation promoting precious metals and later selling shares in the cocaine-marketing cartel. And James Bartlett, a retired banker, organized bank employees to launder money from the various schemes.

Rathbone and his coconspirators played off the general gullibility of Americans:

> Why, there were people who believed wearing a copper bracelet would prevent arthritis, people who believed they could beat a three-card monte dealer, people who believed in astrology, flying saucers, and the power of crystals. There were even people who believed professional wrestling was on the up-and-up. How could you respect the intelligence of the populace when a con woman could travel the country collecting contributions by claiming to be the penniless widow of the Unknown Soldier? (Sanders 1990:310).

For Rathbone, the victims or mooches were "a great natural resource" waiting to be exploited. "It was no sin to profit from the mooches' need to believe what they *wanted* to believe, ignoring reason and common sense" (310). South Florida was "a paradise for con men and swindlers," the "Land of the Golden Mooch" where "hundreds of marks arrived every day, to live in a sunlit, semitropical climate, play shuffleboard, and listen to the siren song of the sharks—the human variety" (310).

The chief means of defrauding those easy marks were boiler room hard sells and penny stock bamboozles. The boiler room, run by Coe, had sold gemstones before moving on to platinum shares or futures. About 20 salespersons or yaks hawked the shares to unsuspecting customers, whose checks were cashed quickly before they could change their minds. The yaks' spiel focused on the scarcity of supply and the certainty of profit:

> Twenty yaks made their pitch, talking into their phones as rapidly and loudly as they could so the mooch was confused, didn't have time to think, heard only the shouted

> NOW! and RICH!, and decided he better get in on this bonanza before the exclusive source of cheap platinum was exhausted . . . . Even more remarkable, suckers who had lost money with Instant Investments, Inc., on precious gems, uranium, rare coins, and oil leases, sent in checks for platinum, hoping to recoup their losses (Sanders 1990:131).

Coe's own style was "raucous, derisive, almost insulting" (131), but that style did not keep him from making money.

Sparco, who worked in the discount brokerage, used a two-part come-on. New customers or marks were steered toward two different dollar stocks, neither of which was listed on any exchange. "One company, according to the broker, had developed an electronic booster for solar cells, and the other, Sparco claimed, was about to market a revolutionary remedy for baldness" (Sanders 1990:141). The former was a self-contradictory piece of technical gibberish; the latter was the classic cry of the medicine show and deceptive advertisements in cheap magazines. Sparco paid off big on the first sale to hook the marks, and in the hope of getting them to reinvest before they saw any real money. The next move was to induce the marks to invest in so-called penny stocks:

> "They've got a dozen gimmicks, but basically what they do is organize a shell company or find some rinky-dink outfit that doesn't have a prayer of success. One of the broker-dealers underwrites a stock offering at maybe a couple of bucks a share. They each buy a block of stock for themselves. Then they get busy high-pressuring suckers, usually by phone, touting the stock at inflated prices. Since it's not listed anywhere, they charge whatever the traffic will bear. When the price is inflated high enough, the promoters sell out to their customers. But if the suckers try to sell, there are no buyers" (Sanders, 1990:248-49).

Bartlett, the money launderer, was used as a shill in a bait-and-switch scheme to draw in even more suckers (Sanders 1990:147). Thus the brokerage house was guilty of multiple counts of stock fraud as well as conspiracy, mail fraud, and wire fraud, which also had been committed in the boiler room scheme.

The Con Man as Killer

David Rathbone, chief among the swindlers, defined himself by his work. He was smarter than the smartest man he conned (Sanders 1990:286), especially because the smartest were the easiest to con. When asked about his limits, Rathbone said " 'I enjoy outwitting suckers, but I'd never bash one over the head in a dark alley. I have my standards' " (161). By the end of the novel, however, he has violated even his own standard.

Rathbone took pleasure in tricking his friends out of their money. He used a bartender friend, formerly a crooked cop, to cheat his buddies over the number sequence on a planted bill (15-19). He cheated them at cards by using a marked deck and by distracting them with nude waitresses (72-73). To buy his lover gifts he shoplifted, used stolen credit cards, and changed price tags at a discount store (57, 58, 345, 158). Bound to the con as a game or even as an addiction, Rathbone had to find a scheme. Even the simple act of buying a newspaper from a machine became a scheme to defraud a local newsdealer of the price of a copy (87). "He'd be a bamboozler till the day he died simply because that's the way he was. And the opportunities never seemed to end" (311). Those were Rathbone's judgments of himself.

Rathbone might have succeeded at his games if he had not turned violent and had not stretched himself so far with the drug scheme. The violence was the most serious outcome of a scheme to use paper that dissolved only days after it was printed and treated. Rathbone first used the paper for counterfeit government check issued to the fake identity of his lover (who, unknown to him, was also an undercover police officer) (Sanders 1990:47, 58, 59). Then he used the disintegrating money to replace part of a drug trafficker's deposit in a money-laundering account (129). Fearing disclosure of their stupidity and their crimes, neither the banks nor the dealers were willing to report the losses. The scheme was so successful that Rathbone paid contract killers to murder the middleman who initially had brought the scheme to his attention in the first place. This middleman, Tommy "The Termite" Keefinger, acquired his nickname by selling fake or nonexistent termite treatments (22). Tommy's former cellmate was the printer with the counterfeiting skills. As a drunk, Tommy was too much of a risk to the scheme; in engineering Tommy's death, however, Rathbone sealed the end to his own freedom.

The Corruption of Law Enforcement

Rathbone's various early crimes led to the establishment of a strike force, which used federal and local law enforcement to set up sting operations under an official from the Justice Department. This force was established to regulate several overlapping, competitive agencies. "Investigators from those agencies were walking up each other's heels, withholding evidence from each other, and planning sting and undercover operations with absolutely no co-ordination whatsoever" (Sanders 1990:8). Problems remained, however, often because of the nature of undercover operations.

Anthony "Tony" Harker of the Securities and Exchange Commission was appointed to supervise the day-to-day operations. A driven, vaguely hypochondriacal man, he could not hold all the members of his team in check.

> He felt aswirl in swindles, and not all of them by the crooks: the good guys, in the course of their investigations, were pulling their share of cons, too. Harker was troubled by it, couldn't convince himself of the need to "fight fire with fire." His distress went deeper than that.
>
> He presumed that if you were forced to live in a slum, eventually the ugliness of your surroundings would seep into your nature. Maybe without even being aware of it, you'd begin to think ugly thoughts, say ugly things, act in ugly ways.
>
> Similarly, he now found himself in an environment where everyone lied, schemed, cheated (Sanders 1990: 151).

The least source of trouble was Henry Ullman, a Secret Service agent formerly assigned to the presidential detail. Although he lied to his target, he remained honest and within the boundaries of the rules. The same could not be said of the others.

Roger Fortescue, a county sheriff's deputy, was assigned to watch the drug importer. He accomplished his task after breaking in without a warrant and accepting $50 from his target in the guise of a charitable contribution. Fortescue used the money for a fancy dinner at home (Sanders 1990:50). Manny Suarez, a Miami police officer, was chosen for the strike force because he was a specialist in scams against immigrants. He was assigned to Coe's boiler room, where he became one of the top salesmen. Suarez had to admit to himself that he "loved the place, couldn't wait to get to work in the morning," and that he "had a real talent for bamboozling" (132). Ironically, Suarez pioneered a sales technique for Coe by picking out Hispanic targets and using his language and cultural skills with them. In a sense he turned his back on his own community, which he had protected as a police officer. Against government rules, Suarez pocketed the bonus Coe gave him for the cultural affinity scam.

The worst abuser of his undercover status was Simon Clark, a United States attorney based in Chicago, where he had investigated stock rigging (Sanders 1990:93). When he was assigned to watch Sparco, Clark became angry at what he viewed as a demotion to street investigations. His anger became his rationalization for breaking the rules (175). He slept with Sparco's wife, extorted money from the broker, and eventually turned rogue (195, 306). Clark decided to "flip," to be one of the crooks, by becoming a swindling investment counselor. He even used Rathbone's real estate

agent to find office space. He rationalized his crimes further by telling himself that "con men, corporate raiders, and investment bankers" were all largely the same in that they did not gamble with their own money. "His background as a U.S. ADA would inspire confidence, he had an impressive physical presence, and his courtroom experience had taught him that when sincerity is demanded, style is everything" (235). Clark traded on his position in every sense of the term.

Fred Rabin of the Federal Reserve was used to find out how the money was being laundered. To do that, he had to ingratiate himself with one of the bankers. Probably in violation of procedure, he also went to the wild parties that the banker threw. These parties featured women whom he paid off in cocaine. Rabin did not try the cocaine, but he sampled the women.

The remaining investigator also used sex to play her role. She was Rita Sullivan, for whom the novel is named. Because her integrity was compromised very seriously, it is interesting that her original agency was not named (Sanders 1990:7). Experienced in cases involving drug smuggling, homicide, and rape, Sullivan liked the danger and challenge of undercover work (33, 44). The goal of her current assignment was to "grift the grifter" (118). When Sullivan was introduced to Rathbone and his group, she saw them as "a bestiary of thugs" (37). Her picture of them changed, however, as she became sexually involved with Rathbone, an attractive man experienced in being attentive. When questioned by Harker, who also had become her lover, about whether she should sleep with Rathbone, she replied: "King Kong was using his body to get the job done. I use my body in the same way" (43). In Sullivan's experience, not even a crook was all bad; and Rathbone certainly was not all bad (79). Perhaps either as the two-timed lover or as the cautious supervisor, Harker bugged the bedroom that Sullivan shared with Rathbone. The resulting tapes showed that Sullivan may well have "flipped," or joined the con group in spirit, if not necessarily in criminal acts.

Because Harker did not trust Sullivan, she was not even told in advance that the sting was being shut down through coordinated arrests. She was essentially forced to resign from law enforcement. In forcing her to lose her job, the operation ironically had stung the person most important to its success. Nonetheless, her reports, the mistakes Rathbone made while besotted with Sullivan, and Rathbone's conversations with Sullivan were his undoing. The novel ends, however, without a scene depicting his arrest. In this way it leaves open the question of whether Rathbone was able to slip away once more—a con man extraordinaire.

In *Sullivan's Sting*, Sanders outlines the dangers of undercover work, even against the supposedly nonviolent con man. The physical danger can be real when the con man contradictorily believes himself to be invincible and yet inherently vulnerable, and when the stakes are in the millions. Undercover work, however, involves more subtle dangers. First of all, the con (or, more often, the cons) must continue if the police are to discover truly incriminating evidence. Meanwhile the widows continue to be seduced and the boiler room phones continue to ring. Students might well be asked at what point Harker's strike force might have been pulled out to limit the corruption of authority while still possibly breaking the case. Can official corruption be so great as to outweigh the harm done by the con man? Also, how many, if any, of the actions of the fictional law enforcement agents were legitimate? Would those actions have been legitimate in other circumstances? Are strike forces that combine people with specialties, but with little loyalty to one another, valid law enforcement tools? Finally, would the strike force members' schemes have seemed worse if they had been directed at targets other than conniving con men or impersonal bureaucracies?

Sanders supplies no fictional denouement concerning the largely anonymous victims of Rathbone's schemes. If we knew more about the victims, would we feel that greater harm had been inflicted? In *Sullivan's Sting* and in the other two novels, we do not learn what happened to most of the victims. Were they ever found? Did they even know of their victimization? The answers to such questions may lack the drama needed by a fiction writer. Perhaps one of the problems the criminal justice system itself has in dealing with con men is the fact that recovery of the ill-gotten gains and restitution to victims are not only difficult; they also lack the drama or the invigoration of the hunt for intelligent, elusive criminals who leave little evidence of their victims' identities.

The drama of the chase is one of the most intoxicating elements of undercover work. Danger, intrigue, and ingenuity all have their own power. As illustrated in *Sullivan's Sting*, the con man's personal, even sexual, attraction may cloud his pursuers' vision. Even worse, they may follow his example. Some undercover police deceive their own superiors; a few may become con men and women. In many senses then, the con game is, as noted earlier, a corruption of the American dream and a cooptation of legitimate authority.

CONCLUSION

Although these novels are hardly "how-to-do-it" books for operating or investigating the con game, they are part of the glamour that has surrounded the grift, the swindle, the scam. That glamour also contains a richness of detail and characterization which is difficult for the social scientist and even the historian to depict. Thompson's *The Grifters*, Robinett's *Unfinished Business*, and Sanders's *Sullivan's Sting* outline the American con man in colorful, vibrant detail. They trace that figure from the modest street hustler to the multimillion-dollar schemers who use modern technology to stretch "the game" worldwide. A study of that change itself is a vital part of any understanding of the con man and the harm he causes. Novelists invite the readers to compare their fictional portraits with the reality uncovered by scholars who describe the subjects more conventionally. With those comparisons, students can enrich their writing style, can examine the place of charismatic criminals in American history and society, and can explore the techniques and motivations of some of our most extraordinary criminals.

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