

Measuring Public Corruption in the United States: Evidence From Administrative Records of Federal Prosecutions

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A growing empirical literature examines public corruption in the United States, but most of these studies use survey data on federal corruption convictions that is aggregated, sparse, and of dubious quality and provenance. This article describes an alternative data source from administrative records that provides more detailed and reliable information on corruption prosecutions and convictions by type of state official and by lead charge. Contrary to conventional wisdom, corruption convictions are not increasing and mostly involve low-ranking federal or local officials. Administrative data on public corruption are not highly correlated with survey data in state-year observations. Consequently, prior empirical findings based on survey data may not be replicated when reexamined with administrative records on corruption prosecutions. The availability of more reliable and detailed data on corruption prosecutions is a boon to scholars interested in the causes and consequences of public corruption in the United States.

Keywords: corruption, bribery, scandal, state politics

I've got this thing and it's f***** golden. And...I'm just not giving it up for f***** nothing.... If I get nothing back from Obama, then I'm going in another direction, you know what I'm saying?

—Gov. Rod Blagojevich

For many Americans, the phrase “public corruption” likely conjures up lurid examples from recent federal sting operations. Whether it is a wiretap recording of Illinois Governor Rod Blagojevich extolling his ability to appoint a replacement to the U.S. Senate for President-elect Barack Obama,¹ a scan of California Representative Randy “Duke” Cunningham’s U.S. House stationery listing a menu of federal contract amounts and corresponding kickbacks,² or a surveillance video of Massachusetts State Senator Diane Wilkerson accepting a payoff by stuffing \$100 bills into her bra,³ the popular understanding of corruption is likely shaped by media coverage of the most sensational failures of high officials. But how representative are these cases? Is corruption common among elected officials and high-ranking bureaucrats? What kinds of crimes constitute most public corruption cases? Despite a growing social science scholarship on corruption

in America, fundamental questions like these have yet to be answered, primarily for want of the requisite data.

Empirical research on the causes and consequences of public corruption in the United States typically measures corrupt activity by the number of federal convictions for “official corruption.”⁴ In nearly all such studies, the data employed by scholars are taken from annual reports to Congress made by the Public Integrity Section (PIN) of the Department of Justice. From these reports it is possible to cull annual data by state covering the better part of four decades. This, together with the imprimatur of originating from official documents, explains the pervasiveness of the PIN data in the empirical literature on public corruption in America.

Boylan and Long (2003) have questioned both the provenance and the quality of the PIN data, noting that they are compiled from retrospective annual surveys of federal prosecutors, rather than directly from administrative records. However, other scholars (e.g., Glaeser & Saks, 2006) downplay or ignore such concerns and continue to use PIN data in their research.⁵ This article compares more detailed and reliable administrative data on official corruption to the commonly employed PIN data; in doing so, some of the arguments made by Boylan and Long (2003) are amplified and others are dismissed. However, even more severe problems with PIN data are uncovered. In short, the data-generating process for the PIN data is highly suspect and poorly documented; not surprisingly, then, many scholars have used these data with an insufficient understanding of what exactly they measure. Consequently, erstwhile lessons on corruption in the United States generated by earlier empirical research using these data should be set aside for reexamination with higher-quality administrative data.⁶

At the time a case is referred to a federal prosecutor, the assistant U.S. attorney in that federal district records details of the referral and codes it as one of several program categories, including “official corruption.” The Executive Office of United States Attorneys (EOUSA) defines official corruption as criminal prosecution of public employees “for misconduct in, or misuse of, office, including attempts by private citizens to bribe or otherwise corrupt public employees” (Program Category, n.d., para. 1). And while any such classification is inherently subjective, these administrative records have the advantage of being electronically recorded and updated as the case progresses through the federal justice system. Boylan and Long (2003) obtained summaries of these administrative records of convictions from the Federal Justice Statistics Resource Center (FJSRC). Unfortunately, beginning in 2001, the center changed its classification system so that it no longer identifies public corruption cases.⁷ However, information from these administrative records may instead be accessed via the Transactional Records Access Clearinghouse (TRAC), a nonprofit group dedicated to facilitating public access to federal data.⁸ Freedom of Information Act requests are used by TRAC to collect a plethora of up-to-date government records; this information is available to the public, albeit under a limited but affordable license.⁹

To date, only a few recent studies have exploited the availability of administrative records on official corruption from TRAC. One apt example is Cordis and Warren (2014), who examine the effects of Freedom of Information laws on official corruption. In addition, Alt and Lassen (2014) study the behavior of federal prosecutors, Cordis and Milyo (2013) estimate the effects of state campaign finance reforms on state corruption, and Cordis and Milyo (2015) examine whether federal disaster aid induces corruption in affected areas. However, because relatively few empirical studies employ TRAC data, the present article describes some of the advantages of this data source as compared to PIN data.

Little is known about the frequency and types of crimes that constitute official corruption in the United States. This article exploits the detailed information on public corruption available from TRAC to provide such a description. One lesson that emerges is that, contrary to popular perception, very few corruption cases involve elected officials stuffing bribes into their undergarments; instead, the typical public corruption case is decidedly less salacious. Most cases appear to involve stealing and lying by nonelected and lower-ranking officials.

However, before describing public corruption convictions in detail, it is useful to first consider alternative measures of corruption, as well as some of the arguments for and against using convictions as a measure of corruption. Boylan and Long (2003) raise three major concerns about federal convictions as a measure of corruption: (a) federal data do not include corruption prosecutions at the state and local levels, (b) federal authorities may exaggerate or misclassify drug cases as official corruption, and (c) prosecutorial effort may vary systematically across states, perhaps in response to state prosecutions.

OBJECTIVE AND SUBJECTIVE MEASURES OF CORRUPTION

Public corruption is something of a contested concept; it may be defined most simply as the misuse of public office for private gain or more broadly as an abuse of public trust (Meier & Holbrook, 1992).¹⁰ The former definition has the advantage of readily lending itself to objective measurement by official crime statistics, while the notion of “an abuse of public trust” is more nebulous and subjective. For this reason, abuses of public trust in a polity are typically gauged indirectly via expert rankings or opinion surveys of beliefs about the extent of corruption or overall trust in government.¹¹ Even so, most studies that employ subjective measures of corruption treat them as proxies for criminal activity qua corruption.¹²

Of course, evidence of public corruption may not be fully documented in official records, since a compromised government may not pursue corruption with as much vigor and competence as other types of crimes. The challenges are compounded when comparing corruption across countries, due to differences in legal standards, prosecutorial resources, record-keeping conventions, and public access to records. For these reasons, investigations of corruption across countries tend to rely on subjective surveys by experts or the attitudes of the general public to measure corruption.¹³

In principle, similar challenges may arise when examining government corruption in the United States. However, such problems are greatly mitigated by the “factoid” that nearly all official corruption cases in the United States are handled by independent federal prosecutors within the Department of Justice and tried in federal courts under consistent legal standards (Glaeser & Saks, 2006; Goel & Nelson, 2007, 2011a).

Do Federal Authorities Really Prosecute Most Corruption Cases?

The only external support for the repeated claim in the literature that federal prosecutions are ubiquitous is from Russell Mokhiber, a self-described progressive activist and editor of the *Corporate Crime Reporter* (a legal newsletter).¹⁴ Mokhiber quotes himself in the *Corporate Crime Reporter* (“Public corruption,” 2004, 2007), stating that “the vast majority of public

corruption prosecutions—perhaps as many as 80%—are brought by federal officials.”¹⁵ But Mokhiber provides no original source for this assertion; nor has he responded to repeated queries regarding his sources. It is therefore worth exploring whether Mokhiber’s oft-cited estimate (however arrived at) is at all plausible.

Corruption cases pursued by state and local prosecutors are not recorded by the Justice Department, and so will not be manifest in either PIN data or TRAC data. In order to get a sense of the frequency of such prosecutions, a Lexis-Nexis search was conducted for all newspaper and newswire coverage of political corruption and scandals, as well as terms related to bribery, conspiracy, embezzlement, fraud, kickbacks, and misappropriation, from 1986 to 2014. The identified news reports were then examined to see whether they involved prosecutions of public employees in federal or nonfederal venues. In doing so, a wide net was cast to include any public employees, not just high-ranking officials.¹⁶ Even so, this exercise was only able to document a total of 910 convictions in nonfederal courts that might be classified as public corruption (compared to 16,452 convictions in federal courts identified in TRAC data over the same 29-year period). Of these, 232 cases involved state employees, most frequently motor vehicle licensing bureau clerks selling licenses or thefts by university employees, state police, and prison guards. The remaining 678 cases involved local government employees, most frequently including thefts by public school teachers and administrators, local police, and firefighters. These findings suggest an upper bound of about 94% for the percentage of public corruption cases handled by federal prosecutors from 1986 to 2014.¹⁷ Of course, it is possible that only the most sensational prosecutions are covered in news reports (especially when it comes to low-level public employees), so this exercise cannot establish a lower bound for the percentage of corruption cases pursued by federal authorities. Consequently, while it seems plausible that most public corruption cases are handled by federal prosecutors, some caution is warranted in interpreting federal convictions of state and local officials.

Are Unrelated Drug Cases Included in the Statistics?

Boylan and Long (2003) also raise the concern that the set of crimes that are categorized as official corruption may include drug charges or other crimes far removed from the misuse of public office or the abuse of public trust. Alt and Lassen (2003) echo this concern, albeit without further elaboration.

Publicly available administrative records from the Justice Department do not identify individual defendants. Consequently, it is not possible to independently classify these records as public corruption; instead, scholars must rely on the coding done by prosecutors. At the time a charge is referred for prosecution, federal prosecutors assign cases to one of 11 broad categories (e.g., immigration, narcotics, weapons, organized crime, white-collar crime, official corruption) based on the lead charges and details of each case. This coding leaves room for accidental or even purposeful misclassifications of cases, hence the concern about drug cases being included in official corruption statistics.

Boylan and Long (2003) provide only a single example of such a conviction, that of “a former assistant to a state attorney general indicted for use and possession of cocaine” (p. 422). However, this description is not quite accurate or complete; in fact, there is much more to the story.¹⁸ The person in question, Henry Barr, was a long-time associate of Dick Thornburgh, Pennsylvania

politician and onetime U.S. attorney general. Barr himself had been a federal prosecutor and a deputy attorney general in Pennsylvania, a deputy counsel and later general counsel to Thornburgh during his tenure as governor of Pennsylvania, and finally a special assistant to Thornburgh when he was U.S. attorney general. But shortly after he joined Thornburgh in Washington, a drug raid back in Harrisburg turned up connections to Henry Barr (along with an Uzi machine gun). Subsequent court testimony alleged that Barr had purchased and used cocaine over several years, including during his tenure as general counsel to the governor. He was eventually convicted on two counts of making false statements to the Justice Department, as well as for possession and conspiracy to use cocaine. Consequently, there is no mystery why this case is categorized as official corruption. Henry Barr lied about his drug use in order to obtain a high-ranking position in the Justice Department; then, as a federal official, he lied again to FBI investigators.

The Barr case certainly fits the description of an “abuse of public trust,” but it is perhaps more debatable whether this incident represents an abuse of public office. Thus the case serves to illustrate the potential for subjective judgments among prosecutors in classifying cases as official corruption. Of course, this is just one anecdote. In the next section, more systematic evidence is presented which demonstrates that official corruption convictions include very few instances of drug charges. In fact, just over 2% of federal public corruption convictions are for drug-related offenses, and only 0.1% are for simple possession. Instead, most official corruption cases involve bribes, kickbacks, embezzlement, or theft of public property (i.e., activities more closely tied to official duties).

Misunderstanding the PIN Data

Boylan and Long (2003) also make a crucial observation that no prior study has acknowledged (and few since), namely that the PIN data used by most scholars are not administrative data. Rather, the Public Integrity Section of the Justice Department *surveys* U.S. district attorneys in March about their activities in corruption cases during the preceding calendar year. It is unclear to what extent U.S. district attorneys consider the accurate completion of these surveys to be a high priority (e.g., not all district offices comply, and some responses are hand-written).

A common misconception regarding the PIN data is that public corruption convictions are mainly of elected or high-ranking public officials.¹⁹ However, “official corruption” as defined by the Justice Department includes government employees, not just elected officials. Further, the Public Integrity Section explicitly instructs prosecutors to include lesser incidents involving low-ranking public employees that are not otherwise classified as official corruption in the department’s records. Consequently, Boylan and Long are quite right to question the quality and composition of the official corruption cases reported by the PIN, since many scholars employ these data without a detailed understanding of what is really being measured or of the nature of the data-generating process.

Prosecutorial Effort

Boylan and Long (2003) also worry about prosecutorial discretion as a source of bias in federal prosecutions. They argue that federal prosecution may be a substitute for state or local prosecution

and that federal prosecutors may have different preferences for allocating their limited resources across different types of crimes. However, the FBI lists combating official corruption as its top criminal priority (Federal Bureau of Investigation, *n.d.*). This means that malfeasant prosecutors who do not act on cases referred to them by the FBI may themselves become targets of investigation. Beyond this, federal prosecutors have strong positive incentives to pursue corruption cases. Most offenses classified as official corruption are designated National Priorities by the Justice Department (this is the highest-priority designation).²⁰ And if that weren't enough, successful crusaders against public corruption enjoy popular acclaim and enhanced political prospects. Consider the examples of just two former U.S. attorneys: "America's Mayor" Rudy Giuliani and New Jersey governor Chris Christie (both of them, at different times, possible presidential candidates). For these reasons, self-interested and public-service-minded federal prosecutors may be expected to exert a high degree of effort in combating corruption.

Even so, prosecutorial effort is no doubt a function of the underlying severity of public corruption. Whether and to what extent this produces bias in studies of corruption is context-dependent. For example, absent any omitted systematic determinants of prosecutorial effort, researchers may confidently examine the reduced-form relationship between corruption convictions and other exogenous determinants of corruption. But it is incumbent on the researcher to investigate possible endogeneity bias stemming from unobserved prosecutorial effort, especially since prosecutors are not immune to economic incentives or ideological influence. For example, Boylan (2004) investigates how federal prosecutors respond to financial incentives, while Gordon (2009) explores claims that prosecutions may be motivated in part by partisan politics. Other recent studies that explicitly consider the endogeneity of prosecutorial effort include Boylan and Long (2003), Alt and Lassen (2014) and Cordis and Milyo (2013).²¹

COMPARING PIN AND TRAC DATA ON CORRUPTION CONVICTIONS

The most widely used measure of public corruption in the United States is derived from the criminal convictions data published in the annual report to Congress by the Public Integrity Section; however, few scholars even appear to recognize, let alone acknowledge, that these data are derived from surveys. The Public Integrity Section is an agency within the Justice Department, as is the Executive Office for the United States Attorneys (EOUSA), which oversees the individual U.S. district attorneys and their staffs located in each of the 94 federal judicial districts (there is at least one district per state). The U.S. district attorneys handle almost all federal corruption cases, although the PIN provides assistance and sometimes takes over investigations and prosecutions when there is a conflict of interest or a case that involves a federal judge. For example, from 2007 to 2011, the PIN handled 40–60 convictions per year, or about 4% of all the corruption convictions reported by the PIN in its annual reports to Congress.²² The remaining 96% of convictions are reported to the PIN via surveys turned in by each district.²³

The Public Integrity Section was created in 1976, and since 1978 it has issued annual reports to Congress that describe aggregate data on federal corruption convictions broken down in tables by the type of official (federal, state, local), or by federal district—but not both (see Tables 2 and 3 in the PIN annual reports to Congress). Federal judicial districts are wholly within or coincident with state and territorial borders, so it is straightforward to construct a state-level data series on

convictions from the PIN annual reports. It is this data source that most scholars use to measure corruption in the states; that is also why the same studies cannot isolate corruption rates among local or state officials by state.

As noted above, federal prosecutors code each case at the time a referral is filed for possible prosecution; “official corruption” is the designation for any prosecution in federal court of federal, state, or local public employees for official misconduct or misuse of office. The EOUSA has issued an annual statistical report since 1992; total official corruption cases by fiscal year are listed in Table 3 of these annual reports, albeit not broken down by district. Finally, TRAC maintains a database on federal prosecutions that includes these same coding designations; the TRAC data are generated from Freedom of Information Act requests placed with the Justice Department from 1986 onward and cover all federal prosecutions not otherwise withheld by the department.²⁴

TRAC data may be analyzed at the defendant level, although the Justice Department does not release any identifying information (or even demographics). However, available details include the dates for referrals, filings and dispositions, referring agencies, sentences and fines, and the lead charges by title and section of the U.S. Code. In addition, official corruption cases are also coded by the type of official involved in corruption (federal, state, local, or private persons connected to corrupt acts). Consequently, TRAC data provide researchers with a wealth of information not included in the more aggregated data from PIN or EOUSA.

Inconsistencies in the PIN Data

The first anomaly in the PIN data is for the total number of corruption convictions prior to 1980. Each PIN annual report contains a table listing total convictions by year for several years; however, the totals change without explanation across reports (see Figure 1).

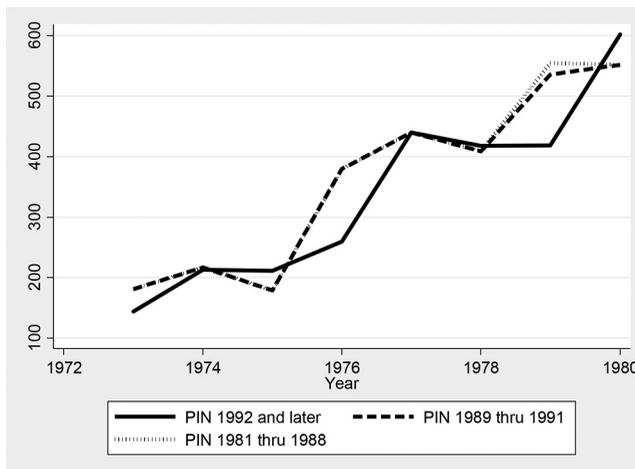


FIGURE 1 Changing number of official corruption convictions reported by Public Integrity Section.

Note: All three series are from Table 2 in the annual report to Congress published by the Public Integrity Section (PIN) of the U.S. Department of Justice.

The second anomaly is illustrated in Figure 2, which compares aggregate annual convictions as reported by four different sources. The PIN data on convictions reported in different tables within the same annual report do not add up. The total annual convictions series constructed from Table 2 (listed by type of official) and Table 3 (listed by federal district) of the PIN annual reports differ markedly and exhibit dramatic swings, only becoming more stable and consistent from the mid-1990s onward.

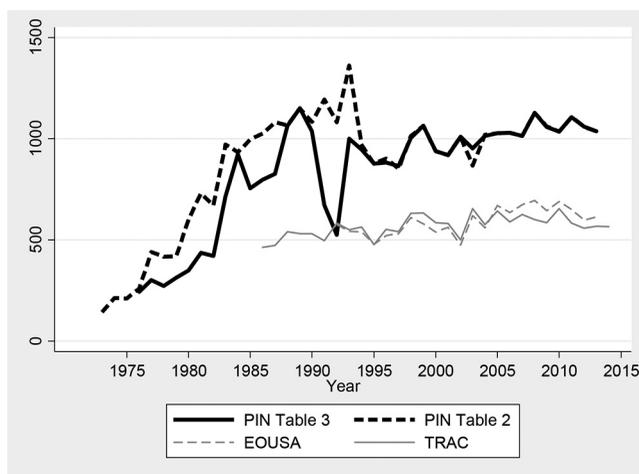


FIGURE 2 Official corruption in the United States. *Notes:* All four series are from the U.S. Department of Justice, but differ by referring agency. PIN=Public Integrity Section; table numbers identify the table within the PIN annual reports to Congress from which the data are obtained. TRAC=Transactional Record Clearinghouse at Syracuse University; this data series is compiled from multiple FOIA requests from the Justice Department (use of this data is under license from TRAC). EOUSA=Executive Office of the U.S. District Attorneys; data are taken from Table 3 of EOUSA annual statistical reports.

In search of an explanation for these inconsistencies, multiple formal and informal inquiries have been made with the Justice Department, as well as with several sitting and former federal prosecutors. The only explanation offered for the inconsistency and volatility of the PIN data is from a former U.S. attorney who confided that federal prosecutors may have an uneasy relationship with PIN (a competing and parallel unit within the Justice Department) and so may not consider the accurate completion of its surveys to be an important task. However, it is not possible to confirm this (or any other) explanation, primarily because no current officials will talk about the anomalies in the PIN records.²⁵ In fact, not only has the Justice Department been unresponsive to inquiries, but the agency has since removed from its website all of the historical annual reports that document these anomalies.²⁶

Yet another puzzle apparent in Figure 2 is that the PIN data almost always indicate many more corruption convictions than either the EOUSA or TRAC data. This is because both EOUSA and TRAC only report cases that are contemporaneously coded by federal prosecutors as “official corruption”; in contrast, the PIN surveys require prosecutors to make a retrospective accounting of annual activity based on a more expansive definition of corruption. Since 1983 the PIN survey has explicitly instructed respondents to report offenses by low-level public

employees (including postal employees) that are not otherwise coded as official corruption.²⁷ It is also interesting to note that prior to 1983, the annual PIN data series were at least highly correlated with each other and arguably more in line with the subsequent trends in convictions derived from EOUSA and TRAC.

Figure 3 shows the breakdown of types of officials involved in public corruption, as listed by the PIN data. The jump in federal corruption in 1983 is consistent with the change in instructions to prosecutors regarding the inclusion of low-level officials, including postal employees convicted for theft or destruction of mail.

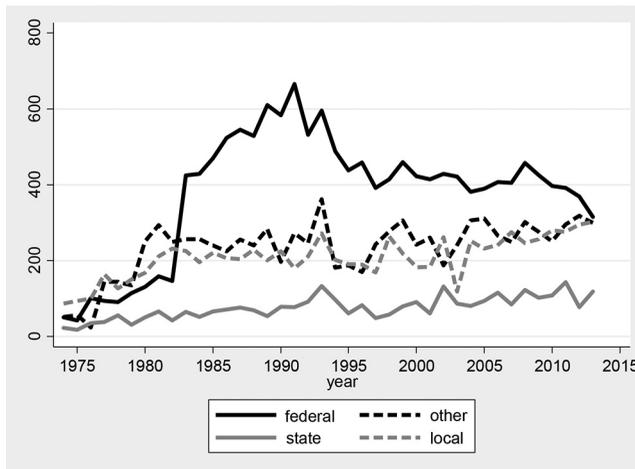


FIGURE 3 Federal convictions by type of official (PIN).

Examining PIN Surveys

The authors have submitted Freedom of Information Acts (FOIA) requests for copies of the completed PIN surveys for the last several years. However, after three years of processing by the PIN, only a few usable surveys from 14 federal districts in 2006 have been received (almost all of the documents produced by the PIN to date have been so excessively redacted as to be uninformative).²⁸ Nevertheless, an examination of this limited sample does shed some light on the differences in total convictions reported by PIN and EOUSA/TRAC. While all identifying information for defendants has been redacted from these reports, in most of the cases it is possible to observe the name of the employing agency of officials involved in corruption prosecutions. However, because specific dates in the surveys are also redacted (and PIN data are reported on the calendar year rather than the fiscal year), it is not possible to directly compare totals from these original surveys to the administrative records from EOUSA or TRAC.

The sample of original PIN surveys reveals that out of a total of 166 convictions across 14 districts, at least 31% are for crimes committed by postal employees (some of the employer information is redacted). Furthermore, a minimum of 74% of all federal officials convicted of corruption are postal employees charged with either theft of Postal Service property or destroying, obstructing, or theft of mail. To the extent that these types of cases involve

higher-ranking postal officers, they would be categorized as official corruption by federal prosecutors; however, this is not a common occurrence. Overall, only 5% of all official corruption cases involving federal officials from 1986 to 2014 have a lead charge of theft or destruction of mail by an officer or employee (see Table 1, below). So while the sample of PIN surveys is unfortunately limited, it does further suggest that a large part of the difference between the total corruption cases in the PIN data versus the EOUSA/TRAC data involves theft, destruction, and delay of the U.S. mail perpetrated by postal workers.

In addition, the pool of postal crimes that might be added to official corruption by prosecutors filling out PIN surveys is actually quite large, at least relative to the cases coded as official corruption. For the period 1986–2014, there were about 16,500 convictions for official corruption, but over 28,000 convictions for postal crimes and more than 6,000 convictions with the specific lead charge of theft or destruction of mail by an officer or employee (sec. 1709 of Title 18 of the U.S. Code).²⁹ Consequently, not only do the PIN data on public corruption include a large number of illegal acts committed by low-level employees that were not coded as public corruption by federal prosecutors, but these additional cases may well mainly involve stolen or delayed mail.³⁰

To further check the source of the discrepancy between total PIN convictions and total EOUSA/TRAC convictions, a search was conducted of newspaper and newswire accounts of federal prosecutions for corruption-related crimes by public officials for 2010–2012.³¹ If the PIN data actually contain hundreds of high-profile convictions that are omitted from the TRAC data, then some evidence should be manifest in press reports. However, this is not the case in any state or year.

Finally, it is worth noting that there are very few instances of drug charges in the sample of surveys obtained from PIN. Only two of the 166 convictions are for drug charges under Title 21 of the U.S. Code (Food and Drugs) and just one of these cases was for simple possession. Another eight cases involve military personnel convicted of “conspiracy to use the uniform to transport cocaine” under Title 18 (Crimes and Criminal Procedure). Of course, some official corruption convictions for making false statements or other crimes may well be drug-related, as in the case of Henry Barr described above. However, the paucity of actual drug charges in this sample of PIN surveys is consistent with a more systematic examination of corruption convictions for 1986–2014 (see below).

PUBLIC CORRUPTION IN THE UNITED STATES

Public corruption is often portrayed as a growing problem in the United States, although Glaeser and Goldin (2006) argue that corruption in America has been declining for the last 150 years and is much lower in recent decades than at any point in U.S. history. The time trend in the convictions data from the TRAC data is more consistent with the historical research than with popular wisdom, since there has been no persistent increase in corruption convictions even with the growth in government over the last 20 years (see Figure 2).

Likewise, headline-grabbing stories about high-ranking elected officials ensnared in corruption prosecutions are not representative of the vast majority of official corruption cases. For example, Basinger (2013) identifies only 29 instances of criminal corruption scandals involving members of Congress since 1974; in comparison, the TRAC data identify over

9,000 corruption convictions of federal employees just since 1986. Further, a search of news accounts from 1986 to 2014 indicates that about 11% of all federal convictions of state officials involved elected or high-ranking officials. Taken together, federal and state elected or high-ranking officials comprise about 2% of all convictions of federal and state employees.

Further, while many previous studies have used total official corruption convictions by state to examine state-level corruption, relatively few corruption cases actually involve state officials. Figure 4 describes convictions by type of official; on average, fewer than 10% of corruption convictions are state officials or employees (or a little over one per state, per year). Not surprisingly, convictions of federal officials and employees are the most common category, comprising about 56% of all convictions. Corruption by local officials has consistently been the second-most-frequent category, accounting for about 25% of all official corruption cases since 1986. Only convictions of local officials show a strong trend; these cases have been on the rise since the early 2000s and now account for about 30% of all corruption convictions.

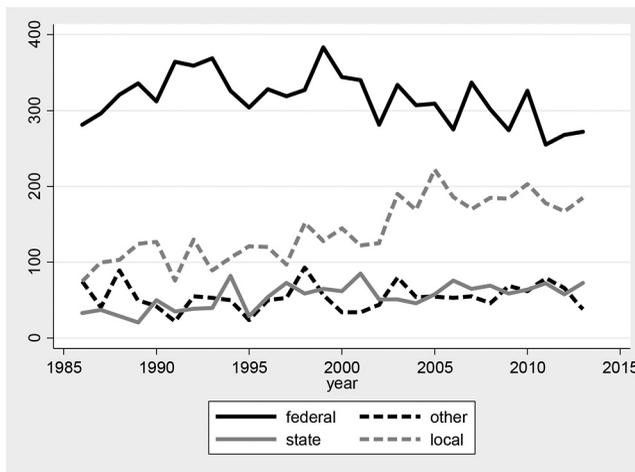


FIGURE 4 Federal convictions by type of official (TRAC).

Types of Corruption Charges

Table 1 describes corruption convictions from 1986 to 2014 by lead charges and for each type of official. Nearly all the convictions are for lead charges under Title 18 (Crimes and Criminal Procedure), with the most common specific charges being related to bribery, conspiracy, embezzlement, false statements, and theft. As noted above, drug charges are rare among public officials, and simple possession almost never appears among the official corruption convictions. It is also interesting to note that despite popular concern, election-related crimes are quite rare. From 1986 to 2014, there were only 49 official corruption cases with lead charges related to denial or abridgement of the right to vote.³²

TABLE 1
Official Corruption by Lead Charge

<i>U.S. Code title for lead charge</i>	<i>Type of public official</i>				
	<i>All</i>	<i>Federal</i>	<i>State</i>	<i>Local</i>	<i>Other</i>
Total number of convictions	16,452	9,101	1,591	4,170	1,590
Title 18: Crimes and Criminal Procedure	91.4%	92.6%	90.0%	92.2%	83.8%
§201 Bribery of Public Officials and Witnesses	13.7	20.0	2.3	3.4	16.2
§371 Conspiracy to Commit Offense or Defraud the United States	8.7	9.4	8.1	8.0	7.0
§641 Public Money, Property or Records	7.4	11.8	1.4	1.5	3.5
§666 Theft/Bribery in Programs Receiving Federal Funds	10.5	4.4	15.7	22.9	7.6
§1001 Fraud and False Statements or Entries Generally	4.6	6.6	1.9	1.5	3.9
§1028 Fraud and Related, ID Documents	1.1	0.4	4.2	0.8	3.0
§1341 Mail Fraud, Frauds and Swindles	5.5	1.9	11.9	11.0	5.7
§1709 Theft or Destruction of Mail by Officers or Employees	3.2	5.6	0.1	0	0.8
§1951 Hobbs Act	9.8	1.7	25.3	20.9	11.8
§1962 RICO Prohibited Activities	2.2	1.8	2.6	2.9	2.1
Subtotal for most frequent sections under 18 USC	66.7	63.5	73.7	72.9	61.5
Title 21: Food and Drugs	2.6%	1.2%	3.7%	3.3%	7.4%
§841 & §843 Manufacture and Distribution of Drugs	0.9	0.6	1.4	0.9	1.8
§844 Simple Possession of Drugs	0.1	0.0	0.4	0.1	0.1
§846 Attempt and Conspiracy	1.3	0.3	0.9	2.2	5.4
Subtotal for drug charges under 21 USC	2.3	0.9	2.6	3.2	7.2
Title 26: Internal Revenue Code	1.4%	1.1%	1.6%	2.3%	0.9%
§7201 Tax Evasion	0.4	0.1	0.4	0.8	0.4
§7206 Fraud and False Statements	0.5	0.2	0.9	1.1	0.2
Title 42: Public Health and Welfare	1.1%	1.0%	1.6%	0.6%	1.8%
§408 SSDI Penalties	0.6	0.8	0.3	0.2	0.4
§1973 Denial or Abridgement of Right to Vote	0.3	0	1.3	0.3	1.0

Source: TRACfed.

Notes: Data are cumulative, 1986–2014; all percentages refer to column totals and are rounded to the nearest tenth. “Other” refers to private individuals involved in official corruption and includes eight cases of unspecified acts.

The composition of lead charges varies by type of official. The Hobbs Act is most frequently deployed against state and local officials. Passed in 1951 to combat racketeering and labor union corruption, the Hobbs Act prohibits attempts, conspiracies, and actual extortion and robbery that affect interstate trade. In public corruption cases, the statute is also applied whenever a public official obtains property or payment to which he or she is not entitled “under color of right.”³³ Consequently, the burden of proof for prosecutors going after public officials is somewhat lower in Hobbs Act cases as compared to bribery; this is because recipients of a bribe must intend to provide a service, while the Hobbs Act outlaws the mere receipt of payment by officeholders (or attempts or conspiracy to do so).³⁴

The difference in the composition of corruption charges across federal and nonfederal officials raises concerns about any corruption measure that lumps these cases together (as is done in nearly all previous studies). To examine further the comparability of these cases, it is useful to examine the prison sentences associated with them.

Prison Terms for Corruption Convictions

Beginning in 1992, TRAC data also include information on prison terms associated with convictions, so it is possible to weight conviction counts by severity. Descriptive statistics on the disposition of corruption cases are listed in Table 2. While conviction rates are similar in corruption cases across types of officials, state and local officials are more likely to receive a prison term and receive much longer sentences, on average. Conditional on any prison sentence, the expected sentence is longer for nonfederal officials than for federal officials (about 26 vs. 13 months). This means that adding up convictions across all types of officials may give a distorted picture of corruption at the state level, especially since federal officials make up the majority of government officials convicted of corruption.

TABLE 2
Disposition of Corruption Cases

	<i>Type of public official</i>			<i>Other</i>
	<i>Federal</i>	<i>State</i>	<i>Local</i>	
Conviction rates, 1986–2014	83%	83%	85%	81%
Average days to court disposition, 1986–2014	505	681	686	569
Prison sentence if convicted, 1992–2014	34%	57%	56%	45%
Average months if sentenced to prison, 1992–2014	13	26	27	21

Source: TRAC.

Notes: Information on prison sentences is not available prior to 1992.

A related concern when comparing corruption across states is that some prosecutors may pursue only the most severe cases of corruption (many of which lead to prison sentences), while others pursue even minor cases (few of which lead to prison sentences). This would imply a low correlation between convictions and convictions with prison sentences across states and years. However, the correlation between these alternative measures of corruption is 0.81 (restricting attention only to state officials yields a correlation of 0.82).

Timing of Corruption vs. Convictions

Dincer and Fredriksson (2013) note that previous studies have largely ignored the time delay from corrupt act to observed conviction. While the exact timing and duration of illegal activity is generally not knowable, it is possible to observe the date of criminal referrals and convictions in the TRAC data. The average delay from referral to conviction is about 1.4 years for federal officials and 1.7 years for state and local officials. Presumably, this difference is a reflection of the more serious nature of the crimes in the case mix associated with the prosecution of nonfederal officials by federal authorities.

Public Corruption in the states

It is possible to rank the states based on public corruption convictions using TRAC data from 1986 through 2014 (augmented by the additional cases identified in nonfederal courts). Table 3

TABLE 3
 State Rankings, 1986–2014 (1 = Least Corrupt)

<i>State</i>	<i>All persons (per capita)</i>	<i>Government (per FTE)</i>	<i>State & local (per FTE)</i>	<i>State (per FTE)</i>
AK	47	42	19	14
AL	30	22	38	38
AR	19	21	24	34
AZ	18	29	11	31
CA	22	32	15	29
CO	7	9	2	6
CT	21	31	30	40
DE	39	38	29	20
FL	28	35	28	30
GA	29	30	31	36
HI	43	40	42	33
IA	1	1	1	1
ID	2	3	16	9
IL	20	23	40	47
IN	13	13	33	12
KS	8	6	6	3
KY	31	33	39	48
LA	46	46	45	43
MA	42	43	41	41
MD	33	24	25	28
ME	17	17	23	32
MI	15	19	27	18
MN	9	10	12	11
MO	24	26	34	25
MS	49	48	48	50
MT	50	50	50	16
NC	6	4	10	24
ND	48	49	46	7
NE	12	11	13	17
NH	11	14	3	2
NJ	45	47	47	39
NM	26	15	20	26
NV	14	27	26	27
NY	44	44	37	44
OH	27	25	32	19
OK	32	28	35	45
OR	5	7	4	8
PA	36	41	44	37
RI	40	45	49	46
SC	35	34	21	35
SD	25	20	14	4
TN	38	39	36	42
TX	16	16	17	23
UT	10	8	7	5
VA	41	37	18	21
VT	23	18	22	15
WA	3	2	5	10

(Continued)

TABLE 3
Continued

<i>State</i>	<i>All persons (per capita)</i>	<i>Government (per FTE)</i>	<i>State & local (per FTE)</i>	<i>State (per FTE)</i>
WI	4	5	8	13
WV	37	36	43	49
WY	34	12	9	22

Note: FTE = full-time equivalent.

describes how each state ranks (from least to most corrupt), based on four different measures of public corruption. In the first column, states are ranked based on total corruption convictions per capita. The next column omits convictions of private citizens and ranks states based on the total number of convictions of government officials relative to total government employment in the state. Finally, states are ranked based both on the number of state and local officials or just state officials convicted relative to state and local or just state government employment.

By every measure, Iowa is the least corrupt state. Other states that consistently rank among the top 10 by each measure are Colorado, Kansas, Oregon, Utah, and Washington (with honorable mentions for Idaho, Minnesota, New Hampshire, and Wisconsin). The bottom rankings are more sensitive to the particular measure examined; however, Mississippi is consistently among the most corrupt states by every measure. Other states that appear in the bottom 10 by every measure are Louisiana, Massachusetts, and Rhode Island (with dishonorable mentions for Hawaii, New Jersey, New York, and West Virginia).

Illinois has long been synonymous with public corruption, but these rankings reveal that while its state and local officials are relatively corrupt, the state ranks more favorably when federal officials are included. Just the opposite is true for Montana and North Dakota; these states rank very poorly, except when considering only corruption among state officials.

DISCUSSION

This article demonstrates that the most commonly employed measure of public corruption in the empirical literature on the causes and consequences of public corruption in the United States is based on severely flawed data. Convictions of public officials from the Public Integrity Section of the Department of Justice are poorly documented, internally inconsistent, and include low-level federal officials, such as postal workers. The failure of the PIN data to add up prior to 1995 or so is especially problematic, since this time period is included in most empirical studies of corruption that employ PIN data.

Further, in many applications, the total of corruption convictions from the PIN data is used as a proxy for corruption among state officials. However, state officials comprise just a small fraction of all corruption convictions. Further, state officials convicted in federal courts commit a different mix of (more serious) crimes than federal officials.

Taken together, this suggests that scholars should discount lessons from earlier research that employs PIN data and reexamine old questions with improved data from TRAC. For

example, the correlation between state-year convictions per government employment as measured from these two sources is just 0.29, while the correlation between the PIN measure and convictions of state officials per state government employment from TRAC is just 0.13. This strongly suggests that previous empirical findings based on PIN data may not be replicated using the more detailed and reliable TRAC data. For example, Leeson and Sobel (2008) make the provocative claim that federal disaster aid leads to increased public corruption based on their analysis of PIN data. However, Cordis and Milyo (2015) show that the evidence for this claim disappears once TRAC data on convictions are employed in place of PIN data. Given the low correlation between PIN and TRAC data in state-year observations, this result is not surprising. Consequently, future research should reexamine findings from other studies that employ PIN data to measure public corruption.

On a more positive note, administrative records on federal corruption prosecutions available from TRAC hold much promise for future research. These data can be disaggregated down to the defendant level, so it is possible to analyze official corruption by referrals, convictions, or punishments. Further, official corruption cases can be broken down easily by type of charge, type of official, and geographic district.

Of course, administrative records are not a cure-all when it comes to studying public corruption. Federal prosecutions are an imperfect proxy for corruption for two reasons. First, not all corruption cases are pursued in federal court. Second, federal prosecutors may differ in their zeal to pursue official corruption or certain types of corruption cases.

Regarding the first concern, several scholars have argued that the vast majority of corruption cases are prosecuted in federal courts. An examination of TRAC data and press reports suggests that this claim is plausible, since as many as 94% of corruption convictions are pursued by federal prosecutors. However, it is not possible to establish a lower bound for this percentage.

Regarding prosecutorial effort, the high correlation in state-year observations between convictions and convictions with prison sentences (for both total convictions and convictions only of state officials) mitigates concerns that prosecutors may substitute quantity and quality when it comes to corruption convictions. Nevertheless, scholars should be wary of the potential endogeneity of prosecutorial effort in determining corruption convictions.

These concerns notwithstanding, corruption convictions are a very common proxy for public corruption. Descriptive statistics from TRAC data reveal several lessons that have been underappreciated in both the academic literature and the popular commentaries on corruption. For example, relatively few corruption cases involve state-level employees, and fewer still involve elected or high-ranking individuals. Moreover, the types of crimes committed by federal employees are different from those by nonfederal officials and carry shorter mean prison sentences. Drug charges and election crimes (including campaign finance violations) are exceedingly rare among corruption convictions. Further, despite widespread discontent with politicians and government, public corruption convictions are not increasing over time. Finally, state rankings shed light on the geography of corruption; at least for some cases, the choice of corruption measure can affect the placement of a particular state in the rankings. Even these few basic lessons make clear that the availability of federal administrative records on corruption prosecutions is a boon for future empirical work on the causes and consequences of public corruption.

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NOTES

1. The statement by Blagojevich quoted in the epigraph is taken from the transcript of FBI wiretap recordings (Zorn, 2010).
2. The scanned “bribe menu” is available in Eckert (2006).
3. See “Wilkerson Surveillance Photos,” (2008).
4. Here are some examples (Adsera et al., 2003; Alt & Lassen, 2008, 2014; Berkowitz & Clay, 2006; Campante & Do, 2014; Cordis, 2009, 2014; Cordis & Milyo, 2013, 2015; Depken & LaFountain, 2006; Dincer, 2008; Dincer, Ellis, & Waddell, 2010; Fisman & Gatt, 2002; Fredricksson et al. (2003); Glaeser & Saks, 2006; Goel, 2014; Goel & Nelson, 1998, 2007, 2011a, 2011b; Goel & Rich, 1989; Hill (2003); Johnson, LaFountain, & Yamark, 2011; Leeson & Sobel, 2008; Maxwell & Winters, 2005; Meier & Holbrook, 1992; Meier & Schlesinger, 2002; Nice, 1983; Simpson et al., 2012).
5. For a prominent and more recent example, see Campante and Do (2014). In addition, PIN data on corruption are often reported in the popular press; recent examples include Kushner (2010), Maciag (2012), Maddigan (2013), Marsh (2008), and Wile (2013).
6. Cordis and Milyo (2015) reexamine the finding in Leeson and Sobel (2008) that federal disaster aid leads to increased public corruption.
7. See the online data dictionary for FJSRC data available at <http://www.bjs.gov/fjsrc/datadictionary.cfm?ref=UI/datadictionary.cfm>.
8. See Long, Roberge, Lamicela, and Murugesan (2004) for a discussion of strategies employed by TRAC to ensure data quality.
9. For a description of the data available from TRAC, see Transactional Records Access Clearinghouse (n.d.); information on obtaining a license may be accessed at http://tracfed.syr.edu/notices/fee_schedule.html.
10. Nye (1967) describes corruption as any “behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence.” Shleifer and Vishny (1993) describe it as “the sale by government officials of government property for personal gain.” Rose-Ackerman (2002) identifies corrupt activity with “an illegal payment to a public agent to obtain a benefit that may or may not be deserved in the absence of payoffs.”
11. There are several such international indices that are freely available to researchers: the Corruption Perceptions Index, compiled by Transparency International (<http://www.transparency.org/research/cpi/overview>), the Control of Corruption Index (Kaufmann, Kraay, & Mastruzzi, 2010), and the Freedom from Corruption Index, compiled by the Heritage Foundation (<http://www.heritage.org/index/freedom-from-corruption>).
12. For a recent survey of the academic literature on corruption, see Treisman (2007).
13. A growing body of scholarship finds that public sector corruption across countries hinders trade, reduces economic growth, distorts the allocation of government spending, and creates economic inefficiency and inequality (Baraldi, 2008; Brunetti, 1997; Fisman & Svensson, 2007; Gupta, de Mello, & Sharan, 2001; Gyimah-Brempong, 2002; Hessami, 2010; Johnson, LaFountain, & Yamarik, 2011; Lambsdorff, 1998, 2003; Leite & Jens, 2002; Li, Xu, & Zou, 2000; Mauro, 1995, 1996, 1998; Murphy, Shleifer, & Vishny, 1993; Swaleheen, 2011; Tanzi & Davoodi, 2002).
14. See <http://www.commondreams.org/author/russell-mokhiber>
15. The identical quotation is provided in (“Public Corruption,” 2004) and (“Public Corruption,” 2007).
16. For example, one bribery case prosecuted by local authorities in Florida led to a no-contest plea by Ms. Tamara Tootle, a middle-school teacher who charged students \$1 a day to skip gym classes (“Teacher Gets Probation,” 2007).
17. An example of the conviction of a state employee in federal court involves John “Quarters” Boyle, who stole \$4 million in quarters from the Illinois Tollway Authority. Boyle is also an example of a local official who was

convicted for corruption in federal court. After leaving prison, Boyle was hired by the city of Chicago under Mayor Richard M. Daley; he was later convicted again for taking bribes to award city contracts to trucking firms (“Guilty Plea,” 2005).

18. Henry Barr’s career and crime are described in several contemporaneous media stories; this account is derived from Lewis (1991a, 1991b) and Biddle and Lounsberry (1990).

19. For example, in order to compare corruption rates across states, Adsera, Boix, and Payne (2003) scale convictions by the number of elected officials in a state (as do Alt & Lassen, 2008; Meier & Holbrook, 1992). In addition, Glaeser and Saks (2006) scale convictions across states by government employment, but add, “Ideally, we would calculate the corruption rate as the number of convictions relative to the total number of public officials, but these data are not available by state for our entire sample period” (p. 1059).

20. See <http://tracfed.syr.edu/help/codes/progcode.html>; all official corruption cases involving federal employees are classified as National Priorities, as are cases involving high-ranking state officials (“governors, legislators, department or agency heads, court officials, law enforcement officials at policymaking or managerial levels, or their staffs”) and local officials (“mayors, city council members or equivalents, city managers or equivalents, department or agency heads, court officials, law enforcement officials at policymaking or managerial levels, or their staffs”).

21. Boylan and Long (2003) use Justice Department records of federal prosecutors’ reported time allocations as a proxy for effort; they also use statehouse reporters’ opinions about prosecutorial effort. Several other studies employ expenditures on law enforcement or the judiciary as a proxy for effort (e.g., Cordis & Warren, 2014). Cordis and Milyo (2013) exploit the richness of the TRAC dataset and use prosecutions of federal officials as a proxy for effort in prosecuting state officials.

22. See Table 4 of the PIN annual reports to Congress for 2007–2011. From 1993 to 2006, the PIN handled about 42 cases per year (Department of Justice, 2008).

23. Before 2000, not all U.S. attorney offices responded to the PIN surveys, so many scholars simply fill in the missing data by linearly interpolating missing values from adjacent years for the same district (e.g., Glaeser & Saks, 2006).

24. The outcomes of cases that are appealed are not available in TRAC, EOUSA, or PIN data.

25. The authors have archived the complete set of PIN annual reports to Congress for posterity.

26. There is yet another inconsistency in the PIN reports. Prior to 2007, the annual reports do not enumerate all cases handled solely by PIN, and there is no indication as to whether these cases are included in the reported totals or not. From 2007 to 2011, cases handled by the PIN are separately enumerated in a new Table 4 of the annual reports, but there is no indication whether these cases are also included in other tables or not. In 2012, the PIN report notes that all corruption totals now include cases handled by the PIN but that earlier reports did not include these cases. However, the totals reported in the 2012 report for all prior years are identical to those reported in prior reports for the same years. Suffice it to say that the data documentation in PIN reports is both inadequate and contradictory; this is yet another reason to eschew using PIN data in future empirical work.

27. This practice is documented in a footnote to Table 3 in the 1983 PIN annual report to Congress.

28. The authors’ FOIA request was lost by the Justice Department—twice. And despite the fact that the request has since been approved by the department, and payment has been made for photocopying documents, the authors have been forced to file a formal appeal regarding the lack of a timely, complete, and accurate response to the document request. This episode perhaps sheds some light on the difficulties that congressional oversight committees have in obtaining information from the Justice Department, but more to the point, it does not bode well for the feasibility of employing data from these original surveys in subsequent research.

29. Authors’ calculations from TRAC data.

30. For an interesting field experiment on postal corruption in less-developed countries, see Castillo et al. (2014).

31. Lexis-Nexis was searched for news accounts from each state in 2010–2012; the search parameters included terms related to political corruption and scandal, as well as bribery, conspiracy, embezzlement, fraud, kickbacks, and misappropriation.

32. Authors’ calculations from TRAC data.

33. See the criminal resource manual for U.S. attorneys at: <http://www.justice.gov/usam/criminal-resource-manual-2404-hobbs-act-under-color-official-right>.

34. An exception to this exists for campaign contributions to elected officials; the Supreme Court requires that there exist evidence of a *quid pro quo* even for applications of the Hobbs Act (*McCormick v. United States*, 500 U. S. 257 1991).

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