

4-1-1993

Shift Corporate Crimes From Civil to Criminal, Students Urge

Sue Wuetcher
University at Buffalo News Bureau

Follow this and additional works at: https://digitalcommons.law.buffalo.edu/ub_law_forum

Recommended Citation

Wuetcher, Sue (1993) "Shift Corporate Crimes From Civil to Criminal, Students Urge," *UB Law Forum*: Vol. 7 : No. 1 , Article 20.

Available at: https://digitalcommons.law.buffalo.edu/ub_law_forum/vol7/iss1/20

This Article is brought to you for free and open access by the Alumni Publications at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in UB Law Forum by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

Shift Corporate Crimes From Civil to Criminal, Students Urge

By Sue Wuetcher
UB News Bureau Staff

Are corporate criminals getting away with murder? Some UB Law students think so.

Members of Law Students for Corporate Accountability (LSCA) believe punishment for corporate crime should include a "death penalty" that "executes" guilty companies by removing their assets and revoking their operating charters.

"The amount of damage done by corporations is more significant than caused by individuals," says Joseph Belluck, a second-year law student and a member of LSCA. "Cigarettes and asbestos kill or injure a significant number of people every year; the amount of damages caused by price-fixing or fraud can be so significant it dwarfs losses caused by individuals."

The key is holding corporations responsible for their activities to deter this type of behavior, Belluck says. "There's a feeling that civil penalties alone — the usual penalty for corporation misdeeds — are not in line with the crimes," he says, citing the release of toxic chemicals at Bhopal, India, and the Dalkon shield as prime examples.

But moving corporation wrong doing from the civil system into the criminal system would have a tremendous impact, he says.

"Now they (guilty companies) would be labeled as criminal; that's essential to their images. It brands their action in public as being more serious. Where before they were just negligent, now their actions are criminal."

Although it would be difficult to offer jail as a punishment for corporations, they could be fined given com-

munity service, have their criminal liability widely advertised, or be given the "death penalty."

"The threat of the death penalty can scare corporations," Belluck notes. "It can make shareholders become more aware of their companies' actions."

"The threat of the death penalty can scare corporations," Belluck notes. "It can make shareholders become more aware of their companies' actions."

Belluck says LSCA was formed last year to increase awareness of corporate criminal liability, both in the legal community and in law schools.

Corporations exert tremendous influence in the legal process by offering campaign contributions, sponsoring research and hiring lobbyists to promote

their point of view, he says.

And law schools — the training center for corporate attorneys — offer courses on corporate law that rarely address and hardly ever focus on business crimes.

"If law students are taught about corporate crime, and are not given a reason to question corporations' actions, what are they learning?" Belluck asks. "We need to start educating people about this, and give them a general consciousness and make them more sensitive to it."

"This is a tool of legal practice that people need to have."

UB Law offered a new course during the spring semester — due in large part to lobbying by LSCA — focusing on corporate crime. "White-Collar Crime" attracted 80 students, with more on the waiting list.

In addition, the law school offers a course on "Toxic Torts" that discusses corporate misdeeds of the past 20 years, including Agent Orange, asbestos and breast implants.

Belluck says that while LSCA currently is the only law student group in the country devoted solely to the issue of the corporate entity and developing strong penalties for corporate crime, it is trying to get other law schools across the country to form such groups.

Some have criticized LSCA as being anti-business.

"We're not anti-business, we're anti-crime," Belluck stresses. ■