

CORPORATE CRIME: A CRITIQUE OF THE CLINARD REPORT

T.R. YOUNG

The publication of *Illegal Corporate Behavior* by the U.S. Department of Justice is a significant event in the history of American criminology [1]. For the first time, corporate crime has been separated clearly from the concept of white collar crime and studied in depth. More importantly, Clinard and his associates, Yeager, Brisselte, Petroshek, and Harries have developed analytic categories within which to analyze corporate crime as well as to gauge the patterns and relationships between corporate crime and other test variables. One may look forward to the systematic study of a form of offense which finds the entire society as its chief victim.

There have been other articles which make use of the concept of corporate crime but their major failing was the paucity of systematic study and/or the collection of adequate data [2]. The Clinard Report repairs this flaw. There have been studies which have collected nationwide samples of corporate crime but these data have been lumped in with the crimes of employees against the corporation [3]. The Clinard Report separates out the crimes of corporations themselves and does not cloud the analyses with other quite different forms of crime.

There are any number of studies of crime which use the analytic categories of the F.B.I. and report on burglary, robbery, murder, rape, and theft. However, these categories are not sensitive to the ways in which corporations may violate the law. Once in a while a chief executive officer may order a murder, a burglary, a robbery in order to advance the position of his/her organization but such crimes are, most probably, rare. A chief executive officer may steal or rape but those are private wrongs, not corporate crimes. On balance, the traditional analytic categories do not help one study corporate crime. The Clinard Report helps sharpen the intellectual tools with which to dissect corporate crime.

There is much of merit in the Clinard Report. It does much to redeem our ignorance of the illegal ways in which corporations function from day to day. However, we did not know how many crimes a given business commits per year. We still do not know. We did not know how well the American corporation is policed. We still do not know. We did not know the recidivism

Colorado State University, Fort Collins, Co., U.S.A.

rate of the business corporation; we are still ignorant. We did not know whether corporate crime is increasing or decreasing. We are ignorant still. The Clinard Report, however, gives us a good start in learning these things and provides some base line data with which to pursue these topics. We still do not know the social and economic costs of corporate crime — we only know it is in the billions of dollars. We still do not know the way in which corporate crime distorts the allocation of resources to our social institutions. We still do not know how corporate crime affects mortality rates. We do know that unsafe drugs are marketed, unsafe foods, unsafe appliances, unsafe toys, and unsafe transportation systems are daily sold with every possible energy. Our ignorance of the form and magnitude of corporate crime bespeaks our inability to research and critique the corporation. The stratification system in the U.S. has successfully excluded such scientific study of the rich and most powerful. Clinard and his associates have found a way to penetrate such barriers. Perhaps this is the central contribution of the report.

The Clinard Report is a two-year study (1975–76) of the criminal activity of 582 of the largest corporations in the U.S.. The data are based on all the criminal proceedings initiated against these companies by 24 federal agencies. The study found 60 percent of the corporations studied each had an average of 4.2 actions filed against it. The oil, auto and drug industries were the most criminal. It took about 6 months on average to complete a case: over a year for serious offenses. Large firms committed the most crimes, and paid the heaviest fines. Eighty percentage of the fines were 5,000 dollars or less. Fewer than one percent of the fines were over one million dollars. Of the 56 convicted executives, 16 served a total of 597 days in prison for an average of 37.3 days. There were 1,553 findings of guilty against these 582 corporations for an average criminal rate of 2.7. The study did not include corporations in banking, insurance, transportation, communication or utilities. It did not study businesses with annual sales under 300 million dollars. Of the two million odd corporations in the U.S., data are not available for 1,999,400. Most of the crimes were committed against workers, customers and the environment.

All in all, the study shows crime to be endemic in business life. Indeed it is a way of life. While the Clinard Report has much data of value and is a pioneering venture which is long overdue, there are some conceptual, methodological and interpretative features of the study which impair its utility as an instrument by which a society can come to authentic self-knowledge and thus, control its own criminal behavior. Let us now critique the study in terms of some of its deficiencies.

The study has flaws in the omission of concepts which help one to understand the incidence and logic of criminal behavior in one of the most crime-ridden societies in the world. The concepts of capitalism, class, class struggle,

community, surplus value, alienation, separation of production and distribution, profit rate, competition, and accumulation are omitted from the analysis. There is no effort to correlate corporate crime to these variables. The authors of the report do not see that corporate crime is part of class struggle. It clearly is rational to commit crime as a means to reunite production and distribution through fraudulent advertising. It is clear that profit is a sensible motive for selling unsafe products. Bribery makes sense in the competitive world of vanishing capitalists. They bribe to stay alive. The best reason to create illegal shared monopolies is to increase the rate with which surplus value is appropriated from workers and consumers: profits have been declining since 1940, except in the monopoly sector. Without such concepts, the crime of corporate officers does not make sense yet these concepts are omitted in the analyses provided by Clinard. They are, of course, omitted in American criminology as a whole so the fault is not unique to this report.

The concept of crime itself used in the Clinard study is a major improvement over previous studies of corporate activity. The Clinard Report expands the concept of crime to embrace any act punished by the state whether that punishment derives from application of criminal law, civil law or administrative law. Ordinarily, the notion of crime would be restricted to those acts prohibited by criminal law. The inclusion of civil and administrative law is, in modern criminology, a daring act. It will be widely criticized by purists. The conceptual problem here is, of course, that to the degree corporate capital controls the legislative apparatus, it controls what is likely to be defined as illegal activity. Such a situation requires that one develop a theory of the capitalist state and test the marxist thesis that the state serves the interests of the whole bourgeoisie in the very act of making criminal law. Offe, Miliband, Poulantzas and Touraine have taken considerable interest in the role of the state in the literature [4]. Domhoff and O'Connor in the U.S. are doing good work, but nowhere is there a report on criminology which tells us exactly how biased is the law making process itself.

We can extend the work of Offe, Miliband and Poulantzas on a theory of the state in capitalist societies to criminology itself and thus advance the work of the Clinard Report. In the orthodox marxist theory of the state, the state serves the interests of the whole bourgeoisie with emphasis on whole. This means that the state keeps labor peace, regulates disputes between the capitalist class, uses its military to get and keep markets and materials abroad and eliminates foreign competition through tariff and tax. Perhaps the most important function of the state is to maintain the sanctity of the civil sphere from intrusions by the state itself. As Offe notes, all that capitalism requires is that the state enforce law that keeps all decisions out of public discourse and subject only to private (civil) agreement. If these agreements are indeed outside public (collective, whole system) considera-

tion, then a corporation can use its strategic position of power or wealth to set whatever terms it cares to set. But as Offe, Poulantzas, Miliband and others note, the classic marxist model does not fit the data.

A new model of the state has been developed which, in broad outline, has the following character. The state, in capitalist societies, does in fact contribute to the process by which private wealth is accumulated. However, in addition to serving the interests of private capital, it must also maintain political legitimacy else itself be destroyed in its present form by palace coup or popular rebellion. The state, in an effort to secure political legitimacy invades the sanctity of the private (civil) sphere – it begins to regulate the whole bourgeoisie on behalf of labor, consumer groups, children, farmers, minorities and other sectors of the population which are able to gather together physical, economic, moral or social power. More interested in its own survival, the state sector preempts the civil sector and attempts to manage everything. Herein lies the impetus toward crime for the private corporation.

In the first instance, ordinary practices of private business comes to be defined as illegal. Labor practices, marketing practices, pollution practices and fiscal practices enter into deliberations on the criminal code and become proscribed by law. In the second instance, the state sets such hard conditions for producing and selling that the corporation must violate them if it is to survive. The decline in the number of private corporations from five million to two million in the past forty years helps one understand the desperation of the private owner. Thirdly, the state acts irrationally and infuses private owners with little more than contempt for its stupidity – why obey stupid laws. The irrationality of the state is a structural irrationality which has many dimensions but centers around the practice of the state to serve special interest groups one at a time. It passes inconsistent laws. Nowhere is the general interest of over-riding import. It is important to note that the state in its preemption of economic policy does *not* thereby constitute a public sphere – the public does not make policy, the state does. The word we use for state control of policy is fascism, not socialism.

These three characteristics of the modern capitalist state erects an environment in which violation of the law by the corporation is necessary. Coupled with other political developments, capital must commit crime to survive. These conditions have been listed elsewhere [5]. What is useful to note here is that the Clinard Report does not make recourse to any theory of corporate crime. Surely the theories of crime which are everywhere found in criminology textbooks are useless to explain corporate crime. I will suggest how this theory of corporate crime might have been tested.

The Clinard Report thus does not attempt to research the harm done to the social process by acts which are perfectly legal. Among the forms of

social injury not covered by the legal code is the fact of capitalist production itself. A legal system which permits the corporation to increase and reduce production/distribution in order to increase private profit is an injury against those who need food, health care and shelter and who cannot afford to pay cost plus profit. A system which permits anyone to take food from one country with low caloric intake and ship it where it can be sold for higher profits must be a criminal system [6]. Pet, Carnation and Nestles' may, with perfect legal right, take milk from countries where hunger kills thousands of children and sell it to overfed middle-class children. This must be a criminal system else the concept of crime is an empty concept. A system which, without legal penalty, permits the dumping of unsafe pesticides in third-world countries, of dangerous drugs and additives on people with no schooling with which to read the fine print — these must be crimes, but the U.S. legal system fails to call them so. A.I.D. has helped U.S. industry dump millions of unsafe contraceptive pills and deadly intrauterine devices on the women of the third-world knowing full well that these same products have killed women in the United States [7]. It requires the purest of technical reason to hold that these are not crimes in that no state apparatus cares to label them crime. On such noncrime is the thinnest, least human motive possible: to show a profit at the end of the fiscal year on an Annual Report to unknown owners of those chemical and pharmaceutical corporations.

Capitalist countries install even more deadly military systems to enforce the narrow freedom of market activity at the expense of political freedom [8]. The logics of capitalist "freedom" justify the allocation of social resources to the development and deployment of more certain forms of death. Chemical, electronic, atomic and explosive technology absorbs the genius and the wealth of American science. The spread of the means of death is, objectively, hostile to the social enterprise. Were the instruments of death spread as extensively in the human body as in the various parts of the earth, few people would have difficulty in conceptualizing that infection as pathology. The linkage of scientific activity to military purpose is a wrong on several levels of human understanding. It does not change its nature by virtue of legal definition . . . still it is crime.

The very notion of crime is safely contained within the structure of capitalist relations and, thus, defeats the critical enterprise in American criminology. No social formation should be so immunized from critique. No approach to social pathology should be so narrow and so parochial as to insulate whole social processes from study, comparison, and social transformation. The capacity to name a thing crime is constrained by the political power to control the law making apparatus. By such constraints is the quest for peace and domestic tranquility made hostage to private accumulation or to political hegemony. If one is interested in safe streets, a decent childhood

for one's progeny, the preservation of trust, belief and human cooperation, one must consider the possibility that a system which promotes privatized accumulation, competition, deception, warfare and hunger is itself a criminal system whose remedy is not punishment but transformation to more social forms of production and distribution.

In this study, then, the concept of the *capitalist* firm is not employed. The omission of the word effectively divorces the crime studied from the system in which it arises. It is much like talking about child abuse apart from the concept of the authoritarian family structure. Secondly, there is no *class* analysis. The role of crime in transferring wealth from workers and customers to owners and top executives is not considered as the major dynamic undergirding this criminal behavior. Thirdly, the authors prefer concepts such as violation, offense, illegal action, deviance, and action. In part, this wording is a matter of style. In part, it reflects a reluctance to conceptualize what corporations do as crime. Most of the tables use headings which prefer the term "violation" to "crime" [9]. The corporations which commit the crimes are nowhere conceptualized as "criminals" as would easily occur where the entity in question is a specific person.

Generally, the conceptualizations are polite, tactful, objective and bland. Some passages in the "Introduction", are not so bland, but in general, the Report is an exercise in the safe science of a depoliticized sociology. It is not a scientific act to depoliticize knowledge; it is a moral act. The morality of this sort of act needs, itself, to be examined. The position of the present author is that any body of knowledge becomes the political instrument of those in power. Objective, depoliticized science can only reproduce existing stratifications in power, wealth and social honor. The facts do not speak for themselves with any power. The concepts one uses affects the likelihood a social base may be constituted. In this case, class struggle does not seem appropriate since class-based concepts are not employed.

What does seem appropriate to these authors is more liberal legislation as a solution to the problem of corporate crime. While the marxist analyst would suggest part of the solution to the problem of crime is to fashion a social revolution and to put all corporate assets and activities under collective control, a functional approach would suggest solutions which are oriented to making the corporation behave better by reform. Indeed, the bulk of the measures suggested with which to control corporate criminals are reformist in nature and well calculated to be ineffective [10]. These measures thus preserve the structure of capitalist relations. We may critique each briefly.

Development of stronger business ethics

The authors do not understand that the point of forming a corporation is

to avoid personal liability for criminal activity. The history of the corporation begins with the quest for an instrument by which to exploit the worker and the customer without one's private life being placed in jeopardy. To call for ethical behavior on the part of the private corporation is an exercise in economic naiveté. Ethics are only words which bind the moral and free the nonmoral to pursue whatever private goals seem compelling.

Corporation organizational reform

Here two options are offered. The first, more control by a board of directors, is palpable nonsense. In law, they have control. There is no empirical connection made between more board control and less crime. The second solution makes more sense on its face. The Report suggests appointment of public directors. The history of public directors is not a happy one. In the framework of capitalist relations, it usually means an opportunity for party hacks to extort and to accumulate private wealth. Just how public the directorship would be, is of central interest.

Corporate chartering

The authors suggest federal chartering instead of state chartering. It is empirically the case that corporations charter more often in states with few laws and less policing. The primary result of this federal chartering would be to increase the rate of reported crime more than to lower the real crime rate — a point to which we shall return later. The institution of federal charter would bring the capitalist corporation under the purview of federal police. This would require the enlargement of a police capacity at the federal level. The idea that crime is cured with more police is a fascist idea. The suggestions ignore the failures of the many federal agencies now existing. The S.E.C., the F.T.C., the I.R.S. and the D.E.A. cannot control stock fraud, criminal conspiracy to fix prices, corporate tax evasion, or dangerous pharmaceutical traffic. Would more police reduce such crime? It is an inadequate and indirect attack on a criminal system.

Deconcentration or diversiture

If large corporations are criminal, would breaking them up into smaller corporations produce less crime or more small criminals? It is an interesting question. The federal government broke Standard Oil into smaller companies. The data do not suggest these fragments became less criminal. The same motives for crime remain. In the unlikely event that federal law broke existing corporations into fragments, one would see a desperate scramble to regain ever increasing shares of the market by whatever means came to hand. One would have five million fragments to police instead of two million.

Larger and more effective staffs

As noted, the fascist solution to the problem of crime is more police. A better solution is to eliminate the conditions which compel crime. Capitalist societies separate production and distribution for purpose of profit. Corporations commit crime in order to reunite production and distribution in such a way as to increase profit. Production for use instead of for profit eliminates this imperative to corporate crime.

More severe penalties

If penalties for corporate crime are too lenient, it does not follow that harsh penalty would reduce crime. However satisfying that may be to the victim, the empirical question is does it work? The data do not support such an argument with respect to street crime. In all probability, what would happen is that the firm would spend more money for lawyers and bribes, thus driving up the unproductive cost of business still further. More and more corporate executives would be in prison and, presumably, learn more and better ways to evade detection.

Publicity as a sanction

The corporation with bad publicity does not stop committing crime. It merely buys the time on television and newspaper and hires more public relations persons. Again, the cost of unproductive labor is added to the price of the product. When Firestone was caught selling unsafe tires, it merely hired Jimmy Stewart to tell how nice Harvey Firestone was as a youth. When Coors beer violated the human rights of its workers with compulsory lie detector tests and with union spies, it merely added eight million dollars to its advertising budget and increased the price of its beer to cover the cost. Incidentally Coors uses ditch water to brew its beer, not crystal clear spring water.

Public ownership

The authors suggest public ownership as a last resort. I suggest it as a first resort. They suggest it for only a few firms, I suggest it for all. A side by side comparison of corporate crime rates in socialist and capitalist societies should be made immediately to determine whether crime rates are lower and service better in each different mode of production and distribution. The data show socialist industries serve the populace better with food, health and medical care, education and opportunity [11]. The case in Cuba is interesting. All forms of crime were drastically reduced within months of the triumph of the revolution. Prostitution was almost eliminated in the prostitution capital of the Caribbean. Organized crime and its various rackets had to flee to Florida. Political crime is receding and street crime is also reduced. As

far as it is possible to know, it appears that the same sort of reduction in crime took place also in China after the revolution. Without the data, it is hard to tell, but one suspects that corporate crime also fell. The case of white collar crime is unclear. This form of crime appears to have survived the revolution in the Soviet Union. What is needed is good, sound data in a good, sound theoretical framework before we can possibly know. Public ownership of the lemons of capitalist society would probably do little to abate crime. What is required is a test of public ownership within the structures of socialist relations compared to public ownership within the structure of the privatized accumulation and consumption which typifies capitalist relations.

Consumer pressure

The suggestion that consumers pressure business is a puerile suggestion. Corporations respond to power. Writing angry letters is a petty expression of powerlessness. The suggestion to turn to cooperatives is even more feeble. Two thirds of the productive capacity of the U.S. is in the hands of these criminal corporations. Buying sugar, autos, oil, electrical, air travel, food, and other basic commodities outside the monopoly sector would be difficult indeed.

The failure to conceptualize and to analyze corporate crime from a class and conflict perspective leads to such inadequate suggestions to control crime as those above.

The Clinard Report urges the appropriation of substantial funds for research on corporate crime. The suggestion is well advised indeed. Corporate crime does far more harm to the social process than does individual crime. The sale of unsafe foods, drugs, and toys may well kill more children than are killed by their parents. The quest for profits requires systematic evasion of pollution laws. The injection of harmful chemicals into the rivers, soils, and air systems may well kill more people than overdose of dangerous drugs. The need for high-energy, high profit capital-intensive systems of production may well subvert the health of entire generations for centuries to come through radioactive poisoning. The economic power of the large corporation most probably does more to subvert the democratic process than all the ballot box stuffers, the right-wing fascists and the left-wing terrorists combined. The deception in advertising, packaging, warranties and endorsements may do harm to the human capacity for trust, for faith and for belief in ways impossible to measure. A cynical society is a society unable to engage the social process. Kickbacks, payoffs, price fixing, and political contributions may do more to create a model for private behavior than we yet understand. A single crime involving the price fixing of electrical equipment, cereal

foods, or military hardware may well cost the public more than all the burglaries, robberies, and thefts committed in the U.S. in a single year combined. The profits from price fixing of electrical equipment by G.E., Westinghouse and other criminal corporations amounted to over two billion dollars. The Report notes that there are about three million burglaries a year with an average loss of about 422 dollars each [12]. This is about 1.2 billion dollars loss to the public. It is an interesting question whether three million more visible small thefts is of greater harm than one invisible theft.

All these considerations warrant a larger investment of public funds to research the magnitude and the effects of corporate crime. This field is largely ignored by the criminal justice system in the university and in the legal system itself. The collecting and reporting of corporate crime data do not interest the F.B.I. The *Wall Street Journal* and the *New York Times* report on specific cases but nowhere, other than in the Clinard Report, are there systematic efforts to make visible the parameters of corporate crime.

If American criminologists are to turn their full attention to corporate crime, there are several obstacles. First is the matter of bias. The Clinard Report places itself squarely on the side of the capitalist system when the authors protest that the costs of corporate crime “. . . destroy confidence in business and in *our* [italics added] capitalist system as a whole . . .” [13]. This bias is reflected as well in the major finding of the Clinard Report that corporate capitalism does not, necessarily, require criminal behavior in order to compete successfully [14]. This author has argued above and elsewhere that the objective conditions under which the capitalist corporation must operate require it to commit crime on a routine basis [15]. Capitalist corporations exist in a very hostile world. There are many dynamics at work to encourage corporate officers to violate the law. The Clinard Report ignores these environmental factors. Falling profits, increased labor costs, increased costs for raw materials, the formation of cartels in third-world supplier nations, increased taxes, increased concentration of wealth, increased costs for unproductive labor (advertising, lawyers, and personnel managers) all lead the corporation to crime as a way to survive.

The findings from the Clinard Report support the interpretation that crime is a natural feature of capitalism better than they support the conclusion of Clinard that capitalist firms can successfully compete without recourse to crime [16]. Consider the finding that the larger the firm the more crime it commits in proportion to size [17]. This finding lends support to the thesis that crime helps with growth and profit. It may follow that failure, stagnation, and bankruptcy is the price a business pays for honesty and truth. But that is not what the Clinard Report says. Consider the finding that two thirds of the larger corporations committed crime in the two-year period of the study [18]. Does this permit one to say there is no necessary

relation between crime and capitalism as the Clinard Report insists? Or does it suggest the need for a better research design to ascertain whether the other one-third of large corporations are more successful at evading detection? One wonders if there is a single major corporation in full compliance with all labor, pollution, safety, tax and financial laws.

The preference for capitalism by the Clinard researchers leads to the omission of many research hypotheses. The preference for capitalism as a system of production and distribution informs a reluctance on the part of state agencies to force the research subject to provide the necessary data. Such preference by members of the sociology profession makes it difficult for the profession to change its code of ethics and contemplate the forcible collection of data from a research subject: in this case the corporation. This bias also informs the way in which conclusions are fashioned. As long as capitalism is held to be preferred, an objective critique of it and its relation to crime is difficult.

The Clinard study is superior to the Sutherland study on several methodological grounds laid out in the study itself [19]. As good as it is and as much as the study lends itself to great praise, still it mystifies the study of crime. The author argues elsewhere that one cannot explain corporate crime by differential association theses, by genetic theory, by anomic theory, by labelling theory, by deviant subculture theory or by culture-of-poverty theses [20]. The theories and theorists which arise in a capitalist society and which accept capitalism as a given cannot demystify the nature and variations of crime found in such a society. The Clinard Report has managed to strip corporate crime of its sociology. At no place is a *sociological* theory of corporate crime offered and tested in the Report. One cannot understand the decision of the Hooker Chemical company to deliberately pollute the ground water of Love Canal with carcinogens and other contaminants with the theories available from bourgeois criminologists. The officers of Hooker Chemical were repeatedly warned by their own staff that it was dangerous to neighbors to dump insecticide wastes in the water table [21]. Hooker Chemical does not exhibit the characteristics of criminal psychopathy, of genetic malformation, of deviant subculture, of differential association or those of a culture of poverty. Only the dynamics of capitalism — profit maximization and private accumulation — can explain this behavior. Hooker Chemical and all other capitalist corporations are engaged in class warfare against its employees, against its customers, against its neighbors and against its critics. They are winning. Concentration of wealth is proceeding apace. Growth of the international corporation proceeds rapidly while hunger and poverty in the capitalist bloc increases [22].

A theory of crime must be posed which leads one outside the boundaries of a particular historical social order to a comparison of several different

societies [23]. Crime is related to the degree to which community exists. Capitalism destroys community and all forms of crime increase as community is lost. Street crime, white collar crime, corporate crime, organized rackets and political crime increase as the dynamics of capitalism destroy the capacity to produce social relations which themselves constrain antisocial behavior [24]. What is needed is a systematic, well funded, transnational study of that thesis. The theory specified here is that the mode of production of culture determines the level of crime in a society. The more the means of producing culture is collectively controlled, the less crime. Most orthodox marxist theorists would focus on the means to produce material culture as the major independent variable. This author's thesis requires one to measure collective control over the means to produce political and ideological culture as well as food, shelter, transport, health and medical care or other material lines of production. Such scales should then be correlated to measures of crime found in that social formation.

Measures of corporate crime should be correlated with different variables embodying the social character of production and distribution for all forms of crime, measures of income inequality, caloric intake, and infant mortality rates, for example, should be correlated to the incidence of crime since they are indicators of the degree to which distribution is socialized. Street crime, organized crime, corporate crime, and political crime should vary inversely with the degree to which distribution is socialized if this author's thesis is valid. Only white collar crime – the crime of employees against their employing organization – would not be closely related to socialization of the means of production in the marxian paradigm since several generations would be necessary to eradicate the compulsion toward private accumulation as a hedge against the uncertainties of life, of social status, and of international struggle. The dynamics of social change are such that these correlations should not be linear but rather discontinuous.

If one is to study corporate crime, there is much research to be done. There are many court battles ahead to gain access to data on corporate crime. There are many professional battles ahead to force scholarly journals to publish such "radical" articles. Obtaining adequate funds from the state will not be easy. Grants from the various foundations are not likely. Developing adequate analytic categories will entail much argument and debate in the profession. Identifying relevant independent variables will entail much trial and error. Generating adequate and testable theses will occupy the genius of several generations of criminologists. Getting the cooperation of suspicious socialist countries will take many years – especially where there is reason to believe that such research is more for purposes of destabilization or disinformation than for honest critique. Just getting the research apparatus in place will require millions of dollars and thousands of professionals and

technicians. All in all it is a monumental task. The genius of the Clinard Report is that these few people did as much as they have with as little as they have had to work with in the conditions in which they found themselves. One wonders what they could achieve had they the funds allocated to one F-16, Mx missile or, perhaps, the financial backing of the drug lobby in Washington. Disclosure laws of the appropriate sort would also have been useful.

As an illustration of the forces which oppose even small-scale steps toward corporate accountability I conclude by quoting in full a recent article by Jack Anderson entitled "The Washington Lobby":

The lobbyists have conducted campaigns this session of Congress to defeat the oil windfall profit tax, consumer-protection measures and conservation and environmental bills, among other things. One battle that has so far escaped public attention involves legislation that would require warning labels on bottles of liquor, advising pregnant women that there is growing evidence of a link between alcohol consumption and birth defects.

Pushed by the bipartisan team of Sens. Strom Thurmond, R-S.C. and Donald Riegel, D-Mich., as an amendment to authorizing legislation for the National Institute of Alcoholism and Drug Abuse, the regulation seems a modest enough proposal. Unlike the blanket warning on cigarette packages, the liquor-bottle label would aim at only one small segment of the drinking population. But it has the booze industry – and their lobbyists – in a panic.

They don't want their products to be known as baby killers, a Capitol Hill source explained to our reporter Lucetto Lagnado.

The trouble is that the liquor industry's whole sales pitch – that drinking in moderation is okay – would be contradicted by a warning label for pregnant women. For the evidence is that even moderate consumption of alcohol by expectant mothers may result in the Fetal Alcohol Syndrome, or severe brain damage with facial deformities.

So the Distilled Spirits Council of the United States (DISCUS) has retained the high-powered Washington public relations firm of Hill and Knowlton, to keep the label off the bottle. As a veteran of the tobacco industry's long fight against warning labels, Hill and Knowlton is experienced in such backroom maneuvering [25].

Notes

- 1 Marshall Clinard, et al. (1979), *Illegal Corporate Behavior*, Washington, D.C.: U.S. Department of Justice.
- 2 See the *Yale Law Review* (1961), "Notes and comments: corporate crime 71 (December): 280–306; and M.B. Clinard and Richard Quinney (1973), "Corporate criminal behavior," Chap. 8 in Clinard and Quinney (eds.), *Criminal Behavior Systems*, New York: Holt, Rinehart and Winston, Inc.
- 3 E.H. Sutherland (1949), *White Collar Crime*, New York: Holt, Rinehart, and Winston, Inc.
- 4 Richard Weiner (1980), *The State in Capitalist Society*, Red Feather: Red Feather Institute.
- 5 T.R. Young (1978), *Crime and Capitalism*, Red Feather: The Red Feather Institute.
- 6 J. De Castro (1976), *The Geopolitics of Hunger*, New York: Monthly Review Press.
- 7 *Mother Jones* Nov., 1979, pp. 13 ff.
- 8 Orlando Letelier (1979), *Economic Freedom and Political Repression*, Red Feather: The Red Feather Institute.

- 9 M.B. Clinard, et al. (1979), op. cit., pp. 83, 85, 93, 96.
- 10 Ibid., p. xxv.
- 11 Shirley Cereseto (1979), *Critical Dimensions in Development Theory: A Test of Four Inequality Models*, Red Feather: The Red Feather Institute.
- 12 Clinard et al., p. xix.
- 13 Ibid., p. xv.
- 14 Ibid., p. xix.
- 15 Young, op. cit.
- 16 Clinard, et al., op. cit., p. xix.
- 17 Ibid., p. 171.
- 18 Ibid., p. 214.
- 19 Clinard, et al., op. cit., p. 22.
- 20 Young, op. cit.
- 21 C.B.S., 60 Minutes, 16 Dec. 1979.
- 22 De Castro, op. cit.
- 23 Such an effort is made in Young, op. cit.
- 24 These postulates are more closely examined in Young, Ibid.
- 25 1 Dec. 1979.