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Corporate homicide

Crimes of violence at the workplace have risen dramatically.

It used to be called bad business management or negligence. Now some are calling it murder. Across the country, cases that prosecutors were once inclined to view as workplace accidents are more and more being regarded as criminal acts.

Crimes of corporate negligence, including the recently defined charge of "corporate homicide," have risen dramatically in recent years. In 1970, such cases accounted for just eight percent of federal prosecutions; by 1984, that number had jumped to 25 percent. An Illinois appellate court decision in the ground-breaking Film Recovery Systems case — the first in which company officials were found guilty of murder for exposing a worker to dangerous working conditions — is expected early this summer.

According to Kathleen F. Brickey, J.D., Washington University professor of law, the troubles of white-collar offenders, from the Film Recovery executives to Ivan Boesky, are changing the business of law.

"Traditionally, the various legal specialties were considered separate islands unto themselves," says Brickey. "But now, they are merging into the business of law. All are now expected to have a knowledge of both the substantive law and its application to complex business situations. All are expected to be able to analyze and anticipate the legal ramifications of business decisions." Brickey is the author of the three-volume treatise Corporate Criminal Liability (1983), which, according to Dan Dollahite, former state's attorney for the Southern District of Illinois, "addresses any issue likely to be encountered by an attorney faced with defending a corporation or a corporate officer...being investigated or prosecuted for a crime." The 1989 supplement to the work will be issued in September.

Hazard in the workplace

One of the hottest areas of corporate criminal prosecution involves the issue of hazardous work sites. A recent ruling, Brickey says, ensures that such cases will continue to increase.

Last month, in a case that marks a watershed in criminal litigation, the Illinois Supreme Court cleared the way for criminal prosecution of five officials of the Chicago Magnet Wire Co., whose employees claim to have been injured by hazardous chemicals and other unsafe working conditions.

"This will send a signal to other prosecutors that they can go ahead. And it will send a message to other courts," says Brickey. "It may not be the last word, but it's an important word.

The explosion of corporate criminal prosecutions has a simple explanation, Brickey says. The law abhors a void. An enslaved Occupational Safety and Health Administration, kept on an even shorter leash in the name of deregulation, has provided little more than criminal protection for workers. Federal statistics show that the number of workplace injuries and fatalities, which had been declining for four years until 1985, have been climbing ever since.

"Prosecutors find that in the OSHA scheme of regulation, criminal enforcement is often quite lax," Brickey says. "The civil enforcement focuses on getting the company into compliance; in doing that, the penalization

Continued on p. 2
**West German author to talk here**

Günter Grass, one of West Germany's leading contemporary authors, will read from and discuss his book *Zunge zergreift* at 11 a.m. Wednesday, May 10, in Graham Office Building, rooms 306 and 308. The volume, published in 1988, is based on Grass' trip to India from October 1986 through January 1987. The book recounts his observations of Indian society.

Part of the Assembly Series, the event is free and open to the public.

Grass is author of the novel *The Tin Drum*, the fictional biography of Oskar Maria Graf, and two post-war periods of Germany. Grass collaborated on the script for the 1979 film *The Tin Drum*, which won the Cannes Film Festival Golden Palm award and the 1980 Academy Award for best foreign film.

Grass' more recent works include the historical novel *The Foundler, Henry and John*, *Creatures are Drawn Out*, a novel about Grass, Volker Schlöndorff, and their wives on lecture tour of China; and *The Rat*, a meditation on nuclear apocalypse.

In a stone mask and sculptor, Grass has exhibited his drawings and etchings in the United States, and he often illustrates his own texts.

The reading is co-sponsored by the Assembly Series. Department of Germanic Languages and Literatures, and Western European Studies Program. For information, call 889-5285.

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**Corporate homicide**

Corporate homicides are often compromised down to nothing. Professional writers, who are frustrated, and they decide that something is going to be done, it will have to be at the local level.

**Corporate homicide**

The particularly egregious film *Recovery* is being shown in Chicago. The film brings to light how the judges have felt obliged to step into the breach. Back in 1983, they were held liable for the mismanagement of the workplace. I think we're seeing a new mindset in not at all confident that this would have developed, had OSHA done its job.

In 1985 three executives of *Film Recovery* were convicted in Cook County in the murder of Susan Golab, a Polish immigrant who spoke no English. Golab was working in the Film Recovery cleaning barrels of cyanide into which exposed X-rays were drenched. In 1985, Golab collapsed at work. The cause of death was attributed to cyanide fumes.

Investigations by prosecutors found that managers had not warned workers about the dangers of cyanide and provided only cotton gloves for working with it. Uncovered tanks released fumes into the factory. Complaints of illness were ignored. The company did not even have a cyanide antidote kit.

Another landmark case

While the Film Recovery ruling shocked workers throughout the world, a more recent decision is attracting almost as much attention. In February, the Illinois Supreme Court ruled that the federal Occupational Safety and Health Act, which governs safety in the workplace, did not bar criminal prosecution for dangerous working conditions at the Chicago Magnet Wire Co. It is the first Supreme Court ruling in any state to decide whether the OSHA charter precludes state regulation of worker safety. Brickey and others expect this ruling to affect the Film Recovery appeal.

The *Magnet Wire* case began in 1984 when an indictment was returned charging five officials of the suburban Chicago company with aggravated battery, reckless conduct, and conspiracy. But a circuit judge dismissed the indictment a year later, ruling that the prosecution statute is not within the OSHA charter.

The indictment charges that 42 employees suffered severe nerve and long disabilities, scars from metals and other problems caused by the factory, where wire was coated with polyvinyl chloride, and another with chemicals. Prosecutors say that the factory lacked safety equipment, as well as proper cooling and ventilation. A doctor who examined the workers described the workplace environment as a toxic chemical soup.

**Standards needed**

A number of states have dealt with the pre-emption issue," says Brickey, but not all have reached the same conclusion. "Certainly it would help if every state adopted the approach of OSHA that says that the statute doesn't pre-empt state prosecution for proceeding — although I think that the present language is clear — or a U.S. Supreme Court case saying so.

"These cases are complex, time-consuming and expensive," she adds. "They put a strain on local prosecutors by adding yet another category of crime. Lack of resources could be a real obstacle to pursuing a case, although once public awareness has been heightened, or prosecutors may be able to plead successful for more resources. I think an overarching federal scheme makes sense. Someone has to set standards," Brickey says. "It's post-tentatively, is OSHA's mission. But whether it comes closer to protecting worker safety, or whether local prosecutors wind up shoulder-surfing even more of the burdens, rests in large part, she says, with the Bush administration.

**Law schools reflect trend**

"We are becoming acutely aware that these are indeed crimes, that they have real and significant costs both for society and for individuals," Brickey says that as white-collar prosecutors have increased, so have enrollments in her Washington University law school and corporate and white-collar crime." one of only a handful of law schools offering courses in the subject. "There are going to be more lawyers working in this area, and many others who, even if they don't do cases now, are going to have to know about it in order to advise business clients on the potential criminal consequences of the business and legal processes they guide," Brickey says. "This is a really fascinating area and you can fill a gap she discovered in teaching her course. No casework on corporate criminal law exists. We're holding our first one..." and, judging from the explosion in corporate criminal prosecutions, it looks as though she'll continue to have plenty of material from which to draw.

*The Flounder, Headbills: Or the Germans Are Dying* was described as the workplace environment as a toxic chemical soup.
Both the women's and men's tennis teams concluded their NCAA Division III championship in exciting fashion, posting respective second- and third-place finishes at this year's University Athletic Association Tennis Championships, held April 22-23 at Emory University.

Leading the Bears' quest at the NCAA Championships were the freshmen doubles teams of Debbie Buchman and Alison Brownstein. Michelson and his freshmen partner combined to win the number-one doubles competition, keeping their careers intact at 19-0. The freshmen pair are being considered as at-large entries in the NCAA Division III Tennis Championships, which will be held May 8-15 at Claremont-Mudd-Scripps Colleges in Claremont, Calif.

Michelson also captured the NCAA number-three singles title, along with her and Brownstein's doubles title, tying the Bears' record titles in women's tennis. Emory, ranked nationally in the top 10, easily won the title with 50 points. The Bears edged Brandeis, 31-27 for second place.

For the fourth time in two years, the Bears' men's team capped the field events, amassing 111 of a possible 288 points. Sophomore Allen Glenn was named the most valuable performer after totalling 24 points with his two titles. He claimed the shot and hammer, and a fourth-place championship in triple jump.

"Our bodies are made news around the globe. Following for us," said Bears' coach Lynn Ingemot, co-coach of the year in the NCAA, expressed her satisfaction with the team's play.

"We improved significantly upon last year's fourth-place finish, which was gratifying to see," Ingemot said. "The players were very competitive in each of the matches they played and some of them played the best tennis of their careers."

In men's play, the NCAA team championship was determined by the outcome of the final match in the tournament. Although the Bears number-three duo of Keith Chees and Dan Freedman lost in the final flight, both captured NCAA titles in the singles competition. Chees won the number-three singles round, while Freedman captured the fifth flight. Mike Mohan won the number-six singles round, giving the men's team three NCAA singles champions.

If the Bears number-two duo could have won, Washington would have tied Emory for second in the NCAA men's title with 54 points, and Brandeis would have finished nest with 55. Instead, Brandeis captured the title with 55 points, followed by Emory with 34 and the Bears with 32.

Washington's number-one player, Brad Brownstein combined to win the number-three singles flight. After losing past an opponent from Case Reserve in the first round, Mudd defeated another top four finisher, the defending NCAA Division III national champion. In the semifinals of the championship flight, the opponent didn't get any easier as Mudd faced Brandeis' Scott Sullivan, another defending number-one singles champion. Mudd fell 6-2, 7-6, in a hard-fought match, but could meet up with Occomy again at the NCAA championships, which will be held May 11-15 at Kalamazoo College in Kalamazoo, Mich.

"I'm really proud of our play at the NCAA Championships," said Bears' coach Rick Flach. "It was a fun tournament that featured high-caliber competition. Every team member really came through for us."

Track & field title

The men's track and field team claimed its second consecutive University Athletic Association outdoor track and field championship. With 111 points, the Bears placed a solid second behind defending NCAA champion Emory, which tallied 155 points. During the NCAA championship meet held April 22-23 in Cleveland, the Bears' men's team capitalized on the field events, amassing 111 of a possible 288 points. Sophomore Allen Glenn was named the most valuable performer after totalling 24 points with his two titles. He claimed the shot and hammer, and a fourth-place championship in triple jump.

The women earned the bulk of their points in the distance events and field events. Senior Angela Panetta was the Bears' sole individual champion with an NCAA title in the shot put. Junior Steve Werenky was the only Bear to establish a NCAA record at the meet. Werenky, who owns the UAA, earned third place in the hammer throw, and a fifth-place championship in the javelin.

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The women, also have interfered with the birds' well-being, as weight-lifting or aquatic aerobics to maintain bone mass and preventing disuse. A lack of activity to Notables, Campus Box 1070, or by activity to Notables, Campus Box 1070, or by faculty and staff scholarly or professional achievements. Washington University faculty and staff members are encouraged to submit their papers or provide a description of your noteworthy achievements.

Women's and men's tennis teams posted best-ever finish at NCAA championships

The Washington University faculty and staff members were encouraged to submit their papers or provide a description of your noteworthy achievements.

The dramatic decrease in the songbird population over the last 40 years has been scientifically documented in a recent article in the Feb. 27 Houston Chroni- cles, "The loss of trees and the decline of Central and South America is said to have contributed to the declining number of songbirds in the U.S."

tabilit, says Coles in the article. "Certainly it would be a tragedy to lose the birds," he says. "These birds are efficient insect killers. They are a part of the national health and balances.

"Much of the decline of the body function is due to disease" - a lack of exercise," says John O. Hollingsworth, M.D., professor of pathology at the University of Southern California School of Medicine, about remaining fit during the aging process. He is the associate editor of the magazine Archives of Nutrition and Biologic, a news weekly that features high-caliber competition. Every team member really came through for us."