



# White Collar Crime -- -- JS 135

## Fall 2006 -- Syllabus

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<b>Phone</b>	(408) 398-2070	<b>Office Hours</b>	Tuesday & Thursdays 10:30 a.m. - 12:00 p.m. & Thursdays 4:00 p.m. - 5:30 p.m.
<b>Room</b>	MH 520	<b>Web</b>	<a href="http://www.danpeak.com">www.danpeak.com</a>

### Course Description:

Names in today's news: Mayor Gonzales (bribery?), Congressman Ney (more bribery?), lobbyist Jack Abramoff (fraud, bribery, tax evasion & conspiracy), Google (click fraud?), Ken Lay (fraud/looting/insider trading?), Msystems (stock-option backdating), and of course, Microsoft (violations of the Sherman Act). These are examples of high profile white collar crime (WCC). The Enron scandal prompted the passing of the Sarbanes-Oxley Act, some of the most comprehensive WCC legislation ever promulgated. Most justice students will never be involved with one of these high profile cases, but there are many more examples of WCC, with which students are more likely to be directly involved, including most instances of embezzlement. During this semester, the class will learn the meaning and importance of white collar crime and consider who are the victims of WCC, what kind of behavior, both individual and corporate, is included as WCC and how does WCC compare to conventional crimes. As described in the catalog, this course will cover the growth and development of white collar crime in the United States: crimes at the workplace, computer fraud, swindles, embezzlement, bribery and graft at the individual, corporate and governmental levels. Prerequisites: Upper division standing.

### Course Learning Objectives:

By the end of the semester students should be familiar with the various definitions of WCC, and be able to distinguish White Collar Crime from other forms of crime. Students will gain familiarity with who commits these crimes, and how white-collar crimes are committed, prosecuted and defended. Students will learn the "essential elements" of many of these crimes and understand the evidence necessary to prove them. Students will develop an informed opinion on whether the prosecution of WCC is meeting the traditional goals of the criminal law including protection of the public, and whether criminalization is the appropriate response to social problems like smoking, gun control and pollution.



## **Text:**

Trusted Criminals, David O. Friedrichs, Thomson/Wadsworth, 2nd Edition, 2004

There will be additional readings, which will be announced at least one class period before the assignment is due. The readings will be available on line at [www.danpeak.com](http://www.danpeak.com) or as instructed. Students missing classes are responsible to obtain notes and assignments from the class missed.

## **Grading or Evaluation:**

Grades will be based upon a midterm examination worth 20%, a final exam worth 40%, a term paper worth 30% and class participation worth 10%. Class participation will be evaluated by the student's ability to discuss the reading assignments when called upon in class as well as several short, pop quizzes. The term paper will be detailed in an attachment hereto.

It goes without saying that cheating and plagiarism are forms of white collar crime. The objective study of white collar crime should be done without personal involvement, so academic dishonesty will be treated severely. "Your own commitment to learning, as evidenced by your enrollment at San José State University, and the University's Academic Integrity Policy requires you to be honest in all your academic course work, and faculty are required to report all infractions to the Office of Student Conduct & Ethical Development. The policy on academic integrity can be found at: [http://sa.sjsu.edu/student\\_conduct](http://sa.sjsu.edu/student_conduct)." Cheating includes, among other things, plagiarism. Plagiarism as defined at the above website will not be tolerated. It is the student's responsibility to know what plagiarism is and each student will be expected to participate in the plagiarism tutorial at: <http://tutorials.sjlibrary.org/plagiarism/index.htm>.

## **Course Add/Drop Statement**

For information regarding adding and dropping a course, please refer to the Schedule of Instructions, Policies, and Procedures:

<http://info.sjsu.edu/cgi-bin/socfiles?command=ftok&arg=soc-spring-narrative>  
Instructors are permitted to drop students who fail to attend the first scheduled class meeting and who fail to inform the instructor prior to the second class meeting of the reason for any absence and their intention to continue in the class. Some instructors will drop students who do not meet the stated course prerequisites. However, instructors are not required to drop a student from their course. It is the student's responsibility to make sure classes are dropped.

"If you need course adaptations or accommodations because of a disability, or if you need special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours. Presidential Directive 97-03 requires that students with disabilities register with DRC to establish a record of their disability."





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### Course Schedule\*

<b>Week</b>	<b>Topic</b>	<b>Required Reading</b>
One 8/24	Introduction to WCC Review of Syllabus	Greensheet and handouts Friedrichs, Chapter 1
Two 8/31	What is WCC? The extent of and harm done by WCC	Friedrichs, Chapter 1 & 2
Three, Four & Five 9/7 9/14 9/21	What is a corporation? Can a corporation commit crime? Corporate Governance in a nutshell. Shareholder, Director and officer liability.	Friedrichs, Chapter 3
Six 9/28	Crimes in course of employment. Agency & individual crimes.	Friedrichs, Chapter 4
Seven 10/5	Crimes committed in the name of the government and Political WCC	Midterm Exam Friedrichs, Chapter 5
Eight and Nine 10/12 10/19	Crimes committed in the name of the government and Political WCC, continued. Hybrid White Collar Crimes	Friedrichs, Chapter 5  Friedrichs, Chapter 6
Ten 10/26	Organized Crime and Confidence Games	Friedrichs, Chapter 7
Eleven 11/2	Application of crime theory to WCC	Friedrichs, Chapter 8 Papers Due
Twelve 11/9	Control of WCC. Criminalization vs. Civil and Administrative control. Courts and Agencies responsible for regulation	Friedrichs, Chapter 9 & 10 Group presentations Two per day beginning with groups one & two



Thirteen 11/16	Control of WCC. Criminalization vs. Civil and Administrative control. Courts and Agencies responsible for regulation continued.	Friedrichs, Chapter 9 & 10
Fourteen 11/23	Thanksgiving Holliday No Class	
Fifteen 11/30	Prosecuting and Defending White Collar Criminals	Friedrichs, Chapter 11. Groups three and four
Sixteen 12/7	Ethical Considerations Review	Friedrichs, Chapter 12 Groups five and six
Thursday, December 14th 5:15 p.m. to 7:30 p.m.	Final	

\*Subject to change with fair notice



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## GROUP RESEARCH PROJECT

There will be a group research and presentation project. Each of you will be required to participate in the preparation of a research project on a WCC topic and submit a five to seven page paper on your part of the research. The papers should be in APA format. There will be a short primer on APA for those who have not yet had 100W. The grading emphasis, however, will be on content and quality, not so much on style or quantity.

This paper may be somewhat different than you are used to. The class will be divided into six groups of ten students each. The groups will choose a topic upon which to write. Some suggestions are given below. One group per topic, first come first served. So, for example, if group five is first to request the Myanmar slave worker suit, then no other group can have that specific topic. If a group chooses to split up further and choose more than one topic, which is acceptable, too.

There will be fifteen minutes scheduled toward the end of the semester for each group's presentation. Every student in the group will have to take up one portion of the topic. The presentations should be organized to facilitate the one minute segments. For example, if a group chooses to cover the recent Abramoff fiasco, the subtopics for the presentation would probably begin with one or two students giving an overview of the scandal, followed by several students each giving an accounting of the various players in the scandal, followed by students covering the investigation or discovery, then the government's response and a concluding statement giving the current status.

Needless to say, although this is a group task, the papers are to be an individual's work product. The group can and should share information and research, but not paragraphs.

Each paper must have a reference page with a minimum of five sources. The five sources do not have to be scholarly articles. There should be news sources, commentary, opinion, and web sites. Do not use text books as a resource. It is a matter of researching the event and the people involved.

The papers must be at least 5 pages in length but no more than 8 pages in length, double spaced with 1.5 inch margins.

Possible topics:

- A) Corporate Crime e.g.: Enron, World Com
- B) Environmental Crime e.g.: Exxon Valdez, Clean Air and Clean Water Acts
- C) Political Corruption e.g.: Watergate, Abramoff/Delay/Ney conspiracy, or Mayor Gonzales
- D) War Profiteering, e.g.: Iraq contracts with Halliburton
- D) Cyber crime, e.g.: African princess scam.
- E) General discussion of criminalization of corporate acts, such as selling cigarettes or guns.