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## PREFACE

In December 1939, in a keynote address for the joint annual meeting of the American Sociological Society and the American Economic Association, Edwin Sutherland introduced the concept of the “white collar criminal,” gave the world a catchphrase, and launched an entire new discipline. A decade later, in his book *White Collar Crime*, he defined the term to mean an offense “committed by a person of respectability and high social status in the course of his occupation.” The construct he developed relied on the social status of the type of offender—with an emphasis on corporations and tycoons—and the circumstances surrounding the crime as the relevant points of reference. In his book, focused on business crime, Sutherland zeroed in on what he deemed to be criminal behavior by the seventy largest U.S. manufacturing, mining, and mercantile corporations. Reviews at the time saw his groundbreaking work as a contribution to “the largely unexplored field—violation of law in the American business community.”

As the concept of white collar crime evolved over time, scholars and law enforcement shifted the focus away from the offender to the nature of the offense, the locus of the wrong, or the means used to commit it. Increasingly, experts have used the term to describe the many economically motivated, non-violent offenses committed by a variety of individuals, not just powerful business leaders and government officials. Under the new framework, one that Sutherland would not likely recognize, prosecutions of the poor for welfare fraud or blue collar workers for small-time embezzlement could count as cracking down on white collar crime. After decades of academic debate, there is still no standard definition nor a coherent organizing principle. Notwithstanding the difficulty of defining the subject, in the wake of Enron-era accounting scandals, the insider-trading epidemic, the mortgage-fraud-backed financial crisis, and the recent state law felony conviction of then-citizen Donald J. Trump for 34 counts of business records falsification, white collar crime has become a growing field within the legal profession and is becoming an established part of the law school curriculum.

This casebook endeavors to provide a theoretical and policy framework for considering the respective roles of institutional and individual responsibility and for systematically examining the principal federal statutes that prosecutors regularly invoke in corporate and white collar crime cases. In addition to relying on reported judicial decisions as vehicles for discussion, the book uses problems, case studies, and other similar materials to illustrate the context within which the issues are framed.

This edition nonetheless retains a strong focus on substantive criminal law. And because major federal criminal statutes are the organizing principle of the course, the book is designed to be used with a companion statutory supplement.

For the sake of brevity and clarity, many footnotes and citations in the edited cases have been omitted and most parallel citations have been eliminated without indication. Footnotes that have been retained are renumbered consecutively throughout each chapter. Explanatory footnotes that have been added to cases and other quoted material are identified by the legend “—Ed.”

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