

The Corporate Shield Fails – Peanut Corporation of America Defendants Convicted

Stewart Parnell, the former owner of the Peanut Corporation of America, and two co-defendants, his brother, food broker Michael Parnell, and the plant quality control manager, Mary Wilkerson were convicted of charges in Federal court related to knowingly shipping contaminated peanut butter to food processors across the United States in 2008 and 2009. The resulting salmonella outbreak, which was blamed for 9 deaths and 714 illnesses, sparked one of the largest food recalls in history.

The three defendants were charged with 71 counts that included conspiracy, obstruction of justice, wire fraud, and other related charges. The 7-week trial was the first of its kind, according to attorney, Bill Marler, who represented victims in this case. He stated that it was the first federal food-poisoning case to be tried by an American court. It was also the first federal felony conviction of its kind. Although these firsts are newsworthy, the reason the case is back in the spotlight is due to its current sentencing recommendations.

The U.S. Probation Office, which was tasked with preparing pre-sentencing reports to Judge W. Louis Sands, recommended sentencing that “results in a life sentence Guidelines range.” In other words, they recommend a life sentence for Stewart Parnell. Their recommendation for Michael Parnell was 17 to 21 years. Their recommendation for Mary Wilkerson, who was convicted of obstruction of justice, was eight to ten years.

Judge Sands is not bound by these sentencing recommendations, though he is required to consider them prior to Stewart

Parnell's sentencing on September 21.

While Parnell is not the first owner, CEO, or company president to face charges for conduct or business practices that resulted in egregious disregard the safety and welfare of others, it is rare for the judicial system to challenge the corporate shield. Many criminal activities have been undertaken by morally bereft CEOs, yet the corporations, not the perpetrators, face punishment in the form of lawsuits.

Many (if not most) major American corporations determine their course of action based on the almighty dollar. Lawsuits are figured into the bottom line. Rather than right and wrong or good and bad, decisions are often made by comparing acceptable losses to predicted gains. In many cases, that means determining the cost of the death count verses pulling a product or changing a way of doing business.

Take Big Pharma for instance. When reports of lethal or severely disabling adverse reactions climb, they decide how many deaths from a particular pharmaceutical are too many for continued sales to remain profitable rather than immediately recalling a problematic medication.

If holding people responsible for corporate actions becomes the norm, perhaps giant corporations will change the way they do business. Take Monsanto, for example. An earlier incarnation of the Monsanto Co. knowingly contaminated the town of Anniston, Alabama with PCBs. For decades they tried to cover up, rather than clean up, the pollution in one of the country's worst cases of industrial pollution. Their actions and lack of concern for the citizens of Anniston resulted in a guilty verdict on all six counts the jury considered: negligence, wantonness, suppression of the truth, nuisance, trespass and outrage. The legal definition of outrage under Alabama law is conduct, "...so outrageous in character and extreme in degree as to go beyond all possible bounds of decency so as to be regarded as atrocious and utterly

intolerable in civilized society."

Not one person was held accountable for the deaths caused by their "outrage." No one went to jail. Did the 700 million dollars paid out to 20,000 residents, their lawyers (240 million out of the total) , and to the clean up effort make up for the mothers and fathers and children who died? For the children born deformed?

If times are truly changing, perhaps the day will come when pharmaceutical company executives go to jail for fraud when they deceive the government about the efficacy of their vaccines. (A current court case with Merck). Or perhaps when the truth about GM0s comes out, as it surely will, and we find biotech CEOs knew all along what independent long-term studies are proving: GM0s cause cancer and disrupt reproduction, Monsanto's management team will finally earn their prison sentence.

It's high time justice is served and protection of the corporation shield is torn down for those who purposefully exploit, maim, and kill their fellow citizens for profit.

Update: 9/21/15. Parnell was sentenced to 28 years in prison.

Sources:

- *APNewsBreak: Life sentence urged in peanut salmonella case* – New York Times.com
- *Unprecedented Life Sentence Recommended for Peanut Executive* – Food Safety Magazine