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Reflections on White-Collar Sentencing

Editors' Introduction

The sentencing of white-collar criminals has become an increasingly divisive issue for prosecutors, judges, and attorneys. As a result of controversy over the appropriateness of traditional penalties such as imprisonment and fines, some courts have subjected white-collar criminals to new modes of punishment. One of the first of these "alternative sentences" was that imposed by Judge Charles B. Renfrew on five corporate executives convicted in 1974 of price fixing in the paper label industry. In the article that follows, Judge Renfrew examines his sentencing decision in the paper label case and discusses the study he undertook to determine the impact of the sentences. Judge Renfrew's article is followed by four critiques of the paper label sentences and of the Judge's study. These critiques—by Donald I. Baker and Barbara A. Reeves, Alan M. Dershowitz, Arthur L. Liman, and Stanton Wheeler—explore from a variety of perspectives the efficacy, equity, and evaluation of white-collar sentences.