

Re: [Full-disclosure] Re: Your One-Stop Site For Sony Lawsuit Info

Source: <http://www.derkeiler.com/Mailing-Lists/Full-Disclosure/2005-11/0728.html>

From: Kurt Buff (kurt.buff_at_gmail.com)

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To: full-disclosure@lists.grok.org.uk, bugtraq@securityfocus.com

Elijah Kagan wrote:

> *Anonymous Squirrel wrote:*

>

>> *At the risk of this discussion running far afield, I think Jason and Paul
>> may be talking past each other. My understanding is that Jason has a point
>> -- corporations can't suffer the same punishment as individuals. They
>> aren't deprived of their freedom in prisons. The most common corporate
>> punishment is a fine.*

>>

>> *Paul's point is SOX, GLBA, and HIPAA hold individuals accountable for their
>> acts at corporations.*

>>

>> *Those two opinions are both correct, and do not contradict each other.*

>

>

> *This is true, and important. Nonetheless, Jason seems to be almost
> calling for mob justice, when he says:*

>

>

>> *The only option available to the people is mob justice. Corporations can
>> be ruined and they can be burned to the ground, but they can't be
>> touched in a meaningful way through mechanisms of law. Corporate persons
>> are truly first-class citizens, rising above the rest of us natural
>> persons in importance and worth to society.*

>

>

> *Paul Schmehl is pointing out that this is false--the law can be used
> against corporations, to regulate the acts of corporations by making
> the persons who constitute their leadership personally liable in
> criminal court.*

>

> *I strongly doubt that vigilantism is an appropriate or even useful
> response to corporations victimizing their customers with spyware. I*

And yet, Jason has a deep point – corporations have more rights than

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citizens. There is no jail time (freezing of assets and suspension of sales, perhaps?) or death penalty (forced liquidation of assets, distribution of proceeds to bond/stock owners – outside of bankruptcy court) for them, and it's unlikely there ever will be, because they have the money. The penalties should exist and be enforced, IMHO.

But this is political discussion, and perhaps not completely relevant to this forum.

Kurt

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