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INTERVIEW WITH ROBERT A.G. MONKS, AUTHOR OF THE NEW GLOBAL INVESTORS, WASHINGTON, D.C.

If Karl Marx were alive today, we'd have to give him some intravenous Prozac before sitting him down and revealing to him the new reality of capitalism -- workers own the giant multinational corporations.

Here's one estimate: Of the world's \$7 trillion in equity money, \$4 trillion is held by pension funds.

According to shareholder activist Robert A.G. Monks, a few pension funds control enough stock to, if not control, be a very strong influence over every company in the world.

But being able to control or influence corporate behavior is one thing. Controlling or influencing corporate behavior is another. Monks wants to show pension funds how this might be possible.

He has written a book, *The New Global Investors: How Shareowners Can Unlock Sustainable Prosperity Worldwide* (Capstone, 2002).

In it, Monks says the problem is "global hegemony" and the solution is active pension fund holders.

We interviewed Monks on February 26, 2002.

CCR: What is your current profession?

MONKS: I am currently the publisher of an internet page (www.ragm.com) through which I conduct corporate governance activism around the world.

CCR: You are also an investor.

MONKS: Periodically. But the professional funds that I started, one in the United States called Lens and the other in the United Kingdom called Hermes, have terminated, very successfully.

CCR: They are no longer in business?

MONKS: We go into business periodically. We were in a company this fall, the company was Metromedia International. And we will periodically go into companies in the future. There is value in companies that are poorly governed. And if we can improve the governance, we can get an increase in the value of our investment.

CCR: If you ask the average financial journalist in the United States, who is Robert Monks?, if they knew you, they would say, he's the guy who goes into poorly run companies and tries to turn them around.

MONKS: Maybe, if they ever heard of me at all.

CCR: And they would remember Waste Management?

MONKS: Probably earlier, probably Sears Roebuck. I ran as a hostile candidate for the board, which is rarely done. And American law makes it difficult to do that. It seemed important to me to make the point that American law does tend to lock in incumbent management.

CCR: Sketch for us your history of shareholder activism.

MONKS: About 25 years ago, I had a vision. At the time, I had just finished being the Assistant Secretary of Labor in charge of the pension system. I had earlier become very interested in the idea of the responsibility of owners for corporate activity. There has been an enormous amount of difficulty trying to make corporate energy compatible with societal needs.

And the corporations have a rather unique ability to insulate themselves from laws as they simply hire better lawyers. I thought a way to deal with this whole question was to work with the institutional owners and have the owners put their own stamp on what the corporation would do. Most of what I have been doing has been in aid of that objective.

So, first we started a company to identify who were the other owners and to communicate information to them about proxies. That company is called Institutional Shareholder Services (ISS). That company has done very well.

Now, through ISS it is possible for anybody in the world to get proxy advice at a relatively low cost and to make intelligent decisions about how to vote their shares. That company has changed the world quite a lot.

The company is based in Rockville, Maryland. It is headed by Jamie Heard. He has been very much involved with social investing. Years ago, he did the first social investing balance sheet when he was in the Department of Commerce in the Carter Administration.

I then moved from proxy solicitation to investment. Many times objection is raised about efforts to reform corporate conduct. "This is all very nice. But it is expensive, it is not in aid of value, and therefore it is not in the shareholders' interest." Over the period of about ten years, we demonstrated that if you are active in a corporation, you add value. And in fact, you are better off than you are in companies where the shareholders do nothing.

That was important, because from now on, we can't be simply dismissed as being people with ideas that are not related to shareholder value.

CCR: You actually would go into a company, coordinate with other shareholders, and change the direction of a company.

MONKS: That's it.

CCR: And you did that with Sears, Waste Management, American Express, Westinghouse.

What made you decide to stop doing shareholder activism?

MONKS: It was time to get on to the next piece of the agenda. I've never been primarily interested in making money, although it was important to make money to make the suggestions credible to a business audience.

CCR: You did make money turning around those companies.

MONKS: Yes we did. We came out of the experience with a fair amount of money. There is an article in this week's *Forbes* magazine about my partner Nell Minow that quite accurately sketches the money we made on the ventures.

Forbes reports that over fifteen years, we've probably made about \$30 million. It was enough to pay for the operation.

My real interest, of course, was to try and have an influence on corporate conduct. We needed to be able to identify and organize our allies, which we did through ISS. And then we needed to be able to get people to back us, because we were going to make them money, which we did through these funds.

And now we are attempting to focus on particular companies that seem to be not sufficiently attentive to societal interests.

So, I have a shareholder's resolution at this year's annual meeting of Exxon, which has to do with their attitude about global warming. What I want to try to do is to get a sufficient level of support from shareholders that will cause the management to understand that we want our company run differently. In the past, people with ideas of this kind haven't been able to get a large enough vote to really influence management. So, I'm going to experiment this year to see if I can convert the support I've had in the past into this new area.

CCR: On Exxon, you will contact all other shareholders and make your pitch?

MONKS: Contacting all of the shareholders costs about \$1 million. I'm not going to do that. I am going to talk with the institutional shareholders. That's easier.

CCR: Who are they?

MONKS: There will probably be a couple hundred. And I will talk to each by phone.

CCR: And what percentage of stock do they own?

MONKS: They probably have about 50 percent of the stock.

CCR: Have you started that?

MONKS: No. There is no proxy statement yet. The annual meeting is scheduled for late May. Typically, the company will have a proxy statement out by early April. So, there is no point in making contact with people until there is a document, a piece of paper you can refer to and ask them to think about. I expect to meet and talk with the company before then and try and find out if there is a way to accommodate our interest that is slightly less confrontational.

CCR: What will happen?

MONKS: In the past, companies like Exxon have really not wanted to be responsive to shareholder initiatives of this kind. But it may be in the post Enron climate that there is a higher level of receptivity to this. I hope so. It is my company. I want them to understand the need for a company of that size to take the lead in the world in a critical issue like global warming and to demonstrate that they can operate in a way that is highly sensitive to public concern and to be leaders in trying to find alternatives.

We are the owners. And we are telling the management how we want it run. I'm hoping I can be a credible owner and get their attention.

CCR: You have written a new book, *The New Global Investors* (Capstone, 2002). You are one of the few free market capitalists who throws into your writings criticism, philosophy, history.

Who are your predecessors? Who led the way, people you looked to for inspiration?

MONKS: Louis Brandeis. He really is the ancestor. Brandeis did extremely well in the market himself. Brandeis believed in both a strong market and strong regulation.

CCR: You can go all the way back to Adam Smith.

MONKS: Yes, but everything has changed so much since Smith. But if you read Brandeis now, you just wonder, was this man prophetic?

CCR: Just as an aside, you ran for the U.S. Senate. You were defeated in the Republican primary. What happened?

MONKS: I'm a difficult sell in Maine. Other people got more votes in the Republican primary.

CCR: What happened to the progressive Republicans?

MONKS: Starting with Lyndon Johnson and Richard Nixon, there was a fundamental realignment in the post-civil war political America. Essentially, conservative, right-wing people became very comfortable in the Republican Party. They became sufficiently comfortable that they were able to take over the party convention, Rockefeller was booed at the 1964 Republican convention. Bill Weld couldn't get confirmed to be ambassador to Mexico. So, the conservative element took over the party.

CCR: You seem more conservative than the profligate Republicans of today.

MONKS: My own agenda is more one of economics. It's almost a libertarian agenda. Coming from Maine, you learn that the state seems to work pretty well if you leave people alone.

From a political point of view, I believe if people have a job, they can take care of most of the other problems themselves.

CCR: The idea that jumps out of your new book, *The New Global Investors*, is the idea that a handful of people control the world's economy.

MONKS: Most of the OECD countries have pension arrangements of one kind or another that have resulted in the agglomeration of the savings of all of these countries in the form of pension funds. The pension funds are trusts because governments want to be sure that if they give tax incentives to people to save money for their retirement that in fact it is used for that purpose. So, you need a trust arrangement to secure it.

You have a few very large trusts. And the largest trust, for example, is the Dutch national pension fund. The California Public Employees Fund is probably the best known here.

In Holland, the United States, the UK, you began in the 1990s to get an increasing percentage of the total world investment pool in these big pension funds. And of course, they are allowed to invest tax free. They don't have to meet redemption, because people have to stay in until their retirement.

So, these funds looked like they were going to grow very fast, and then you had this huge bull market. The result was the pension funds acquired a percentage of ownership, not only in the OECD countries, but in every country that had a public market, that was just a very significant percentage of the whole.

Under the corporations laws prevailing, the few pension funds had in the aggregate stock to be able to, if not control, to be a very strong influence in every company in the world.

CCR: How much money are we talking about?

MONKS: There is about \$7 trillion in equity money in institutions globally, that's total. Pension fund money is probably about \$4 trillion of that.

CCR: What is the duty of these pension funds to their worker/shareholders?

MONKS: That is where the work is. The workers can't today make practical use of their property and their rights.

CCR: The workers own the corporations.

MONKS: That's right. Peter Drucker wrote a book in 1976 called *Pension Fund Socialism*. And he started out by saying Karl Marx would be thrilled if he woke up in 1976 and found out that workers own the corporations.

CCR: Most Americans don't have a clue about this, right?

MONKS: They don't. And this ownership doesn't have a practical impact, because the trustees have been picked by management. Except for the public funds, they have traditionally supported management without question. The beneficiaries have not had a practical way of questioning how the trustees have acted in their interest. This is a very bad thing.

I'm hoping, now with the Enron situation, the issue of trustee stewardship for the employees can be raised. I'm hoping we can come out of this problem with a much clearer law and a much more clearly articulated ability for the workers to get access to the rights that they have.

CCR: What laws in the United States control the trust relationship of the pension fund trustee to the worker?

MONKS: There is the Employee Retirement Income Security Act (ERISA) of 1974 that controls every employee benefit plan of every kind in America. It supersedes state law. And it is the definer. So, there is a single law.

But the difficulty has been that as a practical matter, it has been virtually impossible for a single beneficiary to enforce his or her right.

I hope that will be changed in light of what we are finding out in the Enron situation.

There are three overlapping regulatory laws. ERISA controls pension funds. Many 401(k) programs are invested in mutual funds, which are regulated by the Securities and Exchange Commission. And then there are bank trusts, which are regulated by the Federal Reserve.

So, there are three regulatory agencies, all in Washington, D.C., that collectively determine the rights of the owners of a majority of stock of American companies.

CCR: You tried to get an understanding from the SEC about the nature of its regulation over mutual funds. What happened?

MONKS: Starting in the 1980s, when I was the responsible official for ERISA in the Labor Department, I did begin the process of defining the obligations of the trustees to vote the stock in portfolio companies and to act like owners of those companies.

At about the same time, as a private citizen, I wrote a letter to the SEC, and asked if they would adopt the same standard for mutual funds that I had begun at the Labor Department for pension funds.

I have to report to you that we didn't get an answer for 14 years. I have on my web page a list of the calls that we made. We saw every chairman of the SEC, every person responsible, and no one ever answered the letter.

Finally, my partner Nell Minow went to see Harvey Pitt about a month ago and Harvey said, the game's over, I'm going to answer your letter right now.

And he did answer the letter. He said he was going to study it and look at it. But at least it was an answer. And I'm optimistic we will get a favorable answer to that.

CCR: So, based on that anecdote, can we conclude that Pitt has been the most responsive SEC chairman in 14 years?

MONKS: From our perspective he certainly has been.

CCR: He's going to be like Nixon going to China.

MONKS: That's a real possibility. I was at a meeting yesterday called by David Walker, the Controller General at the General Accounting Office. There were a lot of SEC people there.

They were talking about corporate governance, regulation of accounting. There was an atmosphere of sensitivity and concern that I haven't seen for a long, long time.

CCR: Was Pitt there?

MONKS: Pitt was not there, but his enforcement director was there.

CCR: Can you give us an idea of what will come out of that meeting?

MONKS: I can't really. But we've had a very real shock to the credibility of American financial statements. And everybody is conscious of the need to act quickly because our financial system depends on the credibility of the financial statements. There have been serious questions raised that have to be answered.

CCR: You define the problem as corporate hegemony threatening a free society. What does that mean?

MONKS: The great problem we have is that the energy and agenda of corporations has by far the largest influence on where we live, where we work, what we eat, the quality of the air we breathe. The flesh and blood human beings have had a very diminished impact.

In the area of personal liberty, all of the constitutional rights that we have, all refer to a flesh and blood world. There was no contemplation that we would be sharing the country with corporate citizens. But now, corporate citizens appear to be larger than individuals. In politics, corporations have a far larger influence on public policy.

We have to understand that while we talk about our rights as citizen derived from our historical struggles, these are probably not literally applicable today. In a world of corporate citizenship, some citizens, corporations, are more equal than others.

CCR: Although, corporations are not citizens in any real sense. They can't vote, for example.

MONKS: They are not citizens in the sense that they can vote.

The Supreme Court has said that they are persons. They can't vote, but they are entitled to the constitutional protections of individuals.

CCR: Except for 5th Amendment rights, for example.

What do you mean by corporate hegemony.

MONKS: Hegemony means dominance. The corporate agenda dominates. What does the Congress spend its time doing? They spend their time on corporate problems. Congress spends money on corporate welfare. Our foreign policy is importantly influenced by corporate considerations.

CCR: For much of the book, you make the point that corporations are a good thing. They have brought us a long way, you say.

MONKS: Yes. The challenge is to keep a balance. The critical thing is to preserve the capacity of the corporation to provide an outlet for the energy and genius of creative people, but to do so in a framework that is congenial to societal interests.

CCR: You quote Adam Smith as expressing concern about the unlimited life, unlimited size, unlimited power and unlimited license of the corporation. And you identify unlimited license as the most troubling aspect of the corporation. What is unlimited license and why is it troubling?

MONKS: It is troubling because it means that corporations operate under different rules than flesh and blood human beings do. That means that there really is no necessary correlation between corporate interests and individual interests.

A corporation which has perpetual existence doesn't have the same problem of limited time that human beings do. Therefore, corporations are able to take positions that make sense from their point of view, but that are threatening to individuals.

CCR: You say the problem is corporate hegemony. What's the solution?

MONKS: The solution is to make the owners of corporations reclaim their ownership. The owners are the working people of America through their pension funds. Nothing could be more capitalistic, more congenial to American traditions, than if the owners would have control of their property.

Now, the devil is in the details.

CCR: How would you do it?

MONKS: Require that the trustees of the pension funds act like and be held accountable to act like, flesh and blood owners of companies. And it is up to them to organize coalitions of owners.

There isn't any one owner who owns all of this. In America, very rarely does any institution own more than one percent of a big company. But it is important for them to work with other institutions so that collectively, there is an ownership element. And that ownership element is one that enforces responsibility.

CCR: The law requires the corporation to look out only after the interests of shareholders. In 1982, Frank Easterbrook and Daniel Fischel, two Chicago law professors, wrote that it is the duty of managers to make profits for their shareholders, even if it requires them to violate the law. Violate the law if you must.

MONKS: The Chicago school has some rather extended views on that subject with which I don't agree.

CCR: Do we have to change corporate law so that there is a duty upon managers to take into account more than just the bottom line for shareholders?

MONKS: I don't think so. The owners of corporations are after all long term oriented. The owners are pensioners who are going to want to retire in 25 years into a clean, safe, well governed civil world. Therefore, when you are running a company, you are running it for the benefit of those owners. They have a long term viewpoint. And they have a spacious viewpoint. It isn't any good for someone to retire with a lot of money into a world that is completely socially distracted. It isn't any good for a person to retire into a world that is filthy.

So, therefore the corporations have a clear mandate to have a rather holistic view of what is a shareholder interest.

CCR: But the current law is this month's profits?

MONKS: It depends on how you define profits. With shareholder activism over the past 20 years, I was trying to show how the owners being involved can actually make the company worth more. And I believe that is the lesson. To the extent you have human involvement, you end up having a wider, more spacious agenda. That includes taking into account more factors than a narrow view of accounting profits will take into account.

Let's take for example global warming. In that case, I would say that Royal Dutch Shell and British Petroleum are more valuable today, because they are spending money on trying to limit their particulate emissions than is Exxon, which is making no such effort.

Exxon may in the short term look like the more profitable. And indeed, they are. But the market accords a higher value on traditional ratios to Shell and BP because they have a longer term viewpoint. So, it is a matter of educating managers and investors to the difference between the two. And I believe that the market will pay a higher price for corporations that have a long term perspective.

CCR: Do you know Robert Hinkley?

MONKS: No.

CCR: He lives in Maine. For years he worked for a corporate law firm, Skadden Arps. He has written an article recently for *Business Ethics* magazine in this month's issue.

Hinkley says that under Maine law, the duties of the director are defined by section 716 which says that "the directors and officers of a corporation shall exercise their powers and discharge their duties with a view to the interests of the corporation and the shareholders."

He says every state incorporation law has a similar provision which places upon the directors a legal duty to shareholders.

He would amend section 716 to add: "but not at the expense of the environment, human rights, the public safety, the communities in which the corporation operates or the dignity of its employees."

He says this simple amendment would affect a dramatic change in the underlying mechanism that drives corporate malfeasance.

Do you agree?

MONKS: About three quarters of the states have these constituency statutes along the line he is suggesting. Pennsylvania requires that you take into account the interest of constituencies other than shareholders.

CCR: But most of the states do not. It just gives the companies the option, they may take them into account.

MONKS: I have never known the management of a good company that did not take into account those factors in trying to create value for shareholders.

CCR: So, this kind of amendment proposed by Hinkley is not necessary.

MONKS: It is not necessary.

CCR: The trustees of these giant pension funds hire money managers to manage the money for them. Who are these people?

MONKS: J.P. Morgan, Citigroup, the largest financial institutions in the world.

CCR: Have you approached them in taking a broader view in making their investments?

MONKS: There is an ongoing dialogue. This is still a foreign concept. It is not an idea that is generally accepted. It requires a great deal of education and struggle.

There has been a great deal of progress in America through litigation. We get some results that other countries don't get through litigation, like the decrease in smoking.

CCR: Will there be litigation over this issue?

MONKS: If you are trying to achieve a change in attitude about the fundamental problem, like the responsibilities in ownership of corporations, it may well be that litigation is the best way to achieve this result. The ERISA statute is perfectly clear that the trustees are responsible for operating the pension trusts for the exclusive benefit of the beneficiaries. And it is perfectly clear that they don't do that today.

It is perfectly clear that they have their own private interests that they take into account. And this often is at the expense of the beneficiaries. So, it may be that the ultimate way to get them to change is through the courts.

CCR: What's your take on Enron?

MONKS: My take on Enron is that the principal managers became incestuous. Their principal interest became taking care of themselves and each other and they ceased having any real concerns for the owners of the company.

CCR: What's the fallout going to be?

MONKS: It is still a moveable feast. There is much we still don't know. We still don't know as a society whether Enron will be just another savings and loan scandal where everybody will say too bad, they will socialize the debt, lock up a few people, and just go on. Or will it be a sufficient wake up call for people to think about fundamental reform?

CCR: Yesterday, the *Wall Street Journal* reported that Treasury Secretary Paul O'Neill is heading a task force on corporate reform. Is the Bush administration going to do the right thing?

MONKS: I like Secretary O'Neil. He is very plain spoken. He has experience. He usually has the right ideas. When he was with Alcoa, he was focused on worker safety. He started out as a public sector person. He is quite a remarkable person. He has trouble thinking out loud. Recently he floated a few ideas that tend to cause people to dismiss him. He doesn't care. O'Neil is a good guy. I don't know whether the rest of the administration will go along with him.

CCR: In your book, you spend a few pages on the writings of Carolyn Chute, the best selling author of *The Beans of Egypt, Maine*. How did you meet her?

MONKS: She comes from the same town I do, Cape Elizabeth, Maine. I very much admire her voice. She has a wonderfully clear voice for the people in Maine who have had a terrible time adapting to the 20th and 21st centuries. She writes about these people in a moving way. She has identified corporatism as being what has condemned them to poverty and seeming irrelevance. She is in the tradition of the 1900 liberals. I have a lot of affection for Carolyn. I feel her writing is an important message for the American people to hear.

CCR: You say she has written a book, *Snow Man*.

MONKS: That came out about three years ago. It is the DNA for a much larger book that she has been writing for a long time, a 2,000 page book. She has just about finished that big book. Corporations are always part of her theme. She always has in mind the inability of people who grew up on the land, who had traditional values, to earn a living in a society that is dominated by corporate values. That is her theme. People who were self sufficient for hundreds of years, in a corporate world are suddenly redundant and obsolete. They are not really allowed to continue the practices that made them self sufficient in the past.

She bitterly resents the passage of time and the way in which institutions have grown up to make it difficult for them and for their children.

CCR: Do you resent it to the same degree?

MONKS: No, I can't because I'm very much the beneficiary of the system. But I can say that I have felt it is a bad enough situation and have spent a lot of my time trying to change it.

CCR: What is indexing and why is it important to this book?

MONKS: Indexing is the way in which you can assemble a package that is a composite of a market. Rather than buying a share of a particular company, you buy a share of the whole market. That means that you make a decision that you want to buy the ownership interest, rather than a debt interest, but you don't want to buy a particular company, you just want to buy a piece of the economy as a whole.

This has enabled a lot of people to invest in a way that they are comfortable. So, they can say -- I think the economy is going to go up or down and feel good about that. But they don't feel comfortable at all about particular companies. So, they buy index funds.

This has been particularly important for state pension funds. It enables the state pension funds to buy the ownership of companies without creating a threat in people's minds that this is a way in which government is going to get a controlling influence over private companies.

CCR: What percentage of institutional investors are into indexing funds?

MONKS: That is a closely guarded secret, because indexing pays much smaller fees than active management. Fifteen percent of the total ownership is admitted to being indexed. But I suspect that a much larger percentage of funds is actually indexed.

CCR: You say indexing has ominous significance.

MONKS: If corporations aren't owned by real people, it is very difficult to conceive of corporations being responsible. It is almost as if they have no owners and they have a license to trample the world without restraint. So, the larger the indexed portion of ownership gets, the more difficult it is to conceive of having real owners who will take responsibility.

CCR: And of course those index fund managers don't have a fiduciary duty to the workers.

MONKS: They do not. Their duty goes to the trustees of the fund.

CCR: What is Brightline?

MONKS: Brightline is a program that my partner Rick Marshall and I invented that enables you to simulate competition among corporations, based on the idea that there is really only one variable that determines competitiveness. That variable is the extent to which a corporation can make the society absorb costs. The most competitive corporation is the corporation that pays the least, that is most successful in having the society or the taxpayers as a whole pay, rather than the corporate shareholders.

Brightline looks at corporations that are pressing the limits of the law. They are externalizing as much liability as they can on a society. In the short term, they are obviously more profitable, because they have to pay less out of their own pockets. But how about the intermediate term? Brightline suggests that in the intermediate term, five to fifteen years out, a law-abiding corporation does better than one that violates the law on externalizing liability.

So, with Brightline, we are trying to give trustees the courage to buy stock in companies that take a long term viewpoint. We are telling trustees you are not going to run a risk of being legally liable for buying stock in companies that take a much more spacious view of society than one that takes the most narrow view of its own profit.

CCR: How would a fund manager be able to use Brightline?

MONKS: They would go to my web page, hit on the Brightline button, and put in the parameters of five companies and have them compete against each other and see how they come out.

For example, we are looking at Exxon, which I see as a large externalizer, ChevronTexaco, which I see as a large externalizer, Total Fina, which is intermediate, Shell is quite conscientious, and BP is very conscientious.

We are finding out that with a fairly limited level of government involvement, Shell and BP are going to be worth more than Exxon over the next 20 years. What I hope this would encourage management and trustees to do is to require the Exxon management to become more sensible about externalized values.

CCR: You call BP very conscientious. Not on drilling on the North Slope, at the Arctic National Wildlife Refuge, where they have plans and an interest.

MONKS: It is difficult to say that any company is all good or bad. All I do with Brightline is put forth a hypothesis that says that if my characterization is correct, certain results will obtain.

So, I'm hoping to provide a framework that eliminates most of the objections to corporations taking a long term view.

CCR: What is the corporate library? (www.corporatelibrary.com)

MONKS: The corporate library is run by my long term partner, Nell Minow. We have collectively been gathering materials for the last 20 years having to do with corporate governance. We are able to rate individual directors, corporations by their governance sensitivity. It is a valuable tool for people interested in corporate governance to find out basic information.

CCR: You don't believe that the fix can come from the government.

MONKS: The government is an essential element. BP has had a very hard time because they attempted unilaterally to limit the company's environmental impact. They had a program that said BP stands for "Beyond Petroleum". But if the other companies don't come along with them, it puts BP at a disadvantage, particularly with staff morale. BP can't hang out there by itself forever.

Government has to act in such a way so it rewards people who do what is societially useful, and penalizes those who hurt society. But they can't just stand by and let somebody like BP get out front and get beaten up.

CCR: What laws have to be changed?

MONKS: ERISA has to be expanded to make it possible for the employees to compel their trustees to act in their interest. The English language can't be written more clearly. That's what the law wants. But for a whole bunch of reasons that only lawyers would love, it is virtually impossible for an individual to assert these rights and to make these trustees do what they want them to do.

In my book, I write an open letter to Ted Kennedy in which I ask the chairman of the Senate Labor Committee to look at this problem. I'm hoping that that committee will expand the law to make it absolutely clear that an individual beneficiary can get meaningful response from his trustee in compelling corporations to conform to societal needs.