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Case 1

On August 6, 2003 the Board of Trustees of the Roseville Joint Union School District (Cal.) voted 3-1 for a policy that would require students to obtain parental consent for all medically related absences. This policy would have been uncontroversial were it not for the fact that it makes no exception for students seeking medical guidance or treatment for reproductive or sexually related matters. Many disagree with the policy, and argue that such exceptions are warranted. Indeed, some critics interpret California state law as permitting high school students to leave school without parental consent under these circumstances.

This controversy stems from a common exception in state law. While ordinarily any medical procedure performed on a minor requires parental consent and full disclosure of the minor's medical information to the parent, all states make some kind of an exception for medical advice or treatments that relate to sexual or reproductive issues or conditions, such as sexually transmitted diseases (STDs), abortion, contraception, and so on. Many adolescents are relieved that they can seek treatment for such reasons without having to tell their parents. 14-year-old Armijo High School (California) student, Erica Powers, explains that "From a teen point of view, some of us feel like we can't talk to our parents... We feel that parents will judge us and stuff." This point speaks to one of the main justifications for allowing such treatment without parental consent. If parental consent were required to treat, for example, STDs, minors would be far less likely to seek necessary medical attention. Those who oppose Roseville's policy point out that a child's pursuit of medical treatment may require her to keep doctor's appointments during school hours. If the exemption regarding sensitive sexual or reproductive is to accomplish its purpose, adolescents must know that they can seek medical attention for such sensitive issues during school hours without the knowledge and consent of their parents.

Nonetheless, there may be good reasons to make a student's parents aware of their child's condition or reason for treatment. Mary Smith, a mother of a student at Fairfield High School in California objects to allowing teens to seek medical attention or counseling for sensitive sexual or reproductive issues. "If you're a parent, you want to be there for your child... You don't want a stranger going through this with your child." Moreover, many medical decisions are complicated and may have profound consequences. Sexually related treatments and procedures, such as abortion, are invasive and come with risks and side effects. Furthermore, many treatments require ongoing compliance with medication and follow-up treatment. Indeed, parents have the right to make treatment decisions for their children precisely because minors tend to lack the requisite decision-making capacities to make treatment decisions. Finally, even if one grants that adolescents should be able to pursue treatment for sexual or reproductive conditions, one trustee of the Roseville Joint Union School District notes that "revoking the confidential medical appointment policy would not affect students' ability to seek

medical attention without parental consent because they could receive such care outside school hours.”

Currently, the Board of Trustees of the Roseville Joint Union School District has no plans to reconsider or revisit the policy.

Case 2

Rajbir Singh recalls an incident four years ago in which he was asked to serve as a translator when his younger brother was being treated for kidney disease. Only thirteen at the time, the Sikh Indian boy reflects back on that experience, “I didn’t know some of the words in Punjabi. He had a disorder that I just didn’t know how to translate.”

Nonetheless, like so many children of immigrants, Rajbir was the family translator for his parents and relatives who did not speak English. For various developmental reasons, children learn languages more easily than adults. Moreover, since children are required to attend school, they are forced to learn English more quickly than their parents or grandparents who may be able to get along well in their own ethnic enclave.

Hospitals and social service agencies are required by Federal law under Title VI of the Civil Rights Act of 1964 to arrange translators for patients who do not speak English. Costs for translators are deducted from the reimbursement a doctor receives when providing care to a patient who cannot speak English. According to Heather Campbell, a lobbyist for the California Medical Association, “Interpreting services typically cost \$1 per minute. If a doctor has a 15-minute visit with a patient, Medi-Cal (Medicaid in California) pays \$22 for reimbursement.” For doctors who practice in areas with a significant immigrant population, translator fees may represent a considerable portion of their expenses. Rather than hire a medical translator, physicians who treat a high number of non-English-speaking patients often use the patient’s (minor) children to translate.

However, in April of 2003, California State Assemblyman, Leland Yee proposed a bill that would ban the use of children as medical translators. According to Lee, “Asking a child to translate information about medical or legal problems can hurt the parent child-relationship, traumatize the child and can result in a less-than-accurate interpretation of health advice.” Indeed, Yee recalls a case in which a young Cantonese girl had to tell her mother that she had cervical cancer. Unable to translate terms such as “chemotherapy” and “surgery,” she simply communicated that the doctors would “cut into her body.” In reaction to the news, the patient took her anger out on her daughter.

Ineffective communication between English-speaking health care providers and patients with limited English proficiency is a common cause of discrimination in health care settings. Nonetheless, using a child as an interpreter is unfair to both parent and child. In a time of crisis, both parent and child experience significant emotional pressure. Children—especially younger children—may be genuinely unable to accurately translate complex concepts about disease or treatment. This cognitive incapacity diminishes their ability to fully and accurately portray the medical situation, raising questions about the possibility of genuinely informed consent. Moreover, children are often embarrassed by the content of medical conversations. Finally, if health outcomes are not positive, children may feel responsible for and guilty about bad results.

While most would admit that using children as medical translators is not ideal and should generally be avoided, making it illegal may also have serious negative consequences. In particular, some worry that such a law may motivate physicians to stop

taking patients who rely on their children as interpreters. Further, in small or rural settings, finding a translator (or finding a translator in a timely fashion) may literally be impossible. Care would then have to be foregone, or given without any discussion with patients—a terrifying prospect for those already sick and vulnerable.

Case 3

The U.S. Sentencing Commission (USSC), an independent federal agency in the judiciary branch of the government, is responsible for compiling and updating the U.S. sentencing guidelines for federal criminal offenses in accordance with the 1984 Sentencing Reform Act. Prior to the Act federal judges were not required to apply the same sentencing standards, which led to increasing disparities in federal sentences and absence of certainty of punishment. The Act aimed to bring uniformity and fairness in the federal courts' sentencing procedures by providing rules that ensured similar sentences for criminals convicted of similar offences. Based on the seriousness of criminal behavior and the defendant's criminal record, judges use tables to determine the range of allowable sentences. The Act also, however, allows judges discretion, under diverse circumstances, to decree sentences, referred to as "downward departures," which fall below the otherwise allowable range. National statistics for the year 2001 show that downward departures were decreed in 10,026 cases or 18.3% of the total 54,851 cases adjudicated in federal courts that year.

In April 2003, Congress enacted the PROTECT Act (i.e. the Amber Alert Bill), a series of legislative mandates aimed to protect children against sex crimes and pornography and directly amended the federal guidelines by limiting the federal judges' discretionary authority to award reduced sentences in such crimes. In addition, the Act charged USSC with further amending the guidelines to broadly "ensure that the incidence of downward departures is substantially reduced". Shortly thereafter, Attorney General John Ashcroft directed that, in seeking criminal penalties at trials, federal prosecutors adhere to the limits specified in the Act, in all categories of federal prosecutions, rather than only in child related crimes.

Federal courts typically have decreed lesser sentences after considering such issues as prior criminal history, family ties and responsibilities, aberrant behavior, and other mitigating circumstances, which are too personalized to be adequately provided for in the guidelines. The amended guidelines, which went into effect on October 27, 2003, however, prohibit downward departures in a variety of circumstances, including those based on youth, aberrant behavior, family responsibilities, diminished capacity as well as factors not specifically mentioned in the Guidelines. Judge David F. Hamilton, who testified during a hearing on the downward departure guidelines, criticized them on the ground that "departures provide (a judge with) the flexibility needed to assure adequate consideration of circumstances that the Guidelines cannot adequately capture."

In addition, all U.S. attorneys are now required to a) charge the offender "with the most serious, readily provable offense" and b) report to the Department of Justice all lenient sentencing decisions, not only those with which they disagreed and wished to appeal. How this information will be used is not yet certain. Chief Justice and prominent conservative William Rehnquist has warned that collecting data on judges' sentencing practices "could amount to an unwarranted and ill-considered effort to intimidate

individual judges”. In June, U.S. District Judge John S. Martin Jr. resigned from his Manhattan federal court accusing Congress of attempting “to intimidate judges”. Minnesota District Court judge James Rosenbaum, a Republican, who testified to the U.S. Senate Judiciary Committee last year that federal judges exercise sentencing discretion in pursuit of fairness forced by the overly strict federal guidelines, particularly in cases of drug offenders, is currently under Congressional investigation for his sentencing practices.

Case 4

People in central African tropical forests have been hunting wildlife for at least 40,000 years. Today, as the human population grows, the harvest of large wild mammals known as “bushmeat” is increasing. The human diet of bushmeat includes many threatened and endangered species such as gorilla, chimpanzee, and elephant. The consumption of bushmeat in central Africa alone—Cameroon, Gabon, Central Africa Republic, Ivory Coast, Ghana, Liberia, and Nigeria, for example—is estimated between 1 and 3.4 million tons per year (1 million tons is comparable to 4 million cattle).

Scientists consider the current rate of wildlife killing an ecological crisis. They estimate that a tropical forest can support the protein needs of approximately 1 human per square kilometer and remain sustainable. In central Africa, wildlife is killed at more than 6 times that amount. Some scientists contend that the harvest of bushmeat will eventually result in “empty forest syndrome,” a situation where the forest canopy survives, but is devoid of large animals.

Other scientists are even more alarmed, arguing that when wildlife species are wiped out, disappearance of the forest itself will follow. A recent study of the ecological connection between spider monkeys, a preferred bushmeat species, and a common tree (*Inga ingoides*) in the lowland forests, demonstrated that monkeys are instrumental in seed dispersion. For these reasons, opponents of bushmeat harvest around the globe have called for the end of hunting.

Some contend, however, that the harvest of bushmeat is essential to avoid human catastrophe in Central Africa. It is estimated that 50% of the people living in the region are malnourished. Social scientists note that the poorest in these regions depend upon bushmeat as a vital source of protein. Because of the problems associated with the tsetse fly and sleeping sickness, animal agriculture has generally been unsuccessful. Crop cultivation has also proven unsuccessful due to low prices on the global market caused by massive farm subsidies in wealthy nations.

Moreover, the worldwide trade of bushmeat is estimated at 300 billion dollars; 1,000 tons of illegal meat is smuggled into Britain each year from West and Central Africa. Although much of the international trafficking of bushmeat is illegal under the 1975 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), this trade in bushmeat is a tempting source of income for impoverished nations with few other natural resources.

Advocates of the poor fear that the end of bushmeat harvest would seal the fate of an already suffering population left with few options.

Case 5

In the arid western U.S., water is the source of numerous highly antagonistic political disputes. Simply put, demand far exceeds supply, with tensions between competing interests escalating in dry years.

The Klamath Basin of Oregon is the site of such a conflict between farmers, ranchers, tribal fisheries, wildlife refuges, and federal agencies. Tensions heightened during the summer of 2001, when drought substantially lowered the level of Upper Klamath Lake.

In accordance with the Endangered Species Act, in order to protect a species of sucker fish in the lake, the federal government decided to cut off irrigation water to farms and ranches that depend on the flow from the Klamath River. According to *The Oregonian*, the economic losses for that year are estimated to be as high as \$134–\$250 million. Critics of the decision assert that the real threat to the long-term survival of the endangered species of sucker fish is not the lower water levels, but instead is fertilizer which runs off from agricultural fields into the watershed and causes high levels of nutrients in the lake and river, supporting algae blooms.

Local Native Americans and commercial fishing interests supported the federal government's decision and opposed the farmers and ranchers, citing the need to maintain historic fishing treaties and usage. In the spring of 2002, a group of ranchers formed the Klamath Basin Rangeland Trust with the goal of regaining their collective water rights. The alliance was praised by Interior Secretary Gale Norton and President Bush as a locally managed solution. A group of farmers and irrigation districts also sought an injunction in federal court to prohibit dam operators from depriving them of water.

Yet despite the conservation measures that were already implemented to protect the integrity of the riparian ecosystem, by September 2002, the lowered water levels and resulting warmer temperature of the river led to a devastating outbreak of crowding and disease which killed 20,000–30,000 salmon and wiped out the fishing industry for that year. It became obvious that there simply wasn't enough water to cover the demands of both agriculture and fishing.

This dilemma led to increasing efforts by the federal government to break the deadlock by purchasing water rights from coalitions of farmers and ranchers in order to develop a "water bank"—a sustained higher lake level in the Upper Klamath. Taxpayer advocates criticized this solution, however, by pointing out that the plan cost taxpayers \$189 per acre-foot of water, or six times the average regional value and twenty times the value of water from pastures in other parts of Oregon.

Klamath basin water rights have also been tied up in litigation in the last several years, as interest groups seek to establish their respective precedents for water-use. The cases have done little to establish a binding legal precedent for any particular group, but the

courts have placed the authority to adjudicate these competing claims with the Oregon Department of Water Resources. The outcome is still uncertain, but one thing is for sure: the resolution depends on something other than the weather.

Case 6

On October 15, 2003, the Bush administration announced relaxed regulations on antipollution upgrades to old factories, refineries and power plants. This revision affects 17,000 plants that lack the latest antipollution technology. On the old policy, plants were required to install new antipollution technology during substantial facility-wide rebuilds, but not when conducting routine maintenance. Therefore, proponents argue, plant owners actually had a strong motivation to avoid making substantial upgrades, thus hamstringing the installation of antipollution equipment and degrading air quality.

Supporters of the new policy also say it's good for the economy. At a press conference held at a coal fired power plant south of Detroit, President Bush said: "When we talk about environmental policy in this Bush administration, we don't just talk about clean air, we also talk about jobs. We can do both."

Environmentalists are highly critical of the new policy, asserting that the Bush administration is sacrificing public health for political expediency. Pennsylvania and Michigan—states President Bush lost to Al Gore in 2000—were highlighted on his tour promoting the new environmental agenda, and where economic downturns have made job security one of the top issues for the next election. Moreover, industry made significant contributions to the Bush presidential campaign and the GOP during the 2002 election—\$14.6 million from oil and gas interests and \$11 million from the electricity industry, according to the Center for Responsive Politics.

Opponents of the new policy say that it allows dirty plants to avoid making improvements and hence exacerbates pollution and acid rain problems. Senator John Edwards of North Carolina has called the new legislation a "gift to polluters." Mark Van Patten, President of the National Wildlife Federation, says the rules allow big polluters to duck their environmental responsibilities: "By widening the loophole that has allowed old coal-fired power plants to avoid modern pollution controls for 30 years, this reckless action makes it more difficult to protect people and wildlife from the other major impacts of these power plants, including the buildup of toxic mercury contamination in the nation's waterways and the mounting toll of global warming."

Environmentalists argue that the Environmental Protection Agency (EPA) should be given more authority to enforce clean air standards, not less. A study done by the White House Office of Management and Budgets concluded that between 1992 and 2002, the nation saved somewhere between \$120 billion and \$193 billion in hospital costs, premature deaths and lost work days because of clean-air regulations. Consonant with free-market economic policy, the Bush administration counters by arguing that the new policy lessens governmental interference.

Supporters of the new policy state that alarmism about air quality is unfounded: air

pollution has dropped 48% since 1970, and acid rain has dropped 41% since 1980. Yet, even as evidence seems to point towards a general decline in pollution, it is not clear whether this trend will continue under the Bush administration's new environmental policy.

Initially, Attorney General John Ashcroft promised not to back off from lawsuits brought against refineries and plants that had violated the Clean Air Act during the Clinton Administration. However, on November 6, 2003, the EPA announced that it would drop investigations of 50 power plants for past violations of the Clean Air Act.

Case 7

Lauren Melton, a professional librarian with a master's degree, is one of two reference librarians at the Wentern Public Library. She lives and works in the community of Wentern, a small suburb of a Midwestern city.

Last Monday, Lauren was on duty when a young man came into the library, looked around, and then asked Lauren where the 'card catalog' was. He seemed puzzled by the prospect of looking something up in it, so Lauren took a few minutes to help him learn its features. He told her he was looking up information about the water supply, so she got him started in that direction and went back to her desk. After a short time, he asked to use the library's computers to search databases Lauren had mentioned were on the Internet. The library requires patrons to submit a library card or government issued ID as security while they use the computers. He questioned this requirement but finally gave Lauren his driver's license. Lauren vaguely noticed that his name was David as she put the license in the drawer.

After about 15 minutes, he approached Lauren while she was reshelving an item away from the reference desk. He seemed embarrassed and nervous about seeking help but said he had not found very much useful information. Lauren prided herself on being able to interview patrons and help clarify the type of information they need without making them uncomfortable. But, David was not very forthcoming. After she turned up more information on the "water supply, he finally told her he was specifically interested in chemicals in the water. After more dead ends he specified that he was interested in chemicals that might be dangerous to humans. She gave him more leads and he returned to the computer. When Lauren asked him if this was for a school assignment, he readily agreed. When Lauren said it might help her if she could see the actual assignment, David became rather flustered and said he had forgotten to bring it along. When questioned about the assignment, he gave vague answers. Lauren sensed that David had a very clear idea what he was looking for but that he was unwilling to say it specifically. She gave him some leads and let him work on his own, hoping he would find what he wanted. Several times he came back for more help. Finally, he said maybe she could help him find something on cyanide. Armed with something more specific to seek, she showed him how to find it.

She went back to her desk with a vague sense of unease. The more Lauren worked with David, the more uncomfortable she became. She was a little bothered by his reluctance to say much about the topic and his oddly agitated and nervous behavior. She had many times encountered patrons who were reticent to give too much detail about their information needs. But this unwillingness was usually associated with more social topics like euthanasia or health problems. Further, David's seeming lack of library and computer skills was very atypical for people his age in Melton. She was quite dubious about his working on a school assignment.

Lauren believed strongly in the librarians' code of ethics that protects access to information. Furthermore, the Wentern Public Library District Board had taken specific action to uphold this protection in response to the USA Patriot Act, which requires that a library turn over existing records to law enforcement officials, if asked. Like many libraries, Wentern had instituted policy to keep no permanent record of who uses which computer and had installed new software that absolutely erases any trace of a patron's online activity at logoff.

Lauren had never before been faced with the suspicion that she might be helping a patron do something wrong. Still, as Lauren watched David hunch close to the computer when people walked behind him, her unease grew. She considered the possibility of just writing his name down and hanging on to it privately – just in case. She thought about consulting with her library director. She even thought about calling the police. At that point, she realized she was well down the path to violating a patron's privacy. She chastised herself for not sticking to her belief in his unconditional right of access to information.

During the ensuing hour, Lauren was aware of David making copies of pages from some library books and printing some materials off the Web. He then thanked her politely, retrieved his driver's license, and left.

Lauren wondered for days if she had done the right thing in helping David and in not keeping his name. Several months later, a newspaper article appeared citing a threatened but averted chemical attack on the Wentern municipal water supply. No names were mentioned, but Lauren continued to worry about whether she should have done something and whether she should do something now.

Case 8

A scientific paper entitled “*ACTN3* genotype is associated with human elite athletic performance” was published in the July 2003 issue of the American Journal of Human Genetics. *ACTN3* is the gene encoding for *alpha*-actinin 3, a protein involved in the ability of skeletal muscles to contract quickly and forcefully. *ACTN3* was found in significantly higher percentages in the muscles of male and female sprinters when compared to those of endurance athletes.

A few years ago, a variation in the gene that encodes the angiotensin-converting enzyme (*ACE*), a blood pressure regulator, was linked to enhanced endurance performance and increased muscle build-up following intensive training. While *ACTN3* is only the 2nd gene to be linked to the exercising ability of skeletal muscle, new information is published with increasing frequency. Scientific data already show that, in addition to psychological make-up and muscle fiber types, body size, metabolic efficiency and lung capacity also contribute to successful athletic performance. For example, Schwarzenegger mice (a specific strain of genetically engineered transgenic mice) remain full of vitality, maintain their exercise ability and keep their muscles’ athletic edge while octogenarian because their muscles have been engineered to contain additional amounts of insulin growth factor-1, a protein involved in tissue growth and development.

Coaches and athletes seem very interested in the potential of genetic engineering for improving athletic performance. The fact that genetic manipulation could change the current meaning of an athlete, i.e. a person whose physical achievements and prowess depend on such qualities as endurance, perseverance, dedication, competitiveness and patience, does not seem to raise doubts as to its future use. Former Olympic coach Hartmut Buschbacher said “As a coach, I'm interested in performance, and if this information would give me a better opportunity to select the athletes for my team, I would like to use that. (That way) you're not going to waste so much time and energy on athletes who may not be as successful”. Further, Princeton geneticist Dr. Lee Silver was quoted as saying, “By using genetic testing, you will be able to identify perhaps 80 percent of the children who have any potential to be a pro athlete.”

Many consider an important accomplishment of modern society to be the transformation of sports from an elite activity of the rich to a widespread opportunity available to almost every member of society. While the possibilities of genetic profiling appear very exciting, testing could also result in loss of opportunity to participate in athletics for those not favored genetically. This could mean the loss of hope, especially for underprivileged children for whom sports might be the only way to improve their lives. Among the negative consequences of genetic profiling, feared by some, are loss of interest in exercise, health deterioration, creation of an elite athlete super race, and parents who will design babies with athletic aptitude in mind.

Based on information yielded from genetic testing, concerned voices ask for legislation to regulate the participation of athletes genetically predisposed to head injury in sports with an increased risk for repeated head trauma. The Victorian government in Australia is considering compulsory genetic testing for boxers based on the association of the *e4* variation of the apolipoprotein E (*ApoE*) gene with worse recovery after head injury. However, *ApoE4* has also been linked to an increased risk for the development of Alzheimer's disease (AD) later in life. The fact that a gene could be used both as a predictor for AD and athletic performance raises many difficult issues. For example, the need to protect an individual from possible dangers inherent in sports would have to be weighed against revealing the potentially devastating news of increased risk for AD in the future.

Case 9

Patrick O' Neal Kennedy was sentenced to death by Louisiana courts in August 2003 because he raped his eight-year old step-daughter on March 2, 1998. Mr. Kennedy's conviction was based on the 1997 revised statute 14:42, by which the state legislature made capital the crime of aggravated rape of a child under the age of 12. Under these circumstances, the jury may award one of 2 possible punishments: the death penalty or life imprisonment at hard labor without the possibility of parole. In Mr. Kennedy's case, the jury, deeming the circumstances of the crime especially heinous and having heard additional testimony from another victim also raped by the defendant 14 years ago, returned with a death sentence.

The last rape-related execution in the United States occurred in 1964. In 1972, the death penalty was suspended and although it was reinstated by the U.S. Supreme Court in 1976, there have been no executions for crimes that do not involve killings since then. Statistical analysis for rape-related crimes dating back to 1608 calculates 947 executions, 588 of which took place from 1909-1991. 89% of the executed men were black, sentenced for the rape of white women.

Rape is not the only crime not causing a victim's death for which various states provide the death penalty. Other capital crimes include drug trafficking, treason and airplane hijacking. In 1977, however, the U.S. Supreme Court ruled the execution in cases of rape of adult women as unconstitutional claiming that "life is over for the victim of the murderer; for the rape victim, life may not be nearly so happy as it was, but it is not over and normally is not beyond repair". The Court's opinion was based on the 8th Amendment of the Constitution, which prohibits "excessive and unusual punishments". While legal experts predict that the Louisiana Supreme Court will uphold Mr. Kennedy's conviction, the case is expected to land on the U.S. Supreme Court's docket sooner rather than later.

Case 10

Since World War II employers have provided health care insurance as a means of attracting and retaining qualified workers. Through the 1960s, employers provided health care insurance for 80+% of US workers (and their dependents).

This benefit is now diminishing. Costs to employers of providing comprehensive health benefits have risen 57% in five years. The average annual cost of insuring a family in 2002 was \$9,068, with \$6,656 paid by employers. Today, as businesses attempt to reduce costs and as health insurance premiums grow annually by double digits (13.9% from 2002-2003), only 66% of employees have employer-sponsored insurance.

Initially only smaller businesses dropped coverage, but even large businesses have begun to reduce insurance coverage, either by increasing employees' share of costs or by dropping this benefit entirely. Some companies now offer only catastrophic insurance policies that apply to life-threatening situations (with deductibles of \$1,000-2,000—difficult for low wage workers to meet) or limited coverage insurance (with no out of pocket costs, but an annual cap of \$1,000—useless for any serious illness, as the average hospital stay in 2001 cost \$13,685). Companies that continue to offer health insurance now frequently require workers to make significant contributions to premiums (\$201/month in 2002), as well as to pay larger deductibles when care is received.

As premium costs and deductibles surge upward, insurance policies exceed the means of many low-wage—and increasingly, mid-wage—workers. Thus, many workers who are offered insurance opt out of the benefit. Partly as a result of foregoing insurance coverage, 32% of the uninsured now work for companies that employ 500 workers or more. In fact, 80% of all uninsured are working or are dependents of workers.

Many uninsured workers have no alternative but to rely on publicly-funded insurance programs (e.g., Medicaid). Although 50-70% of Medicaid funding comes from the federal government, growing deficits in state budgets have led to dwindling Medicaid funding. The Lewin Group reported in September 2003 that 47 of 50 states face budget deficits, that 19 states plan to decrease Medicaid benefits, and that 25 states intend to reduce Medicaid eligibility. As a result, the assumption that Medicaid will cover uninsured employees is often unfounded. (Half of Medicaid recipients are children; 75% of those children have at least one working parent.)

In an attempt to address the growing numbers of uninsured, several states are considering “play or pay” legislation in which employers who do not provide (adequate) insurance for their employees would be required to contribute to a fund to insure state residents.

Case 11

Faith Moncivaiz worked for two years as a part-time secretary in the Women, Infants, and Children (WIC) Program in the DeKalb County (Illinois) Health Department. WIC is one of five programs within the Maternal Child/Health Division, which also includes the Family Planning Program. In August 2002, Moncivaiz, who is bilingual in English and Spanish, was asked if she would be able to translate for the Family Planning Program. Moncivaiz stated her unwillingness to perform this function because of her religious belief opposing abortion. In September of 2002, Moncivaiz was informed that she did not receive the promotion. She continued to work as a part-time secretary for the WIC Program until she resigned in March, 2003. In May, the American Center for Law and Justice filed a suit on her behalf, contending that the action of the DeKalb County Health Department violated both her constitutional rights and the Illinois Health Care Right of Conscience Act. The Act prohibits discrimination in employment decisions, including promotion, because of a person's refusal to "participate in any way in any particular form of health care services contrary to his or her conscience." The suit claims that although she was as qualified as the candidate who was hired, Moncivaiz was denied promotion because of her religiously based pro-life beliefs.

A majority of states have enacted conscience clauses that protect healthcare providers who refuse to participate in activities that are in opposition to their religious or moral beliefs. In an American Center for Law and Justice press release, attorney Francis Manion is quoted as saying: "The issue here is very clear - you cannot deny an employee a promotion because of that employee's religious beliefs." Conscience clause laws do not require employers to give preference to individuals whose religious beliefs are incompatible with the organization's mission, services, or job expectations.

The DeKalb County Health Department provides "programs to meet the special health needs of women," including complete reproductive information. The Department notes that clients often have multiple needs from several programs, which, in the opinion of the Department, are best served when employees cooperate in the provision of services. The Maternal Child/Health Division expects that all employees will provide complete and factual information to clients about their health options.

Case 12

Photojournalists capture images that tell a story more powerfully than words. Some insist that photojournalists are necessarily observers rather than participants, removed from the subjects they photograph, documenting rather than intervening. Others accuse photojournalists of emotional manipulation and moral indifference. Controversy surrounding the picture that won the 1994 Pulitzer Prize for Photography demonstrates this tension.

Kevin Carter, a free-lance photographer, was among a group of passionate and idealistic young South African photojournalists. Nicknamed "the Bang-Bang Club" by a Johannesburg magazine for the perilous nature of their work, their mission was to make the world aware of issues of injustice. Despite imprisonment and death, they opened the eyes of the world to the appalling human suffering in Africa caused by the brutality of apartheid, war, deadly township violence, vigilante justice, and famine.

In the village of Ayod in Sudan, Carter photographed masses of starving people at a feeding station. Overwhelmed by the endless misery he saw, Carter wandered away from the feeding station into the bush. Following sounds of soft whimpering, he came upon a tiny Sudanese child, emaciated from starvation, crawling toward the feeding center. Carter decided to photograph the child. As he was doing so, a well-fed vulture landed a few feet away and began to stalk the child. Carter photographed the vulture stalking the child for several minutes, patiently hoping that the vulture would spread its wings, thereby enabling Carter to get a more dramatic shot.. It did not and Carter eventually shooed the bird away. He sat beneath a tree and cried, watching as the child continued to struggle toward the center. It is not known if the child survived.

Carter's powerful image became an immediate symbol of Africa's desperation, and won Carter the 1994 Pulitzer Prize for Photography. Although acclaimed by many, much of the response was critical for publishing this photo and awarding it the Pulitzer Prize. Carter was angrily criticized because he took the picture but did not assist the child, although she was one among thousands of refugees crawling toward the center. Some, however, hailed Carter's photo as a powerful catalyst that triggered world response to the famine in the Sudan, resulting in raised awareness and substantial contributions for famine relief.

The photo can be viewed on several websites, including:

<http://homepage.tinet.ie/~manics/MSPedia/Carter.htm>

http://home.germany.net/100-496653/manics/tme/kevin_carter.htm#pulitzer

http://www.fotoartmagazine.com/02_AGGLIKO/PHOTOGRPHY/HISTORY/BIOGRAP HY/GREATEST%20PHOTOGRAPHERS/C/Kevin_Carter.htm

Case 13

In 1939 when DDT was introduced as an insecticide, it was widely believed to have little toxic effect on plants and animals. Over the following two decades, DDT was used widely worldwide to control disease carrying insects, particularly mosquitoes and typhus-transmitting lice, as well as insects that cause crop devastation. However, after about a quarter century of use, it was recognized that DDT causes severe accumulated environmental damage, including disruption of the life cycles of plants and animals, high toxicity in fish, decline of bird-life, as eggshells became too fragile to withstand the mother's weight, proliferation of resistant insect species, and effects on human endocrine, immune, and nervous systems. The Center for Disease Control identifies tremors, seizures, reduced duration of lactation, and increased premature birth as some of the risks DDT poses to humans. In the 1970'S, many countries banned DDT.

Malaria is the most widespread disease in the world, striking about 500 million people a year, and killing about 2.7 million, mostly children. In Africa alone, over a million children under the age of 5 die annually from malaria. Many adults who are stricken with the disease are unable to work or care for children. Malaria is a chronic parasitic infectious disease, passed to humans through the bite of one of about 35 different species of malaria-transmitting mosquito. Malaria also is transmitted through tainted blood transfusion and shared needles. It is passed from pregnant women to the fetus, causing the placenta to become infested with the parasite. Control of malaria is difficult due to the complex interactions of the numerous, genetically variable, parasites and disease-transmitting mosquitoes, local ecologies, and human hosts.

The most effective, cost efficient method of fighting malaria is DDT, applied twice yearly to interior walls of homes. The female anopheles mosquito, whose bite transmits malaria, feeds on humans mainly at night, when people tend to be at home. Non-resistant mosquitoes die quickly upon exposure to DDT. DDT is also irritating to resistant mosquitoes, however, which respond, when exposed to it, by flying outside to avoid the irritation.

The goal of treaty negotiations of the United Nations Environmental Program (UNEP) is to eliminate DDT because of the environmental damage it causes. Although the twice-yearly application of DDT to the interior of homes has only minor environmental impact, it would be banned under the treaty. Most wealthy countries support the ban. It is opposed, however, by many poor countries, in which malaria is a serious problem, that lack the scientific and technical resources to develop alternatives to DDT.

