

REGIONAL
ETHICS BOWL
CASES

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Case #1

Dr. B., a Professor of Psychology at a large research institution, Ohio State University (OSU), has a long distinguished record of working with chimpanzees. In the 1970s, she taught chimps to communicate, first by using American Sign Language and later using graphic symbols. In the last decade, under her direction, two young chimps, Keeli and Ivy, have learned to count and to recognize simple written words. Another chimp, Bobby, has shown an uncanny ability to learn number sequences and even to fill in missing numbers in a sequence. She has learned that chimps can do simple arithmetic, behave similarly to preschoolers, and (along with humans) have the ability to perceive the knowledge state of a peer.

Dr. B., who has dedicated her entire professional life to the study of cognition in chimpanzees, has won international acclaim for her work and was named one of the top 50 women researchers in the nation by *Discover Magazine* in 2002. Her chimps have been featured on Discovery Channel. However, as funding to support the research center has been hard to come by in the last five years, the university decided to close the research center and send the chimps away. OSU abruptly seized the professor's laboratory on February 28, 2006, changed all the locks, and hired a truck to send all 12 primates (nine chimps and three monkeys) to Primarily Primates, a controversial Texas sanctuary. The university gave the sanctuary a \$324,000 trust fund for the animal's care.

Dr. B. vigorously protested the decision. When a restraining order she filed failed to prevent the university from implementing its decision, Dr. B. chained herself to the center's gate to prevent the transport trucks from leaving. Her efforts were unsuccessful and one of the chimps, 25-year old Kermit, died during the 38-hour transport in early March. Bobby was found dead in his enclosure on April 20. One of the monkeys escaped and was never recovered. Dr. B sued OSU to win custody of the remaining chimps. PETA also joined the suit on behalf of the remaining seven chimps and two monkeys and in June a Texas judge ordered that an independent trustee should oversee the \$324,000 funding to ensure that it be used to house and benefit the remaining OSU primates.

Case #2

Wisconsin State Representative Dan LeMahieu (R-Oostburg) was outraged when the University of Wisconsin-Madison's University Health Services (UHS) featured ads in the two student newspapers suggesting that students consider receiving prescriptions for emergency contraception (EC) prior to leaving for spring break. UHS services are available to any student at the UW-Madison, and as such they offer health expertise to students in the areas of medical treatment for illnesses and injuries, counseling for stress reduction, smoking cessation, nutrition, dermatology, sports medicine, as well as confidential testing and treatment of sexually transmitted diseases (STDs). Although a part of the state-funded University of Wisconsin System, the ads were paid for using student segregated fees which are not part of taxpayer dollars or academic tuition funds.

Following the publication of the ads, which were part of a series also advising students to protect themselves from sun exposure and limit their intake of alcohol, Representative LeMahieu initiated drafting legislation to ban any university health center in Wisconsin from advertising or distributing the morning-after pill (EC). LeMahieu contends, "I think it's offensive that the university is trying to tell young women to be prepared and to plan ahead so they can have promiscuous activities on spring break. I don't think that it's the role of the university to promote that type of activity, and I believe that's what their ad is asking young people to do." LeMahieu also added that the UW should be "made aware" that many people who are paying state taxes do not appreciate the offensive advertisements.

On June 16, 2005, Wisconsin's State Assembly voted 49-41 in favor of a bill prohibiting University of Wisconsin System health centers from advertising, prescribing or dispensing emergency contraception, making it the first state in the country to move towards banning EC on all state college campuses.

Case #3

Near the end of its fall season, a top executive from the popular reality television competition, *Idol Starz*, appeared on the *Today Show* and revealed that the program's contestants either advanced or were cut based on producers' decisions rather than being selected through the program's public text-messaging voting system. The executive went on to state that the show's winners and losers were selected by producers on a round-by-round basis in the hopes that certain "controversial" or "questionable" choices would positively influence ratings, increase fervor for underdog candidates, and create a more developed fan-base which would return to view the show during both current and future seasons.

Given the show's popularity and viewers' commitment to their favorite contestants, the revelation led to a large public outcry condemning the show for dishonesty and false advertising. Many claimed to have been cheated and explained that the show had a responsibility to adhere to the public's decisions about which candidates they preferred. Given special attention during this debate was the show's slogan: "You vote. You decide. Who should be the next Idol Star?"

During ensuing interviews, the show's producers explained that their decisions were based on the fact that they were in the entertainment business and that certain unpredictable events helped to keep the audience invested in the show and provided increased entertainment value. They also argued that, more often than not, their decisions about who should advance or win were in line with the public's desires. When questioned about the program's slogan, one producer was quoted as saying, "Look at it carefully. There is a difference between telling someone to vote and decide who *should* be the next Idol Star and telling them that their votes *will* decide the next Idol Star."

Case #4

In a recent case, Florida authorities declined to file charges against a Miami Herald columnist for surreptitiously recording a phone call from a city commissioner who later committed suicide in the newspaper's lobby. Authorities cited the unusual circumstances that led to the taping as the basis for not filing charges against the columnist. These circumstances were not enough for the Miami Herald, who took immediate action to fire the columnist for violating a company policy that prohibited the taping of sources and interviewees without the subject's consent.

State laws related to the recording of phone calls and the courts interpretation of these laws vary widely in the United States. Many of these laws are intentionally written with ambiguous terms and interpretation is typically required on a case by case basis.

The firing of this popular columnist caused much protest around the world. Many members of the Herald staff signed a petition requesting the decision to fire the columnist be rescinded. The columnist was friends with the city commissioner, and the commissioner provided regular sources for stories to the columnist.

According to the columnist, the commissioner was despondent over public allegations about his sex life and the tone of his voice on the phone conversation was so alarming that the columnist impulsively decided to record the conversation. The tape records the columnist's attempts to calm the commissioner. Throughout their 20-minute conversation, the columnist attempted to steer the conversation to less volatile subjects in the hopes of lifting the commissioner's spirits. But the call ended with the commissioner still despondent. A few minutes later, the commissioner shot himself.

Following the suicide, the columnist told editors of the Miami Herald that he had been interviewing the commissioner earlier in the day and had recorded part of the conversation without the commissioner's consent.

After being fired, the columnist was quoted as saying "In a tense situation I made a mistake. The Miami Herald executives only learned about it because I came to them and admitted it. I told them I was willing to accept a suspension and apologize both to the newsroom and our readers. Unfortunately, the Herald decided on the death penalty instead."

The Miami Herald editors have taken the position that there must be an absolute prohibition of the paper's reporters taping conversations without a party's consent, and not just because it is against the law in Florida, as it is in many states. An executive of the Herald has stated that the policy is necessary to protect the paper's integrity, as well as to foster trust from news sources.

Journalists at the Miami Herald have pointed out that at least one other reporter surreptitiously taped an interview, but was not fired. The journalists also have also stated that there is no written policy on taping conversations and that any verbal policy on expectations of reporters is unclear. The Miami Herald responded to the alleged case of a previous surreptitious

taping by saying “we understand this happened 18 years ago”. They went onto state that the recent decision to fire the columnist was clearly guided by the environment in which journalists operate today; which is much more constrained in terms of the latitude given for violation of law and policy.

Case #5

Beginning in 2005, protests at funerals for military personnel killed in Iraq have been increasing – and have received much media attention. In particular, members of the Westboro Baptist Church, in Topeka, Kansas, have been especially visible and vocal at many of these military funerals. Reverend Fred Phelps and his protesters claim that U.S. military deaths in Iraq are because America tolerates homosexuals and that they are a sign of divine punishment for America's tolerance of homosexuality. For over a year now, members of this anti-gay church have been crisscrossing the United States, holding more than one hundred protests outside the funerals of U.S. soldiers killed in Iraq.

They wave placards with such expressions as: "You're Going to Hell," "Fag Vets, God Hates You," and "Thank God for IEDs" (the improvised explosive devices responsible for killing many military personnel in Iraq). Phelps contends that all American soldiers are guilty by association – because they are fighting in the service of the U.S. government.

By Spring, 2006, twenty-eight states and Congress were rushing to pass laws to restrict protests outside military funerals. On May 17, 2006, Illinois Governor Rod Blagojevich signed a state law – "Let Them Rest in Peace Act" – that prohibits disruptive and inflammatory protesting 30 minutes before a funeral, during the service, and 30 minutes after a funeral while remaining 200 feet from the funeral site. This new Illinois law drew immediate scorn from Shirley Phelps-Roper, attorney for the Westboro Baptist Church: "The law is impotent. You've done nothing to change that God is killing your children and sending them home in body bags. Keep your big, fat snout out of our religion."

In the U.S. Congress, Representative Mike Rogers (R-Mich.) sponsored a House bill to address this matter. He said that he took up the issue after attending a military funeral in his home state, where mourners were greeted by "chants and taunting and some of the most vile things I have ever heard. Families deserve the time to bury their American heroes with dignity and in peace." On May 24, 2006, Congress passed legislation that would bar demonstrators from disrupting military funerals at national cemeteries.

The "Respect for America's Fallen Heroes Act" prohibits protests within 300 feet of the entrance of a national cemetery and within 150 feet of a road into the cemetery from 60 minutes before to 60 minutes after a funeral. Those violating the act would face up to a \$100,000 fine and up to a year in prison. Senate Majority Leader Bill Frist (R-Tenn.) said that this act "will protect the sanctity of all 122 of our national cemeteries as shrines to their gallant dead. It's a sad but necessary measure to protect what should be recognized by all reasonable people as a solemn, private and deeply sacred occasion."

In response to this federal legislation, Phelps has said that Congress was "blatantly violating the First Amendment rights to free speech" in passing the bill. He said that he will continue to demonstrate but would abide by the restrictions. Constitutional experts are warning that protest restrictions – such as those passed in Illinois and in Congress – appear overly broad and are likely to be overturned if challenged in court. Eugene Volokh, a law professor at the University of California-Los Angeles and an authority on the First Amendment, said: "You can't

treat speech as a breach of peace simply because it offends people. These protests are tremendously offensive and hard to ignore. But ignoring them or counter-protesting is unfortunately the only remedy the 1st Amendment allows.” And, the American Civil Liberties Union has filed a lawsuit against a new Kentucky law, saying that it goes too far in limiting freedom of speech and expression. Additional lawsuits are expected to be filed.

U.S military veterans find Phelps’ beliefs and actions particularly abhorrent, and in November, 2005, veterans’ motorcycle groups began showing up at military funerals to oppose the protesters and to show support for the families of the deceased soldiers. Calling themselves the Patriot Guard Riders, these motorcycle groups have organized hundreds of counter-protesters to wave American flags and stand silently in front of the Westboro picketers, to pay respects to the fallen soldier, and to protect the soldier’s family from disruptions.

Case #6

Alejandro Toledo, President of Peru, has launched a public campaign demanding that Yale University return to Peru Incan artifacts excavated at Machu Picchu in 1912. Yale professor Hiram Bingham III, guided by a native Peruvian, came upon the Incan city of Machu Picchu in 1911. Bingham secured backing from the National Geographic Society and support from Peru's government for archeological excavations at Machu Picchu in 1912 and again in 1914-15.

In October 1912, Bingham gained the Peruvian government's permission to bring to Yale for research the contents of 170 tombs in Machu Picchu. The decree allowed that Peru reserve the right to ask for the return of the objects.

By 1916, Peru, suspecting Bingham of secretly taking Incan gold, ended Bingham's work at Machu Picchu. The items taken to Yale from the 1914-15 excavations were loaned for only 18 months. Yale has refused several Peruvian requests for return of the artifacts.

Today, Yale claims that they have complied with the 1912 and the 1916 agreements, returning the objects to Peru during the 1920's. Yale sees no similar responsibility to return the items taken from earlier work. National Geographic Society records show that about half of the items were returned to Peru, with no mention of the remaining artifacts.

Luis Guillermo Lumbreras, the director of Peru's National Institute of Culture in Lima, claims that Yale has had 90 years to complete research on the objects, and now Peru wants the items returned. Peru elected its first indigenous president—Alejandro Toledo, who honored the nation's Incan heritage by holding part of his inauguration ceremony at Machu Picchu in 2001. In part due to his influence, Peru wants possession of the artifacts, which have formed the core of Yale's impressive, scholarly exhibition: *Unveiling the Mystery of the Incas*. After traveling to six cities and attracting over a million visitors, the exhibit now resides at Yale's Peabody Museum of Natural History in Connecticut.

The recent research of Yale professors Lucy Salazar and her husband Richard L. Burger, including extensive scientific analysis of burials, has provided the most reasonable explanation for the existence of Machu Picchu. Rather than supporting the earlier ideas of the city as a center for religious activity including the sacrifice of virgins, the professors' research has suggested that the city served as a simple country retreat from the Inca capital of Cuzco.

The number and kinds of artifacts taken to Yale from Machu Picchu is in dispute. Yale has offered to return some of the pieces to Peru, if Peru allows it to keep others at the Peabody Museum of Natural History, where Machu Picchu is the prize exhibit.

Case #7

In October of 2002, after the overdose of one of its workers, management at a Weyerhaeuser, a multinational corporation in the pulp and paper industry located in Valliant, Oklahoma, became concerned that employees were not following drug and safety regulations in its parking lot. Management decided to have the parking lot searched with gun and drug sniffing dogs. While the dogs found no drugs, they did find firearms in twelve vehicles, including shotguns and automatic weapons. The owners of these vehicles, including a 23-year veteran shift manager, were fired in the next two days.

Weyerhaeuser and many other businesses have had long standing bans on firearms brought into the plant in order to protect workers and prevent workplace violence. In 2002, Weyerhaeuser extended this ban to the parking lot. Many workers claim they were not told of the extension of the ban, though management claims they informed workers. Some of the fired workers have filed suits claiming they were not informed. The initial suit was thrown out, but the decision is being appealed.

Since this and other incidents, many states -- beginning with Oklahoma -- have enacted laws protecting workers who want to keep firearms in their cars. The latest state to consider such a law is Florida, home to Walt Disney World, which does not allow any of its 50,000+ employees to bring guns onto company property.

A number of corporations have joined federal lawsuits against these new state laws. These companies include ConocoPhillips (petroleum), Halliburton (energy), and the Nordam Group (aircraft manufacture). They state that they cannot provide a safe and secure workplace without the ban on guns in the parking lot, and they see state laws allowing guns as infringing on the right of private property owners to decide what is and is not allowed on their property. Even aside from their property rights, companies claim that the laws would disregard public safety. The Bureau of Labor Statistics Census of Fatal Occupational Injuries states that in 2004, there were 551 workplace homicides out of 5703 workplace fatalities. A study at the University of North Carolina claims that such killings are five times more likely to occur at workplaces that allow guns compared to those who do not.

The National Rifle Association (NRA) has been the primary champion of laws that allow workers to have guns in cars in company parking lots. The NRA claims that prohibiting lawful gun owners to keep guns in their car dramatically diminishes their right to own firearms and defend themselves. All 50 states allow the transportation of firearms for lawful purposes. The laws also restrict workers who may want to hunt or target shoot after work from engaging in these lawful activities. They also claim that one's car should enjoy the same protections that one's home enjoys with regards to being able to keep lawful weapons and immunity to unlawful searches.

The NRA claims that the state laws already have commonsense provisions in them that prevent abuse. For instance, anyone wanting to transport a firearm and park their car in a company lot must keep the automobile locked, and at no time is it permissible to take the firearm out of the car on company property. Against the property rights claims of business owners, the

NRA claims that business owners are already under extensive federal, state, and local regulations about what they can do with their property and that striking down these state laws would allow companies to "micro-manage" the contents of an employee's automobile. The NRA also cites statistics that 84% of workplace murders are committed by strangers, and anyone determined to commit a crime will not be discouraged from bringing the gun onto company property by a company regulation prohibiting guns in parking lots.

Case #8

After several years of miscarriages, Edward and Susan turn to *in vitro* fertilization as a means of screening embryos for genetic defects. More than two years elapse, with all the attendant discomfort and expense, but finally an “acceptable” embryo is produced and implanted. To their joy, nine months later they are blessed by Michelle, an apparently happy, healthy baby. They decide that they will not tempt fate by trying to increase their family, instead choosing to relish the raising of their daughter. Five years pass and they eagerly anticipate Michelle’s starting kindergarten. They have elected to enroll her in a well-respected private school so as to realize her fullest potential. Part of the school’s pre-entry preparation is an extremely thorough set of physical examinations. (The physical examinations are not done to screen for admission, but rather to anticipate potential health issues while the student is enrolled.)

To their horror, the examinations determine that Michelle has early symptoms of a particularly virulent form of *Acute Childhood Lymphoid Leukemia*. Nothing in the embryonic screening could have predicted its occurrence. They begin immediate conventional treatments which prove to be ineffective. At their oncologist’s recommendation they enroll her in the nation’s premier pediatric oncology program. She gives them the bad news that Michelle shows evidence of having Philadelphia chromosome-positive ALL. The most successful treatment involves hematopoietic stem cell transplantation from matching relatives. The oncology clinic tests both Edward and Susan, but finds neither of them compatible. Since neither of them (nor Michelle) has any siblings, it looks as if they will have to hope for a million-to-one chance of finding a well-matched unrelated donor.

While waiting in the lounge of the clinic, the mother of another child under treatment introduces herself and suggests that they do have another option – they could have another child, *via in vitro*, selecting among possible embryos for compatibility for transplant. Initially they are horrified at the idea of producing another child as a “biological stockpile” for Michelle, but the more they think about it the better the idea seems. After all, they really had wanted more children. The new child wouldn’t be seriously injured by the procedure needed to provide Michelle with the transplant material she so desperately needs. Given their history of medical procedures needed to have Michelle, the screening required to make sure the new child would be a compatible donor is almost the same as if they were just having another child as a family expansion.

When they raise the possibility with Michelle’s physician, she explains that the screening technology has improved sufficiently since Michelle’s birth to guard against the new child’s having the same disposition toward this disease. But, before she will go further, she tells them they must speak with the clinic’s counselor. The counselor asks them to consider what their true motives are in proposing the conception of this second child, whether they would be treating her as a person or as an object and how they will explain to her the reason for her conception.

Case #9

After 25-30 years of service, ships are at the end of their sailing life and are sold as “End of Life Vessels” to be dismantled primarily to recover the valuable steel which makes up about 95% of the ship. Ship breaking (or ship demolition) is the process of dismantling the structure of an obsolete vessel for scrapping or disposal and includes a wide range of activities, from removing all gear and equipment to cutting down and recycling the ship’s infrastructure. However, the only ones who profit from ship breaking are the ship owners. They extract an average of \$1.9 million profit per “End of Life Vessel.” Ship breaking is also a challenging and controversial process, due to the structural complexity of ships and the many environmental, safety, and health issues involved.

Ship breaking is dangerous and has the reputation of being one of the dirtiest jobs on earth. For minimal dollars a day, workers with little protective gear tear out pipes insulated with asbestos, transformers covered with PCBs, and leaky diesel tanks. Until the late twentieth century, ship breaking took place primarily in port cities in developed countries – including the United States and Europe. Today, however, most ship breaking yards are in developing countries – especially India, China, Bangladesh, and Pakistan. This is due to rules dealing with lead paint and toxic substances. The industry was such a disgrace that, in 2000, Congress acted to stop U.S. registered ships from being sent overseas for scrap. Ship breaking remains an international environmental and labor concern - because ship breaking now occurs mostly in underdeveloped countries where working conditions and environmental impact are not regulated. Also, many ships being scrapped now were made before many international environmental laws were enacted.

In late 2005, a Virginia-based company, Bay Bridge Enterprises, visited the small coastal town of Newport, Oregon, and proposed opening a ship breaking plant on the banks of Yaquina Bay. The company offered up to 125 jobs paying \$20 an hour. Their spokesperson indicated that the company had no environmental violations since they have been doing this work, and that they had zero lost-time injuries since 2001. Also, he noted that there is no large-scale ship breaking yard on the West Coast, and that there are about 60 ships anchored in a California bay – just waiting to be moved to a scrap yard. Therefore, there would be plenty of work available at a new ship breaking plant in Newport – for some time to come.

A strong coalition of interested parties in the Newport area emerged in opposition to this proposal. The “Friends of Yaquina Bay” were the group of people most responsible for rallying the community together to try to stop this ship breaking proposal. The Oregon Coast Aquarium and the Oregon State University Hatfield Marine Science Center – both located in Newport – also added major support to the effort to block the proposed plant. Some of the major issues raised by these opponents to the proposal included: the world-wide negative reputation of ship breaking; the safety of towing “ghost ships” (some with a length of up to 540 feet) from San Francisco Bay in California to Newport, Oregon; potential infestation of as many as 100 invasive species on the ships in California that are not in Yaquina Bay; toxins on and in the ships that would escape into the bay and the air, affecting the seafood industry – especially crabbing – as well as the fear of pollution runoff at the Hatfield Marine Science Center and the Oregon Coast Aquarium; and visual pollution. Yaquina Bay is a continentally Important Bird Area – with

several endangered species present. There are 15 or more blue heron nests and other bird species on the tide flats near the proposed ship breaking site. The local tides extend 15 miles up the Yaquina River and thus the largest oyster farm in Oregon could be affected. Plus there is fear that money-spending tourists would not view these rusting ships as an asset to the beautiful Oregon coast.

On January 24, 2006, about 200 people packed a meeting room in Newport, Oregon, to hear Mr. Don Mann, general manager of the Port of Newport, announce that “some projects are a good fit, or not a fit at all. Bay Bridge’s plan for a ship breaking facility in Yaquina Bay does not qualify in our test for a good fit.” Thus, quite surprisingly, it seems, the ship breaking plan for Newport was ended. Mr. Mann continued: “This was not a good business deal for the company, or for the Port. I believe that the environmental issues could have been resolved, but our financial concerns could not be adequately addressed.” The vast majority of persons at the meeting were very pleased with this decision.

While this issue was being considered by the town of Newport, Oregon, the office of the Port Commissioners received hundreds of telephone calls of concern – from all over the country. As one commissioner said: “We have gained much free advertising – for the port and community. The whole world knows we’re here. This issue is bringing this concern to Oregon, and to the nation.” Bay Bridge’s next move on the West Coast remains to be seen. The company is still looking for a possible Oregon or Washington port.

Case #10

Ardent R. Porter is an investigatory journalist with a respected Washington-area newspaper, *Capitol News Briefly*. As a reporter working in and around the D.C. area, Mr. Porter often relies on his long list of contacts in order to glean information that might be useful for the various articles he publishes on corruption within politics and government. By establishing relationships with individuals at all levels of government, Ardent has provided himself with valuable human sources that are often capable of providing him with names, tips, or other information that he could not extract from other channels. Furthermore, a few of Mr. Porter's key contacts are able to pass along hard-to-come-by information about questionable or downright illegal actions taken by government employees or agencies.

One such contact is Ian Stalwart, a mid-level agency administrator who works with individuals who do government "groundwork" as well as with high-level government bureaucrats. As a middleman of sorts, Ian is in a position uniquely suited to evaluating the actions of those who work both below and above him. One of Mr. Stalwart's responsibilities is to watch for and report any illegal activity that he might encounter. Mr. Stalwart takes this role very seriously and his responsibilities as a watchdog were what originally led him to seek out Ardent, a like-minded opponent of corruption and illegality within public service.

It so happened that Mr. Stalwart discovered that many individuals within his agency were working to cover up illegally-awarded, over-billed, or otherwise fraudulent government contracts awarded during the early months of the Iraq War, actions which were in violation of several federal laws, in addition to many agency standards. Upon presenting his discovery to his superiors, Mr. Stalwart was told to disregard his findings and to refrain from further discussing the subject. After pressing for a more sophisticated explanation, he was informed that the contracts in question had been deemed classified through appropriate agency and congressional channels and that because the contracts had been deemed to serve a compelling national security interest, it would be against agency policy (as well as illegal) to discuss them, regardless of any questionable procedural or substantive aspects.

Fully knowing that he was in violation of laws regarding the disclosure of classified information, Mr. Stalwart approached Mr. Porter and revealed everything he knew about the dubious contracts. He also provided Mr. Porter with the names of the individuals implicated in the cover-ups and the names of the administrators who had ordered him to remain silent.

After composing a lengthy and revealing story, Mr. Porter approached his editor about publishing the story, explaining the dilemma presented by the fact that much, if not all, of the story's core material was classified. Following a discussion about publishing the article by the paper's editorial board it was decided that the story would run in the paper's next issue.

Case #11

Students in schools of medicine, nursing, dentistry and veterinary medicine are required to observe actual surgeries (and other procedures) early in their educations as a preliminary exposure to the practices of their field. In fact, such study is thought to be essential in confirming the students' choice of profession. Of course, the observation takes place with the informed consent of the patients (or their guardians). Many pre-medical, pre-nursing, pre-dentistry, and pre-veterinary programs, especially at schools with associated hospitals, are beginning to recommend (or even require) similar observation programs.

The State University Museum has one of the nation's premier exhibits of the history of medicine and allied fields. They include displays replicating Leonardo's anatomy studies, teaching materials from Charles University (in Prague) dating from the 16th century, 18th century "bleeding," and 19th century nutrition studies (among many other presentations). One of the most popular offerings at the museum is the "surgery room" where films of common surgical procedures can be viewed. Like the student viewing in medical schools, the patients shown have given their informed consent. Not surprisingly, the most identifiable attendees are people who are considering having the operations shown in the pictures. The films have been "sanitized" so that excess gore is avoided, but the surgeries are shown in detail.

Dr. Suarez, curator of the museum and retired professor of neurosurgery, has proposed to the board that rather than using films, which are hard to make and quickly become outdated, observers should be allowed to observe actual, in process surgeries on persons who have consented. After all, the University Hospital is adjacent to the museum and access is convenient. The hospital's operating theaters are set up above the surgical floor but separated from the patient and surgical team by sound- and atmosphere-proof windows. Dr. Suarez suggests that such watching could become a significant educational revenue-generating operation. He points out that special exhibits commonly serve as important financial resources for museums.

When Dr. Suarez proposes this program to the Museum's board of directors, Katherine Osborn (one of the community members of the board) objects vigorously. Although Dr. Suarez's proposal clearly restricts participation to persons "15 and older," Ms. Osborn argues that teens, and perhaps others, will attend surgeries not as education but as entertainment. Her position is that such "exhibitions" will be little better than the "bum fights" and ultraviolent films that have gained popularity in recent years. Ms. Osborn claims that teens will watch surgeries as a replacement for the gore seen while attending the *Halloween* and *Nightmare on Elm Street* movies. Her claim is that such actions are exploitative more than educational.

Dr. Suarez responds that actual surgeries come nowhere near the gore commonly shown on TV and in the movies. He points out that we seldom know what motivates people to act as they do in the presence of human affliction. "Do people slow their cars when passing accidents in order to see whether they can help or to see blood and gore? How would we know? Even if an adolescent attended a surgery out of a desire to see gore, might the experience not shift his or her perspective, creating an interest in becoming a medical professional?"

Case #12

Politicians have crossed the floor, or switched parties for as long as political parties have been in place—famous switches include those of Strom Thurmond, Ronald Reagan, Condoleezza Rice, Howard Dean, Hilary Clinton and most recently, Joe Lieberman. In 2001, nine serving members of Congress had switched parties while in office. Various reasons are cited for changing parties, including ideological disagreement with one's current party and moving to improve power and legislative efficacy, among others. U.S. Representative Ralph Hall of the Fourth Congressional District in Texas cites both reasons.

Ralph Hall was first elected in 1980 as a Democrat and has been re-elected each succeeding year. Hall has made a reputation for himself as a rogue Democrat, willing to “cross the aisle” and vote with Republicans when he agreed with their position. He also has been an avid supporter of President Bush, opposed to Democratic bids to unseat him. But it was more than mere ideological agreement that encouraged a decision to switch parties in early 2004 before his bid for reelection.

As Hall stated in a January 2004 press release that announced his decision to switch parties, “This year I was denied requests for district appropriations because I was a Democrat who voted against the bill. I have always stated that ... if being a Democrat hurt my district, I would either resign or switch parties.” The bill to which he was referring was a “foreign operations bill” which, according to Hall, gave, “financial support to those countries that continue to vote against [the U.S.] in the United Nations.”

Another motivation may be found in Hall's appreciation for being spared a potentially career devastating blow in the redistricting that cost many Democrats their seats in 2003. According to a CNN article, “...Hall's move comes after Republican state lawmakers in Austin spared him in a redistricting map that targets every other Anglo Democrat in the House. His district, based in the city of Tyler, was largely untouched by the GOP-drawn map, which is currently facing a Democratic court challenge.”

Case #13

Ellen Green, Ph.D. teaches English at a two-year college in Texas. Eight years ago, in an effort to boost enrollment, the college began a dual-credit program allowing high-school juniors and seniors to take freshman college courses, earning credit for both high-school and college.

The faculty at the college has reservations about the dual-credit program. The high school students often seem unable to demonstrate the self-control and work ethic expected of college students. But since parents are eager for their children to get a head start earning college credits and the college wants higher enrollment, the faculty teaches the dual-credit courses. The faculty sees the dual-credit program as “all about money.” The college wants the tuition dollars, and the parents want their children to accumulate college hours at lower cost before leaving home to attend a more expensive four-year university.

Last semester Dr. Green taught a dual-credit college class on the campus of a local high school. When she tallied the grades for the course, the high school asked her to provide number grades for the students. Since the college awards letter grades only, Dr. Green was caught off guard, but agreed to provide number grades. Two students had collaborated all semester on their work and earned a weak A. When Dr. Green came to their names, she remembered that one of the girls had participated in class discussions and also had discussed the papers with her after class. She awarded this student three points more, giving her a 93, while the other student, who sometimes missed class, received a 90.

Dr. Green has both students in class again this semester, and the girl who earned the grade of 90 asked why she received three points fewer than her friend. Dr. Green explained that her perception of the friend’s class participation and general interest in the quality of the work led to the extra three points. The girl asked that her grade be raised three points to match the second student’s grade, but Dr. Green said no. The girl asked again on two later occasions and Dr. Green again said no.

Dr. Green learned from other students that the girl with the grade of 90 wanted three more points so that she could be valedictorian of the high school class instead of salutatorian. The valedictorian is also in Dr. Green’s class, and she earned a grade of 98 for the course last semester.

The mother of the girl with the 90 called Dr. Green, asking once more that the grade be raised to 93. The mother then called the chair of Dr. Green’s department, determined to get those three points. As a side point in her complaining, the mother noted that Dr. Green had canceled class on two Fridays. The mother stated, “I paid for three hours a week instruction, and I want my money’s worth.” The mother sees herself as a consumer, and she wants what she paid for.

Case #14

On Friday, April 7, 2006 the White House appeared to confirm that President Bush had authorized a leak of classified information about pre-Iraq War intelligence, describing the release of such information as beneficial for the “public interest.” The statement came the day after disclosures in court documents that the White House, despite Bush’s frequent criticisms of leaks, secretly provided material to a reporter in early July 2003.

The government did not announce declassification and publicly release the material until 10 days later. The gap suggests that Bush authorized the leak before his senior intelligence aides and advisors fully concluded that its release would not violate national security. Some legal scholars contend that by authorizing the leak, Bush’s action was tantamount to an official declassification.

A White House press secretary was quoted as saying “There were irresponsible and unfounded accusations being made against the administration, suggesting that we had manipulated or misused that intelligence in order to justify going to war.” The press secretary went on to state “Because of the public debate that was going on and some of the wild accusations that were flying around... we felt it was very much in the public interest that what information could be declassified, be declassified. And that’s exactly what we did.” The White House’s position was that the release of the material was intended to inform public debate about the war.

The document that Bush declassified, a summary of the “National Intelligence Estimate,” was provided to counter the claims of an administration critic. Former Ambassador Joseph Wilson had been sent to Africa by the CIA in 2002 to investigate administration claims that Iraq was seeking to purchase nuclear materials. Joseph Wilson determined the claims to be unfounded. Wilson later charged that the administration had “twisted” intelligence when it said Saddam Hussein’s attempts to get uranium were proof that he was trying to rebuild his nuclear-weapons program.

To counter Wilson’s claims, the administration disclosed classified information which they used to attack his arguments and undermine his credibility, recent court filings show. Bush’s role came to light in documents filed by a special prosecutor seeking a perjury conviction against Lewis “Scooter” Libby, Vice President Dick Cheney’s former chief of staff. According to the documents, Libby testified that he leaked the classified information to New York Times reporter Judith Miller after Bush gave Cheney his personal authorization.

That criminal investigation was launched after another leak engineered by White House officials; the identity of Wilson’s wife, undercover CIA agent Valerie Plame. Her name was allegedly disclosed to journalists in an effort to taint Wilson by suggesting that his mission to Africa had been arranged as a personal junket by his wife. It is illegal to knowingly leak the name of a covert operative.

The ensuing controversy has centered on long-standing complaints that the Bush Administration uses intelligence data for political advantage; particularly in making the case for

invading Iraq and defending the war. Democrats have publicly stated the leak was part of an administration pattern of “selective disclosure” to support its arguments and rebut its critics while guarding data that could prove embarrassing or politically damaging.

Case #15

John and Sue were divorced two years after their son, Frank, was born. Frank's custody was awarded to his mother, who remarried and raised Frank. Frank spent two weekends a month with his father. Frank's father also remarried and had a daughter with his new wife. Frank is eight years older than his half-sister, Judith. Frank had a seemingly normal childhood.

When Frank was 14, he visited his father's house for a week while his mother was away on business. Frank's father and step-mother hired a babysitter for one of the nights during the week. After an uneventful night, the sitter had put the two children to bed and went downstairs to read. An hour later, Judith came downstairs crying. Judith told the sitter that, after going to bed, Frank had touched her in inappropriate places with his hands and mouth. The sitter immediately called Frank's father and step-mother.

Upon returning home and finding out what had occurred, Frank's step-mother lividly insisted that Frank leave the house and never come back again. Frank's father contacted Frank's mother, who cut short her business trip and immediately came home to get Frank. After strained negotiations in which Frank's mother promised Frank would go to counseling, Frank's step-mother called the police and had charges of sexual molestation filed against Frank.

Frank was arrested and pled guilty to committing a sex act against his half-sister. Frank admitted that it had happened twice and that his motivation came from seeing pictures of women on the internet that his friends had shown him at school. In Family Court, no evidence was put forward that he was dangerous to girls his own age. In general, Frank was determined to be "low risk". His sentence was probation, but the judge attached an additional component to the probation. Megan's Law mandates that communities be informed of resident sex-offenders. It was named after a young girl named Megan who was raped and killed by a previously convicted sex-offender. In the case of a minor, like Frank, Megan's Law is unclear. Minors' identities are generally protected so that they may start with a clean slate upon becoming an adult, but Megan's Law mandates that the community be informed.

In Frank's case, the judge decided that as a condition of his probation, Frank should have to warn the parents of all dates he might have about his conviction until he turns 18. A state senator approved of the sentence, calling it "in accord with the spirit of Megan's Law." Many parents have also said that they would like to know that their daughter was dating a convicted sex offender, even if those offenders are "low risk".

The public defender assigned to Frank's case, however, argues that the sentence violates confidentiality provisions in the juvenile code. If Frank must notify a date's parents about his conviction, what is to stop the parents from notifying other parents? Furthermore, the public defender asks what should count as a "date". There may be clear cases of dates, as when a couple goes out to a dance or a movie together, but what about hanging out with a group of friends, hanging out at someone's house, or walking together home from school? Frank's mother is worried that everyone in town will know about her son's conviction, unlike many other crimes that juveniles commit and outgrow. She also worries that Frank's sentence essentially bars him from dating girls his own age. It would be a rare parent, upon being notified of Frank's

conviction, who would consent to the date. According to Frank's mother, this could lead to him being more of a danger, rather than healing as a normal boy.

Finally, Megan's Law normally mandates a hearing for convicted sex-offenders. If one is judged to be low-risk, as the Family Court assumed Frank was, only local police are notified rather than notifying the community through postings or the internet. It is unclear whether this right is respected by the condition on the sentence.