

## 2000 Sample Cases

### Case 1

In Alaska about half of the State's native population of 100,000 people live partially or entirely off the land. Several thousand Alaskan Native Americans depend upon fishing, hunting, and gathering for more than ninety per-cent of their food supply. About two thirds of Alaska's lands are owned by the federal government but managed by the State. In the summer of 1999 U.S. Interior Secretary Bruce Babbitt announced that the federal government would take over the allocation of fishing rights in federally owned sections of Alaska unless the State legislature agreed by October 1, 1999 upon an amendment to the State Constitution which would guarantee a "subsistence priority" in times of shortage to native peoples who live primarily off the land in Alaska. The State legislature was unable to reach agreement upon such an Amendment by October 1.

Title VIII of the Alaska Natural Interest Lands Conservation Act, which Congress passed in 1980, contained a provision which assured that in years of low yield Native American Alaskans who live off the land would have priority rights in regard to fishing and hunting. About ten years ago the Supreme Court of Alaska ruled that this provision violates Alaska's State Constitution. Since that time the federal government has urged the State to change its Constitution. This past summer Secretary Babbitt expressed disappointment that the State legislature had not yet brought the issue before voters, and announced it was time for the federal government to act.

Subsistence fishing and hunting involve two to three per-cent of the State's fish and game annually, and the issue of allocating priority rights arises only every few years, when fish run low in some streams or caribou herds thin. Nonetheless, the issue is complicated. In some cases streams have been closed off for weeks to everyone except subsistence fishermen, which not only upsets those who fish for sport, but also can make the difference between profit and loss for some commercial fishing operations. There are also issues of who qualifies as a subsistence fisherman or hunter. Some non-native Alaskans live off the land, and many Native Americans Alaskans live in Anchorage or Fairbanks, where they shop in supermarkets and eat at McDonalds. Even the Native Americans who depend upon fishing, hunting, and gathering for ninety per-cent of their food supply commonly own

motorboats, snowmobiles, and satellite television dishes.

The issue of allocating priority rights has elicited strong emotional responses throughout Alaska. In the words of George Irvine, Director of the Alaskan Federation of Natives: "This is not 19th century history here, some historical injustice we can do nothing about today. These are the last aboriginal Americans still striving to live as they always have, on their homelands. There has to be room in the American system for them to survive." On the other side of the issue, the Alaskan Outdoors Council, a group representing sportsman and sportswomen, of whom many were born in Alaska, decries as "special rights legislation" the efforts to establish priority fishing and hunting rights for native peoples in the State.

**Question: Do native American Alaskans, who live primarily off the land, have a moral right to a subsistence priority in regard to hunting and fishing on federally owned lands in Alaska? If so, why? If not, why not?**

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## **Case 2**

Jane and Mary, two young women in their early twenties, have been close friends since they met during their second year of college. The now both live in the same city where each is pursuing her career, Mary as a teacher and Jane as a computer systems analyst. Jane's current boy friend Sam frequently borrows money from her. Jane has complained to Mary several times about not having enough money to buy things, but, as Mary observes, she (Jane) never presses Sam to pay her back. Last week Jane lent her car to Sam for a period of two weeks so that he could visit some college friends out of town. Jane doesn't need her car to get to work, but not having the car on weekends has meant she will have to put off several shopping trips to furnish her new apartment. It also seems to Mary, from what Jane told her, that Sam was a little vague to her about the identities of the people he plans to visit.

Jane has told Mary that she considers Sam one of the most intelligent and creative persons she has ever known. Mary has met Sam several times. He talks constantly about grandiose plans for different business ventures, but has yet to follow through on any of them. Sam has no

steady job at this time, and, so far as Mary can determine, doesn't seem terribly concerned about this.

Mary recalls well that Jane also considered her boy friend in her junior year of college, Gary, a graduate student in biology, as exceptionally bright. Gary had a difficult relationship with his thesis adviser, about which he bitterly complained to Jane almost daily, often for well over an hour. Mary recalls that Jane endured Gary's non-stop venting of frustration, discouragement, and anger without ever saying anything to Gary about the emotional strain it caused her (about which she often complained to Mary). Mary also remembers that Gary proved completely unable, or unwilling, to extend emotional support to Jane, even in situations where she needed it badly. For example during a very tense period when Jane and her family feared that her mother might have cancer, and were awaiting test results (fortunately they turned out to be negative for cancer), Gary continued to go on about his adviser completely oblivious to Jane's situation. Eventually Gary ended the relationship and very shortly thereafter became involved with another young woman.

Mary has the highest regard for Jane. She considers her a superb friend, and a responsible, caring person. Mary believes that Jane is extremely bright, interesting, and capable. She also views Jane as very sensitive, however. During all the years of their friendship Mary has never said anything to Jane that Jane could understand as strongly critical of her.

**Question: What should Mary do, and why?**

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### **Case 3**

Shawn and Kevin, two young men in their mid-twenties, have been close friends since they met during their college years. They share numerous similar interests and greatly enjoy each other's company. Kevin gratefully acknowledges to himself that Shawn has been a fine friend in every respect that counts. Shawn has listened patiently, and responded empathetically, on the many occasions Kevin sought him out to talk about major issues in his life concerning, for example, school plans, job opportunities, or romantic matters. Shawn has always been there when Kevin needed encouragement. He has provided assistance unselfishly in large and small matters - e.g. lending Kevin his car when Kevin's broke down, several times helping

Kevin move his belongings from one apartment to another, and putting up Kevin's relatives from out of town when Kevin didn't have room for them at this apartment. This is not to say, however, that the friendship has been one sided in any way. Kevin has provided similar kinds of support, encouragement, and assistance to Shawn over the years. Kevin does not view all the things he and Shawn have done for one another as at all like a sequence of quid pro quos, but instead (although Kevin has never consciously stated the point in this way to himself) he views the deep reciprocity between Shawn and himself as flowing organically from the nature of their friendship.

Shawn, who has written a number of short stories and poems, has been working on his first novel for the past two years. Kevin is well aware of Shawn's first major literary project and fully supports it, in the sense of considering it a highly worthwhile thing for Shawn to do. Several weeks ago Shawn learned about a small house in a quiet semi-rural outer suburban area. He believes the house would provide an ideal working environment for him.

Recently Shawn has asked Kevin to loan him \$5,000 for the down payment on the house. The request takes Kevin by surprise. Over the years of their friendship neither Kevin nor Shawn has asked the other for a loan until now. Monetary affairs have not played a significant role in their relationship as friends, either directly or indirectly. Kevin and Shawn both grew up in families where discussion of personal financial issues outside of the family was disapproved of strongly. For this reason, both Kevin and Shawn seldom, if ever, discuss their personal finances with each other.

Kevin, who works as a project manager for a large engineering firm, can afford to loan the money to Shawn. He (Kevin) is not sure, however, exactly how Shawn plans to repay the loan on his salary as manager of a small bookstore. Kevin feels acutely uncomfortable raising issues with Shawn such as how he plans to repay the loan, what might be a reasonable repayment schedule, and so forth.

**Question: What should Kevin do, and why?**

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#### **Case 4**

In early 1982 Ms. Corrine Worthen, a registered nurse, protested against assignment to perform kidney dialysis upon a terminally ill

patient who was a double amputee. She notified her head nurse that she "had moral, medical, and philosophical objections" against doing so. Prior to her protest Ms. Worthen had performed the procedure on the patient and twice had to interrupt it because the patient suffered cardiac arrest and severe hemorrhaging. Convinced that the procedure was more harmful than beneficial to the patient, Ms. Worthen asked to be reassigned. The head nurse granted her request.

Several months later, however, Ms. Worthen again was called upon to dialyze the patient. She objected, stating that she thought she had worked out an agreement not to be given this assignment. The head nurse referred Ms. Worthen to the treating physician who informed her that the patient's family wanted the patient kept alive, and that the patient would soon cease to live without dialysis. Nonetheless, Ms. Worthen said she refused to dialyze the patient anymore. The head nurse then warned her that she would be fired if she continued in her refusal. Ms. Worthen continued to refuse to dialyze the patient, and she was terminated.

The Code of Professional Ethics for Nurses, that applied to Ms. Worthen at the time she was fired, contained a provision with the following words:

#### 1.4 THE NATURE OF HEALTH PROBLEMS

The nurse's respect for the worth and dignity of the individual human being applies irrespective of the nature of the health problem. It is reflected in the care given the person who is disabled as well as the normal, the patient with the long-term illness as well as the one with acute illness, or the recovering patient as well as the one who is terminally ill or dying. ....

If personally opposed to the delivery of care in a particular case because of the nature of the health problem or the procedures to be used, the nurse is justified in refusing to participate. Such refusal should be made known in advance and in time for other appropriate arrangements to be made for the client's nursing care. If the nurse must knowingly enter such a case under emergency circumstances or enters unknowingly, the obligation to provide the best possible care is observed. The nurse withdraws from this kind of situation only when assured that alternative sources of nursing care are available to the client.

Ms Worthen sued the hospital for terminating her and lost.

**Question: Under the facts described in this case, was it morally wrong for the Hospital to discharge Ms. Worthen? If so, why, if not, why not?**

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## Case 5

The use of firecrackers is a prominent ritual in many traditional celebrations of the Chinese New Year. For the past three years, however, the administration of New York City Mayor Rudolph Giuliani has refused to allow the setting off of firecrackers in Chinese New Year celebrations. Citing safety considerations, a spokesperson for the Mayor's office recently noted an Associated Press report of a firecracker storage area in China that caught fire, resulting in the deaths of forty seven people. Opponents of the Giuliani administration's policy say they simply want to be allowed to use firecrackers in specially designated areas under close city supervision. They point out that such procedures are used in large public fireworks displays on the Fourth of July, which to their knowledge, have not resulted in any deaths or serious injuries. The opponents of the firecracker ban emphasize the enormous cultural significance for many of the Chinese people living in New York City of celebrating the Chinese New Year in a traditional manner that includes using firecrackers.

In February of 1998 Mr. Wang Jian, a twenty eight year old former U.S. Marine, set off a string of firecrackers on the steps of New York City's City Hall. Seconds later he walked down the steps and calmly allowed himself to be handcuffed by police officers who arrested him. Mr. Wang was charged with four misdemeanor counts, including reckless endangerment and disorderly conduct, and one count of an administrative code violation, unreasonable noise. Released on \$500 bail, he faced, possibly, up to a year in prison and a fine of \$1,000. "I did it to make a political statement," said Mr. Wang. "I wanted the politicians to know that the Chinese will stand up for what they believe in."

Upon his release Mr. Wang received a hero's reception from many residents of New York's Chinatown. "He did what many of us didn't have the courage to. .... He is not only my hero, but a hero for the whole community, said Mr. Thomas Lee, a businessman who waited in

line in a Chinatown restaurant to shake Mr. Wang's hand shortly after he was released on bail.. Restaurant owners in New York's Chinatown offered Mr. Wang free meals, local businessmen offered to contribute money towards his legal defense, and even police officers showed deference towards him.

Some members of the Chinese community in New York, however, were critical of Mr. Wang's action. Mr. Richard Hsueh, President of Chinese American Voice, a radio station in Flushing, expressed the opinion that Mr. Wang went too far in expressing his point. "I do not have any problems with a safe legalized fireworks display, .... But [Mr. Wang] should not have done what he did, It's dangerous," said Mr. Hsueh.

Mr. Wang said that before setting off the firecrackers on the steps of New York's City Hall, he made sure the steps were empty. "Public safety was the most important thing in my mind that moment," he said.

**Question: Was Wang Jian's protest against the ban on use of firecrackers to celebrate the Chinese New Year in New York City morally unjustifiable? If so, why? If not, why not?**

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## **Case 6**

In 1967 Rubin "Hurricane" Carter, then a strong contender for the middleweight boxing championship, was convicted with a co-defendant, Mr. John Artis, of murdering a bartender and two patrons in a sudden attack of gunfire on a tavern in Patterson, New Jersey. After a twenty year legal struggle, Mr. Carter and Mr. Artis had their convictions overturned. This struggle is the subject of a recent film entitled *The Hurricane*, starring Denzel Washington, and directed by Norman Jewison.

At the trial of Mr. Carter and Mr. Artis in 1967 the prosecution introduced no motive. The only witnesses who testified for the prosecution were two petty criminals, who admitted to having committed a burglary near the scene of the crime, and claimed to see Mr. Carter and Mr. Artis emerge from the scene of the crime holding guns. Sentenced to life imprisonment, Mr. Carter undertook relentless efforts to overturn the conviction. In 1973 he was able to secure the help of a lawyer in the New Jersey Public Defender's Office and a free lance journalist, who continued the search for evidence. In 1974 the

attorney, and a reporter for the New York Times tracked down the two petty criminals, who separately recanted their testimony, claiming they had been pressured into it by the prosecutors. Mr. Carter's case became an international cause celebre, with Bob Dylan writing and performing a song about it.

The New Jersey Supreme Court overturned Mr. Carter's and Mr. Artis' convictions. After only ninety days of freedom, however, in 1976 the prosecution brought the case to trial again, this time contending that Mr. Carter and Mr. Artis, who are both African-American, had been motivated by racial vengeance. The murders in the tavern had occurred only shortly after an African-American tavern owner in Patterson, New Jersey had been killed by a white assailant. One of the petty criminals from the original trial took the stand again and recanted his recantation. Mr. Carter and Mr. Artis were reconvicted and returned to prison.

Although the international attention to the case faded, the lawyers who represented Mr. Carter and Mr. Artis at the second trial continued to work on their behalf for over ten years without pay, eventually unearthing key evidence that the prosecution had suppressed at the second trial. During this period a commune of social activists from Canada became interested in Mr. Carter's case and established communication with him. The commune members provided Mr. Carter important emotional, moral, and financial support to continue the struggle to gain his freedom. In 1985, after nine years of unsuccessful appeals in State court, Mr. Carter's attorneys persuaded a federal judge to overturn Mr. Carter's and Mr. Artis' convictions. In 1988 the U.S. Supreme Court upheld the decision of the federal judge.

Film makers have always taken dramatic license by simplifying history, and even conflating characters and events for narrative purposes, while striving to retain the essential truth with respect to the subject matter of a film. This is often difficult. In *The Hurricane* Mr. Carter's and Mr. Artis' two trials are compressed into a brief courtroom scene. No mention is made of the testimony of the two petty criminals. The film leaves Mr. Artis almost completely out of the story even though, in reality, with great moral heroism, he defiantly rejected an offer to avoid a long prison sentence by falsely incriminating Mr. Carter. *The Hurricane* depicts members of the Canadian commune as uncovering vital evidence. In reality, although the commune members did useful para-legal work, as noted above, Mr. Carter's attorneys unearthed the critical evidence that led to the setting aside in federal court of Mr. Carter's and Mr. Artis' convictions. In *The Hurricane* there is a racist



detective intent on keeping Mr. Carter behind bars, who, in one dramatic scene, almost succeeds in causing the deaths of several commune members. All of this was purely fictitious. There was no actual person corresponding to the racist detective in the film.

**Question: Were the decisions made by the makers of the film Hurricane, in connection with telling the story of Rubin Carter's struggle for freedom, morally objectionable, specifically in not including certain true details of the story, and adding certain fictional elements to the plot? If so, why? If not, why not?**

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## **Case 7**

Carl Y is the Director of Z Museum, a major art museum on the east coast of the United States. Carl badly wants to bring to Z Museum an exhibit of works by young British artists that recently concluded a very successful show at a museum in London. Carl is familiar with the works of many of the artists, and considers them among the most interesting on the contemporary art scene.

Unfortunately the transportation and installation costs are immense. One piece of sculpture in the London show, for example, weighs several tons. Government support for the arts has declined substantially in recent years, so Carl concludes that in order to bring the show to Z Museum he needs to find a private donor who will help him cover the costs. All the works in the show in London belong to a British art collector named Jeremy Q. Carl proposes to Jeremy that he make a large donation to help the Z Museum put on the exhibition, and Jeremy agrees to do so.

After agreeing to support the exhibit at Z Museum, Jeremy persuades M's, a prestigious auction house, to co-sponsor the exhibit, as it did in London. To persuade M's Jeremy tells Henry P, President of M's British division, that he plans a major sale of works in his collection later in the year after the exhibit at Z Museum has concluded, and that he might use M's as the auctioneer. At about the time that Jeremy says this to Henry P., Carl Y has a lunch meeting with Anne S, President of M's North American division. Carl tells Anne that Z Museum is considering a significant program to sell its holdings in all collection categories, especially modern art, which happens to be M's specialty.

As planning for the show at Z Museum proceeds, Jeremy Q proves to be very demanding and opinionated with respect to artistic details. He insists that the paintings be hung low, and he doesn't want labels affixed too closely to them. The Museum staff wants to eliminate some paintings from the show, but Jeremy strongly urges their inclusion. Some of Jeremy's requests are expensive. He wants Z Museum to use special shipping crates, he insists that the galleries be repainted, and he wants Z. Museum to pay \$20,000 for bringing his special installation consultant to the Museum for several weeks.

Carl Y and the Z Museum staff go along with most of Jeremy Q's wishes. They consider him, after all, as probably the most knowledgeable person in the world about contemporary British art. Jeremy, however, is also interested in attracting corporate sponsorship for his collection. In this regard consultants tell him that a successful show at Z Museum would be highly advantageous. When the exhibit opens, Jeremy Q's financial support is not made public.

The Code of Ethics for Museum Directors says that Directors should "assiduously avoid" activities that compromise their institutions. On the subject of exhibition financing, the Code only contains two vague sentences that say a Director should not compromise standards for the sake of revenue.

**Question: Assume that Musuem Z's exhibit of works by young British artists takes place, and it is now one year later. The Ethics Committee of the Museum Director's Association is meeting to consider revisions in the Museum Director's Code of Ethics. You are a member of the Ethics Committee. Do you have any recommendations to put forward for revising the Code of Ethics in connection with the subject of exhibition financing? If so, what are your recommendations, and why? If not, why not?**

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## **Case 8**

In October of 1999 the government of Canada agreed to pay 2.3 billion dollars to 230,000 federal workers, both current and retired, in the form of back pay with interest, to conform with the principle of "equal pay for work of equal value" embodied in Canada's Human Rights Act. The drafters of this law, enacted more than twenty years ago, noted that the vast majority of women in the workforce in Canada were clustered in a small number of "women's" jobs, such as office worker,

nurse, or waitress. Women in these jobs, the drafters of Canada's Human Rights Act observed, usually receive less pay than men in predominantly male jobs, which, despite their higher salaries, are comparable to the predominantly female jobs in terms of factors such as the mental or physical demands of the job, working conditions, or educational prerequisites.

To address this situation, the government of Canada organized a committee made up of employees and managers drawn from various Canadian federal government departments to develop a numerically based system for comparing predominantly male and predominantly female jobs. The committee rated a wide array of jobs in terms of four factors: educational prerequisites, job responsibilities, mental demands, and on the job working conditions. The committee determined that "male" jobs tended strongly to have higher salaries than female jobs at the same point levels. For example, a chief librarian made \$35,050 while a dairy herd improvement manager made \$38,766. A computer operations supervisor made \$20,193, while a forestry project supervisor made \$26,947. A typist made \$10,531, while a sailor made \$14,097. In all of the above instances the predominantly female and the predominantly male jobs were determined to have comparable point levels.

The Canadian government's 2.3 billion dollar settlement has drawn strong criticism. Monte Solberg, a Reform Party member of the Canadian Parliament lamented that "[t]o come up with some concept where a bunch of bureaucrats arbitrarily decide, based on some abstract theory, that one job that women dominate is somehow the same as another completely different job that men dominate - it's unworkable." Other critics protest that the settlement will increase the taxes in Canada, whose taxpayers already shoulder the highest tax burden among the Group of Seven industrialized nations.

Defenders of the Canadian government's settlement view it as needed to rectify, what they consider, the discriminatory impact upon female workers of the Canadian government's employment compensation policies over many years. Even if the lower wages for predominantly female jobs reflect going market salary rates, say the supporters of the settlement, these market rates themselves reflect pervasive discrimination against women in the workforce. Furthermore, the supporters of the settlement contest that the settlement will have a severely negative impact upon the Canadian economy. In this regard, Daryl Bean, President of the Canadian federal service union, estimated

that over 40% of the 2.3 billion would be returned as taxes to the government.

**Question: Is the October 1999 settlement of the Government of Canada, under the "equal pay for work of equal value" principle of Canada's Human Rights Act, morally justifiable? If so, why? If not, why not?**

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## **Case 9**

MP3 audio files enable users to exchange compact disk recordings digitally over the Internet. Music lovers use MP3's to search for rare recordings. They also can use them to copy an entire compact disk and transmit it to anyone at no cost. Recently the Recording Industry Association of America (RIAA) has undertaken a major effort to combat copyright violations. The RIAA sends letters to colleges and universities whenever its researchers discover on campus servers offering copyrighted music. According to Frank Creighton, an RIAA Senior Vice President, when the Association began its monitoring efforts several years ago it discovered that about seventy per-cent of the infringing sites were on university campuses. "...We're willing to give individuals or students a first pass," said Mr. Creighton. "But if we catch you doing it again," he said, "we have no alternative but to take the stance that you're thumbing your nose at us, and you don't take us seriously, and there are potential civil and criminal remedies that we will invoke if we need to."

In the fall of 1999 network administrators at Carnegie Mellon University, without prior warning, checked the public folders of two hundred and fifty (250) student computers connected to the University's network, and found seventy one (71) students whose files contained illegally copied MP3's. The students lost their in-room Internet connections for the rest of the semester, which meant they had to use a university computer lab to gain access to the Internet. All the students were given a right to appeal their penalties, and students who attended a ninety minute class on copyright had their penalties reduced by one month. Speaking of the investigation, Paul G. Fowler, Carnegie Mellon's Associate Dean for Student Affairs said, "It wasn't a big caper. All we did was go in to take a look at the culture of our Internet." Mr. Fowler noted that prior to the investigation, University officials had discussed whether it would be a good idea to step up

efforts at educating students about copyright violations. "We now know it would be," he said.

Under the Digital Millenium Act, which Congress passed last year, on-line service providers, such as universities, can avoid liability if they take certain steps specified in the Act. These include, in cases when the university has been informed of an infringement, shutting off access to the infringing material, and notifying the user who posted it, so that he or she can take up the matter with the copyright holder. The user must be given the right by the university to appeal the shutoff. According to Mr. Arnold Lutzker, an attorney for the American Library Association, if a university meets the above requirements, in all likelihood, it will avoid liability for any given infringement.

"I'm no fan of the recording industry," said Mr. Fowler of Carnegie Mellon, "but our students need to understand they're probably going to be out there creating software some day that's going to make them a million dollars." If that software winds up in some shared community," Mr. Fowler observed, "their livelihood is jeopardized." "So why should we not afford the same opportunities to make a living to other members of our community?", asked Mr. Fowler.

**Question: Was the action taken this fall by Carnegie-Mellon University in regard to the students who the University concluded had illegally copied MP3's morally justifiable? If so, why? If not, why not?**

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## **Case 10**

Country X, located in Latin America, has recently adopted a policy of strictly limiting the collection of biological specimens, both plant and animal, within its borders. Under the new regulations individual scientists and companies must apply for permits that, in one case, cost \$600,000, and can take more than three years to obtain. Formerly Country X had no policy in regard to collection of biological specimens for research by foreign scientists. During the 1950's and 1960's a major American drug company developed two drugs that turned out to be effective for treating certain types of cancer from plants found in the jungles of Country X. Country X did not share at all in the Company's profit.

John R, a scientist with the National Institute of Health in Washington, DC, believes that experimentation with another native plant of Country X could lead to a significant breakthrough in regard to treatment of other kinds of cancers. He has been waiting for Country X to process his permit application for two and a half years now, and fears the plant may become extinct by the time he obtains permission to collect it.

Other nations, which, like Country X, historically did not restrain the collecting of biological specimens within their borders, have begun to impose such restrictions. One driving factor in this regard is the perception of many nations that genetic engineering has significantly increased the potential for commercial use of genes. For example, researchers at the University of Wisconsin have isolated a substance 2,000 times sweeter than sugar from a West African berry. If a table sweetener is developed from this substance it would be produced, in all likelihood, in genetically modified bacteria, which would eliminate the need to use the berry. Another driving factor in the new restrictive policies of several nations is the patenting of genetically modified plants and animals in the United States, which has been allowed since 1980 under a major decision of the U.S. Supreme Court. Some nations take the stance that if, for example, a company genetically engineers a seed taken from a farmer's field, patents the engineered seed, and makes a profit, then, in all fairness, the company should pay substantially for the original seed.

Many scientists agree with the preceding point of view in principle, but complain that existing rules are much too restrictive. One study, conducted by researchers at Columbia University, concluded that in the Philippines, since that nation enacted its permit regulations in 1995, only two permits have been granted out of thirty seven applications. Drug companies contend that some nations overestimate the value of raw genetic resources. They note, in this regard, that in developing a drug a company may have to invest \$500 million dollars over fifteen years.

At the Earth Summit in Rio De Janeiro in 1992, a convention on biodiversity was developed which states that nations have sovereignty over their genetic resources, and are entitled to "fair and equitable sharing of their benefits." The Clinton Administration supports the biodiversity convention, but the U.S. Senate has never ratified it.

**Question: Assume you are member of the legislature of country X, and the law that specifies country X's policies relative to the collecting of biological specimens within its borders is up for**

**reauthorization (This means that the legislature has the opportunity to consider whether the law should continue in its current form, or with revisions, or whether it should be taken off the books entirely) What position do you support relative to reauthorization, and why?**

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## **Case 11**

On September 17, 1999 a fight broke out in the stands during a football game at Eisenhower High School in Decatur, Illinois. The fight disrupted the game. About half of the nearby spectators scattered to avoid getting hurt. The fight, however, involved no weapons and resulted in no serious injuries to anyone. Six Eisenhower students who had taken part in the fight (which had been recorded on videotape), all African American, were immediately suspended. Shortly thereafter a hearing took place at which the students were presented with the charges against them and given an opportunity to respond. In late October the Decatur School Board voted, with only one dissent, from the sole African American member of the School Board, to expel the six students for a period of two years.

In August of 1998 the Decatur School Board had adopted a resolution which declared a "no tolerance position on school violence." In most other school districts a two year expulsion would be imposed only in the most grave kinds of disciplinary infractions. For example, of the three students expelled for two years in the Chicago Public Schools during 1999, one was charged with attempted murder (with a gun) off campus, another charged with aggravated battery off campus, and the third allegedly threatened in school to cut a student's throat with a pair of scissors.

The decision of the Decatur School Board to expel the six students for two years generated immense controversy. Reverend Jesse Jackson, and other members of the Push/Rainbow Coalition, which he leads, came to Decatur to take up the students' cause. In early November Illinois Governor George Ryan and State Superintendent of Public Instruction Max McGee met with the Decatur School Board and Jesse Jackson in an effort to defuse the situation. Superintendent McGee proposed that the students be given an opportunity to receive alternative schooling while expelled (the Decatur School Board's expulsion order had made no such provision). He also suggested that the students be allowed to apply for readmission at the end of the fall

semester contingent upon satisfactory academic work and conduct in the alternative school setting. Jesse Jackson, on behalf of the students, indicated that he considered Superintendent McGee's suggestions fair and reasonable. The Decatur School Board rejected them but, owing to intense persuasive efforts by Governor Ryan, reduced the expulsion order to one year, with provision of alternative schooling.

Jesse Jackson made it clear that the six students, their families, and their supporters in the community, which included many of the African American residents of Decatur, viewed the School Board's response as unacceptable. He denounced the "zero tolerance" position on school violence in Decatur as the latest in a series of vindictively harsh policies directed at young people throughout the United States. Jackson called attention to the fact that not long before the fight that took place on September 17, 1999, a student at Roosevelt Junior High School in Decatur, who had made a bomb threat, received a suspension of only a few days. Jackson also pointed to statistics indicating that of the last fifty seven students expelled from Decatur public schools, forty seven had been African American.

Push/Rainbow Coalition attorneys filed a lawsuit in federal court protesting the expulsion of the six students. On January 12, 2000 a federal judge in Urbana, Illinois issued a decision that upheld in every respect the action taken by the Decatur School Board.

**Question: Was the decision of the federal judge on January 12, 2000 upholding the action taken by the Decatur School Board in regard to the expulsion of the six students involved in the fight at the football game morally justifiable? If so, why? If not, why not?**