IIT ETHICS BOWL QUESTIONS AND MODERATOR'S ANSWERS (3/25/95)

1. A thirty year old unmarried woman, Teresa Stevens, came to Dr. Arnold Franklin, an obstetrician, requesting artificial insemination by donor. Dr. Franklin's general practice was to interview women twice to determine whether they are suitable candidates medically and psychologically. Ms. Stevens said that she was working part-time and intended to stay at her job once the baby was born. She also provided assurances from family and friends that they supported her desire to be a mother. Dr. Franklin decided to go ahead with the procedure, which was successful.
Several months later the press reported that Ms. Stevens was receiving $161 in monthly pregnancy welfare assistance. In addition she had recently learned that she was eligible for $401 a month from Aid to Families with Dependent Children, and she intended to file for those benefits. Ms. Stevens admitted that she knew about the pregnancy benefits before she contacted Dr. Franklin.

Should Dr. Franklin have required Ms. Stevens to provide information to him about her financial condition as well as interview her to determine whether she was a medically and psychologically suitable candidate for artificial insemination by donor? If so, why? If not, why not? (From Hastings Center Report, Feb. 1983)

MODERATOR'S ANSWER: It would be wrong for Dr. Franklin to insist upon receiving financial information. In this case Ms. Stevens utilized benefits to which she was legally entitled. If Dr. Franklin objects to the laws which created those entitlements he should work to change them. It would be unfair of him to express his opposition to the laws by refusing his services to women like Ms. Stevens. For all Dr. Franklin knows other, more affluent, patients may benefit even more than Ms. Stevens from taking advantage of laws (e.g. tax loopholes) in ways of which he disapproves, or ought to disapprove.

2. Puredrug is a large global pharmaceutical company which is currently facing a declining market share and weak profits. Puredrug has an opportunity to sign an $8 million sales contract with the Philippine Government for a new drug called Travenol, used for treating viral infections, including measles. Travenol is in short supply because it is difficult and expensive to manufacture. Puredrug's inventory contains a large batch of Travenol produced at a cost of $2 million. The U.S. Government rejected this batch for the domestic market, however, on the basis of a new, very sensitive, test for toxic substances. The test revealed a low level of a toxic substance called endotoxin in the batch of Travenol. The old test used by the U.S. Government uncovered no endotoxin. The Philippines relies exclusively on the old test. Endotoxin might cause high fever. No one can say definitively, however, if Puredrug's batch of Travenol has enough endotoxin in it to produce this result in patients. Last year half of the Philippine children who contracted measles died. (New York Times, 2/13/94)

Would it be absolutely wrong for Puredrug to sign the sales agreement with the Philippine Government? If so, why? If not, why not?

MODERATOR'S ANSWER: It would be morally permissible for Puredrug to sign the sales agreement provided that it clearly informs the Philippine Government about the test results under the new test. Puredrug may reasonably assume that the Philippine Government has set up procedures to assure the safety of drugs used in the Philippines, but Puredrug must disclose all the relevant information for an informed decison. The sale raises public relations issues related to Puredrug's image which relate to the responsibility of Puredrug's management with respect to its shareholders. So long as the management deals with these issues reasonably and in good faith, however, then it meets these responsibilities.

3. In a recent Maryland case in federal court, George Hopkins, who was a photo technician at Baltimore Gas and Electric Company claimed that his supervisor had harassed him over the eight years that they worked together. The judge in the case ruled that sexual harassment is a matter of gender discrimination, and the category of gender discrimination cannot be reasonably understood to apply in cases involving two members of the same sex. (Windy City Times 1/12/95)

Was the judge in this case correct in his conclusion about the meaning of discrimination? If so, why? If not, why not?

The judge was mistaken in his conclusion. It may be that given the facts of this particular case one cannot say that Mr. Hopkins was discriminated against because of his gender. This does not mean, however, that there are no possible circumstances where it would be reasonable to view one man's harassment of another as a form of gender discrimination. If a person was constantly subjected at work to highly offensive remarks about his color, religion, or ethnicity the person would have a right that it stop even if the person making the remarks happened to be of the same color, religion, or ethnicity as the person toward whom he directed the remarks. The same reasoning applies in the case of gender.

4. The city of La Mesa California has adopted a new policy for combating prostitution within its city limits. The City buys space in the local newspaper to publish the names and mug shots of those found guilty of offering or soliciting sex for money - whether peddling wares or trying to buy. The city put up five billboards warning: When convicted La Mesa offers free photos! In mid January three patrons of prostitutes became the first to make the paper. The trio's names, ages, and photos landed in the Daily Californian (circulation 25,000) right next to the winning California State Lottery number. (Newsweek, 2/6/95)

Is La Mesa's new policy to combat prostitution within its city limits morally justifiable? If so, why? If not, why not?

MODERATOR'S ANSWER: The policy is not justifiable. Perhaps some patrons of prostitutes deserve public humiliation in light of what their patronage indicates about their moral character. One cannot say, however, that this applies to all patrons in all cases. Such a concern might be overridden in the case of serious offenses where society has an overwhelmingly strong interest in deterrence. Prostitution does not fall into this category.

5. Professors at the University of Utah used to assume that the State would defend them if they ran into trouble. Recently, however, the State refused to help a professor who has been sued for defamation. David C. Raskin, a professor of psychology at the University of Utah, is battling a $1 million lawsuit filed against him after he spoke before a local chapter of the False Memory Syndrome Foundation in June 1992. The group supports people who have been accused of sexual abuse and other crimes by victims who claim to have recovered long repressed memories of the acts. Mr. Raskin is an expert in methods of interviewing witnesses in sexual abuse cases, as well as in polygraph techniques. He has written about the subjects and testified in more than 175 court proceedings for which he has usually been paid $150 to $300 an hour. In his speech Dr. Raskin questioned the competence and qualifications of a Salt Lake City psychologist who has become well known in Utah for arguing that repressed memory in cases of grave sexual abuse has occurred. The psychologist sued Professor Raskin for defamation. The State of Utah's Division of Risk Management, which serves as the University's insurance company, denied coverage to Professor Raskin saying that he acted as a private citizen in giving the speech and not as a university employee. The State agency said that the speech was related to Professor Raskin's consulting work. (Chronicle of Higher Education 2/17/95)

Should the State of Utah pay Professor Raskin's legal expenses in connection with the lawsuit? If so, why? If not, Why not?

MODERATOR'S ANSWER: The State should assist Professor Raskin in covering his legal costs. Sometimes it is difficult to distinguish between a Professor's academic "job" related work and his outside activities. In the case of a Professor at a major research university, such as the University of Utah, however, the policy should be to define "job" related work in broad rather than narrow terms. To do otherwise would discourage Professors from research and teaching activities with a significant impact beyond the group of academic specialists in their particular disciplines. The State's point that Professor Raskin's speech may have been useful to him in advancing his consulting business is not a decisive reason to regard the speech as unrelated to his academic activities. A better test would be whether the speech addressed a significant matter of public concern in regard to which Professor Raskin could genuinely contribute in light of his academic expertise.

6. Italian business corporations usually do not negotiate directly with Italian tax

authorities but instead hire a negotiator, called a commercialista to deal with the authorities. After hiring the commercialista corporate officials then usually keep their distance from the negotiations. The settlement ultimately reached often depends upon a substantial cash payment, called a bustarella, made to the revenue agent by the commercialista at a crucial point in the negotiations. Whatever bustarella is paid during the negotiation is included in the commercialista's fee once he concludes negotiations. If the final settlement is favorable to the corporation the corporation pays the fee. It never knows how much, if any, of the fee represents the bustarella and how much is the commercialista's profit. The full amount of the fee is tax deductible.

Assume you are the head of the Italian subsidiary of an American firm. Is it morally permissible for you to hire a commercialista to deal with the tax authorities, or are you required by morality to direct your firm's accounting department to file a tax return that represents the department's best good faith estimate of your firm's tax liability? In either case, state your reasons.

MODERATOR'S ANSWER: It is morally permissible to hire a commercialista. In this case the commercialista does *not* offer bribes to the tax authorities, but instead negotiates your firm's response to demands for an extortion payment. The difference is that offering a bribe involves making a payment to obtain something you don't have to right to obtain, whereas in making a extortion payment you pay to satisfy a person who is denying you something to which you have a right. The main ethical reason to avoid making extortion payments is that they tend to perpetuate and support the unethical practice of which the extortion demand is a part. In this case, however, there is very little realistic possibility that your refusal to submit will lead to a significant change for the better, and it may seriously hurt your firm.

7. Pharmacist Joan Smith receives a call from a patron who identifies herself as having leukemia. The patron wants information about a new medication he has read about, but of which his physician is completely unaware. Joan does some research and learns the following. The medication costs $30 per ounce and about $4.00 a day. There is no scientific data indicating the efficacy of the medication for treatment of leukemia, but there are some clinical indications of negative side effects, such as nausea, headaches, and temporary loss of hearing. Joan is concerned that the patron may believe that the medication is effective and, as a result, forego more, possibly, effective medical treatment.

What should Joan do?
(based on case in Hastings Center Report, May/June, 1989)

MODERATOR'S ANSWER: Pharmacists have a professional obligation to do no harm but they also must respect the autonomy (right to choose) of patrons in regard to their decisions concerning their health. In this case Joan would meet her professional obligation and also respect the patron's autonomy by sharing with him everything she has learned about the medication, including how to obtain it. Joan should emphasize

Under the facts as described, was it wrong for the hospital to discharge Ms. Worthen? If so, why? If not, why not? (Worthen v. Tomms River Comm. Hosp. 488 A2d 299)

MODERATOR'S ANSWER: The discharge of Ms. Worthen was morally wrong. Ms. Worthen had an obligation as a nurse to carry out all reasonable directives. In this case, granted, the directive was not unreasonable, despite Ms. Worthen's objections to it. Nonetheless, the hospital should have made a reasonable effort to accommodate Ms. Worthen's sincerely held moral concerns in regard to dialyzing the terminally ill patient. In this case, since Ms. Worthen had indicated her moral concern well before the occasion on which she was terminated from employment, it would seem that her supervisor could have tried, without undue effort, to determine whether another nurse could switch with Ms. Worthen.

10. Recently Bowdoin College in Maine has dropped a policy, adopted in 1990, that resulted in the U.S. military's being barred from recruiting on campus. Under Bowdoin's 1990 policy employers had to certify that they do not discriminate on the basis of sexual orientation. Because the military will not recruit openly gay people its representatives were barred from the Bowdoin campus. As of February 1995, however, employers that discriminate on the basis of sexual orientation are allowed to recruit at Bowdoin. Robert H. Edwards, President of Bowdoin, said the change was prompted by an amendment to the bill authorizing defense programs recently enacted by Congress that was sponsored by Representative Jerry Solomon, a New York Republican. The Solomon amendment prohibits the Department of Defense from supporting any research at colleges that bar military recruiters.

Is the Solomon amendment morally justifiable? If so, why? If not, why not? (Reported in the Chronicle of Higher Education 3/3/95)

MODERATOR'S ANSWER: The Solomon amendment is morally unjustifiable. It appears to be aimed at punishing colleges that express their opposition to the position of the U.S. military concerning recruitment of openly gay individuals. From the standpoint of the public interest, the Department of Defense should allocate research funds on the basis of judgment concerning the extent to which scientific and technical research is likely to reach results that contribute to meeting the national security needs of the United States. The decision should not be made on the basis of an individual's or institution's expressed opposition to the recruitment policies of the military.

11. A graduate student at the University of California, Berkeley recently sued the federal government for unfairly limiting his freedom to discuss his research. The student, Daniel J. Bernstein, has developed an equation for encrypting information that could be used to scramble messages on the Internet or other computer networks. Federal regulations associated with the Export Administration Act define "technical data" very broadly to include "information of any kind that can be used, or adopted for

use, in the design, production, manufacture,utilization, or reconstruction of articles or materials." The regulations also define "export" of data to cover not only the actual shipment or transmission of technical data out of the United States, but also "any release of technical data in the United States with the knowledge or intent that the data will be shipped or transmitted from the United States to a foreign country." Mr. Bernstein says in his lawsuit that he wants to publish a paper on his work as well as software based on his equation. He also wants to discuss his research at mathematics conferences.

Has Mr. Bernstein been unfairly deprived of his freedom to discuss his research? If so, why? If not, why not? (reported in the Chronicle of Higher Education, 3/3/95)

MODERATOR'S ANSWER: Mr. Bernstein has been unfairly deprived of his freedom to discuss his research. The federal regulations invoked to prevent him from publishing articles and presenting papers on his research are stated so broadly that they give the government virtually unrestricted authority to censor communications on technical matters. A free society cannot give government officials this kind of blanket control. To justify restricting dissemination of Mr. Bernstein's equation the government would have to demonstrate harms related to such discussion that are so severe and imminent as to preclude any reasonable countermeasures.

12. James J. Cramer, President of Cramer and Company, a private money management firm, and a contributing writer for Smart Money magazine, praised three small companies in which his firm held substantial shares of stock in a recent column he wrote for Smart Money. Shortly after publication the stock in these companies, which usually is not traded heavily, soared in value in unusually heavy trading. Mr. Cramer did not violate any laws, but his actions violated the conflict of interest rules for employees of Dow Jones, the co-owner of Smart Money magazine, which strictly prohibit employees of the Company's publications from profiting, or even appearing to profit for a coming article. Steven Swartz, the editor of Smart Money, contends that this policy does not apply to Mr. Cramer, who is not a Dow Jones employee, and who was asked to write the column, according to Mr. Swartz, because he is an active money manager, and not a journalist. Mr. Swartz also stressed that Mr. Cramer disclosed in his column that his firm owned shares in the companies about which he wrote.

Was it ethical of Mr. Cramer to praise the three companies in his column even though his firm held stock in them? (reported in the New York Times 2/20/95)

MODERATOR'S ANSWER: It was unethical of Mr. Cramer to praise the three companies. He took unfair advantage of his position as a contributing writer to a mass circulation magazine on financial investment. That he disclosed in his column that his firm held stock in the companies is not a sufficient ethical justification of his actions. Someone with the kind of access to mass media that Mr.. Cramer had has special obligations owing to his greatly enhanced influence. Even though the Dow Jones

code of ethics doesn't technically apply to Mr.Cramer the substance of its conflict of interest provision is directly relevant to his situation.

13. The Fraternal Order of Police, the union of Chicago area police officers, has recently urged its membership to withhold contributions from the United Way to protest the charitable organization's providing of a $250,000 grant to a small legal aid service that plans to provide attorneys to indigent suspects during interrogation at Chicago area police stations. Although suspects have a constitutional right to an attorney at the police station, they are not entitled to free representation until their first court appearance. The United Way could lose hundreds of thousands of dollars if large numbers of city and suburban police officers cancel their automatic payroll deductions. Fraternal Order of Police President William Nolan wrote in the union's newsletter: "What the United Way in essence is telling everybody is that they would rather spend money to help suspected murderers, rapists, and other criminals, than helping other people who are in dire need of worthwhile charity."

Is the attitude of the Fraternal Order of Police toward the United Way morally justifiable? If so, why? If not, why not? (reported in the Chicago Sun Times 3/13/95)

MODERATOR'S ANSWER: The attitude of the police union, though in some ways understandable, is not morally justifiable. Everyone arrested for a crime has a constitutional right to representation by an attorney. Allegations of police brutality and coercion often occur in the gap between arrest and a court appearance. The objective of the new service provided by the small organization United Way decided to fund aims to make the constitutionally guaranteed right to representation by an attorney a reality for people who cannot exercise this right owing to lack of funds.

14. Jane shared a dormitory room during her sophomore year at X University with Mary who soon became one of her best friends. Over the school year, however, Jane observed that Mary regularly collaborated with her peers on homework or take-home exams; she often obtained help from friends who were graduate students or professionals on her programming assignments, on papers, and on take-home exams. To Jane's knowledge Mary never looked at another student's in-class exam, but Jane never tried to find out whether Mary had done so. X University has an honor system which includes a pledge that every student must sign as a condition of attending. The pledge includes a provision that the student will report any instances of cheating that come to her attention to school authorities.

Should Jane regard herself as absolutely bound to report Mary in virtue of her honor system pledge? If so, why? If not, why not?

MODERATOR'S ANSWER: Jane cannot responsibly ignore her pledge, but, by the same token, as a morally responsible person, she cannot regard the pledge as imposing an absolute obligation upon her. Other morally relevant considerations may

figure heavily in the situation and Jane needs to take these into account as well as the pledge. For example, Jane needs to consider the evils she might cause, prevent, or avoid by honoring the pledge in comparison with the evils she might cause, prevent, or avoid by not reporting Mary. Taking these considerations into account can pose difficult problems of judgment, but there is no morally responsible way to avoid them.

15. In the previous situation, was it morally justifiable for X University to require every prospective student to report any instances of cheating that come to the student's attention as a condition of attending the Unversity? If so, why? If not, why not?

MODERATOR'S ANSWER: X University's policy of requiring every prospective student to sign the pledge is not morally justifiable. The policy requires students to treat situations that are often extremely complex, ambiguous, and difficult to resolve in an arbitrarily uniform way. No morally conscientious faculty member or administrator serving on a disciplinary committee would treat all cases of cheating the same. It is therefore unfair to insist that students do so. The policy also seems to impose such heavy moral and emotional costs upon students that it might lead them to adopt a "see no evil, hear no evil" approach, which might make many students feel personally guilty, and not reduce the amount of cheating at the University.

16. Elizabeth Mikus and her family are threatening to sue Cornell University because the admissions office sent Elizabeth what she took to be an early acceptance letter and then told her it had been a mistake. This past fall Elizabeth applied for an early decision on admission to Cornell. In December she received an envelope containing a reply card, return envelope, and form letter bearing the greeting "Welcome to Cornell! We are holding a place for you." In accordance with the letter's instructions, Elizabeth withdrew her applications to other colleges and sent a $200 check to Cornell. A week later Cornell called to say there had been a mistake. Elizabeth had been among forty four early decision applicants mistakenly sent the acceptance form letter. The Mikus family has hired a lawyer who says the family will sue Cornell if Elizabeth is not admitted.

Is Cornell morally obligated to accept Elizabeth in virtue of its error? If so, why? If not, why not? (reported in the New York times, 3/14/95)

MODERATOR'S ANSWER: Cornell is not morally obligated to admit Elizabeth. The University's moral obligation in connection with admissions policy is to make meticulously careful decisions impartially in accordance with fair admissions criteria. Were it the case that Elizabeth's record clearly would not even get her placed on a waiting list then admitting her would be unfair to the large number of other, highly qualified students who want to attend Cornell. The University owes Elizabeth and her family a tactful and sensitive apology, extensive assistance to Elizabeth in efforts to reinstate her applications to other schools, and a firm assurance to review her application at the earliest possible time.

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17. While treating an aged patient in a nursing home, Dr. Gerald Einaugler, mistook a dialysis catheter in the patient's abdomen for a feeding tube, and ordered feeding solution pumped through it. Six days later the patient, Alida Lamour, aged 78, was dead. The District Attorney's Office brought criminal charges against Dr. Einaugler, In 1993 he was convicted of two misdemeanors and sentenced to serve fifty two weekends in prison. Medical groups, including the American Medical Association, have strongly *condemned* the criminal conviction of Dr. Einaugler, saying that it will irreparably chill the practice of medicine. At the trial prosecutors related the following. Dr. Einaugler was *notified of his error* early in the morning the day after he made it. He promptly called the physician heading the dialysis unit which had been treating Ms. Lamour who told him to get her to a hospital as soon as possible to treat her for peritonitis, infection of the membrane lining the abdomen. Dr. Einaugler, however, did not do this. Instead, he directed nurses to monitor Ms. Lamour's condition throughout the day, and did not order her sent to a hospital until late in the afternoon whet it became clear Ms. Lamour was weakening. At the hospital Ms. Lamour was diagnosed with peritonitis and died *four* days later.

Was the decision to prosecute Dr. Einaugler morally justifiable? If so, why, and was the punishment appropriate? If not, why not? (reported in the New York Times, 3/16/95)

MODERATOR'S ANSWER: The decision to prosecute Dr. Einaugler was morally justifiable and his punishment was appropriate. A physician should not be criminally prosecuted for mistaken judgment, even in cases of gross incompetence. Revocation of a physician's license to practice medicine is the appropriate measure in such circumstances. In Dr. Einaugler's case, however, the evidence is sufficient to indicate that he exposed his patient to mortal danger because he wanted to downplay the severity of his mistake. This brings his actions *within* the sphere of the criminal law. The misdemeanor convictions and weekend punishment are appropriate insofar as Dr. Einaugler's actions indicated wanton disregard for his patient's safety, but not a clearly formed intention to harm her.

18. Lawyers for seven victims and their families of a shooting rampage at a San Francisco office building that left eight people dead and six wounded have asked a judge to let them sue the maker of the gun used in the shootings. The victims' lawyers argue that the gun used in the shootings, which could fire 32 to 50 bullets without reloading, was made for mass murder. Dennis Hennigan, a lawyer for the Center to Prevent Handgun Violence, stated that when the manufacturer sold this gun to the general public "it was foreseeable that it would be used ... by a madman to kill as many people as possible." Ernest Getts, a lawyer for the manufacturer of the gun, stressed that the two pistols acquired by the killer in the San Francisco shooting rampage were legally manufactured and sold. Ralph Robinson, a lawyer for the Company that made the pistol's magazine, pointed out that California courts have ruled consistently that

responsibilty for wrongful acts should lie with the people who commit those acts.

Is it fair to hold the gun manufacturer in this case liable for compensating the victims and their families of the shooting rampage? If so, why? If not, why not? (reported in the New York Times, 2/19/95)

MODERATOR'S ANSWER: It is fair to hold the gun manufacturer liable. Decisions about where the law should place liability involve weighing of harms and benefits. In the case of the manufacturer in this case it seems clear that the possible harms associated with the gun's use by the general public substantially outweigh the benefits. In this case the manufacturer rejects all responsibility for the mass killings in San Francisco. This, however, is not a persuasive position given that in this case there are serious questions about the killer's sanity.

19. In 1986 David Lucas paid $975,000 for two residential lots on the Isle of Palms in Charleston County, South Carolina with the intention to build single family homes, as had already been done by the owners of the immediately adjacent parcels of land. In 1988 the State of South Carolina enacted the Beachfront Management Act, which was intended to protect the South Carolina shoreline from erosion. This law had the effect of preventing Mr. Lucas from building residential homes on his lots.

Does the State of South Carolina have a moral obligation to provide Mr. Lucas with just compensation for the economic loss that resulted from the law preventing him from building single family homes on his property? If so, why? If not, why not?

MODERATOR'S ANSWER: The State is not morally obligated to provide just compensation to Mr. Lucas. The State's Beachfront Management Act was a legitimate public measure to serve purposes that the elected representatives of the people of South Carolina considered important to the public. If governments had to compensate land owners every time a regulation affects the value of an owner's land, there could be no public actions to accomplish objectives such as cleaning up toxic sites, maintaining clean air and water, limiting development of flood prone areas, and many more as well. Sometimes investors in land are hit hard by governmental decisions concerning regulation, but this fact alone doesn't make the regulation unfair.

20. Mayor Rudolph W. Giuliani of New York City, and the City Council, recently agreed to a set of strict new zoning rules for X-rated video stores and topless bars that city officials say will drastically reduce the number and concentration of such establishments throughout the City. The new rules would prevent sex related businesses from operating within 500 feet of residences, schools, and houses of worship, and within 500 feet of one another. The plan also limits the size, placement, and illumination of signs on adult businesses. The new rules will completely eliminate sex related businesses in most areas of New York City and even profoundly affect New York's Times Square whose reputation for X-rated entertainment is known world-wide.

"This is great news - It can welcome back exciting and appropriate economic development on Eighth Avenue," said Gretchen Dykstra, President of the Times Square Business Improvement District. Arthur N. Eisenberg, Legal Director of the New York Civil Liberties Union, expressed the view that the new zoning rules violate the First Amendment.

Are New York City's new zoning regulations morally justifiable? If so, why? If not, why not? (reported in the New York Times, 3/14/95)

MODERATOR'S ANSWER: The regulations are not morally justifiable. They reflect the viewpoint and attitudes of people who disapprove of the orientation toward sexuality expressed by X-rated videos, topless bars, and the like. To use zoning laws as a means of limiting the expression of viewpoints that the lawmakers disapprove of, even if the law makers reflect the majority viewpoint, violates the fundamental right of free expression.

21. In a recent study pairs of men, aged 19 to 24, one white and one black, were sent out to apply for jobs in Chicago land Washington, D.C. The members of the pairs had similar physical, personality, and speech characteristics, and they were given fake resumes with similar backgrounds. Both individuals in a pair applied for the same jobs, and the results of their efforts were compared. In one quarter of the 476 test cases (218 in Chicago and 258 in Washington, D.C.) the employers exhibited racial bias, and in such cases the black applicant received unfavorable treatment three times as often as the white applicant.

Was this study, as designed and conducted, morally justifiable? If so, why? If not, why not? (reported in the Chicago Tribune 5/18/91)

MODERATOR'S ANSWER: The study is morally justifiable. It involves deception in some important respects, but the basic moral rule that forbids deception is not an absolute. In this case, no one was harmed, either physically or emotionally, by the deception. Furthermore, the subject of the study - the extent of racial bias in hiring - has great importance in regard to many critical areas of public policy in the United States at this time, and the data from the study was highly pertinent to conclusions about its subject.

22. The Washington State Supreme Court recently ruled that the State's law mandating "full access to information concerning the conduct of government at every level" requires State universities in Washington to make public on request research grant proposals even if they haven't been funded. Researchers and officials at the University of Washington predict that the ruling will have disastrously negative effects on research. The State Supreme Court's ruling is the result of a suit brought by an animal rights group in an effort to force the University of Washington to release details of an unfunded research proposal designed to study self abusive behavior in monkeys

to find clues in connection with similar behavior in autistic children. The project, which would have isolated some monkeys at birth, didn't get a high enough score to be funded by the National Institute of Health, and never took place.
(POINT OF INFORMATION) Research grant proposals to federal agencies, while written and designed by individual researchers at a university, are sponsored by the university. Submission of a research grant proposal to a federal funding agency always must be reviewed and signed off on by a responsible university official.

Does the ruling of the Washington State Supreme Court violate the moral rights of researchers in public universities in the State of Washington? If so, why? If not, why not? (reported in Science 12/9/94)

MODERATOR'S ANSWER: The State Supreme Court's decision does not violate the moral rights of researchers. Scientific research is one of the principal missions of the University of Washington. For this reason the public, which funds that research is entitled to detailed information about it. There are many good reasons not to compel researchers to disclose publicly their work in preparation of research grant proposals. Once completed, however,and signed off on by a responsible university official, the public has a right to examine them. Whether or not a proposal eventually wins funding is not critical in this connection.

23. On February 17, 1978 an aerial photography team from the Environmental Protection Agency (EPA) flew over and took detailed aerial photographs of the Midland, Michigan plant of the Dow Chemical Company. The Company had no knowledge that the flight was taking place. Prior to the flight, the EPA was conducting an investigation in connection with emissions from the Midland plant for the purpose of deciding whether to approve an agreement concerning emissions at the plant between Dow and the Michigan State environmental agency. Dow cooperated with the EPA investigation, answering every question and providing all requested documents. When the investigators indicated they wanted to take photographs, however, the Company balked. In order to protect its trade secrets Dow had a policy of not allowing cameras into the plant. After being informed of this policy, EPA officials authorized the flyover.

Was the EPA's flyover at Midland morally justified? If so, why? If not, why not? (Ethical Theory and Business Beauchamp and Bowie 4th Ed.)

MODERATOR'S ANSWER: The EPA's flyover was morally justified. The EPA had a critical public responsibility to fulfill in deciding whether to approve the agreement between Dow and the State of Michigan in connection with emissions at the plant. The EPA has a responsibility to try to conduct its investigations in ways that do not intrude unduly upon an investigated organization. If the EPA needed information i connection with the Midland plant only obtainable by way of aerial photography, however, then the Agency acted within the scope of its legitimate authority in carrying out the flyover.