

**CASES**

**For the**

**SEVENTEENTH**

**INTERCOLLEGIATE ETHICS BOWL**

**TAKING PLACE AT**

**THE ANNUAL MEETING OF THE**

**ASSOCIATION FOR PRACTICAL AND PROFESSIONAL ETHICS**

**IN**

**SAN ANTONIO, TEXAS**

**ON THURSDAY February 28, 2013**

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## Case 1

Jillian, a food blogger, had more than 100,000 followers when she received the invitation. She was asked to dine at a new underground restaurant, yet to open, apparently run by a high-profile celebrity chef. The evening was to include a multi-course meal and the opportunity to learn about food trends from a noted food industry analyst. After confirming, Jillian was to receive vouchers for dinner, at any of the chef's restaurants, with which to reward her readers. Finally, the invitation read, the evening would include a big surprise.

Jillian enjoyed the evening immensely. It started with a wine tasting and lively discussion with other food bloggers and Claude Clarke, who follows the organic food industry for a national brokerage house. The conversation covered many topics, but centered on the dearth of fresh ingredients in up-scale restaurants and the use of artificial coloring and preservatives in many foods. Jillian, like others, described the lengths to which she goes to avoid ingredients like disodium inosinate and disodium guanylate. Jillian hoped Clarke, charming and seemingly well informed, would be a new inside source for her commentaries on food.

Jillian and her colleagues were later served a tasty lasagna entrée and a delicious key lime pie.

The following day, Jillian received a telephone call from Jack Hill, a spokesperson for the public relations firm representing Blackstone Foods. Hill told her that the lasagna and pie she enjoyed the previous evening were, in fact, a well-known brand of frozen food sold by Blackstone. He also asked for permission to use the hidden camera footage taken of Jillian in their upcoming ad campaign.

Jillian, who sees herself as a truth-seeking journalist, was stunned. Although she recognized that surreptitious taste tests have long been a staple of food advertising, she felt foolish and annoyed for being duped. She was particularly incensed to learn that Blackstone had served her food that contained the very chemicals she so scrupulously eschews. Her only solace was that the telephone call came early, before she had posted her praise for the new restaurant.

“Betrayed” and “violated” were a few of the adjectives Jillian used on her blog to describe the experience.

It turns out that Jillian was not alone in her outrage. In subsequent days the blogosphere erupted with invective directed at Blackstone over the stunt.

## Case 2 [replacement]

On 8 May, Dean Hiram pulled his pickup truck into the Posey County 4-H Center in New Harmony, Indiana, just after 6 a.m. to vote. As he waited outside for the polling station to open, he still hadn't decided what to do.

Among friends, Dean had always characterized himself politically as a "conservative Democrat" and nearly always voted a straight Democratic ticket in general elections. Representative Joe Donnelly of the 2nd Congressional District, a moderate, was running unopposed for the Democratic nomination for the US Senate. On the Republican side, the moderate incumbent Richard Lugar was in a race for his political life against a Tea-Party-backed candidate, Richard Mourdock. Dean would be happy with either Donnelly or Lugar as his senator, but a win by Mourdock would trouble him.

Dean had voted for a majority of Democratic candidates in the last general election. Therefore, Indiana election law forbids him from participating in the Republican primary. Dean, though, wanted to cast his vote for Lugar. Regardless of how Mourdock might fare against Donnelly in the general election, went his thinking, a win by Lugar would ensure Indiana continue to have a centrist senator come January.

Still ambivalent, Dean found himself requesting a Republican ballot from the poll worker as he worked his way station by station toward the voting booth. Lugar had his vote. He tried to assuage his feelings of guilt by not voting in any of the other Republican races, but it didn't seem to help.

### Case 3

For six years, Charles Darwin Snelling cared for Adrienne, his wife of 61 years, after she was diagnosed with Alzheimer's disease. An essay Snelling had written about the richness of caring for Adrienne since her diagnosis was published online in the *New York Times Life Report* December 7, 2011. In the essay, Snelling stated that caring for his wife was not a sacrifice or a noble act: "What I am doing for her pales beside all that she has done for me for more than half a century."

In March 2012, Snelling killed Adrienne, and then took his own life.

According to the *Washington Post* (March 30, 2012), Adrienne Snelling wrote a letter to her children three years after her diagnosis. In that letter, she told her children that she and their father had decided that neither of them wanted to continue living after hope of the wonderful life they had shared with each other and their children was gone.

The day following their parents' death, the Snelling children released a statement that acknowledged their shock, despite knowing their parents' end of life wishes. They confirmed, however, their conviction that their father had acted out of deep love and devotion.

On April 2, the *New York Times* reported that public opinion was mixed but largely sympathetic to Snelling's despair. One reader called Alzheimer's "a slow horror show." Others criticized Snelling's actions, arguing that no one has the right to decide that another person's life is not worth living.

## Case 4

The potential for climate control has raised both scientific and ethical alarms that have not been fully explored. Intuitively appealing, scientists tout techniques for engineering Mother Nature to mitigate problems stemming from man-made global warming, and to make life more pleasant. In recent years, however, one high profile project drew attention to the potential scientific, ethical, and political implications of climate manipulation.

Stratospheric Particle Injection for Climate Engineering (SPICE) is a project sponsored by several UK universities and funded by the UK government. In 2011, SPICE was set to test a technique to manage radiation by pumping water up a one kilometer long hose to see if water molecules would deflect radiation from earth and have a cooling effect. Just before its implementation, the UK honored a request by the international organization, ETC (Action Group on Erosion, Technology and Concentration), and other environmentalists across the globe, to put SPICE on hold. ETC and others advocate taking a step back to develop best practices for proposing and implementing projects like SPICE. They want to develop guidelines for vetting future geoengineering projects, guidelines that address scientific efficacy and anticipate possible unintended consequences such as induced droughts or altered rainfall patterns. Some worry about the political possibility that developing mitigating solutions for global warming will give governments an excuse to loosen emissions controls.

In addition to managing solar radiation with water or particles that reflect sunlight away from earth, geoengineering techniques are being developed to reduce carbon dioxide in the environment. As global warming becomes a more serious threat, so too do potential remediations. Resolving the thorny issues that surround climate geoengineering is crucial.

## Case 5

To some, Oswaldo José Guillén Barrios is a free spirit. To others he is a loose cannon. Many agree, however, that discretion and tact are not his long suits.

Guillén, known as Ozzie to most, is a Venezuelan-born American best known for his career as a major league baseball player, coach, and manager. In recent years, though, Ozzie's baseball prowess has been overshadowed by his public comments on everything from journalists to his wife. He called Jay Mariotti of the *Chicago Sun Times* a fag; about his own wife he said, "What attracted me to my wife is she's hot. She's also nice, she's a great mom, but that comes after she's hot."

Many criticize Ozzie as a poor role model. Asked about his off-field routine on team road trips, Ozzie told reporters, "I get drunk because I'm happy we win or I get drunk because I'm very sad and disturbed because we lose. Same routine, it never changes." About work he said, "I'm not going to quit. I'm not a quitter. When I want to quit, I'll do a lot of stupid things and make sure they fire me and get paid." Ozzie also offered, "I'm the Charlie Sheen of baseball without the drugs and a prostitute."

Ultimately, it was Ozzie's diplomacy—or lack thereof—that landed him in hot water. Recently hired to manage the major league baseball franchise in South Florida, the Miami Marlins, Ozzie shared his thinking about world figures with *Time* in April 2012. "I love Fidel Castro. I respect Fidel Castro. You know why? A lot of people have wanted to kill Fidel Castro for the last 60 years, but that mother\*\*\*\*\* is still here." The backlash was swift.

Outside the new taxpayer-funded Marlins Park in the Little Havana section of Miami, protesters marched and called on Jeffrey Loria, owner of the Marlins franchise, to fire Guillén. Politicians from across South Florida also weighed in on the controversy. Miami-Dade Mayor Carlos Gimenez condemned Guillén's comments and urged the owners to "take decisive steps" to end the controversy. The Hialeah, Florida, City Council went so far as to unanimously pass a resolution "strongly urging the Miami Marlins to immediately dismiss team manager, Ozzie Guillén, for his remarks about Cuban tyrant, Fidel Castro."

Soon after the *Time* comments were published, Guillén flew back to Miami from Cincinnati, where the Marlins were playing, to hold a press conference. A contrite Guillén apologized to the community for his comments in a mea culpa orchestrated by the front office. The Miami Marlins later suspended Guillén for five days without pay and pledged to donate the \$150,000 he would have earned during those five days to local charities.

In the eyes of many, the team didn't go far enough. Others, even in the South Florida Cuban community, felt the outrage misplaced. One fan seemed bewildered by the anger because Guillén followed up his controversial comments with the explanation that his love and respect for Castro stemmed from Castro's longevity, despite being a hated figure. Another common response by Guillén sympathizers accuses the Cuban community of mirroring Castro's deeds in their censure of Guillén: "It's just un-American".

## Case 6

The Development, Relief, and Education for Alien Minors Act, known as the DREAM Act, was introduced in the US Senate in 2001. Its sponsors' intent was to provide a path to permanent residency for persons brought to the US as children by their illegal immigrant parents. The legislation would offer conditional permanent residency to "illegal aliens" who entered the country before the age of 16 and graduated from high school here, lived in the country continuously for at least five years before the bill's passage, and have good moral character. Those deemed eligible for this six year conditional permanent residency then have two options for earning a three year permanent residency. One of these is to complete successfully at least two years of college at a four year institution. Three years after achieving permanent residency, they would be eligible to apply for full US citizenship.

The bill has been debated many times since 2001, often as part of other legislation. But advocates have never garnered the necessary votes in Congress to pass it. In late 2010, a version of the DREAM Act passed the US House, but died in the Senate for want of votes to end a filibuster. Still, proponents seem determined to find consensus on a law to prevent deportation of people who were brought to the US as children by parents who came and stayed here illegally.

Not surprisingly, the major criticism of the DREAM Act comes from those who oppose immigration amnesty and charge that passage of the bill would encourage illegal immigration. They also claim that the government would be rewarding parental law-breaking. Further, critics claim that the education provision would be a burden for taxpayers who help pay for higher education. They also worry that US born students will be denied spots in universities and access to financial aid that goes to those eligible under the DREAM Act.

Proponents of the DREAM Act point to the fact that children who live in the US through no fault of their own, and who have grown up and done well here, should not be denied an opportunity to achieve citizenship. Advocates also argue that the education feature will encourage young people to reach their full potential, contribute to their communities, become taxpaying citizens, and thus increase the productivity and global stature of the US.

## Case 7

Every year thousands of hunters try their luck at bagging their dream trophies: wildebeest, aoudad, zebra, Asiatic Water Buffalo, Nilgai antelope, dama gazelle, and other exotics. Hunters don't have to travel to distant lands to pursue their dream. Since the 1930's, many US ranchers have stocked their ranges with scores of endangered species, charging hunters up to several thousand dollars to kill just one animal.

Commercial hunting of exotics gives ranchers incentives to breed rare animals that might not otherwise survive. Hunters and ranchers claim that the business of providing exotic animals for hunting not only conserves endangered animals, but also creates conditions that allow them to thrive. Exotic animal hunting is, they contend, the only reason some of these animals still exist. Supporters of exotic hunts claim that the practice is successful in conserving species. They point out that some endangered species are now more numerous in the US than in their native countries; some species found on these ranches, like the scimitar horned oryx, no longer exist in the wild.

Opponents of exotic hunts claim that breeding rare animals for hunting is not conservation, but a violent sport that abuses animals for commercial exploitation. Besides killing exotic animals, hunting leaves many maimed, orphaned, debilitated by parasitic or infected wounds, and vulnerable to predators. Even when they escape their human predators, hunted animals suffer stress from the constant chase, fear, inability to feed adequately, and disruption of family units.

## Case 8

It has been 35 years since the US Supreme Court, in *First National Bank of Boston v. Bellotti*, extended free speech rights under the First Amendment to corporations, invalidating a Massachusetts law that prohibited the expenditure of corporate funds for influencing or affecting the opinion of voters. The majority found that the First Amendment covered the rights of citizens to hear speech and that citizens would benefit from hearing the views of corporations.

To the dismay of many, the 2010 Supreme Court ruling on *Citizens United v. Federal Election Commission* further extended the free speech guarantees of the First and Fourteenth Amendment of the US Constitution to corporations and unions. Inter alia, it invalidated section 203 of the Bipartisan Campaign Reform Act of 2002 (a.k.a. the McCain–Feingold Act), thereby allowing unlimited independent political expenditures by corporations and unions using their general funds. Prior to the *Citizens United* case, these entities could make political contributions, but they had to come from separate segregated funds (i.e., political action committees).

Although the country has yet to complete one full election cycle since the Court published the *Citizens United* decision, preliminary data suggest that the ruling might have had limited impact on the financing of federal campaigns. Writing for *The Atlantic* (May 21, 2012), Wendy Kaminer reported the following:

A review of FEC records for independent expenditure-only committees—i.e. the so-called Super PACs—supporting the eight leading Republican Presidential candidates has evidenced minimal corporate involvement in the 2012 election cycle...not a single one of the Fortune 100 companies has contributed a cent to any of these eight Super PACs...of the entire \$96,410,614, (contributed to the Super-PACs,) 86.32% was contributed by individuals, 12.87% by privately held corporations and less than one percent—0.81%—by public companies.

Perhaps restrictions contained in the McCain-Feingold Act fail to explain entirely why corporations do not spend more to shape the outcomes of elections. For an alternative explanation, consider the experience of Target, a national retailer headquartered in Minneapolis.

In 2010, Target donated \$150,000 to Forward MN, a political action committee (PAC) running advertisements to benefit gubernatorial candidate Tom Emmer, who was critical of the lesbian gay bi-sexual transgender (LGBT) political agenda. Target's contribution ignited a boycott of their stores that counted some 400,000 participants on Facebook. Although this was not a national election and it is unclear how the boycott affected Target profits, if at all, the US Chamber of Commerce nonetheless cited the Target experience to justify its lobbying efforts to relax campaign finance disclosure laws. The Chamber contended that providing information on campaign contributions by corporations like Target deters other corporations from expressing their views through support of political campaigns. It argued that transparency, in essence, restricts free speech.

Those unhappy with the *Citizens United* decision worry that unregulated independent political expenditures by corporations with disproportionate resources have the potential to drown out other voices that may be more numerous, but have fewer financial resources.

## Case 9

In March 2012, Sequoia High School administrators removed a sophomore from honors English for cheating. When accused, the teen admitted that he had copied another student's homework. Under the terms of an academic honesty pledge they both signed, the students were removed from the International College Advancement Program (ICAP). ICAP prepares freshmen and sophomores for Sequoia High School's prestigious junior/senior program: the International Baccalaureate program, perceived as increasing students' chances to be accepted by high profile universities.

Attorney Jack Berghouse, the student's father, filed a lawsuit against the Sequoia Union High School District. Berghouse conceded that his son did cheat, but contended that the punishment—removal from an advanced college preparatory program—was too severe. In May, San Mateo County Superior Court Judge George Miram ruled against a Berghouse motion asking that his son be allowed to return to the class for the remainder of the school year while the lawsuit proceeded. On the motion, Judge Miram ruled that Berghouse failed to establish that he would prevail on the suit to be heard later in 2012.

According to the San Mateo County Times of April 26, 2012, Berghouse said, "He knows it's wrong," and went on to observe that, "You cannot imagine the mental and emotional penalty that has been inflicted upon him. He is a student who has a chance to do just about anything and he thinks that this could take that away from him. We've offered several penalties, anything other than being kicked out of the English program."

The high school offered to allow young Berghouse to resume the advanced program in his junior year. His father rejected this offer, claiming that spending the rest of his sophomore year in an ordinary college prep English program would disadvantage his son. Instead, Berghouse filed suit on his son's behalf against Sequoia Union High School District, the District Superintendent James Lianides and the Sequoia High School Principal Bonnie Hansen. Jack Berghouse's suit claims his son's rights to due process were violated.

The story made national news and precipitated strong reactions. Some parents and other supporters of the decision lauded the school for following its established and published standards. Others agreed with Berghouse that the punishment was too severe. Observers decried the need for the school district to use scarce resources to defend its decision in court. Some worry that children will come to believe that if they just had more money, they could behave badly and get away with it.

## Case 10

Private Lucretia McFiggie startled awake in her tent from another nightmare, images of blasted buildings and body parts searing her brain. She could hear mortars bursting in the distance. She sat on the edge of her cot, trembling and drenched in sweat. She reached for her computer, put on her headphones, and slipped a DVD into the drive. In a moment, the harrowing images of destruction plaguing her mind were replaced by glittering visions of 1930's Hollywood. Lucretia's pulse rate slowed as she touched a little bit of home and calmed herself with the charming distraction of *The Artist*.

Hyman "Big Hy" Strachman is one the world's busiest bootleggers of pirated movies. Over the past nine years, he has copied and distributed over 300,000 DVDs of newly released Hollywood movies from master copies that had been made illegally in theaters or leaked from studios.

Big Hy is not the typical back-alley bootlegger. He is a 93-year old, widowed, World War II veteran who served in the Pacific. He began his "nefarious" project after discovering a website that lists care package requests from soldiers. Many requests were for recently released movies. This Big Hy began copying and sending DVDs to American troops serving in Iraq and Afghanistan. After copying a movie in his Long Island apartment, Big Hy destroys the master disk, keeping no copies for himself. He makes no money from his efforts; in fact, he has personally paid shipping costs of tens of thousands of dollars over the years.

Movie studios do send movies to troops overseas, but only reel-to-reel versions. Service personnel are able to see these movies only at specifically scheduled times, which may conflict with their assigned duties. The free disks Mr. Strachman sends to soldiers can be viewed anytime at the soldiers' convenience on their personal computers.

Mr. Strachman admits he is violating copyright law. "It's not the right thing to do, but I did it," Mr. Strachman said in a *New York Times* article published April 26, 2012.

Although movie studios vociferously condemn movie piracy, Motion Picture Association of America spokesperson Howard Gantman graciously commented on Big Hy's gifts to the troops: "We are grateful that the entertainment we produce can bring some enjoyment to them while they are away from home" (ibid).

In December 2011, another New York movie bootlegger, Gilberto Sanchez, was sentenced to a year in federal prison for uploading a pre-release copy of *Wolverine* to megaupload.com. Immediately following Sanchez's sentencing, the United States Attorney's Office of the Central District of California issued a press release, which quoted United States Attorney André Birotte Jr.: "The Justice Department will pursue and prosecute persons who seek to steal the intellectual property of this nation".

There do not seem to be any plans to bring charges against Mr. Strachman.

To thousands of soldiers, Big Hy is an All-American hero.

## Case 11

Anorexia nervosa is an eating disorder that tends to affect adolescent girls and may continue into adulthood. It has long been associated with elevated mortality, both from suicide and from other causes, making it one of the most dangerous psychiatric disorders. It is characterized by an unrealistic fear of gaining weight. Anorectics will keep trying to reduce, even past the point of endangering their health. They may restrict the amount of food they eat or they may exercise excessively or abuse fat-burning drugs. They may also attempt to purge their bodies, by self-induced vomiting or by overuse of diuretics, laxatives, or enemas. By putting their bodies under such stress, they are prone to various life-threatening physical ailments, including congestive heart failure, stomach rupture, anemia, and loss of kidney function. About 95% of anorectics are women.

The World Health Organization (WHO) uses the Body Mass Index (BMI) as a measurement for specifying the concepts of underweight, overweight, and obese. BMI is height (in meters) divided by weight (in kilograms) squared. WHO considers people with a BMI between 18.5 and 25.9 to be within the normal range. A person who is 177 cm (5'10") must weigh roughly between 59 kg (130 lbs) and 77 kg (170 lbs) to be classified as normal. In the US, the average BMI of a woman in her twenties is 24.3.

The media and the fashion industry put forward images of beauty, some of which are unrealistic and idealized. One feature of these images, not just in the US, but also worldwide, is a slim figure. Accordingly, fashion models are often extremely thin. Critics of the fashion industry charge that promoting an ultra thin image for women has an unhealthy effect on the body image of young women. Such a distorted body image could push already susceptible girls or women toward anorexia or other eating disorders.

In 2006, under pressure from local Spanish governments, the organizers of Madrid Fashion Week banned models with a BMI under 18. The following year, the Italian fashion designers Prada, Versace, and Armani voluntarily banned very thin models from their catwalks.

Recently, Israel passed legislation prohibiting women with a BMI of less than 18.5 from walking the catwalk at fashion shows or appearing in commercials. The obvious point of such prohibitions is to protect the model herself. The legislation goes further, however, and requires advertisers to state explicitly whenever their photos have been photoshopped or otherwise manipulated to make the model appear thinner. The point of this part of the legislation is clearly to change the image put forth by the fashion industry, and thus to protect that portion of the audience who will define themselves in terms of such images and be propelled into anorexic behavior. Commentators agree that this sort of paternalistic legislation would be unlikely to succeed in the US, because of its infringement of the free speech of the fashion industry and the media.

## Case 12

When New York Public Library administrators leave their jobs, they have an option to sign a “nondisparagement” agreement in exchanges for extra severance money. Those who sign the agreement pledge not to criticize the library after their employment ends. According to the May 24, 2012 *New York Times*, the clause specifically prohibits:

...Commenting to the news media or other entities with which the library does business in a way that could ‘adversely affect in any manner the conduct of the business of any of the library entities (including without limitation, any business plans or prospects)’ or the ‘business reputation of the library entities’ according to a copy of the separation agreement obtained by the *New York Times*.”

The library contends that the clause is not intended to censor. Employment lawyers and some library employees who have passed up the severance pay disagree.

The wisdom of a current redevelopment plan proposed by the library for its Fifth Avenue research center has stirred up controversy in New York. Many former employees contacted by the media for comment on the plan have declined, citing the nondisparagement agreement they signed. Others who did not sign the agreement have expressed their opinions.

### Case 13

Kazimir Malevich, a Russian artist of the early Soviet era, was the world-renowned founder of the Suprematism Movement, one of the earliest developments in abstract art. In 1927, Malevich brought more than one hundred of his works to Berlin for an exhibition. Called back suddenly to the Soviet Union before the close of the exhibition and fearful of the increasing persecution of artists during Stalin's rise to power, he left his artwork in Germany for safekeeping with his friend Hugo Härin. As Malevich feared, abstract art was repudiated during Stalin's regime. Malevich was arrested and ostracized. He was never able to leave the Soviet Union to collect his work.

After Malevich's death, his family scattered and fled from village to village to escape Stalin's purges. In 1958, Hugo Härin sold 36 pieces of Malevich's work to the Stedelijk Museum in Amsterdam for \$29,000. In 1996, Malevich's heirs requested the return of his works, but the museum refused their request. After numerous subsequent attempts by the family to reclaim the art, the Museum informed them in 2003 that it would not return Malevich's works, nor would it continue communication with the family. That same year, the Stedelijk loaned fourteen Malevich works to two US museums: the Guggenheim Museum in New York City and the Menil Collection in Houston. In 2004, Malevich's heirs filed suit in US District Court, seeking the return of the paintings on loan to US museums. Four years later, the Malevich family and the Stedelijk Museum announced that the dispute had been amicably resolved out of court. The family received five million dollars and five paintings, with the balance of the collection remaining in Amsterdam.

The international loan of art masterpieces plays an essential role in cultural exchanges among nations. The practice is considered so critical to international relations and national interests that the US Department of State provides immunity to foreign museums that loan art to US institutions, thereby protecting the works from seizure. Congress has also enacted laws to protect stolen works of art on loan from foreign museums against claims for seizure by legitimate owners.

Since the Malevich case, foreign museums have been less willing to loan works to US museums, fearing costly and embarrassing legal battles with claimants of plundered works. Although the works themselves are protected from physical seizure by the State Department, US courts offer two ways for owners to pursue their claims: owners may sue for return of plundered artwork, or for monetary compensation for the value of the art. American museum directors have asked Congress to pass more stringent laws to protect disputed works on loan from legal claims.

Opponents of more stringent legislation raise troubling concerns. The enhanced regulation would prevent legitimate owners from reclaiming their rightful property. An exemption to the legislation is included, but only for owners of property seized by the Nazis in World War II.

Supporters of stronger legislation argue that making loans of art riskier for foreign museums deprives people in the US of the opportunity to learn from other cultures. They claim that museums are limited in their responsibility to remedy social injustices, particularly if doing so denies global art and culture to the public.

## Case 14

Prenatal testing has come a long way. A long time ago, people thought they could predict the sex of a baby by tying a wedding ring to a string and suspending it over the pregnant woman's palm. If the ring swung in a circle, the baby would be a girl, but if it swung back and forth in a straight line, it would be a boy. In modern times, a whole battery of prenatal tests, including amniocentesis, ultrasound, and the Triple test, are routinely offered to pregnant women at different times during their pregnancies. These tests are used to discover whether the fetus is at risk of various diseases or conditions, such as Down syndrome, spina bifida, cystic fibrosis, cleft palate, and some problems that can be treated by fetal surgery. They can also reveal the sex of the fetus, its gestational age, its placement in the uterus, and whether there is more than one fetus.

Prenatal genetic testing is becoming more important, sophisticated, accessible, and in demand. In the foreseeable future, it could become routine to identify and analyze fetal DNA, at a reasonable cost, obtained with minimal invasion from the mother's blood during the first trimester. DNA from the fetus floats freely within the pregnant woman's bloodstream, and, once separated from the mother's DNA, it can be genetically screened with no danger to either the mother or the fetus. When that sort of screening becomes a reality, doctors potentially will be able to predict an astounding number of things about the health and prospects of the child and the later adult.

This veritable tsunami of information will bring with it many new challenges. Predictably, many parents who know their baby is likely to suffer and die from incurable genetic defects will choose to terminate the pregnancy rather than force their child to endure the months or years of suffering a birth would bring. Similarly, many parents who know their baby will require special attention to overcome or cope with non-fatal defects will choose to terminate the pregnancy. Just as predictably, many parents who would simply prefer a different sort of child—say a boy, or an athlete, or a redhead—may choose to abort and try again.

The issues brought about by having so much information will affect more than just the parents. Insurance companies, for instance, may be unwilling to provide coverage for medical conditions that the parents knew about but chose to accept. A sudden disappearance of new cases of a lifelong condition, like Down syndrome, might make it harder to fund research in those areas, even though there are still many people with the condition who could benefit from it.

Doctors with extensive genetic knowledge about the fetus must decide what to tell and what to withhold from the parents.

## Case 15

People for the Ethical Treatment of Animals (PETA) is a non-profit organization that began in 1980 and became first a national, then an international, voice for animal rights. Over its history, PETA has taken on a number of issues such as the cruel treatment of animals in factory farms, in research labs, and in circuses. Its activities have included undercover reporting, protests, advertising campaigns, and litigation.

PETA has scored a number of successes. Undercover investigation by PETA of a laboratory in Silver Springs, Maryland, led to the first U.S. police raid on an animal treatment facility. A protest campaign against McDonald's led McDonald's in 2000 to become the first major U.S. corporation to impose, on all their suppliers, minimum standards in the treatment of chickens.

While the ultimate goal of the organization is the liberation of all animals from suffering caused by humans, PETA does not itself engage in the more extreme forms of activism that characterize other groups, such as the Animal Liberation Front (ALF). Instead, PETA aims at improving the living conditions for animals and reducing the demand for animal products. This approach has sometimes led to the criticism from more radical animal rights groups that PETA is not so much about animal rights as about animal welfare.

The founder and guiding force behind PETA, Ingrid Newkirk, has long used aggressive, attention-grabbing campaigns to bring the organization's message to the public. It would seem that nothing is too tasteless or offensive for PETA, as long as people talk. Some of its noteworthy campaigns have involved linking the treatment of animals with the Holocaust, with slavery, and with certain infamous serial killers. PETA volunteers have disrupted fashion shows, dragged themselves through the streets in leg-hold traps, and have dumped money soaked in fake blood on audiences at fur fairs. Their tactics became so notorious that in 1997 the *Onion* ran a satirical article, "Heroic PETA Commandos Kill 49, Save Rabbit."

Another technique PETA has used to attract attention is sex. To protest the running of the bulls in Pamplona, Spain, it sponsored a "Running of the Nudes" two days before. To protest the wearing of fur, they featured attractive models (both male and female) in the campaign, "I'd Rather Go Nude Than Wear Fur." To promote vegan diets, they sent out "Lettuce Ladies," dressed in bikinis made of strategically placed lettuce leaves. It announced plans to host a soft porn website, [www.peta.xxx](http://www.peta.xxx).

Some of these tactics have drawn criticism from various women's groups for objectifying women. In an interview by Michael Specter, published in the *New Yorker* April 14, 2003, Newkirk commented on Pamela Anderson's appearance as a Lettuce Lady: "Who could ask for anyone better than Pam? People drool when they look at her. Why wouldn't we use that? We need all the drooling we can get."