

REGIONAL
ETHICS BOWL
CASES

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Case #1: Apple vs. FBI

The dispute between Apple Inc. and the Federal Bureau of Investigation (FBI) has, once again, brought to public attention the tension between privacy and national security. After the 2015 San Bernardino shooting, the FBI ordered Apple to provide anti-encryption software to access the information locked inside an iPhone 5c belonging to one of the shooters.¹ In February of 2016, Apple publicly refused to comply with the Federal order, citing the protection of customers' data from "hackers and criminals" and noting that they even "put that data out of our own reach" because it is "none of our business."² It is unclear precisely what information the FBI might be interested in on the shooter's phone, but the encrypted information included emails, calendar data, text messages, photos, and contacts.³

A host of tech companies, like Yahoo! and Facebook, along with the American Civil Liberties Union, publicly supported Apple's position. Even the U.N. Human Rights Chief expressed dismay for the FBI order, citing "the potential for 'extremely damaging implications' on human rights, journalists, whistle-blowers, political dissidents and others."⁴ He said such an order is "potentially a gift to authoritarian regimes."

On the other hand, families of victims and attack survivors have criticized Apple's intransigence.⁵ Victims' families and friends are concerned that setting obstacles for the investigation hinders their chance at closure as well as finding accomplices to the crimes. "Let's see how you feel when it affects you," said one person, whose boyfriend was killed in the attack.⁶ According to the executive director of the National Sheriff's Association, Jonathan Thompson, Apple's refusal to comply with FBI orders puts "profit over safety."⁷ "This has nothing to do with privacy," he continued, "It's all about money and their brand." Federal authorities say they are concerned with national security. They contend that such encryption technologies make it more difficult for them to solve cases and prevent terrorist attacks. In response to concerns about the government overstepping its bounds, officials say this is a "one-off request" and should not be regarded as setting a precedent. Decisions about which information to gather and from whom are not taken lightly and follow strict protocols before an

¹ Arjun Kharpal, "Apple vs. FBI: All You Need to Know," *CNBC.com*, Mar. 29, 2016, <http://www.cnbc.com/2016/03/29/apple-vs-fbi-all-you-need-to-know.html>.

² Tim Cook, "A Message to Our Customers," Feb. 16, 2016, <http://www.apple.com/customer-letter/>.

³ Kif Leswing, "Apple and the FBI are in the middle of a huge battle that could affect the privacy of millions of people—here's everything that's happened so far," *Business Insider*, Mar. 2, 2016, <http://www.businessinsider.com/fbi-vs-apple-history-of-apples-fight-over-the-locked-san-bernardino-shooters-iphone>.

⁴ Associated Press, "The UN human rights chief says U.S. authorities 'risk unlocking a Pandora's Box' in their efforts to force Apple to create software to crack the security features on its phones, and is urging them to proceed with caution," *U. S. News and World Report*, Mar. 4, 2016, <http://www.usnews.com/news/technology/articles/2016-03-04/un-human-rights-chief-warns-of-implications-of-apple-fbi-row>.

⁵ James Queally, "San Bernardino families ask a judge to force Apple to unlock a terrorist's iPhone," *Los Angeles Times*, Mar. 4, 2016, <http://www.latimes.com/local/lanow/la-me-ln-apple-fbi-amicus-briefs-20160303-snap-story.html>.

⁶ Brittany Mejia, Sarah Parvini, and Corina Knoll, "How you might feel about Apple right now if your boyfriend died in San Bernardino," *Los Angeles Times*, Feb. 23, 2016, <http://www.latimes.com/local/california/la-me-apple-fbi-victims-20160223-story.html>.

⁷ Christie Smythe, Selina Wang, and Tiffany Kary, "Apples Goes to Washington Fresh From Big Boost in iPhone Fight," *Bloomberg Technology*, Mar. 1, 2016, <http://www.bloomberg.com/news/articles/2016-03-01/apple-goes-to-washington-with-some-wind-in-its-sails>.

investigation proceeds. The FBI concluded that Apple's concern for its customers' privacy cannot legitimately justify obstructing the pursuit of threats to public safety.

Case #2: Beef Tax

The meat industry produces more environmentally harmful greenhouse gases than all forms of transportation combined.¹ The emissions come from the animals' digestive systems as well as from the production of their feed. Cattle and sheep are the most environmentally destructive farm animals, though all types of animal agriculture have a negative impact on the environment. There is also evidence that eating too much meat, especially red meat, is unhealthy.² But should governments attempt to push their citizens to eat in a more environmentally friendly manner or is choosing whether to eat meat an individual choice that should be left up to consumers?³

Two European think tanks have recently proposed that meat be taxed in an effort to reduce meat consumption and lessen the meat industry's impact on the environment. Chatham House, based in the United Kingdom, urged the government to tax meat and use the proceeds to subsidize more environmentally friendly (as well as healthier) alternatives like vegetables, fruits, and tofu.⁴ The think tank argued that a tax would be the most effective way to reduce meat consumption, but also suggested that schools, hospitals, prisons, and the military should serve less meat and provide more vegetarian options. Ultimately, the group concluded that reducing meat consumption to healthy levels around the world could meet a full quarter of the emissions reductions necessary to avoid the worst effects of global warming. Similarly, the Danish Council on Ethics recently concluded that "climate change is an ethical problem" and that "it is necessary to both act quickly and involve food." The Council recommended a plan that would start with a tax on beef, later move to a tax on all red meat, and eventually tax all foods that have a negative impact on the climate.

But the Council's proposal was quickly opposed by the Danish Agriculture and Food Council, which argued that the tax would not have much of an effect on climate change. Indeed, here in the United States, the government subsidizes animal agriculture much more than it subsidizes fruits and vegetables grown for human consumption.⁵ And, as one commentator put it, "we should think twice before trying to engineer the personal behavior of millions of Americans. Sin taxes have a role to play. But it's not a big one."⁶

¹ Max Bearak, "Denmark says you are 'ethically obligated' to eat less beef," *The Washington Post*, April 28, 2016, <https://www.washingtonpost.com/news/worldviews/wp/2016/04/28/denmark-says-you-are-ethically-obligated-to-eat-less-beef/>.

² Adam Withnall, "Denmark ethics counsel calls for tax on red meat to fight 'ethical problem' of climate change," *The Independent*, April 27, 2016, <http://www.independent.co.uk/news/world/europe/denmark-ethics-council-calls-for-tax-on-red-meat-to-fight-ethical-problem-of-climate-change-a7003061.html>; Nick Rose, "Would a Tax on Beef Really Help the Environment (and Our Health)?" *Vice*, Feb. 7, 2016, <https://munchies.vice.com/en/articles/would-a-tax-on-beef-really-help-the-environment-and-our-health>.

³ "Could Danes face a 'red meat tax' to help climate?" *The Local*, April 25, 2016, <http://www.thelocal.dk/20160425/denmark-eyes-red-meat-tax-to-help-climate>.

⁴ Emily Gosden, "Meat should be taxed to help save the planet, think-tank suggests," *The Telegraph*, Nov. 24, 2015, <http://www.telegraph.co.uk/news/earth/greenpolitics/taxandtheenvironment/12012836/Tax-meat-global-warming-Chatham-House-report.html>.

⁵ Arthur Allen, "U.S. touts fruit and vegetables while subsidizing animals that become meat," *The Washington Post*, October 3, 2011, https://www.washingtonpost.com/national/health-science/us-touts-fruit-and-vegetables-while-subsidizing-animals-that-become-meat/2011/08/22/gIQATFG5IL_story.html.

⁶ Joseph Thorndike, "A Meat Tax? Seriously?" *Forbes*, February 7, 2014, <http://www.forbes.com/sites/taxanalysts/2014/02/07/a-meat-tax-seriously/#2b53af8d276e>.

Case #3: Bodily Identity Integrity Disorder

Since she was a young child, Jewel Shuping dreamed of being blind. “When I was young my mother would find me walking in the halls at night, when I was three or four years old,” she says. “By the time I was six I remember that thinking about being blind made me feel comfortable.” She would stare at the sun for hours, hoping that it would damage her eyes. As a teenager, she began wearing thick black glasses and carrying a white cane. By the time she was 20 years old, she was fluent in braille. Shuping describes her desire to be blind as a “non-stop alarm that was going off” in her head. Finally, at nearly 30, she found a psychologist willing to help blind her by putting a couple of drops of drain cleaner in each eye. Though the process was painful, she remained hopeful: “all I could think was ‘I am going blind, it is going to be okay.’”¹ The drain cleaner severely damaged her eyes but did not render her completely blind, so she is not totally satisfied with the result. However, she is happy to be “much further along her path to blindness.”² She explains: “I really feel this is the way I was supposed to be born, that I should have been blind from birth. When there's nobody around you who feels the same way, you start to think that you're crazy. But I don't think I'm crazy, I just have a disorder.”

Bodily Integrity Identity Disorder (BIID) is a rare condition where there is a conflict between a person’s actual, physical body and their idea of how their body should be—usually, an able-bodied person who believes that they should be disabled.³ The most common manifestation of the disorder is a desire to have a specific body part amputated. Dr. Michael First, a professor of clinical psychology, coined the term BIID. He explains:

Any major disability can be a focus of BIID, from amputation to paraplegia and blindness. These people are aware that this feeling of theirs is unusual—they know it is coming from within them. They can’t explain it. But because of this level of awareness we don’t consider this to be something that we would consider evidence of psychosis. In the world of psychiatry cures are rare, very often it’s about asking how you make someone’s life fulfilling despite their condition. Now the problem of course if you have a particular individual who wanted amputation or who wants to be blind--how do you know once you have done it that they are going to be satisfied?

And it is true that the procedure will not cure the underlying disorder.⁴ But for many people who have BIID, the desire to make their body match their identity is extremely strong—so strong that they are will to take desperate measures to make it happen.

Because it is so difficult to find a doctor to perform the surgery, however, some people with BIID resort to harming themselves. They might put drain cleaner in their eyes to blind themselves, like Jewel Shuping; they might shoot their leg off to remove the offending limb; they

¹ Tom Midlane, “Psychologist blinds woman with drain cleaner because she wanted to be disabled,” *Daily Mirror*, Oct. 1, 2015, <http://www.mirror.co.uk/news/real-life-stories/psychologist-blinds-woman-drain-cleaner-6552282>.

² Kim LaCapria, “Jewel Shuping Claims Psychologist Blinded Her with Drain Cleaner,” *Snopes.com*, Oct. 2, 2015, <http://www.snopes.com/2015/10/02/jewel-shuping-blind/>.

³ “Bodily Integrity Identity Disorder,” *biid.org*, last updated 2016.

⁴ Robin Marantz Henig, “At War With Their Bodies, They Seek to Sever Limbs,” *The New York Times*, March 22, 2005, <http://www.nytimes.com/2005/03/22/health/psychology/at-war-with-their-bodies-they-seek-to-sever-limbs.html>.

might jump off a cliff in an effort to paralyze themselves.⁵ A doctor cannot amputate a healthy limb without risking his or her license. A Scottish surgeon who performed two such surgeries in the late nineties was banned from performing any more—even though he had given the issue considerable thought, consulted his professional organization, and received written permission from his hospital’s chief executive.⁶ And indeed, his patients were convinced that surgery was the only relief for their condition and were completely happy with the results of the procedures. One patient says he finally feels like “a complete person” now that he is an amputee.⁷

⁵ Jessica Mulvihill Moran, Karlie Pouliot, “Determined to Amputate: One Man’s Struggle with Body Integrity Identity Disorder,” *Fox News*, May 20, 2009, <http://www.foxnews.com/story/2009/05/20/determined-to-amputate-one-man-struggle-with-body-integrity-identity-disorder.html>.

⁶ Clare Dyer, “Surgeon amputated healthy legs,” *The BMJ*, Feb 5, 2000, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1127127/>; “Surgeon defends amputations,” *BBC News*, January 31, 2000, http://news.bbc.co.uk/2/hi/uk_news/scotland/625680.stm.

⁷ “‘No regrets’ for healthy limb amputee,” *BBC News*, Feb. 6, 2000, http://news.bbc.co.uk/2/hi/uk_news/scotland/632856.stm.

Case #4: Climate-Change Refugees

According to the UN, approximately “22.5 million people [have been] displaced by climate or weather-related events since 2008.”¹ It is predicted that by 2050, up to 200 million people from some of the most vulnerable communities around the world will be left homeless due to rising sea levels.² But even today, coastal communities across the southern U.S., from the Gulf Coast to the Florida Keys, are responding to the devastating effects of increasingly common flooding.

A mere 80 miles from New Orleans lies the Isle de Jean Charles, also known as the “vanishing island.” The majority of the island’s residents belong to two tribes, the United Houma Nation and the Biloxi-Chitimacha-Choctaw tribe, which settled in the Louisiana bayou more than 170 years ago “to escape the consequences of the Indian Removal Act.”³ Edison Darda, a long-time resident, explained his deep connection to the region: “My grandpa was here. My dad was here. I am here. We have been on the island for a long, long, long time. I still do ... what I was doing when I was ten years old. We talk, we laugh, we catch some shrimp.” However, “since 1955, more than 90 percent of the island’s original land mass has washed away.”⁴ Every new storm has brought increasing devastation. For example, Violet Handon Parfait and her family have lost their stove and computer to a flood; today, they cook their family meals on a hot plate.

Because the National Climate Assessment rates the Isle de Jean Charles as the “nation’s most vulnerable,” the island’s residents have been allocated \$48 million in “federal tax dollars to move...[the] entire community to a new part of the country,” and this occurred before the flooding elsewhere in Louisiana in 2016. The money is part of a \$1 billion federal-disaster resilience grant program aimed at improving infrastructure to withstand the effects of climate change around the country. While places like South Beach and New Orleans will be protected by pumps and levies,⁵ a spokesperson for the Department of Housing and Urban Development says the island is a lost cause; relocation is far more sustainable. Officials have declared that the move will be entirely voluntary, but it is not clear whether residents will comply.

Some residents have been yearning for a life where their children don’t miss school regularly because of flooded roads – and they welcome the move. But others refuse to leave. Relocating would mean leaving behind the ancestors buried in the island’s cemetery. As Chief Alber Naquin put it, “[w]e’re going to lose all our heritage, all our culture...It’s all going to be history.” A relocation site for the Isle de Jean Charles residents has not been picked yet.

¹ “Environment, Disaster and Climate Change” *The UN Refugee Agency*, June 7, 2016, <http://www.unhcr.org/en-us/environment-disasters-and-climate-change.html>.

² Emmanuel Vaughan-Lee, “Vanishing Island” *The New York Times*, June 2, 2016, http://www.nytimes.com/2014/06/03/opinion/vanishing-island.html?_r=0.

³ “Loss of Heritage: Louisiana Tribe to Be Resettled as US’ First Climate Refugees for \$48 Million,” *RT*, June 7, 2016, <https://www.rt.com/usa/342013-first-american-climate-refugees-resettled/>.

⁴ Coral Davenport and Campbell Robertson, “Resettling the First American ‘Climate Refugees,’” *The New York Times*, May 3, 2016, <http://www.nytimes.com/2016/05/03/us/resettling-the-first-american-climate-refugees.html>.

⁵ Greg Allen, “As Waters Rise, Miami Beach Builds Higher Streets And Political Willpower,” *NPR.org*, May 10, 2016, <http://www.npr.org/2016/05/10/476071206/as-waters-rise-miami-beach-builds-higher-streets-and-political-willpower>.

Case #5: Free the Nipple

Nudity laws have been in place in the United States and abroad for decades and most have their roots in the Victorian era.¹ The reign of Queen Victoria of England has oft been associated with public moralizing, particularly in the arena of sexuality.² The views of sexuality and morality that permeated society eventually made their way into American law, and public indecency laws in the United States.^{3 4} These laws were particularly repressive of women, who were expected to subject themselves to their husbands.

As the laws preventing indecency grew, however, certain inconsistencies in the way they treated men and women may have had a hand in their very demise. For instance, in New York City, female toplessness had been legal for some time—a law prohibiting only women from exposing their nipples was stricken as violative of equal protection rights, thus making it perfectly legal for women to go topless anywhere in New York.^{5 6}

Why is it illegal? Some philosophers posit that it is because nudity is distracting.⁷ Some argue that the very fact of making it illegal is a vicious cycle—we ban nudity because we find it indecent, but we find it more indecent the less we sanction it and are exposed to it. Thus, simply legalizing and actually practicing nudity might help break down the barriers of discomfort that some experience in seeing nude women.

In the United States, different states bear different laws with regard to nudity, and often these laws include exceptions for breastfeeding women.⁸ From the pinnacle of what many believe to be moral public nudity of breastfeeding, to the nadir of strip club dancing, public nudity has seen gaining legal support.⁹ However, the freedoms afforded topless women still make bystanders uncomfortable, and some suggest that a better solution would be a law that outlawed toplessness for both sexes. Furthermore, women find the laws inconsistent, insofar as

¹ See Marjorie Heins, “Not in Front of the Children: ‘Indecency,’ Censorship, and the Innocence of Youth,” (NY: Hill & Wang, 2001), pp. 18-26.

² Jan Marsh, “Sex & Sexuality in the 19th Century,” *Victoria and Albert Museum*, <http://www.laura-cenicola.de/brithist2/brithist/8-1-introduction-into-victorian-morality-what-exactly-was-the-victorian-era.html>.

³ Laura Cenicola and Mareike Aumann, “Introduction into Victorian Morality – What exactly was the Victorian Era?”, *British History 2: From the French Revolution to World War II*, <http://www.laura-cenicola.de/brithist2/brithist/8-1-introduction-into-victorian-morality-what-exactly-was-the-victorian-era.html>, last accessed June 1, 2016.

⁴ “Fact Sheet on Sex and Censorship,” *The Free Expression Policy Project*, <http://www.laura-cenicola.de/brithist2/brithist/8-1-introduction-into-victorian-morality-what-exactly-was-the-victorian-era.html> (updated April 2009).

⁵ *New York v. Santorelli*, 80 N.Y. 2d 875, 600 N.E.2d 232, accessible at: http://naturisteducation.org/Toni_Egbert_Library/State_Supreme_Courts/NY_v_Santorelli/ny_v_santorelli.html.

⁶ “The Weird, Wild Legal History of Breasts and Nipples,” *Yahoo Health*, Dec. 12, 2014, <https://www.yahoo.com/beauty/the-weird-wild-legal-history-of-breasts-and-104942336487.html>.

⁷ Brian Palmer, “Why is Public Nudity Illegal?” Ask the Explainer, *Slate.com*, Nov. 28, 2012, http://www.slate.com/articles/news_and_politics/explainer/2012/11/why_is_public_nudity_illegal_the_offense_principle_the_bible_and_taboos.html.

⁸ “Nudity and Public Decency Laws in America,” (outlining state-by-state public indecency laws) *HG.org*, <https://www.hg.org/article.asp?id=31193>, last accessed July 1, 2016.

⁹ David L. Hudson, Jr., “Nude Dancing,” *FirstAmendmentCenter.org*, Sept. 13, 2002, <http://www.firstamendmentcenter.org/nude-dancing>, (highlighting the legal boundaries placed on the free speech of public nude dancing by the U.S. Supreme Court, which has held that nude dancing can constitute a protected art form subject to reasonable time, manner, place limitations).

they would be allowed to be topless in Central Park, but if they take a photo of their outing, they would be prevented from posting such images on social media.¹⁰ As a solution, some women have copied and pasted male nipples on their topless photos to comply with online terms of service.

¹⁰ James C. McKinley, Jr., “Topless in Times Square: A Legal View,” *The New York Times*, Aug. 20, 2015, http://www.nytimes.com/2015/08/21/nyregion/topless-in-times-square-a-legal-view.html?_r=0.

Case #6: Give a Little Heart

John and Sue got the news no family wants to hear. They were 20 weeks into Sue's pregnancy when the ultrasound confirmed that the fetus she was carrying, which they had already decided to name Timothy, was suffering from anencephaly. The diagnosis meant that their dreams of little league and mud pies would instead involve a funeral and possibly another try. Fetuses with this medical condition experience only the most basic of brain stem development, such that they can maintain some autonomic functions like heartbeat and breathing, but lack consciousness and typically die within a short period after birth.¹

Both John and Sue were against abortion, and thus, for the first couple of months after the news they just let nature take its course. They hoped for a miracle, but as time progressed and more tests continued to show the same abnormality, they started to wonder whether they might be able to make something positive out of their suffering. They asked Sue's doctor about the possibility of organ donation once then inevitable happened for Tim. Their physician advised that organ donation is not a simple matter, it requires testing and coordination between multiple medical teams, but more importantly, in Tim's situation, the degenerative nature of the death without intervention often means that the organs that might be donated are often too degraded to be of use to those in need.

John and Sue asked lots of questions—they learned that the part of Tim's brain that is typically believed to be the source of consciousness was not present and thus, Tim would never experience consciousness nor suffering. They learned that the longest an infant had survived with anencephaly was about two and a half years, but that this only occurred with intensive medical intervention and that child was essentially in a persistent vegetative state. They continued to hope for the best, but began to prepare for the worst.

In considering organ donation, John and Sue felt like it might help them gain a sense of control over the inevitable, which they hoped might help them in the grieving process, as well as giving them some certainty in a very uncertain and painful situation. They believed that once they met Tim, face to face, they would be able to tell whether he was "there," and over a short period, expected that they could come to terms with the prospect of donating his organs to save a baby who was out there suffering and in need of their gift.

However, they soon learned that there were barriers to such a choice, and the law had them considering the very definition of life itself. While Tim was technically alive—he exhibited breathing, excreting, and sucking (for eating), for example, as well as some reflexive movements, he did not exhibit even the most basic reactions of a newborn, such as crying and bonding behaviors that help ensure survival in the wild. While their physician wanted to help keep Tim's life from being lived in vain, she advised them that organ donation would be illegal in their state unless Tim was dead, and once dead, his organs would likely go to waste unless they found a way around the rules against such donations.

¹ See Michaila Kaufman, "Unborn Heroes: Should Parents of Anencephalic Infants Have The Right to Donate Their Child's Organs," *The Bioethics Project*, <http://blogs.kentplace.org/bioethicsproject/2014/02/10/unborn-heroes-parents-anencephalic-infants-right-donate-childs-organs/>, last accessed June 1, 2016; Dr. Paul Byrne, "Use of anencephalic newborns as organ donors," Position Statement (B 2005-1), Canadian Paediatric Society, *Paediatrics & Child Health*, 2005 Jul-Aug. 10(6), pg. 335-337, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2722973/>.

Case #7: Is Political Correctness is a Joke?

Last year, Comedy Central chose Trevor Noah to take Jon Stewart's place on *The Daily Show*, and it did not take long for his tweets, many from 2012 and before, to cause a stir. The tweets included distasteful jokes about Jews and women, such as:

- “Behind every successful Rap Billionaire is a double as rich Jewish man.#BeatsByDreidel,” Trevor Noah (@Trevornoah), May 12, 2014.
- “‘Oh yeah the weekend. People are gonna get drunk & think that I'm sexy!’ - fat chicks everywhere.” Trevor Noah (@Trevornoah), October 14, 2011.

People were outraged.¹ Similarly, comedian Anthony Jeselnik was pressured to remove a joke that he had tweeted about the Boston Marathon bombing: on the day of the tragic incident, he tweeted, “Guys, today there are just some lines that should not be crossed. Especially the finish line.”² These are just two of many examples of comedians facing backlash for offensive and politically incorrect jokes. And this trend of being offended by—and even censoring—such jokes is not going anywhere. On college campuses, political correctness is paramount.³

Some feel that this trend toward political correctness is bad for comedy. For example, Jerry Seinfeld described it as a “creepy PC thing” that “really bothers” him.⁴ As one commentator analyzed the issue in the context of comedy on college campuses: As I listened to the kids hash out whom to invite, it became clear that to get work, a comic had to be at once funny—genuinely funny—and also deeply respectful of a particular set of beliefs. These beliefs included, but were in no way limited to, the following: women, as a group, should never be made to feel uncomfortable; people whose sexual orientation falls beyond the spectrum of heterosexuality must be reassured of their special value; racial injustice is best addressed in tones of bitter anguish or inspirational calls to action; Muslims are friendly helpers whom we should cherish; and belonging to any potentially “marginalized” community involves a crippling hypersensitivity that must always be respected. Moreover, the commentator noted, “These young people have decided that some subjects—among them rape and race—are so serious that they shouldn't be fodder for comics.”⁵

But others believe that the trend toward political correctness is a good thing for comedy. Comedian Sarah Silverman explains, “To a degree, everyone's going to be offended by something, so you can't just decide on your material based on not offending anyone. But, I do think it's important, as a comedian, as a human, to change with the times. To change with new information. . . . I think it's a sign of being old when you're put off by that.” For example, she used to argue that it was fine to use the word “gay” pejoratively, but now she has stopped

¹ Anna Silman, “Did Trevor Noah's Twitter history just kill ‘The Daily Show’?” *Salon*, March 31, 2015, http://www.salon.com/2015/03/31/did_trevor_noahs_twitter_history_just_kill_the_daily_show/.

² Jason Zinoman, “Political Correctness Isn't Ruining Comedy. It's Helping.” *The New York Times*, Oct. 20, 2015, <http://www.nytimes.com/2015/10/21/arts/television/political-correctness-isnt-ruining-comedy-its-helping.html>.

³ Caitlin Flanagan, “That's Not Funny! Today's College Students Can't Seem to Take a Joke,” *The Atlantic*, September 2015, <http://www.theatlantic.com/magazine/archive/2015/09/thats-not-funny/399335/>.

⁴ “Jerry Seinfeld is Tired of Political Correctness,” *Late Night with Seth Meyers*, <https://www.youtube.com/watch?v=KXDHjwaUtPI>.

⁵ See also, Lindy West, “How to Make a Rape Joke,” *Jezebel*, July 12, 2012, <http://jezebel.com/5925186/how-to-make-a-rape-joke>.

because she felt like she had “become the guy from fifty years ago who says ‘I say colored, I have colored friends.’” She concluded that “You have to listen to the college-aged, because they lead the revolution. They’re pretty much always on the right side of history.”⁶ And despite any allegedly stifling effects on the comedy, the business of comedy is booming: ticket sales for live comedy events have increased, sketch comedy TV shows are extremely popular, and comedy podcasts are everywhere.⁷

⁶ Anna Silman, “Sarah Silverman pushes back against ‘creepy P.C. culture’ backlash: You have to listen to the college-aged, because they lead the revolution,” *Salon*, September 15, 2015, http://www.salon.com/2015/09/15/sarah_silverman_pushes_back_against_creepy_p_c_culture_backlash_you_have_to_listen_to_the_college_aged_because_they_lead_the_revolution/.

⁷ Hershhal Pandya, “Maybe Political Ccorrectness Isn’t Ruining Comedy,” *SplitSider*, Feb. 8, 2016, <http://splitsider.com/2016/02/maybe-political-correctness-isnt-ruining-comedy/>.

Case #8: Legalize it All

In 1971, President Nixon launched the so-called war on drugs, declaring drug abuse “public enemy number one.”¹ Despite having spent over \$1 trillion over the last 45 years, the U.S. remains the leading consumer of illegal drugs. Meanwhile, the U.S. prison population has grown exponentially, mainly due to nonviolent drug convictions.² As a result, many Americans no longer embrace prohibition when it comes to some illegal drugs, with “74% [supporting] alternatives to locking people up for marijuana possession.”³ Colorado, Oregon, Washington, Alaska, and D.C. now allow the recreational use of marijuana, and 24 states have legalized its medical use.⁴

With the legalization of cannabis now no longer the stuff of controversy, some have begun to push for even greater liberalization of drug use. Writer Dan Baum boldly declared in *Harper's Magazine's* April issue that the time has come to “legalize it all.”⁵ Though most people think of hard drugs like cocaine and methamphetamine as inherently addictive, data from the Substance Abuse and Mental Health Services Administration suggests that only a small percentage of drug users become addicts. Baum proposes a radical alternative: treating the disease of addiction, while letting the government have a “monopoly on [drug] distribution.” Baum envisions a system where private producers would supply federal- or state-managed stores, giving the government control over drug prices. In addition to enjoying the revenues from the sale of drugs, the government would have the power to oversee drug advertising, dosage, purity, and the placement of stores.

Baum's plan is not without its detractors. Professor Mark Kleiman, a New York University (NYU) public policy expert, predicts that the legalization of hard drugs will lead to a spike in addiction rates, specifically for alcohol and cocaine, as these drugs work in synergy. As Kleiman explains it, “a limit to alcoholism is you fall asleep. Cocaine fixes that. And a limit to cocaine addiction is you can't sleep. Alcohol fixes that.” Furthermore, some people worry that drug legalization will have a devastating effect on young people. In a recent piece addressing the prospect of marijuana legalization in Arizona, Laurie Roberts cited a 2014 study in *The New England Journal of Medicine* which argued that “adults who smoked marijuana regularly during adolescence have impaired neural connectivity...in specific brain regions.”⁶ Questioning

¹ Tim Dickinson, “Why America Can't Quit the Drug War,” *Rolling Stones*, June 1, 2016, <http://www.rollingstone.com/politics/news/why-america-cant-quit-the-drug-war-20160505>.

² Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, The New Press, 2012, pg 6.

³ Richard Branson, “War on Drugs a Trillion-Dollar Failure,” *CNN*, June 1, 2016, <http://www.cnn.com/2012/12/06/opinion/branson-end-war-on-drugs/>.

⁴ Liz Rowley, “Where Is Marijuana Legal in the United States? List of Recreational and Medicinal States,” *MIC*, June 1, 2016, <https://mic.com/articles/126303/where-is-marijuana-legal-in-the-united-states-list-of-recreational-and-medicinal-states#.0h1YvtqY1>.

⁵ Dan Baum, “Legalize It All: How to Win The War on Drugs,” *Harper's Magazine Online*, April 5, 2016, <http://harpers.org/archive/2016/04/legalize-it-all/>.

⁶ Volkow, Nora D., et al. "Adverse Health Effects of Marijuana Use" *New England Journal of Medicine* 370.23 (2014): 2219-2227.

legalization, Roberts asked “why we’d want to expand opportunities for our kids to use substances that are bad for them?”⁷

⁷ Laurie Roberts, “Roberts: \$113 Million for Legalizing Pot? Sorry, I’m not Sold,” *The Arizona Republic*, June 1, 2016, <http://www.azcentral.com/story/opinion/op-ed/laurieroberts/2016/05/24/roberts-113-million-legalizing-pot-sorry-m-not-sold/84855056/>.

Case #9: Liberty in Three Dimensions

The first 3D printed gun, the Liberator, was designed by Cody Wilson. He posted the design online for use by anyone who wished to print or modify it. In the first two days of release, the design was downloaded over 100,000 times and posted on Pirate Bay (an online data pirating site). Wilson has explained that the purpose of his design was to support his philosophical commitment to disturbing state power and to make a statement that “gun control is a fantasy.”¹ Wilson’s aim was not to create violent disturbance, but to shift the way people think about the limitations of the state’s control over property and commerce.

Current 3D printing technologies are quite limited, and printing firearms is not practical in terms of reliable weapon manufacturing. All of the current generation of printable firearms are single-shot weapons—they must be reloaded after each shot. Also, the plastics used in 3D printing degrade quickly under the high pressures associated with explosive propulsion. Under firing tests conducted by the United States Bureau of Alcohol Tobacco and Firearms (ATF), some versions of the Liberator exploded during the first shot.² Given the serious restrictions on the 3D gun’s applications, what, if any, legitimate uses might such a firearm have? Some argue that the low cost and ability to make such weapons at home would help provide freedom from government intrusion and helps to ensure that citizens have a balance of power against tyrannical forces, whatever those might be.

Without background checks or waiting periods, some worry about the potential for 3D printed guns to subvert legal restrictions on handguns. There is also concern that children may mistake lightweight plastic printed weapons for toys and accidentally harm themselves or others. Richard Marianos, a spokesman for the ATF, says the Liberator “can defeat metal detection, and that’s something we’re concerned about. . . . This is more for someone who wants to get into an area and perhaps be an assassin. Or they want to go to a courthouse and shoot a witness.”³ Wilson inserts a metal bar into the Liberator’s handle to avoid breaking the Undetectable Firearms Act (UFA), but others might be less scrupulous.⁴ As part of the 2013 reauthorization of the UFA Sen. Chuck Schumer and Rep. Steve Israel introduced a separate bill which “would require that certain major components of plastic firearms are made of non-removable detectable metal or steel.”⁵ The bill was opposed by the National Rifle Association and was eventually defeated.

Some restrictions on the distribution of plans for 3D printed guns have been imposed by the United States State Department under the International Traffic in Arms Regulations (ITAR).

¹ Cody Wilson, “Cody Wilson on 3D-Printed Guns: VICE Podcast 001, *Vice* on Youtube.com, April 9, 2013, <https://youtu.be/aTYWGrfo-ao>.

² “ATF test of 3-D printed firearm using VisiJet material (Side View),” *ATFHQ* on Youtube.com, Nov. 13, 2013, <https://www.youtube.com/watch?v=ZL7y3YNUbiY>.

³ Bob Adelman, “3-D Plastic Printing Technology May Make Gun Detection ‘Impossible,’” *The New American*, November 14, 2013, <http://www.thenewamerican.com/tech/item/16952-3d-plastic-printing-technology-may-make-gun-detection-impossible>.

⁴ “Undetectable Firearms Modernization Act,” Introduced April 10, 2013, [H.R. 1474](#), Introduced June 12, 2013, [S. 1149](#); “Is a firearm illegal if it is made of plastic?” *ATF.gov*, an official site of the U.S. Dept. of Justice, February 10, 2016, <https://www.atf.gov/firearms/qa/firearm-illegal-if-it-made-plastic>.

⁵ Rep. Steve Israel, “Rep. Israel Introduced Bipartisan Undetectable Firearms Modernization Act to Protect Americans from Threat of Plastic Guns,” Press Release, December 3, 2013, <http://israel.house.gov/media-center/press-releases/rep-israel-introduces-bipartisan-undetectable-firearms-modernization-act>.

ITAR requires that people wishing to export arms, technical data, blueprints, or defense services apply for licensure with the US State Department.⁶ Based on this provision the State Department ordered Wilson to remove the Liberator file from servers.⁷ Wilson complied but has since filed suit against the United States on the grounds that the restriction violated his constitutional rights under the First, Second, and Fifth Amendments of the United States Constitution.⁸

Wilson's release of the Liberator came on the heels of industry leader Makerbot removing weapon files from their servers in the wake of the deadly Sandy Hook school shooting.⁹ Recognizing the dangers of 3D printing and the difficulty of policing even with new, stronger legislation,¹⁰ other companies continue to consider the dangerous implications of their technology. Although the Protection of Lawful Commerce in Arms Act shields gun makers from civil litigation in the U.S., some worry about liability for arms printed using their technology. Some have also considered formal warnings that dangerous weapons can be produced using the technology or parental control features that might limit what certain users can produce. It is even possible that companies could work with Federal Bureau of Investigation and other agencies to provide data on who is printing weapons, or weapon parts such as receivers or magazines.

⁶ "The International Traffic in Arms Regulations (ITAR)" *U.S. Dept. of State*, August 19, 2016, https://www.pmdtdc.state.gov/regulations_laws/itar.html; (Clarification of "export" and "technical data" available in the *Federal Register* at: <https://www.gpo.gov/fdsys/pkg/FR-2015-06-03/pdf/2015-12844.pdf>)

⁷ Adam Clark Estes, "Department Orders 3D-Printed Gun Files to Be Taken Down," *Vice.com*, Motherboard, May 9, 2013, <http://motherboard.vice.com/blog/after-100000-downloads-state-department-orders-3d-printed-gun-files-taken-down>.

⁸ *Defense Distributed, et al. v. U.S. Dept. of State, et al.*, 1:15-cv-372, Complaint filed May 6, 2015, <https://www.scribd.com/doc/264435890/Defense-Distributed-et-al-v-U-S-Dep-t-of-State>.

⁹ "MakerBot pulls 3D gun-parts blueprints after Sandy Hook," *BBC News*, Technology, December 20, 2012, <http://www.bbc.com/news/technology-20797207>.

¹⁰ Amanda Sink, J.D., "America's (3D Printed) Gun Problem," *Bioethics.net*, Columbia University, February 1, 2016, <http://www.bioethics.net/2016/02/americas-3d-printed-gun-problem/>.

Case #10: Philosophizing with Guns

Almost 50 years ago, the first mass shooting at a college happened at the University of Texas (UT), resulting in the deaths of 14 people.¹ Now, the frequency and severity of such incidents are increasing. In response, college campuses across Texas are becoming “concealed carry zones.”² At UT Austin, students may carry concealed weapons in the classroom but not in dormitories. In the classroom, students must keep weapons holstered and may not keep a bullet in the chamber of a semi-automatic weapon.³

Supporters of the law assert the need for greater safety on college campuses given the proliferation of mass shootings across the country.⁴ Since concealed carry bans have been ineffective, they argue permitting weapons will increase campus security. In the words of one supporter, Virginia Tech’s concealed weapons ban left people “defenseless as a cold-blooded gunman methodically killed 32 of them over the course of two and a half hours.”⁵ By allowing everyone to have a gun, so the argument goes, potential victims will have the ability to defend themselves.

Opponents point out that there are, in fact, very few instances of gun violence on college campuses. The LA Times reports that, “[o]f the 18,536 homicides in Texas between 2001 and 2013, only five—that’s right, just five—occurred on or near college campuses.” At present, suicide is the second leading cause of death among college students (behind only vehicle-related deaths) and the proliferation of weapons on campus may increase the risk of successful suicide attempts.⁶ Further, some worry that allowing concealed carry will increase the likelihood that a professor will be shot by a disgruntled student.

In a recent editorial for *The New York Times*, philosopher Simone Gubler criticizes the Texas law for being anathema to the values of higher education (i.e., academic freedom, intellectual debate, etc.).⁷ Moreover, she worries that the presence of guns might transform the nature of personal interactions through the introduction of an object that alters power and authority structures: “When I strap on my gun and head into a public space, I alter the quality of that space. I introduce an object that conveys an attitude in which people figure as things—as obstacles to be overcome, as items to be manipulated, as potential corpses.” This debate raises important questions both about public safety and the nature of academic spaces.

¹ History.com, “An Ex-Marine goes on a killing spree at the University of Texas,” <http://www.history.com/this-day-in-history/an-ex-marine-goes-on-a-killing-spreed-at-the-university-of-texas>.

² Molly Hennessy-Fiske, “Texas universities brace for concealed guns in campus buildings,” *Los Angeles Times*, Nov. 10, 2015, <http://www.latimes.com/nation/nationnow/la-na-nn-texas-campus-guns-20151110-story.html>.

³ Associated Press, “University of Texas regents set to consider gun rules for campuses,” May 12, 2016, <http://www.latimes.com/nation/nationnow/la-na-texas-campus-gun-rules-20160512-snap-story.html>.

⁴ Jonathan Zimmerman, “Like Prohibition, the fight over guns is about something else,” *Los Angeles Times*, Oct. 27, 2015, <http://www.latimes.com/opinion/op-ed/la-oe-1027-zimmerman-campus-carry-20151027-story.html>.

⁵ Jacob Sullum, “The Gun Ban and the Gunman,” *Reason.com*, April 18, 2007, <http://reason.com/archives/2007/04/18/the-gun-ban-and-the-gunman>.

⁶ Doris Iarovici, “Perspectives on College Student Suicide,” *Psychiatric Times*, July 27, 2015, <http://www.psychiatrictimes.com/suicide/perspectives-college-student-suicide>.

⁷ Simone Gubler, “Philosophizing with Guns,” *The New York Times*, April 11, 2016, http://opinionator.blogs.nytimes.com/2016/04/11/philosophizing-with-guns/?_r=0.

Case #11: Sikh in Service

On March 31st, 2016, Army captain Simratpal Singh received a long-term accommodation from the military that allows him to serve with his beard, unshorn hair, and turban, as required by his religious beliefs. Captain Singh is a United States Military Academy Graduate, Bronze Star recipient, an immigrant, and a Sikh. When Singh was accepted to West Point, his family celebrated the continuing military service that is a feature of traditional Sikh lives. However, after being denied a religious accommodation, Singh was required to remove his turban, shave and—for the first time in his life—cut his hair. Singh says, “At the time, I decided to basically choose to serve my country But what I promised myself is that I’d figure out a way to maintain my articles of faith again.”¹

Army regulations for male haircuts require “[t]he length and bulk of the hair may not be excessive and must present a neat and conservative appearance When the hair is combed, it will not fall over the ears or eyebrows, or touch the collar, except for the closely cut hair at the back of the neck.”² Regulations for facial hair prohibit beards except for cases of medical necessity (severe acne or ingrown hairs) and special operations. Other military forces may have beards (such as the Italians) or longer hair (such as the Norwegians), or widely varying uniforms (such as the United Kingdom, where some units may wear kilts or shorts, or even wear Turbans or other articles of clothing such as those the Gurkhas wear.)

Captain Singh was first granted temporary permission to wear a turban and grow his hair for 30 days on December 9th, 2015. Subsequently, Singh passed a regularly scheduled gas mask training. When Singh reapplied for an accommodation, he was ordered to complete an enhanced battery of safety testing. Singh filed for and received a legal injunction on the grounds that the enhanced testing was discriminatory.³

On April 8, 2016, Assistant Secretary of the Army Debra Wada issued a memorandum granting exemptions to Singh and three other Sikhs. The memo granting an exemption specifies that it applies only to times when the soldiers are performing “non-hazardous” duties.⁴ Captain Singh received the Bronze Star for his work diffusing roadside IEDs in Afghanistan, and while his current duties have him garrisoned in Virginia, it is unclear how his exemption would apply to future deployments.

Wada’s memorandum further specifies that there will be review of the “effect of your accommodation, if any, on unit cohesion and morale” and an effort to “gather additional information and develop additional standards.” Since the 1980’s, the U.S. military has been intransigent in their attitude toward uniformity in a very particular model of Western appearance

¹ Anna Mulrine, “In a changing US Army, turbans and hijabs allowed,” *The Christian Science Monitor*, April 15, 2016, <http://www.csmonitor.com/USA/Military/2016/0415/In-a-changing-US-Army-turbans-and-hijabs-allowed>

² Department of the Army, “Wear and Appearance of Army Uniforms and Insignia” Army Publishing Directorate, September 15, 2014, https://web.archive.org/web/20150406195111/http://www.apd.army.mil/pdffiles/r670_1.pdf, Archived from [the original](#) (PDF) on April 6, 2015, Retrieved July 16, 2016.

³ Frances Kai-Hwa Wang, “Sikh-American Military Officer Files Lawsuit to Serve with Turban, Beard,” *NBC News*, February 29, 2016, <http://www.nbcnews.com/news/asian-america/sikh-american-military-officer-files-lawsuit-serve-turban-beard-n528256>.

⁴ Debra S. Wada, “Memorandum Thru,” Office of the Assistant Secretary, Manpower and Reserve Affairs, Dept. of the Army, Case 1:16-cv-00581-BAH, Document 24-1, Filed April 8, 2016, <http://sikhcoalition.org/documents/pdf/4-8-2016-Kanwar-Harpal-Arjan-Accommodations.pdf>.

and this accommodation indicates that that attitude might be relaxing. Following suit, the Citadel is reportedly considering allowing an admitted Muslim woman to wear the hijab as an element of her faith.⁵

⁵ Susan Svrluga, "The Citadel considers first, ever uniform exception: allowing a Muslim hijab," *The Washington Post*, April 14, 2016, https://www.washingtonpost.com/news/grade-point/wp/2016/04/14/the-citadel-considers-first-ever-uniform-exception-allowing-a-muslim-hijab/?hpid=hp_hp-more-top-stories_citadel-muslim-635pm%3Ahomepage%2Fstory%20.

Case #12: Too Little Information

Dr. Jones has some new patients coming to her for preconception counseling. Dr. Jones is one of three OB/GYNs who specialize in high-risk pregnancies in a town of about 150,000 people, and she has helped other couples with riskier pregnancy situations such as vaginal birth after conception (VBAC), multiple births, and births of babies expected to need intensive care, such as those with genetic abnormalities. The new patients coming to see Dr. Jones are an unmarried couple who has never had children, and her staff has informed her that the woman has achondroplasia, which Dr. Jones knows is the genetic condition that results in extremely small stature—she is a “little person.”

Most patients who Dr. Jones counsels are trying to conceive (TTC) and are looking for advice on fertility, so she typically runs her preconception counseling with a standard array of recommendations, including healthy eating, prenatal vitamins, exercise, adequate sleep, and stress management. She administers a prenatal questionnaire to determine if there are serious health concerns and if certain issues are apparent from those responses, such as advanced maternal age, a family history of heritable genetic defects, race-based genetic risk factors, or family history of multiple births, Dr. Jones may recommend genetic testing.

In this instance, Dr. Jones isn't quite sure what specific issues her new patients are going to be seeking help with, but being a professional and being quite new to the issues that could affect those with achondroplasia, she decides to do some advance research before her patients arrive. She browses a few medical journals that discuss the risks and considerations that affect little people who are TTC. She visits the website for Little People of America, and learns that they oppose genetic testing or intervention unless there is a risk of double achondroplasia, where both parents carry the gene, which almost always results in either miscarriage or newborn death.¹

Dr. Jones also reviews some possible treatments, including the possibility that human growth hormone may help individuals of smaller stature to grow taller than they would without intervention.² She also sees more recent literature about BMN 111, also known as vosoritide, “a man-made version of a natural peptide that can spur bone growth. . . by as much as 50 percent.”³ Dr. Jones knows that treatment of pregnant patients often involves heightened standards of care, insofar as any mistakes made can harm not just one, but two lives. She is unable to locate literature on whether the hormone was ever administered to pregnant women, but decides she will continue to research the matter once she has more information from her patients.

¹ “FAQ’s,” *Little People of America*, <http://www.lpaonline.org/faq->, last accessed June 1, 2016.

² Ede, Andrew and Lesley B. Cormack, “13: New Frontiers, Science and Choice in the New Millenium,” *A History of Science in Society*, 2d Ed., Pg. 392, The University of Toronto Press, <https://books.google.com/books?id=DMhg4sJsVFfC&pg=PA392&lpg=PA392&dq=dwarfism+genetic+treatments+ethical&source=bl&ots=xGd-kxdghk&sig=zi99NbyobPcmECSKmJIISb3-17A&hl=en&sa=X&ved=0ahUKEwiq8IzSzPrNAhVFqB4KHQAXD5sQ6AEITDAG#v=onepage&q=dwarfism%20genetic%20treatments%20ethical&f=false>,

³ Cortez, Michelle Fay and Caroline Chen, “Experimental drug to treat dwarfism speeds rate of growth by 50 per cent in children but critics still skeptical,” *Bloomberg News via National Post*, July 6, 2016, http://news.nationalpost.com/health/experimental-drug-to-treat-dwarfism-speeds-rate-of-growth-by-50-per-cent-in-children-but-critics-still-skeptical?_isa=1f9b-b61c; Hanna Albarazi, “Can Dwarfism Be Treated? BioMarin Pharmaceuticals Thinks So,” *CBS San Francisco*, <http://sanfrancisco.cbslocal.com/2016/04/20/can-dwarfism-be-treated-biomarin-pharmaceuticals-thinks-so/>, April 20, 2016.

Before she meets with the patients she considers several issues:

- First, she wonders whether she has sufficient training to work with her patients—given that there are only three high risk OB/GYN’s in her town, she suspects that she is as good as it will get her in town, but she might still need to refer this patient to a physician in another town.
- Presuming she determines she decides to treat the patients, she wonders whether she should recommend genetic testing to them in preconception and prenatal screening and also whether she should advise the patients that she is testing for such marker(s). While it may be helpful for her to know such information as it may affect how the baby develops in utero, and may also aid the neonatal pediatrician in preparing to care for a newborn with achondroplasia, she wonders how the patients might react to both the suggestion of testing and to the results themselves.
- Third, presuming they conceive and the fetus does test positive for achondroplasia, she wonders whether she should ask whether her clients are interested in treatments for the condition. After all, many people with achondroplasia do not see it as a disability any more than their hair or eye color. She doesn’t want to run the risk of offending them, but she also wants to be sure that health goals are maximized and needs to know what those goals are in order to do so.
- Lastly, she wonders whether she has any obligation to the baby in utero and whether she should encourage her patients in any particular course of treatment. She has heard of some parents wanting children like themselves, even if that means desiring a child who may be seen as having a disability and she’s not quite sure how she feels about such aims.⁴

For more on the ethical considerations of genetic therapy, see Nova:

<http://www.pbs.org/wgbh/nova/body/ethics-of-manipulating-genes.html>

⁴ Darshak M. Sanghavi, M.D., “Wanting Babies Like Themselves, Some Parents Choose Genetic Defects,” *The New York Times*, Health Essay, Dec. 5, 2006, http://www.nytimes.com/2006/12/05/health/05essa.html?_r=2.

Case #13: Trashing Privacy

In an effort to improve trash sorting, Seattle has become the first city to penalize its residents for throwing away food and recyclables in the trash bin destined for a landfill.¹ Violators whose trashcans contain 10% or more of recyclable or compostable substances will be fined. When the ordinance was first passed, one trash collector said he was putting red warning tags on about every fifth can. The ordinance states that, “[a]fter 2 warnings, properties may receive a \$50 fee on their waste bill for recyclables in the garbage.”² The red tag is no afterthought. The city explicitly intends “shame” as a means of encouraging participation in the program.³

Supporters argue that irresponsible trash disposal leads to environmental harms. NPR reports that, “Seattle Public Utilities estimates that every family in the city throws away some 400 pounds of food each year.” And food waste “is both an economic and environmental burden,” says a reporter for the Washington Post.⁴ “Transporting the waste, especially for distances as far as Seattle does, is costly. So too is allowing it to sit out in the open, where it produces methane, one of the most harmful greenhouse gases, as it rots . . . and landfills are the single largest source of methane gas.” The city’s recycling rate would like to restore its recycling rate to 60% from 56%, still one of the highest in the nation.⁵

However, many Seattle residents have complained that, under all other circumstances, a person’s trash is considered private. Law enforcement officers in Washington State still need a search warrant to go through a suspect’s trash (*State v. Boland*, 115 Wash.2d 571 (Wash. 1990)). Further, whether someone’s trash contains 10% or more of recyclable or compostable substances is left to the judgment of trash collectors untrained to make such assessments and who have no incentive to judge accurately. The collectors are not given “a seminar on solving Fermi questions,” as one commentator sarcastically suggests (the formula used to calculate the volume of a cylinder), but simply told to “use your best judgment.”⁶ And there is no system of appeal in place for disputing the fine. The trash collector is judge and jury of citizens’ composting habits. Indeed, in 2016, Pacific Legal Foundation won a suit against the city to eliminate the part of the

¹ Amy Radil, “Tossing Out Food in the Trash? In Seattle, You’ll Be Fined for That,” *NPR.org*, Jan. 26, 2015, <http://www.npr.org/sections/thesalt/2015/01/26/381586856/tossing-out-food-in-the-trash-in-seattle-you-ll-be-fined-for-that>.

² Seattle Public Utilities, “Ordinances Prohibiting Recyclables in Garbage,” <http://www.seattle.gov/Util/MyServices/Garbage/AboutGarbage/SolidWastePlans/AboutSolidWaste/BanOrdinance/index.htm>.

³ Adam Chandler, “Seattle’s Scarlet Letter Composting System,” *The Atlantic*, Jan. 28, 2015, <http://www.theatlantic.com/national/archive/2015/01/Seattle-Residents-Will-Be-Publically-Shamed-Fined-for-Not-Sorting-Compost/384896/>.

⁴ Roberto A. Ferdman, “Seattle is now publicly shaming people for putting food in their trash bins,” *Washington Post*, Jan. 27, 2015, <https://www.washingtonpost.com/news/wonk/wp/2015/01/27/seattle-is-now-publicly-shaming-people-for-putting-food-in-their-trash-bins/>.

⁵ Amy Radil, “Seattle’s Scarlet Letter For Sloppy Trash Sorters,” *KUOW.org*, Jan. 5, 2015, <http://kuow.org/post/seattles-scarlet-letter-sloppy-trash-sorters>.

⁶ Kevin D. Williamson, “Seattle, Whatcha Gonna Do When the Trash Police Come For You?” *National Review*, Sept. 16, 2015, <http://www.nationalreview.com/article/424069/seattle-whatcha-gonna-do-when-trash-police-come-you-kevin-d-williamson>.

ordinance that required collectors to go through residents' trash on the grounds that such a requirement is unconstitutional.⁷

⁷ Pacific Legal Foundation, "Seattle trashes privacy rights by having garbage collectors snoop for 'food waste,'" (*Bonesteel v. City of Seattle*), <https://www.pacificlegal.org/Cases/Case-Bonesteel-12-644>.

Case #14: A Wage with Gravity

As co-founder, majority shareholder, and CEO of Gravity Payments, a credit card processing company, Dan Price was disturbed when one of his employees accused him of underpaying workers. It was 2011, and the employee was making \$35,000 a year at the time. But the employee felt exploited. Price had just shepherded his company through the 2008 recession, where revenue fell by 20%. Gravity Payments had made a turn-around and was registering double digit growth each year, yet employee pay had remained relatively stagnant. In 2012, Price decided to do something about the disparity and implemented an across-the-board 20% pay increase.¹

The following year, productivity increased by 30-40%, and Gravity Payments' profitability increased. Price's yearly pay at the time was \$1.1 million or "about 23 times the \$48,000 average at Gravity." On April 13th, 2015, still disappointed with the quality of life of his employees, Price announced that starting pay for all positions at Gravity would begin at \$70,000. The plan to increase minimum wages would roll out over three years and would be funded in large part by reducing CEO pay to the new firm minimum.²

The move to increase Gravity's minimum wage upset several executives, who felt undervalued since they now earned the same amount as entry level sales clerks. Similarly, when Walmart increased minimum wages, one employee wrote, "It took me four years to get to \$10.80. When minimum wage goes up we don't receive a pay increase unless we are under the minimum. Now our 2 newest associates are making \$10.75 and my annual raise is going from 40 cents down to 26 cents. Apparently experience doesn't get rewarded."³

Although there were some initial worries that Gravity would lose midlevel employees over the pay increase, only two workers have left since the new minimum wage was announced. A greater concern for the financial services company is the growing rift and legal battle between Dan Price and his brother Lucas. Lucas Price is a partner in the company, and has sued his brother over excessive CEO compensation and reduced value of the company. According to Lucas, the dispute is unrelated to Gravity's new minimum wage, but, as a shareholder, he may have a legitimate concern that Dan is not meeting his fiduciary duties.⁴ For his part, Dan says, "My 40-year goal is to create a world where values-based companies suck up all the oxygen and take over the economy."⁵

¹ Paul Keegan, "Here's What Really Happened at That Company That Set a \$70,000 Minimum Wage," Inc. Magazine, November 2015, <http://www.inc.com/magazine/201511/paul-keegan/does-more-pay-mean-more-growth.html>

² Patricia Cohen, "One Company's New Minimum Wage: \$70,000 a Year," *The New York Times*, Business Day, April 13, 2015, <http://www.nytimes.com/2015/04/14/business/owner-of-gravity-payments-a-credit-card-processor-is-setting-a-new-minimum-wage-70000-a-year.html>.

³ Aimee Picchi, "Why Walmart's pay raise is backfiring," *CBS Money Watch*, August 7, 2015, <http://www.cbsnews.com/news/why-walmarts-pay-raises-are-backfiring/>.

⁴ Todd Bishop & Taylor Soper, "Gravity Payments dispute intensifies as Dan Price, the \$70k CEO, challenges his brother's suit in court," *GeekWire*, April 1, 2016, <http://www.geekwire.com/2016/dan-price-summary-judgment/>.

⁵ Dan Price, "Purpose – Not Profit – Driven Companies Will Take Over the Economy," *The Huffington Post*, The Blog, November 2, 2015, http://www.huffingtonpost.com/dan-price/purpose-not-profit-driven_b_8454612.html?utm_hp_ref=the-b-team.

Case #15: Zika Abortions

According to the CDC, the disease popularly known as “Zika” is caused by the Zika virus, which is spread through the bite of infected mosquitoes. After being bitten, people often experience mild flu-like symptoms, and complications are rare. But if a woman is infected during pregnancy, the virus can cause microcephaly, along with a host of other birth defects.¹

Microcephaly is a condition in which a baby’s head is smaller than average, the deformity is often attributed to brain abnormalities. While the effects of microcephaly occur in a spectrum from mild to severe, the condition has been associated with seizures, developmental delays, problems with balance, hearing loss, and vision problems. It was recently discovered that babies with Zika related microcephaly show prenatal brain damage “far worse than past birth defects associated with [non-Zika] microcephaly.”² Brain scans have shown that Zika “eats away at the fetal brain,” and that the empty space in the skull eventually fills with fluid, which has to be drained regularly. Moreover, Zika “shrinks and destroys lobes that control thought, vision, and other basic functions.” According to pediatricians who work with infants with Zika microcephaly, many of their patients “never learn to talk or walk...[and] many will develop epilepsy.”

As the cases of Zika microcephaly climb (4000 between November 2015 and February 2016), the United Nations has urged Brazil to lift restrictive bans on abortions. Currently, Brazil bans all abortions unless the pregnancy results from rape or the life of the mother is in danger. The United Nations (U.N.) High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, has said that “[l]aws and policies that restrict...access to these services [e.g., abortions] must be urgently reviewed in line with human rights obligations in order to ensure the right to health for all in practice.”³

However, Brazil has a large Christian population, and its government is increasingly under the influence of conservative evangelical politicians who see abortion as murder. According to Auxiliary Bishop Leonardo Ulrich Steiner, “[a]bortion leads to eugenics, the practice of selecting perfect people.”⁴ Instead of heeding the U.N.’s advice, Brazilian lawmakers have decided to draft a new law that would increase the penalty for illegal abortion from three years’ imprisonment to four-and-a-half if the reason for the abortion was fetal microcephaly. The abortion provider could face up to 15 years behind bars.⁵

¹ “About Zika Virus Disease,” *Center for Disease Control and Prevention*, May 30, 2016, <http://www.cdc.gov/zika/about/index.html>.

² Luciana Magalhaes and Betsy McKay, “Brain Damage in Zika Babies Is Far Worse Than Doctors Expected,” *The Wall Street Journal*, May 2, 2016, <http://www.wsj.com/articles/brain-damage-in-zika-babies-is-far-worse-than-doctors-expected-1461859591>.

³ Alex Zielinski, “UN Demands Zika-Infected Countries Give Women Access To Abortion And Birth Control,” *ThinkProgress*, May 2, 2016, <http://thinkprogress.org/health/2016/02/05/3746661/un-birth-control-zika/>.

⁴ Matt Sandy, “Brazilian Legislators Look to Increase Abortion Penalties in the Wake of Zika Outbreak,” *Time Magazine*, May 28, 2016, <http://time.com/4230975/brazil-abortion-laws-zika-outbreak/>.

⁵ Alex Zielinski, “In Response To Zika, Brazil Moves To Restrict Abortion Even More,” *ThinkProgress*, May 2, 2016, <http://thinkprogress.org/health/2016/02/23/3752371/brazil-tightens-abortion-laws-zika/>.