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Selected by Robert Boyd Skipper, Ph.D., Matthew Mangum, J.D., and Andrew Brei, Ph.D., from "Regional Ethics Bowl Cases: Fall 2011."

Case #1: Transient Student Voting Rights

New legislation introduced by New Hampshire State Representative Gregory Sorg, HB 176, specifically addresses the rights of students to vote. According to HB 176, “The domicile for voting purposes of a person attending an institution of learning shall not be the place where the institution is located unless the person was domiciled in that place prior to matriculation.”¹ The force of HB 176 is to require that students vote in their hometowns and not the town in which they reside for educational purposes. The bill would not allow students to register to vote in the town in which they attend university unless they lived in that town prior to enrolling.

Supporters of HB 176 include House Representative and University of New Hampshire student Michael Weeden. Weeden argues, “each individual person should vote where [he or she] resides long-term, not just where [he or she] resides for a semester.”² The bill’s sponsor, Gregory Sorg, defends the initiative saying, “This is a reasonable classification to account for one demographic group that is unlike any other and threatens to overwhelm the legitimate residents of a town or city.”³ House Speaker William O’ Brien says, “I look at towns like Plymouth and Keene and Hanover, and particularly Plymouth. They’ve lost the ability to govern themselves.”⁴ Other arguments from O’Brien and Sorg suggest that HB 176 is aimed at preventing voter fraud.

HB 176 has provided a rare moment of solidarity between Young Republicans and College Democrats who joined forces to lobby against the bill. Both groups maintain that the bill is an effort by politicians to disenfranchise the youth vote. Adding fuel to this contention, New Hampshire Speaker of the House, O’Brien, defended the bill saying, “Voting as a liberal. That’s what kids do.” According to The Washington Post, O’Brien also stated that, “[s]tudents lack ‘life experience,’ and ‘they just vote their feelings.’”⁵ Others see this bill as part of a broader strategy of voter suppression in New Hampshire, including House Bill 223, proposed to eliminate same-day registration, and Senate Bill 129, which would require voters to present a state-issued identification in order to vote. Tom Bates of Rock the Vote has called these measures “A War on Voting.”⁶

¹ New Hampshire House Bill 176, Section 654:2-b(I.) (March 2010), sponsored by Gregory Sorg, <http://www.gencourt.state.nh.us/legislation/2011/HB0176.html>, last accessed June 20, 2010.

² Justin Doubleday, “Student Senate opposes HB 176” The New Hampshire, <http://www.tnhonline.com/student-senate-opposes-hb-176-1.1980712>, February 15, 2011.

³ Josh Rodgers, “Bill to limit student voting draws crowd,” New Hampshire Public Radio, <http://www.nhpr.org/bill-limit-student-voting-draws-crowd>, February 25, 2011.

⁴ TNH Editorial Staff, “Editorial: Students Refute HB 176: Opposition’s argument has failed to evolve,” The New Hampshire, <http://www.tnhonline.com/editorial-students-refute-hb-176-1.2037962>, March 1, 2011.

⁵ Peter Wallsten, “In states, parties clash over voting laws that would affect college students, others,” The Washington Post, <http://www.washingtonpost.com/wp-dyn/content/article/2011/03/06/AR2011030602662.html>, March 8, 2011; NHDP, “Bill O’Brien Speaking @ the Rochester 9/12 Project Part 2,” Youtube, <http://www.youtube.com/watch?v=B8tqpBzLNzE>, January 13, 2011.

⁶ **NOTE: HB 176 failed to pass the legislative committee by a vote of 13-5, the committee finding that the bill would be “inexpedient to legislate.”** Tobin Van Ostern, “Update: Voting-Rights Victories Occur in NH, but Fight Is Not Yet Over,” Campus Progress, http://www.campusprogress.org/articles/update_voting-rights_victories_occur_in_nh_but_fight_is_not_yet_over/, March 10, 2011.

Case #3: Doggie Livestock

In the months preceding Bo Obama's tenure as first dog, a fierce debate raged across the country about what sort of dog the President's family should adopt. Malia Obama's dog allergy made the selection of a family pet more difficult because they knew there were breeds available that produced less dander, but adopting a purebred pup went against some of their ethical beliefs.⁷ And the first family is not the only group concerned about the ethics of adopting purebred dogs. Many groups, like The Humane Society of America, advocate the adoption of shelter pets rather than purebred puppies, as they need homes, are less expensive, and do not come from a system of forced breeding that occurs in "puppy mills."⁸

In response to perceived abuses in puppy mills, one state has sought to limit the practice of producing purebred pups in bulk. In Missouri last fall, the state voted for "Proposition B," which limits the number of dogs within each breeding facility, in addition to other regulations. Opponents of the bill distrust the regulation, and believe that it may indicate a movement toward increasing control of agriculture beyond dog breeding.⁹ The Humane Society of America and other proponents believe the regulations are long overdue, and represent minimum standards that good breeders will want to adopt for the welfare of their animals and business.

The vote was primarily split along urban-rural lines—with the urbanites voting to regulate raising puppies and dogs, and rural voters opposing state government intervention in "agricultural matters." Raising dogs for many Missourians is an income, no different than raising other livestock, and they have an incentive to keep the dogs healthy if they're going to sell them to pet stores.¹⁰ Missouri supplied, by some estimates, 40% of puppies and dogs to be sold in pet stores nationally.¹¹ Further, many farmers and ranchers see Prop B as advocating an extreme version of animal rights that would require anyone raising livestock to take extreme measures for the welfare of their herds, essentially imposing hard-line vegan standards on unwilling breeders.¹² Lastly, some argue that Prop B might actually lead to greater cruelty to many animals. Because the law prevents animals in overcrowded facilities from staying with their current owners, it would force many breeders to dispose of otherwise healthy animals by euthanasia or other means.¹³

⁷ "Don't forget about Malia Obama's dog allergies," Dogtime.com presents Obama's Dog Blog: Tails from the White House lawn, <http://www.obama-dog.com/blog/allergies/>, last accessed June 20, 2011.

⁸ The Humane Society, "Adopt a Shelter Pet," <http://www.humanesociety.org/issues/adopt/>, last accessed June 20, 2011.

⁹ Brent Engel, "Opponents of Proposition B vow to continue fight," Hannibal.net (online version of Hannibal Courier Post), <http://www.hannibal.net/features/x742794303/Opponents-of-Proposition-B-vow-to-continue-fight>, November 4, 2010.

¹⁰ See Comments, C.B. Chastain, "Proposition B, a reasonable measure to protect dogs, won't harm reputable breeders," Missourian.com, <http://www.columbiamissourian.com/stories/2010/09/14/letter-proposition-b-reasonable-measure-protect-dogs-wont-harm-reputable-breeders/>, September 14, 2010.

¹¹ Missourians for the Protection of Dogs, "Facts," <http://missourifordogs.com/facts>, last accessed June 20, 2011.

¹² Barb Shelly, "Prop B blew open Missouri's huge urban-rural divide," Voices.KansasCity.com (online version of the Kansas City Star newspaper), <http://voices.kansascity.com/entries/prob-b-blew-open-missouris-huge-urban-rural-divide/>, April 21, 2011.

¹³ "NO! On Missouri Proposition B," The Rockin' Conservative (blog), <http://rockinconservative.com/2010/09/15/no-on-missouri-propotion-b/>, September 15, 2010.

Supporters of Prop B argue that Missouri's status as the dog-breeding capital of the country comes from its lax regulations, and that these lax regulations lead to horribly inhumane treatment of animals known first and foremost as “man’s best friends.” Though the measure passed, the debate goes on as Missouri's state government passes bills to limit the impact of the Proposition.¹⁴

¹⁴ See, for instance, Chris Blank, “Missouri anti-puppy mill law, Prop B, overhauled by lawmakers for being too costly,” The Huffington Post, http://www.huffingtonpost.com/2011/04/15/missouri-anti-puppy-mill-law_n_849648.html, April 14, 2011.

Case #4: Indigenous Peoples vs. Endangered Species

In the Amazon rainforest of Brazil, indigenous fishermen kill pink river dolphins for profit. They use the dolphins' meat as bait to catch fish that they sell to customers outside of their community. They also sell the dolphins' genitals as good luck charms and oil from their fat as a treatment for rheumatism. Killing the dolphins is central to sustaining the native way of life. But the dolphins are an endangered species, with around 30,000 remaining and thousands killed every year.¹⁵ Because the dolphin population may become extinct if the killing continues, Brazilian environmental laws make it illegal to kill a pink river dolphin. Indeed, the crime of killing a pink dolphin is punishable by up to four years in prison, setting up a potentially dramatic conflict between ancient culture and animal rights.¹⁶

Dolphins may not be the only part of the ecosystem in jeopardy. In recent years, the international community has begun to recognize the plight of indigenous peoples and their central role in ecosystems. Many argue that their cultures must be respected and preserved. Their practices contain potentially vital knowledge about natural food and medicine which has been passed on from generation to generation through the millennia. In fact, in 2007, the UN passed a resolution which recognizes that respect for indigenous knowledge, cultures, and traditional practices contributes to sustainable and equitable development and proper management of the environment. Because the practice of killing the pink river dolphin is not only an integral but also a traditional aspect of the indigenous fishing communities in Brazil, it cannot simply be dismissed as barbaric.

Environmentalists don't deny that indigenous cultures deserve respect, but the plight of the pink dolphin, among other species threatened by indigenous cultures, tests the limits of this respect. Animal rights groups argue that endangered animal species must be protected from the harms resulting from practices of indigenous peoples. While human beings have many different cultures, there is only one pink river dolphin species. They point out that the pink river dolphin is not only a part of the natural ecosystem of the rain forest but also an iconic figure in local folklore. These advocates may support protecting the pink river dolphin—and prioritizing enforcement of the laws that are already in place to protect them—despite the adverse consequences that may be suffered by the indigenous population.

¹⁵ Hotel Arcos Del Real, "Habits and a new path towards sustainable fishing," <http://www.hotelarcosdelreal.com/2011/05/30/>, May 30, 2011.

¹⁶ "Fisherman in Amazon See a Rival in Dolphins," The New York Times (April 17, 2011), <http://www.nytimes.com/2011/04/17/world/americas/17dolphins.html>

Case #6: Retroactive Grade Inflation

Last year, Loyola Law School Los Angeles retroactively inflated its students' GPAs by 0.333. In other words, an A- will automatically become an A and an A will automatically become an A+ under Loyola's new grading system. The change included all grades that had been earned while the school's existing grading system—adopted in 2004—had been in place. Loyola is only one of over ten law schools who have altered their grading policies in an effort to award their graduates higher GPAs to make their students more attractive in the highly competitive legal job market. Law schools are notorious for using a strict bell curve in grading and putting students under great pressure to make the cut. But now, some schools are making their curves more lenient. Other schools have dropped this practice altogether and have instituted a pass/fail system in its place. Yet more schools have employed tactics to increase their students' marketability without changing their grading policies. For example, some schools have paid firms to hire their graduates and other schools have given students stipends while they complete internships.

Law schools have adopted these changes to help their graduates find jobs during the economic recession, when many law school graduates are finding it difficult to gain employment and even begin paying off their large student loans. Additionally, these law schools must protect some of their own most important assets—their reputation and national rankings—despite the fact that they can no longer promise their students that their degrees will translate into gainful employment. The schools maintain that they are not artificially enhancing the students' grades, but merely bringing their students' grades in line with the grades received by students at other law schools.¹⁷ According to Student Bar Association president Samuel Liu, “Loyola . . . had a mean first-year grade of 2.667; the norm for other accredited California schools is generally a 3.0 or higher.” Liu noted that the lower mean GPA prevented Loyola students from receiving clerkships with hard GPA cutoffs and disadvantaged them in their careers generally.

Retroactive grade changes have been met with a good deal of skepticism from the academic and legal communities because many consider the grades artificially inflated and an inaccurate reflection of student performance. Employers, in particular, are often aware when a school has changed its grading policy, so the higher marks may not make job candidates more any more attractive than they were before the change. Indeed, the change may be harmful to the students because employers may believe that the graduates were given the high grades undeservingly. Even students whose grades have been inflated are complaining that they will no longer be able to use their GPAs as an accurate measure of their performance in law school. Law students suggest that if law schools

¹⁷ Catherine Rampell, “In Law Schools, Grades Go Up, Just Like That,” *The New York Times*, <http://www.nytimes.com/2010/06/22/business/22law.html>, June 21, 2010; see also “Law school grade inflation: Rewarding losers?” *The Week*, <http://theweek.com/article/index/204345/law-school-grade-inflation-rewarding-losers>, June 23, 2010; Larry Gordon, “Loyola Law School boosts grades, provokes debate,” *Los Angeles Times*, <http://latimesblogs.latimes.com/lanow/2010/04/loyola-law-school-ups-grades-provokes-debate.html>, April 2, 2010.

really wanted to help their students survive in a harsh job market, they would lower tuition.¹⁸

¹⁸ Anne Chaconas, "Law School Grade Inflation Causes Controversy," PowerScore: LSAT and Law School Admissions Blog, <http://blog.powerscore.com/lSAT/law-school-grade-inflation-causes-controversy/>, June 22, 2010; see also Elie Mystal, "Loyola Law School (L.A.) Retroactively Inflates Grades," Above the Law, <http://abovethelaw.com/2010/03/loyola-law-school-la-retroactively-inflates-grades/>, March 31, 2010.

Case # 7: Disposal of the Dead

Often the details of burial are the last thing on a person's mind when she loses a loved one. However, the inevitable questions about the disposal of a loved one will come up, and the answers are often difficult. The first consideration is generally the wishes of the deceased, then the wishes of her loved one, and then other more pragmatic concerns like cost. The cost of burial averages around \$8,300, whereas the cost of cremation hovers around \$1,500.¹⁹ But more recently, people have also considered green burial, wherein the use of certain embalming and burial materials is avoided. The aim is to reduce the impact of burial on the land, so long-lasting caskets, burial markers, and other traditional features of burial may be omitted from the process.²⁰

The two most common choices at death, burial and cremation, each carry different environmental impacts that may affect a family's choice.²¹ For instance, traditional cemetery burial may require large amounts of water or fertilizer to maintain the grounds, in addition to the contaminants from the casket, human body, and the occupation of land that might be used for other higher or better uses (like housing the needy or growing food). Cremation causes air pollution, releasing contaminants stored up over a lifetime into the atmosphere, in addition to using a good deal of fuels (potentially fossil fuels) in order to complete the task.

The Grippen family is now confronted by the choices involved with burial when beloved Grandpa Joe passes away.²² Joe left three children and seven grandchildren, and has appointed his eldest daughter, Judith, as executor of his estate. Grandpa Joe was a traditional man with a modest life insurance policy and moderate estate. His wife, Ellen, died several years ago and opted for cremation. But, in conversation he had made it clear that he wanted to be buried in a local plot where several of his ancestors had been buried. In fact, once Joe had offhandedly mentioned that he wanted a posh mahogany metal-lined casket, a large marble gravestone, and to be buried with a few of his cherished baseball cards and other prized valuables.

Judith loves Grandpa Joe, but she is also a pragmatic woman and isn't sure that the requests of the dead should come first. As she works on his estate, she notices that Grandpa Joe had not included any instructions in his last will and testament to govern his burial. As she investigates what to do, she learns about the environmental impacts of the burial he had requested. She also considers the costs of his various requests. After meeting with family it becomes clear to Judith that her siblings would be comfortable with whatever arrangements she makes and have left the decisions in her hands. Judith will meet with the funeral director soon, but is still contemplating what she should do for dear Grandpa Joe.

¹⁹ The Funeral Help Program, "Knowing Your Options," <http://dragonet.com/funeral/options.htm>, last accessed June 20, 2011.

²⁰ The Green Burial Council, "FAQs & Fiction," <http://www.greenburialcouncil.org/faqs-fiction/>, last accessed June 20, 2011.

²¹ See Chesterfield Borough Council, "The Environmental Impacts of Burial and Cremation Services," <http://www.chesterfield.gov.uk/default.aspx?CATID=611&CID=6555>, last accessed August 1, 2011.

²² The Grippen family is hypothetical.

Case #9: De-Sexing Children²³

Most children grow up gradually learning to make decisions about what they like to eat, what games they like to play, and when to do their homework. Typically, children do not have to choose their gender identities because most parents assume that their children will identify with the gender associated with their physical sex and raise the children accordingly. But recently some parents are allowing their children to choose their own gender identities free of outside influence.

Traditionally, the birth of a new child is followed by gender-specific gifts from friends and family: blue gifts if the child is a boy, pink if a girl. But not in the Talvarez family. The gender of the Talvarez children was not included on birth announcements. Instead, they just listed two gender-neutral names: Jordan and Riley. Their friends (and even close family) were mystified. “Baby girls like some things and baby boys like others. That’s not a radical theory; it’s just reality,” said Ronnie Bratman, a close friend of the family.

The Talvarez family plans on going even further than not disclosing the sex of their children to family and friends. They also plan on letting their children make all of their own choices about gender. “We don’t dress them in just one kind of clothes. And once they get old enough we plan on letting them choose their own clothes from the store. We’ll just let them pick something that appeals to them as individuals. If Jordan wants to grow long hair and wear dresses, so be it. If Riley decides to take up dancing and play with trucks, we’ll support that too,” says Chris Talvarez. Ultimately, the family just wants to give their children the freedom to create their own gender identities instead of allowing society to dictate who they should be and how they should act.

Child psychologists and educational experts would tend to agree that the Talvarez family has the right to raise their children the way they see fit. But they also note that this decision is not without risks to their children; the Talvarezes should be conscious of those risks. Child psychologists and educational experts argue that while adults have a lot of information and experience with which to make choices about gender roles, children can feel lost and confused if left to their own devices. Parents can be tempted to think that children naturally know what is good for them, but that may not always be true. Some draw an analogy to food: if you let a child make all of her own choices in the grocery store, it is unlikely she will get adequate nutrition.

The parents respond that they do not plan on hiding anything from their children, just promoting choice. “We just think that society wants to put us all into neat little categories. Life can be so much richer than that. Gender is about more than what happens between your legs. Our society needs to stop making so many choices that limit our children’s lives.”

²³ This case is based on real events, but names and circumstantial facts have been changed to respect the privacy of those involved.

Case #13: Working into the Golden Years

According to Economics professor Robert Clark, the “fundamental reform in public sector pensions”²⁴ will be an unavoidable task in the next decade. State and local governments have consistently underfunded their pension plans, creating a \$3 trillion shortfall. In fact, the pension deficit of all U.S. states combined is “equal to a quarter of the gross federal debt.”²⁵ The need for reform is unquestionably urgent. However, policy makers are divided on how to allocate the burdens of the public pension debt.

Since pensions are a transfer of income from one generation to another, one possible solution would involve higher taxes. In effect, working-age adults would have to take a pay-cut to provide for retired citizens. A second solution would be to “bring all new state...workers into Social Security,” thus ameliorating states’ responsibility for future retirement payouts. The downside of this alternative is that the Social Security system is also facing economic strain. In 2011 it ran a cash deficit—the first time this has happened since 1983.²⁶ This occurrence is a harbinger of the situation that might unfold once the baby-boomers retire and begin to collect Social Security benefits. Given that people are living longer, federal pension schemes might also be underfunded. Another option would involve reducing retirement benefits and/or raising the retirement age to 70. Those skeptical of the latter solution claim that it would unfairly burden “those in physically demanding jobs, those in poor health or in low-income groups whose life expectancy hasn’t gone up much.”²⁷ Some of these harms could perhaps be mitigated by offering disability and supplemental income programs.

However, advocates of raising the retirement age face opposition from yet another quarter: in many states, workers’ pension rights are sacrosanct and protected by law.²⁸ One such case is that of school teachers in the state of New York, who may retire and begin to collect a lifetime pension of \$60,000 a year at the age of 55.²⁹ Given our current life expectancy in the U.S., such a pension scheme needs to be generously funded to pay for, perhaps, a 40-year long retirement.

Opponents of pension reform argue that changing current pension schemes would be not only legally burdensome but also morally problematic. As Democratic Chairman John S. Wisniewski declared regarding proposed changes to pension benefits in New Jersey, “[t]his is a very simple argument: It’s about keeping a promise...; we all learned at a very young age that a promise is a special thing, and when you give your word, you keep your word.”³⁰

²⁴ Chris Farrell, “‘Pension Envy’ Vexes Underfunded Public Workers,” Bloomberg, <http://www.bloomberg.com/news/2011-01-12/pension-envy-vexes-underfunded-public-workers-commentary-by-chris-farrell.html>, January 12, 2011.

²⁵ Philip Coggan, “Falling Short,” *The Economist*, <http://www.economist.com/node/18502013>, April 7, 2011.

²⁶ “70 or Bust!” *The Economist*, <http://www.economist.com/node/18529505>, April 7, 2011.

²⁷ *Jeanne Sahadie*, “The Red-Hot Debate over Raising the Retirement Age,” *CNN Money*, http://money.cnn.com/2010/08/02/news/economy/social_security_retirement/index.htm, August 2, 2010.

²⁸ “Sharing the Burden,” *The Economist*, <http://www.economist.com/node/18502041>, April 7, 2011.

²⁹ Joel Klein, “Scenes from Class Struggle,” *The Atlantic*, <http://www.theatlantic.com/magazine/archive/2011/06/the-failure-of-american-schools/8497/> (online title: “The Failure of American Schools”), June 2011.

³⁰ Jason Method, “NJ Democrats’ Leader Wants Pension Promises Kept,” *Asbury Park Press*, reprinted at <http://blogs.app.com/capitolquickies/2011/04/26/wisniewski-wants-millionaires-tax-state-to-find-a-way/>, April 26,

Case #15: Pediatricians Asking Parents about Guns

Florida recently passed the Privacy of Firearm Owners Act, which prohibits physicians and other healthcare providers from asking patients whether they own guns unless they have a good faith belief that the question is “relevant to patient’s medical care or safety, or the safety of others.” Physicians also cannot include information about gun ownership in patients’ medical records. Significantly, the new law also prohibits pediatricians from asking children or parents whether they have guns in their home.³¹

In response, physicians’ groups have sued the State of Florida in federal court. The groups argue that the “Physician Gag Law” is unconstitutional because it is a violation of doctors’ right to free speech. They point out that doctors sometimes ask patients whether they have a gun in their home in order to give them information on safe storage and prevent accidents, which are common and often involve children.³² They contend that their ability to give advice on such an important safety issue should not be subject to a “government-approved filter.”³³

But proponents of the law such as the National Rifle Association see the law as a victory. They argue that physicians should not be allowed to invade patients’ and parents’ privacy by asking them about gun ownership. They believe that physicians who question patients or their parents about guns in the house have a political agenda against gun ownership. In response to concerns of child safety, they point out that ultimately, a child’s safety is the parent’s responsibility—not the pediatrician’s. A pediatrician’s job is to provide medical care.³⁴ Furthermore, such advocates also argue that a physician who advises patients or their families to give up or lock away a gun might even potentially undermine the patient’s or family’s safety.

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³¹ Aaron Deslatte, “Gov. Rick Scott signs ‘docs and Glocks’ bill,” Orlando Sentinel, http://articles.orlandosentinel.com/2011-06-02/news/os-scott-signs-multiple-bills-20110602_1_physician-groups-gun-bill-rick-scott, June 2, 2011.

³² The Injury Prevention Program, “Gun Safety: Keeping Children Safe,” American Academy of Pediatrics, <http://www.healthychildren.org/English/safety-prevention/all-around/Pages/Gun-Safety-Keeping-Children-Safe.aspx>, 2004.

³³ Stacy Singer, “Doctors sue Florida over gun-speech law,” The Palm Beach Post, <http://blogs.palmbeachpost.com/on-call/2011/06/06/doctors-sue-florida-over-gun-speech-law/>, June 6, 2011.

³⁴ “REPORT: Florida Governor Rick Scott Signs Two Pro-Gun Bills into Law,” National Rifle Association Institute for Legislative Action, <http://www.nraila.org/Legislation/Read.aspx?id=6866>, June 2, 2011.