

CASES
for the
TWENTY-FIRST
INTERCOLLEGIATE ETHICS BOWL
NATIONAL CHAMPIONSHIP

HELD IN CONJUNCTION WITH
THE TWENTY-SIXTH ANNUAL MEETING OF THE
ASSOCIATION FOR PRACTICAL AND PROFESSIONAL ETHICS

DALLAS, TEXAS
SUNDAY, FEBRUARY 26, 2017

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Case 1: Dog Gone

Julia and her family decided that they could now get a pet. They had just settled into their new house with its fenced in yard. Julia was excited about her daughter having the experience of a pet like she'd had when she was a kid. The family talked about what a big responsibility a pet would be. A friend had told Julia about a local shelter that switched to a no-kill policy because its board was upset with the hundreds of animals euthanized in recent years. Julia really liked the philosophy of finding animals homes rather than euthanizing them.

Julia and her daughter Katie visited the shelter the next day with great anticipation. While they waited briefly in the front area, a man came in gently leading a stray dog he had found wandering in his neighborhood. The receptionist told the man they had no room to take the dog. She called a few volunteers who foster shelter overflow pets, but she found none who had room to take the dog in. The receptionist apologetically explained that the man would have to find another solution. He left with the dog, muttering about not knowing what he was going to do. Julia sadly wondered what would happen to the dog.

After a few more minutes, Julia and Katie were asked to move into a side room to wait. They watched through a window as a volunteer coaxed a very large dog on a leash through the waiting room and out the front door. After the dog went out, Julia and Katie were led back to the kennels. Ethel, the volunteer who helped people adopt pets, explained that the big dog had been abused and was considered very dangerous. She said there were only a few other volunteers brave enough to take it for an occasional walk. Julia was puzzled, wondering aloud about the dog's future. Ethel proudly explained, "because this is a no-kill shelter and the dog is unadoptable, it will live here for its natural life."

On the way to the dog section, they passed through a room in which all manner of cats were napping in cages or running around frolicking. They were very amusing to watch. Ethel explained that there are thousands of cats needing homes in the community, with more born every spring. The shelter could infrequently take any because most of the cat spaces were taken up by animals that were not adoptable.

Finally, they arrived at the dog kennels. Almost immediately Katie found a very cute small grey dog sitting alone in a cage. Ethel quickly said that the dog was not up for adoption. When pressed she explained that the dog had an incurable viral infection. When Julia asked what would happen to the dog, Ethel said the shelter would take care of it for however long it lived. Because of its infection, it had to be kept separate from the other dogs but would be walked almost every day by a volunteer. Katie didn't understand and begged to pet the "cute doggie."

Julia and Katie wandered through the kennel area but Julia had lost her enthusiasm. She looked at the animals, noting a few more that were marked as not available. Finally, she and Katie found a very sweet brown mixed-dog that seemed perfect to them. They filled out all the forms and took their new dog home. Julia also made a donation to the shelter's spay-and-neuter fund. That night Julia told her husband about her very disconcerting shelter visit. She wondered aloud why animals that could never be adopted were being kept in enclosures with minimal human interaction. She worried about the infected dog Katie had liked, pondering how lonely it must be.

She remembered the big dog that might bite. She hoped the man who had tried to do the right thing by bringing in a stray had not just turned the poor dog loose again. She began to rethink the apparently noble no-kill philosophy.

Case 2: Drinking for Two

The New York City Commission on Human Rights released guidelines on May 6, 2016, that state, "Any policy that singles out pregnant individuals is unlawful." Thus, bars and restaurants cannot refuse to serve alcohol to women solely on the basis of pregnancy or perceived pregnancy.

Other jurisdictions treat the issue of alcohol use by pregnant women differently. According to ProPublica, pregnant women who use alcohol may be charged with child abuse in at least eighteen states. Wisconsin, for example, has prosecuted women who admit to their doctors that they used alcohol while pregnant. These women were charged with violating 1997 Wisconsin Act 292 that protects "unborn children who are at substantial risk of serious physical injury due to the habitual lack of self-control of their expectant mothers in the use of alcohol beverages..."

Several states have adopted fetal rights laws. Some of these statutes provide special protection for pregnant women, by imposing harsher penalties for violence against them, for example. Other fetal rights laws focus particularly on the unborn child by granting legal status to the fetus. Even if the intent of the law is to protect both mother and child, these very laws have been used against women who drink during pregnancy.

A number of concerns have been raised about the rights of pregnant women and the health of their fetuses. Society's interest in protecting the health of the unborn has led some to question an expectant mother's right to engage in activities potentially harmful to the fetus. People disagree about where to draw the line between the health of the fetus and the rights of the mother. Some would like to prohibit pregnant women from extreme activities such as white-water rafting, bungee jumping, and scuba diving. Others argue that expectant mothers should not even exercise vigorously or eat brie cheese.

Some object to judging or sanctioning the behavior of pregnant women because it infantilizes and devalues them. They claim that passing laws that criminalize otherwise legal behavior, only because of the condition of pregnancy, discriminates specifically against women in a way that endangers their civil and human rights. They further contend that such restrictions give equal or greater consideration to the rights and interests of the fetus over those of the mother.

There are compelling moral and social interests in protecting the health of unborn children. There seems to be little consensus, however, on the appropriate means to do so, particularly when the rights of the mother appear to compromise the health of the fetus.

Case 3: Game of Drones

As a result of the terrorist attacks against the United States on September 11, 2001, the US military ramped up development of a lethal force of aerial drones. Fleets of American unmanned aerial vehicles (UAVs) stationed around the globe have become the weapons-of-choice against known and suspected terrorists in a number of countries. The program to hunt down and take out terrorists was first revealed to the American public in 2013. It was made public by a government whistleblower, as reported in the book, *The Assassination Complex*, by Jeremy Scahill along with reporters for the intercept.com website.

The book and subsequent coverage by the news media generated concern about the way the US government was deciding which of the reported 460,000 people, suspected as terrorists by the CIA and the military, were being added to the list of potential drone targets. A panel of national advisors is responsible for selecting those to be added to the kill list, sometimes reportedly listing individuals who had merely drawn the attention of authorities by their posts on social media. The President is ultimately responsible for signing off on their fate as clear and imminent threats to American lives.

At the time, one of those names belonged to an American citizen, Anwar al-Awlaki. Legal experts noted that he was not being accorded due legal process, including the right to stand trial for his alleged activities. In October of 2011, he was killed by a drone strike in Yemen. Two weeks later, his son, Abdulrahman al-Awlaki, who was also a US citizen but not on a kill list, also died in a US drone strike against someone else, thus becoming collateral damage in the war on terrorism.

While scores of intended targets have been killed, so have hundreds of innocent victims, according to the Bureau of Investigative Journalism.

Aside from Constitutional and moral questions raised by the drone program, a Defense Department task force has concluded that, rather than killing terrorists, it would be preferable to capture them along with any matériel. Furthermore, many US commanders have been quoted as saying drone attacks have led to increasingly radicalized terrorists and the recruitment of new members to their ranks.

Case 4: I Know How You Feel

Teachers may have a new tool to improve their teaching—and to control their classrooms. Stoneware, a unit of Lenovo, offers a classroom management package that videos students' facial expressions. These videos are interpreted by emotional analytics software that allows teachers to monitor in real time students' reactions to what is happening in the classroom and indicates whether students are paying attention.

Facial-emotion analytics software that is akin to facial recognition software is being developed by a variety of companies for a variety of purposes. An important player, Emotient, whose software is used in Stoneware's classroom product, has also analyzed customer reactions to products for companies like Honda and Procter & Gamble. Another company, Affectiva, has used its version of emotion-detection software to test consumer reactions to ads for companies including Unilever and Coca Cola. In addition to these uses, retailers use the software to scan customers' faces as they enter and leave stores or look at various displays. Software from yet another company, Eyeris, is being used in interrogation by federal law-enforcement agencies. Developers hope to partner with social media to show emotions during video chat. Potential medical uses include identifying patients' levels of pain.

Paul Ekman, an eighty-year-old psychologist and pioneer in facial-emotion analysis, has created an atlas of over 5,000 movements of facial muscles. This information is used in developing software algorithms for identifying emotions. He agreed to be an advisor to the Emotient board, but he later threatened to resign when he realized the ethical implications of how the results of his lifetime of research could be used. Dr. Ekman foresaw the software being used to analyze crowds, monitor workers, trip up wayward spouses, or check out job applicants. He worries that the technology could be used without people's consent and could be subject to misinterpretation. Initially, Dr. Ekman's atlas of facial expressions was used by humans—psychologists and military and law enforcement—to detect lies. As applications expanded to the use of hidden cameras and software-driven interpretation, new ethical concerns have arisen. Privacy advocates worry about use of these artificial intelligence methods on people without their consent and about the development of databases of facial expressions and associated emotions, especially when tied to specific individuals. Others insist that the software interpretations are not reliable because they have not been independently tested.

In an interesting side note, Apple bought Emotient in 2016. This purchase continues a trend by companies like Google and Facebook of quietly acquiring artificial intelligence startups. Apple declined to say what it will do with the Emotient capabilities.

Case 5: Lawsuit Futures

Litigation financing is a relatively new practice in the United States. When a person or small business wants to bring a lawsuit against a large corporation, very often the defendant can afford top-notch lawyers and long delays while the case winds its way through the courts, but the plaintiff can't afford the same. Litigation finance companies change this dynamic by paying all or some of the costs of the plaintiff's suit. If the plaintiff wins, the finance company recovers the total amount of their investment plus a percentage of any judgment or settlement. If the plaintiff loses, the finance company gets nothing. The financing is paid to the plaintiff as a lump sum up front, and the plaintiff does not need to provide an accounting. Thus, the money may be used for anything: not just the legal costs, but also such things as unexpected medical costs, keeping a child in college, or anything the plaintiff might have to sacrifice for the sake of keeping a multi-year lawsuit alive.

There are clear advantages for those who would not otherwise be able to afford a lawsuit, but the industry is currently unregulated, and questionable practices could easily emerge. The standard counsel-client relationship is fairly simple: the client's and lawyer's interests mostly coincide. But the introduction of a third party on the plaintiff's side, whose interest is merely that of an investor, could throw a monkey wrench into the works. Since investors want to recover their investment plus interest, they might apply pressure to settle early and for less than the potential recovery value of the case. Thus, a lawsuit potentially worth \$20 million and costing \$100,000 to prosecute might receive a settlement offer for \$200,000, which the investor might try to pressure the plaintiff into accepting. After the investor gets back the initial \$100,000 investment, the remaining \$100,000 would be split: \$40,000 to the lawyer, \$40,000 to the investor, leaving only \$20,000 for the plaintiff. The investor would take a 40 percent profit, while the plaintiff would receive only 0.1 percent of the potential value of the case. Should the plaintiff nevertheless insist on going forward and should the defendant prevail, the investor might be inclined to sue the plaintiff's lawyer.

Case 6: Nest Eggs

Soon after Chuck and Kate married, they learned she had Hodgkin's lymphoma and that the treatment would probably limit her ability to conceive and carry a fetus to term. So, prior to starting treatments, they went through the process of in vitro fertilization. Because neither of them felt they would be able to focus on raising a child right then, even one birthed by a surrogate mother, they chose to freeze the viable embryos. As a further precaution, they stored several eggs and vials of sperm.

Kate survived several years of treatments, but her marriage didn't. Although Kate would have liked to hire a surrogate who would gestate one or two of the frozen embryos, she acknowledged Chuck's right to abandon a plan begun during a happier time. She also put off deciding what to do with her stored eggs. She was ambivalent about raising a child as a single parent and ultimately chose to focus on regaining her health and her once active life.

Only a few years later, however, she died in a car accident, leaving behind neither spouse nor offspring. In her will she directed that her parents receive complete title to all her property. Kate had been an only child, so her parents grieved not only their loss of a daughter but also the lost prospect of grandchildren. In one meeting with the probate lawyer, they voiced this regret. The lawyer suggested they use Kate's frozen eggs as, perhaps, Kate herself would have wanted them to do: acquire some sperm through a sperm bank, hire a surrogate to gestate the fetus, and raise the child themselves.

The suggestion comforted Kate's parents but left them with many questions. Are Kate's eggs just property they could inherit? Should they make a child without Kate's explicit consent? Would they be doing the right thing?

Case 7: No Nudes Is Good Nudes

After sanctions against Iran were lifted in January 2016, Iranian President Hassan Rouhani visited European heads of state to rebuild economic relationships. When the president visited Italy, he passed through the corridors of the Capitoline Museums, where Italy's iconic statues of Greek and Roman deities were normally displayed. On this occasion, however, they were hidden in tall white boxes. Apparently intended as a demonstration of respect for Iran's cultural and religious values, covering the statues triggered outrage and ridicule from many Italians.

Nobody admits to ordering the shrouding of the scantily (or un-) clad statues of the Greek and Roman gods and goddesses. A spokesperson for the Capitoline Museums claimed that the Prime Minister's office ordered the "cover-up." Prime Minister Matteo Renzi denied prior knowledge of the action. Italian Culture Minister Dario Franceschini called the concealment "incomprehensible" and insisted that neither he nor Prime Minister Renzi was aware of the order. Reuters reported that the Iranian Embassy had made the request. NPR reported that although President Rouhani appreciated the consideration, he denied that any such request had been made.

Italians angered over the veiling of the quintessential icons of Italian art charged that the cover-up was a renunciation of Italian culture, a gesture not of respect, but of submission. They claimed hiding the statues betrayed fundamental Italian identity and values for economic interests.

France dealt with a visit from the Iranian president differently. During planning for his visit to France, Iran requested that wine not be served when President Rouhani had lunch with President Francois Hollande. The request was denied and the lunch cancelled. In the end, Iran, Italy, and France considered the visits successful. Both visits resulted in multibillion euro deals with Iran.

Case 8: No Such Thing as Bad Publicity

In a 2025 interview with *Hypermodern Marketing*, Waldo Honker, the CEO of Silverlode.com, attributed the company's success to its unusual approach to marketing. Silverlode, an online bookie service, doesn't talk about its product or the benefits it offers or a lifestyle it represents. Silverlode just wants people to remember its name. The operation is illegal in the United States and other countries; thus, since many media outlets won't carry its ads, Silverlode can't very well employ mainstream advertising approaches when targeting the US market. Silverlode has thus adopted a unique marketing strategy: putting its name on anything in the public eye.

This approach is common—up to a point. Companies have long put their logos on their own products, on clothing, on billboards, and so forth. Silverlode, however, paid professional weightlifters to have large, temporary (henna) tattoos blazoned across their chests, SILVERLODE.COM, so that the company name would be in front of the viewers for the full duration of competition. Building on the success of this tactic, they approached other people in the public eye. Silverlode paid counterprotesters at Westboro Baptist Church rallies to carry signs saying, “Silverlode.com loves gays!” Honker worked out a deal with a cash-strapped US National Parks Service to project nightly Silverlode's URL across the forehead of the sculpture of George Washington at Mount Rushmore. In 2023, in the most audacious and expensive stunt of all, it paid Elon Musk over \$3 million to dedicate a SpaceX mission to precision-dumping a payload of powdered graphite in a thin layer across the surface of the Moon, which now displays SILVERLODE.COM in letters visible to the naked eye from Earth.

Silverlode went into the naming business, too. It paid a woman pregnant with quadruplets \$25,000 per child to name them Silver, Lode, Dot, and Com. It bought the naming right, auctioned by the Wildlife Conservation Society, to a newly discovered species of wolf spider, which is now in the scientific books as, you guessed it, the Silverlode.com spider (*Pardosa argentilacus*). Scattered around the country are lakes, mountains, and waterfalls named Silverlode.com. You might even say this last gimmick really put them on the map.

One item never purchased by the company is the right to be discussed for forty minutes at an Intercollegiate Ethics Bowl competition.

Case 9: Pay to Play

College football is expected to generate almost \$500 million a year for institutions and yet the NCAA continues to prohibit colleges from paying the athletes who make this windfall possible. A 2014 court ruling found the NCAA to be in restraint of trade and mandated cost-of-attendance compensation for Division I athletes, which supplements ordinary athletic scholarships. Many observers still decry the unfairness of expecting scholarship athletes to work full-time for the college to generate revenue they do not share and to complete degree requirements in the usual four years, despite this work requirement. Further, these athletes are prohibited from receiving benefit from endorsements and autographs and from controlling use of their own image.

Critics of the current regimen claim that the NCAA and the college sports establishment exploit players. They point out that the few colleges that actually make money on athletics pay coaches and athletic directors large salaries, build lavish facilities to lure athletes, and then pocket what is left. Those schools that lose money on their athletic programs still pay for those large salaries and the athletic scholarships with money intended for the academic mission.

One proposed solution is to adopt a free market system in which institutions bid for players. Such a scheme would require a third party association representing players to negotiate salary caps and minimums with the NCAA in order to avoid antitrust violations. The rationale given for adopting a free market arrangement is that schools that can afford it can bid up to get desired players. Schools unwilling or unable to spend so much may opt for the less expensive candidates or may decide to join a different division. Other potential provisions of a free market approach include capping coach and athletic director salaries, granting players more time to complete their college education, allowing players to benefit from endorsements, providing athletes extra benefits like health insurance, and using written contracts.

Supporters of the status quo say that a free college education is pay enough for athletes.

Case 10: Photo Shop

Shortly after Michelle posted a darling picture of her baby Annabelle in cozy Fluffybug jammies on social media, she started receiving coupons for Fluffybug products. She didn't think there was a connection between the coupons and the photo. She was shocked, however, to see the same photo in a Fluffybug advertisement a few months later. The photo was used without Michelle's consent. In fact, she only found out when her sister showed her the advertisements and asked for the name of Annabelle's agent. Fluffybug claims it was not required to get express consent because by tagging the picture as "Annabelle in her adorable Fluffybug jammies" Michelle had given implicit consent.

Like many other retailers, Fluffybug mines social media sites for images of their products, and uses this information in research and marketing. Technology enables nuanced consumer data mining, capturing swathes of images from social media sites, and using image recognition software to pull out photos with brand logos. Software analyzes facial expressions, background information, and geocoding locations, which marketing companies exploit to create profiles on individuals and suggestions for how to target them. Retailers justify their use of social media photos as standard social marketing practice. They claim that this is a creative way to target customers as well as those who block online ads and skip over commercials.

Some social media encourage widespread data mining from their websites by specifying in their agreements how content may be used. By using the website, users agree to whatever terms are set therein.

The lack of oversight raises concern among privacy advocates. Although Michelle was horrified to see her daughter's picture in an ad, many "models" are thrilled to find their selfies in ads, even though they receive no compensation. Beyond being concerned about privacy, Michelle is worried for her daughter's safety, now that Annabelle's image and who knows what other information is out there.

Case 11: Syrian Refugees

The civil war in Syria, along with the emergence of the self-proclaimed Islamic State there and in Iraq, has generated a tragic diaspora. Nearly half of Syria's population of ten million have overwhelmed international refugee agencies as they seek safety and shelter elsewhere. Most have wound up in neighboring countries. Over a half-million have risked the dangerous sea passage and settled in Europe. But the United States, which prides itself as the refuge of the world's dispossessed, had accepted only 1,736 Syrians as of May, 2016, a relatively minuscule number of mostly women and children.

This refugee crisis peaked during the 2016 American Presidential campaign. Several candidates called for a total ban on any new Syrian immigrants. One reason is the fear that young Syrian men may be Islamic State fighters intent on launching terrorist attacks inside the United States.

President Obama's administration, on the other hand, was seeking to admit 10,000 Syrians by September 2016. As of May 2016, however, the US government had achieved less than 2 percent of its 2015–16 goal. According to the US State Department, the reason it was so far behind in reaching its Syrian refugee quota was that there were not enough qualified personnel to handle the processing and vetting of asylum applicants.

Opponents of the Obama administration's Syrian refugee goals in Congress and elsewhere claim that even if new, qualified State Department bureaucrats were installed, meeting the 10,000 Syrian refugee goal by September of 2016 would have been overly optimistic and, perhaps, dangerous. Meeting the goal would have required admitting almost 2,000 Syrian refugees per month leading up to September. Somewhere in those numbers could be Islamic State adherents determined to bring death and destruction to America.

At the same time, other Western countries such as Germany, which had committed to admitting almost thirty times more Syrian refugees than the United States, said the land of the free and the home of the brave should be doing more.

Case 12: To Leak or Not to Leak

Exposing government information, secret or otherwise, through leaks to the news media or other channels, goes back to the birth of the United States. Whistleblowers usually act out of a sense of duty to their conscience and to the American public. The reward for their efforts, however, is seldom positive. A whistleblower often risks losing a job, financial ruin, or being labeled a traitor to his or her country.

Samuel Shaw and Richard Marven were America's first whistleblowers. In 1777, during the American Revolution, Ensign Shaw and Lieutenant Marven accused the Continental Navy's commander-in-chief of ordering the torture of British prisoners of war. They were discharged and then sued for libel by Commodore Esek Hopkins. Luckily for Shaw and Marven, the scandal prompted the Continental Congress to pass the first whistleblower protection law and to pay for the men's legal expenses. Commodore Hopkins was stripped of his command and his commission.

Had Shaw and Marven miraculously lived another 238 years, they would have, no doubt, been pleased when the US Congress dedicated the first National Whistleblower Appreciation Day, July 30, 2015, in their honor.

Ironically, the US government was, at the same time, conducting the most aggressive prosecution of whistleblowers since the administration of President Richard Nixon. The Department of Justice, using the 1917 Espionage Act, prosecuted six government employees and two contractors for leaking classified information to the news media. That surpassed the total number of all such cases going back to the Warren Harding administration.

The most prominent of those being prosecuted were, like Shaw and Marven, serving in national defense related roles when they became whistleblowers. One, Chelsea Manning, was enlisted in the US Army and the other, Edward Snowden, worked as a contractor with the National Security Agency. Unlike Shaw and Marven, they are unlikely to receive any declaration of praise on National Whistleblower Appreciation Day, at least not anytime soon.

Private Chelsea Manning released thousands of secret documents related to the US war in Iraq to the news media through the Wikileaks website. In a 35-page statement she read at her trial, she says she did what she did because she saw the US military committing illegal and unconscionable acts in Iraq and in the war in Afghanistan. Among the material she uncovered was a video of a US Army helicopter gunship firing on an Al Jazeera TV news crew and other reporters who were clearly not a threat to American forces on the ground.

Manning pleaded guilty to a number of the charges against her and received a 35-year sentence with the possibility of parole after eight years. Meanwhile, the US Department of Justice is pursuing an active and long-term investigation of WikiLeaks.

Edward Snowden, now living in exile in Russia, stunned the world when he released over a million documents revealing the vast extent of Internet and telephone surveillance being conducted by the US government, not only on people in other countries but also illegally on American citizens. Snowden said he was disturbed by the brazen disregard for privacy and the law. The US government responded by indicting Snowden on numerous counts of espionage.

Without the information leaked by Manning and Snowden to the news media, it is unlikely the American public would have found out about the issues they raised or, at least, not in as timely a fashion. And yet, there are those who call both traitors to their country. The US government certainly seems to think so.

One wonders what Samuel Shaw and Richard Marven would have to say about these modern-day whistleblowers.

Case 13: Trigger Happy

Trigger warnings in education are statements that advise readers of assigned content that deals with potentially sensitive topics (e.g., child abuse, rape, violence). Use of these warnings has precipitated debate on college campuses and among observers of higher education. A recent survey by the National Coalition Against Censorship (NCAC) has shown that their use is not very widespread, they are neither demanded by most students nor required by the vast majority of colleges, and most faculty are opposed to their being required. Though admittedly non-scientific, the survey was done by a group that could be expected to be looking for a crisis of censorship. They didn't find it.

Rationale for their use is to warn students who may have traumatic reactions to the content assigned. Most advocates of trigger warnings on syllabi do not necessarily expect students to avoid the content or ask for special dispensation. The NCAC survey confirmed that few students seem to respond to the warnings.

NCAC conducted its survey in response to media attention that made the issue seem like a firestorm in higher education. Media reports evidently overstated the number of students demanding, or colleges requiring, use of warnings. Nonetheless, debate continues about the relative merits and negative effects of trigger warnings. Some feel the warnings improve classroom dynamics and encourage students to approach faculty if they are having trouble with content. Many faculty and educational experts, on the other hand, claim trigger warnings diminish the obligation of higher education to encourage rational consideration of topics. Critics also see demand for trigger warnings as a threat to academic freedom and faculty job security. Another concern is that use of trigger warnings coddles students since college may be the last safe and structured time for students to develop critical thinking skills. Critics further claim that the warnings may encourage students to avoid what is disturbing rather than to develop coping skills. A report from the American Association of University Professors notes, "The presumption that students need to be protected rather than challenged in a classroom is at once infantilizing and anti-intellectual."

Case 14: Tsk Tsk, Tusk Tusk

The World Wide Fund for Nature estimates that poachers kill 100,000 elephants each year for the tusks, one African elephant being killed every fifteen minutes. International criminal syndicates carry out much of this poaching, using sophisticated military equipment, which makes the problem nearly impossible to solve by simply cutting off the supply of ivory. Another approach is to dry up the demand.

In 1990, the government of Kenya tried to persuade the Convention on International Trade in Endangered Species (CITES) to add elephants to its list of protected species. To illustrate their message, Kenya set twelve tons of ivory on fire. Whereas a single large tusk can burn for a week, a pyre of tusks burns longer and can billow black smoke nearly the entire time. The dramatic blaze succeeded in its purpose: CITES added elephants to the list of protected species, thereby prohibiting trade in ivory except under special circumstances. Further, officials claimed that the blaze significantly reduced the level of poaching in Kenya by showing that elephant tusks have no monetary value; the only real value of elephant tusks is to the elephant.

Other countries followed Kenya's strategy of attacking the market by destroying the ivory. In 2012, Gabon burned its entire stockpile. In 2013, the Philippines became the first non-African country to burn its stockpile, thereby ensuring that their ivory couldn't re-enter the market through governmental corruption or lax oversight. Even the United States joined suit in 2015 when conservation groups organized a public burning of one ton of ivory items in Times Square, donated by people who no longer felt comfortable owning ivory.

Kenya followed up its first burning with other such displays, and in April 2016, it conducted its fourth and largest public burning of ivory. It stacked 105 tons of ivory worth more than \$100 million on the black market into mounds ten feet high and twenty feet wide. This dollar figure is more than Kenya spends in a year on its entire environmental and natural resources agency.

The Kenyan strategy has met with some criticism. Destroying so much ivory only makes it more scarce, which is likely to increase both its value and the motivation for further poaching. The fires themselves consume much fuel and produce much pollution, which leads some critics to say that simply crushing the ivory would be better, though less spectacular. Some critics say that tracking down the traders would be wiser, perhaps by introducing into the market artificial but realistic tusks containing implanted GPS chips. After all, it makes little sense to destroy something as beautiful as ivory when not all of it comes from poaching; some comes from elephants that die naturally.

Other African countries have adopted very different strategies to protect their elephants. In 2008, South Africa, Zimbabwe, Namibia, and Botswana together raised \$15 million by auctioning off 102 tons of ivory. They then used the money for elephant conservation. Furthermore, instead of following Kenya's approach of denying any economic value to the ivory, these countries focus on the high economic value of the living animals. The government of Botswana, in particular, launched a campaign to convince its citizens that elephants are more valuable alive than dead. A single elephant is worth approximately \$1.6 million in tourism over its lifetime, which is seventy-six times more than the tusks would fetch on the black market.

Case 15: We're a Little Short on Death Today

Ohio reprieved all prisoners on death row for 2016 and early 2017 due to the inability to replenish supplies of execution drugs. Thus, without the law being changed, it has become temporarily unenforceable. As reported in a recent newsletter from the Council of State Governments, "A nationwide shortage of sodium thiopental ... has thrown capital punishment in the United States into disarray, delaying executions and forcing the change of execution protocols in several states." While other drugs might serve the same purposes, state or federal laws specify exactly which drugs must be used and how lethal injections must be performed. Any changes in the required protocols will take a long time to go into effect.

Sodium thiopental, pancuronium bromide, and potassium chloride comprise the lethal drug combination most commonly required by law in the United States. They are administered sequentially in that order. Sodium thiopental is a fast-acting barbiturate that brings on unconsciousness in less than thirty seconds. Pancuronium bromide is a muscle relaxant that paralyzes, among other things, the diaphragm and other respiratory muscles, which would cause death by asphyxiation should the third drug fail. Finally, potassium chloride is an electrolyte that, when injected in a large dose, will stop the heart.

At least thirty states in the United States, as well as the US government itself and the US military, permit courts to sentence convicted criminals to death, and lethal injection is the most common form of execution. Even though execution is legal in the United States, a number of professional organizations have taken a stand against the death penalty and what they consider to be inhumane treatment of prisoners, such as solitary confinement and torture. The American Medical Association, the American Pharmacists Association, and the International Academy of Compounding Pharmacists have taken stands against some or all of these practices.

Besides professional organizations, individual companies have weighed in. The only US producer of sodium thiopental, Hospira, announced in 2011 that it will cease production of the drug. It had halted production the previous year because of difficulty in acquiring the raw materials, but it had stated the intention of resuming production at a facility in Italy. The Italian government, however, had demanded that Hospira guarantee that the drug (which is also used to induce general anaesthesia) never be used for lethal injection. Hospira never endorsed the use of the drug for executions, but had no way of preventing it, and since it could not control how the drug would be used, it chose instead to cease production altogether.

In a statement issued on March 28, 2016, Pfizer prohibited the use of seven of its products for the purpose of lethal injection. It will continue to manufacture the products, which have important, life-saving uses; however, there are conditions. They will limit distribution to a handful of warehouses that have agreed not to sell to correctional facilities; they will require government purchasers to certify the drugs will not be used for penal purposes; and they will further require that government purchasers not resell or otherwise provide the drugs to any other party.