DOWNLOAD PDF TEST CASES FOR THE POOR

Chapter 1 : Hospitals, Clinics & Doctors in IL - UChicago Medicine

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It was not required that she show that the duty owed was to her. As it began to move again, two men raced for the train, and one made it without incident, as the doors had not closed. But in the process, the man lost the package, which dropped and exploded, for it apparently contained fireworks. Either the force of the explosion or the panicking of those on the platform caused a tall, coin-operated scale to topple onto Helen Palsgraf. No one was hurt enough to spend the night in the hospital, though several people, Palsgraf among them, were listed as injured. The distance between Helen Palsgraf and the explosion was never made clear in the trial transcript, or in the opinions of the judges who ruled on the case, but the distance from the explosion to the scale was described in the Times as "more than ten feet away" 3 metres. She had not recovered from the stammer when the case came to court. The summons was served the following month, and the defendant filed its answer on December 3. She testified to trembling then for several days, and then the stammering started. Her health forced her to give up her work in mid He testified that the scale had been "blown right to pieces". He testified that he had treated Palsgraf occasionally for minor ailments before the incident at East New York, but on the day after found her shaken and bruised. She testified to being hit by one of "the two young Italian fellows" who were racing to make the train, and how one made it unaided and the other only with the help of two LIRR employees. She had nothing to say about the scale or Palsgraf, having seen neither. Wood indicated his only remaining witness was a neurologist, an expert witness , and McNamara for the LIRR moved to dismiss the case on the ground that Palsgraf had failed to present evidence of negligence, but Justice Humphrey denied it. The neurologist, Graeme M. Hammond of Manhattan, had examined Palsgraf two days before, observing her stammering, speaking only with difficulty. She told him of depression and headaches. He diagnosed her with traumatic hysteria, for which the explosion was a plausible cause, and said the hysteria was likely to continue as long as the litigation did, for only once it was resolved were the worries connected with it likely to vanish. Manz, in his article on the facts in Palsgraf, suggested that neither side spent much time preparing for trial. Wood did not contact his fact witnesses, the Gerhardts, until shortly before the trial, and Palsgraf was examined by Dr. Hammond the day before the trial started. In its briefs before the Appellate Division, the LIRR argued that the verdict had been contrary to the law and the evidence. It stressed that it had no foreknowledge that the package was dangerous, and that no law required it to search the contents of passenger luggage. Seeger wrote the majority opinion for the five justices hearing the case, and was joined by Justices William F. Hagarty and William B. Aged 68 at the time of Palsgraf, he could serve only two more years before mandatory retirement. He wrote that while the set of facts might be novel, the case was no different in principle from well-known court decisions on causation, such as the Squib case , in which an explosive a squib was lit and thrown, then was hurled away repeatedly by people not wanting to be hurt until it exploded near the plaintiff, injuring him; his suit against the man who had set the squib in motion was upheld. The majority also focused on the high degree of duty of care that the LIRR owed to Palsgraf, one of its customers. Addison Young wrote a dissent. Elected to the Supreme Court in , he had been designated presiding justice of the Second Department by Governor Smith earlier in He wrote that there were many facts from which the jury could have found negligence, including the fact that the train had not shut its doors as it departed though whether this was to allow latecomers to board or because it was a summer day is uncertain. A train stopped at the station, bound for another place. Two men ran forward to catch it. One of the men reached the platform of the car without mishap, though the train was already moving. The other man, carrying a package, jumped aboard the car, but seemed unsteady as if about to fall. A guard on the car, who had held the door open, reached forward to help him in, and another guard on the platform pushed him from behind. In this act, the package was dislodged, and fell upon the rails. It was a package of small size, about fifteen inches long, and was covered by a newspaper. In fact it contained fireworks, but there was nothing in its appearance

to give notice of its contents. The fireworks when they fell exploded. The shock of the explosion threw down some scales at the other end of the platform, many feet away. The scales struck the plaintiff, causing injuries for which she sues. Long Island Railroad Co. Cardozo , was a judge who was greatly respected; he later became a justice of the U. After a standout legal career, Cardozo had been elected to the trial-level Supreme Court in , but was quickly designated by the governor for service on the Court of Appeals. He was in appointed a judge of that court, and in was elected chief judge by the voters. Pound , Irving Lehman and Henry Kellogg. The opinion omitted the nature of her injury, the amount of damages that she sought, and the size of the jury award. The explosive package is described as small, though the witnesses had described it as large. The scales are described as being "at the other end of the platform, many feet away" from the explosion, but the record does not support this statement. Relative to her it was not negligence at all. Will the result be different if the object containing the explosives is a valise instead? This is not such a case, Cardozo held: Negligence cannot impose liability where an intentional act would not. Negligence that does no one harm is not a tort. It is not enough, he found, to prove negligence by the defendant and damage to the plaintiff; there must be a breach of duty owed to the plaintiff by the defendant. He traced the history of the law of negligence, a concept not known in medieval times, and noted that it evolved as an offshoot of the law of trespass , and one could not sue for trespass to another. Had the railroad been negligent towards Palsgraf, it might have been liable, but "the consequences to be followed must first be rooted in a wrong", and there was no legal wrong done by the railroad to Palsgraf. Andrews of Syracuse was a year-old [44] judge, noted for his scholarship, who had been on the Court of Appeals since Crane and John F. Andrews began with a brief recitation of facts: Such an act is wrong to the public at large, not only to those who might be injured. In an empty world, negligence would not exist. It does involve a relationship between man and his fellows. But not merely a relationship between man and those whom he might reasonably expect his act would injure. Rather, a relationship between him and those whom he does in fact injure. If his act has a tendency to harm some one, it harms him a mile away as surely as it does those on the scene. An insurance company may sue in subrogation and recover the sum paid out from the person who started the fire. Liability for negligence may only be found where that proximate cause exists, a term that the judge admitted was inexact. He suggested the analogy of a river, made up of water from many sources, and by the time it wound to sea, fully intermixed. But for a time, after water from a muddy swamp or a clayey bed joins, its origin may be traced. Beyond a certain point, it cannot be traced, and such is proximate cause, "because of convenience, of public policy, of a rough sense of justice, the law arbitrarily declines to trace a series of events beyond a certain point. This is not logic. It is practical politics. He listed factors that courts might consider, such as remoteness in time or space, and discussed some hypotheticals, such as a chauffeur who causes an accident, the noise of which startles a nursemaid into dropping a child, then returned to the case being decided, Mrs. Palsgraf was standing some distance away. How far cannot be told from the recordâ€”apparently twenty-five or thirty feet. Except for the explosion, she would not have been injured. The only intervening cause was that instead of blowing her to the ground the concussion smashed the weighing machine which in turn fell upon her. There was no remoteness in time, little in space. And surely, given such an explosion as here it needed no great foresight to predict that the natural result would be to injure one on the platform at no greater distance from its scene than was the plaintiff. Just how no one might be able to predict. Whether by flying fragments, by broken glass, by wreckage of machines or structures no one could say. But injury in some form was most probable. That is all we have before us. Wood warned that the decision could have far-reaching adverse effects on innocent passengers. She became mute, and suffered from other health problems prior to her death on October 27, , at the age of Her former attorney, Wood, maintained a law office in the Woolworth Building until his death in at age Justice Humphrey retired in , a year after he gained notoriety for presiding over the marriage of heiress Doris Duke ; he died in Supreme Court in by President Herbert Hoover and served there until his death in Nevertheless, the prosecutor struck him from the jury. Palsgraf, the Palsgraf family was thrilled by its association with a famous case, notwithstanding the outcome". Bohlen of the University of Pennsylvania Law School. In that task, Bohlen was having difficulty dealing with the concept of duty of care in negligence, especially involving unforeseeable plaintiffs, and Prosser related that Cardozo was treated to a learned discussion by the other

advisers of a case that might come before his court and, convinced by the arguments, used them to decide Palsgraf. Smith of Columbia , noting that the only meeting of the advisers between the two appeal decisions in Palsgraf took place in New York on December 12â€”13, , beginning only three days after the Appellate Division ruled, and the notes reveal that Cardozo was absent; the chief judge was hearing arguments all that week in Albany. Nevertheless, the discussions and materials from the Restatement compilation likely influenced Cardozo in his decision. Goodhart, in the Yale Law Journal in , was at the front of an avalanche of commentary to such an extent that by , Louisiana State University professor Thomas A. Cowan deemed Palsgraf "a legal institution".

Chapter 2 : Unethical human experimentation in the United States - Wikipedia

*Test Cases for the Poor: Legal Techniques in the Politics of Social Welfare [Tony Prosser] on blog.quintoapp.com *FREE* shipping on qualifying offers. Tight Binding, Limited Chipping/Rubbing to Covers, No Tears to Edges, Very Limited Markings- Two Check Marks in Pen.*

In a new Poor Law was introduced. Some people welcomed it because they believed it would: Children who entered the workhouse would receive some schooling. In return for this care, all workhouse paupers would have to work for several hours each day. However, not all Victorians shared this point of view. The poor themselves hated and feared the threat of the workhouse so much that there were riots in northern towns. Click on this extract from an anti-Poor Law Poster drawn in How desperate are the people trying to get into the workhouse? What is the response of the workhouse master? Click on this extract from the poster. What work are these paupers doing? The paupers believe they are treated much worse than slaves in the West Indies. Why would this statement have shocked people at this time? What is he going to do with it? What does this part of the poster tell you about the treatment of the old? Why do you think that the government was keen to make sure that people in workhouses worked? According to the poster how long were inmates expected to work each day? How many hours sleep were they allowed? What punishments can you see in the poster? What does the artist think about the new Poor Law? What are the problems of using this poster as evidence of what the workhouses were like? Background Before , the cost of looking after the poor was growing more expensive every year. This cost was paid for by the middle and upper classes in each town through their local taxes. There was a real suspicion amongst the middle and upper classes that they were paying the poor to be lazy and avoid work. After years of complaint, a new Poor Law was introduced in The new Poor Law was meant to reduce the cost of looking after the poor and impose a system which would be the same all over the country. Under the new Poor Law, parishes were grouped into unions and each union had to build a workhouse if they did not already have one. Except in special circumstances, poor people could now only get help if they were prepared to leave their homes and go into a workhouse. Conditions inside the workhouse were deliberately harsh, so that only those who desperately needed help would ask for it. Families were split up and housed in different parts of the workhouse. The poor were made to wear a uniform and the diet was monotonous. There were also strict rules and regulations to follow. Inmates, male and female, young and old were made to work hard, often doing unpleasant jobs such as picking oakum or breaking stones. Children could also find themselves hired out to work in factories or mines. Shortly after the new Poor Law was introduced, a number of scandals hit the headlines. The most famous was Andover Workhouse, where it was reported that half-starved inmates were found eating the rotting flesh from bones. In response to these scandals the government introduced stricter rules for those who ran the workhouses and they also set up a system of regular inspections. However, inmates were still at the mercy of unscrupulous masters and matrons who treated the poor with contempt and abused the rules. Although most people did not have to go to the workhouse, it was always threatening if a worker became unemployed, sick or old. Increasingly, workhouses contained only orphans, the old, the sick and the insane. Not surprisingly the new Poor Law was very unpopular. It seemed to punish people who were poor through no fault of their own. One way of encouraging pupils to analyse this rich source is by helping them to see that the poster is really made up of smaller pictures. By dealing with one small picture at a time, commenting on and analysing the poster can become more manageable. To extend their work, pupils can create their own new Poor Law poster, either for or against the law. Or they can be asked to write to the government complaining about the harshness of the new Poor Law. They could also work in groups to create an alternative plan to deal with the problem of the rising cost of looking after the poor. The lesson can also be used as a starting point for investigating the new Poor Law in more depth and discussing attitudes to the poor in 19th century Britain.

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Chapter 3 : Poor Law - The National Archives

Test cases for the poor: legal techniques in the politics of social welfare: 5. Test cases for the poor: legal techniques in the politics of social welfare.

Written by Arindam Nag Employees differ in their personalities and these differences influence the way they react to the external and internal pressures that exist in any organization. It has been observed that this mental framework has a direct impact on their individual performance which ultimately affects the organization as a whole. Thus it is important for an organization to identify the factors that have a crippling effect on the performance of an employee at the workplace and make suitable corrections. Thus, it is important for an organization to identify the factors that have a crippling effect on the performance of an employee at the workplace and make suitable corrections. The following are the factors that lead to poor performance of employees at the workplace. Personality or Ego Clashes: This in general, is seen between two people with opposing personalities. The problem creeps in when there is mistrust between both the parties with respect to their motives and character. The modern workplace is full of demands, deadlines, etc. There are employees who sustain and perform under pressure while there are employees who succumb to this rising pressure. Thus, an aggressive environment where the stress levels are high will prove detrimental to employee performance. If there is an alarming increase in workload, employees sometimes become disgruntled with their work and this is reflected in the quality of work. It also takes a toll on their health and demoralizes them. Adequate time and material resources should be available to employees to enable them perform their work easily. This will help them perform to the best of their ability and be proud of their achievements. Poor Leadership from the Top Management: A supervisor motivates his subordinates, instills confidence, and evokes enthusiasm with regard to their work. But if the same supervisor engages in aggressive and punitive behavior, it results in harassment at the workplace. Lack of Role Clarity: This happens when two different workers are given incompatible roles at the same time. Lack of Clarity about Accountability: Lack of accountability results when there is no clarity amongst the employees regarding their roles and responsibilities and their relationship with team members. This leads to a situation wherein when something goes right, everyone would like to take credit for it and when something goes wrong, no one comes forward to accept responsibility. When employees are not informed about decisions, they will make their own assumptions which can spread rumors. This can hurt the image of the organization and also destroy trust in the management. An organization comprises employees from various walks of life. They bring in their own set of values, ideas, and principles which may not be received by everyone in the organization. This might result in some animosity and intolerance between individuals. Research has shown that office gossip creates great loss to the organization and also affects the individual productivity of employees at work. Poor Selection or Pairing of Team Members: Employees tied with a wrong partner prove detrimental to the overall health of the organization. To make an employee productive and efficient, it is important to equip them with the right tools. Ignoring the potential benefits of technology upgradation in the workplace may diminish the productivity and performance of employees. There are cases where bosses or colleagues threaten an employee for no reason or pass offensive remarks against the employee. This leads to the creation of a hostile environment in the workplace. It also disturbs the sense of belongingness amongst employees. This might also result in a higher incidence of grievances among employees. Badly-conducted appraisals can create a lot of problems for the organization as well as its employees. If a hard working employee is under-rated, besides being unfair, it creates an inferiority complex in the mind of the employee, while being over-rated may create egoism. It has a cascading effect such as rising absenteeism, low morale, and indifference to organizational goals. Thus, by considering the above factors and passing stringent amendments, the grievances that employees have in their workplace can be reduced to a great extent, resulting in improved performance of the workforce working for a common cause with reinforced enthusiasm.

Chapter 4 : Software QA and Testing Resource Center - FAQ Part 2

Test Cases for the Poor: Legal Techniques in the Politics of Social Welfare by Tony Prosser starting at $ Test Cases for the Poor: Legal Techniques in the Politics of Social Welfare has 1 available editions to buy at Alibris.

The latest crash avoidance ratings from IIHS focus on some of the most basic, familiar equipment â€" headlights â€" and the results are dismal. Out of 31 midsize cars evaluated, only one â€" the Toyota Prius v â€" is available with a headlight system that earns a good rating. The best available headlights on 11 cars earn an acceptable rating, while nine only reach a marginal rating. Many of the poor-rated headlights belong to luxury vehicles. The BMW 3 series has the lowest-scoring headlight system. The ability to see the road ahead, along with any pedestrians, bicyclists or obstacles, is an obvious essential for drivers. However, government standards for headlights, based on laboratory tests, allow huge variation in the amount of illumination that headlights provide in actual on-road driving. With about half of traffic deaths occurring either in the dark or in dawn or dusk conditions, improved headlights have the potential to bring about substantial reductions in fatalities. Recent advances in headlight technology make it a good time to focus on the issue. Curve-adaptive headlights, which swivel according to steering input, also are becoming more widespread, and IIHS and HLDI research shows that they are improving visibility and reducing crashes. An IIHS study with volunteers found that curve-adaptive headlights on the Mazda 3 allowed drivers to spot a hard-to-see object on a dark, curvy road about 15 feet earlier than they did when the same model was equipped with conventional headlights. The study also found a benefit for HID headlights over halogen ones even when they were fixed see " Adaptive headlights help drivers spot objects earlier ," Oct. Earlier HLDI analyses found that vehicles equipped with curve-adaptive headlights have lower claim rates for damage to other vehicles and, in most cases, for injuries to occupants of other vehicles and to other road users see Status Report special issue: The headlights are evaluated on the track after dark at the Vehicle Research Center. A special device measures the light from both low beams and high beams as the vehicle is driven on five different approaches: IIHS Senior Research Engineer Matthew Brumbelow analyzed real-world nighttime crashes to determine the shape of the test curves and how much weight each portion of the test should carry. To assess visibility, Brumbelow and other VRC engineers measure how far the light is projected so that it measures at least 5 lux. A lux is a unit of illuminance, or the amount of light falling on a surface. For comparison, a full moon on a cloudless night illuminates the ground below to about 1 lux. Three lux is typically enough to make out low-contrast objects, but 5 lux can be more accurately measured and therefore works better as a threshold for the test. Headlights are tested as received from the dealer. Manufacturers need to pay attention to this issue to make sure headlights are aimed consistently and correctly at the factory. IIHS engineers solved this problem with a sensor tree. The multiple readings can be adjusted to show what the reading would be on a perfectly flat road at a constant speed, allowing for comparisons among vehicles and even for testing in different locations. Out of the shadows These demonstrations show how low-beam visibility varies. In each photo, a target representing a pedestrian is located 50 feet from the vehicle, and two deer targets are feet away. P Mercedes-Benz C-Class halogen: Inadequate visibility on the straightaway A Honda Accord 4-door halogen: Good visibility on the straightaway Translating test results into ratings After a vehicle is tested on the track, IIHS engineers compare its visibility and glare measurements to those of a hypothetical ideal headlight system and use a scheme of demerits to determine the rating. In this system, the low beams are weighted more heavily than the high beams because they are used more often. The readings on the straightaway are weighted more heavily than those on curves because more crashes occur on straight sections of road. Vehicles equipped with high-beam assist, which automatically switches between high and low beams depending on the presence of other vehicles, may earn back some points taken off for less-than-ideal low-beam visibility. One good rating out of 82 Most of the vehicles included in this release have multiple headlight ratings, so there are a total of 82 headlight ratings for models even though there are only 31 vehicles. IIHS is rating every possible headlight combination as it becomes available from dealers. The Prius v earns a good rating when equipped with LED lights and high-beam assist. The low beams cover a distance of nearly feet in the right lane while traveling

straight and about feet on the curves. The high beams extend more than feet on the straightaway and about feet on the curves. Neither the low beams nor the high beams are curve adaptive. Consumers who want the good headlights on the Prius v need to buy the advanced technology package, which is only available on the highest trim level. When equipped with regular halogen lights and without high-beam assist, the Prius v earns a poor rating. The low beams illuminate only about feet on the right side of the straightaway. A driver with those headlights would have to be going 35 mph or slower to stop in time for an obstacle in the travel lane. A better choice for the same car is an LED curve-adaptive system with high-beam assist, a combination that rates marginal. In the case of the Optima, a big problem is glare. Its curve-adaptive system provides better visibility than its nonadaptive lights, but produces excessive glare for oncoming vehicles on all five low-beam approaches. One of the best headlight systems evaluated has none of the new technology. The basic halogen lights on the Honda Accord sedan earn an acceptable rating, while an LED system with high-beam assist available on the Accord earns only a marginal.

Chapter 5 : Poor Performance | Labour Guide

Under a new Florida law, people applying for welfare have to take a drug test at their own expense. If they pass, they are eligible for benefits and the state reimburses them for the test. If they fail, they are denied welfare for a year, until they take another test.

This is the guy who is always "busy", but does not get the job done. He is eager but inefficient, as opposed to being openly lazy or uncooperative. Those types are easy to identify and deal with. The best way is frequent and firm counseling â€" make it quite plain what standard is required as if he does not already know and by when. Set deadlines, and inform him in writing what the consequences will be is there is no improvement. Lets take it further â€" management genuinely were under the impression that the employee could handle the higher position and the responsibilities that go with it. His previous record, albeit in a lower position, was excellent â€" he worked well and showed promise. At a pre-promotion interview, the employee assured management he would be able to cope with the added responsibilities. Management were convinced that the employee was capable of bigger things â€" and decided to give him the opportunity. This "over-promotion" is not uncommon â€" but it is a sensitive issue, because management have contributed to the problem by promoting the employee. It is clear that the employee possesses the necessary skills and experience and can make a contribution to the company â€" this is why he was selected for promotion in the first place. However, managements decision has backfired. The bottom line is that clearly, the problem is incapacity, and equally clearly, the employer has no obligation to continue with a non-performing working relationship with this employee. That is the "tough bottom line. An important lesson here is that an employee should never be promoted because he is good in his present job â€" he should be promoted because he can perform in the new job. What if the poor performance is caused by some change to the job itself? Yes, this can happen. Technology does not stand still â€" even though things were often "better in the good old days. We can go through the whole gambit of training etc, but perhaps it is just simply beyond his capability. This type of poor performance is not the fault of the employee â€" he has been made to perform poorly because of changes to his job specification. This is not a straight-forward case of poor performance or incompetence. Initially, the employee must be counseled to try and establish whether he is unable or unwilling to do the job. In some cases, it is found that the employee has simply been overwhelmed by the enormity of the job, the increased number of tasks which face him daily, the realization that perhaps for the first time ever he now is faced with very real responsibility and accountability, and he withdraws into a sort of "safety zone" by not performing and in fact harboring a secret hope that he will be taken off the job and placed back in his old position. This you will only establish by counseling and skilful questioning â€" in some cases by asking some very direct and perhaps embarrassing questions of the employee. You will finally have to make a decision â€" either put him back where he was or retrench. What if the employee performs o. Consistent levels of performance are not the norm â€" everybody has their "off-days". There also may be a family crisis of some sort, or even a health problem, so their will be occasions where the employee will perform below the acceptable level. Again, it is counseling time â€" establish the problem, and address it. What about a "go-slow"? How do we handle it? This is usually a deliberate act of slowing down production in order to force the employer to agree to some or other demand â€" higher wages, perhaps. It is very seldom an individual thing, but rather collective. You may have to consult with Shop Stewards to establish the reason. This is of course industrial action and should be dealt with in the same way as a strike. Is it essential to give the employee time to improve? In the interests of staying out of the CCMA, yes â€" it is the best way, even with a well experienced employee. Obviously, you may not give a well experienced employee as much time as with a lesser experienced employee. But the counseling process, the careful explanation of the standards required and the standards not being met, as well as setting of deadlines for improvement to take place is vital. How much training am I expected to provide? If a new employee joins the company and gives the clear understanding that he knows the job and processes, but this later proves not to be the case, then obviously you would not spend as much training time here as with one of your other employees whom you know has had no training. Poor Performance due to ill health. If the illness

is of a temporary nature, you will have to live with it until the employee recovers. If the illness is permanent or likely to become permanent, then it is a problem of incapacity due to ill health rather than a problem of poor performance. You would then handle it accordingly. Can I demand that the employee be medically examined if I suspect illness or that he may be on drugs? If you doubt his claim that the poor performance is due to ill health, then you may insist that the employee undergo an independent medical examination. However, you will have to pay for this â€" not the employee. Is demotion an option in cases of poor performance? This is definitely an option, provided the employee agrees to the demotion. This applies particularly in the case of the recently promoted employee who cannot handle the requirements and responsibilities of the new position. He cannot handle the demands of the new position. Remember however that counseling and follow up are still important. If he is, then look for other causes that account for the failure to reach the standards â€" for example, his tool may be sub-standard or worn out. Thus, the poor performance may not necessarily always be the fault of the employee. For that matter, all employees should be fully aware of and fully understand all Company rules, regulations, procedures and performance standards.

Chapter 6 : New ratings focus on headlights

The TB skin test is a widely used test for diagnosing TB. In countries with low rates of TB it is often used to test for latent TB infection. The problem with using it in countries with high rates of TB infection is that the majority of people may have latent TB.

Surgical experiments[edit] Throughout the s, J. Marion Sims , who is often referred to as "the father of gynecology ", performed surgical experiments on enslaved African women, without anaesthesia. Seeing a research opportunity, he cut open her head, and inserted needle electrodes into her exposed brain matter. When the needle entered the brain substance, she complained of acute pain in the neck. In order to develop more decided reactions, the strength of the current was increased Very soon, the left hand was extended as if in the act of taking hold of some object in front of her; the arm presently was agitated with clonic spasm; her eyes became fixed, with pupils widely dilated; lips were blue, and she frothed at the mouth; her breathing became stertorous; she lost consciousness and was violently convulsed on the left side. The convulsion lasted five minutes, and was succeeded by a coma. She returned to consciousness in twenty minutes from the beginning of the attack, and complained of some weakness and vertigo. Leo Stanley, chief surgeon at the San Quentin Prison , performed a wide variety of experiments on hundreds of prisoners at San Quentin. Many of the experiments involved testicular implants, where Stanley would take the testicles out of executed prisoners and surgically implant them into living prisoners. In other experiments, he attempted to implant the testicles of rams , goats , and boars into living prisoners. Stanley also performed various eugenics experiments, and forced sterilizations on San Quentin prisoners. A review of the medical literature of the late 19th and early 20th centuries found more than 40 reports of experimental infections with gonorrheal culture, including some where gonorrheal organisms were applied to the eyes of sick children. Army doctors in the Philippines infected five prisoners with bubonic plague and induced beriberi in 29 prisoners; four of the test subjects died as a result. He did this without the consent of the patients, and without informing them of what he was doing. All of the subjects became sick and 13 died. In the study, they refer to the children as "material used". Knowles released a study describing how he had deliberately infected two children in an orphanage with Molluscum contagiosum â€”a virus that causes wartlike growthsâ€”after an outbreak in the orphanage, in order to study the disease. Hideyo Noguchi of the Rockefeller Institute for Medical Research injected hospital patients some of whom were children with syphilis. He was later sued by the parents of some of the child subjects, who allegedly contracted syphilis as a result of his experiments. In the experiment, impoverished black males who had syphilis were offered "treatment" by the researchers, who did not tell the test subjects that they had syphilis and did not give them treatment for the disease, but rather just studied them to chart the progress of the disease. By , penicillin became available as treatment, but those running the study prevented study participants from receiving treatment elsewhere, lying to them about their true condition, so that they could observe the effects of syphilis on the human body. By the end of the study in , only 74 of the test subjects were alive. The study was not shut down until , when its existence was leaked to the press, forcing the researchers to stop in the face of a public outcry. It may save you much trouble if you publish your paper The Journal is under constant scrutiny by the anti-vivisectionists who would not hesitate to play up the fact that you used for your tests human beings of a state institution. That the tests were wholly justified goes without saying. Black inoculated a twelve-month-old baby with herpes who was "offered as a volunteer". He submitted his research to The Journal of Experimental Medicine which rejected the findings due to the ethically questionable research methods used in the study. The editor of the Journal of Experimental Medicine, Francis Peyton Rous, called the experiment "an abuse of power, an infringement of the rights of an individual, and not excusable because the illness which followed had implications for science. At the Nuremberg trials , Nazi doctors cited the precedent of the malaria experiments as part of their defense. In related studies from to , Dr. Alf Alving, a professor at the University of Chicago Medical School, purposely infected psychiatric patients at the Illinois State Hospital with malaria , so that he could test experimental treatments on them. Approximately people were infected as part of the study including orphan children. The team was led by John

Charles Cutler , who later participated in the Tuskegee syphilis experiments. Cutler chose to do the study in Guatemala because he would not have been permitted to do it in the United States. In when the research was revealed, the US officially apologized to Guatemala for the studies. Navy sprayed large quantities of the bacteria Serratia marcescens â€" considered harmless at this time â€" over the city of San Francisco during a project called Operation Sea-Spray. Numerous citizens contracted pneumonia-like illnesses, and at least one person died as a result. Joseph Stokes of the University of Pennsylvania deliberately infected female prisoners with viral hepatitis. Southam , a Sloan-Kettering Institute researcher, injected live cancer cells, known as HeLa cells, into prisoners at the Ohio State Penitentiary and cancer patients. Also at Sloan-Kettering, healthy women were injected with live cancer cells without being told. The doctors stated that they knew at the time that it might cause cancer. The San Francisco Chronicle , December 17, , p. It was alleged that the experiment tripled the whooping cough infections in Florida to over one-thousand cases and caused whooping cough deaths in the state to increase from one to 12 over the previous year. This claim has been cited in a number of later sources, although these added no further supporting evidence. Operation Big Itch , in , was designed to test munitions loaded with uninfected fleas Xenopsylla cheopis. In May over , uninfected mosquitoes Aedes aegypti were dropped over parts of the U. The mosquito tests were known as Operation Big Buzz. Southam , who in had done the same to prisoners at the Ohio State Prison, in order to "discover the secret of how healthy bodies fight the invasion of malignant cells". The administration of the hospital attempted to cover the study up, but the New York medical licensing board ultimately placed Southam on probation for one year. Army performed tests which involved spraying several U. The personnel were not notified of the tests, and were not given any protective clothing. Chemicals tested on the U. Human radiation experiments Researchers in the United States have performed thousands of human radiation experiments to determine the effects of atomic radiation and radioactive contamination on the human body, generally on people who were poor, sick, or powerless. The experiments included a wide array of studies, involving things like feeding radioactive food to mentally disabled children or conscientious objectors , inserting radium rods into the noses of schoolchildren, deliberately releasing radioactive chemicals over U. Much information about these programs was classified and kept secret. Three Decades of Radiation Experiments on U. It published results in Welsome later wrote a book called The Plutonium Files. Radioactive iodine experiments[edit] In a operation called the " Green Run ," the U. In one study, researchers gave pregnant women from to microcuries 3. In another study, they gave 25 newborn babies who were under 36 hours old and weighed from 5. In the experiment, researchers from Harper Hospital in Detroit orally administered iodine to 65 premature and full-term infants who weighed from 2. The children subsequently underwent painful experimentation without adult consent. Many were given spinal taps "for which they received no direct benefit. According to the CBS story, over 1, patients died at the clinic. Fidler at the Oak Ridge National Laboratory in Tennessee [66] Between and , researchers at the University of Rochester injected uranium and uranium in dosages ranging from 6. William Sweet injected eleven terminally ill, comatose and semi-comatose patients with uranium in an experiment to determine, among other things, its viability as a chemotherapy treatment against brain tumors , which all but one of the patients had one being a mis-diagnosis. Sweet, who died in , maintained that consent had been obtained from the patients and next of kin. San Francisco Medical Center in Joseph Gilbert Hamilton , a Manhattan Project doctor in charge of the human experiments in California [71] had Stevens injected with Pu and Pu without informed consent. Stevens never had cancer; a surgery to remove cancerous cells was highly successful in removing the benign tumor, and he lived for another 20 years with the injected plutonium. Neither Albert Stevens nor any of his relatives were told that he never had cancer; they were led to believe that the experimental "treatment" had worked. His cremated remains were surreptitiously acquired by Argonne National Laboratory Center for Human Radiobiology in without the consent of surviving relatives. Some of the ashes were transferred to the National Human Radiobiology Tissue Repository at Washington State University , [72] which keeps the remains of people who died having radioisotopes in their body. Three patients at Billings Hospital at the University of Chicago were injected with plutonium. The mixtures contained radioactive iron and the researchers were determining how fast the radioisotope crossed into the placenta. At least three children are known to have died from the experiments, from cancers and leukemia. Fernald State School in Massachusetts, in an experiment

sponsored by the U. Atomic Energy Commission and the Quaker Oats corporation, 73 mentally disabled children were fed oatmeal containing radioactive calcium and other radioisotopes , in order to track "how nutrients were digested". The children were not told that they were being fed radioactive chemicals; they were told by hospital staff and researchers that they were joining a "science club". In the experiments, the subjects were exposed to additional burning, experimental antibiotic treatment, and injections of radioactive isotopes. Fernald State School, in , researchers gave mentally disabled children radioactive calcium orally and intravenously. They also injected radioactive chemicals into malnourished babies and then collected cerebrospinal fluid for analysis from their brains and spines. Many were chosen from the Age Center of New England and had volunteered for "research projects on aging". Such tests had dispersed radioactive contamination worldwide, and examination of human bodies could reveal how readily it was taken up and hence how much damage it caused. Of particular interest was strontium in the bones. Infants were the primary focus, as they would have had a full opportunity to absorb the new contaminants. The bones were cremated and the ashes analyzed for radioisotopes. This project was kept secret primarily because it would be a public relations disaster; as a result parents and family were not told what was being done with the body parts of their relatives. Patients were told that they were receiving a "treatment" that might cure their cancer, but the Pentagon was trying to determine the effects of high levels of radiation on the human body. One of the doctors involved in the experiments, Robert Stone , was worried about litigation by the patients. He referred to them only by their initials on the medical reports. He did this so that, in his words, "there will be no means by which the patients can ever connect themselves up with the report", in order to prevent "either adverse publicity or litigation". Eugene Saenger , funded by the Defense Atomic Support Agency , performed whole body radiation experiments on more than 90 poor, black, advanced stage cancer patients with inoperable tumors at the University of Cincinnati Medical Center during the Cincinnati Radiation Experiments. He forged consent forms, and did not inform the patients of the risks of irradiation. Critics have questioned the medical rationale for this study, and contend that the main purpose of the research was to study the acute effects of radiation exposure. Carl Heller, irradiated the testicles of Oregon and Washington prisoners.

Chapter 7 : 16 Factors that Lead to Poor Performance at the Workplace | eLearning Blogs

michelle obama's chicago test case the first lady spent six years promoting neighborhood clinics for the poor near the university of chicago medical center. the.

Ryan Messmore Winter After a financial crisis, a deep recession, and a stalled recovery, it should be no surprise that poverty in America is on the rise. This is a troubling figure, and it should certainly move us to act to help the poor as we strive to grow the economy. But efforts to address poverty in America are frequently derailed by misguided ideology â€” in particular, by the notion that poverty is best understood through the lens of inequality. Far too often, policymakers succumb to the argument that a widening gap between the richest and poorest Americans is the fundamental problem to be solved and that poverty is merely a symptom of that deeper flaw. Such concerns about inequality are not baseless, of course. They begin from a fact of the modern American economy, which is that, in recent decades, incomes among the poor have risen less quickly than have incomes among the wealthy. And such growing inequality, some critics contend, is both practically and morally dangerous. A growing income divide can foster bitterness and animosity between classes, threaten democracy, and destabilize the economy. Above all, they argue, it violates the cherished moral principle of equality. Implicit in much of the critique of our income divide is the assumption that inequality per se is inherently unjust, and therefore that the gap between rich and poor is as well. That perceived injustice in turn spurs support for redistributionist policies that are intended to make levels of prosperity more equal across society. President Obama commonly uses the language of justice and equality to advance such an agenda â€” speaking, for instance, of "the injustice in the growing divide between Main Street and Wall Street. Some religious figures have even used their moral concerns about inequality to justify the imposition of specific redistributionist economic policies. For example, Jim Wallis, president of the liberal religious organization Sojourners, has said that inequality in America â€” "a sin of biblical proportions" â€” necessitates a higher minimum wage, higher taxes on the rich, and increased welfare spending. But though the gap between rich and poor may be widening, this obsession with inequality â€” and this preferred approach to mitigating it â€” are fundamentally counterproductive. They are born of a misconception rooted in a flawed understanding of both justice and economic fact. Even if their premises and objectives were sound, these policies would have perverse unintended consequences â€” fostering class resentment, destroying jobs, and reducing wages and opportunities for the poor most of all. Such policies also tend to undermine the family and create a culture of dependence on the state â€” unleashing harmful consequences that would, again, fall disproportionately on the poor. Before we can seriously address the state of the poor in America, then, we need to seriously question some popular assumptions about poverty, equality, and justice. We must ask whether justice is always synonymous with equality, and explore the economic realities underlying the claim that a resource gap is inherently unjust. Indeed, in America, we often use "equality" as a synonym for justice. A just society, we imply, is one in which everyone is treated equally. After all, the guiding first principle of the American founding, according to the Declaration of Independence, was that "all men are created equal. And justice also requires that we recognize these differences. Where people are equal, it is just to treat them the same; where they are different, it is unjust to treat them the same. So in what respects are people equal? According to the Declaration of Independence, all men are equally endowed with rights to life, liberty, and the pursuit of happiness. The author of the Declaration, Thomas Jefferson, wrote elsewhere that no one is born either with a saddle on his back or with boots and spurs to ride his fellow man. In other words, no person has an inherent duty by birth to submit to another, nor does anyone enjoy an inherent right by birth to dominate another. On the basis of this principle, justice demands that all people be treated equally before the law. Moreover, every life, by virtue of being a human life, is equal in value. No matter how young, old, weak, or poor a man may be, his life is just as worthy of respect and protection as any other. No one should be excluded from the opportunity to live freely and contribute to society. But our equal worth as human beings does not mean that we must be treated equally in every sense and in every situation. We need not expect to possess equal faculties; society need not provide us with equal material circumstances. Consider, for instance, an

elementary-school class. It would be foolish and unjust to insist that the teacher and a third-grade student have equal say regarding every choice made in the classroom â€" including who gets to determine classroom rules, set the curriculum, and assign homework. It would also be wrong to insist that every student â€" regardless of ability, effort, and achievement â€" receive exactly the same grade. This distinction was made particularly clear in the writings of James Wilson, a signer of the Declaration of Independence and one of the six original justices of the Supreme Court. When we say, that all men are equal, we mean not to apply this equality to their virtues, their talents, their dispositions, or their acquirements. In all these respects, there is, and it is fit for the great purposes of society that there should be, great inequality among men With regard to all, there is an equality in rights and in obligations The natural rights and duties of man belong equally to all. Thus, when we address fundamental human dignity and worth â€" our standing before God and the law, and the value of individual lives â€" equal treatment of all is required. In most other contexts, however, justice calls for treating different people differently. To begin, a sound notion of economic justice must account for aspects of human equality as well as inequality. For instance, since all human beings possess equal dignity and an equal claim to life, a just economic system must seek to keep citizens from falling below a baseline of subsistence and dignity. A wealthy society should not stand by while some citizens starve, for instance. This threshold will differ according to circumstances; the baseline in a modern wealthy society will not be the same as that of a pre-modern or developing society. But the same principle applies: By virtue of equal humanity, every person should have access to at least the basic resources required to sustain life in his society. In the United States, this has come to include not only food, clothing, and shelter, but also free public education, legal representation in courts of law, emergency medical care, and other forms of basic welfare. But establishing a baseline of dignity does not mean that the responsibility for providing these essential resources must belong exclusively to government. We should not narrow the obligation to only the state when, in fact, many social institutions â€" including families, private charities, churches, and businesses â€" share responsibility for sustaining a just society. The state should maintain the social conditions that allow these other institutions to contribute, in appropriate ways, to a minimum provision of basic economic resources for all citizens. Civil-society institutions like families, churches, and community groups, in turn, are better equipped to fulfill mutual obligations and enable people to care for one another. In other words, the state generally creates the conditions for a just society, and the institutions of civil society help citizens live out that vision of justice. For people who would otherwise slip through the cracks, government should step in to provide a basic safety net, but only as a last resort, temporarily, and in ways that support â€" rather than crowd out â€" civil society. In many cases, of course, we will seek more than the minimum level of provision for one another. A sense of justice may spur citizens to work for â€" and petition government for â€" better education, less expensive health care, or more jobs in their communities. Above the baseline of necessity, however, debates about these kinds of improvements should be treated as matters of public priorities and the prudential use of community resources, not of basic human equality. Moreover, once crucial rights have been secured and the basic subsistence level of resources has been provided, the differences between individuals should be acknowledged and respected. As James Madison argued in Federalist No. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results. This does not mean that if we are free we have no obligations to others; it does mean, however, that providing material equality is not one of those obligations we have to others â€" and, indeed, that having government make it such an obligation would be unjust. This principle was ably articulated by Nathaniel Chipman, a lieutenant in the Revolutionary War who went on to be elected to the U. Both ought, as to their continuance, and the influence which attends them, to be left to the conduct of the possessor To exclude the meritorious from riches and honors, and to perpetuate either to the undeserving, are equally injurious to the rights of man in society. It verges on the extreme of tyranny. Indeed, the quest to establish equality through redistribution rather than to protect equality through equal respect of fundamental rights runs the risk of doing an injustice by failing to take account of those differences among individuals. Justice surely demands that we care for the poor, and requires us to help them find ways out of poverty. But justice does not demand that we understand poverty through the lens of equality. Why, then, do so many Americans focus exclusively on income gaps

when they take up the problem of poverty? Why does their appeal to justice primarily take the form of an attack on economic disparities? By drawing on startling statistics about just how much the wealthiest Americans have, for instance, they seek to arouse moral indignation aimed against the rich. Their arguments, however, tend to be both factually unsound and conceptually incoherent. For one thing, these critics exaggerate the degree of inequality and the growth of inequality in America. For instance, when most media outlets report on economic inequality in our country, they use a "money income" measurement provided by the Census Bureau each year. But this measurement is problematic for several reasons. First, money income alone does not tell the whole story. Thus it does not take into account the Earned Income Tax Credit, food stamps, the school-lunch program, public housing, Medicare, and Medicaid. It also excludes the equalizing effects of taxes on income. A study by the Congressional Budget Office compared the share of total income in America held by households in different income groups before and after paying taxes from to While the top quintile contains One reason is that the quintiles are based on a count of family households rather than of individuals. For this purpose, a household is defined as a person or group of related persons living in a single housing unit. In America, high-income households tend to include married parents both of whom often work , while low-income households tend to include unmarried parents or the elderly. As a result, each household in the top income quintile tends to contain more people than each household in the bottom quintile. Once employee health benefits and government transfers are added, the effects of taxation are accounted for, and quintiles are adjusted to contain equal shares of population, the picture looks much different: Moreover, as a group led by Richard Burkhauser of Cornell University recently showed, the rise in income inequality in America since the early s has been smaller and has grown more slowly than in the two decades before. The American ideal of equality, as discussed above, does not demand equal wealth or income. And the economic facts do not support the notion that unequal wealth causes hardship for the poor. The implicit assumption behind the case for the injustice of income inequality is that the wealthy are the reason why the poor are poor, or at least why they cannot escape their poverty. If this claim were true, it would be much easier to connect income inequality with injustice, and so to justify a redistributionist agenda. Yet this assumption rests on another economic premise that itself is highly dubious: Moral critics of inequality often portray total national income as if it were a pie: Much of the moral debate about income inequality seems to rest on this zero-sum theory. The super rich have a much bigger piece of the pie than they used to, and that means a smaller piece of the pie for all the rest of us. Through ingenuity and higher productivity, our country generates new income.

Chapter 8 : Drug Testing the Poor: Bad Policy, Even Worse Law | blog.quintoapp.com

This test case was due in large part to the combined efforts of three men. Albert Priddy was superintendent of the Virginia Colony. Aubrey E. Strode was the man who drafted Virginia's sterilization law.

Petitioner was charged in a Florida state court with having broken and entered a poolroom with intent to commit a misdemeanor. This offense is a felony under [p] Florida law. Appearing in court without funds and without a lawyer, petitioner asked the court to appoint counsel for him, whereupon the following colloquy took place: Gideon, I am sorry, but I cannot appoint Counsel to represent you in this case. Under the laws of the State of Florida, the only time the Court can appoint Counsel to represent a Defendant is when that person is charged with a capital offense. I am sorry, but I will have to deny your request to appoint Counsel to defend you in this case. Put to trial before a jury, Gideon conducted his defense about as well as could be expected from a layman. Since , when Betts v. Since Gideon was proceeding in forma pauperis, we appointed counsel to represent him and requested both sides to discuss in their briefs and oral arguments the following: Betts was indicted for robbery in a Maryland state court. On arraignment, he told the trial judge of his lack of funds to hire a lawyer and asked the court to appoint one for him. Betts was advised that it was not the practice in that county to appoint counsel for indigent defendants except in murder and rape cases. He was found guilty by the judge, sitting without a jury, and sentenced to eight years in prison. Betts was denied any relief, and, on review, this Court affirmed. It was held that a refusal to appoint counsel for an indigent defendant charged with a felony did not necessarily violate the Due Process Clause of the Fourteenth Amendment, which, for reasons given, the Court deemed to be the only applicable federal constitutional provision. Asserted denial [of due process] is to be tested by an appraisal of the totality of facts in a given case. That which may, in one setting, constitute a denial of fundamental fairness, shocking to the universal sense of justice, may, in other circumstances, and in the light of other considerations, fall short of such denial. Treating due process as "a concept less rigid and more fluid than those envisaged in other specific and particular provisions of the Bill of Rights," the Court held that refusal to appoint counsel under the particular facts and circumstances in the Betts case was not so "offensive to the common and fundamental ideas of fairness" as to amount to a denial of due process. Since the facts and circumstances of the two cases are so nearly indistinguishable, we think the Betts v. Upon full reconsideration, we conclude that Betts v. Brady should be overruled. In response, the Court stated that, while the Sixth Amendment laid down no rule for the conduct of the States, the question recurs whether the constraint laid by the Amendment upon the national courts expresses a rule so fundamental and essential to a fair trial, and so, to due process of law, that it is made obligatory upon the States by the Fourteenth Amendment. On the basis of this historical data, the Court concluded that "appointment of counsel is not a fundamental right, essential to a fair trial. This same principle was recognized, explained, and applied in Powell v. In many cases other than Powell and Betts, this Court has looked to the fundamental nature of original Bill of Rights guarantees to decide whether the Fourteenth Amendment makes them obligatory on the States. In so refusing, however, the Court, speaking through Mr. Justice Cardozo, was careful to emphasize that immunities that are valid as against the federal government by force of the specific pledges of particular amendments have been found to be implicit in the concept of ordered liberty, and thus, through the Fourteenth Amendment, become valid as against the states, and that guarantees "in their origin. We accept Betts v. Ten years before Betts v. Brady, this Court, after full consideration of all the historical data examined in Betts, had unequivocally declared that "the right to the aid of [p] counsel is of this fundamental character. While the Court, at the close of its Powell opinion, did, by its language, as this Court frequently does, limit its holding to the particular facts and circumstances of that case, its conclusions about the fundamental nature of the right to counsel are unmistakable. Several years later, in , the Court reemphasized what it had said about the fundamental nature of the right to counsel in this language: We concluded that certain fundamental rights, safeguarded by the first eight amendments against federal action, were also safeguarded against state action by the due process of law clause of the Fourteenth Amendment, and among them the fundamental right of the accused to the aid of counsel in a criminal prosecution. And again, in , this Court said: The Sixth Amendment

stands as a constant admonition that, if the constitutional safeguards it provides be lost, justice will not "still be done. To the same effect, see Avery v. In light of these and many other prior decisions of this Court, it is not surprising that the Betts Court, when faced with the contention that "one charged with crime, who is unable to obtain counsel, must be furnished counsel by the State," conceded that "[e]xpressions in the opinions of this court lend color to the argument. The fact is that, in deciding as it did -- that "appointment of counsel is not a fundamental right, [p] essential to a fair trial" -- the Court in Betts v. Brady made an abrupt break with its own well considered precedents. In returning to these old precedents, sounder, we believe, than the new, we but restore constitutional principles established to achieve a fair system of justice. Not only these precedents, but also reason and reflection, require us to recognize that, in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth. Governments, both state and federal, quite properly spend vast sums of money to establish machinery to try defendants accused of crime. Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can get to prepare and present their defenses. That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries. The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours. From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him. Justice Sutherland in Powell v. The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be [p] heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel, he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. The Court in Betts v. Florida, supported by two other States, has asked that Betts v. Brady be left intact. Twenty-two States, as friends of the Court, argue that Betts was "an anachronism when handed down," and that it should now be overruled. The judgment is reversed, and the cause is remanded to the Supreme Court of Florida for further action not inconsistent with this opinion. Later, in the petition for habeas corpus, signed and apparently prepared by petitioner himself, he stated, "I, Clarence Earl Gideon, claim that I was denied the rights of the 4th, 5th and 14th amendments of the Bill of Rights. Of the many such cases to reach this Court, recent examples are Carnley v. North Carolina, U. Illustrative cases in the state courts are Artrip v. New York, U. City of Griffin, U. City of Baxley, U. South Carolina, U. United States, U.

Chapter 9 : Gideon v. Wainwright | US Law | LII / Legal Information Institute

Test effectiveness answers, "How good were the tests?" or "Are are we running high values test cases?" It is a measure of the bug-finding ability and quality of a test set. Test effectiveness metrics usually show a percentage value of the difference between the number of defects found by the test team, and the overall defects found for.

If they pass, they are eligible for benefits and the state reimburses them for the test. If they fail, they are denied welfare for a year, until they take another test. Mandatory drug testing for welfare applicants is becoming a popular idea across the U. At the federal level, Senator David Vitter, a Louisiana Republican, has introduced the Drug Free Families Act of , which would require all 50 states to drug-test welfare applicants. In July, Indiana adopted drug tests for participants in a state job-training program. An Ohio state senator, Tim Grendell, recently said he plans to introduce a bill to require the unemployed to take a drug test before they receive unemployment benefits. Drug testing the needy has an undeniable populist appeal. It taps into deeply held beliefs about the deserving and undeserving poor. These laws do not do what their supporters claim. Drug testing proponents like to argue that there are large numbers of drug users going on welfare to get money to support their habits. The claim feeds into long-standing stereotypes about the kind of people who go on welfare, but it does not appear to have much basis in fact. Several studies, including a report from the National Institute on Alcohol Abuse and Alcoholism, have found that there is no significant difference in the rate of illegal-drug use by welfare applicants and other people. Drug-testing laws are often touted as a way of saving tax dollars, but the facts are once again not quite as presented. Idaho recently commissioned a study of the likely financial impact of drug testing its welfare applicants. The study found that the costs were likely to exceed any money saved. A Florida television station, WFTV, reported that of the first 40 applicants tested, only two came up positive, and one of those was appealing. The state will also have to spend considerably more to defend the policy in court. Given that cost-benefit reality, it is hard to escape the suspicion that what is really behind the drive to drug-test benefits applicants is a desire to stigmatize the needy. The fact is, there are all sorts of people who benefit from government programs. Businessmen get state contracts, farmers receive crop subsidies and retired state workers receive pensions. The pro-drug-testing movement, however, is focusing exclusively on welfare recipients â€” an easy target. The Fourth Amendment puts strict limits on what kind of searches the state can carry out, and drug tests are considered to be a search. In , in Chandler v. Miller, the Supreme Court voted to strike down a Georgia law requiring candidates for state offices to pass a drug test. Justice Ruth Bader Ginsburg, writing for the majority, said that the drug testing was an unreasonable search. The state can impose drug tests in exceptional cases, when there is a public-safety need for them as with bus and train operators, for instance. Why ER Docs Test for Illegal Drugs Without Consent Drug testing welfare applicants does not seem to meet the Chandler test since there is no particular safety reason to be concerned about drug use by welfare recipients. In , the U. If Florida and other states are really concerned about drug use, they should adopt stricter laws and better enforcement policies aimed at the whole population, not just the most vulnerable. But these laws are not really about drug use. They are about, in these difficult economic times, making things a little harder for the poor. The views expressed are solely his own. Cohen is the author of Nothing to Fear: