

DOWNLOAD PDF THE LEGAL AND ETHICAL IMPLICATIONS OF THE CIA IN HOLLYWOOD

Chapter 1 : Impact and Interpretation of Regulatory, Legal, and Ethical Issues

"Jenkins's book raises serious ethical and legal questions about the relationship between the CIA and Hollywood and the extent to which we consume propaganda from one through the other."

Share Shares Press can make or break a movie. In some cases, it can sink the entire company responsible for it. One film in particular was not only plagued with accusations that it was a real snuff film, but those behind the scenes encouraged it. In , a few almost-amateur filmmakers released a subpar gore-fest in Argentina. The original filmmakers were paid to disappear. Slowly, the marketing team behind the movie began to issue false news stories about a fictional organization and crusader who was working to get the movie shut down because of its depiction of real violence. The final scene—the product of a one-day shoot—was the apparent murder and dismembering of the lead actress. It ends only when the cameraman comes to the end of his film reel, and even though the Los Angeles Police Department said that there was no evidence whatsoever that the film was real, accusations and myths have persisted. After seeing her mother suffer with and ultimately die from the physical strain of 11 children and seven miscarriages, Sanger went to nursing school and took up the cause of getting birth control into the hands of the masses. She made a movie and established clinics and mail order services. Birth Control, filmed in , attracted the moral and ethical outrage of people from the church and the political realm. The ethical dilemma went so far as accusations of attempts to cause class warfare. Sanger presented the wealthy upper class with their small families as a stark contrast to the poor family struggling with the burden of too many children and the ill health that came with them. The movie, about a Southern pre-teen growing up with an abusive father and Bible-banging grandmother, took 12 years to make it to the screen. When it did, it was targeted for child abuse. The hate was mostly because of one scene: What the director saw as social commentary, critics panned and movie theaters refused to show. When it premiered at the Sundance Film Festival, it was largely unfinished with rough edits and little in the way of background noise. The other problem was the appearance of the underage actress , even though Dakota Fanning herself spoke out in favor of the movie. Fanning herself agreed, saying that for her, it was the chance to educate viewers about things that happen but no one wants to talk about. But none of that stopped organizations like the Christian Film and Television Commission and the Catholic League for Religious and Civil Rights from going to the US Department of Justice and inquiring whether or not there had been any violations of child pornography laws. While the Motion Picture Association of America declined to give the film a rating, its director has gone to other groups like the New York City Alliance Against Sexual Assault for help in getting the movie to theaters. The allegations were ultimately cleared, but the difference was something of a technicality: According to the definition of a snuff film, the death shown must be for no reason other than entertainment purposes. They include the execution-style deaths of children and adults, but scenes are considered stock footage. Because cinemas refused to show it and many video companies refused to release it, it was originally never submitted to organizations like the British Board of Film Classification for review and rating. The review of the film gave it an 18 rating, with only one change: Other scenes like it were deemed acceptable because the rest of the animal deaths were quick and painless. The rape scenes were deemed acceptable because of the chaotic filming, rapid cuts, and non-glorification of the acts. In , a handler leading a horse back to her stall was involved in an incident when the horse reared, fell backward, and hit her head—an injury that usually results in traumatic brain injury , blindness, and skull fractures in horses. One was known to have a history of arthritis and was euthanized after suffering a compound leg fracture. The other horse, on a constant diet of painkillers and anti-inflammatory drugs, suffered multiple fractures of the right front leg. Fingers immediately pointed at the American Humane Association, who was on set for filming but apparently allowed it to continue in spite of the less-than-clean bills of health for both horses. Ultimately, changes were made to the messages at the end of the episodes. Instead of indicating that no horses had been harmed, they stated that the animals had been monitored. According to PETA, the retired racehorses were

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subjected to undue physical and mental stress by the sudden reentrance into the world they had been retired from for a reason. In fact, it happens more than people know. Fortunately, HBO decided that three deaths were enough and pulled the plug. Tara Hunt Assigning responsibility and oversight duties can lead to a virtual quagmire of red tape in the smallest of productions, much less something on the massive, epic scale of *The Lord of the Rings* and *The Hobbit*. In , news began to come out about animal handlers who left the set when their concerns about the improper conditions in which the animals were housed were ignored. The farm used to house the animals was a far cry from the flat, safe land that farm animals, especially horses, need. The first casualty was one of the horses being used by the hobbits. The pony had fallen off a bluff and broken his back, still alive and suffering when staff reported for work the next morning. Another was sliced by fencing, a third fell and drowned in a river, and a fourth died in the stables. Those are just the confirmed injuries and deaths. There are also reports of countless sheep and goats falling into sinkholes or contracting diseases after their exposure to pests, extreme temperatures, and mismanaged nutrition. The animals, which were housed on a farm kilometers mi from the set, were found to have suffered most of the casualties and injuries there. The deaths and suffering have since been deemed needless, and authorities have begun looking at extending the legal jurisdiction over animals being used on movie sets to their downtime, too. According to a statement issued by Peter Jackson, he rejects the reports of so many animal deaths and states that more than half of the animals that appear in the film are CGI. Even though charges were never filed and a group of law enforcement appointed psychologists came to the conclusion that the accusations were false, the release of the movie and its nominations for the Academy Awards quickly became a target. Farrow published an open letter on the New York Times website, detailing her trauma and striking out not only at Allen, but at anyone who watches his movies or acts in them. Her targets included Cate Blanchett and Diane Keaton, specifically named for their association with Allen. The accusations of abuse first came out after Allen split with Mia Farrow and his affair with his other adopted daughter became public knowledge. His public statement on the molestation has been that the accusation was completely unfounded and it never happened. In a nutshell, the Lutz family moves into a home that was the site of several grisly murders shortly before. They begin experiencing all kinds of paranormal activity and claim that the home is possessed. The family stays in the house for 28 days before leaving. Later, they have a book about their experiences published. James and Barbara Cromarty purchased the house and came forward to say there was nothing going on at the house and they found proof that the whole thing had been a hoax, like damage that had been carefully done to appear supernatural. Before the release of the film, a man named William Weber supported the idea that the whole thing had been made up as a pretty ingenious way to make some money. Weber was the attorney for the man convicted of the murders in the house, Ronald DeFeo Jr. He exposed their duplicity after he had a falling-out with the family over who should get what percentage of the proceeds from the book and the films. The two-kids-stranded-on-a-desert-island movie with a thematic sexual awakening starred a year-old Brooke Shields. She had a body double for the nudity, but the outcry was still there. Teri Shields, who camped out in an island bungalow for the shoot, said that she was more than eager and approving when it came to making sure the two stars hit it off, inviting year-old Christopher Atkins to sleep in her tent. Everyone remembers their relationship starting as a childhood infatuation, but then dissolving into bickering and disagreements. The romantic scenes were done with Atkins performing with both Shields and a year-old body double. In the history of forever. For *Apocalypse Now*, Coppola shot more than , meters 1 million ft of film, and Cimino was determined to surpass that. He also added an ungodly, unwieldy amount of animals. He built and rebuilt complete sets in his *Wild West* film. One hundred extras became , takes led to retakes and more retakes and still more retakes, and so on. His final film was a mind-numbing five and a half hours long. Even after editors cut it down to a still agonizing three and a half hours, no one was buying it. Some of the animals who survived the shoot were reported to have mental issues from stress and abuse. His expose went a long way in ruining the movie before it even hit theaters, and it turned out that no one really wanted to watch it anyway. Cimino never recovered from his reputation.

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Chapter 2 : Movies About Ethical Issues | LoveToKnow

The CIA's particular relationship with Hollywood, however, also raises several legal and ethical concerns, especially since the Agency refuses to assist any filmmaker depicting it in an unfavorable light.

There is just a big difference in what motivates us. We are committed to different things. It seems to me that one of the good things to come out of the Aldrich Ames mess is that now it is more possible to speak out around here when you see something that could mean trouble down the road. I think we often misdefine failure. If you ran the program correctly and it failed, it is a learning experience, not mismanagement. The best managers I have had have been the ones who stop to ask, "Is this the right thing to do? This concern speaks both to effectiveness and to ethics, to how capably we achieve our mission and how honorably we go about doing it. The two, of course, are intimately linked; over time, even the most effective organization will be tripped up or eaten away by unethical behavior. In a series of conversations with people from throughout the Agency, it was the four broad issues addressed by the speakers quoted above--issues of ideology, dissent, failure, and management--that I heard about most often as challenges to our integrity as an organization, and as critical determinants of our ability to navigate the potential minefield of ethics. Origins and Overview This article grew out of my participation in an Office of Training and Education working group charged with looking at how ethics education is conducted at the CIA. We agreed with Lynn Sharp Paine, a Harvard Business School professor who specializes in management ethics, who wrote that: Rarely do the character flaws of a lone actor fully explain corporate misconduct. Ethics, then, is as much an organizational as a personal issue. Managers who fail to provide proper leadership and to institute systems that facilitate ethical conduct share responsibility with those who conceive, execute, and knowingly benefit from corporate misdeeds. As we imagined it, the goal of this inventory would be to surface the major ethics-related issues on the minds of people throughout the organization. Such an effort would inevitably be anecdotal, unscientific, and incomplete, but our hope was that it might provoke thought and discussion among ourselves, among senior management, and among the Agency population at large. This idea became a series of approximately 50 hour-long one-on-one interviews that took place between February and mid-March. The Agency Information Staff selected a rough cross-section of the employee population for me to talk with, and provided invaluable help in setting up the interviews. Without exception, people were willing to engage the issue, and their candor with an outsider--albeit one possessing a blue badge for a one-year assignment to CIA as a White House Fellow--made for fascinating and productive conversations. Although no one requested anonymity, in an effort to facilitate frank and open discussion I informed them that my report would not attribute any statements or opinions to specific individuals. A copy of the questions I loosely followed during the interviews is included at the end of this article. After the first few sessions, I found that these discussions yielded greater insight when they focused more broadly on integrity than on ethics. This was in part because the word "ethics" often invokes thoughts of compulsory annual briefings in the Agency auditorium, while "integrity" more clearly connotes commitment without coercion to deeply held priorities and values. In this sense, being ethical implies doing the right thing; having integrity implies doing the right thing even when it hurts. As a result of this project, I have come to believe that alongside an effective program of ethics education, devoting management attention and resources to the task of defining, auditing, and inculcating organizational integrity is the best way the CIA can prepare itself for a future that is likely to be even more ethically challenging than the present. An important caveat to this point: This approach is preventive medicine for organizations--trying to clarify values and improve systems before the storms hit. In contrast, a narrow management approach to ethics, one based on trying to weed out the bad apples from the organization while providing a few compulsory ethics training sessions to remind everyone else to be ethical, is shortsighted and destined to fail. As recent history has shown, from the Exxon Valdez to insider trading on Wall Street to Iran-Contra, organizations that fail to monitor and adjust their operating cultures for integrity pay a high price for their

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mistaken assumption that good ethics "happen" without constant organizational effort. Many people I interviewed felt that the CIA too has largely taken this passive approach to organizational integrity. While informal conversations about issues of ethics occur frequently throughout the Agency among friends and immediate colleagues, and while some parts of the CIA have developed codes of ethics and have run successful ethics education seminars, in general most of those I spoke with felt that the issue either has not been addressed or has been addressed only within the framework of legal compliance. Some suggested that this has been due to the mission-driven character of the Agency, which has necessitated an intense focus on external events rather than on internal organizational dynamics. Others thought the rigorous selection process that people go through before they join the CIA has generally guaranteed that Agency employees possess strong moral backgrounds, and has thus made a formal focus on integrity unnecessary. Public tolerance for ethical lapses in all institutions is uniformly low and is likely to remain that way, particularly with regard to an organization charged with conducting espionage in the national interest. In addition, the availability of fewer financial resources with which to fulfill a difficult mission may increase the temptation to cut ethical corners in pursuit of that mission. Given these constraints, almost everyone I spoke with pointed out the inadequacy of trying to deal with ethics as an issue primarily of legal compliance. While clearly stated rules are important, inherently there can never be enough of them to cover all potential scenarios. And, as Lynn Sharp Paine has written, "Even in the best cases, legal compliance is unlikely to unleash much moral imagination or commitment. The law does not generally seek to inspire human excellence or distinction. Perhaps most important, an ethics strategy founded primarily on legal compliance ignores the fact that what is neither illegal nor against the rules may still be ethically problematic. This is particularly true because, as Rushworth Kidder has written, it is more often the "right versus right" issues--the ones where core values come into conflict--than the "right versus wrong" ones that get organizations and individuals into trouble. This focus on integrity began with a central question: In considering this question, people identified four broad challenges the Agency faces in striving to be an integrity-driven organization. Belief in and awareness of the moral purpose of the Agency mission. Always speaking truth to power, both within the Agency and with the policymakers we serve. Doing our homework-knowing when we have enough information to make a decision and explaining with clarity and honesty what we cannot do or do not know. Willingness to be held accountable for what we do, write, and say. Taking calculated risks in obtaining and analyzing information. Accepting and learning from failure as a means of continually improving who we are. The Challenges to Integrity The preceding eight-point definition of organizational integrity for the CIA is, of course, eminently debatable. In fact, having that debate is exactly the point of trying to arrive at a working definition of integrity; it is the best way to surface challenges and obstacles to integrity before they become problems and crises. In the course of my discussions with people from across the CIA, four such broad challenges emerged: Cloudy Moral Purpose Arthur Applbaum, a specialist on professional ethics at the Kennedy School of Government, has written that, "If a claim of professionalism is to have any moral force, it has to refer to ideals and commitments. As the dust has settled from the fall of Communism, threats to the United States still remain. But for many I interviewed, these new threats lack the obvious moral dimension presented by the expansionist ideology of the Soviet Union, and are thus less compelling motivators for doing a difficult job with integrity. As one case officer told me, "Now the only thing that matters is: Is it good for the United States? Many people I interviewed felt that this shift has had significant implications for the intensity with which Agency personnel approach their jobs and also for the caliber of individual who will be attracted to a career in intelligence. Others suggested that this cloudier sense of moral purpose may in the future also have ethical implications. They worried that, if the DO case officers of tomorrow are less clear about the goals to which their profession is dedicated, they will be more likely to become "soiled" by the "dirty" aspects of their craft. Encouraging Dissent and Accepting Bad News Computer scientist and management theorist Jay Forrester of MIT once remarked that the hallmark of a great organization is how quickly bad news travels upward. For this to happen, employees must know that managers will respond to the bad news itself, rather than shoot the messenger. They also have to know that, although it

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may not result in management action, all thoughtful dissent will receive a fair and honest hearing. This kind of open environment is particularly crucial if an organization is to surface potential ethical dilemmas, which there is a great incentive to cover up. They are considered "wave makers" who are "not on the team" or "in revolt. They pointed out that this is a particularly critical quality for a chief of station, who in large part sets the "ethical climate" for that unique environment. Some chiefs have genuine open-door policies and are committed to understanding the concerns of the officers below them, while others, I was told, are interested in "being told what they want to hear. The name of the game is to deal with it within the station or to find a way to avoid telling Washington. The student had hoped to discuss the issue openly in class and pointed out to the instructor that "everyone was already thinking about these things and talking about them on their own. Although he praised his supervisor for ultimately supporting his decision to move to another position within the directorate, he wondered if an earlier discussion of ethical issues might have allowed him to work through his concerns and to continue as a case officer. Dissent and discussion are the lifeblood of the DI. While none of the DI employees I interviewed suggested that there has been a conscious attempt to stifle debate within the directorate, a significant number did raise concerns about the unintended effects of the "constant need to please the customer" on the free flow of ideas. Their primary concern on this point was that the current emphasis on producing analysis that speaks with one voice and reflects consensus increasingly leads to "group think" and a watered-down analytic product. Several analysts I spoke with lamented the "demise of the footnote" as a means of making dissent visible to the customer, thereby increasing his or her options for action or further inquiry. As evidence of this, they pointed to the "drying up" of internal publications devoted to the expression of dissent and to the decreased use of competitive analysis. One young analyst suggested that this is chiefly a result of shortened production timelines. One such individual, who defined scientific integrity as "a willingness to be challenged and a willingness to grow," felt particularly strongly about the subject. Another scientist in the directorate said the absence of debate leads to "a cultural arrogance that builds what is technologically neat but does not focus on customer needs. Every employee I interviewed was justifiably proud of this tradition. A significant number of them, however, also suggested that this unwillingness to tolerate failure has a negative side as well. They argued that when people fear they will be blamed for anything short of an optimal outcome, pressure is created to do whatever it takes to achieve that outcome, including cutting ethical corners and covering up mistakes. By contrast, if it is understood and accepted that failure often results not from dereliction of duty or lack of effort, there is less chance that people will feel the need to compromise their integrity when things go badly. In this sense, they argued, failure should be seen as part of the normal cost of doing business. One senior DI manager put it this way: They insisted that ethical lapses and poor performance must have very real consequences. But they believed that failure should be regarded primarily as an opportunity for learning and growth, rather than as cause for punishment and permanent stigmatization. Thus, even though failure must have consequences, it must finally be followed by forgiveness. From people in the DI, I heard of a "tyranny of reputation," in which "a bad call can stay with you for three years," greatly influencing future work assignments and opportunities for advancement. Others suggested that at times potentially valuable lines of analysis do not reach policymakers because "today there is little willingness to dare to be wrong. Some saw the management decisions in the Guatemala case as an instance of people "finally being held appropriately accountable for horribly bad tradecraft. Many on both sides of the divide agreed that amidst this confusion about the real nature of accountability, as one manager put it, "Nobody is taking risks out there. The cost of this tendency, they argued, is that many of the most difficult projects with potentially the greatest payoffs do not receive serious consideration. Promotion and Performance Appraisal Almost without exception, the people I interviewed--including senior managers--agreed that it is in the area of promotion and performance appraisal that management most "walks the talk" on ethics and integrity. Are people actually rewarded for integrity, or chiefly for effectiveness more narrowly defined, such as the ability to get a job done quickly and without flaps? The best managers do both, and I heard numerous stories of such people at the CIA. But many I interviewed also described a long tradition

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at the Agency of promoting people who have demonstrated effectiveness at the expense of integrity. Most suggested that this was because the system did not ask or encourage them to do otherwise. Getting the system done on cost and on schedule was everything. Others shared stories of "management by intimidation" and "treating our employees like assets."

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Chapter 3 : Top Ten Ethics Films | blog.quintoapp.com

The CIA's Public Image. Through interviews with CIA public affairs officers and former agents who have worked with the entertainment industry The CIA and Hollywood shows that the CIA's concerns about its public image are quite complex.

We have had a close relationship since the second world war, when Britain shared the achievements of Bletchley Park with the Americans. Now the US helps Britain stay safe, staying within British law. Personally I am delighted at this evidence that our transatlantic co-operation extends in this hi-tech way into the 21st century, when so much communication is carried on the internet. Third, the internet companies named in the original leak have confirmed that they do not allow NSA to roam at will over their servers and read all our emails and Facebook pages. Frankly, it would be scandalous if they did not. At the heart of this is a misunderstanding about what intelligence in the internet age really involves. For some the misunderstanding may well be deliberate, to advance other agendas about privacy, but I suspect for most it is because the authorities have not done enough to explain to parliament and the public how they go about balancing our rights to security and to privacy. These computers are not conscious beings: So we should not fuss too much about these specific revelations. But we should certainly not stop debating the underlying issues as technology continues to advance: We need therefore to be clearer about the ethical principles that should apply. I believe it would help public debate if those principles were set down and endorsed by the parliamentary intelligence services oversight committee. There must be sufficient sustainable cause. There must be integrity of motive. The methods used must be proportionate. Their likely impact must be proportionate to the harm that is sought to prevent, for example by using only the minimum intrusion necessary into the private affairs of others. There must be right and lawful authority. There must be the right level of sign-off on sensitive operations, with accountability up a recognised chain of command to permit effective oversight. There must be a reasonable prospect of success. All intelligence operations need careful risk management, and before approval is given there has to be consideration of the likelihood of unintended consequences and the impact if the operation were to be exposed or otherwise go wrong. Recourse to secret intelligence must be a last resort. There should be no reasonable alternative way of acquiring the information by non-secret methods. Like the pacifists of the two world wars, this is an absolute and principled stand. If we do not, then the only winners will be the enemies of a free and open society.

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Chapter 4 : Fair Play: The Moral Dilemmas of Spying – Central Intelligence Agency

CIA's program of ethics education should be based on case studies specific to intelligence that illustrate the most difficult issues of right versus right, in which two or more deeply held values come into conflict.

Regulatory frameworks are essential for ensuring compliance with basic standards, but in some instances, the impact of regulatory as well as legal and ethical issues can be significant. What Does a Regulatory Framework Mean? A regulatory framework serves as a model used for enacting regulations. Such frameworks may be developed within specific areas of interest, such as the healthcare industry. Governments often rely on the use of such frameworks to develop and enact regulations, rules, and laws. Regulatory frameworks are typically first developed with an end goal in mind. While the goal of a regulatory environment should be to ensure higher quality of care, many physicians feel as though the exact opposite is taking place. With an increased focus on regulations, quality of patient care tends to suffer. For instance, a report has found that the majority of physicians experience frustration in regard to the complex and expensive systems that were intended to make healthcare more efficient. A confusing array of record systems, along with the complex functionality of those systems, has proven to be tremendous barriers. Ever-increasing federal regulations have made patient record keeping even more complicated. HIPAA and Data Breaches Electronic data breaches have become a significant problem in all industries, but can prove to be particularly devastating to the healthcare industry. In response, nearly all states have now developed their own individual laws to combat data breaches. Laws vary among states regarding the definition of personal information, the way in which notice of breaches must take place, and the amount of fine for organizations found to be non-compliant with data breach laws. False Claims and Whistleblower Suits The healthcare industry also now faces challenges related to false claims and whistleblower suits. The False Claims Act covers any type of fraud involving any federally funded program or contract, such as Medicaid or Medicare. Under this act, healthcare providers may be prosecuted for acts that result in a fraudulent claim being submitted. One of the primary activities constituting violation of this act is knowingly presenting a false claim for payment to the federal government, and knowingly using a false statement or record to get the federal government to pay a claim. Recent efforts at reform have also resulted in whistleblowers becoming empowered. For instance, whistleblowers may now initiate false claims actions based on publicly disclosed information made available through civil, criminal, and administrative proceedings. This means that whistleblowers no longer have to be the actual source of information in such a claim, making it easier for them to make claims against healthcare organizations. To avoid potential lawsuits, hospitals must make certain all physician relationships are not simply a means to obtain payments for physicians for referrals. Healthcare organizations can run into trouble with this law when they offer free services to a medical practice or when they provide discounts or pay for unnecessary services. Impact of Stark Law on Physician-Hospital Relationships The goal of the Stark Law was to prevent referral sources, primarily doctors, from profiting in an inappropriate manner from referrals. Under this law, doctors are not allowed to refer patients for services that are to be reimbursed by federal healthcare programs to any organization with which the doctor has any type of compensation arrangement or interest. Due to the complicated nature of this law, healthcare organizations must be extremely careful regarding the way in which compensations arrangements are made with physicians. Intent does not need to be proven in order for the statute to be violated, which means that violations are frequent. Co-Management Arrangements Co-management arrangements refer to agreements in which a hospital compensates physicians for fulfilling certain duties while meeting performance objectives. Such arrangements can result in legal issues related to anti-kickback, antitrust, physician self-referral prohibitions, civil monetary penalties, and Medicare regulations and laws. Changes in Reimbursement Under PPACA, reimbursement rates have changes, resulting in a significant lowering of reimbursements for some healthcare providers and increasing rates for other providers. Antitrust Issues Accountable care organizations, or ACOs, also present a legal challenge, as competing hospital systems

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must join together and share pricing information. Technically speaking, this could be considered illegal under the Sherman Act. While the goal of accountable care organizations is to help hospitals lower prices, the potential does exist for ACOs to serve as a means for actually raising prices. Recovery Audit Contractors Recovery audit contractors, responsible for auditing providers while looking for overpayments, are also having a tremendous impact on the healthcare industry. While hospitals and medical practices are able to file an appeal against recovery audit contractor determinations, the process can be time-consuming and expensive. In the event the appeal is lost, the hospital or practice must pay annual interest on the amount owed. Tax-Exempt Hospitals and Compliance Requirements Hospitals that want to obtain or maintain tax-exempt status are required to meet specific requirements under the Patient Protection and Affordable Care Act. Such requirements include conducting a community health needs assessment and preparing written financial assistance and emergency care policies. In addition, there are limitations on charges as well as collections policies. Employment and Labor Issues Hospitals are also now facing increasing age discrimination claims associated with termination. Additionally, hospitals must also handle more requests to accommodate employees with disabilities. In an effort to avoid legal action, hospitals must ensure that they provide accurate job descriptions and implement formal written policies regarding employee dismissals. Consent In order for hospitals and practices to legally provide treatment, patients must provide informed consent. For example, if a hospital performs a surgery without the patient providing informed consent, that procedure could be considered assault. Balancing Efficiency and Quality of Care Moving into the future, the healthcare industry will face a number of challenges related to the need to balance safety and quality with efficiency. At the heart of this issue is the need to ensure that everyone is provided with access to the most basic level of care. Cultivating and Sustaining a Competent Healthcare Workforce With baby boomers aging and leaving the workforce, the need to build and sustain a sufficient number of competent healthcare workers is a serious challenge. Even though a number of young people have entered the healthcare profession, experts have predicted that there will still be a shortage of nurses within the next several years. End-of-Life Issues As the population continues to age, end-of-life issues will become increasingly important. This includes not only the decision-making process related to such issues but also the need to finance end-of-life care. Allocation of Limited Medications Medication shortages will remain a serious issue in the future, particularly as manufacturers find a lack of sufficient economic incentive. A prime example of this occurs when certain generic medications become scarce because there is only a small amount of profit in manufacturing those medications. Some of those best practices are: As the healthcare environment becomes continually enveloped in increasing regulatory issues, challenges mount. Corporate responsibility officers must ensure that they are aware of all new regulatory and legal initiatives, as well as how those issues apply to their specific organizations. Corporate responsibility and healthcare compliance evolve on a continuous basis. Diligence is vital to stay on top of current laws while keeping staff educated of all changes. In conclusion Regardless of the profession, crime can be rife no matter the environment. Understanding the technology is just the tip of the iceberg when it comes to the healthcare sector, and as demonstrated above, the delicacy when dealing with human lives can make the situation in healthcare much more sensitive. The top 3 takeaways from this are: It is essential, if regulatory issues wish to be lessened that education regarding regulatory and legal initiatives is made available to all professionals. This, in turn, will necessitate a continual upgrading of the education plans in place, as new medicines, practices are introduced every day. He carries a strong experience in Fraud Investigations, developing anti-fraud frameworks, setting up Ethics and compliance programs. He is a keen writer on the subject of ethics, Compliance and white-collar crime and has published articles across various media.

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Chapter 5 : The CIA in Hollywood: How the Agency Shapes Film and Television | UVA Library | Virgo

The Legal and Ethical Implications of the CIA in Hollywood the CIA attorneys John Rizzo and Paul Kelbaugh spoke at the William Mitchell College of Law in St. Paul, Minnesota.

White House spokesman Jay Carney has defended the drone memo, asserting: Legal justification is blurred by two competing frameworks: On the other hand, by engaging in executive action to target and kill enemies of the state, President Obama has embraced the core doctrine of the war approach, which bypasses the legal due process of the criminal justice system. Moral ambiguity about U. The "law enforcement" approach seeks to foresee threats and retaliate for attacks. It polices and reacts within the traditional model of defense and war. On the other hand, a "war against terror" has no endpoint, and its theater of operations is everywhere on earth. The effort to defeat al-Qaeda and its affiliates is more like a fight against criminal gangs than a conventional war. There will be never be a complete safe haven from terrorism, and there will never be an armistice. Such a fight requires flexibility and reach, beyond the traditional parameters of war. And so the strongest ethical argument in favor of drone strikes boils down to efficiency. The virtues of U. But each of these virtues has its limits. We know of targeting errors, tragic accounts of unintentional killing of innocent bystanders, and the fear that drones turn foreign public opinion against the United States. When the stakes are so high, is the efficiency argument good enough? Of particular ethical concern are the questions of due process and accountability. Who makes decisions about who the targets will be and whether to execute a strike? What is the procedure and the oversight for those calls? Again we see blurred lines. It is significant that the drone program is an executive action run by the CIA, largely sheltered from international laws of war. CIA accountability comes through Congressional oversight—a mechanism that may not be optimally suited for creating, monitoring, and enforcing guidelines for drone operations. One characteristic of a wise decision is that it stands the test of time. We know from history is that each time the U. Force and restraint go together. Drones are only the latest example of that paradox of war. The World Wars were followed by humanitarian principles enshrined in the Geneva Conventions. Twenty-first century conflicts have given rise to new means for using force. New rules and moral expectations must follow. Creating those new rules is the vital work now to be undertaken. Congress, with executive input, is the proper venue. The confirmation hearings of the new national security team should be the beginning not the end of the process.

Chapter 6 : Legal and Ethical Issues in Obtaining and Sharing Information

Using case studies of The Agency, In the Company of Spies, Alias, The Recruit, The Sum of All Fears, Enemy of the State, Syriana, The Good Shepherd, and more, this book raises important and troubling questions about the nature and extent of the CIA's influence on film and television.

Olson shows in *Fair Play* that reality is much more complicated ethically when one gets down to cases. Practitioners, however will not get conclusive guidance from the great philosophers, theologians, and political thinkers. The commentators represent different political views, religions, professions, and ages. Olson generally has done well at the hard task of devising realistic and relevant scenarios. They fall into several categories: Some of the moral judgments are easy to make: Other scenarios are much more ambiguous, at least when the details are factored in. Should a case officer be allowed to seduce a potential source, or run a Romeo operation, if the payoff is crucial? Should proxy agents on vital infiltration missions be told ahead of time that everyone who preceded them has been caught or killed? Is it right to continue contact with a source who has provided very valuable intelligence but who deceived his case officer about his execrable human rights record? What about exposing an unwitting third party to the risk of being jailed for espionage by secretly using her apartment as a listening post against a key target? And a couple plots are far-fetched and better suited for episodes of *The American* people should have a voice in how US intelligence operates and what the moral limits are. It is heavily weighted toward intelligence officers, academics and graduate students, and the military, who together comprise over two-thirds of the group. Notably absent is anyone from business, labor, agriculture, or science and technology except for one professor. Olson also could have been clearer about his methodology. Did he vet all 50 scenarios with all commentators and then chose the best or most typical judgments, or did he randomly select a handful of respondents for each scenario, or did he choose particular people for particular cases—such as asking clergymen and journalists about the use of their respective professions for cover, or academics about professors as talent spotters? Some respondents could have been dispensed with. One former senior intelligence officer never got into the spirit of the proceedings and gave mostly yes or no answers. The animal rights activist on kamikaze dolphins and one journalism professor on anything made political pronouncements instead of addressing the scenarios. With the exception of uncompromising civil libertarians on one end of the spectrum and equally uncompromising Rambo-types on the other, most people seem conflicted when analyzing these moral issues. After reviewing the pro and con arguments—many of them insightful and at times provocative—this reviewer changed his mind more than once, and often wound up seeing shades of gray in what seemed at first to be clear black-and-white pictures. As Olson notes, there was a surprising lack of predictability in the answers, and individual respondents displayed apparent inconsistencies from one moral issue to another. A few surprises among the responses are worth mentioning. Most of the journalists would at least consider using journalistic cover and reporters as collectors. Career operations officers—perhaps reflecting the legacy of risk aversion from the mids through —approached many scenarios more as lawyers than operators and they were not alone in this segued very quickly from ethics to efficacy. Most respondents were squeamish about torturing terrorists including by proxy unless many lives were at imminent risk, but few worried much about killing them, even if collateral damage was inflicted. By contrast, on the non-lethal subject of press placements, the commentators were adamantly opposed, even as a tactic in an international hearts-and-minds campaign to advance US counterterrorism policy. Olson ultimately believes that if the United States and its allies are to win the war against terrorism, the American public and its leaders must work through conflicts over the ethical issues that inhibit intelligence activity. Like the military, he contends, the US Intelligence Community needs clear rules of engagement that emerge from open and informed discussion of what constitutes tolerable behavior. Reading *Fair Play* is an essential step to the understanding that will underpin that consensus. All statements of fact, opinion, or analysis expressed in this article are those of the author. May 21, Jun 26,

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Chapter 7 : Intelligence and Ethics: The Cia's Covert Operations | Mises Institute

The legal and ethical implications of the CIA in Hollywood *The last people we want in Hollywood: the retired CIA officer and the Hollywood docudrama Argo's Tony Mendez: the first retiree the CIA wants in Hollywood.*

The movement toward the integration of financial services is enhancing the demand for up-to-date, accurate information. The advent of electronic communication, i. Because business can be completed more rapidly even instantaneously, the demand for competitive intelligence is even greater than ever before. The purpose of this paper is to outline some of the legal and ethical issues that confront the life insurance industry in the process of obtaining competitive intelligence. What is "competitive intelligence"? One definition would be any information that would help an insurer or the seller of insurance compete in the marketplace. Such information could include prices, sales practices, methods of delivery, costs of production, methods of product development, methods of compensation, utilization of information technology and other research capabilities, strategic plans, marketing plans and methods, as well as other information. The legal and ethical issues resulting from the obtaining of competitive intelligence can be roughly divided into two areas. First, there are the problems that arise with the obtaining of competitive intelligence by competitors acting cooperatively. These can be characterized as antitrust or unfair competition issues. Second, there are the issues that arise when an insurer, or its agent, obtains information from public sources or from third parties. These issues include privacy, confidentiality, trade secrets, and both civil and criminal breaches of state and federal law. We will first address the issues that arise in the context of the cooperative obtaining of information. Next we will turn to those issues that might arise by obtaining information in the public domain or from third parties. Finally, we will conclude by proposing a method whereby competitive intelligence gatherers can seek to avoid breaching either legal or ethical constraints. However, the exchange of information that may have an effect upon competition in the marketplace must be approached with great caution because it might be perceived as evidence of an agreement or conspiracy in the restraint of trade. In general, any conspiracy or collective activity which has the purpose or effect of fixing, stabilizing or tampering with prices is illegal under Section 1 of the Sherman Act on a per se basis, i. However, in cases involving the exchange of cost and price information among competitors in trade associations, the Supreme Court has generally taken a rule of reason approach. The general principles involved in this kind of analysis were established by the cases of American Column Co. United States, U. In American Column, the exchange of cost and price information by trade association members was held to violate the antitrust laws. The Supreme Court was able to infer from the detailed nature of the information provided, the means whereby the information was acquired, and the use to which the information was put the projection of future prices that an agreement to raise prices existed. American Column was subsequently distinguished by the Maple Flooring case. In Maple Flooring, the Supreme Court held that there was no evidence of an agreement to raise prices or any evidence of an increase in prices as a result of the exchange of information. Even though the exchange of information by the association resulted in a stabilization of trade practices and price, the Supreme Court held that those restraints were not "unreasonable" and only became so in a competitive market situation when "improper use is made of that information through any concerted action which operates to restrain the freedom of action of those who buy and sell". In United States v. The Court noted that the corrugated container industry is dominated by relatively few sellers, the product is fungible, the demand is inelastic, and, therefore, the exchange of price information tends to establish price uniformity and thereby have an anticompetitive effect. The holdings of the above cases, and others interpreting them, is that an arrangement to exchange price information is per se illegal if there is evidence of an agreement to fix or stabilize prices. Absent such an illegal conspiracy or purpose, the exchange of information will be held to be an unreasonable restraint of trade if the activity has "an anticompetitive effect in the industry chilling the vigor of price competition". An antitrust conspiracy can be established by a court on the basis of inference from the nature of the activity undertaken by competitors

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even if that activity itself does not establish an agreement or conspiracy. Accordingly, the danger exists that even though the information may be produced for a legitimate purpose, its use may appear to facilitate collusion. A conclusion which can be drawn from American Column, Maple Flooring and Container and the cases construing them is that information which permissibly may be exchanged must be historical. There is wide agreement on this issue among authorities. The information exchanged should also be in a composite format so that individual company data is not revealed. The insurance industry is subject to one of the several exemptions from the federal antitrust laws embodied in the McCarran-Ferguson Act, 15 U.S.C. However, the McCarran exemption is quite narrow. It exempts conduct that constitutes "the business of insurance" but only to the extent that such conduct is "regulated by State law" and only so long as that conduct does not constitute an "agreement to boycott, coerce, or intimidate". Obtaining competitively sensitive information, such as rate related information through a state regulated rating bureau, would fall within the McCarran exemption. However, to the extent that sensitive information is obtained outside the protection of a rating organization, the McCarran exemption would not apply. In other words, obtaining information from a rate filing or other public documents would not pose antitrust risk. Obtaining such information from an individual carrier could pose antitrust risk, particularly if such an exchange of information could lead to the inference that prices were being set as a result of collusive activity among competitors. A further concern would be that the exchange of price information could result in collective action by insurers to engage in a "boycott" of non-cooperating insurers. A boycott or other action to enforce price collusion would fall outside the protection of the McCarran Act under the "boycott, coercion, or intimidation" exception. A violation of the Sherman Antitrust Act can be a very serious matter. While the exchange of sensitive information among competitors may not necessarily produce a restraint on trade, it may produce the appearance of such a restraint and, therefore, is dangerous to the participants. While not directly applicable, the Department of Justice and the Federal Trade Commission have cooperated in the development of standards embodied in the Statements of Antitrust Enforcement Policy in Health Care. The Guidelines acknowledge that surveys of competitive information can have benefits for consumers, but must be performed with appropriate safeguards. Statement 6 of the Guidelines references the following safeguards: In sum, while some competitively sensitive information may be collected cooperatively, current information or information affecting the future, e. To the extent that it is decided to collect such information, third party non-competitors, e. Of course, the nature of the information to be collected is significant. Price information or marketing strategies are highly sensitive because their exchange could lead to the inference that prices are being fixed or markets are being allocated. Other factors include the number of participants involved in the data sharing the greater the number of participants, the less likely it is that a conspiracy can exist, the concentration of the market a conspiracy is easier in a concentrated market, and the frequency of the information exchanges a frequent exchange of information can lead to the inference that information is being exchanged in response to market conditions for the purpose of affecting market conditions. Much competitive intelligence can be gleaned from information in the public domain through library research, newspaper articles, trade journals, and other publications. The federal Freedom of Information Act and state counterparts which are commonly known as "Sunshine" acts or "Public Record" acts can also provide a useful source of competitive information. The exponentially increasing utilization of the Internet by public libraries, universities, and, in particular, state and federal governments, has increased access to useful information. Another source of information is data that can be purchased or rented from third party vendors. This information may include names, addresses, telephone numbers, mailing addresses, social security numbers, age information, health and medical data, and other personal or proprietary information. In particular, some information that is available by this method may have been acquired for one purpose and then sold or rented for another. The utilization of personal information acquired in this manner is problematic for the competitive intelligence professional. The rules and regulations regarding the use of personal information cannot be found simply in a statute or an interpretive regulation. What has now become known as "information law" is a combination of non-statutory tort, property, and contract law in addition to statutory

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and regulatory law, such as the Fair Credit Reporting Act. Further complicating the life of the competitive intelligence professional is the fact that the use to which the information may be put may determine whether or not its use is lawful. In other words, information obtained for one purpose may be lawful, but if utilized for another purpose, may be illegal. The following is an overview of some of these issues. Readily accessible factual data may be subject to copyright protection, which means that the owner of the copyright has the exclusive right to reproduce the copyrighted material. The copyright protection does not cover the factual information itself, rather it protects the work of the copyright holder in expressing, gathering, presenting, describing, or arranging the information. Lists of factual information where judgment is shown in the gathering of the factual data can be subject to copyright protection, e. Electronic databases that are accessible through the Internet are frequently copyrighted. However, the Federal Copyright Act permits "fair use" of copyrighted material. The determination of what is "fair" involves a balancing test by a court which takes into consideration the nature of the copyrighted work, whether it is commercial or not, the amount of the work that is utilized by the non-copyright holder, and the effect of the use on the value of the copyrighted material. In addition to federal copyright law, there are numerous state statutes and common law causes of action that need to be considered. For example, the Congress in adopted the Computer Fraud and Abuse Act, which prohibits unauthorized access to computer information. A majority of states have adopted computer crime statutes, as well. Unauthorized access to confidential or copyrighted information can be protected by a variety of common law theories also. More commonly, access to information particularly electronic information will be covered by a contract, the breach of which can be enforced. A common example would be a license agreement to buy software or to subscribe to a proprietary database. The use of a "trade secret", even if it may have innocently come into the possession of a competitive intelligence professional, can be restricted. One definition of a "trade secret" is "any information that can be used in the operation of a business or other enterprise and that is sufficiently valuable to afford an actual or potential economic advantage over others". The holder of the trade secret must take adequate precautions to protect it because if it becomes public information, of course, it is no longer protected. A trade secret is "property", and its acquisition by way of fraud, deceit, or breach of a contractual obligation is subject to civil damages and, in some cases, criminal action. A customer list, for example, can qualify as a "trade secret" if "reasonable" efforts are made to protect the list, the list has commercial value for its owner, and the list is not otherwise available in the public domain. However, a trade secret will not be protected from "reverse engineering", i. If an individual improperly obtains a trade secret, the individual can be subject to suit for damages based on a theory of misappropriation or unfair competition. Improper methods of acquisition would include theft, fraud, breach of contract, or unauthorized interception of communications. An individual who knowingly receives misappropriated information can also be held responsible. The protection of personal information from discovery and disclosure, i. However, the popular concern regarding privacy dates back over three decades to the early s. In , the Congress passed the Privacy Act of which governs the acquisition and disclosure of personal information by federal agencies. The FCRA imposes standards and obligations on consumer reporting agencies for the purpose of making certain that the information which is obtained and reported is accurate and fair to the consumer. The FCRA contains the types of consumer protection that have been incorporated into subsequent consumer protection legislation, e. Privacy legislation also was enacted at the state level. The insurer is generally required to obtain a signed authorization before information may be disclosed. The new model applies to all lines of insurance, but is limited to health information. The Act has not yet been adopted by any states. HIPAA mandates that the Secretary of Health and Human Services issue regulations regarding health information privacy standards if Congress has failed to do so no later than August This has prompted the introduction of numerous bills in the Congress, which are now working their way through the legislative process. The issue of customer information privacy is one of the thorniest issues in the ongoing Congressional debate over the reform of the laws governing the financial services industry. This legislation, which will affect the future of the banking, insurance, and securities industries in the United States, is being held up by the politically volatile issue of

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consumer privacy rights.

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Chapter 8 : Project MUSE - The CIA in Hollywood

Introduction --Rogues, assassins, and buffoons: representations of the CIA in film and television --Opening the doors: why and how the CIA works with Hollywood --Necessary and competent: the CIA in the agency and in the company of spies --The chase Brandon years --The legal and ethical implications of the CIA in Hollywood --The last people.

However, these movies address not only why that is, but why we need to take another look at the issue overall: Trying to get to the top of the business world, Bud encounters some shady practices along the way in his pursuit of the big dollar. The film traces how a start-up dot. Talk about motivation in the workplace. Legal Ethics The legal system might not be perfect but these films examine why it is sometimes said to be corrupt. Larry Flynt has a history of being in and out of court for his shock-jock antics. What greater role do these cases take on, however? A young lawyer takes on the world trying to make things a better place while trying to battle a devious insurance company. This film deals with the legal right and control of the gun industry when a company tries to take control of the jury by levying on their future. The judicial process at its best, a minority takes on convincing the majority of the jury during a major court case. Political and Environmental Ethics Politics may be a dirty game sometimes, but these films examine a few of the prime case studies. The somewhat dirty past of a woman running for major office is revealed with a few missteps along the way. Brainwash, US politics and more are all in the forefront of either version of this film. The Day After Tomorrow: A scientist tries to stop global warming from killing the world when he realizes his son is in danger. A mentally handicapped man gets assistance and his new skills make him useful to many. Where should medicine move now: Eternal Sunshine of the Spotless Mind: When a couple wants to forget the other party has ever existed, they start going through a procedure to erase those thoughts. But is medicine best used for forgetting? A Final Thought While ethical movies might be a lot heavier than your average comedy or chick flick, it is no wonder that so many ethical films have won awards. The gravitas of these films resides with movie critics much longer than just their time in the theater. Was this page useful?

Chapter 9 : Drones: Legal, Ethical, and Wise? | Carnegie Council for Ethics in International Affairs

*The CIA in Hollywood: How the Agency Shapes Film and Television [Tricia Jenkins] on blog.quintoapp.com *FREE* shipping on qualifying offers. Jenkins's book raises serious ethical and legal questions about the relationship between the CIA and Hollywood and the extent to which we consume propaganda from one through the other.*