

News; International

**Saddam Hussein Declared POW; Terror Suspect: Supreme Court Appeal**

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(BEGIN VIDEOTAPE)

ANDERSON COOPER, HOST (voice-over): Orange, now yellow. The terror level's down, but are we really more secure?

The Pentagon says Saddam's a POW. What does this mean for his trial?

A mother reunites with her kids, kidnapped after a murder rampage in Georgia. Tonight, you'll hear from the family.

A teenager on Viagra? Why so many young people are popping the little blue pill.

Are you single and proud? A New movement for the satisfied solo set.

(END VIDEOTAPE)

ANNOUNCER: Live from the CNN Broadcast Center in New York, this is ANDERSON COOPER 360.

COOPER: Good evening. Welcome to 360. Thanks for joining us.

A lot going on tonight we're following. The national terror threat level has changed again. We're going to look at where it is now and what's behind the switch.

But first, we begin with our top story. Jamie McIntyre has the latest from the Pentagon on some interesting news out today about Saddam Hussein and whether he is or is not a prisoner of war.

(BEGIN VIDEOTAPE)

JAMIE MCINTYRE, CNN SR. PENTAGON CORRESPONDENT (voice-over): Right now, Saddam Hussein is being afforded protections under the spirit of the Geneva Conventions. But if the U.S. had to adhere to the letter of the treaty, that might limit its options.

UNIDENTIFIED MALE: For example, I think there would be substantial questions as to whether prolonged interrogation and deprivation and sleep, and the like, would be permissible.

MCINTYRE: Under the Geneva Conventions, prisoners can only be required to give name, rank, date of birth and serial number. Specifically, Article 17 of the convention states, "Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."

Also, as a POW, Saddam Hussein can only be tried under laws of the occupying forces. Might that require a trial in a U.S. military court? Would it complicate any desire to turn him over to an Iraqi war crimes tribunal?

EUGENE FIDELL, MILITARY LEGAL ANALYST: If he was tried by the United States, he would be entitled to really the kind of silver-plated trial that U.S. GIs have in a court martial. It's a system that has a lot of rights to it, including the application of the strict rules of evidence. So he would gain a -- in some sense, a legal bonanza if we were found to be a prisoner of war.

MCINTYRE: The Pentagon says the International Red Cross will be able to see Saddam soon, assuming he wants a visit. The Red Cross confirmed to CNN it's been in talks with the U.S. military since last month to make the arrangements.

(END VIDEOTAPE)

MCINTYRE: So what is Saddam Hussein's status? Well, this morning, a Pentagon spokesperson quoting a lawyer here said he was a POW, but that was quickly contradicted by other Pentagon officials who say his status remains undetermined. And at this hour, Anderson, there's still some meetings going on here at the Pentagon trying to figure out exactly what they should say on the matter.

COOPER: Major implications either way, however they decide. All right. Jamie McIntyre live at the Pentagon. Thanks very much, Jamie.

Now to some major developments in the war on terror, two major developments today, in fact. Kelli Arena is joining us from Washington with the lowering of the threat level. And Bob Franken also in Washington to fill us in on the Supreme Court's decision today to hear the appeal of Yasser Hamdi, an American-born terrorist suspect being held in secret U.S. military custody.

Let's start with Bob Franken with the latest.

BOB FRANKEN, CNN NATIONAL CORRESPONDENT: Anderson, this is about power, it's about the president's power and, of course, it's about the separation of powers.

(BEGIN VIDEOTAPE)

FRANKEN: The justices have agreed to hear a direct challenge to the legal authority claimed by the Bush administration in the war on terrorism. U.S.-born Saudi, Yasser Hamdi, was captured in Afghanistan two years ago and held as a terror suspect since then without access to a lawyer, in spite of repeated efforts by his federal public defender, Frank Dunham.

FRANK DUNHAM, HAMDY'S ATTORNEY: My appeal presents questions of national significance, going to the core of the president's power to wage war and the individual liberties that are contained in the Bill of Rights.

FRANKEN: The appeals court ruled that Hamdi's capture on the battlefield gave the president a right to designate him a so-called enemy combatant with few, if any, constitutional protections.

BRAD BERENSON, FMR. ASSOCIATE WHITE HOUSE COUNSEL: This case really involves a U.S. citizen caught with a gun in his hand on a foreign battlefield.

FRANKEN: The Justice Department released a statement saying it will vigorously defend the president's authority to capture and detain enemy combatants, crucial in times of war, whether taken on the battlefield or in the United States. An appeals court has ordered the release of Jose Padilla from military custody. Padilla was arrested at O'Hare Airport for plotting to detonate a so-called dirty bomb.

THOMAS GOLDSTEIN, SUPREME COURT APPELLATE ATTORNEY: The justices have been waiting for these cases. They regard themselves as the guardians of liberty. That's their job. And so they are really reticent to allow the president to say, stay out, this is none of your business.

(END VIDEOTAPE)

FRANKEN: And further proof, Anderson, that the Supreme Court justices want to do their job, they've already agreed to hear a case about the detainees that the United States is holding in Guantanamo Bay, Cuba.

COOPER: All right. Bob Franken in D.C. Bob, thanks very much.

Now, depending on where you live, you may be breathing a little bit of sigh of relief tonight. The national terror threat level has been downgraded yet again to yellow or elevated from orange, of course, where it was for the last several weeks. Certain sectors of locales -- certain sectors of the economy and also locales are going to be asked to maintain a higher level of vigilance.

Kelli Arena has details from D.C.

(BEGIN VIDEOTAPE)

KELLI ARENA, CNN JUSTICE DEPT. CORRESPONDENT (voice-over): With the holidays and related celebrations safely behind us, the United States is once again at code yellow. But this shade of yellow is a bit more modeled than it's been in the past.

TOM RIDGE, HOMELAND SECURITY SECRETARY: Yellow still means that we are an elevated risk of attack. And we will maintain particular vigilance around some critical resources and locales.

ARENA: But the secretary would not elaborate on exactly which sectors or areas would remain on a higher alert than the rest of the country.

RIDGE: I don't want to broadcast to everybody where we're going to be doing this.

ARENA: Privately, sources say those sectors include aviation, shipping and the nuclear industry. And they say the areas include potential target sites in cities such as Las Vegas, New York and Washington, D.C.

**MICHAEL HERSHMAN**, TERRORISM EXPERT: I think it's helpful. In fact, it's a compromise. There was a lot of disagreement within this administration, particularly within the Department of Homeland Security, as to whether to lower the rating from orange to yellow.

ARENA: Officials say there is still a great deal of threat information coming in, but that it's not as specific as it was when the level went to orange three weeks ago.

(END VIDEOTAPE)

COOPER: Kelli Arena joins us now from Washington.

Kelly, I'm a little bit confused -- and I'm sure a lot of people are out there -- because I thought I had been hearing for the last couple of days, in fact just a couple of days ago, that the threat level would remain at orange until at least the end of the month. What happened?

ARENA: Well, there was a lot of debate, as you heard in the piece, Anderson, about whether or not to lower the threat level. There's still a lot of information coming in suggesting that the United States remains vulnerable. The volume of information remains very high, according to a variety of officials.

But there was a compromise that was met here. And this sort of two-tiered approach seemed to alleviate some of the concerns that some intelligence officials had about bringing the whole level down entirely. If you remember, when the intelligence first came in going into the holiday, Anderson, the window of vulnerability was seen from November to early February. And so that window, we're still in that window, and that's why there is so much discussion.

COOPER: All right. Kelli Arena, thanks very much.

Now to Georgia. It started out as a multiple murder, then, kidnapping, a manhunt. Today, reunion.

After hours of desperation, a mother today able to hug and kiss her three young daughters who were allegedly kidnapped by her former common law husband, Jerry Jones. Right now, Jones is in the hospital after shooting, as police closed in, shooting himself.

Martin Savidge has more from Calhoun, Georgia.

(BEGIN VIDEOTAPE)

MARTIN SAVIDGE, CNN CORRESPONDENT (voice-over): The drama of the murder-kidnapping ended the way it began, with a phone call. 7:30 p.m. Thursday night, a motorist traveling north on Interstate 75 alerted by media reports spots what he thinks is the suspect's vehicle.

CALLER: That's it. We're right behind it.

DISPATCHER: Where are you at, sir?

CALLER: Exit 323.

DISPATCHER: Can you tell if people are inside the vehicle?

CALLER: There is a gentleman, and I think there are a couple of kids.

SAVIDGE: As sheriff's deputies and Georgia State Police closed in, the driver shadows the SUV, driven by 31-year-old suspects Jerry Jones. Shortly after Jones crosses into Tennessee and exits the highway, Georgia State Police nudge the SUV from behind, forcing Jones off the road. Jones is only able to fire a single shot, critically wounding himself.

VERNON KEENAN, GBI DIRECTOR: The three children have been recovered. They are safe. They have been -- the children have been sent to the hospital for examination.

SAVIDGE: Nearly 24 hours earlier, it was another phone call from Melissa Peeler (ph), Jones's estranged common law wife, that led the police to four bodies from Peeler's (ph) family in two home in rural north Georgia, including Peeler (ph) and Jones's baby girl, and the realization that three other girls, ages 10, four, and three were missing.

The hunt for Jones and the girls stretched nationwide. But in his time on the run he only managed to travel about 40 miles. Those girls are now back in the custody of their mother, for whom the joy of reunion is overshadowed by the fact that she must now make funeral plans for her mother, stepfather, sister, and 10-month-old daughter.

(END VIDEOTAPE)

SAVIDGE: The suspect, Jerry Jones, in critical condition tonight. He is expected to survive and come back to Georgia to stand trial -- Anderson.

COOPER: So Martin, police actually forced, I guess, the car off the road, nudging the car. Is that common practice? I mean, there were three kids in that man's car.

SAVIDGE: It was a risky maneuver, no doubt about it. But police say they practice it many times. They also say that this was their prime suspect, they're closing in, they thought he might get desperate. He had already, in their minds, killed four people, including his own child.

They weren't going to take any chances with three other kids in the car. They felt it was the lesser of two evils -- Anderson.

COOPER: Yes. No telling what he might do. All right. Martin Savidge, thanks very much, from Calhoun tonight.

The fact that the girls are OK is the only silver lining in an event that has devastated this family. Coming up this evening, we're going to talk to a member of the family about these tragic last few days and where they go from here.

Right now, we're following a number of developing stories "Cross Country." Let's take a look.

Salt Lake City: ruled unfit. Wanda Barzee, that woman right there, one of Elizabeth Smarts accused kidnappers, is declared incompetent to stand trial. And a judge today committed her to a mental hospital.

She and her husband, Brian David Mitchell, are charged with snatching Elizabeth Smart from her bedroom in June 2002, holding her for nine months. We're going to have a lot more about this tonight later in tonight's broadcast.

Moving on to Houston, Texas: missed deadline. A former Enron executive failed today to meet a judge's deadline to decide if she would accept a plea bargain deal before her trial. That's her there. Tonight, the attorney for Lea Fastow, the company's former treasurer, says work on a plea agreement is continuing.

The plea would limit her jail sentence and was part of a larger agreement with the government that involved her husband, former Enron CFO, Andrew Fastow. We haven't heard the details of his plea yet, if any.

Cleveland: lottery loser. Misdemeanor charges filed today against Elecia Battle, the woman who claimed she had the winning ticket for last week's \$167 Mega Million lottery. She lied. She admitted she made it all up.

The White House: to the moon and beyond. Administration officials tell CNN President Bush will announce a new mission to the moon with plans for a permanent lunar base and an eventual manned mission to Mars.

Look for the announcement sometime next week.

And in Washington: where are the jobs? The experts are way off in their predictions. They thought payrolls would grow by about 130,000 in December. Only about 1,000 new jobs were created last month according to the Labor Department figures released today. Still, unemployment is down.

That's a look at stories "Cross Country" tonight.

Good news and bad news for Howard Dean. A boost and a pothole on the campaign trail today. We'll take you there live.

Plus, popping Viagra is not just your father's elixir anymore. Find out why more young men are looking for help in a bottle. We're talking young.

And buried alive in an avalanche. We're going to talk to one man who does it for a living. We'll find out why.

First, tonight, let's take a look "Inside the Box" at the top stories on the network evening newscasts.

(COMMERCIAL BREAK)

COOPER: We have some breaking news to bring to you right now. We have just learned the Pentagon has officially confirmed they have declared Saddam Hussein a prisoner of war. We had some intimation of this earlier in the day. A spokesman said that Pentagon lawyers had made this determination earlier in the day. Then there seemed to be some down (ph) as to whether or not they would actually make this announcement.

But CNN has confirmed Saddam Hussein has been declared a prisoner of war by the Pentagon. This, of course, will have some sort of an impact on how he is held, under what conditions, and the level of coercion that may be used in any interrogations that may be going on. It will also have an impact on any eventual trial for Saddam Hussein.

So this is major news. Saddam Hussein officially declared a prisoner of war. This has happened just moments ago. We're following the story. We're going to bring you any updates in this hour as necessary.

Moving on now to California. Sheriff's deputies are trying to sort out what appears to be a freak attack by a mountain lion on two women riding bicycles in a wilderness area. The women survived, although one was badly injured. And after authorities shot and killed the animal, they made a gruesome discovery.

CNN's Frank Buckley has the story.

(BEGIN VIDEOTAPE)

FRANK BUCKLEY, CNN NATIONAL CORRESPONDENT (voice-over): The mountain lion lay dead after the attacks, shot and killed by sheriff's deputies. Earlier, mountain biker, Debbie Nichols, watched as her friend, Ann Hele (ph) was attacked.

DEBBIE NICHOLS, MOUNTAIN BIKER'S FRIEND: I was 20 feet behind Ann (ph) and this mountain lion jumped on her back. It started dragging her, so I grabbed her leg. And he drug us down probably, I don't know, maybe 100 yards down into the brush. And I just kept screaming.

BUCKLEY: Other mountain bikers in the wilderness park arrived as the women struggled with the animal.

MIKE CASTELLANO, MOUNTAIN BIKER: The true hero in this story is Debbie because she was just fearless inches from this mountain lion, and it could have at any second just let go and gone after her. And she was not going to let her friend go.

BUCKLEY: Neil Magnason (ph) and Mike Castellano threw rocks at that lion until it let go of Hele (ph). Then they called 911. UNIDENTIFIED MALE: We've got a lady that was attacked by a mountain lion in her face. Her face is almost gone. I need people out here.

BUCKLEY: As authorities searched for the mountain lion, they found another victim, 35-year-old Mark Reynolds, killed earlier, authorities believe, by the same lion, while he was fixing a broken chain on his bike.

JIM AMORMIND, ORANGE COUNTY SHERIFF'S DEPT.: The victim was disfigured by the animal.

BUCKLEY: Authorities say mountain lion attacks on humans are rare. And it isn't clear what provoked these.

DOUG UPDIKE, CALIFORNIA DEPT. OF FISH AND GAME: That all of a sudden triggers in the mind of the lion, all of a sudden this the is prey, this is no longer a human. I don't need to be afraid. Let's eat this.

(END VIDEOTAPE)

BUCKLEY: And officials tell us that Orange County, California not the only place in California where mountain lions are present. They tell us that wherever you find deer, there are likely to be mountain lions in the area preying on those deer.

For the most part, we don't see the mountain lions. Occasionally they see us but we do not see them. They like to get away from human beings, we are told. But sadly, in this case, one attacked -- Anderson.

COOPER: Sad story indeed. All right. Frank Buckley, thanks very much for that.

I want to bring you up to date now more on some breaking news that we just told you about. The Department of Defense has just announced that Saddam Hussein is officially being classified a prisoner of war. Just mentioned that a few moments ago.

As we reported earlier, there was some confusion about his legal status at the Pentagon, varying reports. Again, just moments ago, declared a prisoner of war, according to the Defense Department.

For the latest on that, we go to Jamie McIntyre live at the Pentagon.

Jamie, what do you know?

MCINTYRE: Anderson, there was some confusion and backtracking here today after the initial statement by a low-level Pentagon spokesman that, in fact, Saddam Hussein was classified as an enemy prisoner of war. First we were told that was premature. Now we're told after they've talked to all of the attorneys that the lawyers here at the Pentagon have determined that Saddam Hussein's status is as an enemy prisoner of war. Pentagon officials insists that won't change anything because he was already being afforded all of the protections of the Geneva Conventions. But this will formalize his status. However, they do note that if other information comes to light that would call that status into question, there is a process for revisiting it.

What might that be? If, for instance, it turned out that he had led the post-war terrorist campaign against U.S. troops, that might put him in a different category -- Anderson.

COOPER: Now, Jamie, there are a couple of things that this might impact. Number one, he has not met, from my understanding, with any representatives from the International Committee of the Red Cross. I guess as a prisoner of war he is entitled to such a meeting.

MCINTYRE: Well, he is. And the Pentagon says that that meeting is being arranged. And that was under way even before they came to this conclusion because the Pentagon said they were going to abide by all of the same provisions that he would be entitled to. They just didn't give him that prisoner of war status.

COOPER: And it may also affect any kind of trial that he is ultimately subjected to. Under Geneva Conventions, a POW can only be tried for crimes against humanity by an international tribunal or an occupying power. I guess that would, in this case, rule the U.S. in.

Not clear, though, on what that international tribunal would mean. Whether some sort of international court inside Iraq would really be enough, would be legal.

MCINTYRE: Well, I think that the Pentagon, the U.S. government could make a pretty compelling case that the Coalition Provisional Authority or the new authority in Iraq could take this case. But as you said, it opens sort of a legal door that, people who want to challenge this process, it gives them more standing to do that.

So it could complicate things down the road. But the U.S. is convinced that they'll be able to find the proper forum for Saddam Hussein to have justice and that will be probably at the hands of the Iraqi people.

COOPER: And have we heard anything, Jamie, or are you hearing anything at the Pentagon from sources about whether or not Saddam Hussein is actually talking? I mean, there had been this report out there last week from one Iraqi official who was saying he was giving up some economic situation. Are you hearing anything?

MCINTYRE: Well, U.S. officials tell CNN's national security correspondent, David Ensor, that so far Saddam Hussein has really given his interrogators no useful information. But they do note that the documents and some other things that were captured along with him have been a valuable source of intelligence. And they have led to a number of arrests, and also the seizure of weapons and other intelligence as well.

COOPER: All right. Jamie McIntyre live from the Pentagon. Thanks very much, Jamie, on this breaking story. Again, just want to reiterate, the Pentagon has officially declared Saddam Hussein a prisoner of war.

Today's been a good news, bad news day kind of day for Howard Dean. Just a short time ago, Dean picked up a big endorsement, after he spent most of the day on the defensive for some comments he made years ago. Both developments are out of Iowa.

CNN's Candy Crowley has the story.

(BEGIN VIDEOTAPE)

CANDY CROWLEY, CNN SR. POLITICAL CORRESPONDENT (voice-over): Oops, he did it again.

HOWARD DEAN (D), DEMOCRATIC PRESIDENTIAL CANDIDATE: I'm a real tired of the gotcha politics of this campaign.

CROWLEY: This time the get is the Howard Dean talking four years ago, among other things, about the Iowa caucuses.

DEAN: If you look at the caucuses systems, they are dominate by the special interests on both sides and both parties.

CROWLEY: It is one of many tapes discovered by NBC. It is four years old and coming at just the wrong time.

UNIDENTIFIED MALE: It kind of burns me up a little bit. It really does. After all, he gets in and out of Iowa to get what he can get. And (UNINTELLIGIBLE) I hope he don't make it.

CROWLEY: With about a quarter of Iowa caucus-goers still not sure who they will support, Dean's fiercest competitor in the state found the thing oh so very perplexing.

REP. RICHARD GEPHARDT (D-MO), DEMOCRATIC PRESIDENTIAL CANDIDATE: Who is he talking about? Is he saying labor unions or special interests or the senior citizens or the farmers? I don't think so. So I just -- I think these are not accurate comments. I don't understand them.

DEAN: I understand that everybody likes the gotcha stuff.

CROWLEY: Dean, the frontrunner in Iowa, says he now believes the caucuses are a great thing, and the most prominent politician in the state holds no grudges.

SEN. TOM HARKIN (D), IOWA: As we Iowans say, Howard Dean has his head screwed on right.

CROWLEY: Dean's rivals think Tom Harkin's endorsement of Dean is too late to do much good. Maybe. But it was just in time to change the subject.

Candy Crowley, CNN, Des Moines.

(END VIDEOTAPE)

COOPER: Politics are heating up.

The depression dilemma, that's coming up. Are too many choices giving us the blues? We're going to take a closer look at the perils of modern-day living.

Also tonight, incompetent to stand trial. Will the woman accused of kidnapping Elizabeth Smart avoid doing prison time? It could happen. We'll take a closer look.

And a lit bit later on, committed to being single, why more and more young people are going it alone on purpose.

First, today's "Buzz." Who do you think are happier, married people or single people? Vote now, [cnn.com/360](http://cnn.com/360). Results at the end of the program.

(COMMERCIAL BREAK)

COOPER: Now some little news about the little blue pill. Viagra has exploded into a multimillion-dollar business since the FDA approved it in 1998. Every second, nine Viagra tablets are dispensed around the globe. The AMA, the American Medical Association, estimates that 10 million to 30 million American men have some form of erectile dysfunction, but more and more it isn't just those men who are asking for Mr. Blue.

(BEGIN VIDEOTAPE)

COOPER (voice-over): According to some doctors, Viagra has gone recreational. More and more healthy men in their 20s and 30s, even some teenagers are asking for it, hoping to ease performance anxiety or simply spice up a night out. Though many may want it, hardly anyone likes to admit it.

UNIDENTIFIED MALE: Do I look like I need Viagra?

UNIDENTIFIED FEMALE: No, you don't. No, no, no. OK.

UNIDENTIFIED FEMALE: Have you ever taken Viagra?

UNIDENTIFIED MALE: No.

UNIDENTIFIED FEMALE: No. Have you -- would you ever take Viagra recreationally?

UNIDENTIFIED MALE: If I was in my 50s and needed it, yes.

UNIDENTIFIED MALE: Yes, for recreational? Somebody my age?

UNIDENTIFIED MALE: Am I not too young for Viagra?

UNIDENTIFIED MALE: No.

UNIDENTIFIED FEMALE: Why not? UNIDENTIFIED MALE: (UNINTELLIGIBLE)

UNIDENTIFIED FEMALE: He doesn't need them.

UNIDENTIFIED MALE: I have my girlfriend. It's Viagra.

UNIDENTIFIED FEMALE: Just telling someone, hey, just pop a couple of pills and it will be all right. No, I couldn't do that.

UNIDENTIFIED MALE: No, I have not.

UNIDENTIFIED MALE: Like I said, I don't need it. If anybody else needs it, hey, go for it. You know, that's what I say.

COOPER: Doctors' samples come in six-packs, like two other sought-after symbols of American virility, abs and beer. Even when doctors say no, the Internet says yes. The drug is sometimes even sold illegally in nightclubs.

Recreational use has its dangers, warn doctors. Long-time effects are still unknown, and some men who don't need the medication could also develop a psychological dependency. One study says up to 18 percent of Viagra users experience side effects, including, oddly enough, headaches, as in, "not tonight honey, I have a..."

Adding to danger, some recreational users mix Viagra with illegal club drugs. Doctors warn Viagra should never be used with a class of medications called nitrates, because of serious blood pressure complications.

(END VIDEOTAPE)

COOPER: America, land of many choices. Where else can you go to go to a supermarket and find 21 options for chocolate chip cookies? A new book, "The Paradox of Choice: Why More is Less" says too many choices lead to anxiety, even depression. The author, Barry Schwartz, is a Swarthmore College psychology professor. He joins us from Philadelphia.

Thanks very much for being with us. So what is the problem? There are too many choices, and you think that leads to a form of depression?

BARRY SCHWARTZ, SWARTHMORE COLLEGE: Yes. Not in everyone, of course. People are simply overwhelmed with choices about trivial things, like what cereal to buy, what pain reliever to buy, and about important things like what 401(k) to invest in, whether to get married, when to get married, whether to have children, when to have children. And the cumulative effect of all of these choices creates a kind of stress and anxiety that I think contributes to the three-fold increase in depression that's occurred in the last 30 years...

COOPER: But not everyone faces these choices in the same way. You in your book actually describe sort of two different groups, maximizers, I think you call them, and satisficers (ph).

SCHWARTZ: Yes, that's right.

COOPER: What are those?

SCHWARTZ: So a satisficer is somebody who seeks something that's good enough, is satisfied with good enough. A good enough cereal, a good enough 401(k), a good enough major in college.

You search, and as soon as you find something that meets your standard, which could be high, you end the search, you choose it, and you don't look back. And a maximizer...

COOPER: And a maximizer?

SCHWARTZ: Maximizers wants the best. And, of course, the only way you can know that you've got the best is if you've examined all of the possibilities.

COOPER: And in your book you say they never settle for second best. When they listen to the radio, they often check other stations to see if something's on, something better. They're never satisfied with what they're listening to. And in relationships, they sort of try them on like clothes.

SCHWARTZ: That's -- well, people who say yes to these questions are more likely to be maximizers than people who say no to these questions. And what we find is that people who are maximizers regret their choices more, have a harder time making choices.

COOPER: So what's the solution? How do you try to deal with all of the choices that are out there? Because the choices aren't going away.

SCHWARTZ: The choices are not going away. There are several things people can do. One thing you can do is decide when you're going to choose and when you're not going to choose.

You can simply let certain decision be made for you. You can decide you're going to go to two stores and no more, and you'll choose whatever's best in those two stores and that's the end of it. Another thing you can do is train yourself to be satisfied with good enough, and not worry so much about the best. Another thing you can do is train yourself to look less at what other people are doing, how well they're doing with their choices.

COOPER: That's the tough one. That's not an easy thing to do.

SCHWARTZ: None of these things are easy. I don't want to make it seem like, you know, you take a Viagra pill and tomorrow all of these problems go away.

COOPER: Right.

SCHWARTZ: Another thing to do is instead of focusing on what's disappointing in a choice, focus on what's good about it. Focus on what you have to be grateful for when you make choices.

COOPER: That's a good one.

SCHWARTZ: It turns out that that's something that people need to practice. It doesn't come naturally to people.

COOPER: All right. We're going to leave it there. Barry Schwartz, "Paradox of Choice" is the book. Appreciate you joining us. It's interesting. Thank you.

SCHWARTZ: Thank you very much for having me.

COOPER: Coming up next, special series on depression in America, "Conquering Depression." Symptoms you might not know and a look at the young and the restless teens who suffers from depression.

Also, new hope in therapy. And yes, there is. And the silent sufferers, men. Plus, the latest on drugs. Miracle cures? All that next week on our special series, "Conquering Depression."

Buried alive on purpose, why one man take on an avalanche.

And sick of searching for a soul mate? You may be single, but you're not alone. 360 continues.

(COMMERCIAL BREAK)

COOPER: Time for "The Reset." Tonight's top stories. Here's what's going on. Just a few moments ago, the Pentagon officially declared Saddam Hussein an enemy prisoner of war. That makes him subject to the Geneva Conventions and could impact both his interrogation and eventual trial. We're going to have more on this in just two minutes.

The remains of two U.S. Navy pilots have been returned to their families 31 years after they were shot down over Vietnam. One of them is Navy Lieutenant General Robert Clark of North Hollywood, California. The family of the other man asked that his name not be released.

And Jesse Ventura is about to reinvent himself again. The former Navy Seal turned wrestler, turned governor, turned was going to be a talk show host but is not, is now heading to Harvard, where he'll be a visiting fellow at the Kennedy School of Government. And that's a look at "The Reset" tonight.

Back to our breaking news, top story, Saddam Hussein officially declared a prisoner of war. What does it mean? Ruth Wedgewood is a professor of international law at Johns Hopkins University. She joins us now on the phone with more on where we go from here. Professor, appreciate you joining us. When you first heard this, what does this mean? What changes now?

RUTH WEDGEWOOD, JOHNS HOPKINS UNIVERSITY: Well, probably nothing very profound. It puts some restrictions on methods of interrogation for Saddam. You can't do anything to him that's unpleasant or unequal. Also, you couldn't give him (UNINTELLIGIBLE) structure for cooperation, for example, you couldn't call him a son of a gun. But we weren't going to do that, anyway, I don't think. He just is enough of a thug that he was going to either give up info or not as he chose.

COOPER: So nothing in terms of, you know, sleep deprivation, you know, time disorientation or as you said, even (UNINTELLIGIBLE) program.

WEDGEWOOD: Well, you're allowed to interview and interview fervently somebody who is a prisoner of war, but you can't do anything that's unpleasant or unequal. You have to be humane in any event.

It could potentially, though, make a difference in how he was tried, if we were the people trying him, because under Article 84 of the Geneva Convention, you have, believe it or not, you have to give a prisoner of war a military tribunal rather than a civilian court, if we're the ones trying him. However, if it's the Iraqi government in its sovereign capacity that's doing the trial, they would not be subject to the same restrictions that we are.

COOPER: Now, my reading on this is that they basically declared him a prisoner of war once they decided that he was -- had been a commander in chief of a military and was, you know, a player in the military struggle. What it seems to indicate -- and correct me if I'm wrong -- is -- I mean, one of the holding up points on all of this is whether or not he had been running the insurgency. And if that was the case, then he might be an enemy combatant.

WEDGEWOOD: Well, it's possible that -- I don't have any inside information as to whether they were thinking about his role as an assistant, if you like, to other unlawful combatants. It is not -- it would not necessarily declare every president a prisoner of war, because not every president is in the national chain of command. But Saddam struts around in the uniform, and he was, indeed, the commander in chief.

We could have held him irregardless, because, in fact, you are allowed to intern the president of a hostile country when you're the occupying power, and as well under the fourth Geneva Convention, you're allowed to intern anybody who is definitely suspected of activities hostile to the occupier. And that certainly describes Saddam.

COOPER: In terms of the trial, you mentioned it does have to be a military trial. I had read that...

WEDGEWOOD: If we try him. But if the Iraqis try him, as they will, it could be a civilian court

COOPER: Yet, I mean, I read that it has to be some sort of an international tribunal or the occupying power, which would be the U.S. Does international, I mean, is an Iraqi trial, does that fit the bill?

WEDGEWOOD: It doesn't have to be international. In fact, the Iraqi Governing Council just finished three days before Saddam was captured a perfectly workable statute to have a so-called mixed tribunal, which would allow both Iraqi judges and potentially international judges to take part, and would have international advisers who would help them on some of the recent case law on war -- on law of conflict and war crimes. So I think the way he is going to be tried, in fact, is by the Iraqi themselves in an Iraqi courtroom, applying both international law and Iraqi law.

COOPER: All right. Professor Ruth Wedgewood, appreciate you joining us from Johns Hopkins.

WEDGEWOOD: Thank you.

COOPER: Interesting to talk to you. Again, a breaking news story tonight, moments ago Saddam Hussein officially declared by the U.S. government a prisoner of war.

More now on the violent abduction and dramatic rescue of those three little girls from northwest Georgia, snatched by their mother's estranged common law husband after a quadruple murder. David and Kathy O'Donnell are the girls' uncle and aunt. They join us now from Ellijay, Georgia. Appreciate both of you being with us. How are the little girls doing?

DAVID O'DONNELL, UNCLE: As far as we know, they're doing OK. We haven't actually had contact with them today. But we understand from the sheriff's department and the Department of Family and Children Services that they are doing well.

COOPER: Did you know that something was wrong with this man? Did you have a sense of that?

D. O'DONNELL: We both had a sense that he was mentally deranged. He had illustrated it in several different ways over the years. He had made threats over the years of the nature of the crime. And...

COOPER: What sort of threats had he made?

D. O'DONNELL: Well, he had threatened to kill my wife on more than one occasion just because he was upset with her over an earlier confrontation she had had with him.

COOPER: Kathy...

D. O'DONNELL: You know, that, you know...

COOPER: Kathy, how are you doing in all this? I mean, this has got to just be just an unbelievable shock.

KATHY O'DONNELL, AUNT: Overwhelming. I miss my mother, my sister, my stepfather. And I just can't believe that he did that to that -- to the baby. He changed -- he changed our lives.

COOPER: What do you want to see happen to him now? I mean, he's sitting in a hospital bed right now.

D. O'DONNELL: I would like to see him recover from his self-inflicted gunshot wound so that the judicial system can carry out their plan to bring him to justice.

K. O'DONNELL: Make sure this doesn't happen to another family. D. O'DONNELL: I hope they make an example out of him in this case, as to what will happen if someone chooses to take the route he chose to take.

COOPER: And Kathy, where do you go from here? Where does your family go from here? Where do those little girls go from here?

K. O'DONNELL: They're with my sister. At this point, I don't know. I was hoping that we would get to see them today. I was hoping they would be here was tonight. But I really don't know...

COOPER: How is your sister holding up?

K. O'DONNELL: I haven't even got to talk to her. I would like to talk to her.

COOPER: What would you want to tell her?

K. O'DONNELL: That I love her and that we both -- we both lost our mother and a sister, and we need to be together and stick together as a family.

COOPER: Well, we appreciate you joining us tonight. I know it's just been an unbelievably difficult couple of days for both of you. And our best to you both and to your entire family. We appreciate you talking to us tonight. Thank you very much. I wish you a lot of peace and peace in the days ahead.

D. O'DONNELL: Well, we want to thank CNN for the coverage that they've done on this story. You all have been great.

You're very good people. Thank you very much.

COOPER: Well, peace to you. Good night. Thank you.

In "Justice Served," an update on another abduction case, that of Elizabeth Smart. A judge says Wanda Barzee, part of the husband and wife team, charged with the kidnapping, well, they say she is unfit to stand trial. Here's CNN's David Mattingly.

(BEGIN VIDEOTAPE)

DAVID MATTINGLY, CNN CORRESPONDENT: Wearing khaki jail clothes and in shackles, 58-year-old Wanda Barzee listened quietly as a Utah judge ruled her incompetent for now and unable to stand trial for the kidnapping of Elizabeth Smart. Barzee and her husband, a self-proclaimed street prophet, Bryan David Mitchell, allegedly kidnapped the 14-year-old Elizabeth from her Utah bedroom in June 2002.

UNIDENTIFIED MALE: She does understand the charges against her and the penalties for the crime she's charged with. It's just a question of whether or not she can aid her counsel in those two ways.

MATTINGLY: The blue-eyed, gray-haired Barzee reportedly smiled as the judge ordered her to a state mental hospital for treatment. In court filings she disagreed with two mental health experts who diagnosed her paranoid schizophrenic and with a shared psychotic disorder. Barzee wrote, "their inability to understand is also a result of their different belief system and the influence of Satan's subtle powers upon them."

UNIDENTIFIED MALE: Evaluators, of course, know in a way that probably may never know how this relates to her particular state of mind.

MATTINGLY: Elizabeth's father, Ed Smart, told CNN the family's grateful for this turn in the case. He said, "I would just as soon see them both committed because down the road it will be easier for Elizabeth to deal with."

Barzee will return to court in April and could stand trial, however, if the court then finds her competent. Experts currently disagree on the mental state of her husband. A competency hearing for Bryan David Mitchell is scheduled for January 27. David Mattingly, CNN.

(END VIDEOTAPE)

COOPER: Marching into the belly of the beast? Why would anyone deliberately put themselves in the path of an avalanche you ask? You're going to find out the method to one man's madness.

And a little bit later on, life alone? Make that quirky alone. What's behind this movement for serene singles. We'll be right back.

(COMMERCIAL BREAK)

COOPER: Our next guest surely has one of the most unique jobs we've ever run across. Imagine deliberately getting buried in an avalanche just to measure its effects. Joining me now from Bozeman, Montana, is avalanche researcher Ed Adams. Ed, good to have you here. Why do you do this?

ED ADAMS, AVALANCHE EXPERT: Well, I'm a professor at Montana State University. And I've been working with snow and avalanches for quite a while. So we put together this study up in the Bridger Bowls just outside of Bridger Bowls ski area.

COOPER: Basically, you have a shack and you trigger avalanches to come and inundate the shack. We're looking at some of the video of your shack right here.

ADAMS: Uh-huh. Actually, the shack is not inundated inside. We have our instrumentation set up there. What we're trying to do is measure energy losses and energy balance and flow characteristics of a flowing avalanche. And it's a difficult things to do.

So what we've done is bolted our little shack behind a large rock that's sort of in the middle of the path and then run wires for instrumentation out into the path itself that we've sat on some posts. And as the avalanche flows by, we measure things such as velocity, temperature, flow depth. COOPER: We're watching an avalanche right now, some of the video here. What is it like as you're sitting there and you can actually see this wall of snow coming toward you. What is it like?

ADAMS: Well, you know, early on it was kind of exciting. At this point, I'm comfortable enough with what we're doing that we're more interested in being sure we get good data to try to understand the flowing avalanche. We're quite comfortable in how we do it.

COOPER: That first time when you had actually decided, all right, we're going to put a human in this and let this thing hit the shack while I'm sitting in it, you know, I don't think you were so blasé about it. You know, as you see that wall of snow coming toward you, what went through your mind?

ADAMS: Well, the -- we ran several slides over the shack before we actually got in it ourselves. We were comfortable to how it was going to react. The first time, the way it goes, is there is a bomb tram where we hang an explosive over the snow.

It's in a little bowl area in the starting zone. The explosion initiates the avalanche. So the first thing you hear is that very large concussion of a large explosive. And then there's several- second delay and you sort of wait and you don't know if an avalanche that's going to be big, small, or not at all. And so there's a little bit of adrenaline right in there.

COOPER: A little bit, I would imagine. In what way can these experiments help everyday people? Where does the information ultimately lead to?

ADAMS: The dynamics part of the study is really probably most important for things like how far an avalanche might run, the size of an avalanche, will it cover a highway, will it hit a structure? And more and more people are starting to build in areas that are avalanche prone.

There's not a lot of zoning in this country. And relative to forest fires, there's this wildlands urban interaction. And the forest fires are starting to try to figure out how to deal with this. The avalanche is kind of in the same zone. How do we deal with where to put them, how far down, what kind of impact can we expect, pressures.

COOPER: We keep hearing more and more of these stories as man encroaches in on nature. You know, the two meet and often not in a friendly way. Ed Adams, it's a fascinating study and we appreciate you joining us to talk about it. Thanks very much.

ADAMS: Thank you.

COOPER: All right. Good night.

Time to check on some pop news in tonight's "Current." Let's take a look. Tony winner, Kristin Chenoweth will make her big screen debut in the movie "Asphalt Beach." Despite being about a strict catholic school and the naughty, naughty girls there, the movie is not expected to be porn.

The Forbes family is auctioning off their Faberge eggs. They want someone to have the thrill of owning them. They say they're doing it to let other collectors have the thrill of owning a genuine Faberge egg. The auction will also give the Forbes family the thrill of owning more money.

Pete Rose tells "Men's Health" magazine that he settled in a paternity suit in the late '70s agreeing to help

support, and I quote, "the little girl." We should tell you that the little girl is sports lingo for what's commonly known as a daughter.

Bill Gates unveil address new system for so-called seamless computing in a trade show in Vegas yesterday. The system is not up to Microsoft's ultimate goal infiltrating your brain and seizing control of your central nervous system. No, that's not really the ultimate goal.

50,000 one-dollar bills are being used to promote an upcoming TV series. The bills were stickered with the name of the series to get people talking about it. Sadly, the plan failed when CNN anchor Anderson Cooper neglected to give the name of the series.

Still to come this evening, so how come you're not married yet? Have you heard that question a lot? Could it be, gasp, you don't want to get married? It's a trend not likely yet passed along but we'll check it out anyway.

Also tonight, Charlize Theron gets a killer role, we're talking about a really killer role. We're going to talk about that in tonight's "Weekender." We'll be right back.

(COMMERCIAL BREAK)

COOPER: Ah, the single life, can it ever be as fulfilling as married life or divorced life, as the case may be? The Quirkyalones argue it can be all that and more. That's right, the Quirkyalones. Who are they, you may ask? According to their Web site, women and men quote, "resisting the tyranny of coupledness." It's a mindset, I guess. And now also a book called, "Quirkyalone: A Manifesto For Uncompromising Romantics." The author is Sasha Kagan. She joins us from San Francisco. Sasha good to see you. Thanks for being with us. So, how do you define Quirky Alone?

SASH CAGAN, AUTHOR: Well, thanks for having me. I think the thumbnail definition of a Quirkyalone is someone who enjoys being single and prefers to wait for the right person rather than dating for the sake of dating or...

COOPER: What's the difference between being single and being Quirky Alone? I don't get it. CAGAN: Well, when you hear the word single, you are generally sending a message of availability. Hi, I'm here. I'm ready to couple up with someone. Do you know anyone that you can introduce me to. Calling yourself Quirkyalone sends a different a message. It says that you are able to live a fulfilled, happy whether you are single or coupled up.

It doesn't mean that you're opposed to being in a relationship, but it says that you don't need to be.

COOPER: And you're finding more and more people embracing this notion of being Quirkyalone?

CAGAN: I think there have always been Quirkyalones throughout history, but right now we're at a moment where more and more people are comfortable with being single and coming of age in a time when they can explore the Quirkyalone way of life throughout their, 20s, 30s, 40s, 50s.

COOPER: Is there really a tyranny a coupledness? You talk about that in your book.

CAGAN: I think that there is. I think that even people who are married, or people who are in couples feel this idea of the tyranny of coupledness. It's that dinner party you go to where only couples are invited. It's that law firm that has a party that says, oh, invitation, bring your spouse. Well, what about bringing a guest? It's the wedding where single people are made to feel subtly or not subtly estranged for not bringing someone.

COOPER: If a single person out there right now listening, all right, I am Quirkyalone. I am one of those.

CAGAN: There is a way to find out. You can take a quiz, which is always a fun way to determine your status. There's a quiz in the book which is now available at stores. Or you can go to [quirkyalone.net](http://quirkyalone.net) and take an online quiz and get your actually numerical scores as a Quirkyalone.

COOPER: Sasha Cagan, appreciate you joining us tonight. Thanks, Sasha. Quirkyalone, who knew.

Today's "Buzz" question is this, "who do you think are happier, married people or single people?" Vote now, [CNN.com/360](http://CNN.com/360). The results at the end of the program.

This weekend we've got a couple of interesting movies hitting the big screens. In a possible sign of things to come, however, the movies might just be getting overshadowed by DVDs. Say it ain't so. This edition of "The Weekender." Take a look.

(COMMERCIAL BREAK)

EWAN MCGREGOR, ACTOR: Sandra Templeton, I love you and I will marry you. COOPER (voice-over): In movies, Tim Burton's "Big Fish" cast its net for wide release today, but still reals in typical criticism. Great Burton visuals, but something's missing. "Monster" is looking to be a breakout role for Charlize Theron.

CHARLIZE THERON, ACTRESS: What you've got, huh? Want to bring it on?

COOPER: Playing a serial killer modeled on Eileen Wuornos, also the subject of the new documentary, "Life and Death of a Serial Killer."

UNIDENTIFIED FEMALE: Never ask a president to promise, honey.

MANDY MOORE, ACTRESS: I'm not, I'm asking my Dad.

COOPER: Then there's "Chasing Liberty," about a president's daughter ducking the Secret Service. Mandy Moore star in this teen date flick.

In DVDs, brace yourself for an embarrassment of riches and embarrassments, "Curb Your Enthusiasm" gets the DVD treatment. But if you're looking for something a little bit, well, smart, there's "The Best Of Mr. Ed: Volume 1."

In fact, lots of old TV is getting new life in DVD.

UNIDENTIFIED MALE: Wow, we must be traveling at close the speed of light.

COOPER: Just coming out, the first season of "Lost In Space." And "Green Acres" thinks DVD is the place to be, season 1 comes out next week.

On TV in the coming days, the 21 century version of "Green Acres," "The Simple Life" goes back to the farm for a special reunion, airing next week.

PARIS HILTON, "THE SIMPLE LIFE": I only travel like to Europe.

COOPER: Thanks Paris, but New York is where I'd rather stay.

(END VIDEOTAPE)

COOPER: I've had it up to here with that Paris Hilton.

Have you heard about the trouble in space? The International Space Station has been losing pressure. So, tonight we're taking a leak to the "Nth Degree."

Plus Monday, one out of 10 Americans is effected by depression, but we're going to have some good news for you about it in our new series, focusing on depression in America. "Concurring depression," we're calling it. It starts on Monday. Join us for that.

(COMMERCIAL BREAK) COOPER: The suspense is killing me. Time now for "The Buzz." We asked you, "who do you think are happier, married people or single people?" Here's what you said: 54 percent of you said married people, 46 percent said single people. Not a scientific poll, certainly. Just your buzz. Appreciate your votes.

Tonight taking that hissing noise to the "Nth Degree." A mysterious leak has lead to steadily dropping air pressure in the International Space Station. So far flight controllers have failed to find the leak. But maybe that's because of their methods, directly scrutinizing likely sources of the leak.

Instead, they could try some techniques used to hunt another mysterious leak, the leak of a CIA's officer's name last year. Step 2, simply ask the leak to identify itself. Step 2, if it doesn't, then ask the leak to turn over its records and the logs of any incriminating phone calls it might have made. Step three, because we know the leak is not on planet Earth, don't waste time poking around Bob Novak or Karl Rove's offices.

There's a good chance they'll actually be able to find the leak on the space station. The air pressure on board remains higher than as some cities on Earth such as Denver, Mexico City, and even Washington

where there appears to be almost no pressure at all.

That wraps up our program tonight. Thanks for watching. Have a great weekend. Coming up next, "PAULA ZAHN NOW."

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