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PAULA ZAHN NOW

How Much Is Your Pet's Life Worth?; Fifth-Grade Sex?; Florida Sex Offenders Living Under Highway Overpass

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PAULA ZAHN, CNN ANCHOR: Good evening, everybody. Glad to have you with us tonight. Here's what we're bringing out in the open tonight.

If bad pet food kills your beloved dog or cat, what kind of value do you think a judge will put on your loss? You might be surprised.

Also, whose bright idea was it to make dangerous sex offenders live out in the open, under a bridge? We have the startling results of a CNN investigation.

And on to this shocker: fifth-graders having sex in the classroom? We have an exclusive eyewitness, a student who saw it happen. Where the heck were the teachers that day?

Well, if you, like me, are a pet owner, I'm sure you're really pretty scared by this recall of deadly dog and cat food. Just this afternoon, the list of bad products got even longer. Sunshine Mills recalled dog biscuits made at a plant in Alabama.

Also today, the company that started all these recalls, Menu Foods, ordered even more of its products off the shelf. It is such a big deal that, just a few hours ago, U.S. Senate leaders announced an investigation. Lab tests showed all the recalled pet foods contain a toxic chemical from China.

It is hard to know for sure just how many pets have died as a result of this. We know about 84 deaths in Michigan and Oregon. The national number could be into the thousands.

Here's what we're bringing out in the open tonight. Many grieving pet owners want to sue, but they're finding the law considers their pets almost worthless. How can that be?

Well, we asked Keith Oppenheim to find out for us.

(BEGIN VIDEOTAPE)

KEITH OPPENHEIM, CNN CORRESPONDENT (voice-over): About three weeks ago, this seemingly healthy big orange cat named Phoenix (ph) suddenly and inexplicably got extremely sick.

DAWN MAJERCZYK, PET OWNER: All his organs were shutting down.

OPPENHEIM: Within days, Phoenix was dead. Then his owner, Dawn Majerczyk, heard about a recall of tainted pet food. She said she soon discovered the pet food that had been pulled from stores was exactly what she had given her cat.



MAJERCZYK: I just kept crying to my husband: I can't believe this. I gave the cat this recalled food.

OPPENHEIM: Now Majerczyk is doing more than grieving. She's suing, taking action against Menu Foods, alleging the manufacturer delayed announcing a massive recall of dog and cat food, despite knowing its products were contaminated.

JAY EDELSON, ATTORNEY: The heart of this case is that people entrusted the safety of their pets to Menu Foods and to other retailers, and that trust was broken.

OPPENHEIM: Chicago attorney Jay Edelson is representing Dawn Majerczyk and about 200 other clients in a class-action suit, all trying to recover damages for their sick or deceased pets.

EDELSON: They want to get to the bottom of this. They do want Menu Foods to have to be held responsible.

OPPENHEIM (on camera): Did you have any idea why Freddy (ph) was getting sick?

BEN DELONG, PET OWNER: No. We had no clue.

OPPENHEIM (voice-over): Ben and Jennifer (ph) Delong are also clients of Edelson. They had three cats. They say two, Rita (ph) and Merv (ph), ate small amounts of tainted cat food and survived. But the third, Freddy (ph), ate more and died of kidney failure last month.

(on camera): Why are you a part of this lawsuit?

DELONG: You know, for the company to feel a little bit of a sting. You know, I mean, they basically poisoned our cats.

OPPENHEIM (voice-over): We tried to contact Menu Foods, but the company has turned down CNN's repeated requests for interviews.

(on camera): But we did think to legal experts, who told us that lawsuits like this are more likely to recover things like vet bills, and less likely to pay for emotional distress. Why? In many states, the law really doesn't make a distinction between, say, this watch or this dog.

Yes, Max (ph).

Legally, they're both property and both worth about what you paid with them.

Sorry.

Still, some pet owners and their lawyers are trying to change that definition.

DELONG: It's not like, you know, a table that you own and you break the table. You know, are you upset about it? Yes, but you get over it pretty quick, whereas you watch your cat basically die over a period of 12 days, and you're pretty broken up about it.

OPPENHEIM (voice-over): The question is, as the cases about contaminated food build, will the courts continue to see pets as things or as living things that have a greater value?

Keith Oppenheim, CNN, Chicago.

(END VIDEOTAPE)

ZAHN: So, the question tonight -- and a troubling question -- is, how much should anyone's pet be worth? Well, as far as I'm concerned, my dog, Nigel (ph), is priceless.

I'm going to ask journalist Jon Katz, who is the author of a book called "A Good Dog." He joins us with his border collie Izzy. We might even fire off a question to Izzy as well.

(CROSSTALK)

ZAHN: Wendy Diamond is the founder and editorial director of "Animal Fair" magazine. And Christopher D'Angelo is an attorney.

Glad to have all of you with us tonight.

Chris, we just heard in Keith Oppenheim's piece about how states treat animals like property. So, if this class-action suit is as successful as some people think it will be, do you think we will ever see animals treated like people, and not like property?

CHRISTOPHER D'ANGELO, ATTORNEY: I don't think so.

Historically, pets have been treated -- are considered property, but that's not to say that they're the same as a table. They have always had something special. They are a member of a family. They are man's best friend, so to speak. But they have -- they are considered, legally, property. And that then drives what the recoveries may be in these kinds of cases.

ZAHN: What kinds of problems would you foresee if they are considered people? We're going to put up on the screen, just to give a sense of how many folks in the country have pets, you know, 63 percent of all U.S. households have a pet.

D'ANGELO: Well...

ZAHN: How complicated could this get?

D'ANGELO: It could get actually very complicated. And it's what's commonly referred to as the slippery slope.

If you open the door to broader recoveries than what are normal properly recoveries, you open that door. And, if we're talking about emotional distress type of claims, which is what they're trying to do, how do you judge those? And who are the people who are entitled to recover?

If I'm the owner -- I have two dogs. I'm the owner of those two dogs, but I have four children. Do all six of us in my family count as plaintiffs for any kind of emotional distress that might happen to one of those?

ZAHN: Jon, I don't know if you think it is a slippery slope, as Chris just described, but I know you do fear that there is a danger when people do view their pets as humans, and not simply as additional members of the household.

JON KATZ, AUTHOR, "A GOOD DOG": I do think it's a matter for concern, Paula, because I know dog lovers -- and I am one -- are increasingly tending to personify, humanize animals.

There are almost 200 million companion animals in America right now. And I hear people all the time saying that losing a pet, a dog, a cat is like losing a child. And that bothers me on several levels. First, it is a tough thing to say to a child that losing a border collie or a cat is the same thing. I wouldn't want to say that to someone who has lost a son or daughter in Iraq that losing Izzy was the same as losing their son or daughter.

Secondly, I don't think this movement -- I don't know that dog advocates have really considered that this isn't necessarily good for dogs or cats. If these liability are raised, vets are going to start doing the same things that human doctors are doing. They're going to have to do defensive testing and raise their veterinary care.

ZAHN: Sure.

(CROSSTALK)

KATZ: So, rates will go up.

ZAHN: What about that? The rates would go up. How do you feel about that? I know you're very passionate about your animals.

(CROSSTALK)

ZAHN: And I'm going to let -- I'm going to let Wendy jump in here.

WENDY DIAMOND, FOUNDER AND EDITORIAL DIRECTOR, "ANIMAL FAIR": Well, I definitely think that the laws have to be changed.

I mean, we definitely have to take -- our animals are part of our family. People are living longer. They're having pets as if they were children. Their children have grown up. They bring pets into their lives. People are still -- they're more singles -- there's 104 million singles in America. A lot of these people have pets that are their children. So...

ZAHN: And you look at your...

DIAMOND: Yes.

ZAHN: ... animals as the most important thing in your life?

DIAMOND: As absolutely a part of our family.

I mean, when these laws were made, our dogs were in their doghouse in the backyard chained up named Spot. They all now are humanized with names of -- you know, well, mine is called Lucky, but yours is Nigel (ph). I mean, everybody is naming their dogs as a family member.

They're treating their animals. They're spending more money. They're now humanizing them by -- there's more money spent on organic foods, natural foods. There's a whole new company called Fresh Pet that just came out. People now really are treating them like children.

ZAHN: Chris, quickly a thought on where this ends up going. Do you think -- you know, we know that these companies are going to pay for the pet bills -- vet bills...

D'ANGELO: Right.

ZAHN: ... associated with this contaminated food. Do you think, ultimately, they can recover the cost of not only the vet bills, but what it cost to purchase the dog?

D'ANGELO: Generally speaking, the recovery is the value of the animal, in this case, the dog, so the pets. But what constitutes that value is what makes an interesting question.

Is it the purchase price or is it something else, the vet bills along the way, today's value vs. the purchase value? Those are the questions.

(CROSSTALK)

ZAHN: Something that a lot of pet owners are going to be following very carefully, as this recall seems to be getting bigger and bigger.

D'ANGELO: Right.

ZAHN: Chris, thank you so much, Wendy, you as well, Jon Katz, and a special thank you to Izzy.

(LAUGHTER)

ZAHN: Oh, look.

KATZ: He's going to back to his sheep.

ZAHN: Yes. We got -- got a nice little smile there. Now we want to move on to the list of recalled pet foods. It is so long, we don't have time to name every single one, but you can go to CNN.com/petfoodrecall, and you will find links listing all the recalled products. Again, thank you.

You're not going to believe what just happened at a Louisiana grade school. Out in the open next: fifth-graders having sex in front of their classmates. What gave them that idea?

And then a little bit later on: the results of a CNN investigation. Why are dangerous sex offenders allowed to live out in the open under a busy highway overpass?

(COMMERCIAL BREAK)

ZAHN: So, if you thought you saw terrorists at the airport, would you report them to authorities? If you just said yes, did you know that, if you are wrong, you might be sued? We're going to bring that out in the open a little bit later on.

Out in the open now: a story that stunned us all. We want to let you know it will be disturbing to watch.

Just this week, fifth-graders in Louisiana were arrested for allegedly having sex in their classroom. It happened after their teacher left them alone. And other students witnessed the whole thing.

We asked Susan Candiotti to find out how this could have happened. And, tonight, she has an exclusive interview with one child who saw it all.

(BEGIN VIDEOTAPE)

SUSAN CANDIOTTI, CNN NATIONAL CORRESPONDENT (voice-over): She loves computers, science and astronomy. So, when 11-year-old Blair saw four of her fellow fifth-graders allegedly having sex right in front of her and her classmates, it was, well, creepy.

BLAIR, 11 YEARS OLD: Yes, I was just freaking out.

CANDIOTTI (on camera): Did you try -- did you look? Did you try not to look?

UNIDENTIFIED FEMALE: I turned around and I saw them. But then I turned back around. I'm like, I don't want to have anything to do with that.

CANDIOTTI: It happened right in this classroom at about 9:00 in the morning. There was a school assembly going on at the time. These students were not invited. And officials say, because of a mixup between two teachers, the students were left alone.

UNIDENTIFIED FEMALE: One of the girls came in and said: There's no teacher. We can do whatever we want.

CANDIOTTI (voice-over): Police say that girl suggested having sex. Then she and another girl had sex with two boys in the back of the room. A third boy acted as lookout.

(on camera): What is it your investigators told you about where these kids came up with the idea?

BOB BUCKLEY, UNION PARISH, LOUISIANA, SHERIFF: In my humble opinion, I think of a lot of this is being picked by children from Internet and from lyrics of songs and what they see in the movies.

CANDIOTTI: Do the kids involved in this get it? Do they get why so many people are upset about this?

BUCKLEY: I don't really think they -- they have. I think that the notoriety has been kind of an ego booster.

CANDIOTTI: In fact, this scandal is a very big deal here at Union Parish, Louisiana. In this rural area, many parents work two jobs to make ends meet. The church is influential here. Folks host conservative family values. There is no sex education in public schools, but the sheriff says that needs to change.

BUCKLEY: ... we as a community and we as parents need to do is -- is demand that there's some sex education in the classroom or in the home or wherever that teaches these kids that there's more to sex than just the act itself.

CANDIOTTI: Blair's mother blames the school for being neglectful.

REBECCA TRUMAN, MOTHER OF BLAIR: They should be under investigation for leaving the children unattended in the classroom.

CANDIOTTI: Four children are charged with obscene behavior, but the district attorney has not decided whether to prosecute them. The school board has yet to decide whether it will punish the kids. As for Blair, with the help of family, she is trying to cope.

BLAIR: I want the kids to know that it's all right to talk to their parents about what happened.

CANDIOTTI (on camera): Why do you think that's important?

BLAIR: Because, well, it's stuff that they need to know in life.

CANDIOTTI (voice-over): An unexpected lesson in life in a fifth- grade classroom.

Susan Candiotti, CNN, Union Parish, Louisiana.

(END VIDEOTAPE)

ZAHN: I want to turn now to Dr. Gail Saltz, associate professor of psychiatry at New York Presbyterian Hospital and author of "Anatomy of a Secret Life." Welcome.

DR. GAIL SALTZ, AUTHOR, "ANATOMY OF A SECRET LIFE": Thank you.

ZAHN: You have seen and -- and heard about just -- about it all.

SALTZ: Yes.

ZAHN: I know that you think kids inherently are sexual human beings. But, at fifth grade...

SALTZ: Yes.

ZAHN: ... are you stunned that this happened?

SALTZ: Well, there's a big difference between inherently being a sexual being, which means you may about sexual things, which kids do, and acting on it.

So, the fact that fifth-graders actually acted on it, that is pretty stunning. It is pretty shocking. And it bespeaks, I think, a lot of things that are going on right in our society.

ZAHN: What does it speak to? We heard the sheriff say it wouldn't surprise him if they obviously were affected by the lyrics...

SALTZ: Yes.

ZAHN: ... in a song, what they get on the Internet.

SALTZ: You know, it's a combination of just that.

There's a tremendous amount of media exposure to a lot of sexuality, a lot of sort of it's cool to be promiscuous, to dress in a certain way, to act on your sexual longings. But, at the same time, it's combined with not a lot of parents talking to their children about sexuality, giving them both information and their morals and values at the same time.

ZAHN: I guess what is so repulsive to most of us when we think about this story is not that these kids thinking about it, but they would act upon it...

SALTZ: Yes.

ZAHN: ... and in front of other kids in the classroom.

SALTZ: Well, look, it's shocking to us, and it's tremendously sad, because, of course, we know that this is unhealthy for these kids, and, because, when we think of kids growing up to be healthy sexual beings, we want them to combine intimacy, and loving someone, and thoughts of family with sex. And, obviously, this is a complete divorce of those two ideas.

ZAHN: When you talk about parenting, we heard that young kid very poignantly say, you know, let's get a dialogue going. SALTZ: Absolutely.

ZAHN: But that's not a dialogue that a lot of parents are comfortable with.

SALTZ: You know, I think it's amazing, but, even while all this is out in the media, a lot of people are still very uncomfortable and -- and feel ashamed and anxious about talking about sex.

And they think, if I say it to my kid, they're going to think it's OK in some way, as opposed to thinking, if I give them correct information and say, you know what, I feel you shouldn't be having sex until, and then whatever your morals and values are, marriage or so on -- in fact, there was a study not long ago that said that mothers who impart into their daughters "I don't want you to have sex until whatever" waited longer.

So, parents do have a big impact.

ZAHN: These kids potentially face felony charges. Is that what should be done with these kids?

SALTZ: Well, look, I'm not a judge...

ZAHN: They're babies.

SALTZ: Yes, I'm not a judge or a lawyer, but, to me, the great concern is, what drove this behavior? I would be concerned about depression, anxiety, self-esteem issues, abuse in the home.

I mean, something drove this unusual behavior. And, frankly, if you don't look at that and treat that or address that, then you haven't done much for these kids at all.

ZAHN: Dr. Gail Saltz, thanks for dropping by.

SALTZ: My pleasure.

ZAHN: Appreciate your viewpoint.

Nobody wants a sex offender living next door, but what one city is doing is sparking outrage. We will see what you...

(BEGIN VIDEO CLIP)

DAVE ARONBERG, FLORIDA STATE SENATOR: And who do they hang around, but other sex offenders, and they feed off each other's anger and their desperation.

(END VIDEO CLIP)

ZAHN: Coming up next: the disturbing results of our own special investigation: homeless sex offenders living under a busy overpass. Why are they there when no one is watching?

And a little bit later on: Did you know you could be sued for reporting suspected terrorists? I'm going to talk to someone who is trying to stop that from happening.

(COMMERCIAL BREAK)

ZAHN: Out in the open tonight: a scandalous situation in Florida. You're just not going to believe where a group of dangerous sex offenders, convicted of abusing children ended up living after they got out of jail. What's even harder to believe is who is responsible for putting them there. But does this make kids safer?

Our John Zarrella has been investigating this for some time now. And, tonight, he has the shocking details.

(BEGIN VIDEOTAPE)

JOHN ZARRELLA, CNN MIAMI BUREAU CHIEF (voice-over): The noise never stops, day or night, the sound of cars traveling the causeway linking Miami to Miami Beach. And beneath that mass of concrete and steel live a handful of homeless men.

Kevin Morales has been here three weeks. At night, he sleeps in a recliner perched at the top of the embankment.

KEVIN MORALES, REGISTERED SEX OFFENDER: You can even hear the mice behind you, picking away at your bags.

ZARRELLA: But there's something the people in those cars above don't know about Morales and the others. All four of these men are convicted felons, sex offenders who committed crimes against children. They are here, Morales says, because they have no place else to live.

MORALES: I went and gave a down payment to hold the apartment. Needless to say, the following day, I get the bad news from my probation officer that I'm not allowed to live there, because the building had a pool where children may congregate.

ZARRELLA: Laws in both Miami and Miami Beach prohibit sex offenders from living within 2,500 feet of schools, playgrounds, and anywhere children congregate.

With nowhere to put these men, the Department of Corrections first placed them under a highway off-ramp in Miami. But that location was near, of all places, a center for sexually abused children.

So, corrections officers moved them here. On the state's sex offender Web site, each man's address is listed as the Julia Tuttle Causeway. State corrections officials say they know it's not ideal, but they had no choice.

BRUCE GRANT, FLORIDA DEPARTMENT OF CORRECTIONS: The real question is, do -- do we really want people wandering around without a place to live, without a country, without a location to be? Because the increasing restrictions push them further and further out.

ZARRELLA: At least here, Bruce Grant says, they are all in one place and can easily be monitored. Nearly every morning at 5:00 a.m., with his flashlight in hand, Benito Casal (ph) comes by.

UNIDENTIFIED MALE: Angel Sanchez (ph) here. Kevin Morales here.

ZARRELLA: Casal (ph) is their probation officer, responsible for making sure they are here, complying with the conditions of their parole. So far, he says they all have.

(on camera): A couple of hundred yards from where Kevin Morales lives under that bridge, right over here, behind these bushes, lives another registered sex offender, Rene Matamoros (ph). He has been here since last August.

UNIDENTIFIED MALE: This is aluminum.

ZARRELLA (voice-over): Matamoros (ph) makes about 200 bucks a month selling the aluminum. He sleeps in a tent and has a makeshift kitchen, complete with rats. For the foreseeable future, this is his existence.

UNIDENTIFIED MALE: I got nowhere I can go.

ZARRELLA: We asked State Senator Dave Aronberg to meet us at the bridge.

DAVE ARONBERG, FLORIDA STATE SENATOR: They're horrible criminals.

ZARRELLA: Aronberg is sponsoring legislation that would set a uniform statewide standard that would keep offenders 1,500 feet from where children gather. And it requires all offenders to wear electronic monitoring devices. He believes forcing men to live this way is asking for trouble.

ARONBERG: They're desperate. They're angry. And who do they hang around, but other sex offenders, and they feed off each other's anger and their desperation. I just don't see how this helps public safety.

ZARRELLA: For Kevin Morales, going back to jail might be a blessing.

MORALES: If homeless life is what I have to look forward to, then I am better off in there, because there's nothing out here for me.

ZARRELLA: None of these men know where they will go after this. What they all do know is that few people have any sympathy for their plight.

John Zarrella, CNN, Miami.

(END VIDEOTAPE)

ZAHN: And it's time for tonight's "Out in the Open" panel to weigh in on this. With me now, CNN contributor Roland Martin, Keith Boykin, host of the BET talk show "My Two Cents," and Mary Katharine Ham, conservative blogger and columnist for Townhall.com.

Glad to have all of you with us.

I want to show everybody a map right now, give an audience a chance to look at this and absorb this, and you as well. All of the dots represent schools, parks, churches, places where sex offenders can't live near on the left or the right. The only place left is the causeway we have just seen in the middle of the water. How does the state justify this decision?

KEITH BOYKIN, HOST, "MY TWO CENTS": There is no justification. I understand the concern about it. You know, I used to live in a bidding that had a sex offender in it. And that was a difficult situation for me. I didn't know about it at first.

But the reality is, this is a bad idea. It's bad for the sex offender, and it's bad for society. The sex offender, it's bad for them, because they would be better off in prison. And it's bad for society, because we're creating a situation that is going to encourage them to create and to be involved in more sex crimes. It's horrible.

ZAHN: Well, that's what that one official was saying, that you put them together, and what are they going to end up talking about, and talked about how desperate and angry they become.

MARY KATHARINE HAM, COLUMNIST, TOWNHALL.COM: Well, I will tell you, my concern about it, specifically, is, there's an undercurrent to these stories that we should feel sorry for the sex offenders.

And I get a little concerned about that. There's a quote...

(CROSSTALK)

ZAHN: You don't feel sorry for these guys at all?

HAM: No. But there's a lot of -- in the print news, especially, there's a lot of quotes, like: They're treating us like animals.

Well, you raped a 9-year-old. Welcome to the animal kingdom. You know what I'm saying? So, we need to worry about that. And I think we need to worry about the logical conclusion, which is -- of these stories -- which is, there should be taxpayer money sort of funding housing for these guys, if they can't find it elsewhere. So, that's something I'm concerned about.

ROLAND MARTIN, CNN CONTRIBUTOR: OK. Well, first, look, that's nonsense. Folks were sentenced. They went to prison. They served their time.

Trust me, I understand sex offenders. I can't stand them, don't like them. But you cannot sit here and have human beings living under an overpass and somehow say that is OK. It makes no sense.

ZAHN: Well, no one is really saying it's OK.

(CROSSTALK)

MARTIN: No, no, no, but -- but, look, they're -- they're going to check on these guys under an overpass. How are they now contributing to society?

What you're basically saying is, we're going to put you in terrible conditions, so you can now have even more of a reason to go beat people, rape people, steal from people. They have no opportunity for housing, no opportunity for a job, nothing. The guys have been living in rats: Absolutely, send me back to jail.

ZAHN: All right. Well, let's talk about sending me back to jail.

Look at these statistics, when you look at repeat offenders. Fifty-two percent of all child molesters and 39 percent of rapists re-offend within 25 years. So, what should society do with them?

BOYKIN: Well, you know -- but, you know, that's interesting, because that's different from the statistic I had seen.

The Department of Justice Labor -- Bureau Just -- Bureau of Justice Department statistics say that, actually, 5 percent of sex offenders repeat their offense. So, you know, that's a lot -- a lot larger than what I'm used to. The point I want to get back to --

ZAHN: But they've served their time. They can't find jobs.

BOYKIN: If we believe in rehabilitation in our society, we have to rehabilitate these people. We don't but we just want to throw them out, treat them like animals. We cannot do that and the problem is there are a lot of people who don't deserve to be treated like animals. There are some young people, a 17-year-old who has sex with a 15-year-old, a case like Genarlow Wilson. Suddenly, this guy ends up in jail for 10 years and he's labeled a sex offender because he had sex with his girlfriend. That's an outrage.

HAM: That's something about sex offender laws to be worried about. My problem is that it's not the government's responsibility, nor is it the taxpayers who may happen to be victims of these guys to pay for these guys to find houses and employment.

MARTIN: You're right, but doesn't it make some sense to say, wait a minute. We have so many restrictions and they're all over the place, that they can't live anywhere. The only option is an overpass?

ZAHN: Where would you put them given the map and the dots that you saw?

MARTIN: I think what the state should have to do is say --

ZAHN: Do you want them in your back yard? No one wants them in their backyard. MARTIN: ... in their back yard, but on an overpass. Until you deal with the restrictions and what you may have to do is like sometime they do with prisoners where they have overcrowding. They house them out of the particular area. You cannot say live under an overpass. That makes no sense.

BOYKIN: If you're going to let them out, you have to treat them like citizens. You can't take away every right just because they're out. You have to give them rights in order for them to reintegrate into society and they're not going to be able to do it this way.

MARTIN: I cannot stand sex offenders, but common sense, live under an overpass?

ZAHN: You get the last word.

HAM: It's the people of these states who enacted these laws and restrictions because they want to protect their children.

MARTIN: When you see that map, that map speaks volumes. Where else can you go? You have to fix that problem.

ZAHN: Nothing left on that map. Rowland Martin, Keith Boykin, Mary Katharine Ham, thank you.

In airports, we hear announcements telling us to report suspected terrorists. "Out in the Open" next, Muslim clerics who were reported, then cleared, and now may sue some of that fellow passengers.

A little bit later on, how a one-time major leaguer started hitting home runs and a brand new career. You'll meet him coming up.

(COMMERCIAL BREAK)

ZAHN: On this show, we put a lot of effort into bringing stories about racism and intolerance out in the open. That's why we followed the case of six Muslim clerics who were kicked off a jet because some people thought they were acting suspiciously. Well, it turned out the men were harmless, but they are very angry and they're suing. And get this, their lawsuit could affect every single traveler in this country. We asked Dan Simon to explain why.

(BEGIN VIDEOTAPE)

DAN SIMON, CNN CORRESPONDENT (voice-over): A jury may someday have to decide what exactly happened on this airplane and whether passengers unfairly targeted six Muslim leaders removed from the plane. It started inside the terminal of the Minneapolis St. Paul international airport. That's where the six imams first drew attention. Several passengers claim they heard the group chanting Allah, Allah, then cursed the U.S. while boarding the U.S. Airways flight.

IMAM OMAR SHAHIN, REMOVED FROM PLANE: We did not chanting Allah, Allah or anything else while we are entering the plane or inside the plane. SIMON: Omar Shahin is one of the six imams kicked off the Phoenix-bound plane last November. He says the group did nothing wrong and nothing that could be perceived as suspicious. The airline thought it had good reason to deny them. A police report says some of the men asked for seat belt extensions even though flight attendants did not feel the men were overweight. There was also the imam's seating arrangement. They were scattered throughout the plane just like the 9/11 hijackers. The men were detained for several hours, but authorities as well as the airline realized the suspicions were unfounded and eventually let the men go.

U.S. Airways later apologized for what they characterized as an inconvenience, but the imams were angered by what they say was racial and religious profiling. Days later, they held a prayer rally and vowed to sue the airline. And now more than four months since the incident, they've made good on their promise. This is a new civil rights lawsuit filed in Federal court. It names U.S. Airways as a defendant. But in a surprising move, it names the complaining passengers as possible defendants. They're listed here as John Does as their identities have not been released by authorities. The suit didn't sit well with many around the country including those on Capitol Hill.

New York Republican Congressman Peter King is calling for legislation that would give immunity to passengers who report suspicious activity.

REP. PETER KING (R) NEW YORK: If we are going to be serious as a nation about fighting Islamic terrorism, then we have to stand by our people who come forward and report suspicious activity.

SIMON: But some express serious concern. Mississippi Democrat Bennie Thompson chairs the House homeland security committee and received audible jeers when he voiced skepticism about King's proposal.

REP. BENNIE THOMPSON (D) MISSISSIPPI: We should be tolerant and tolerant doesn't mean singling people out or having them arrested for no apparent reason other than the fact that they look different.

SIMON: Still in the end, Thompson voted in favor of it, as did nearly half of all Democrats. And not a single Republican in the House voted against it. The imams say they only want to target passengers who knowingly made a false report out of sheer discrimination. Was this a case of intolerance or might it simply reflect the unfortunate realities of a post-9/11 world. Dan Simon, CNN, San Francisco.

(END VIDEOTAPE)

ZAHN: I'm going to talk with one of the imams in a few minutes, but first, Republican Congressman Peter King, who we just saw in Dan Simon's report. The full House has now passed the overall bill containing his whistle-blower protection for traveling. Always good to see you. Welcome.

REP. PETER KING (R) NEW YORK: Thank you, Paula.

ZAHN: All right. So you know what critics are saying about your legislation, that is has unintended consequences and what it could potentially lead to is racial profiling. Why isn't that a possibility?

KING: Paula, this is intended solely to protect people on planes and trains and buses who report suspicious activity. If they act in good faith, if they disclose what they believe to be the truth, then they shouldn't be prosecuted. They shouldn't be sued. They shouldn't be subject to civil lawsuits and that's what I'm saying. There's nothing about profiling at all. If someone says that person should be off the plane because they're Muslim, because they're black, because they're Irish, because they're Italian, that would be wrong.

ZAHN: But you use the phrase if they act in good faith. I want to put up on the screen now something that the Council on American Islamic Relations said about that. When a person makes a false report with the intent to discriminate, he or she is not acting in good faith. So how can you ensure that people will only report valid information and not make it up?

KING: Well, you can't. But a person would not have immunity if they intentionally made something up. No, obviously

there has to be a concern about people lying or acting maliciously. But that's true in any case. And the fact is if someone does act that way, then they could be subject to a lawsuit. But the overwhelming majority of Americans are only going to report activities which they generally believe is suspicious. From what I know of what happened in Minnesota and a jury can determine that as far as the airline is concerned, that certainly did raise some suspicions. We live in a post-9/11 world and we have to be secure and we have to encourage citizens to come forward.

Think of it in terms of unintended consequences. Think of the chilling effect this would have on public spirited citizens if they thought they were going to be dragged into court every time they provide evidence of suspicious activity and it turns out the person was actually innocent. And we have people afraid to come forward.

ZAHN: You just mentioned that these imams raised some suspicions. Are you saying, then, that they shouldn't be allowed to sue any of the passengers they felt were racial profiling and simply reported these activities, which everybody seems to have difficulty proving whether they happened or not, just to get them arrested.

KING: Well, they would be able to sue, but unless they can show that these people willfully lied, acted in bad faith, the lawsuit is not going to go anywhere and it shouldn't and that's what I'm saying.

ZAHN: Congressman King, thanks for your time tonight. Appreciate you explaining to us.

KING: Thank you, Paula.

ZAHN: Of course, there are two sides to every story. In a minute, I'll ask one of the imams and his attorney why they are suing and who exactly they want to sue. And then a little bit later on, what would Jesus really do about modern-day problems like the war in Iraq, AIDS and a bunch of other conflicts we face all over the world?

(COMMERCIAL BREAK)

ZAHN: Welcome back. We're talking about the lawsuit filed by six imams kicked off a plane after some passengers complained about their behavior. The suit filed against U.S. Airways also names some of the passengers who complained as possible defendants. We just heard from Congressman Peter King who supports laws to protect passenger whistle-blowers. Now let's hear from one of the men removed from that plane. Imam Didmar Faja, also with us for his only TV appearance Omar Mohammedi, attorney for all six imams. Welcome. Omar, do you intend to seek out the passengers and sue who filed false reports about the six imams?

OMAR MOHAMMEDI, ATTNY FOR IMAMS REMOVED FROM PLANE: First, let me make this clear. This lawsuit is against the airline, and we'd like to correct the misconception that this lawsuit against -- it's not against the passengers.

ZAHN: All right, but you got to help me with the misconception here because I want to share with the viewers the actual wording from the imams' lawsuit against U.S. Airways and the metropolitan airports commission. Let's go to clause 21 which says -- possible defendants John Does were individuals on November 20, 2006 may have made false reports against plaintiffs solely with the intent to discriminate against them on the basis of their race, religion, ethnicity and national origin. So why is this clause in your suit if you don't plan to go after these folks who filed false reports? You're leaving the door open for that. That's what it looks like for me.

MOHAMMEDI: That clause is in the lawsuit because the law requires that clause to be in the lawsuit. If we take out criminal law about false reporting, then that clause would be out. If the new proposed bill states that any person who would willfully make a false report with intent to discriminate, we take that clause out. That's simple.

ZAHN: But until that happens, that clause is in there.

MOHAMMEDI: That's it.

ZAHN: Which, Imam Faja, is leading a lot of Americans out there who frankly aren't very comfortable at airports these days, to think that this will have a chilling effect on them. They're going to be afraid to come forward if they do see something suspicious. Do you understand that?

IMAM DIDMAR FAJA, REMOVED FROM U.S. AIRWAYS FLIGHT: Yes.

ZAHN: They are afraid they might get sued. Can you hear me? Imam Faja, can you hear me?

FAJA: Yes, go ahead. ZAHN: So I don't know if you heard all of that, but I guess is it your intention to go after any of those passengers who might have made false claims of suspicious activity?

FAJA: Well, I think as Mr. Mohammedi explained, he said that we are going after the U.S. Airways. They are the company who actually -- we went through discrimination and we went through all of these things because of -- because of their act. So we're not going after the passengers right now.

ZAHN: But if you could figure out who those passengers were that made false claims, would you like to see them punished in some way?

FAJA: Well, that's something that the court will probably take care of it in order to show the right thing, in order to show the truth.

ZAHN: Omar, some in Congress have accused you of using the courts to terrorize Americans. One Republican memo circulated prior to the vote last week said this. We will prevent special interests lawyers from using creative legal theories to attack the well-meaning passengers who make reports. There are a lot of Americans out there who have good intentions. They want to make sure when they fly, that they're safe.

MOHAMMEDI: And no one is going after Americans who have good intentions. And actually we encourage people to report suspicious activities. See something, say something. If you don't see anything, don't create it and say something.

ZAHN: But you firmly believe that some of these folks practiced racial profiling and you think that's a possibility.

MOHAMMEDI: That is a possibility. I think they have a right to defend themselves but go back to the real issue. This lawsuit is not against the passengers. It's against U.S. Airways. 38 pages of the lawsuit state every single paragraph is against U.S. Airways. There's one paragraph, 21 that you mentioned --

ZAHN: Right.

MOHAMMEDI: That said if someone may have made a false report with intent to discriminate, willful, which is willful, then what's wrong with that? What is wrong with that? Are you chilling effect or people to report. No. People have a right to report if in good faith they're reporting suspicious activity. Everyone has a right to report suspicious activity. I would say one thing however. I would say one thing. The bill basically, it does not create anything -- the existing law exists about suspicious activity in good faith and we agree with that. However, it's creating a major problem is this. It says that Muslims basically they have no access to court because they are sympathizers of terrorist groups. That's not acceptable.

ZAHN: Well, we've got to leave it there tonight, plenty more to talk about at another visit. We'll be talking about that some time. Omar Mohammedi and Imam Faja. Thanks for your time. We'll be right back.

(COMMERCIAL BREAK)

ZAHN: We have come to the most holy days in the Christian calendar. Tomorrow is Good Friday. Sunday is Easter. In a special hour tomorrow night, CNN contributor Rowland Martin will ask what would Jesus really do if he was walking the streets right now? Always good to see you. Welcome back. I want to read something that you wrote to describe what this special is all about because it's really fascinating. You said when did it come to the point that being a Christian meant only caring about two issues, abortion and homosexuality. Poverty, whatever, homelessness, an afterthought, a widening gap between the have and the have-nots, immaterial, divorce, no big deal. You're going to tackle all of this in an hour?

MARTIN: Well, in terms of asking some of the pillars of the faith, Reverend Jerry Falwell, Bishop T.D. Jakes, Pastor Paula White, you know, Rick Warren, Reverend Frederick Haynes, asking them these issues because, again, we've seen the faith defined based upon those two issues when it goes much beyond that. It's broadening the perspective of what faith is all about.

ZAHN: So if you're looking at what your guests really think about this, how honest of a dialogue do you think you're really going to get going?

MARTIN: It will be extremely honest because again, you know my style. I'll ask a question, you don't answer, you're going to get the question again until you do answer and so it's holding them accountable.

ZAHN: Let's watch you hold them accountable, a little sampling here.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Certainly there's such a thing as just war and there's such a thing as unjust war and we don't have time to get into all of that, but it's not just a simple blanket statement of all war is bad. The real issue is what is the motivation behind it.

(END VIDEO CLIP)

MARTIN: And, again, that particular perspective there from Rick Warren was about this war. Some folks are saying, God ordains war. I said OK, fine, if God ordains war, who did he ordain it to? In the bible he told to various prophets. Show me the modern-day prophet and let us know all well what it's all about. So it's going to be a great hour.

ZAHN: We'll be watching. It's always good stuff with Rowland Martin. Thank you.

MARTIN: Thank you.

ZAHN: We look forward to it. What would Jesus really do, tomorrow night 8:00 p.m. Eastern.

Now, moving on, you might remember Mo Vaughn as a major league star with the New York Mets. He may have left baseball behind, but he's still hitting some home runs. He's scoring big-time in the real estate market creating affordable housing for people who desperately need it. Ali Velshi has tonight's "Life After Work."

(BEGIN VIDEOTAPE)

ALI VELSHI, CNN CORRESPONDENT (voice-over): A big stick and a big personality made slugger Mo Vaughn a star during his 12 years in the major leagues. But when his baseball career ended in 2003, he had no intention of retiring. Instead, he traded his uniform for a business suit and the baseball diamond for the board room.

These days, Mo's fans are thousands of low-income families in and around New York City.

MO VAUGHN, FORMER BASEBALL PLAYER: Affordable housing is a need. It's not only a need here in New York. It's a world-wide need.

VELSHI: With the help of his business partner Gene Schnur (ph), he founded Omni New York in 2004. Since then, the company has turned notoriously run-down buildings in crime-infested neighborhoods into safe havens for affordable housing with the help of government bonds and tax credits.

VAUGHN: When we purchased this building, it was run down. There were tenants that were afraid to come out at night.

VELSHI: Grace Towers in east Brooklyn was transformed from a hub for drug deals and prostitution to a peaceful residential complex for families.

NELSON LEE, GRACE TOWERS RESIDENT: The only time I'm going to leave here when they take me out Feet first or head first.

VELSHI: Head first is how Mo dives into each now project and while he says his new career is lucrative, for Mo it's not just about the money, but rehabilitating run-down buildings and communities.

VAUGHN: I don't think anybody will beat the thrill of catching a 3-2 pitch at the bottom of the ninth to win the game, but this is probably as close as it can get to it.


VELSHI: Ali Velshi, CNN.

(END VIDEOTAPE)

ZAHN: And we're going to take a short break. We'll be right back.

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