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Breath test in DUI cases challenged

Results unreliable, defense lawyers claim

By Alexa Hausaler The Arizona Daily Star

Three Tucson defense lawyers want hundreds of Pima County drunken-driving cases dismissed, saying they have evidence the breath test used by local police for the past three years is unreliable.

The attorneys challenged the device used by Tucson Police and Pima County Sheriff's departments in several motions filed Friday in county and city courts.

"It's obvious that the technology is simply not reliable and has not been sufficiently tested," said private defense attorney Michael Bloom. "People are going to jail because of this."

Bloom says breath samples taken from the same person within minutes of each other have turned out dramatically different results.

But local law enforcement officials and the manufacturer defend the device, saying attorneys simply are attacking it to help clients avoid convictions.

At the center of the debate is the RBT-IV breath test, approved for use in Arizona in March 1994, which measures blood alcohol content.

Local cops started using the portable, battery-operated device in the fall of 1994. It replaced the generator-driven Intoxilyzer 5000, which required police to take a driver to a substation for testing.

The Tucson Police Department uses 16 RBT-IVs and the Sheriff's Department uses eight.

"My experience with them is that they are accurate, they are reliable, and they are considerably less expensive," said Pima County Sheriff's Department Deputy Michael Grider, of the traffic division.

The devices cost about \$2,000, roughly half the cost of the Intoxilyzers, Grider said. But private attorney Bloom and James Nesel and Assistant Pima County Legal Defender Alex Hevert challenged the device's results in Pima County's Superior and Justice courts and Tucson City Court.

If judges agree, the implications could reach beyond the pending cases and could leave local officers with dozens of devices that won't hold up in court.

The lawyers submitted examples of wildly

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Lancers fall in OT



Brad Byrge of the Salpointe Catholic High School basketball team can't bear to watch after the Lancers lost in overtime to Phoenix Carl Hayden 80-75 in the Class 5A state championship game. Stories, Page 1C.

Drug cartel aide flees in Mexico

Escape is revealed hours after Clinton's certification

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MEXICO CITY — A man accused of being the top money launderer for a big drug cartel escaped from custody last week, Mexican officials said.

But authorities did not reveal the escape until hours after President Clinton certified Mexico as an ally in the war on drugs.

Humberto Garcia Abrego, the brother of Juan Garcia Abrego, a cocaine trafficker imprisoned in the United States, slipped away from police officers assigned to guard him during questioning at government offices in downtown Mexico City Wednesday or Thursday, the Mexican attorney general's office said.

The office did not announce Garcia Abrego's escape until about 11 p.m. Friday, several hours after

Secretary of State Madeleine Albright announced the Clinton administration's full certification of Mexico's anti-drug efforts.

His escape appears to have occurred at about the same time Mexican officials said they arrested another reputed top operator of the Gulf Cartel, Oscar Malherbe, Wednesday at a Mexico City shopping center. Law enforcement officials in Mexico and the United States had sought Malherbe since his indictment in both countries in 1990.

Mexican officials did not delay announcing Malherbe's arrest. The news was relayed immediately to Washington where Clinton administration officials referred to it Friday in praising Mexico during the final hours of lobbying before

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Hospitals explore alliance prospects on several fronts

By Jane Ellison The Arizona Daily Star

Board members of Tucson Medical Center and University Medical Center are scheduled to open talks Tuesday about possible consolidations of programs between the two arch-rival hospitals.

Friday, a communitywide committee of hospital officials is expected to change its mission statement to support such collaborations.

The meetings illustrate how constant pressures to reduce costs, combined with mounting public concern about the quality of care in the HMO-saturated community are paving the way for unprecedented alliances among Tucson's health care competitors.

But the most remarkable meeting of all took place Thursday when UMC heart surgeons met with their colleagues from the community to explore ways they might affiliate.

"Everything's feasible. And it's now the time to talk about these things," Dr. Jack Copeland, chief of cardiovascular surgery at UMC, said Friday.

The heart surgeons' meeting was a critical step toward resolving one of Tucson's most pressing health care problems: an over-



1996 Star photo Dr. Jack Copeland of UMC

abundance of open-heart surgery programs, spread thin across seven hospitals, that has contributed to unacceptably high death rates for patients undergoing heart bypass and valve operations.

The frequent exception is UMC, where Copeland and his team have achieved some of the highest heart-transplant and artificial heart patient survival rates in

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Britain to cut clone research funds

LONDON (AP) — The British government is cutting off funding to the research project that produced the first cloned mammal because it has been a success.

The decision, announced yesterday by the Ministry of Agriculture, disappointed Professor Graham Balfield, director of the Roslin Institute near Edinburgh. He said the ministry had financed the research for eight years and now provided 65 percent of its funding.

"I will never heaven and earth to keep resources in that cloning pro-

gram," he told The Daily Telegraph.

The ministry said the institute's \$411,000 grant will be halved in April and cut entirely by April 1998.

"We fund hundreds of projects at research institutions, and this one has been a success, and the contract is being concluded. We funded it when it was a theoretical idea, and the commitment was never long-term," a ministry spokesman said, speaking on customary anonymity.

"Perhaps if the project is to progress then it is up to industry to look at the commercial aspects and fund it

that way," the spokesman added.

The rest of the institute's financing came from PPL Therapeutics, a Scottish biotechnology company headquartered outside Edinburgh, whose share prices soared since last weekend's announcement that a sheep had been cloned from its mother.

Roslin scientists have said the cloning was the result of much hit-and-miss experimentation and needs to be refined through further research.

The lamb, now 7 months old and called Dolly, was cloned from a 6-year-old.

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Tomorrow in The Arizona Daily Star

Good and bad Kids have fun on a trampoline, but the apparatus also poses a hazard.



Handicapped parking A new state law could make it harder for people to abuse handicapped parking permits. If approved, the state estimates it could cut the number of permits it issues by as much as 40 percent.

WEATHER

Rays abaze. Today is expected to be sunny and warmer. Look for a high in the low 70s and a low in the upper 50s. Yesterday's high was 56, and the low was 36. Details on Page 15A.



It's getting harder to cheat on drug tests

WASHINGTON (AP) — Bob's alarm went off at 4:30 a.m. on drug-test day. Time to start his 23-step scheme to flush traces of marijuana from his body.

Over the next six hours, the 37-year-old electrician alternated drinks totaling nearly a gallon of water, coffee, Gatorade and Coke with 13 trips to the bathroom. He also popped a B-2 vitamin to give his diluted urine a genuine yellow hue.

"I've got it beat," boasted Bob, a regular pot-smoker from Birmingham, Ala., who passed that test and several others. He spoke on the condition that only his first name be used.

Faced with ever-widening use of workplace drug tests, thousands of drug users like Bob are devising do-it-yourself strategies and spending millions on commercial products such as dehydrated urine in an attempt to preserve their jobs or pass pre-employment tests.

They adulterate their urine samples with eye drops, dish soap, bleach, vinegar, drain cleaner — whatever is under the kitchen sink that might mask the drug or invalidate the sample.

"Is it true? All I need to do is drink a little bleach?" one woman called to ask Allen Francois St. Pierre at the National Organization for the Reform of Marijuana Laws. He quickly advised her that would be dangerous.

Others call toll-free numbers to order bouillotte-style urine — just add water. Some purchase pou-

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dered and liquid urine additives that claim to camouflage drugs. Still others rig their underwear with hoses, or tape hidden plastic bags filled with drug-free urine to their bodies.

Such efforts notwithstanding, drug-testing experts say the odds of avoiding detection are getting longer as lab work becomes more refined.

Labs can spot waterlogged workers by testing the density and properties of the urine, according to Tom Johnson, a spokesman for SouthKine Beecham Clinical Laboratories Inc., a leading drug testing firm. Labs also can detect foreign substances, and temperature strips can catch people substituting clean urine for their own.

"There's not a single product out there, including

Fewer workers failing drug tests

Positive workplace drug tests are at a 10-year low. The trend:



Drugs detected

As percentage of positive tests: Marijuana 9%, Cocaine 23%, Valium 4%, Other 8%, Opiates 9%.

SOURCE: SouthKine Beecham Labs

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