

Rocky Mountain News

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Columbine photos leaked

'Unauthorized release' of crime-scene pictures angers victims' families, stuns Jeffco officials

By Jeff Kass and Kevin Vaughan, News Staff Writers

Dozens of top secret, crime-scene photos from the Columbine High School massacre, showing the two killers' bodies, their victims and even their bombs, have leaked out.

Families of some victims are outraged, and said that the Jefferson County Sheriff's Office has failed to keep a promise that the photos would never leave that office.

"People don't want the pictures of their dead kids circulating on the Internet, which it appears likely is what's going to happen," said Brian Rohrbough, whose son Dan was one of the 13 killed when shooters Eric Harris and Dylan Klebold rampaged through the school on April 20, 1999.

The *Rocky Mountain News* has copies of a number of the photos, as do some Columbine families.

County officials were stunned Monday upon learning of the leak.

"Oh my God," said Assistant County Attorney Lily Deffler.

The sheriff's department is launching an immediate investigation to confirm the authenticity of the photos and to figure out how they could have been leaked, spokeswoman Jacki Tallman said.

"These photos are potentially stolen property if they're determined to be authentic," she said.

Tallman said families of the victims were being notified Monday night about what she called the "unauthorized release" of the photos.

The department is concerned about how the photos could be used, she said. "I'm very worried about your (the *News*) photos because they're so graphic."

The photos in some cases match crime-scene diagrams and notes previously released under court order.

Some of the families are sure the pictures came straight from the Sheriff's Office.

Tallman said Monday that 34 agencies were involved in the Columbine investigation, and the photos could have come from one of them.

A preliminary analysis did show that the Sheriff's Office had the negative and a printout of at least one photo obtained by the *News*, Undersheriff John Dunaway said Monday night. Dunaway said that early on in the Columbine investigation, as many as 100 people may have had access to the photos. That number is now closer to a dozen.

Dunaway acknowledged that under one scenario it was possible that the photos were taken from someone with authorized access when he or she went to the bathroom or grabbed a cup of coffee.

But he stressed, "Certainly, there was no authorization to release these photos."

Rohrbough, who has seen the photos, said that Jefferson County has fought the parents on release of much of the Columbine investigation.

But, somehow, the most graphic of the crime-scene documents have become public, and he believes the photos came from that office.

"The stuff that can hurt you, (Jefferson County) will gladly dole out the back door," he said.

Rohrbough declined to say how he got the photos.

"I certainly didn't steal them," he said.

Rohrbough and Dawn Anna, whose daughter Lauren Townsend was killed at Columbine, said that the sheriff's department promised the photos would never be made public.

Lead Columbine Investigator Kate Battan assured the families that the photos were under tight security, Rohrbough said. His family was told that photos were destroyed after they were printed, that negatives or other originals were kept under lock and key in the sheriff's evidence vault, and officers used a photo lab inside the sheriff's department.

"There was quite a conversation" about the security measures, Rohrbough said.

Crime-scene photos have not been among the approximately 17,000 pages of previously released Columbine documents. Most of those documents were released under a judge's orders after victims' families sued the sheriff's department.

Court records show the Sheriff's Office has opposed releasing "photographs or video of the bombs picturing how they were made," and also "photos showing any of the victims."

On Sept. 5, 2000, Jefferson County District Judge Brooke Jackson, who has handled many of the open-records act court cases, opposed the release of information about the bombs.

The photos of the victims and bombs have been floating around for months, Rohrbough said.

Rohrbough and Randy Brown, a Columbine parent and frequent critic of the sheriff, believe Sheriff John Stone should resign over the incident.

"This shows callousness and indifference to the families, that he can't control a crime scene any better than this," Brown said.

Staff writer Lynn Bartels contributed to this report.

March 5, 2002

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Sanders' videogame lawsuit dismissed

Judge says Nintendo, others didn't cause Harris and Klebold to carry out killings

By Karen Abbott, News Staff Writer

A federal judge Monday dismissed Linda Sanders' lawsuit against video game giants Nintendo and Sony and other entertainment companies over her husband's murder at Columbine High School.

Denver U.S. District Judge Lewis Babcock said in the 30-page ruling that teacher Dave Sanders' death was caused by teen gunmen Eric Harris and Dylan Klebold.

The lawsuit filed by Linda Sanders and daughters Constance Adams and Cynthia Throulén claimed that Harris and Klebold killed and injured people because they had watched violent movies and played violent video games.

The suit named the movie *The Basketball Diaries*, in which a student killed classmates with a shotgun; and video games *Mortal Kombat*, *Wolfenstein*, *Mech Warrior*, *Nightmare Creatures*, *Doom*, *Resident Evil*, *Final Fantasy*, *Quake* and *Redneck Rampage*.

Defendants in the lawsuit included the makers and distributors of the movie and the games.

The two Columbine seniors attacked their suburban Jefferson County High School with guns and bombs on April 20, 1999. They killed 13 people and wounded more than 20 others before taking their own lives.

Linda Sanders declined to comment.

Babcock said it isn't reasonable to hold the creators of movies and games liable for the acts of others that can't be foreseen.

He said the defendants in Sanders' suit had no reason to suppose that Harris and Klebold would decide to murder or injure their fellow classmates and teachers.

Babcock said numerous other courts across the nation have dismissed similar lawsuits aimed at making entertainment and media companies pay for violence perpetrated by people who watch their products.

One such lawsuit, also dismissed by a federal judge, was filed over a school shooting in Kentucky that occurred before the Columbine attack. Three students were killed and several others seriously injured in the Kentucky incident.

Babcock said the defendants have a First Amendment right to create and distribute their works.

He said requiring anyone who expresses himself or herself in any way to anticipate and prevent "the idiosyncratic, violent reactions of unidentified, vulnerable individuals" in their audience is impossible.

Babcock quoted a Chicago federal appeals court ruling last year, in a lawsuit over a city ordinance limiting minors' access to violent video games, as saying, "Violence has always been and remains a central interest of humankind and a recurrent, even obsessive theme of culture both high and low."

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March 5, 2002

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Suit blaming video games is dismissed

Sanders kin saw Columbine link

By Howard Pankratz
Denver Post Legal Affairs Writer

Tuesday, March 05, 2002 - A lawsuit by the wife of slain Columbine teacher Dave Sanders, which blamed violent movies and video games for propelling Columbine killers Eric Harris and Dylan Klebold into their deadly rampage, was dismissed Monday by U.S. District Judge Lewis Babcock.

Babcock said the law generally imposes no responsibility on a person to foresee the intentional violent acts of others and that movies, video games and other forms of visual art have long been considered an integral component of a society dedicated to free expression.

Here, said Babcock, the video game manufacturers and producers of the movie, "The Basketball Diaries," had no reason to suppose that Harris or Klebold would decide to injure their fellow classmates and teachers. The defendants didn't know Harris and Klebold, let alone their violent proclivities, said the judge.

At most, they might have speculated that disturbed children who witness violent acts might act out, but, Babcock said, such a possibility didn't create a legal duty on the part of the media groups.

Babcock emphasized that the overriding consideration is that free expression has long been a foundation in a society committed to free expression.

Classic literature and art, and not merely today's popular culture, are saturated with graphic scenes of violence, whether narrated or pictorial, said the judge. Video games that include pictorial representations of violence are "stories" and contain "age-old themes of literature," he added.

"The court flatly reject(s) the notion that society is better served by insulating the vulnerable from exposure," said Babcock. "To shield children . . . from exposure to violent descriptions and images would not only be quixotic, but deforming; it would leave them unequipped to cope with the world as we know it."

The judge added that there is social utility in expressive and imaginative forms of entertainment "even if they contain violence."

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Publication of Columbine photos feared

Net, tabloids expected to be first

By Howard Pankratz
Denver Post Legal Affairs Writer

Wednesday, March 06, 2002 - Hundreds of Columbine crime-scene photos now circulating in Denver may well end up published if certain U.S. news organizations can obtain them, national media experts told The Denver Post on Tuesday.

One expert, Art Nauman, retired ombudsman for the Sacramento Bee, said he expects the photographs will first appear on the Internet before they are in supermarket tabloids. He said the tabloids might even be reluctant to publish the pictures.

But other experts said they have no doubt that some news organizations would publish the pictures, most likely the supermarket tabloids, although mainstream newspapers might also be tempted.

"I don't think anybody is going to agree not to use them because of the competition," said Gina Lubrano, ombudsman for The San Diego Union-Tribune. "That doesn't always apply because there are ethical lines that mainstream media does draw. But unless I'm underestimating the ethics of tabloids, I think they would probably use the photos."

Representatives of the nation's key tabloids either could not be reached or declined to comment.

Law enforcement officials said Tuesday that thousands of pictures of the Columbine crime scene were taken by numerous law enforcement agencies, including a photographer for the Jefferson County Sheriff's Office. The officials said they had no idea how the pictures were leaked and that they are investigating.

Brian Rohrbough, father of slain Columbine student Daniel Rohrbough, said Tuesday that in recent months he has seen hundreds of the photographs, which are also in the possession of a number of news organizations and other Columbine families.

Rohrbough said Tuesday that there is a "real fear" the photographs will be published.

"It's pretty frightening," said Rohrbough, who called the photographs "horrifying."

William Woo, former editor of the St. Louis Post-Dispatch and now a journalism professor at Stanford University, and Bob Steele, director of ethics at Florida's Poynter Institute, said mainstream newspapers might publish the pictures under exceptional circumstances.

Steele, who has relatives in Colorado and visits regularly, said he is aware of the serious allegations made by Columbine families in their lawsuits.

He said that if the photographs resolve some of those questions, the photos might be printed. But he cautioned that it should be done only after the utmost consideration for families of the Columbine dead and survivors.

Woo recalled how The Louisville Courier-Journal ran a picture of one of its dead pressmen killed in a shooting rampage believing the photo would capture the horror of the event.

But both Steele and Woo said there may be other ways for papers to tell readers what occurred without actually using the photos. Words and graphics can illustrate what the photos show, they said.

Jefferson County officials said Tuesday they're investigating if the photos were taken by their photographer or by some other agency.

Jacki Tallman, a spokeswoman for the Sheriff's Office, said if the photographs did come from Jefferson County, the employee responsible will be fired and perhaps face a charge of theft.

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Jeffco vows to find who leaked photos

Lie detector tests planned in inquiry over Columbine crime scene photos

By Jeff Kase, Kevin Vaughan and Lynn Bartels, News Staff Writers

Employees in the Jefferson County sheriff's department will be given lie detector tests in the coming days as officials try to determine how more than 60 secret Columbine High School crime scene photos were leaked.

Sheriff John Stone and Undersheriff John Dunaway will be at the head of the line.

"If it's necessary to use the polygraph to resolve this matter, I'll take the first one, and the sheriff certainly will do so as well," Dunaway said.

He said neither he nor Stone, the only two officials with the authority to release any of the 10,000 or so crime scene photos, had done so.

"I would resign in a heartbeat over an issue like that," Dunaway said of allegations the photos were intentionally leaked.

Two years ago, Stone and Dunaway incurred the wrath of Columbine families when they allowed a *Time* magazine reporter to watch videos taped by Klebold and Harris after refusing to let the families see them.

At least two internal affairs investigators have been assigned to the case, launched Tuesday after a *Rocky Mountain News* report. Dunaway said two photos faxed to him by the *News* appear to be authentic.

Investigators will compile a list of dozens "who may be asked to cooperate with this investigation," spokeswoman Jacki Tallman said. She said it's unclear how many may submit to a polygraph test.

"We aren't lining people up like cattle," she said.

Some of the 34 other agencies involved in the investigation may be contacted, Tallman said.

The *News* reported that it has copies of a number of the crime scene photos, as do some Columbine families. Brian Rohrbough, whose son Daniel was killed, said he has seen more than 200 photographs. The images include the bodies of killers Dylan Klebold and Eric Harris, their victims and scenes from the school's library and cafeteria. The *News* has not published the photos.

On Tuesday, the sheriff's department faxed a letter to *News* Editor John Temple asking for the photos and any copies.

"The *News* does not intend to turn over any materials it might have to the sheriff's department," Temple said. "Rather, the sheriff's department should finally answer the many unanswered questions surrounding the Columbine tragedy through the release of all public documents and by responding to official inquiries."

Dunaway said the department regards the photos as stolen.

"This may prove to be a criminal investigation," Tallman said.

Dunaway and Tallman said Jefferson County might not have maintained full control of the images as it trusted other agencies -- and its own employees -- to keep them from public view.

"We did all we could," Tallman said.

Security has been increased, including the possibility that people will be required to work in pairs when handling the photos.

Family members said the sheriff's department had promised them the gruesome photos would never become public.

"It's just another one of their screw-ups," said Joe Kechter, whose son, Matt, was killed in the Columbine library. "We fought for the autopsies to be sealed, and then, what's worse? I'd rather have the autopsies out than the pictures of my son.

"I told them how concerned I was. But they promised me the pictures would never get out."

The sheriff's department said it had notified all but three of the victims' families. But the first three the *News* reached Tuesday said they had not been contacted. That includes Kechter and the families of slain students Dan Rohrbough and Daniel Mauser.

"They were going to notify me the same way they were about Dan's death," Rohrbough said. "They were going to let me read about it in the *Rocky Mountain News*."

A photograph of Rohrbough's son, dead on a sidewalk outside the school, was published by the *News* the day after the tragedy.

Rohrbough said the lack of notification makes him skeptical about the investigation.

"If they're going to find out where the pictures came from, surely they could find a phone number."

Tom Mauser said he can't imagine what kind of person would leak the photos, including one of his son.

"If it was their child that was murdered, would they want that picture shown to other people? It's beyond me."

Rohrbough and Kechter, who have sued the sheriff for allegedly botching the Columbine investigation, said they think the leak was an effort to intimidate them.

"I think they planned on doing it . . . to make us quit researching and trying to find the truth," Kechter said.

One image of a large propane bomb hidden inside a blue duffel bag in the cafeteria appears to be the same one shown in the sheriff's final report.

Several dozen other photos depict the bombs the killers took to the high school. One says "VoDKa" -- Klebold's name for himself -- and "Vengeance." Another reads "Atlanta."

Propane bottles and gasoline containers taken from one of the killers' cars made another photo.

Several others show clocks that Harris and Klebold used as detonators, one of which has the alarm set to go off at noon.

That led to speculation that Harris and Klebold hoped their booby-trapped cars would blow up at noon as police officers, firefighters and paramedics swarmed the school parking lot.

Staff writer Charley Able contributed to this report.

March 6, 2002

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Columbine plan nears debate

Committee would have power to subpoena

By Michele Ames, News Staff Writer

State lawmakers will begin debate Thursday on whether to form a committee that could force people to tell what they know about the Columbine High School shootings.

The resolution, HJR 1017, calls for setting up the first investigative panel looking into Columbine that would have subpoena powers. It will be heard before the House Civil Justice and Judiciary Committee at 2 p.m.

"I'm not going to make it into a production," said Rep. Don Lee, R-Littleton, the resolution's sponsor. "We're going to try and keep it as rhetoric-free as possible."

Most of the parents who lost children at the school April 20, 1999, came to the Capitol last month to urge support for the plan. Legislators are bracing for a long and emotional hearing Thursday.

"There are strong feelings on both sides of this issue, and it's likely a lot of people will show up to testify," said Rep. Shawn Mitchell, R-Broomfield, the committee's chairman.

Lee, who introduced the resolution last month, said he hasn't heard of any organized opposition but received a few e-mails against the plan.

The plan calls for six lawmakers evenly representing the House and the Senate and both political parties.

Though the proposal makes clear that the committee can call anyone, it also includes an opt out clause for Columbine students, who under the resolution's terms could not be compelled to testify.

The lawmakers on the committee would individually hear from interested people about what they believe should be investigated and then decide as a committee in public meetings what direction the inquiry should go.

Lawmakers would have to finish their work and produce a report on or before Dec. 1, 2002. When the report is released, the full text of any deposition would also be released, under the terms of the resolution.

Leadership in both chambers already has agreed to support the concept, but there are concerns about funding the investigation in a tight budget year.

The original estimated cost of hiring lawyers and paying staff and lawmakers for their time was about \$300,000. Lee said he has had a number of offers from lawyers to donate their services and expects the cost of the probe to drop to between \$50,000 and \$100,000.

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Johnson: Humans never needed violence lessons



Bill Johnson

I still wonder if Linda Sanders, God bless her, truly believes those video games are the reason her husband no longer is here.

The question initially struck me when I first heard of her lawsuit against Nintendo, Sony and those other entertainment companies. She alleged in a lawsuit their manufacture of the movie *The Basketball Diaries*, and video games such as *Mortal Kombat*, *Mech Warrior* and *Doom* led to her husband, Dave's, murder at Columbine.

It seemed such a stretch then, a very sad attempt to blame someone -- *anything* -- for the gruesome April 1999 events at the Jefferson County high school. And let's face it, the suit smacked, too, of a baldfaced grab for deep-pocket money.

Still, it is difficult to completely ridicule what people will do in their grief. I'd want to lash out, too, to find even one person, company or little thing to blame in my sorrow.

In time, I'm guessing Linda Sanders and her daughters, Constance Adams and Cynthia Thirouin, will come to see the wisdom of U.S. District Court Judge Lewis Babcock's decision on Monday to toss out their lawsuit. And do so without even hearing oral argument on its merits.

And a wise decision it was. It isn't reasonable, the judge ruled, to hold the makers of movies and video games liable for the acts of others that cannot be foreseen.

Requiring anyone who expresses himself or herself in any way to anticipate and prevent "the idiosyncratic, violent reactions of unidentified, vulnerable individuals" in their audience, the judge said, is impossible.

Here's what I think he was saying. I admit it, I like the *Superman* movies. Liked the hokey TV series, as well. Yet if I take off my glasses, put on blue tights, tie a red tablecloth around my neck and jump off a tall building thinking I can fly, should my family be awarded money from the studio after they scrape me off the sidewalk?

Ah, you say, *Superman* is comic book fantasy. And *Doom* and video games like it are hideously violent primers teaching children how to kill their classmates and others.

No, I'd argue. They are fantasy, too.

Blaming literature -- John Hinkley, et al, and *Catcher in the Rye* -- TV shows, movies and, yes, even video games for murderous human behavior is simply an easy out, a very dubious exercise in attempting to understand the unexplainable.

Road Rash is my video game of choice. No one gets killed in it -- not that you can actually see. You just run a gantlet of police barricades, ditches and other daredevil drivers -- and all at extremely high speeds.

If I did the same at rush hour on the Boulder Turnpike -- slamming into and careening off other cars, did the video game make me do it? Or am I just a knucklehead?

There seems little question games like *Doom* and *Mortal Kombat* do increase a person's aggressive thoughts, feelings and behavior. Medical, psychological and other journals are filled with such findings in multiple studies. I say playing or even watching football does some of the same.

Yet does it lead to murder? The parents of one of the killers walks in on him when he had a shotgun under his coat. Did they do anything? They also see a rifle butt sticking out of one of his bags. Same question.

The dad of the other boy gets a call from a gun shop, informing him the clips his boy ordered had come in. He never ordered any clips, the boy says. It is left right there.

Did any of that lead to murder?

Had to be the video games.

Bill Johnson's column appears Saturday, Wednesday and Friday. johnsonw@rockymountainnews.com or (303) 892-2763.

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March 6, 2002

Columbine families want sheriff to resign

The Associated Press

DENVER - Friends and family of students killed at Columbine High School called on Jefferson County Sheriff John Stone to resign Tuesday after gruesome crime scene photographs were allegedly leaked to the public.

"This is the thing they promised would never happen. Outrage is probably a mild way to describe it," said Brian Rohrbough, whose son Daniel was one of 12 students killed in the attack.

The Rocky Mountain News on Tuesday reported it and several families of Columbine victims had obtained photos showing the bodies of teen gunmen Eric Harris and Dylan Klebold, some of their victims and the bombs they made. The News did not publish the photographs or say how it got them.

Klebold and Harris killed 13 people on April 20, 1999, before committing suicide.

The Jefferson County Sheriff's Office was scrambling to verify the authenticity of the photographs. Spokeswoman Jacki Tallman said investigators had seen only faxed copies of two photos and had not determined whether they were official crime scene evidence.

Stone said the Sheriff's Office did not authorize the release of the photos but stopped short of saying whether they came from his department. In a written statement, he said an investigation has begun and asked anyone who has the photos to give them to investigators.

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Mental study of Columbine killers to air

Group seeks to view Harris, Klebold tapes to complete project

By Howard Pankratz
Denver Post Legal Affairs Writer

Thursday, March 07, 2002 - The A&E cable network will air a "psychiatric autopsy" of Columbine killers Eric Harris and Dylan Klebold on April 15, five days before the third anniversary of the nation's deadliest school shootings.

The study, performed by some of the country's top forensic psychiatrists and criminal profilers, was sought by Jefferson County District Attorney Dave Thomas in August 1999. Thomas asked the Threat Assessment Group of Newport Beach, Calif., to conduct it.

To finish the project, the group is seeking court approval to view the so-called "basement tapes" that Harris and Klebold made in the weeks before the killings, which left 15 people dead.

The profilers don't want to broadcast portions of the videotapes, during which Harris and Klebold describe their plans. They just want to review them for the report, said Bob McAllister, the Denver lawyer representing the group.

Nor do the profilers want the tapes made available to the general public, McAllister said. The tapes, made with a camcorder mostly in Harris' basement, were shown to the media in December 1999. They have since been sealed while the Harris and Klebold families and Jefferson County fight in federal court over who controls the copyright.

McAllister said the group also hopes to interview the parents of Harris and Klebold, who have never spoken publicly about their sons.

On Monday, McAllister met with the lawyers for the Harris and Klebold families and allowed them to review four hours of tape.

Dr. Steven Pitt, who heads the group's "Columbine Psychiatric Autopsy Project," and a district attorney's spokeswoman said the psychiatric autopsy was done in hopes of learning the killers' motivation.

"When this happened, it was almost incomprehensible to most people - it was so well thought out, so well planned, so well orchestrated - that a war zone could actually be created in a school in this community," said DA spokeswoman Pam Russell.

The district attorney sought out the project to determine "what could we learn from this? Were there warning signs? What led to this? What do we need to know?" Russell said.

Another key question that Thomas, who announced his bid for Congress on Wednesday, wanted answered: Can a repeat be prevented?

Russell said the DA's office did not have the funding for the project and that the profiling group sought financing on its own. The group hooked up with A&E and documentary producer Bill Kurtis.

Neither Kurtis nor officials at the arts-and-entertainment cable network could be reached for comment.

McAllister said A&E spent \$70,000 on the project and secured exclusive rights to air the results of the psychiatric autopsy. Total cost of the project could exceed \$250,000.

The group intends to present its findings to the Jefferson County community, but nothing has been scheduled, Pitt said.

Brad Bernall, father of slain Columbine student Cassie Bernall, said Wednesday that he doesn't believe the psychiatric autopsy will help his family because it won't bring back Cassie. But he added that the research may help identify "kids ready to snap."

For months, the psychiatrists and profilers interviewed dozens of Columbine students, anybody who knew Harris and Klebold in any capacity, teachers and law-enforcement officers.

Kurtis' A&E crew taped the interviews.

McAllister said that on Feb. 4, Kurtis and the group presented four hours of tape to Thomas; Bill Erickson, the retired chief justice of the Colorado Supreme Court and head of the Governor's Columbine Commission; and numerous civic and law-enforcement officials.

It's unclear how long the final product that airs on A&E will be.

"This study was really done at Thomas' request, so they felt that they should report back to Thomas," McAllister said.

Although the report is essentially completed, McAllister said there are still two deficiencies in the study - the inability to view the basement tapes and the refusal thus far of the Harris and Klebold families to be interviewed.

"We think those tapes could assist us in understanding why this happened and how to prevent future tragedies," McAllister said.

The interviews with the Harris and Klebold families are more critical because they can shed light on the childhoods of the teenagers, McAllister said.

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Legislative Columbine probe may be a no-go

By Trent Selbert
Denver Post Capitol Bureau

Thursday, March 07, 2002 - A probe that state lawmakers want to launch into how the Columbine High School massacre investigation was conducted might never get off the ground, according to key legislators.

New concerns emerged Wednesday after some lawmakers raised questions about rules that might prevent an investigating commission from issuing subpoenas to force witnesses to testify.

In addition, concerns remain over how legislators will find the money to pay for the probe, as House and Senate members continue to scramble to find ways to make up the state's nearly \$300 million shortfall.

"I'm not sure any bill will come out of appropriations (committees) this year - not a one," said Senate President Stan Matsunaka, D-Loveland.

The proposal for the investigative commission will have to go before the House and Senate appropriation committees to secure the funding it needs, which could reach into the six-figure range.

The questions about the Columbine commission come as the House Judiciary Committee begins debate today on the resolution, HJR 1017, that would create the commission.

The man who would chair the probe, Rep. Don Lee, R-Littleton, whose district includes Columbine High School, said the commission has the support it needs to get through the House and Senate.

"It's got an excellent chance to get through," Lee said. "I've got nothing but positive response from most of my colleagues."

The commission success hinges on subpoena power, lawmakers say. Some family members of Columbine victims say it was the lack of that power that made Gov. Bill Owens' commission on the matter a less successful investigation. But some lawmakers have concerns about whether Lee's commission will have as much power as he wants.

"There are legal issues that I don't know the answers to," said Rep. Joe Stengel, R-Littleton, who sits on the House Appropriations Committee the proposal will have to come before.

Both Stengel and Matsunaka said that the way the state statutes on such matters are written, it's not clear if the commission that Lee proposes will have the same subpoena power the legislature's traditional standing committees, such as Judiciary or Appropriations, might be able to use.

It's also unclear if Lee's commission will be able to pass on that power to an attorney they will need to hire to take depositions, the lawmakers said.

Legislators also say money is a major concern. An earlier estimate on the commission's cost was \$300,000. Lee said he can pare that down to less than \$100,000.

But even that might be too expensive, some say.

"We simply don't have the money, even for issues that are as important as this one," said Stengel,

who also chairs the House Finance Committee.

Lee's proposal calls for six lawmakers from both parties and the House and the Senate to sit on the commission. Those legislators theoretically would be allowed to subpoena anyone to testify, except Columbine students.

Lawmakers will have until Dec. 1 to finish their work and make public a report on their findings.

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Sheriff asks 'who' in leak of photos

Unauthorized release of Columbine pictures has Jeffco examining security of evidence

By Kevin Vaughan, News Staff Writer

Jefferson County sheriff's officials evaluated their own security measures Wednesday as they investigated how dozens of Columbine crime scene photographs made their way into reporters' hands.

That investigation -- which officials said was "almost certain" to lead to polygraph tests for sheriff's employees -- was being conducted as the department faced ongoing criticism from the families of the Columbine victims and the parents of one of the school killers.

"We believe that it (the leak) may very well have come from inside this office, and if that's the case, then they will be dealt with," said sheriff's spokeswoman Jacki Tallman. "We want to find out who did this, and we will pursue criminal charges against them."

At the same time, sheriff's investigators expected to look at whether officers from the dozens of agencies involved in the Columbine investigation could have leaked the pictures, which show the bodies of teen killers Eric Harris and Dylan Klebold and their victims as well as dozens of the bombs they used in the April 20, 1999, attack.

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"I don't know whether one was committed or not," Thomas said.

Among those who spoke out Wednesday was Michael Shoels, whose 18-year-old son, Isaiah, was gunned down in the school library.

The last thing he wants, he said, is for photographs of his son's body or of other victims to be published.

"But if they were published, perhaps the world would see what really happened in that school," he said. "The ugliness of those pictures is wrong, but sometimes the ugliness has to be seen so that it may not happen again."

Klebold's parents also were upset by the release of the photographs.

"The public dissemination of these graphic and gruesome photos only serves to further undermine the process of healing for the entire community," said Cassie Moskowitz, the family's spokeswoman. "Nothing will be accomplished, and serious harm will be done to all the families struggling to recover from this tragedy, especially those whose children's photos would be publicly displayed because of this disappointing abuse of

trust."

Tallman said sheriff's investigators were compiling a list of everyone who had access to the crime scene pictures in recent months.

In addition, department officials were reviewing the measures they have in place to protect evidence.

At the same time, Tallman was critical of what she called a "lack of cooperation" from the *News* after Sheriff John Stone asked for the return of any pictures in the paper's possession and other officials sought permission to examine photographs the paper has obtained.

"There's been no level of cooperation," she said.

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Turning over documents like that, she said, could lead to identification of sources that journalists have an ethical obligation to protect.

"It's up to the government to keep its secrets," she said.

Staff writers Lynn Bartels, Jeff Kass and Charley Able contributed to this report.

March 7, 2002

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Judge seizes Columbine tapes

Videos by teen killers will be held downtown

By Karen Abbott, News Staff Writer

A federal judge ordered Wednesday that the hours of videotapes teen killers Eric Harris and Dylan Klebold made before they attacked Columbine High School be moved to downtown Denver and locked up in the federal courthouse.

U.S. District Judge Clarence Brimmer ordered the tapes and other evidence into federal custody after lawyers in one of several Columbine-related lawsuits complained in a hearing that some still photographs of the Columbine crime scene, supposed to be kept secret by Jefferson County sheriff's officials, have been leaked.

Outraged Columbine families said sheriff's officials promised the photographs never would leave the Sheriff's Office.

Brimmer also ordered other Columbine evidence locked in federal custody, including audiotapes and writings of the two teens, an audiotape of telephone calls to Jefferson County 911 on the day of the attack, and evidence to be produced by the Harris parents.

Brimmer ruled in a lawsuit filed by the families of slain Columbine student Corey DePooter, slain teacher Dave Sanders and injured students Mark Taylor, Evan Todd and Brian Anderson against the manufacturer of a prescription drug that Eric Harris allegedly had taken before the attack.

The drug, Luvox, is made by Solvay Pharmaceuticals Inc.

Lawyers and experts for the pharmaceutical company will be allowed to view the videotapes and other evidence privately inside the federal courthouse.

U.S. Magistrate Judge Patricia Coan earlier had ruled that the Solvay team could view the videotapes at the Jefferson County Sheriff's Office.

March 7, 2002

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Robinson: Columbine photos raise questions

Why are the Columbine crime scene photographs different than a Bulck?

The law dictates that a recovered stolen car must be returned to its rightful owner, no matter how legitimately the vehicle came into the possession of another.

So why shouldn't the *Rocky Mountain News* simply hand over its copies of the Columbine photographs to the Jefferson County Sheriff's Office, and be done with it?

If only it were that simple.

Dozens of news agencies now have at least some of the photos, as do numerous individuals connected to the case.

It is all but inevitable that these gruesome images will be made public, whether by Internet posting or in weekly supermarket tabloid form.

Yet the widespread dissemination of the photographs is not the real reason that the *News* should resist disgorgement of the crime scene photographs.

Rather, it is the recognition that, unlike a car purloined by a nimble-fingered thief, no one truly "owns" crime scene photographs.

Not the sheriff's office. Not the bereaved parents of murder victims. Not the *News*.

While the law creates limited rights for the subject of a photograph, prohibiting commercial exploitation without permission, evidence created during a criminal investigation belongs to no one.

And to everyone.

Like it or not, news-gathering agencies have both a right and a duty to acquire and report information relating to criminal episodes, no matter how unsettling to crime victims or to society.

It is one thing to ask the press to exercise journalistic restraint, to not publish sensationalized photographic images of slaughtered teen-agers, or to request the cooperation of the *News* in an investigation into the leak.

It is altogether another to demand that a news organization "give back" information acquired relating to a highly newsworthy criminal investigation, as though that would somehow remedy the situation.

Finger-pointing between local law enforcement and the press accomplishes nothing. Except to the grief-stricken, what the media does with the photos now is the least important question.

Of far more significance is how and why sealed crime scene photographs managed to make their way out of law enforcement files in the first place.

Were the photographs released to intimidate angry and outspoken parents, as some have claimed?

Were the photographs selectively released to further embarrass already embattled Sheriff John Stone?

Or are such leaks simply the inevitable byproduct of a lengthy, ongoing investigation by multiple law enforcement agencies into a mass murder, in a society infatuated with having easy access to even the most distressing details of an event involving human suffering?

Scott Robinson is a Denver trial lawyer specializing in personal injury and criminal defense.

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MORE ROBINSON COLUMNS »

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Sheriff asks 'who' in leak of photos

Unauthorized release of Columbine pictures has Jeffco examining security of evidence

By Kevin Vaughan, News Staff Writer

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That investigation -- which officials said was "almost certain" to lead to polygraph tests for sheriff's employees -- was being conducted as the department faced ongoing criticism from the families of the Columbine victims and the parents of one of the school killers.

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March 7, 2002

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Columbine commission

Lawmakers will begin today to debate whether a commission should be formed to air facts about the shooting at Columbine High School.

The House Civil Justice and Judiciary Committee will have a hearing at 2 p.m. at the state Capitol on House Joint Resolution 1017, which would set up a legislative panel and give its members subpoena power.

Rep. Don Lee, R-Littleton, has pushed for the commission after parents who lost children in the tragedy questioned official police reports dealing with the April 20, 1999, event.

Police, firefighter benefits

A Senate bill changing police officer and firefighter disability and death benefits passed through House committee Wednesday.

Senate Bill 26 is sponsored by Sen. Alice Nichol, D-Adams County, and Rep. Bill Cadman, R-Colorado Springs.

If passed by both chambers, disability benefits would become classified as either temporary or permanent, and the Fire and Police Pension Association board of directors would have the authority to require workers to receive treatment.

Workers within five years of retirement would be able to receive disability pay and then obtain pensions. Officers and firefighters close to retirement and injured on the job now do not receive pensions and have to rely on disability pay.

The bill also would allow beneficiaries of officers and firefighters killed on duty to be paid 70 percent of the victim's salary.

Death benefits now are 40 percent to 50 percent of the victims' salary.

Police lineup photos

A state senator has failed to end the practice of using driver license photos of innocent people in police lineups.

"No one I know had any idea this was going on," said Sen. Ron Teck, R-Grand Junction, after a Senate committee this week rejected his amendment to stop the practice.

Teck is co-sponsor of House Bill 1071, which would have

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restricted law enforcement's use of the Division of Motor Vehicles' face-recognition technology.

Without Teck's amendment, the bill allows authorities to continue to access DMV photos for criminal lineups.

Authorities told lawmakers they routinely scan the state's driver license photographs to find look-alikes for criminal photo lineups.

Teck said he will present the amendment on the Senate floor when the bill comes up for debate.

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Legislators opt against probe of Columbine

By Trent Selbert
Denver Post Capitol Bureau

Friday, March 08, 2002 - Lawmakers will not probe the Columbine High School Investigation.

A House committee voted 7-2 Thursday against a proposal to launch a commission with subpoena power to look into a possible cover-up by law enforcement authorities during their investigation of the deadliest school shootings in U.S. history.

The decision left family members of Columbine victims distraught, and some wept after the bipartisan vote.

"Our window to find answers is dissipating," said Al Velasquez, whose son, Kyle, was killed in the rampage. "We've asked the questions. We have no answers."

Opponents said the legislature couldn't uncover anything more.

An investigation conducted by lawmakers also could be used as a political springboard by some legislators during this election year, opponents said.

"I have great fear," said Rep. Alice Madden, D-Boulder. "This body is not the place for this."

Many parents of victims believe the Jefferson County Sheriff's Office is withholding documents from them.

And Daniel Rohrbough's parents long have pushed for additional investigations into their son's death. They have claimed in a filing in federal court that Denver police Sgt. Dan O'Shea, not Columbine killers Eric Harris or Dylan Klebold, shot their 15-year-old son.

"This is not about pointing fingers; this is not about making more victims," said Brian Rohrbough, Daniel's father. "It's about finding the truth."

The decision of the House Civil Justice and Judiciary Committee came after hours of testimony from family members of the victims, members of the Jefferson County community where the high school sits, and officials with the county Sheriff's Department.

Acting Jefferson County Attorney Bill Tuthill testified against a probe and showcased boxes of documents to show how much information on the massacre has been released to the public, and to the families of the victims.

He said he fears the only reason the victims' families want an investigation is to get law enforcement officials investigated so they can watch "those people twist a bit."

The sponsor of the plan to create the probe, Rep. Don Lee, R-Littleton, whose district includes Columbine High School, denied that. "My intent is not a witch hunt," he said.

Lee also said he will try other avenues to probe the Columbine investigation, but he declined to give details.

"I don't know when these questions will be answered, but I don't give up," he said.

Some parents of victims said Lee's commission was their only hope to find the truth.

"If not you, whom?" Dawn Anna, mother of slain student Lauren Townsend, asked the committee.
"If not now, when?"

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Columbine lawsuit cites use of drug

By Howard Pankratz
Denver Post Legal Affairs Writer

Friday, March 08, 2002 - A year before the Columbine shootings, killer Eric Harris was developing the kind of compulsive thinking that led to the rampage, according to the head of a national psychiatric center.

Harris had been diagnosed with mild depression in February 1998. Two months later, when Harris was getting worse, thinking compulsively and becoming more depressed, he was prescribed an anti-depressant called Luvox, Dr. Peter Breggin said in federal court papers.

Breggin is director of the Maryland-based Center for the Study of Psychiatry and Psychology. His findings were based on Harris' medical and psychiatric records.

His report is part of a lawsuit filed by the families of Columbine victims against Solvay Pharmaceuticals Inc. Solvay makes Luvox, and the families allege that the drug made Harris manic and psychotic, leading to his "homicidal and suicidal ideation."

Solvay denies the allegations and some physicians have said there is no evidence connecting drugs such as Luvox to violent behavior changes.

Harris apparently was taking Luvox at the time of the April 20, 1999, massacre, which left 15 people dead. An autopsy found traces of it in his system.

Five days before the massacre, the Marines Corps rejected Harris for medical reasons. While the Marines never provided details of the rejection, treatment with a psychiatric medication would have disqualified him.

Breggin said in his report that he believes Luvox triggered the rampage. "Absent persistent exposure to Luvox, Eric Harris would probably not have committed violence and suicide."

Breggin said that records show that Harris had his Luvox prescription filled 10 times between April 25, 1998, and March 13, 1999, and that three-and-a-half months before the rampage, the dose was increased.

Breggin noted that an increase in medication is often found within a few weeks or months prior to a worsening of adverse psychiatric reactions to drugs.

Meantime, on Wednesday, U.S. District Judge Clarence A. Brimmer ruled that videotapes, audio tapes and writings of Harris and fellow Columbine killer Dylan Klebold, as well as a 911 tape, are to be put in the evidence room of the federal courthouse in Denver and are not to be copied.

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Legislative panel kills Columbine investigation

Committee's 7-2 vote leaves parents angry; decision sparks heated exchanges at Capitol

By Kevin Vaughan and Michele Ames, News Staff Writers

A state legislative panel Thursday evening killed a proposal for an Independent Investigation of the Columbine High School tragedy, leaving the parents of several murdered students shocked and angry.

A few minutes after 6 p.m., the House Civil Justice and Judiciary Committee voted 7-2, ending what may have been the last chance the parents had to get their questions answered.

"It is their job to determine whether the police are held accountable or not, and they ducked that responsibility," said Brian Rohrbough, father of slain student Dan Rohrbough.

"My shock, my disbelief, is to have sat there as a witness to people who have so little faith in themselves," said Dawn Anna, whose daughter, Lauren Townsend, was killed in the Columbine library.

"I can't even begin to describe the disappointment," she said. "All I asked was for them not to do nothing, to do something."

The committee's vote ended a plan to empanel a group of legislators with the power to subpoena witnesses to answer lingering questions about the April 20, 1999, killings.

Bill Tuthill, acting Jefferson County attorney, praised the decision.

"We think it's the correct decision, and I'm glad they made it," he said.

The vote, which came after more than four hours of often-somber testimony, sparked several angry exchanges in the marbled halls of the Capitol.

Rich Petrone, the stepfather of Dan Rohrbough, confronted Tut

hill as the attorney hustled from the hearing, asking him if he had someplace to go. Tuthill said that he was heading home to see his wife and his children.

"When you go home to your family, think about our family," Petrone said, making no effort to hide his disdain.

As the legislators filed from the hearing room, Randy Brown, a frequent critic of the Jefferson County Sheriff's Office, said repeatedly, "Shame on you."

Brown, wife Judy and son Brooks had testified, asking lawmakers to look into many discrepancies in documents that have been released and begging the committee to get to the bottom of a report the family had made a year before the Columbine killings that would-be killer Eric Harris was building pipe bombs and threatening mass death.

In the end, state Rep. Don Lee, R-Littleton, the bill's sponsor, was able to garner only one supporter on the committee, Rep. Shawn Mitchell, R-Broomfield.

"I believe that there is enough value to be gained from a committee like this to bring some closure, which I think is so desperately needed," Lee said.

Lawmakers were clearly torn over their decision, with many describing it as the toughest vote they had to make during their time at the legislature.

"I'm surprised by the result, because I think there is broader support for this in the House as a whole," Mitchell said.

Legislators on the committee seemed stymied by the potential scope of the investigation and the short time frame the proposal laid out for doing it. Under the plan, lawmakers on the committee would have had to finish their work and issue a report by Dec. 1.

"I don't think the committee would even scratch the surface of the hopes people have pinned to it," said Rep. Bob Bacon, D-Fort Collins.

The proposal called for six lawmakers working with hired attorneys and investigators to decide the scope of the investigation and then direct the staff to pursue those questions. Initial estimates placed the cost at \$300,000, although Lee and other lawmakers hoped that they could find attorneys to work pro bono and cut the cost to about \$100,000.

In testimony that stretched through the afternoon, the parents of children who were killed at the school asked the legislators to take on the task they believe nobody has.

Brian Rohrbough pointed to discrepancies between the conclusions by investigators about his son's murder and the physical evidence at the scene. Ballistics and bullet trajectories, he said, are at odds with the official version and at odds with some eyewitness testimony.

He and his family have alleged in a lawsuit that a police officer's bullet, not one from the teen gunmen, took his son's life.

Al Velasquez, whose son, Kyle, was killed in the school library, said the recent release of crime scene photographs led him to question the official version of events at the school.

Jefferson County sheriff's officials are investigating the source of those photographs, which have made their way into the hands of reporters and several Columbine families.

Velasquez said he had always been told that his son was the first one killed in the library, that he never knew what was happening around him. But he said he recently saw a crime scene photograph of his son which leads him to believe that Kyle was hiding underneath a computer desk when he was killed.

"Can you imagine what happens to us when we find out the truth?" he asked the legislators. "It's like it happened again."

Anna said that there was no other place for the families to turn for the truth about the deaths of their children.

"If not you, who?" she asked. "If not now, when?"

She said she will not be able to heal until she knows everything about how her daughter died.

"How do we do that with the truth still hidden, rewritten, destroyed and covered up?" she asked.

Earlier, Tuthill had wheeled two dollies of documents into the hearing room, telling committee members that they represented the nearly 17,000 pages of Columbine papers the county has released.

"Despite what you read in the newspaper or hear in some circles, there has been a wealth of information produced in this case, and it is not necessary to go through this legislative inquiry," he said.

Several of the parents criticized him for falling to mention the documents were released only after a protected court fight with the families and some members of the media.

Some lawmakers said they worried that the proposal would not be the right forum for getting at the questions of the families.

"The fact that you're going to have six politicians, in an election year, on a committee raises great fear in me," said state Rep. Alice Madden, D-Boulder. "I think the worst thing that could happen is that we would go through all of this and (the families) still won't have gotten the truth."

March 8, 2002

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Jeffco officials defend procedure

Harris, Klebold talks were not recorded

By Jeff Kass and Kevin Vaughan, News Staff Writers

Jefferson County investigators did not make tape recordings or videotapes during their interviews with the parents of Columbine killers Eric Harris and Dylan Klebold, authorities have confirmed to the *Rocky Mountain News*.

If the investigators took notes, no copies are left. If they prepared any written questions beforehand, they weren't saved.

And in the case of a highly publicized October 1999 meeting with Wayne and Kathy Harris -- six months after their son and his friend killed 13 at Columbine High School, the deadliest school shooting in U.S. history -- no report exists.

The only public evidence from the parents is a nine-page, typewritten summary of an April 30, 1999, interview with the Klebolds -- ten days after Columbine. That report is in the 17,000 pages of documents released under a court order, but there are no detailed notes and the interview was not videotaped.

The lack of information on what was said by the Klebolds and Harris families of the Columbine victims.

"Is that how people do things? Or is that how we do things in Jefferson County?" asked Dawn Anna, whose daughter, Lauren Townsend, was shot to death in the Columbine library on April 20, 1999.

Jefferson County officials defended their handling of the interviews. The sheriff's department did not consider the talk with the Harris family an interview, said spokeswoman Jacki Tallman.

She termed it a "meeting" to lay the groundwork for future interviews.

Such a meeting would not typically be recorded, she said.

"I don't think that would have been a typical way to handle a meeting to discuss the terms under which an interview would occur," Tallman said.

Tallman said the county nixed an interview with the Harris family because the two sides could not agree on a number of issues, including immunity.

Attorney Craig Silverman, a former prosecutor, criticized the department's procedures.

"It's interesting that they extended all these courtesies to the parents of these killers," he said.

"Normally, law enforcement does not treat witnesses to homicides -- or those with important information to share -- with such kid gloves."

But Scott Robinson, a legal analyst for the *News*, offered some possible reasons investigators didn't tape the interviews.

"What sets this case apart from the ordinary murder investigation is the police believe they have identified the perpetrators, and the perpetrators are dead," he said. "They apparently were not trying to prosecute."

But the public, including victims' families, would certainly be interested in the details of the Harris and Klebold conversations, he said.

"It would be nice to know specifically what was said," Robinson added.

Klebold and Harris each had an older brother, but there were no formal interviews with either of them after the day of the shootings.

Neither family would allow their sons to be interviewed, Tallman said.

An attorney for the Harrises could not be reached for comment. The Jefferson County attorney's office did not return calls. And an attorney for the Klebolds declined comment.

The News sent open records requests for details of the interviews on Sept. 6, 2001, to the sheriff and district attorney.

Both requests asked for, "Any and all transcripts, reports, notes, documents, audiotapes or videotapes generated by anyone in your office after an interview with Wayne Harris, Kathy Harris, Tom Klebold, or Sue Klebold."

Tallman said no preparatory questions were drawn up for the Harris meeting because it was a negotiation session.

In a written response, Jefferson County District Attorney Dave Thomas discussed how the Harris meeting was handled.

"I was present at the meeting, but I did not take notes. This is not unusual," he wrote. "Prosecutors are very reluctant to become witnesses in cases and the taking of notes and the generation of 'reports' could lead to a prosecutor being called as a witness."

Investigator Kate Battan is listed as the reporting officer for the nine-page Klebold report.

"There are no other documents," Tallman said, when asked whether any notes were used to type the Klebold report, or whether it was done from memory.

When asked about any notes drawn up before the Klebold interview, Tallman said, "Investigator Battan knew what she wanted to ask. It was in her thoughts; it was in her mind."

The Klebold report notes that Jefferson County Deputy District Attorney Charles Tingle sat in on the interview, along with other investigators.

"I am not in possession of, nor do I have any knowledge of, any transcript, notes or any other document, either written or electronic, that was generated following any interview with the Harrises or Klebolds," DA Thomas wrote to the News.

Even now, nearly three years after the crime, there is much that is not known about the Harris and Klebold families.

Profilers conducting a "psychiatric autopsy" of Harris and Klebold are seeking court approval to view videotapes the teens made.

The study, conducted by the Threat Assessment Group of Newport Beach, Calif., was sought by Thomas in August 1999.

The A&E cable network will air results of the project April 15, five days before the third anniversary of the nation's deadliest school shootings.

The tapes were shown to reporters in December 1999 and have since been sealed.

March 8, 2002

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March 8, 2002

Columbine resolution defeated

Review wouldn't help, panel rules

By Kyle Henley The Gazette

DENVER - Parents who lost children in the Columbine tragedy three years ago say their last and best hope to get lingering questions answered was lost Thursday.

The House Civil Justice and Judiciary Committee defeated a resolution that would have formed a panel to investigate the shooting carried out April 20, 1999, at Columbine High School near Littleton. The vote was 7-2 after nearly four hours of testimony.

Opponents say a six-member panel wouldn't have the time and resources to answer some of the detailed questions victims' parents have.

"I don't think it would even scratch the surface of the hopes and questions that people expressed here today," said Rep. Bob Bacon, D-Fort Collins.

The facts about what happened April 20 are not in doubt.

Eric Harris and Dylan Klebold stormed Columbine High School with guns and bombs, slaying 12 of their fellow students and a teacher before killing themselves.

Since that day, law enforcement officials have produced 15,000 pages of reports on the event, aired video and audiotapes and disclosed interviews with witnesses and police officers involved in the event.

Independent groups and organizations have studied what went wrong, from the bullying problems at the school before the tragedy to the problems with law enforcement response.

Gov. Bill Owens created a commission that spent nearly 18 months dissecting the event for lessons learned. It produced a report in May 2001 that resulted in legislation, changes in police procedures, updates in school policies and other changes.

"The truth is, contrary to what you might believe, a wealth of Columbine information has been produced," said Bill Tuthill, the Jefferson County attorney who opposed the panel.

But for some, questions linger regarding what happened leading up to the event and afterward, focusing on whether police could have prevented the tragedy and whether they've tried to cover up mistakes after the fact.

Th

Profilers w videos from

DENVER - Prosecutors conducting a "post-mortem" or "autopsy" of the killers Eric Harris and Dylan Klebold court approval of videotapes they made before the attack.

The study, called "The Threat Assessment Group of New California," was sent to Jefferson County Attorney Dave August 1999 to look into teens' motives.

The A&E cable channel will air results of the project April 1 before the three-year anniversary of the nation's deadliest school shootings.

The profilers are to distribute copies of the gunmen's diaries during which Klebold described his plans, said Bob Bacon, a lawyer for the state.

The tapes were sealed by reporters in December 1999 and have been sealed.

U.S. District Judge Clarence Brimmer Wednesday ordered the tapes and writings of Harris and Klebold moved to Denver and locked in the federal courthouse.

"If mistakes were made or if someone lied, we ought to know the answers," said Brian Rohrbaugh, whose son, Danny, was killed in the attack.

In recent months, some have questioned whether Danny was shot by Harris and Klebold, as cited by law enforcement, or whether he was killed by officers storming the school.

The boy's father has looked at evidence and ballistics tests that lead him to think there is no way Harris or Klebold could have killed Danny - he had to have been hit by "friendly fire."

"All I want is the truth," Rohrbaugh said.

But the parents of Brooks Brown, a friend of Harris and Klebold who survived the attack, say the horror of that day might have been prevented if police had followed up on a search warrant for Klebold's home.

The Browns called police months before the attack, after Klebold threatened on a Web site to kill their son. Police issued a search warrant for Klebold's house but never served it.

Judy Brown said she has been stymied by police in her efforts to ask why.

"We had turned this child in," she said. "We don't know what went wrong. This is the first time we've got a glimmer of hope that we may be able to find the truth."

The glimmer of hope, however, was dashed by lawmakers who didn't believe the proposed panel could get to the bottom of such questions, even with the subpoena power that would have been granted to it.

Some who voted against the measure feared it would have turned into a media circus and a political event.

"I'm terribly afraid that this is not the place to do this," said Rep. Alice Madden, D-Boulder. "This is a commission with six politicians during an election year. I worry you won't walk away with the truth."

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Options for Columbine kln

March 9, 2002

With the death of a proposal for a legislative investigation into the Columbine tragedy, the families who lost children there have a limited number of options to get their questions answered:

- **Court:** Several Columbine families have appealed the dismissal of their lawsuits against Jefferson County authorities and are awaiting rulings in the 10th Circuit Court of Appeals.

"I don't know how promising that looks," said Brian Rohrbough, whose son, Dan, was killed at Columbine.

- **Legislature:** State Rep. Don Lee, R-Littleton and the author of the proposal that failed this week, said he is considering whether to push a new bill that would call for a more narrowly focused investigation than he originally envisioned.
- **El Paso County investigation:** Sheriff John Anderson is wrapping up his investigation into the question of whether a police officer's bullet killed Dan Rohrbough. It should be available by the end of the month for review by Attorney General Ken Salazar and Jefferson County District Attorney Dave Thomas.
- **County grand jury:** Thomas has been asked several times to take the Columbine case to a grand jury but has so far declined.

"Nothing has changed with the grand jury," said Thomas' spokeswoman Pam Russell.

A grand jury proceeding would be closed to the public, which would be a disadvantage to families who want all the information released, Russell said.

In addition, she said Thomas believes he would have to have evidence of criminal wrongdoing.

"There has been no new information," Russell said.

- **Coroner's inquest:** Jefferson County Coroner Carl Blesch has been researching the law governing a coroner's inquest and has not ruled out calling one to look into Rohrbough's death. He said Friday that he would be willing to look at any evidence that is brought to him and consider it in deciding whether to convene an inquest.

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Columbine interviews planned

March 9, 2002

Before scheduling formal depositions, lawyers for the family of slain Columbine teacher David Sanders will informally interview some law officers who went to the school on the day of the attacks.

Bruce Jones, attorney for the Sanders family, discussed the plan Friday in a scheduling hearing before Denver U.S. District Judge Lewis Babcock.

The informal interviews will help the lawyers decide which, if any, of the officers they want to formally depose, Jones said.

Lawyers for Jefferson County sheriff's officers did not object to the procedure, and Jones said it isn't unusual.

The Sanders family sued Jefferson County sheriff's officials, contending that they could have saved Sanders' life but failed to help him as he bled to death in a classroom.

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Hefty fee for Jeffco Info

\$1 million price tag on Stone's e-mails

By Kevin Vaughan and Jeff Koss, News Staff Writers
March 9, 2002

When the *Rocky Mountain News* asked for Sheriff John Stone's e-mails and other correspondence, Jefferson County's attorneys answered not with a "yes" or a "no" but with a number:

\$1,072,200.

That's how much county officials estimated it would cost -- at a minimum -- to retrieve the records requested by the *News*.

Even at that million-dollar price tag, county attorneys would not guarantee that they would turn over the documents. All they would promise was to get them, examine them and determine whether they are covered by Colorado's open records law.

"That's pretty incredible," said Brian Rohrbough, whose son Daniel was killed at Columbine High and who has waged his own battle to obtain records from Jefferson County. "These people have forgotten they're the public servants."

County spokesman John Masson defended the quoted price as the county's actual cost of retrieving the documents from its computer system, which has extensive barriers built into it to discourage hackers.

"I think it's a complete misreading of the intent to try to say that we're obstructing people from obtaining e-mail under the open records law," Masson said.

The *News* will not pay the requested fee, Editor John Temple said.

"This is just another example of the obstructionist approach of Jefferson County authorities to attempts to answer citizens' questions about what happened at Columbine and how the sheriff's office and school district responded," Temple said.

The *News* believes Sheriff Stone's e-mails and letters, and those of his employees, are public documents. The Colorado Open Records Act declares that all "writings" of government agencies and officials shall, except in certain cases, "be open for inspection by any person at reasonable times."

Some exceptions include documents that identify a victim of sexual assault or records that are considered confidential under federal law, such as some portions of a personnel file. The law also defines "writings" to include "digitally stored data, including without limitation electronic mail messages."

In January 1996, then-Gov. Roy Romer voluntarily turned over two weeks of his e-mail to a Metropolitan State College student who sought it under the Colorado Open Records Act.

The *News* made its request as part of its ongoing investigation of the April 20, 1999, tragedy at Columbine High School. The paper is seeking Stone's e-mails and "any and all" correspondence between sheriff's employees and officials at either Columbine High or the Jefferson County School District in an effort to

answer lingering questions about the case and about a 1998 investigation of killers Eric Harris and Dylan Klebold.

Retrieving Stone's e-mails, according to a letter signed by Assistant County Attorney Lily Oeffler, would cost "approximately \$72,200." And examining all of the e-mail of sheriff's employees "would be an extraordinarily difficult task with an estimated cost of over \$1 million."

The *News* sought a fee waiver, but the county refused.

Masson said that retrieving e-mails would involve seven complicated steps, some of which would involve paying a consultant \$175 an hour.

After calculating the time involved, Jefferson County officials estimated it would cost at least \$46,800 to retrieve one employee's e-mail for the period covered by the *News*' request -- August 1999, when the county started archiving electronic mail, through December 2001.

Masson was asked whether the only vehicle the county had for retrieving its employees' e-mail was to pay outside consultants \$175 an hour.

"I don't know if the question is a fair one," he said. "Certainly you could drop everything that you are doing and put people on it, but what happens to the work that needs to be done for the functioning of the county?"

The law allows governmental agencies to charge a "reasonable" fee for the production of some computer records, and that the fee "shall not exceed the actual cost" of retrieval. Still another section talks about the cost of obtaining records that require writing new computer programs.

Then there's a whole separate law covering criminal justice records, and debate about whether these e-mails could fall under that statute.

Tom Kelley, a First Amendment lawyer, said that despite the varying interpretations of the law, it should be clear that e-mails are public records and that they should be available for inspection.

"Here, all they have to do is print the record out for you," Kelley said.

The *News*' inquiry is one of scores of open records cases that Jefferson County officials have fielded in the nearly three years since Columbine. The county has been the subject of lawsuits from news organizations and victims' families that led a judge to order sheriff's officials to release nearly 17,000 pages of Columbine documents.

"They're probably feeling besieged," said Jane Kirtley, a professor of media, ethics and law at the University of Minnesota. "And I can have some sympathy for them."

"But I'm not going to have much sympathy if they are jacking up the price to discourage legitimate requests."

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Jeffco pressured lawmakers

Reps say lobbying didn't sway 'no' vote on Columbine probe

By Kevin Vaughan and Michele Ames, News Staff Writers
March 9, 2002

Jefferson County officials actively lobbied against a legislative investigation into the Columbine shootings, inviting lawmakers to their offices to discuss the bill and preparing an aggressive presentation for Thursday's hearing.

The officials kept their opposition a secret from the bill's sponsor, Rep. Don Lee, R-Littleton, until the last minute.

"They never notified me that they were going to take an official position in opposition to the bill," Lee said.

Lee's measure, which would have created a six-member legislative panel to investigate the Columbine case, was killed Thursday by the House Civil Justice and Judiciary Committee on a 7-2 vote.

Lee went into the hearing convinced he had five votes, enough to get it out of committee.

The vote against the measure came after Jefferson County's acting attorney, Bill Tuthill, wheeled two dollies of documents into the hearing room, along with several blown-up newspaper stories mounted on poster board.

Tuthill said the documents showed how much information had been released by Jefferson County authorities about the Columbine tragedy -- the deadliest school shooting in U.S. history.

"I was surprised at the show they put on," Lee said.

Tuthill did not return a message left at his office Friday.

Earlier, members of the committee had been invited to Jefferson County offices to examine evidence from the shootings.

Although that is typical when a group is lobbying on a bill, Lee said he was not invited and was not aware of the visits.

Lawmakers who took Jefferson County up on its offer said they were shown much of the same material legislators were shown at the committee hearing Thursday.

They also received handouts outlining how procedures for emergency workers have been changed and how Columbine High School has revised its emergency procedures.

Rep. Betty Boyd, D-Lakewood, said she went to look at the evidence, but she doesn't think the lobbying killed the bill.

"Every time we put false hope out to these parents, we're reinjuring them. That's what this proposal would

have done," Boyd said.

Rep. Shawn Mitchell, R-Broomfield, the only lawmaker besides Lee to vote for the investigation, said he went to Jefferson County as well.

"They just tried to show me everything that has been made publicly available to try to make their point that there was nothing to be gained by convening this panel," Mitchell said Friday.

The vote followed more than four hours of sometimes emotional testimony from several of the parents who lost children in the school tragedy.

Tuthill's presentation during the hearing, which featured several comments from lawmakers about the "circus atmosphere" that could follow creation of a legislative panel, was criticized by the families of Columbine victims.

"They started the circus when they hauled their stuff in there like *Miracle on 34th Street*," said Rich Petrone, whose stepson, Dan Rohrbough, was killed outside the school in the April 20, 1999, attack by Eric Harris and Dylan Klebold.

In the end, only Lee and state Rep. Shawn Mitchell, R-Broomfield, voted for the proposal.

Voting against the proposal were state Reps. Bob Bacon, D-Fort Collins; Betty Boyd, D-Lakewood; Cheryl Jahn, D-Wheat Ridge; Steve Johnson, R-Fort Collins; Alice Madden, D-Boulder; Joe Stangel, R-Littleton; and Jim Snook, R-Alamosa.

Lee said he believed before the hearing that he had the five votes he needed to move his proposal out of the committee and that he's not sure what happened.

But other lawmakers on the committee hadn't changed their minds Friday and continued to believe the rejecting the plan was the right decision.

"I truly thought they were being handed false hope," Madden said Friday. "I know that the families are desperate enough that they're willing to take that chance. But I couldn't be the one to do it to them."

Madden said that the volume of questions being asked couldn't be examined and investigated in the time-frame laid out in the bill.

She said she would support a proposal that would create an investigative panel in the Colorado Attorney General's office.

But she said that plan would cost far more than the \$300,000 proposal Lee offered, which is a point of concern for lawmakers when they're already cutting about \$700 million out of the current budget.

Lee said he may try to bring back a different version of the bill.

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Jeffco didn't try to sway Columbine vote, pols say

By Kieran Nicholson

Denver Post Staff Writer

Sunday, March 10, 2002 - Some state legislators who met with Jefferson County officials before voting down the formation of a committee to investigate the Columbine shootings said the meetings were merely informative and not an attempt to sway the vote.

A majority of a House panel, which voted 7-2 Thursday against a proposal by Rep. Don Lee, R-Littleton, to launch a legislative Columbine investigation, met with county officials before the vote, said John Masson, a county spokesman.

"They never pressured, or counted, or asked how we were going to vote at all," Rep. Steve Johnson, R-Fort Collins, said Saturday. "I went into the committee not knowing how I was going to vote."

Meetings between county officials and legislators were held as a way to brief lawmakers about Columbine and answer possible questions before the House Civil Justice and Judiciary Committee met to vote on forming a legislative investigative committee, Masson said.

"The purpose was not to persuade them not to do it," Masson said. "The purpose was to answer any questions they might have and to review the materials that are already in the public domain."

Kate Batten, the lead Columbine investigator for the Jefferson County Sheriff's Office, and Assistant County Attorney Lilly Oeffler were among county representatives who attended the meetings.

Masson said all nine committee members were invited by Lynnae Flora of the county attorney's office and that six, including Lee, accepted the offer.

"They were very concerned we knew all the issues," said Rep. Joe Stengel, R-Littleton. "They didn't lobby us to vote yes or no."

But Lee said county officials tried to dissuade him from introducing the bill during his meeting with them more

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gun sellers

than a month ago, and he suspects the meetings with the others had the same purpose.

"Their intent was to prevent the committee from happening," Lee said.

On Thursday, the county officially took the position that the bill should be defeated, appearing before the House Civil Justice and Judiciary Committee.

Rep. Shawn Mitchell, R-Broomfield, the only committee member to vote in favor of forming a legislative investigation other than Lee, also attended a prior county presentation. He could not be reached for comment Saturday.

Rep. Alice Madden, D-Boulder, said she turned the invitation to meet. "I thought it wouldn't affect me one way or the other," she said.

Madden said she voted against Lee's bill because she thought a legislative investigation could lead to "political grandstanding," especially in an election year.

Lee said he hopes to reintroduce another resolution to pursue a legislative investigation of Columbine before the session ends.

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Some parents endorse a limited inquiry

Rep. Lee proposes focusing on several contentious issues in April 20, 1999, attack

By Kevin Vaughan, News Staff Writer
March 12, 2002

Several parents who lost children in the Columbine High tragedy said they could support a legislative investigation that was focused on several key areas of contention.

That idea was proposed Monday by Rep. Don Lee, R-Littleton, whose plan for an open-ended legislative investigation into the Columbine shootings was rejected last week by a House committee.

Several legislators who voted against Lee's initial proposal said they were concerned that too many unanswered questions lingered for an investigative panel that would have a limited time frame and budget to look into the tragedy.

"They probably can't answer every question, but there are a handful of really important questions," said Brian Rohrbough, whose son, Dan, was shot and killed outside Columbine High in the April 20, 1999, attack by Eric Harris and Dylan Klebold.

Rohrbough and other parents said their concerns fell into five general areas:

- The March 1998 report of Randy and Judy Brown that Eric Harris and Dylan Klebold were building pipe bombs and threatening mass murder.

For a time, sheriff's officials denied that the Browns had ever met with investigators. They also claimed that the Browns' report couldn't be correlated with other pipe bomb cases in the county.

Both of those assertions were proved wrong, however, when a judge ordered the county to release a long-secret affidavit to search Harris' home that was written in 1998 and never executed.

Why wasn't that warrant executed? Why wasn't more done with the Browns' report? And why did county officials keep the draft search warrant secret for nearly two years?

- The response of Jefferson County sheriff's officers on April 20, 1999.

Why, the families asked, did sheriff's officials wait hours to respond to the classroom where teacher Dave Sanders was wounded and to the library, where Harris and Klebold killed 10 students and wounded others?

Students who escaped from the library early in the attack, for example, told law officers that students were wounded or killed inside and that the killers had left the room.

"Those, to me, are crucial points," said Dawn Anna, whose daughter, Lauren Townsend, was killed in the school library. "You have victims that are wounded, and the ones who shot them are no longer in the room.

"Why then, did they not go in there and attempt to help those children?"

- The timeline established by Jefferson County sheriff's investigators for the events at Columbine on April 20, 1999.

The families have pointed to a number of discrepancies and contradictions between the timeline and other documents that have been released through court order in the case.

One example: Sheriff's deputy Neal Gardner, the deputy assigned to the school and the first one on the scene, described in an April 20, 1999, interview seeing windows shot out in the Columbine library when he arrived. But according to the official report, Harris and Klebold didn't get into the library until five minutes after Gardner arrived on the scene.

"Gardner's trained, and he knew that school inside and out," Rohrbough said. "It's unlikely he would have made a mistake in what he's seeing."

- The information that was provided by sheriff's officials for the families of victims in the weeks and months after Columbine.

Some families have said they were told their children's bodies were left where they were killed overnight and into the next day because they were booby trapped. And yet, those same families believe there was no basis for those statements, given what they've learned since.

"That tore our family apart when they did that," said Joe Kechter, whose son, Matt, was killed in the library. "I just don't even understand where they could think about doing that to us."

Al and Phyllis Velasquez said they were told that their son, Kyle, was the first one killed in the library, that he was sitting at a computer and never even hid because he didn't know what was going on. Yet they've seen crime scene photographs that have leaked from the sheriff's department that make them question that conclusion.

"We don't have a question of who killed Kyle," Al Velasquez said. "But if they are not covering something up, why are they telling us one thing and the photos show another thing?"

- The discrepancies between ballistics examinations and the official report on the tragedy.

Rohrbough has alleged in a lawsuit that a law officer's bullet killed his son. Jefferson County officials have contended that it was unquestionably Harris or Klebold who fired the fatal shot.

But the ballistics evidence cannot answer the question of who fired the fatal shot, Rohrbough said.

Some key evidence wasn't tested for more than a year. And a bullet found in a student's backpack wasn't tested until early this year as questions mounted.

"I think five areas is a real good place to start," Rohrbough said of the subject the legislators could look into. "I think that addresses most of the unanswered questions, and I think it also will give a clear vision at that point whether more needs to be done or whether that's sufficient."

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Columbine quest gains allies

Littleton lawmaker says revival of bill for legislative probe is now 'very likely'

By Michele Ames, News Staff Writer
March 12, 2002

Rep. Don Lee, R-Littleton, "very likely" will revive his attempt to launch a legislative investigation into the Columbine High School shootings, and this time he may receive help from some powerful quarters.

House Speaker Doug Dean, R-Colorado Springs, who assigns bills to committees, said he would send any new Lee resolution to a committee that won't kill it. Lee's first attempt died in committee last week.

"I'm still firmly in Don's corner on this one," Dean said.

Lee, who vowed Monday not to "turn his back on the Columbine community" and to "keep pressing until the truth comes out," also got a boost when a highly regarded veteran lawmaker entered the debate.

Sen. Norma Anderson, R-Lakewood, offered herself as a broker between families who lost children at Columbine and Jefferson County officials.

If Lee reintroduces a resolution to form the investigative committee with subpoena powers, it would likely be structured the way his last plan was. The major difference, he said, is the proposal will include specific questions the investigative committee would attempt to answer.

"The major objection in the committee was the scope," Lee said, referring to last week's vote. "I think if we narrow it to certain pressing questions, we'll be better off."

However, some members of the House Civil Justice and Judiciary Committee -- which killed Lee's first proposal -- said that wouldn't change their vote.

"I will never agree that an issue this important should ever be done inside this body with six politicians in an election year," said Rep. Cheryl Jahn, D-Wheat Ridge. "We need to make sure that this is a search for the truth, not a photo opportunity. These parents deserve that."

That's where Anderson is hoping she can help. She has served voters as a Jefferson County elected official and as a member of both the Colorado House and Senate.

Anderson said she had waited and hoped that other possibilities for investigating Columbine -- such as a coroner's inquest -- would pan out.

"When it became clear that everybody felt that the legislative body, which is the wrong place to go, is the place of last resort, I knew I had to act," Anderson said. "Possibly, we could have the families and the county sit down for a frank discussion. I'm optimistic I could arrange that."

Anderson said she would like to arrange any number of meetings it might take to help the families pose their questions and get answers.

"If there are unanswered questions, I want to work on that," Anderson said. "For people to go on with their

lives, they need answers."

Brian Rohrbough, whose son, Dan, was killed outside the school on April 20, 1999, said the questions he and other families have been asking are vitally important.

"There's a lot of people that don't care," he said. "They just want it to go away -- It's not today's pressing issue. But I think it really is today's pressing issue, because it has to do with accountability and what we can expect in the future."

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Lawmaker to revive push for Columbine panel

By Trent Selbert
 Denver Post Capitol Bureau

Tuesday, March 12, 2002 - The sponsor of a plan defeated last week to probe the Columbine Investigation said Monday he will introduce a new, streamlined proposal.

"I'm not going to turn my back on the Columbine community," said Rep. Don Lee, R-Littleton, whose district includes Columbine High School. "I'm going to go at it even harder."

Lee and family members of the victims wanted to launch a commission with subpoena power to look into a possible coverup by law enforcement authorities during their investigation of the deadliest school shooting in U.S. history.

Lee's initial proposal was defeated by a House committee Thursday on a 7-2 bipartisan vote. Critics questioned whether Lee's probe could actually force witnesses to testify. They also raised questions about the probe's potential cost, since lawmakers are cutting the budget to make up the state's nearly \$700 million shortfall.

His new plan has support from House leadership, such as Speaker Doug Dean, R-Colorado Springs, yet it will continue to face opposition.

Reps. Bob Bacon, D-Fort Collins, and Joe Stengel, R-Littleton, who voted against Lee's proposal after debate in the House Civil Justice and Judiciary Committee, said they feared that victims' families will not get the answers they want from such a probe.

"They want answers to why their kids were killed," Stengel said. "I don't know. Will there ever be an answer to that question? Why is there evil in the world? This is not the body to answer that."

Lee said his new plan would narrow the probe to one or two key questions. That way, the cost of the probe, which legislative analysts had estimated at approximately \$300,000, can be reduced, he said.

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He also said that a narrow investigation might alleviate critics' concerns that the probe will turn into political grandstanding during an election year. Lee also said he was not sure yet what the specific targets of the probe would be.

Many parents of victims believe the Jefferson County Sheriff's Office is withholding documents.

And Daniel Rohrbough's parents long have pushed for additional investigations into their son's death. They have claimed in a federal court filing that Denver police Sgt. Dan O'Shea, not Columbine killers Eric Harris or Dylan Klebold, shot their 15-year-old son.

Acting Jefferson County Attorney Bill Tuthill testified Thursday against the investigative panel.

Lee questioned why the county attorney's office would oppose the probe, and alluded that the orders may be coming from the sheriff or the county commissioners.

"I think there are some accountability issues there," Lee said.

Neither Tuthill nor the sheriff's office returned calls seeking comment, but county commission chairwoman Michelle Lawrence said the commissioners have had nothing to do with the matter.

Although Lee said the probe would be streamlined, the actual committee set up would remain the same.

Lee's proposal calls for six lawmakers from both parties and the House and the Senate to sit on the commission. Those legislators theoretically would be allowed to subpoena anyone to testify, except Columbine students. Lawmakers would have until Dec. 1 to finish their work and make their findings public.

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Columbine task force to meet

Public Invited to talks over whether to make certain records public

By News Staff
March 13, 2002

A task force that will consider ways to open more records in the Columbine High School tragedy has its first meeting Monday morning.

Attorney General Ken Salazar and Jefferson County District Attorney Dave Thomas proposed the group because of lingering questions in the April 20, 1999, Columbine shootings, including allegations that many documents that should be available to the public remain secret.

The meeting is from 10 a.m. to noon in conference room B-70 in the attorney general's office at 1525 Sherman St., Denver. It's open to the public.

Among the first order of business is the introduction of those who will serve on the task force.

Ken Lane, deputy attorney general for policy and governmental affairs, said the exact makeup of the panel was still being determined Tuesday.

Lane said the group would include representatives from the Colorado Organization for Victims Assistance, the Colorado Broadcasters Association, the Colorado Press Association, the Jefferson County attorney's office, the district attorney's office, and the attorney general's office.

Other organizations also may be asked to nominate members.

Salazar and Thomas hope the task force will inventory documents that have not been made public and develop a criteria to make recommendations about their potential release.

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Stone not mentioned in mailings

Sheriffs' group official says name tied to tragedy

By Lynn Bartels, News Staff Writer
March 14, 2002

The executive director of the Colorado sheriffs' association said she deliberately omitted Jefferson County Sheriff John Stone's name when she mailed fliers asking for \$25 donations.

Nancy Lake of the County Sheriffs of Colorado instead substituted her name in mailings to all Jefferson County residents.

Lake said she made the decision without consulting Stone. She said the association needs the donations for training, and people in Jefferson County connect Stone's name to tragedy.

"People unfortunately are not able to make the distinction between him and his actions and his department's needs," she said. "People in Jefferson County cannot disassociate his name with tragedy."

Stone has been under fire most of his term for his department's handling of the shootings at Columbine High on April 19, 1999, and the subsequent investigation.

His spokeswoman, Jacki Tallman, said Wednesday the sheriff had no comment.

Columbine parent Judy Brown, who helped lead an unsuccessful sheriff's recall, said she realized Stone's name was missing from her flier when she talked to a friend in Arapahoe County who got the same mailing last week. That solicitation was sent and signed by Arapahoe County Sheriff Pat Sullivan.

The sheriffs who participated in the fund-raiser -- all but six in the state -- put their names and signatures on the mailings sent in their jurisdictions, Lake said.

For example, Boulder County residents received the solicitation from Boulder County Sheriff George Epp.

Lake said her name also appears on fliers sent in Denver, which as a city and county has no elected sheriff.

The return address on all mailings is the association headquarters in Littleton.

The County Sheriffs of Colorado has asked for donations via mailings for about 15 years, Lake said. The money is pooled into one pot and pays for training conferences, scholarships and law-enforcement programs.

"Every penny people send is used for what we say it will be used," Lake said.

The organization last year received \$353,000 in donations.

The association previously has mailed about 300,000 letters statewide asking for money, but this year decided to send 1.1 million mailings, she said.

"Tax dollars only go so far," the mailing says. "The County Sheriffs of Colorado steps in where tax dollars end."

The \$25 tax-deductible donation entitles donors to receive an honorary membership card, window decals "to show you're a supporter of law enforcement" and four editions of *Colorado Sheriff*.

Contact Lynn Bartels at (303) 892-5327 or bartels@RockyMountainNews.com.

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Meeting slated on probe records

By [The Denver Post](#)

Thursday, March 14, 2002 -

The first meeting of the Columbine Open Records Task Force - which is charged with providing as complete a release as possible of government investigative records relating to the April 20, 1999, Columbine High School shootings - will be at 10 a.m. Monday.

The meeting, in basement conference room B-70 of the attorney general's office at 1525 Sherman St., is open to the public.

The group was created by state Attorney General Ken Salazar and Jefferson County District Attorney Dave Thomas to inventory what Columbine-related records haven't been released to the public and to make recommendations for their release.

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Court will store data

By Howard Pankratz
Denver Post Legal Affairs Writer

Thursday, March 14, 2002 - Hundreds of documents, tapes and other materials related to the Columbine massacre are to be delivered Friday to the federal courthouse in Denver for safekeeping.

Magistrate Patricia Coan and U.S. District Judge Clarence Brimmer ordered the documents stored at the courthouse for fear there will be continued leaks of the materials.

A special master, Charles Kall, will oversee delivery and protection of the documents.

The transfer is related to a civil case in which families of Columbine victims are suing Solvay Pharmaceuticals Inc. The company makes the drug Luvox, which the families allege made Columbine killer Eric Harris psychotic.

At a hearing in late February, Coan told lawyers that the materials will be kept under lock and key.

"The people who will have access to the room will be the special master and the clerk of the court," Coan said. "There's not even a key for cleaning people or security. It's actually the room that was used for review of the (Timothy) McVeigh documents."

The materials include videotapes, audiotapes and the writings of Harris and fellow Columbine killer Dylan Klebold, as well as 911 tapes.

Attorneys for Solvay say all the materials are critical because they will show that Luvox had nothing to do with the rampage.

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Task force makeup is challenged

Columbine mom calls panel eyeing document release 'out of balance'

By Kevin Vaughan, News Staff Writer
March 19, 2002

A task force organized to help with the release of Columbine High documents quickly ran into its first controversy at its first meeting Monday -- charges that it is slanted in favor of Jefferson County authorities.

Attorney General Ken Salazar and Jefferson County District Attorney Dave Thomas, who put the group together, agreed to add at least one member of the Columbine community, and possibly more.

"The makeup of the task force is out of balance," said Dawn Anna, whose daughter, Lauren Townsend, was murdered in the Columbine library in the April 20, 1999, tragedy.

Anna joined Randy and Judy Brown, who have sparred frequently with Sheriff John Stone, in questioning why three Jefferson County employees -- some of whom have been involved in open-records issues -- were among the seven members of the task force.

"Why not citizens?" Judy Brown asked. "Why not someone from Columbine?"

Salazar and Thomas, who are directing the task force but are not voting members, both said they had no problem with the complaints and said they expected that others would be added to the group before its next meeting April 1.

Despite that hiccup, Salazar tossed out a proposal that, if it is eventually embraced, could see the release of thousands of pages of Columbine documents. He said the task force should consider a plan to put all the documents into the hands of a judge, who would allow access to them on a case-by-case basis.

Though those who asked to see the documents would not have to demonstrate a valid reason to do so, there would be restrictions. For example, those viewing the documents could not make copies.

"It ought to be an environment that is open but controlled," Salazar said.

Salazar and Thomas put the group together amid lingering questions in the Columbine case, including allegations that documents that should have been released were instead withheld from the public.

They named Alan Gilbert, the state's solicitor general, and Kathy Sasack, assistant district attorney for Jefferson and Gilpin counties, as co-chairs. Others introduced Monday included Kate Batten, the lead Columbine investigator for the Jefferson County Sheriff's Office; Paula Bragg from the Colorado Organization for Victim Assistance; Marilyn Hogan, president of the Colorado Broadcasters Association; Lily Oeffler, assistant Jefferson County attorney; and Jacque Scott, a representative of the Colorado Press Association.

It was not clear Monday how many new members might be added.

The group will have a lot to consider.

Battan said roughly 22,000 documents are in the investigative files at the sheriff's office, and more may exist among the 34 agencies who had officers that responded to the school or were involved in the investigation.

To date, Jefferson County officials have released 15,872 pages of investigative documents. In January, officials in Arapahoe County released approximately 800 pages of documents, some of which were already in the Jefferson County files.

Battan detailed documents and other materials that are among the roughly 6,000 pages that haven't been released, some as a result of a court order sealing them, some that are closed by state statute and some that involve privacy issues:

- Approximately 2,900 pages of medical records.
- Twenty search warrants, 19 of which were executed by Columbine investigators.
- Autopsy reports for 12 of the 15 who died at the school.
- Information about the bombs used at the school by killers Dylan Klebold and Eric Harris.
- The writings of Harris and Klebold, including not only their journals and plans for Columbine but their school papers.

Other materials -- including physical evidence, 11,000 crime scene photographs, and videotapes and audiotapes made by Harris and Klebold -- are in Jefferson County's possession.

Task force members took several initial steps toward defining how they will operate and figuring out what documents exist that haven't been released -- and which ones should be made public.

They agreed that their meetings will be public except in rare cases, and that they will take votes on issues where they cannot reach consensus.

They also agreed to contact the families of the Columbine victims for their thoughts on what should be released, and to ask officials at the agencies involved to search their files and forward all their records to Jefferson County sheriff's officers.

Legally, the task force has no power to force Jefferson County officials -- or anyone else -- to release documents. However, Salazar said that shouldn't deter them from working for openness.

"I think what we should endeavor to do is to make as much information public as we possibly can," Salazar said.

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Columbine panel stirs doubts

Families say group includes those who kept records secret

By Kevin Simpson
Denver Post Staff Writer

Tuesday, March 19, 2002 - Too many Jefferson County officials tainted a task force designed to maximize public disclosure of records surrounding the Columbine shootings, victims' relatives alleged Monday at the panel's first meeting.

"These are the very people we've been butting heads against," said Dawn Anna, whose daughter died in the attack. "The people who have blocked and leaked information are the people sitting here."

The seven-member task force, convened by state Attorney General Ken Salazar and Jefferson County District Attorney Dave Thomas, includes one of Thomas' assistants, a county attorney and the sheriff's chief investigator.

Two media representatives, a victim advocate and the attorney general's solicitor general join them on the committee, which also will examine an upcoming report on the death of student Daniel Rohrbough, whose parents contend he was accidentally shot by police.

But critics said the task force, as currently composed, is either too biased or too ill-informed to do the job. They contend that Jefferson County officials have tried to cover up law enforcement's incompetence at the scene.

"I'm sorry, but some members of the panel have a vested interest in keeping information from the public," said Randy Brown, a longtime critic of the investigation that initially targeted his son as a suspect. "Others don't know what records are out there. I suggest you disband. It's worthless."

After hearing public comment, Thomas said citizens with a working knowledge of the documents would be a "wise addition" to the panel.

Kate Battan, lead Columbine investigator, told the

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group that about 22,000 documents had been generated by the April 20, 1999, shootings, which killed 12 students and a teacher and wounded more than 20 other people. About 17,000 pages have been made public.

Of the remaining pages, most are medical reports, search warrants and writings by suicidal killers Eric Harris and Dylan Klebold that were sealed by judges, she said. Battan added she wasn't sure she'd received everything from all jurisdictions involved in the case.

Task force members agreed to canvas victim families on their feelings about the release of some information, send letters to agencies involved in the investigation seeking any additional documents, and have the legal staff investigate how to access sealed documents.

Citing concerns about retraumatizing family members or inspiring copycat crimes, they also discussed a theoretical scenario in which all documents, including graphic crime-scene photos, might be available for supervised public viewing but could not be reproduced.

The task force can only make recommendations regarding release of records.

Psychotherapist and author Clarissa Pinkola Estes, who lives near Columbine and studies the formation of homicidal and suicidal ideas, told the panel that victims' families should be consulted, but she urged release of "as much as possible, as quickly as possible."

"Columbine is the closest I've been to an event that has so much material to study," she said. "I'm a post-trauma specialist - I know people heal by being able to tell the story."

The panel meets again April 1.

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Stone again asks rights to tapes

Harris, Klebold made videos before killings

By Tillie Fong, News Staff Writer
March 20, 2002

Jefferson County Sheriff John Stone has again asked a federal judge to allow his office to distribute videotapes made by killers Eric Harris and Dylan Klebold before the Columbine tragedy.

Stone has shown the tapes to families, media and law enforcement but would like to fulfill requests for copies. The families of Harris and Klebold have objected, claiming the tapes were their property.

"Although the tapes have not been registered for formal copyright protection, it is possible that the tapes have commercial value," wrote Acting County Attorney William A Tuthill III in court documents filed Monday in U.S. District Court.

"The Jefferson County Sheriff is entitled to a declaration of the respective rights of the parties with regard to whether the tapes can be copied and distributed in response to open records requests . . . without violating the Copyright Act."

A federal judge had ordered the sheriff's office to explain why Stone's case seeking to release the tapes should not be dismissed.

The amended case was filed "to move forward" on the case.

Tuthill could not be reached for comment late Tuesday.

At issue are three videotapes Harris and Klebold made in which they planned their killing rampage.

The tapes were used by the Jefferson County Sheriff's Office in the investigation and for training purposes.

Franklin D. Patterson, attorney for the Klebolds, said Tuesday the tapes should not be widely released.

"The Klebolds are concerned about the danger of copycat incidents or reopening the wounds of the community," said Patterson.

"We hope the federal judge rules that the sheriff has no legal right to keep those tapes."

C. Michael Montgomery, attorney for the Harrises, could not be reached for comment.

Tuesday, Brian Rohrbough, father of Columbine victim Daniel Rohrbough, said he didn't want either Stone or the Klebolds and Harrises to be granted rights to the tapes.

"John Stone can't be trusted with anything," he said. "On the other hand, the Klebolds and the Harrises should not be allowed to profit from this."

Rohrbough, who has seen some of the tapes, said he didn't want to see them released at this time.

"I think some people -- students at the school -- may find these very disturbing and are the type of thing that may haunt some people. I think there will come a time when releasing them would be appropriate, but now, it's too soon," he said.

But Columbine parent Randy Brown, who has often been a critic of the Jefferson County Sheriff's Office, said the tapes should be released.

"We think that the victims and the school should be able to see them because it tells a lot about Eric and Dylan," he said.

"Some members of the community have already seen the tapes, but some others want to see the tapes to help them heal and we agree with that. The question is: do the killers' families have more rights than the victims'?"

Monday, Tuthill argued in his response to the judge's show-cause order that the earlier case should not be dismissed because only federal courts could decide copyright issues.

In the amended complaint, Stone wants a federal judge to declare that the tapes are not protected by the Copyright Act and that copying and dissemination of the tapes is allowed.

He also requests that if the judge decides the tapes do fall under the Copyright Act, that his office's prior use of them be considered "fair use."

Contact Tillie Fong at (303) 892-5489 or fongt@RockyMountainNews.com.

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Judge tosses lawsuits against gun dealers

Sellers won't be held responsible for actions of Klebold and Harris in Columbine tragedy

By Kevin Vaughan, News Staff Writer
March 21, 2002

Three gun dealers aren't liable for selling weapons used by Columbine killers Dylan Klebold and Eric Harris, a federal judge ruled Wednesday in dismissing five lawsuits.

The decisions by Chief Judge Lewis Babcock came in suits filed by the families of one student who was killed in the April 20, 1999, attack, and four others who were wounded.

The families have the option of appealing Babcock's ruling.

Babcock found, among other things, that gun show operator J.D. Tanner and two dealers who leased space from him, James R. Washington and Ronald F. Hartmann, "owed no duty of care" to the shooting victims as a result of the legal sale of a shotgun.

"I think that's what it really comes down to -- does that 5- or 10-minute legal transaction allow someone to conclude that someone is going to commit a criminal act with that weapon, and the answer is no, that's not enough," said Michael Waters, who represented Hartmann.

Jim Cederberg, an attorney for wounded student Richard Castaldo, said Wednesday afternoon he hadn't seen the ruling and had no reaction to it.

Attorneys for the families of slain student Isaiah Shoels and wounded students Sean Graves, Lance Kirklin and Mark Taylor could not be reached for comment.

Gordon Vaughan, Washington's attorney, called the Columbine attack a "terribly tragic occurrence."

"At the time, I had two kids in high school, so I have great and deep sympathy for the parents and the survivors," Vaughan said. "But it's simply not a situation that was caused by any of the defendants that were dismissed in this case."

Tanner, operator of the Tanner Gun Show, Washington and Hartmann had been accused by the families of negligence. Tanner's attorney couldn't be reached.

Specifically, the families accused Washington and Hartmann of selling a shotgun to Klebold's prom date, Robyn Anderson, that was used in the attack on the school. They also accused Tanner of knowing that unlawful gun sales were occurring at his show.

In dismissing the Castaldo, Graves, Kirklin and Taylor suits, Babcock noted that the young men had not alleged that they were wounded by the shotgun sold by Washington and Hartmann.

Babcock also found that blaming Tanner for the wounds suffered by Castaldo, Graves, Kirklin and Taylor "requires connecting 'if . . . then . . . ' propositions which are speculative at best."

In the Shoels lawsuit, Babcock found that no special relationship existed between Washington and

Hartmann and either those who bought the weapons or the victims. He also used the "If . . . then . . . propositions" in dismissing that suit.

= Babcock had earlier dismissed the same five suits, and others, that had been filed against officials at both the Jefferson County Sheriff's Office and the school district.

A sixth lawsuit naming Tanner, Washington and Hartmann, which was filed by injured Columbine student Patrick Ireland, was not included in Babcock's rulings.

Contact Kevin Vaughan at (303) 892-5019 or vaughank@RockyMountainNews.com.

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Robinson: There's not much future in pursuing post-crime lawsuits

March 21, 2002

A schoolyard shooting. A workplace rampage. Some dead. Many hurt, leaving the wounded and their families with mountains of medical bills, often a life sentence to depression and debt.

Who to blame? Who to sue? Who to pay?

From whom do victims of crime seek much-deserved compensation when the perpetrator happens to be incarcerated, insolvent, or even worse, interred?

How far does the law go in permitting post-crime claims that some individual or entity other than the criminal be held liable?

Not very far.

Crime victim claims fall into two general categories: that the target defendant either "let" the crime happen or "made" the criminal commit the crime. Neither legal theory has fared all that well in our court system.

A case in point are the numerous and sundry post-Columbine lawsuits, which include as defendants the Jefferson County school district and sheriff's department, the parents of Dylan Klebold and Eric Harris, three young people involved in the acquisition of firearms by Harris and Klebold, the manufacturer of an anti-depressant, Luvox, which Harris had been taking prior to the school massacre, and entertainment companies responsible for the production and distribution of violent video games and motion pictures.

Klebold and Harris are dead, leaving no one to pay the tab. The companies insuring their parents have settled with most of the claimants, but what does the law require in order to impose liability on anyone else?

In theory, that those sought to be held responsible have a legally-recognized duty and ability to prevent the crime from taking place, coupled with a reasonably foreseeable cause-and-effect relationship between the crime and what was done or not done in the past.

That "but, for" inaction by the school district or law enforcement, or the taking of Luvox, or the viewing of a violent movie, or the playing of a video game, Harris and Klebold would not have declared open season on their classmates.

In practice, the immediacy or proximity of the action or inaction blamed usually determines the outcome; the longer ago it was that the criminal took the medication, or was left at large and not arrested, the less likely it is that anyone other than the actual criminal faces civil liability.

The more remote the event, the less foreseeable the consequence. Since the law views criminal conduct as an "intervening event" which breaks the chain of causation, getting to a jury on such case is a tall order indeed.

While Columbine parents see a direct and immediate cause and effect between the Columbine shootings and the failure of the sheriff's office to act on several complaints about Harris made by the Brown family

months before the shooting, the law tends to view such inaction as meaningless "old news."

Few judges would submit to a jury any claim requiring speculation as to what an individual bent on criminal conduct might have done had things gone differently.

The Dave Sanders and Patrick Ireland lawsuits are the exceptions that prove the rule. Only where the police can be shown to be "deliberately indifferent" to the plight of the crime victim at the time of the crime while thwarting rescue efforts, does such a case have a chance.

The law dictates that the police cannot be sued for failing to prevent crime, and that our schools are not liable when they fail to protect students from the **assaultive** behavior of other students or even total strangers.

Get used to it.

Scott Robinson is a Denver trial lawyer specializing in personal injury and criminal defense.

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Judge lets suit stand against gun sellers

By The Associated Press

Thursday, March 21, 2002 - A federal judge on Wednesday dismissed most of the lawsuits against gun-show vendors accused of selling weapons to the underage Columbine killers.

But U.S. District Judge Lewis Babcock let stand a lawsuit by the families of four children killed by shotgun fire. Their suit claims Ronald Frank Hartmann of Colorado Springs sold a shotgun to Robyn Anderson and that it was clear she was purchasing it for Eric Harris and Dylan Klebold, the Columbine gunmen.

Anderson was 18, old enough to buy the shotgun legally.

Hartmann declined to comment Wednesday but previously has denied any responsibility for the shootings.

His lawyers did not return telephone messages after business hours.

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Corrected Columbine diagrams released

By Kevin Vaughan, News Staff Writer
March 23, 2002

Jefferson County authorities released new Columbine crime-scene diagrams Friday after several months of complaints from critics that earlier versions omitted key evidence, including the body of one of the victims.

The mistakes occurred in Washington, D.C., where the crime scene diagrams were put on CD-ROM. A computer operator inadvertently left off some "overlays" of evidence cataloged at the scene, said the FBI's Mike Castro.

"This is on the FBI, not the sheriff's department," Castro said.

The diagrams were compiled by FBI agents who chronicled the scene at Columbine High School after the April 20, 1999, attack by Eric Harris and Dylan Klebold.

They detail bullets, shell casings, the bodies of those who died and other evidence.

But when the diagrams were released last year on CD-ROM, some critics of the Jefferson County Sheriff's Office quickly discovered one key discrepancy: The body of Rachel Scott, who was gunned down outside the school, was not included.

Randy Brown, who has feuded with sheriff's officials, photographed every section of the original paper map, then compared those to the CD-ROM.

He found numerous pieces of evidence that were missing, and he and others immediately questioned whether the maps that had been released were complete.

Brown, who had reported Harris and Klebold to sheriff's investigators more than a year before Columbine, questioned the discrepancies before both a legislative panel considering an investigation and a task force convened to push for the release of records.

According to a Feb. 6 letter from the FBI's Keith DeVincentis to Kate Battan, the lead Columbine investigator, the maps of the school were created using scores of transparent overlays, each of which added more evidence. The diagram of the upper section of the school, for example, included 272 overlays.

Some of those overlays were omitted, Castro said.

The diagram released Friday should match the Jefferson County document.

"All the information here is on that," Castro said.

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Columbine student loses claims against cops

By Karen Abbott, News Staff Writer
March 27, 2002

Patrick Ireland, the Columbine student who dragged himself out of a school library window while the world watched on TV, lost his claims against law enforcement and school officials Tuesday.

U.S. District Judge Lewis Babcock dismissed those claims but let stand another against gun show operators who sold a shotgun used by the teens who attacked the high school.

Columbine seniors Eric Harris and Dylan Klebold attacked their south Jefferson County school April 20, 1999, killing 13 people and wounding more than 20 others -- including Ireland -- before taking their own lives.

Ireland's lawyers could not be reached Tuesday.

Babcock earlier let stand similar lawsuits filed against Jefferson County Sheriff's officials by the family of slain Columbine teacher Dave Sanders and two injured students. In those cases, the judge said, allegations that the law enforcement authorities wrongly failed to rescue Sanders and get prompt medical treatment for the two students were enough to overcome the officials' usual immunity from lawsuits.

But Ireland's case was different, the judge said in a 49-page ruling.

Ireland was among students who were in the school library when Harris and Klebold attacked the school. A teacher there, who also was shot, stayed on the telephone for about 20 minutes with a 911 dispatcher who repeatedly told her that the students should stay put and that help was on the way.

But the library, where most of the murders happened and where Harris and Klebold killed themselves, was reached only hours later by law enforcement personnel.

Babcock said Ireland's lawsuit did not claim that the sheriff's officials knew he was in the library, knew he was injured, knew the extent of his injuries or stymied any efforts to rescue him.

In contrast, the judge said, authorities knew for hours that Sanders was bleeding to death in a classroom and actively prevented other officers or private citizens from rescuing him.

Babcock reiterated that Harris and Klebold caused Ireland's injuries and that law enforcement and school officials could not have foreseen the attacks.

But Babcock left intact Ireland's claims against gun show sellers Ronald Hartman and James Washington, who allegedly sold an 18-year-old girl a shotgun Klebold or Harris used to shoot Ireland.

Ireland alleged that the two men knew Klebold and Harris were minors and that the girl was buying the gun for them as an illegal "straw purchaser," and instructed Klebold in how to illegally saw off the gun's barrel.

Babcock said that claim was enough to indicate the two men could be found liable in a trial.

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Narrower Columbine inquiry proposed

Victim's father worries wrong questions asked

By Michele Ames and Lynn Bartels, News Staff Writers
March 28, 2002

A proposed legislative investigation of the Columbine shootings would focus on three specific questions, but the father of a victim worries the wrong questions are being asked.

Rep. Don Lee, R-Littleton, said he plans to introduce a bill Monday that would create a legislative panel to find answers to the questions worded as follows:

- What can be learned from the law enforcement response on April 20, 1999, in preparation for another similar attack?
- What can be learned from the response to the complaint filed with the Jefferson County Sheriff's Office alleging that gunman Eric Harris was making death threats over the Internet?
- What can be learned in regard to destructive behavior exhibited in the school environment by the perpetrators in the time leading up to the attack?

Lee chose to narrow the focus after a House committee this month killed his original proposal for a legislative investigation. Lawmakers argued it was too broad and didn't define the issues they were to investigate.

Brian Rohrbough, the father of Columbine victim Daniel Rohrbough, said he has problems with the three questions, which he said were oddly worded.

"They don't address what the controversy of Columbine is. The question that should be asked is, do the police have an obligation to protect the students and the public?" he said.

Rohrbough said he found the third question, regarding so-called warning signs at Columbine about the gunmen, unnecessary because the school district had conducted its own review. The district needs to be prodded to release its report, he said.

Lee said he chose to begin each question with "What can be learned . . ." because he wants what he called pro-active information. "I just want the truth. I want information about what we can learn from all of this."

Bruce Beck, whose stepdaughter Lauren Townsend died in the school library, said he hoped the narrower focus would make the proposal more amenable to lawmakers.

Like the last plan, Lee's new measure grants subpoena power to the legislative panel, something no other body looking into the worst school shooting in the U.S. has had.

But this time, Lee took the idea farther and also gave the panel the ability to grant immunity to people who testify.

"With this proposal, there's really not much legal maneuvering or games that can be played," Lee said. "There's no reason not to come down and testify with this in place."

The committee would be made up of three lawmakers from the Senate and three from the House with an equal number from both political parties. The panel would employ attorneys to conduct the depositions and produce transcripts.

The legislative panel would be required to issue a report by Dec. 1 and would release all transcripts at that time.

Lee said the three questions he has specified in the bill are attempts to fill in the "gaps" left by The Columbine Review Commission, which was appointed by Gov. Bill Owens and chaired by former Colorado Chief Justice William Erickson.

The commission investigated the Columbine attacks but lacked power to force testimony. For example, Jefferson County Sheriff John Stone refused to testify on the advice of his lawyers, who were concerned about civil lawsuits.

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Jeffco rips Columbine kin

Official accuses some of 're-victimizing' by asking lawmakers to investigate slayings

By Julie Poppen, News Staff Writer
March 29, 2002

The Jefferson County attorney's office Thursday accused a minority of Columbine victims' families of "re-victimizing" people by pursuing a legislative inquiry into the 1999 massacre.

"They end up re-victimizing and reopening many, many emotional wounds for not just other victims' families and victims but for other students of Columbine, for the community, for the county, for the state and for the country," said John Masson, spokesman for county attorney Bill Tuthill.

"When you get down to it, Eric Harris and Dylan Klebold are the killers and nothing is going to change that fact."

A bill to be introduced Monday by Rep. Don Lee, R-Littleton, would create a legislative panel to find out what can be learned from: the law enforcement response to Columbine; complaints filed with the sheriff's office alleging that Harris was making death threats over the Internet; and the destructive behavior by Harris and Klebold leading up to the attack.

A House committee earlier this month killed Lee's original proposal for a legislative investigation, claiming it was too broad. Jefferson County officials also opposed that version.

The new measure would grant subpoena power to the legislative panel and grant immunity to people who testified. Lee said his aim is to fill what he sees as gaps in the Columbine Review Commission report. That commission lacked subpoena power.

"No one disagrees there are lessons to be learned, but the lessons to be learned are out there," Masson said, citing several reports that outline in detail how to prevent or derail a future Columbinelike attack.

Furthermore, Masson said the rules of engagement were followed by Jefferson County law enforcement officials during the attack. Those rules were revised by June 1999 by the National Tactical Officers Association to reflect a situation like Columbine.

"Those rules were incorporated into Jefferson County's rapid response," Masson said. "If there was another Columbine incident in Jefferson County it would be handled under that new procedure."

Masson said giving legislators subpoena power sets a "dangerous precedent."

"It can diminish the role of our judicial system," Masson said. "With many of those people running for re-election, the potential for a circus atmosphere is immense."

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