

# U.S. attorney denies request for Columbine grand jury

By Mike McPhee  
Denver Post Staff Writer

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**Friday, February 01, 2002** - The U.S. attorney for Colorado refused a request Thursday from Columbine victims' families to convene a federal grand jury despite "communication gaffes" and possible "evidence of ineptitude" by law enforcement.

After considering the families' request for more than three weeks, U.S. Attorney John Suthers said all the evidence shows what Jefferson County authorities concluded almost three years ago: student Daniel Rohrbough was killed by gunmen Eric Harris and Dylan Klebold, not a Denver SWAT officer.

Suthers also said there is no evidence of a conspiracy to cover up the investigation after the April 20, 1999, massacre that left 15 people dead.

There were, however, "communication gaffes" among the various police agencies who responded to the scene, and by Jefferson County investigators when it came to relaying information to the families, Suthers said.

He also cited several examples of possible "ineptitude."

For instance, authorities initially said they'd never interviewed the family of student Brooks Brown, but later admitted they had. They also initially said a search warrant for Eric Harris' house had never been prepared, but later admitted one had.

But there was no evidence of a conspiracy to cover up or deny anyone their constitutional rights, Suthers said.

Barry Arrington, the attorney representing the families, said Suthers' decision was predictable.

"This is merely the latest roadblock to finding out the truth," he said. "We know beyond any doubt that law enforcement personnel have told lies about material facts. These lies were not 'communication gaffes' as Suthers' office so dismissively suggests."

Arrington said the announcement "points out the crying need for the legislative commission."

Suthers said the most credible evidence available, including "very compelling statements" from students, indicate Rohrbough was shot by Harris and Klebold, and not by Denver police Sgt. Dan O'Shea, as Rohrbough's parents have alleged.

"Even if we were to accept the Rohrbough family's assertion," Suthers said, "there is not a scintilla of evidence to suggest that such action was willful or intentional, which is the standard for a federal criminal prosecution."

The Rohrbough family based part of their allegation on the statements of Celine Marquez, who wrote in an affidavit that she heard O'Shea say he feared he may have shot an innocent student.

But Suthers said the El Paso County Sheriff's Office has found an independent witness who claims O'Shea specifically referred to possibly having shot a student inside the high school, not outside. Rohrbough was shot outside the school.

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### Federal jury won't probe Columbine

U.S. attorney rejects investigation request; sheriff seeks new test on slug that hit pack

By Karen Abbott, News Staff Writer

Colorado U.S. Attorney John Suthers refused Thursday to launch a federal grand jury probe into the Columbine shootings or allegations that authorities hid the truth about them.

Suthers acknowledged that questions remain unanswered about the Columbine attack, events leading up to it and the actions of authorities afterward. But he said his review disclosed no evidence of any federal crime for a grand jury to investigate.

"It is not appropriate to use such a body to investigate a matter simply to get to the bottom of it," Suthers said.

He said the parents of slain student Brian Rohrbough, who contend their son was shot by a Denver police officer, might get more answers through a proposed coroner's inquest.

"I have a high degree of confidence that the answer would be that he was killed by Klebold or Harris," Suthers said.

Columbine seniors Dylan Klebold and Eric Harris attacked their school with guns and bombs on April 20, 1999, killing 13 people and wounding more than 20 others before taking their own lives.

Even if a police officer did shoot Danny Rohrbough, that's not a federal crime unless the officer did it "willfully," Suthers said.

He said Jefferson County sheriff's officials made "communications gaffes," as well as statements later found to be unfactual.

Those may be "evidence of ineptitude," Suthers said, "but it does not constitute evidence of a criminal conspiracy to deprive anyone of their Constitutional rights."

In another Columbine related development Thursday, Jefferson County sheriff's officials said they would ask the Colorado Bureau of Investigation to conduct new ballistics tests on a bullet found in the backpack of slain student Corey DePooter.

The tests will compare the bullet to those fired by all 12 law officers who fired their weapons at Columbine, as well as to those fired by Klebold and Dylan.

DePooter's family asked for the additional tests, saying they wanted to know whether Klebold or Harris shot their son.

In the wake of Suthers' announcement, Columbine families who had asked for the federal grand jury probe focused their hopes on a proposed legislative investigation.

"This is merely the latest roadblock to finding out the truth about what happened at Columbine," said Barry Arrington, attorney for the families of five slain students, "and points out the crying need for the legislative commission proposed by Rep. Don Lee."

Lee, a Republican, represents the Columbine neighborhood.

"This is not just about the families," Arrington said. "The people of Colorado have a right to know whether they have been disserved by law enforcement officers in positions of great trust."

"We know beyond any doubt that law enforcement personnel have told lies about material facts," Arrington said. "These were not 'communication gaffes' as Suthers' office so dismissively suggests."

Stephen Wahlberg, who also had asked Suthers for a grand jury investigation on behalf of injured students Sean Graves and Lance Kirklin, said he didn't know if any federal crime occurred.

"I can't give that conclusion," he said. "But there's a lot of misinformation, miscommunication, deceit. Whether it rises to the level of a conspiracy or not is something that has to pass Mr. Suthers' smell test, and it didn't. And we respect that."

Suthers said he understands why the families want more information.

"They're all seeking details," he said. "They've suffered a terrible tragedy and I think the natural reaction is to want to know how and why it happened."

"But I don't think they'll have all their questions answered."

He said he also understands why the families now are suspicious of authorities.

"They have a sinister view of some of the communication problems that have occurred in the Jefferson County sheriff's office," he said.

"Things have happened here that have fueled the parents' distrust."

Only the legislature can decide if it will conduct an investigation, Suthers said. But he added, "This is not a body that typically does this sort of thing. They don't have investigative resources or attorneys. I am not certain how much additional light it would shed."

El Paso County Sheriff John Anderson, at the request of Jefferson County Sheriff John Stone, is investigating Danny Rohrbough's death. Anderson's staff declined Thursday to discuss the status of that probe.

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February 1, 2002

## Columbine request denied

### Evidence against cop in shooting not enough to require grand jury, Suthers decides

By Barry Bortnick The Gazette

DENVER - There will be no federal grand jury investigation into the Columbine massacre.

U.S. Attorney John Suthers on Thursday rejected a request by family members to empanel a grand jury to determine whether student Daniel Rohrbough died from "friendly fire."

After meeting with the FBI and reviewing civil pleadings, police reports and other Columbine-related documents, Suthers found no evidence of a federal crime or proof Rohrbough died at the hands of a police officer.

Suthers stated even if Rohrbough was shot by a Denver SWAT officer, as some say, there was "not a scintilla of evidence to suggest that any such action was willful or intentional."

As such, the events surrounding Rohrbough's death do not meet federal standards for criminal prosecution, Suthers said.

"The only legitimate use of a federal grand jury is to determine whether there is probable cause to believe a federal crime has been committed," Suthers said. "It is not appropriate to use such a body to investigate a matter simply to get to the bottom of it, absent a reasonable possibility that a federal crime has been committed."

The most credible evidence available proved Columbine killers Eric Harris and Dylan Klebold were responsible for Rohrbough's death, he said.

Suthers found no evidence of a criminal conspiracy as alleged by several families who say the Jefferson County Sheriff's Office lied about its investigation into the April 20, 1999, shooting.

Suthers said Jefferson County sheriff's officials may have been inept while dealing with the families, but he said there was no evidence law enforcement deprived anyone of their constitutional rights.

Barry Arrington, an attorney representing Rohrbough's parents and other Columbine families, called Suthers' decision "the latest roadblock to finding out the truth about what happened at Columbine."

Suthers' decision closed one route Columbine families sought to satisfy unanswered questions about what occurred that day

## Quote

"The only legitimate use of a federal grand jury is to determine whether there is probable cause to believe a federal crime has been committed. It is not appropriate to use such a body to investigate a matter simply to get to the bottom of it, absent a reasonable possibility that a federal crime has been committed."

- U.S. Attorney John Suthers



and whether more could have been done to protect students from the killers' wrath.

The families still hope the state Legislature will initiate an investigation into the crime. State Rep. Don Lee, R-Littleton, has championed the idea of a commission.

Columbine families want the General Assembly to act because a legislative commission would have subpoena power.

"Danny is worth the answers," said Sue Patrone, Rohrbough's mother, during a Wednesday rally in support of the legislative commission.

"The truth must come out."

A majority vote in both chambers would be needed to initiate a commission. Lee said a number of lawmakers support the idea of a commission, but funding could be a stumbling block.

Lee said he hoped to bring some action before the state House before the end of the legislative session.

Columbine family members also await a review of Rohrbough's death by the El Paso County Sheriff's Office, which began an independent investigation about a month ago at the request of Jefferson County officials.

The El Paso County review arose after the Rohrboughs alleged Denver police Sgt. Daniel O'Shea fatally shot Rohrbough after Harris and Klebold took over the school. O'Shea has denied any involvement in Rohrbough's death.

The El Paso County investigation will last two to three months, said Lt. Melissa Hartman, a spokeswoman for the Sheriff's Office.

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# **CBI to study Columbine bullet**

## **Slug In DePooter backpack not fully tested**

**By David Migova, Howard Pankratz and Kevin Simpson**  
**Denver Post Staff Writers**

**Saturday, February 02, 2002** - Ballistics experts never compared a slug found in slain student Corey DePooter's backpack with either the killers' guns or police weapons fired into the school library where he died during the 1999 Columbine attack.

That oversight, plus questions by DePooter's parents about the round's origin, have prompted the Jefferson County Sheriff's Office to submit the bullet to the Colorado Bureau of Investigation for further examination.

The sheriff's department initially said ballistics tests determined the bullet, pulled from the spine of a notebook in DePooter's backpack four months after the shooting, hadn't been fired by law enforcement.

Lead Investigator Kate Battan thought the necessary ballistics had been done, including those relating to the DePooter bullet, according to Jeffco sheriff's spokesman Jim Shires.

But the department realized a few weeks ago that neither the Harris and Klebold weapons, nor the appropriate law enforcement weapons, had been tested against the round found in the backpack, Shires added.

Battan now has decided to submit test-fired bullets from all weapons used that day for comparison to the DePooter bullet, Shires said.

"I think it shows goodwill to the community, that they're not the bad guys a lot of people are trying to make them out to be," said Patricia DePooter, Corey's mother. "When there are all these questions floating around and you don't know the answer, you can't have closure."

Until Battan caught the mistake, the DePooter round had been tested against only four police weapons. But none of those weapons was believed to have been fired into the school's second-floor library, records show.

Investigators failed to test the round against guns belonging to six other officers, some who said they returned fire into the library, records show.

Pete Mang, deputy director of the CBI, said it should take about a day to determine who fired the DePooter bullet.

Ballistics already determined that two slugs pulled from DePooter's chest came from the 9mm gun used by Harris.

Patricia DePooter had said that since only police bullets were compared to the backpack slug, investigators must have thought her son was hit by a law enforcement round. But after hearing of the new tests, she said they could help clear up the mystery.

"The community will see they're not hiding anything if they put all the guns out there to be tested," said DePooter. "It's a nice gesture. I appreciate it."

The DaPooters were the second victim's family to suggest police gunfire hit Columbine students. The parents of slain student Daniel Rohrbough have accused Denver police Sgt. Dan O'Shea in a wrongful-death lawsuit of firing the bullet that killed their son.

O'Shea, who denies shooting Rohrbough, has said he fired 60 times into the school, including 21 times into the library.

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# Harris fired bullet found in backpack

Report clears police in DePooter's death

By David Migoya  
Denver Post Staff Writer

**Tuesday, February 05, 2002** - Eric Harris fired the shot that went through Columbine High School victim Corey DePooter and ended up in his backpack, according to a new ballistics report expected to be released today.

The finding comes four days after Jefferson County Sheriff's deputies sent the slug to the Colorado Bureau of Investigation for re-testing.

"The tests show that the bullet was consistent with the Hi-Point carbine fired by Eric Harris that day and was inconsistent with all other weapons fired at Columbine," sheriff's spokeswoman Jacki Tallman said Monday.

Ballistics experts compared the slug to bullets fired from weapons that were used by Harris and Dylan Klebold, as well as those fired by a dozen law officers, during the April 20, 1999, massacre.

Harris and Klebold killed 12 students and a teacher before taking their own lives.

The slug was originally compared in 1999 only against test-fired bullets from four law enforcement weapons - none of which was believed at the time to have been fired into the school library, where DePooter's body was found.

Investigators realized the mistake about three weeks ago. Last week, DePooter's mother, Patricia, also raised the issue at a news conference.

That's why investigators opted to re-test the bullet against all guns fired at the school, authorities said.

The Sheriff's Department's official version of the deadly events, as well as ballistics reports released two years ago, show two bullets recovered from DePooter's body were linked to Harris.

But the third bullet hadn't been tested against the killers' guns because of an oversight, investigators have said.

The backpack slug wasn't found until four months after the fatal shooting, when DePooter's family asked for the backpack's contents.

The bullet was in the spine of a three-ring notebook.

DePooter's mother said last week that testing the bullet against just law enforcement weapons was an indication that investigators believed their son may have been shot by a police officer.

The DePooters are the second family to raise concerns about whether police bullets hit their children.

The family of slain student Daniel Rohrbough alleged in a federal court lawsuit that Denver SWAT officer Dan O'Shea shot their son.



O'Shea has denied the allegation and the lawsuit has been dismissed, though an appeal is expected.

A re-test on the only bullet recovered from Rohrbough is possible, officials have said.

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### Columbine probe may be sooner

Lawmaker Lee says he might introduce proposal to convene panel by next week

By Michele Ames and Charlie Brennan, News Staff Writers

Families who lost children at Columbine High School nearly three years ago might be getting their wish for a state legislative investigation sooner than expected.

Rep. Don Lee, R-Littleton, said he is likely to bring his resolution to form such a panel to fellow legislators by next week. Lee's decision not to wait until completion of an investigation by El Paso County Sheriff John Anderson comes on the heels of pleas from seven of the 12 families that lost children.

"There are some things we need to do while we're still in session," Lee said.

If Lee is able to find the money and the votes to pass his proposal, the panel would be the first -- and perhaps only -- convened to investigate the tragedy that would have subpoena powers.

Brian Rohrbough, the father of murdered Columbine student Daniel Rohrbough, welcomed the news.

"I think it's great," said Rohrbough, who has tried to sue Jefferson County officials in federal court, alleging that his 15-year-old son was inadvertently shot by a responding police officer.

"I think it needs to happen soon. We've waited two and a half years. There's an awful lot of reasons for doing it right now, to get the questions answered," Rohrbough said.

Jefferson County Sheriff's officials declined to comment on legislators' intentions.

"We're not real comfortable making any kind of comment on something that may or may not take place," said sheriff's spokesman Jim Shires.

"Once a decision of some kind is made by the legislature, there may be comment coming out."

Lawmakers will leave the building May 8 for the year.

Lee said that among the reasons for trying to start the panel earlier is money. The investigation is estimated to cost \$300,000 -- a sum hard to find in an increasingly strapped state budget.

Lee is hoping to save some cash by not paying extra for lawmakers to work during the interim period. He's also trying to find attorneys who would conduct the depositions for the panel for free or reduced rates.

Lee initially said he would wait to hear whether U.S. Attorney John Suthers would convene a federal grand jury to investigate. But when Suthers failed to produce a timeline for his decision, Lee decided to move ahead. Suthers subsequently decided he could not bring a grand jury because he saw no evidence that federal laws had been broken.

Then Lee said he would wait until El Paso County Sheriff John Anderson finished his probe, which is expected to produce a report in late March or early April. But now Lee said he fears that won't be early enough, either.

"If I can't make this happen in the next two weeks, I'm not going to make this happen," Lee said.

Lt. Melissa Hartman, a spokesperson for the El Paso County sheriff, said Monday that Anderson would also have no comment on Lee's latest plans, other than to point out that Lee previously said he would wait for Anderson to complete his report.

Lee has already received strong signals from lawmakers on both sides of the aisle that they would support his plan. The only objections he's seen so far are from legislators concerned about the state budget crunch, which is forcing lawmakers to cut nearly \$700 million from state spending.

Gov. Bill Owens, who last month encouraged the Jefferson County District Attorney's office to convene a grand jury in the case, has not taken a stand on the advisability of convening a legislative commission.

"He wants to see what the language of the bill would be, and consider it at that time, but he does not have a position at this point," said Dan Hopkins, spokesman for the governor.

Owens appointed his own commission headed by former Colorado Supreme Court Chief Justice William H. Erickson.

That commission disbanded Dec. 31 after making a final report, released last May.

"We were restricted materially, because we did not have subpoena power," Erickson said Monday.

Key among those who did not appear before the commission were Jefferson County Sheriff John Stone.

"We know that the legislature hopes to find additional information. And if they do, we wish them well," Erickson said. "But, I can't anticipate a change in our recommendations."

In a related development, the Jefferson County sheriff's department confirmed Monday that ballistics tests have been completed on a bullet found in the backpack of victim Corey DePooter.

Sheriff's officials have steadfastly contended that no victims were hit by police bullets, but a ballistics report showed the DePooter bullet was only tested against four of the 10 officers' weapons fired at Columbine.

Due to this controversy, the sheriff's department recently turned the bullet over to the Colorado Bureau of Investigation for further study.

Shires said the results of those new tests should be announced today.

"We've been asked by the DePooter family not to relate anything about that until tomorrow (Tuesday)," Shires said. "And because of that, I don't even know what the results are."

Neal DePooter, Corey's father, declined to comment on the results Monday night.

"That will have to come from the sheriff's department," he said.

When asked if the family would comment after the results are announced, he said, "I don't intend to, no. I'll just let it speak for itself."

Randy Brown, whose son, Brooks, was a sometimes-friend of Eric Harris and Dylan Klebold, but who was also threatened by the pair, wondered why the FBI hasn't tested all the bullets found at Columbine.

He said there are more than 90 bullets that haven't been tested.

"Why didn't they test all these to begin with?" Brown said. "It doesn't make sense to me."

Brown said the CBI has denied three of his open records requests about the ballistics. A fourth is pending, he said.

An official at the CBI did not return calls Monday seeking comment.

*News staff writers Peggy Lowe and Dick Foster contributed to this report.*

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### Rohrbough probe passes 1-month mark

El Paso County sheriff's office promises to stick to its goals, timetable

By Dick Foster, News Southern Bureau

**COLORADO SPRINGS** -- El Paso County sheriff's detectives remained silent Monday as their investigation of Daniel Rohrbough's death in the 1999 Columbine High School killings passed its one-month mark.

Sheriff John Anderson's investigation is expected to last two to three months. It will not alter its direction or timetable, regardless if the legislature launches its own investigation, said Lt. Melissa Hartman.

Daniel Rohrbough's father, Brian Rohrbough, said he remains skeptical that Anderson's investigation will yield new information.

"I don't hold out much hope for it to have anything except the outcome that (Jefferson County Sheriff) John Stone wants it to have," Rohrbough said.

Rohrbough called the investigation "a waste of taxpayers' money" because it lacks subpoena power. He also said the probe lacks credibility because Stone requested it.

Anderson said at the outset that his detectives would impartially investigate every aspect of Daniel Rohrbough's killing.

"I can assure you that I would not allow my own integrity, or more importantly, that of this office, to be involved in any kind of a coverup," Anderson said Dec. 31 when his office agreed to take on the investigation.

Anderson has ordered his investigators not to comment on any aspect of the investigation. The sheriff's office will submit its report to the Jefferson County District Attorney Dave Thomas.

Three El Paso County sheriff's detectives are assigned.

"They will interview anyone who they feel is going to lend some type of information to this investigation," Hartman said. "The same with evidence. If they feel it's necessary to look at a piece of evidence again, they'll do that."

She would not disclose whether the detectives had or planned to interview key witnesses, including Denver Police Officer Dan O'Shea or other Columbine students.

Brian Rohrbough claimed in a lawsuit dismissed in U.S. District Court last month that O'Shea killed his son. Students say they saw Daniel being shot by Dylan Klebold and Eric Harris.

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February 6, 2002

## Owens waits for lawmakers

### Governor wants to first see Columbine panel proposal

The Associated Press

DENVER - Gov. Bill Owens said Tuesday he will wait to see what lawmakers propose before he commits to a legislative commission with subpoena powers to investigate new questions about the Columbine High School massacre.

"I can say I think we know 95 percent of what happened at Columbine," Owens said. "Regrettably, we may never have every answer, and we may never know."

Rep. Don Lee, R-Littleton, said Monday he is speeding up plans to launch a legislative inquiry now that a coroner's inquest and federal grand jury investigation have been ruled out.

Lee said he will likely present his proposal to the Legislature next week. The legislative panel would have subpoena powers, something a commission appointed by the governor didn't have.

Lee also is responding to pleas from seven of the 12 families whose children died when students Eric Harris and Dylan Klebold stormed the school with guns and pipe bombs. Lee's son escaped the school after the shooting started.

The victims' families, who sued Jefferson County school and sheriff's officials, say authorities covered up evidence.

"I think it's great," Brian Rohrbough said of Lee's decision. "We've waited 2 1/2 years. There's an awful lot of reasons for doing it right now, to get the questions answered."

Rohrbough believes his son Daniel was inadvertently shot by a police officer.

At the Jefferson County sheriff's request, the El Paso County Sheriff's Office is investigating Rohrbough's claim. Lee said he decided not to wait for the outcome of that investigation.

Because the commission formed by Owens didn't have subpoena powers, Jefferson County Sheriff John Stone refused to appear before it because of the lawsuits filed against him.

### Columbine families tell court they'll appeal dismissed lawsuits

DENVER - Relatives of eight students killed or wounded in the 1999 Columbine massacre will appeal the dismissal of their lawsuits that say authorities and school officials could have

The

## BULLET TEST

Test results released Tuesday show the bullet found in the backpack of a slain student in the Columbine High School massacre was fired by a handgun.

The Colorado State Investigation Laboratory said the bullet that struck the spine of slain student Eric Harris in Corey DePoe's classroom came from a 9mm handgun fired by Eric Harris in the school's library. The tests were inconclusive.

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done more to prevent the attack.

Attorney Barry Arrington, who represents relatives of five slain students, said Tuesday appeals would be filed to the 10th U.S. Circuit Court of Appeals within a couple of months. A lawyer for the families of three others said his clients also would file appeals.

Notices of Intent to appeal were filed in court documents made available Tuesday.

Families of several Columbine victims sued school officials and authorities, saying they could have done more to prevent the massacre.

U.S. District Judge Lewis Babcock ruled in November that authorities responded reasonably to a chaotic situation. He dismissed all the lawsuits except one filed by relatives of teacher Dave Sanders, who bled to death before rescuers reached him.

Students Eric Harris and Dylan Klebold killed 13 people before committing suicide.

The Associated Press

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## Dan Caplis may help in Columbine inquiry

Denver attorney says he'd volunteer time for possible legislative probe

By Charlie Brennan and Michele Ames, News Staff Writers

The lead candidate to assist a state legislative investigation into the Columbine High School shootings is a familiar name.

Denver attorney Dan Caplis, well known to listeners of KOA-AM radio for his Saturday morning talk show focusing on legal issues, confirmed Tuesday he's interested in taking the job, and will work for free.

House Speaker Doug Dean, R-Colorado Springs, recently contacted Caplis after hearing him talk about how a legislative commission to investigate Columbine should work.

"He said he ought to be involved because he would ask the tough questions," Dean said. "I think he would ask the tough questions."

Dean said he sent a memo to Caplis prepared by the Colorado Legislative Legal Services, the nonpartisan staff that drafts bills and gives legal advice to the legislature, regarding how the commission might work. Dean said he followed up with a call.

"I'm grateful that he called, and it would be a privilege to serve," said Caplis, 44. "I would be happy to volunteer my time and services, without limitation."

The current plans for the commission include attorneys who would take private depositions from individuals involved in Columbine. Those attorneys would work under the direction of state lawmakers on the panel.

Only lawmakers could serve on the commission if the group were to have subpoena powers, something no other groups that have investigated the events that day have had.

Caplis' candidacy was endorsed by former Boulder Assistant District Attorney Bill Wise, now retired. He knows Caplis well, because Caplis based his practice in Boulder until 1993 and defended some cases prosecuted by Wise's office.

"I see him as a guy who is not afraid to go in and take on any law enforcement officer," Wise said. "His search for the truth is not going to be hampered by treating law enforcement people too gently."

As he has often noted on his show, Caplis' father was a police officer for 30 years on Chicago's South Side, rising to the rank of sergeant.

Caplis was recently highly critical of Jefferson County Sheriff John Stone for accepting a public speaking engagement on Columbine in California, despite having refused to appear last year before a specially appointed gubernatorial commission investigating the tragedy.

"Stone has lost all sense of professional honor and duty," Caplis told the *Rocky Mountain News* Jan. 15. "His first duty is to the children who were slaughtered on his watch, and to the governor who wants the truth about how it happened."

Wise denied such comments indicate a bias that might prejudice Caplis' handling of the case.



"I know him well enough to know that he would be professional about it on either side that he would take," Wise said.

Like many at the capitol who support the idea of forming the commission, Dean cautioned it all might come down to money.

"If Caplis or some other firm would donate their time, we could cut costs and have a lot better chance of making this happen," Dean said.

For Rep. Don Lee, R-Littleton, the possibility of Caplis helping with the investigation is just one among many. Lee will sponsor the resolution needed to form the commission.

"We're interested in anybody who is interested in helping with this," Lee said. "It will eventually be up to the committee to select a law firm to work with."

Caplis has handled several cases that put him in the public eye but has also proven to be an adept behind-the-scenes negotiator.

Perhaps the best example of this came in the summer of 1997, when feuding between Boulder police detectives and then-District Attorney Alex Hunter threatened to bring the JonBenet Ramsey investigation to a halt.

Caplis contacted Denver attorney Richard Baer, a former New York homicide investigator, and asked him if he'd be willing to volunteer his services to the Boulder police.

He also contacted then-Boulder police Detective Steve Thomas to see if the police would be open to some free, independent legal guidance.

Thomas agreed, and Caplis swiftly assembled a three-man team of prominent legal experts who served as a sounding board for the detectives until they were ready to put the case -- which remains unsolved -- in Hunter's hands for presentation to a grand jury.

"I thought that was a very good move, in an awful case," said Wise.

In a potential legislative probe of another awful case, Lee said he wants to keep any Columbine depositions confidential in hopes of getting more out of those who so far have been unwilling to talk.

The commission would then create a report based on the depositions and eventually make the original depositions public.

Lee said he had concerns about Caplis' connections to the media because of his radio show.

"We'll entertain all that approach us," Lee said. "But we'd like to keep the media out of this."

Another media connection for Caplis comes through marriage. His wife is News4 anchor Almee Sporer.

The two draw a "clear, bright line" between their personal lives and what each is doing professionally, Caplis said.

Contact Charlie Brennan at (303) 892-2742 or [brennanc@RockyMountainNews.com](mailto:brennanc@RockyMountainNews.com).

**February 6, 2002**

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## Kin will appeal dismissal of Columbine suits

**By News Staff**

The families of five slain Columbine High School students are seeking to overturn their latest legal setback in federal court.

The families of Daniel Rohrbough, Kelly Fleming, Matthew Kechter, Lauren Townsend and Kyle Velasquez formally notified the federal courts Tuesday they will appeal the dismissal of their civil suits against the Jefferson County sheriff's department and Jefferson County Public Schools.

The families of injured students Valeen Schnurr, Evan Todd and Jeana Park also have filed notices of appeal.

A Denver U.S. district judge tossed out the families' lawsuits in November, ruling that the conduct of the two agencies' on April 20, 1999, wasn't so egregious as to overcome their legal immunity.

Also Tuesday, the Jefferson County Sheriff's Office announced that new ballistics tests by the Colorado Bureau of Investigation showed a bullet fragment found in victim Corey DePooter's backpack was consistent with Eric Harris's 9mm Hi-Point carbine.

The CBI tested the DePooter bullet fragment in recent days at the request of Jefferson County investigators after it was discovered that because of an oversight it had previously only been tested against four of the 12 police weapons fired that day.

"This was done more to clarify any misconceptions or concerns that were out there," sheriff's spokesman Jim Shires said.

DePooter, 17, was shot either three or four times. Two bullets recovered from his body were previously also ruled consistent with Harris' carbine.

The DePooter family could not be reached for comment Tuesday.

**February 6, 2002**

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### Rohrbough's dad not yet interviewed

He questions the depth of El Paso County probe

**By Jeff Kass, News Staff Writer**

El Paso County Sheriff's Investigators have not yet spoken with the man who sparked their inquiry.

But they have interviewed police officer Daniel O'Shea, those connected with the investigation into the April 20, 1999, events at Columbine High School said Wednesday.

El Paso County is investigating the disputed death of Columbine student Daniel Rohrbough, 15, at the request of Jefferson County Sheriff John Stone. The teen was among 12 students and a teacher killed in the nation's worst school shooting. Gunmen Eric Harris and Dylan Klebold also died in the massacre.

El Paso County's investigation began one month ago and could last for two more.

Daniel Rohrbough's father, Brian Rohrbough, said he was bothered that he had not yet been contacted by the El Paso County Investigators.

"We've had a lot of information for a long time, and what the (Jefferson County) Sheriff's Department has said, positively didn't happen," said Rohrbough, who is appealing a decision to dismiss his lawsuit against Stone, in which he alleged a botched police response to Columbine.

"Anyone doing an investigation would have spoken to us first to see what the issues are."

El Paso County sheriff's Lt. Melissa Hartman declined to comment on specifics of the investigation, but said, "Our investigators will pursue every avenue we think necessary."

Stone called for the El Paso County investigation after Rohrbough's lawsuit filing on Dec. 26 alleged that Denver police Sgt. Daniel O'Shea killed his son. O'Shea has denied the allegations.

O'Shea spoke with two investigators from El Paso County on Jan. 18, said his attorney, David Bruno. Bruno said the approximately two-hour interview in his Denver law office was thorough, and was taped.

O'Shea's interview with investigators immediately after Columbine was not taped.

Bruno said he also suggested that investigators examine television footage of O'Shea on the day of the shootings, and speak to certain witnesses.

Bruno said O'Shea's wife, Susan O'Shea, was also interviewed by El Paso County investigators because she was with Daniel O'Shea when he made remarks about Columbine two days after the shootings.

Randy Brown, a longtime critic of the Columbine investigation, said El Paso County investigators have asked to interview his son, Aaron, who was at the school the day of the tragedy.

Contact Jeff Kass at (303) 892-2406 or [kassj@RockyMountainNews.com](mailto:kassj@RockyMountainNews.com).

**February 7, 2002**

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# Columbine probe delayed until summer

Legislature too busy with bills

By **Trent Selbert**  
Denver Post Capitol Bureau

**Friday, February 08, 2002** - A legislative commission to probe allegations of a Jefferson County Sheriff's Office coverup of the Columbine massacre will not start until summer, the House speaker said Thursday.

Speaker Doug Dean said he wanted to wait until after the legislative session ends in May before convening the probe. Otherwise, there won't be enough time for it, he said.

"It's got to be after the session," said Dean, R-Colorado Springs. "If we're going to do it, we're going to do it right."

Until now, legislators had indicated that the commission could start soon. But with lawmakers debating hundreds of bills, including hot topics such as transportation and health care, Dean said there would not be enough time to get to the bottom of the alleged coverup.

"The parents deserve to have answers," Dean said. "They feel they're being stonewalled."

Those are the parents of Daniel Rohrbough, who have long pushed for additional investigations into Daniel's death during the April 20, 1999, massacre at Columbine.

Waiting until summer to launch the probe is fine with the family, said Daniel's father, Brian Rohrbough.

"The timing isn't as critical as getting everything in place," he said.

That's exactly what lawmakers are doing, said Rep. Don Lee, R-Littleton, who represents the Columbine area. Lee supports the family's call for a commission, and likely will lead the probe.

Lee said he will start laying the groundwork for the commission soon, such as crafting the commission's rules and placing bids for attorneys to serve as commission staff.

"After the session, we'll get into the meat and potatoes," Lee said.

The Rohrbough family is hoping the commission will not only probe Daniel's death, but also other events before and after the shooting, including allegations that evidence has been withheld.

The family propelled the issue to new heights in December when they claimed in a court filing that Denver police Sgt. Dan O'Shea shot their 15-year-old son, not Columbine killers Eric Harris or Dylan Klebold. O'Shea denies the claim.

Lee said the commission probably will have fewer than 10 lawmakers. Lee said he wants attorneys to take private depositions for the commission. He wants the commission to have subpoena power.

A full report based on those depositions will be compiled into a public report. No legal action will be recommended. Rather, Lee said, he wants to unveil all the facts.

chuck green

## Caplis Is right man for the job

By Chuck Green  
Denver Post Columnist

**Friday, February 08, 2002** - News reports circulated earlier this week that Denver attorney Dan Caplis is being considered for the job of special counsel to a legislative committee that would reinvestigate the murderous calamity at Columbine High School.

The news apparently was leaked by someone at the legislature, and its premature release caught Caplis off guard.

Ironically, one of the reasons some legislators are hesitant to embrace Caplis is that they are concerned he might leak information from the probe to news media friends. They appear to want that duty all to themselves.

If there's any group of people who are famous for leaking information to the media, it's legislators - whether they are elected to a city council, the state legislature or Congress. If there's a political spin in the news, you can bet there's a politician standing nearby with a smug grin on his face and a motive on his agenda.

It's probably natural that people who don't know him might suspect that Caplis could be enticed to leak a blockbuster story - he's a talk-show host on the powerful "blowtorch" signal of radio KOA, and his wife, Almee Sporer, is a co-anchor of Channel 4's high-profile newscast at 10 p.m.

But those who do know him, including this writer, know better.

I put the issue to Caplis directly, wondering if I had missed something over the last 18 years he has practiced law here.

"In all my career, there's never been an accusation that I've violated a confidence or leaked any confidential information to anyone in the media. There hasn't even been a hint of that," he assured me in a statement that seems supported by the record.

And as if to add emphasis to his point, he flatly refused to discuss the stories about his candidacy for the legislative counsel's job, what his duties might be or how such an inquiry might be organized. Those details, he said, would have to come from legislators.

It's difficult to imagine anyone better qualified for the job, and the price is right. Caplis would donate his services, which could be worth the lion's share of \$1 million for a year's work.

Caplis has a reputation as a no-nonsense, aggressive litigator with five years of criminal-defense experience and 12 years of civil litigation.

His father spent a career as a cop on the Chicago police force, and Caplis is quite vocal in his support of ethical and professional law-enforcement behavior. But he's also quite vocal about unethical or irresponsible police conduct, and he has raised serious questions about police response to the Columbine shootings and follow-up work by John Stone, the Jefferson County sheriff who's been in charge of the case.

Caplis hasn't been alone in his criticisms, many of them shared by victims' families.

Obviously, some legislators also share his skepticism, or why else would they need to spend time, energy and money on an independent investigation at the state level?

If their probe is to have integrity, they need someone seen as skeptical, probing and persistent - all qualities that Caplis has demonstrated.

The last thing they need to worry about is leaks, as Caplis' record amply demonstrates. Legislators are well-qualified to handle those themselves.

*Chuck Green's commentaries appear Sunday, Monday, Wednesday and Friday. His telephone is 303-820-1771; his e-mail is [cgreen@denverpost.com](mailto:cgreen@denverpost.com).*

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### Jeffco's legal bills at issue

#### Insurer may seek fees from victims' families

By Karen Abbott, News Staff Writer

Jefferson County Public Schools does not want the families of slain and wounded Columbine students to pay the district's legal bills for fighting their lawsuits, but has acknowledged that its insurance company might.

And the company, Genesis Insurance Co., won a deadline extension Monday preserving its right to seek attorneys' fees in several families' lawsuits that recently were dismissed in Denver U.S. District Court.

"We are not interested in asking for the fees, and we have told them that," Jeffco Superintendent Jane Hammond said. "The position of the district is very strong about that. We do not want the insurance company to do that. We think it's very inappropriate."

"Obviously our community cares about us spending money on legal fees, but I think that even more than that they would see it was very inappropriate to ask the parents for the legal fees."

But Hammond said the insurance company will decide how to proceed.

Lawyers for the families did not oppose the extension of time.

Court winners commonly ask for court losers to pay their legal bills, and must ask within a limited time. Denver U.S. District Judge Lewis Babcock ruled Monday that the insurance company need not formally request its attorneys' fees until appeals of the cases have been resolved.

Babcock dismissed several families' civil suits against the school district and the Jefferson County Sheriff's Department in November. He ruled that, although mistakes occurred, the conduct of school district employees and law officers was not egregious enough to overcome their legal immunity against most lawsuits.

Babcock also ruled that the deaths and injuries were caused by teen gunmen Eric Harris and Dylan Klebold, Columbine seniors who 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.

Some families of slain and injured students contend school officials and law officers should have done more to prevent the attack, or mounted a better response when it happened.

The insurance company pays the school district's lawyers, Caplan & Earnest of Boulder, to defend the district against lawsuits -- including those filed by families of slain and injured Columbine students.

Bill Kowalski of Caplan & Earnest said the company sought the extension of time only to preserve its legal right to seek legal fees in the future, if it chooses to do so.

"They haven't said they want to go after that," Kowalski said.

He declined to disclose the company's whereabouts.



Contact Karen Abbott at (303) 892-5188 or [abbottk@RockyMountainNews.com](mailto:abbottk@RockyMountainNews.com).

February 12, 2002

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## Columbine Info coming to light

Officials to discuss how results will be released

By Karen Abbott and Jeff Kass, News Staff Writers

Prosecutors Ken Salazar and Dave Thomas will announce today how the public will learn results of an investigation into one Columbine student's death and the contents of some still-secret Columbine evidence.

Salazar, Colorado's attorney general, and Thomas, district attorney in Jefferson County, are expected to discuss the future release of El Paso County Sheriff John Anderson's probe of the death of Danny Rohrbough, 15. The Rohrbough family contends that the 15-year-old was killed by a Denver police officer in the chaos outside Columbine High School on April 20, 1999, and that law officers hid the truth.

Anderson is investigating Rohrbough's death at the request of Jefferson County Sheriff John Stone, who asked Anderson to help after the Rohrbough family's allegations surfaced in the family's civil suit in Denver U.S. District Court. Anderson's investigation is expected to be finished in several weeks.

Salazar and Thomas, at an afternoon press conference, will also discuss their plan for still-secret Columbine evidence to be reviewed and, if possible, made public.

State Rep. Don Lee, a Republican from the Columbine neighborhood, said today's announcement won't halt his plans to ask legislative colleagues to convene a panel with subpoena powers to investigate all aspects of Columbine.

Lee's proposal, which will come in the form of a resolution, is expected to be introduced this week.

Danny Rohrbough's father, Brian, said he supports a legislative inquiry, which is expected to look not only at his son's death, but also at other issues surrounding the Columbine attack.

"Just looking at Daniel will not answer the questions of Columbine," he said.

Columbine seniors Harris and Klebold attacked their Jefferson County high school with guns and bombs, killing 13 people and wounding more than 20 others before killing themselves. It was the deadliest U.S. school shooting.

February 12, 2002

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# Salazar to unveil plan for Columbine 'closure'

By Howard Pankratz

Denver Post Legal Affairs Writer

**Tuesday, February 12, 2002** - Seeking closure to the Columbine tragedy, Colorado Attorney General Ken Salazar today will announce plans by him and Jefferson County District Attorney Dave Thomas that could lead to the release of all Columbine documents.

"This is an outgrowth of Ken's suggestion in January that we need to come to closure on Columbine," said Ken Lane, Salazar's spokesman. "There's a need out there, given the way some information has been released or not released, that we should set up an orderly process to just finally go through everything.

"Then we can say, 'This is it, this is what we've got, this is what we don't have', we meaning the government," Lane said.

During a news conference, the two officials will outline how information about the shooting of Columbine student Daniel Rohrbough - under investigation by El Paso County Sheriff John Anderson - will be reviewed.

They will also outline how they hope records generated in the aftermath of the April 20, 1999, massacre will be released. Eric Harris and Dylan Klebold fatally shot 12 students and a teacher before taking their own lives.

On Jan. 17, Salazar wrote a letter to Thomas, Anderson, Jefferson County Sheriff John Stone and Jefferson County Coroner Carl Blesch saying officials should strive to bring the Columbine case to a close.

Salazar requested that public safety agencies involved in Columbine release all information related to the massacre and provide Anderson with all the assistance necessary to determine whether Daniel Rohrbough was killed by "friendly fire" or by Harris or Klebold.

"It is our hope that all records that heretofore have been released and previously not released can be released to the greatest extent possible," Lane said. "If there are documents that have not been released, we would be interested in knowing what those are and seeing if it is possible to release them."

Pam Russell, spokeswoman for Thomas, said the news conference is not a signal that Anderson has completed his review of the Rohrbough shooting. She said the Anderson investigation continues. When completed, the results will be given to Thomas.

In late December, Stone asked Anderson to conduct an investigation into Rohrbough's death after Rohrbough's parents - Brian Rohrbough and Sue Petrone - claimed Denver police Sgt. Dan O'Shea accidentally killed Daniel. O'Shea denies the allegation.

Brian Rohrbough said Monday he believes an investigation by a legislative commission is the most likely way to reach the truth.

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### Task force to probe Columbine

Committee will review secret documents on school shootings, top prosecutors say

By Karen Abbott and Charley Able, News Staff Writers

Colorado's top prosecutor and a district attorney said Tuesday they want to settle public doubts about what really happened at Columbine High School nearly three years ago.

"There are still issues that appear to be unresolved with regard to that incident," said Jefferson County District Attorney Dave Thomas at a joint press conference with state Attorney General Ken Salazar.

"Our objective here is to make sure that the people of the state of Colorado understand that there is nothing that anyone is hiding," Salazar said.

They plan to name a task force to recommend whether Columbine evidence that has been kept secret should be released to the public.

But they acknowledged their task force will have no power to make any evidence public. It can only urge custodians of evidence, or judges who have ordered some of it kept secret, to do so.

"If necessary," Salazar said, "we will go to court."

Jefferson County's lawyers, who represent Sheriff John Stone, cautioned in their own written statement later Tuesday that evidence in the shooting rampage has been kept secret by court decisions.

"While those decisions could be appealed in court, they should not be disregarded, especially when several victims' families have appeared in court asking to have some documents kept private," the county attorneys said.

"Before forming a review committee such as the one suggested today, the proposal may need to be brought to the attention of the court," they said.

They also said they must make sure Stone would not violate any court orders if he cooperates with the review panel.

Columbine parent Randy Brown, whose family presented evidence more than a year before the Columbine attack that teen gunman Eric Harris was dangerous, interrupted the press conference with an angry outburst.

"Where were you three years ago?" Brown demanded.

He accused Salazar and Thomas of ignoring repeated demands for Columbine evidence to be disclosed while families insisted Stone was covering up the truth.

The two prosecutors said public doubts about the truth of Columbine mounted to a new level only recently.

Columbine seniors Harris and Dylan Klebold attacked their suburban Jefferson County school with guns and bombs on April 20, 1999, killing 13 people and wounding more than 20 others before taking their own lives.

The two prosecutors will appoint a Public Records Review Task Force of "respected citizens" to inventory all Columbine evidence in the hands of 50 or so agencies and recommend whether the secret evidence should be made public.

"It will also consult with surviving Columbine victims and with family members representing the deceased victims to learn how the release of specific records might affect them," the prosecutors said in a written statement.

The goal is "making sure that there is no cloud of uncertainty with respect to the documents that government holds," Salazar said.

If the group decides some information should remain secret, it will explain why. Thomas said some evidence might violate individual privacy or encourage copycat crimes.

The two prosecutors said many task force meetings will be public, and anyone is welcome to comment.

Thomas, who initially supported victim families' requests for information about their children to be kept secret, said he sees his role differently now.

"Because of the lapse of time, all of those decisions, frankly, need to be re-examined," he said.

The DA said the families now can present their own views. "The role of my office at this point needs to be quite independent," he said.

The task force's work is expected to take months.

The two prosecutors also said they and their staffs will make separate reviews of a report from El Paso County Sheriff John Anderson, expected within two to four weeks, on the death of Columbine student Daniel Rohrbough. The prosecutors' reviews will take about two more weeks, Thomas said.

Rohrbough's family contends a Denver police officer shot their son to death in the chaos outside Columbine and that law officers hid the truth. Brian Rohrbough, the boy's father, has said repeatedly he expects Anderson's report merely to support Stone. Anderson's investigation is at Stone's request.

"If Attorney General Salazar and I determine that it is, in fact, complete . . . then that report will be released to the public through the media," Thomas said.

"If there are things that we conclude have not been done or need to be done, we will request that those items be completed," he said.

*Contact Karen Abbott at (303) 892-5188 or [abbottk@RockyMountainNews.com](mailto:abbottk@RockyMountainNews.com).*

**February 13, 2002**

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## Investigating Columbine

Inquiries into the Columbine attack and suggested investigations:

- The Jefferson County Sheriff's Department spent months investigating the Columbine attacks and law officers' actions that day and in the months before, and released thousands of pages of documents and other evidence.
- The Columbine Review Commission, appointed by Gov. Bill Owens and chaired by former Colorado Chief Justice William Erickson, 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.
- Jefferson County Public Schools conducted an investigation but never has disclosed the findings. The only copy of the report is in its lawyers' office.
- U.S. Attorney John Suthers declined a request by several Columbine victims' families to launch a federal grand jury probe, saying there was no evidence of a federal crime.
- Jefferson County Coroner Carl Blesch was asked by District Attorney Dave Thomas to conduct a coroner's inquest into the death of Columbine student Danny Rohrbough. The Rohrbough family contends that a Denver police officer shot the boy in the chaos outside the school and that law officers hid the truth. Blesch refused to conduct an inquest, saying he did not want to put witnesses -- many of whom are teens-agers -- through more pain. He did not permanently rule out an inquest.
- State Rep. Don Lee, a Republican from the Columbine neighborhood, has proposed a legislative investigation of the attack and government actions before and after.
- At Stone's request, El Paso County Sheriff John Anderson is investigating the death of Danny Rohrbough. His report is expected in two to four weeks.
- State Attorney General Ken Salazar and Thomas will appoint a task force to review secret Columbine evidence and recommend whether it should be made public.

**February 13, 2002**

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## Task force representatives

The Public Records Review Task Force to be appointed by Colorado Attorney General Ken Salazar and Jefferson County District Attorney Dave Thomas, to recommend whether secret Columbine evidence should be made public, will include representatives of:

The Colorado Press Association.

The Colorado Broadcasters Association.

The Colorado District Attorneys Council.

The Colorado Organization for Victims Assistance.

The Jefferson County Sheriff's Department.

The Jefferson County attorney's staff.

From Thomas' office, assistant district attorney Kathy Sasak.

From Salazar's office, solicitor general Alan Gilbert, who regularly handles open records issues.

"And others," the two prosecutors said in a written statement.

**February 13, 2002**

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# Some Columbine secrecy urged

Officials take heat during news conference

By Howard Pankratz and Kieran Nicholson  
Denver Post Staff Writers

**Wednesday, February 13, 2002** - Officials said Tuesday they doubt that all Columbine records will ever be released, while simultaneously assuring the public they will fight for as complete a release as possible.

In an often heated news conference, during which Columbine parents Randy and Judy Brown sharply criticized state and local officials, Jefferson County District Attorney Dave Thomas said some records should stay secret.

"Some may be offensive in terms of the privacy rights of the victims who were involved in Columbine," Thomas said. "Some of those may be photographic, some of them may be other kinds of evidence that frankly serve no public purpose.

"I (also) believe there are some pieces of information that may expose us to copycat types of crimes," Thomas said.

The news conference was called by Thomas and Colorado Attorney General Ken Salazar to outline a two-part plan of public disclosure of Columbine documents.

The first part involves the public release of a report being prepared by El Paso County Sheriff John Anderson into the shooting death of Columbine student Daniel Rohrbough.

Rohrbough's parents maintain the 15-year-old was shot by a police officer and not Columbine killers Eric Harris and Dylan Klebold. Authorities deny the allegation, and a judge has dismissed the family's wrongful-death lawsuit.

Salazar and Thomas said that after Anderson completes the report, expected in the next few weeks, they and their staffs will review the findings, then release the report publicly.

The second part of the plan, which Randy Brown called a "joke," is the formation of a "Public Records Review Task Force," which will attempt to locate and review all reports compiled by an estimated 50 agencies.

The task force, composed of government, nongovernment and media representatives, has no subpoena power and will make recommendations on what documents should be released.

"The task force is dependent on the cooperation of the custodians of the records (the agencies)," Salazar said. "If they don't cooperate, then we will examine our legal options. Frankly, one option is for me to file my own open-records request. But at this point in time, the premise that we are making is that we will have the cooperation of the custodians."

But it's unclear how much cooperation the new task force will get from the Jefferson County Sheriff's Office and the school district.

"Before forming a review committee such as the one suggested, the proposal may need to be brought to the attention of the court," Jefferson County said in a statement.



School district spokesman Rick Kaufman said he believes there will be "unavoidable conflict" between the officials' desire for public disclosure of all documents and the district's wish to protect attorney-client privilege in the face of negligence and wrongful-death lawsuits.

Randy Brown said Salazar's involvement comes too late.

"Where have you been for three years?" Randy Brown asked. "If you are trying to re-establish the public trust, you've already lost that opportunity."

Randy and Judy Brown claim that months before the April 20, 1999, massacre, they warned the Jefferson County Sheriff's Office that Harris had a hate-filled website in which he threatened to kill one of their sons and commit mass murder, and boasted that he was building pipe bombs.

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February 13, 2002

## El Paso's Columbine probe to be checked

### Jefferson County, state vow reviews

The Gazette and news services

DENVER - Attorney General Ken Salazar and Jefferson County District Attorney Dave Thomas said Tuesday they will conduct separate reviews of an Independent Investigation Into a student's death during the Columbine High School massacre.

They will try to determine whether the investigation by the El Paso County Sheriff's Office into allegations an officer responding to the shootings accidentally shot 15-year-old Daniel

Rohrbough is thorough and complete.

The Jefferson County Sheriff's Office asked the El Paso County Sheriff's Office to look into allegations by Rohrbough's family that the boy was accidentally shot by a Denver police officer and that the Jefferson County Sheriff's Office has covered it up.

Jefferson County's report on the massacre said gunman Dylan Klebold shot Rohrbough.

The El Paso County Sheriff's Office was asked to investigate because it was not involved in the Columbine shootings.

In essence, Salazar and Thomas are conducting an investigation into an investigation.

"If the district attorney and the attorney general believe that (El Paso County) Sheriff (John) Anderson's investigation is thorough and complete, the full report will be released," Salazar and Thomas said Tuesday.

"If additional work appears to be needed, the public will be advised. Once that additional work has been completed, the report and the conclusions of the district attorney and the attorney general will be released to the public."

They said their goal is to "use the combined criminal justice experience and judgment of our offices to assure that the investigation of Daniel Rohrbough's death is comprehensive and complete, and that the public is fully apprised of the findings."

Thomas said Anderson's investigation was expected to be complete within a month, and the reviews by his and Salazar's offices will take at least two weeks after that.

Salazar and Thomas said they will also set up a task force to determine what records exist regarding the shootings and develop criteria to determine whether those records should be

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released.

The task force will not have the authority to demand the release of records, but Salazar and Thomas said they hoped to gain the cooperation of agencies holding the records.

Thomas said at least 50 agencies have information ranging from investigative reports to videotapes to physical evidence regarding the shootings.

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# Some Columbine secrecy urged

## Officials take heat during news conference

By Howard Pankratz and Kieran Nicholson  
Denver Post Staff Writers

**Wednesday, February 13, 2002** - Officials said Tuesday they doubt that all Columbine records will ever be released, while simultaneously assuring the public they will fight for as complete a release as possible.

In an often heated news conference, during which Columbine parents Randy and Judy Brown sharply criticized state and local officials, Jefferson County District Attorney Dave Thomas said some records should stay secret.

"Some may be offensive in terms of the privacy rights of the victims who were involved in Columbine," Thomas said. "Some of those may be photographic, some of them may be other kinds of evidence that frankly serve no public purpose.

"I (also) believe there are some pieces of information that may expose us to copycat types of crimes," Thomas said.

The news conference was called by Thomas and Colorado Attorney General Ken Salazar to outline a two-part plan of public disclosure of Columbine documents.

The first part involves the public release of a report being prepared by El Paso County Sheriff John Anderson into the shooting death of Columbine student Daniel Rohrbough.

Rohrbough's parents maintain the 15-year-old was shot by a police officer and not Columbine killers Eric Harris and Dylan Klebold. Authorities deny the allegation, and a judge has dismissed the family's wrongful-death lawsuit.

Salazar and Thomas said that after Anderson completes the report, expected in the next few weeks, they and their staffs will review the findings, then release the report publicly.

The second part of the plan, which Randy Brown called a "joke," is the formation of a "Public Records Review Task Force," which will attempt to locate and review all reports compiled by an estimated 50 agencies.

The task force, composed of government, nongovernment and media representatives, has no subpoena power and will make recommendations on what documents should be released.

"The task force is dependent on the cooperation of the custodians of the records (the agencies)," Salazar said. "If they don't cooperate, then we will examine our legal options. Frankly, one option is for me to file my own open-records request. But at this point in time, the premise that we are making is that we will have the cooperation of the custodians."

But it's unclear how much cooperation the new task force will get from the Jefferson County Sheriff's Office and the school district.

"Before forming a review committee such as the one suggested, the proposal may need to be brought to the attention of the court," Jefferson County said in a statement.

School district spokesman Rick Kaufman said he believes there will be "unavoidable conflict" between the officials' desire for public disclosure of all documents and the district's wish to protect attorney-client privilege in the face of negligence and wrongful-death lawsuits.

Randy Brown said Salazar's involvement comes too late.

"Where have you been for three years?" Randy Brown asked. "If you are trying to re-establish the public trust, you've already lost that opportunity."

Randy and Judy Brown claim that months before the April 20, 1999, massacre, they warned the Jefferson County Sheriff's Office that Harris had a hate-filled website in which he threatened to kill one of their sons and commit mass murder, and boasted that he was building pipe bombs.

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The Denver Post / Glenn Anderson  
State Attorney General Ken Salazar meets Randy and Judy Brown, critics of the Columbine probe, after a news conference Tuesday.

# Some Columbine secrecy urged

## Officials take heat during news conference

By Howard Panitzky  
and Kieran Micholich  
Denver Post Staff Writers

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Please see COLUMBINE on 3B

# Jeffco DA backs some Columbine secrecy

COLUMBINE from Page 1B

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# Columbine parents debate gun permits

## Senate committee tables rival firearm-license measures

By Arthur Kane  
Denver Post Capitol Bureau

Thursday, February 14, 2002 -

Columbine parents debate gun permits

Senate committee tables rival firearm-license measures

By Arthur Kane  
Denver Post Capitol Bureau

Columbine parents faced off at the state Capitol Wednesday over the issue of handgun concealed-carry permits.

The Senate Judiciary Committee killed a bill 4-3 that would have required sheriffs and police chiefs to issue permits to qualified residents. The committee also killed a bill 4-3 that would have restricted police chiefs and sheriffs from issuing permits to people living outside their jurisdictions.

Randy Brown, father of a former student who was threatened by Columbine killer Eric Harris, said he continues to receive threats, but can't get a carry permit because the Jefferson County sheriff won't issue them.

"They said they have no legal or moral obligation to protect my family," Brown said. "I should have a right to protect my family."

Tom Mauser, whose son Daniel was killed at Columbine, spoke out against forcing police to issue the permits.

"It encourages more hidden, loaded weapons on the street," said Mauser, who is also a lobbyist for SAFE Colorado.

Thirty-three states have laws similar to Sen. Ken Chlouber's Senate Bill 60, which he said would solve the problem of some counties issuing lots of permits and others turning down most requests. Chlouber offered a similar bill last year.

The laws in 11 states are similar to Colorado's and give local government discretion; 39 states ban concealed guns.

Sen. Pat Pascoe, D-Denver, proposed Senate Bill 155, that would stop sheriffs from issuing permits to people outside their own county. Stratton Police Chief Brian Hill has a reputation for handing out permits to any qualified person willing to pay the fee.

Committee Chairman Sen. Ken Gordon, D-Denver, said he voted against Pascoe's measure because he feared it would be amended to something he couldn't support.

The committee heard 40 witnesses, with emotional testimony on both sides.

Denver City Council President Joyce Foster said Denver officials should decide who receives permits

In the city. "We oppose this bill in all areas," she said. "We oppose this bill in its entirety."

But Denver resident Samuel Myrant said a man who sexually assaulted his granddaughter and stalked him will be out of prison in a year. Myrant wants a permit to protect his family, but Denver police have turned him down.

"Our government, I feel, has totally failed me," Myrant said. "I was told, 'We don't care about your granddaughter. That's your problem.'"

Chlouber offered to amend his bill to allow sheriffs to deny permits to people who have no criminal records but who they know are unstable.

The amendment didn't help his bill, but Chlouber's idea still has a chance to pass this year.

Currently, there are about 15,000 concealed-weapons permits statewide, according to the Colorado Bureau of Investigation. El Paso County has more than any other in the state. Sheriff John Anderson has issued 4,678 permits, all of which will be nullified when he leaves office in January.

Adams County has the second highest number of permits, around 2,000, followed by Larimer County, where Sheriff Jim Alderden has issued about 1,350.

Rep. Dave Schulthels, R-Colorado Springs, has a bill before the House State, Veterans and Military Affairs Committee today that requires counties to issue permits to law-abiding citizens.

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February 15, 2002

## Gun bill looks down Senate barrel

### Concealed weapon rules would loosen

By Kyle Henley The Gazette

DENVER - Concealed weapons legislation that advanced in a House committee Thursday is almost certainly doomed if it makes it to the state Senate.

The House State, Veterans and Military Affairs Committee approved House Bill 1242 by Rep. Dave Schulthels, R-Colorado Springs, with a 5-4 vote.

It would require sheriffs to issue a permit to carry a concealed handgun to anyone who passes a criminal background check. There would be no restrictions on where the weapon could be carried.

"The data shows that guns in the hands of law-abiding citizens increase safety, not crime," said Schulthels, who also said the massacre at Columbine High School wouldn't have happened or would have ended quickly if teachers and other school employees had been carrying concealed guns.

HB1242 carries a \$117,000 price tag and must be approved by the House Appropriations Committee before it goes to the full House.

Even if it does get through appropriations - bills that cost money aren't faring well in a year when the state is facing a \$756 million drop in revenue - HB1242 is sure to fail in the Senate.

On Wednesday, the Senate Judiciary Committee killed a more restrictive concealed weapons permit bill than HB1242.

"The four Democrats on Judiciary are not inclined to take away discretion of sheriffs and police chiefs to decide who gets a concealed weapons permit," said Sen. Ken Gordon, D-Denver, chairman of the Judiciary Committee. "If it is a similar bill or worse, it won't happen."

Under current law, each sheriff and police chief can decide whether to issue concealed weapons permits and to whom.

To date, about 15,000 Coloradans have a permit to carry a concealed weapon. Nearly 5,000 of those permits have been issued by El Paso County, more than any other county.

**Th**

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February 15, 2002

## State briefings

### Jeffco DA Thomas mulling district bid

DENVER - Another high-profile Democrat is considering a bid for Colorado's new 7th Congressional District.

Jefferson County District Attorney Dave Thomas, whose office reviewed the 1999 Columbine shootings, said Wednesday he is doing "everything a candidate for the district should do."

Former state Sen. Mike Feeley also announced Wednesday he will seek the Democratic nomination in the district that wraps around Denver, encompassing parts of three suburban counties.

The race is getting national attention as Democrats and Republicans prepare to battle for control of the U.S. House. House Minority Leader Dick Gephardt, D-Mo., is expected to visit Denver on Monday, the Rocky Mountain News reported Thursday.

On the Republican side, state GOP Chairman Bob Beauprez said he is thinking about jumping into the 7th District race. He said he has been contacted by Rep. Tom Davis, R-Virginia, head of the National Republican Congressional Committee, about making a bid for the seat.

### Columnist apologizes for Utah jokes

SALT LAKE CITY - Two days after writing a column that said Salt Lake City had "royally screwed up" the Winter Olympics, Denver Post columnist Woody Paige publicly apologized to the state of Utah.

"Happy Valentine's Day, Utahans. I love you. I'm sorry I hurt you," Paige wrote in Thursday's paper.

Paige's first piece, which suggested Olympic visitors would be so annoyed by Utah that they would never return, provoked more than a hundred outraged e-mails and phone calls.

In his apology, Paige extensively quoted Otterson's explanations of those errors, adding that he had read the Book of Mormon and visited church headquarters in Salt Lake.

"I am not anti-Mormon, anti-Utah, anti-Salt Lake City or anti-Winter Olympics," he wrote. "My weak attempt at humor failed."

### Senator seeks to enlarge Gunnison

DENVER - U.S. Sen. Ben Nighthorse Campbell, R-Colo., has

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# Lawmaker proposes panel to investigate Columbine attack

By The Associated Press

Saturday, February 16, 2002 -

A lawmaker plans to propose a legislative commission to investigate the Columbine High School shooting attack, including allegations that a police officer may have accidentally killed one student.

The panel would have the power to subpoena witnesses, unlike a governor's commission that previously looked at the massacre.

Rep. Don Lee, R-Littleton, on Friday released the text of a proposed joint resolution he said would be officially introduced in the House on Monday.

The resolution, which would need Senate approval, would set up a bipartisan committee of six lawmakers to investigate the attack and the response by law enforcement agencies. It would recommend any legislative changes members believe necessary.

The committee would conduct its investigation this year and issue a report by Dec. 1.

Nobody who was a student at Columbine at the time of the shootings could be compelled to testify, according to the proposal.

Families of victims of the April 20, 1999, shootings at Columbine High School have accused the Jefferson County sheriff's office of covering up evidence and failing to release all the information about the attack and the response to it.

The family of slain student Daniel Rohrbough believes the 15-year-old was inadvertently shot by a police officer, not one of the two student gunmen. The officer has denied the accusations.

House Speaker Doug Dean, R-Colorado Springs, has said any legislative investigation would have to wait until summer to give lawmakers time to concentrate on their regular business.

"If we're going to do it, we're going to do it right," Dean said last week.

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## Columbine probe plan advances

### Resolution calling for subpoena powers up for debate Monday

By Michele Ames, News Staff Writer

State lawmakers moved a step closer Friday to forming a panel to investigate the nearly 3-year-old Columbine shootings.

If lawmakers approve a resolution to be introduced Monday, it would create the first such investigative body with subpoena powers.

While the proposal makes clear that the committee can call anyone, it also includes an opt-out clause for Columbine students, who could not be made to testify.

Colorado Attorney General Ken Salazar and Jefferson County District Attorney Dave Thomas announced this week a plan to review secret Columbine evidence and if possible make it public.

"The purposes may be different, but they do not appear to conflict," said Ken Lane, director of legal policy and media liaison for the Attorney General's office. "If we're able to complete what we want to do before the legislature does what it wants to do, the legislature may decide it would not need to investigate," he said.

The Jefferson County Sheriff's Office had no comment on the Lee proposal.

Officials with the Jefferson County School District said they would cooperate with a legislative committee.

"Any attempt to try to resolve differences that remain among the victims' families surrounding the events of the tragedy would be helpful," said spokesman Rick Kaufman. "I certainly hope that this would not turn into a huge political circus."

The legislative plan, released Friday, calls for six lawmakers evenly divided from the House and the Senate and the Democrat and Republican parties. It's already received strong support from a majority of families who lost children.

Brian Rohrbough, whose son Daniel was killed at Columbine, was pleased to hear that Lee is introducing the bill.

"I appreciate Don Lee's efforts in putting forward this bill," Rohrbough said. "Without question, it is the best way to get the answers about what happened at Columbine."

He is glad the parameters are broader than an inquiry into the circumstances surrounding the slaying of his 15-year-old son.

The Rohrboughs contend that their son was inadvertently shot by a police officer responding to the April 20, 1999, shootings, while Jefferson County officials determined that he was killed by gunman Dylan Klebold.

The El Paso County Sheriff's Office is investigating Daniel Rohrbough's death and says the legislators wouldn't interfere with that task.

"It doesn't affect our investigation at all," said spokeswoman Melissa Hartman. "We're continuing on how we originally decided to pursue this."

Sponsors must get support from their legislative colleagues.

Rep. Don Lee, R-Littleton, and Sen. Ken Gordon, D-Denver, will carry the plan in their chambers.

"Our main goal is to avoid an environment of inquisition, but still be effective," Lee said. "We want to keep this as dignified and respectful of the witnesses as possible."

Senate President Stan Matsunaka and House Speaker Doug Dean would appoint the committee members.

The committee would then meet before the current legislative session ends to organize and select a law firm to carry out closed depositions. The rest of the work would be done after the session ends May 8.

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

Initial indications are that the resolution has support from both sides of the political aisle.

"I think generally speaking this resolution is good, and it's a step in the right direction," said House Minority Leader Dan Grossman, D-Denver. "It's an awkward tool to get at what we want, which is the truth. But we may be the only body that can get at some of it."

The only hesitation legislators have expressed so far is at the projected cost of about \$300,000.

Lee said he believes the cost will drop to about \$100,000 if the committee can find attorneys who are willing to work for free or reduced rates. Radio talk show host and attorney Dan Caplis has already volunteered his services.

The additional money, under Lee's resolution, would come from that reserved each year for hiring outside legal counsel.

*Staff writers Charlie Brennan and Tille Fong contributed to this story.*

**February 16, 2002**

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Web posted **Wednesday, February 27, 2002**

## Columbine Dad Calls For Chain Reaction

By **Rebecca Parish**  
P&D Correspondent

No one in a packed Slagle Auditorium uttered a sound Tuesday night as Darrell Scott, father of a Columbine victim, retold his horror story of that tragic day in 1999. His message was clear: You still have an opportunity to change your life, and you can start a chain reaction.

Recruited by the University of South Dakota's Campus Crusade for Christ, Darrell Scott shocked audience members by showing videotape reliving the day his daughter, Rachel Joy Scott, was shot and killed by two teenage boys who, Scott says, were on a crusade for a different kind of chain reaction.

"The only difference is, one (crusade) is through violence and death, the other through love and compassion," said Scott.

Those words referred to an essay written by his daughter in a school ethics and morality essay just a month before the April 20 killings. "I have this theory that if one person can go out of their way to show compassion, then they will start a chain reaction of the same," Rachel wrote.

According to Scott, the two shooters, Eric Harris and Dylan Klebold, set off a different kind of "chain reaction" detailed in a five-hour videotape, of which Scott could only stand watching one hour.

"On that video, Eric pointed his finger toward the camera and said, 'Let's start a chain reaction,'" said Scott.

The reaction affected Scott's family forever. That day, Scott's son, Craig, was in the library and watched as 10 of his classmates were gunned down. Two of his close friends died beside him, and his sister was killed just outside the library door a few yards away.

Since that time, Scott has traveled across the United States appearing on Oprah Winfrey, Larry King, Tom Brokaw, Katie Couric and Leeza Gibbons, and he's told his tale to Time, Newsweek, Christianity Today and many more. He has witnessed a president shed tears over Rachel's

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diary.

Rachel is the reason he is doing his campaign, he said. "Ever since Rachel was 12 years old, she knew what her goal in life would be. She wanted to be two things, an actress and a missionary," said Scott.

In a way, both of her dreams came true, he said. "Rachel always believed that she would have an impact on the world. She would often say that she was going to be on Oprah." When Scott appeared on Winfrey's show and saw Rachel's picture on the big screen, he realized her dreams were coming true. In fact, CNN reported that Rachel's funeral had the most viewers in its broadcasting history.

Scott said Rachel had a strong belief in God. On her backpack, which wound up riddled with bullet holes, Rachel had written the words: "I am a warrior for Christ." Below that, she had more inscriptions; the words "I won't be labeled as average" had a bullet hole piercing it like an exclamation point.

Scott believes his daughter in some ways always knew she would not live to get married, have children or grow old. "Days before she died, she wrote in her diary, 'This will be my last year Lord. I have gotten what I can. Thank you,'" he said.

Perhaps the most convincing evidence to Rachel's prophecy in Scott's mind is a drawing found in a diary kept in the same backpack shot through with bullet holes. The drawing was dated 20 days before the shooting. "It is a drawing of eyes dropping tears on a bleeding rose found growing out of a Columbine plant," said Scott. "The number of tears is 13. One for a teacher killed and 12 for the teacher's students -- signifying the 12 disciples and the teacher, Jesus Christ."

Scott also urged people to go after their goals and embrace each moment. "We don't have the promise of a long life. In one second things can change," he said.

He wants his message to not only reach the general public but also the teachers, administrators and caregivers of students. "I would encourage our teachers to not turn their heads, to be willing to get involved," he said. "In a nutshell, people should be willing to take risks because sometimes teaching has to be about risk."

Scott said there is also a need to change the hearts of students and fellow human beings. He believes the bullying needs to stop, with an attitude of love and compassion replacing it.

"It wasn't about guns that day (in 1999). It was about the finger pulling that gun," he said.

Scott left his audience with a challenge. "Close your eyes right now and

think of one person in your life who has made a difference. In the next three days, I want you to contact them and tell them you appreciate them and let them know they have made a difference in your life," he said. "If, that is, you have the guts and the grace to do so. You can have a chain reaction."

To contact Rebecca Parish, e-mail her at [newsroom@yankton.net](mailto:newsroom@yankton.net).

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