

Kinkel Plea

Supreme Court to rule on grandparents' rights to visit

Kip Kinkel abandoned an insanity defense and pleaded guilty to murdering his parents at home and then killing two classmates in a shooting rampage last year at Springfield's Thurston High School. Kinkel sat slumped in a chair and slowly read over the plea to four counts of murder and 25 counts of attempted murder in a courtroom packed with survivors and victims' family members. His plea came just three days before a trial that offered a chance to get inside the mind of a school shooter and offer a possible "Why" to the baffling string of similar sprees across the nation. "This is the best resolution of the case," said John Walley, whose son was wounded in the shooting. "I don't need to understand what he was thinking. You can beat your head against that wall and you will go crazy because it was a senseless thing." The 17-year-old could get a lifetime behind bars when Circuit Judge Jack Mattison sentences him later for the May 1998 attack. Kinkel told investigators just hours after his arrest that he had "no choice" but to kill after shaming his parents by getting expelled from school. Because he was just 15 at the time, Kinkel never faced the death penalty.

But his attorneys had hoped to spare him a lifetime in prison by proving he was insane, or at least disturbed to the point that he was not fully in control of his actions. If his lawyers had been successful, Kinkel would have been confined to a mental hospital until he was no longer a danger to society. But late Thursday night, survivors of the shooting and victims' family members were called by prosecutors and told to be in court today for a plea.

The facts of the case were not in dispute. Kinkel's rampage began May 20, 1998, after he was expelled from school for having a stolen pistol in his locker. He shot and killed his parents, teachers Bill and Faith Kinkel, and then spent the night alone at home planting booby trap bombs around the bodies before driving to school.

Dressed in a long trenchcoat, he walked into the cafeteria just before classes began and calmly pulled a .22-caliber semiautomatic rifle from his coat. Firing from his hip, he squeezed off 50 rounds in just 90 seconds of terror. Classmates Ben Walker, 16, and Mikael Nickolauson, 17, died in the shooting that ended when several boys tackled Kinkel as he was trying to reload.

"Just shoot me. Shoot me now," Kinkel said as he was wrestled to the ground. Later in a jail interview room, Kinkel lunged at a detective with a knife that had been taped to his leg and begged police to kill him. They found two bullets taped to his chest, and he told them they were saved for himself. Prosecutors had lined up one of the nation's most sought-after forensic psychiatrists to testify.

Dr. Park Dietz, who has testified against the Unabomber, Jeffrey Dahmer and would-be presidential assassin John Hinkley Jr., had already received permission for a physical examination of the teen's brain. But even Kinkel himself seemed aware of his place in the sad lineup of Paducah, Pearl, Jonesboro and Conyers. After last spring's Littleton, Colo., shooting that left 15 people dead, an anguished Kinkel told a defense psychologist that he blamed himself for what he saw as a copycat crime.

Kinkel had managed to convince his parents' friends that he was a good kid, but his classmates knew he bragged about building bombs and torturing animals and voted him Most Likely to Start World War III. Desperate to control his son, Kinkel's father tried counseling, Prozac and even an attempt to get him into a National Guard unit. "I had to be 100 percent," Kinkel told defense psychiatrist Orin Bolstad. "No one is perfect though. Lots of times, life sucked. With my parents, if I didn't do the best, I was an embarrassment to my parents."

WASHINGTON - The Supreme Court set the stage Tuesday for an important ruling on grandparents' rights to see their grandchildren even when parents object - a case that could affect laws in all 50 states. The nine justices - six of them with grandchildren of their own - agreed to decide whether a state can give visitation rights to grandparents when, after a divorce or some other family split, the children's parents say no. The case involves Washington state, where the state's highest court ruled that such a law violates parents' "fundamental right" to rear their families without governmental interference. All other states have similar laws. "State intervention to better a child's quality of life through third-party visitation is not justified where the child's circumstances

are otherwise satisfactory," the state court said last Dec. 24 in wiping out an Anacortes, Wash., couple's legal right to see their two granddaughters.

"To suggest otherwise would be the logical equivalent of asserting that the state has the authority to break up stable families and redistribute its infant population to provide each child with the 'best family,'" the state court added.

The justices indicated they will hear arguments in the case in January. Their decision is expected by next June. For the second time this month, the court got ahead start on its 1999-2000 term, which will begin Monday, by granting cases. Justice Ruth Bader Ginsburg, who returned home Tuesday after an 11-day hospital stay during which she underwent colon cancer surgery, apparently participated in the court action.

Most states had enacted grandparent-visitation laws by the early 1990s.

In 1992, the justices rejected challenges to such laws in Kentucky and Wisconsin. But in 1995, the court let stand a state court's ruling that struck down a Georgia law allowing grandparents to win access to their grandchildren over parents' objections. In the Washington case, Gary and Jenifer Troxel seek to regain visitation rights to their young granddaughters, Natalie and Isabelle, over the objections of the girls' mother, Tommie Granville Wynn.

"We're ecstatic that this is going to be heard," Jenifer Troxel said from the couple's home. "We think it's important to grandparents all over the nation."

A call to Wynn's residence went unanswered. The girls' father, Brad Troxel, committed suicide in 1993.

Brad Troxel and Tommie Granville were never married but had two daughters during their relationship. When they separated, Troxel lived with his parents. The girls regularly visited him here. After Troxel's death, the girls continued seeing their grandparents regularly until their mother limited their visits. In late 1993, the Troxels went into state court to obtain enforceable visitation rights, and in 1995 they were awarded visitation one weekend each month, one week during the summer and four hours on the girls' birthdays.

While Granville appealed, she married Kelly Wynn. He then adopted Natalie and Isabelle. A state appeals court and the Washington Supreme Court ruled against the grandparents even while recognizing that in some cases children will

be hurt. "The family entity is the core element upon which modern civilization is founded. ... A parent's constitutionally protected right to rear his or her children without state interference has been recognized as a fundamental liberty interest ... and also as a fundamental right derived from the privacy rights inherent in the Constitution," the state Supreme Court said.

It noted that the Washington law broadly gave "any person" the right to petition for visitation rights.

Grandparents on the nation's highest court include Chief Justice William H. Rehnquist and Justices John Paul Stevens, Sandra Day O'Connor, Antonin Scalia, Anthony M. Kennedy and Ginsburg.

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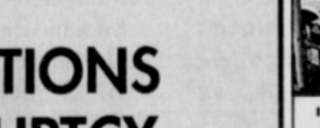
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