



VIA

HAND DELIVERY

H. Wayne Carver II, M.D.
Chief Medical Examiner
Office of the Chief Medical Examiner
11 Shuttle Road
Farmington, Connecticut 06032

Re: Request for release of the autopsy, toxicology, and prescription drug history records of Adam Lanza

March 5, 2013

Dear Dr. Carver:

Pursuant to Connecticut General Statute Sections § 19a-411 and § 1-200, and § 1-210; Article I, Sections 4 and 5 of the Constitution of the State of Connecticut, Conn. Const. art. I, § 4, § 5; and the First Amendment to the United States Constitution, USCA CONST Amend. I, AbleChild, on behalf of itself and petitioners from Newtown, Connecticut (see attached) (hereinafter collectively "the Parties"), respectfully request the immediate release of the complete autopsy report, toxicology report, and prescription drug history possessed by your office for and concerning the decedent Adam Lanza.

On information and belief, Mr. Lanza's birthdate is April 22, 1992, and his place of death was Newtown, CT. In particular, the Parties seek all public records and files, as those terms are defined in Conn. Gen. Stat. Ann. § 1-200, concerning or relating to the presence of drugs in Mr. Lanza's serum and organs and concerning or relating to drugs prescribed to Mr. Lanza. For any tests performed on Mr. Lanza's body for which results have not yet been produced by the testing entity, the Parties respectfully request that those results be supplied to them when they are produced to your office. The Parties will pay for copies of the requested reports, records and files.

The Parties have a legitimate interest in the information sought. AbleChild is a 501(c)(3) non-profit organization that represents and advocates the interests of parents, caregivers, and children. Incorporated in New York in 2003, AbleChild aims to ensure the safety of caregivers when those for whom they give care are diagnosed as mentally ill and are prescribed drug treatments that may induce adverse events that include thoughts of murder, homicide, or suicide. In fulfillment of its mission within Newtown, Connecticut, and in Connecticut and the nation generally, AbleChild has a legitimate interest in accessing the autopsy, toxicology, and prescription drug records of Adam Lanza so that an evaluation may be made to determine if those drugs contain agents that have been associated with increased thoughts of murder, homicide, and suicide and to determine if such drugs may have contributed in whole or part to his commission of murder and his suicide. The information, professional assessments of it, and

resulting recommendations from it shall then be published by AbleChild to parents, caregivers, and the public nationwide, thus better enabling them to work with health care professionals in choosing the best therapies for the treatment of mental problems and to promote more informed debate on measures to stem future incidents of this kind.

Under Connecticut law, requests for autopsy, toxicology, and prescription drug records are obtainable by members of the general public and the media upon a demonstration of “legitimate interest.” Conn. Agencies Regs. § 19a-401-12. Based on the foregoing, there is undoubtedly a legitimate interest for this organization to obtain the requested information. Ablechild functions as public interest group and as a media resource organization. It has a keen interest in discovering evidence of the association between use of psychoactive drug agents and incidents of violence, aggression suicide and murder. It has a keen interest in publishing findings concerning Mr. Lanza’s use of psychoactive drugs, if any, and whether agents in those drugs have been linked to increased thoughts of hostility, aggression, suicidality and murder. Ablechild anticipates that publications of the kind they intend will help improve public awareness and foster more informed public debate and political decision-making concerning how best to stem future incidents of this kind.

In Connecticut, “there is an ‘overarching policy’ underlying the Freedom of Information Act (FOIA) favoring the disclosure of public records.” *Superintendent of Police of City of Bridgeport v. Freedom of Info. Comm’n*, 609 A.2d 998, 1000 (Conn. 1992). “[I]t is only in the exceptional case that inspection should be denied.” *Meriden Record Co. v. Browning*, 6 Conn. Cir. Ct. 633, 637, 294 A.2d 646, 649 (1971) (citing *State ex rel. Youmans v. Owens*, 137 N.W.2d 470, 475, 139 N.W.2d 241). Such exceptions to disclosure “must be narrowly construed.” *Meriden* at 626. The party claiming the privilege has the burden of proving the exception’s applicability. *Wilson v. Freedom of Info. Comm’n*, 435 A.2d 353, 357 (Conn. 1980).

A legitimate government interest is even more likely to be found for matters that concern serious events of public concern. *See Meriden* at 636 (citing *Rome Sentinel Co. v. Boustedt*, 252 N.Y.S.2d 10, 12 (Sup. Ct. 1964)) (finding that, “The public’s right to know and be informed on the activities of public figures is practically absolute unless commercialization may be shown. Even the ordinary citizen may be newsworthy under certain circumstances. Whether the event be a calamity or an honor, it may be one in which his neighbors have a legitimate interest”) (internal citations omitted).

Likewise, under Article I, Sections 4 and 5 of the Connecticut Constitution there is a right to know indispensable to the public’s ability to question actions of public officials (here, those in government responsible for authorizing distribution and use of drugs that may include hazardous psychoactive agents) that trumps administrative convenience, particularly in contexts where there is no compelling need for confidentiality. *See* Conn. Const. art. I, § 4 (“Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty”); Conn. Const. art. I, § 5 (“No law shall ever be passed to curtail or restrain the liberty of speech or of the press”); *see Maher v. Freedom of Info. Comm’n*, 472 A.2d 321, 325 (Conn. 1984) (emphasizing that § 1-210 first reflects “the public’s right to know what its agencies are doing”); *see also Woodcock v. Journal Pub. Co., Inc.*, 230 Conn. 525, 549, 646 A.2d 92, 103 (1994) (finding that while public criticism “can be hard on public officials, it is

simply the price that must be paid in order to protect our democracy”); *Dow v. New Haven Indep., Inc.*, 549 A.2d 683, 689 (Super. Ct. 1987) (emphasizing the “profound commitment to freedom of the press,” the court espoused that, “The right to discuss public matters stands in part on the necessity of that right to the operation of a government by the people....It must be kept in mind that criticism of those responsible for government operations must be free, lest criticism of government itself be penalized”) (citing *Rosenblatt v. Baer*, 383 U.S. 75, 85, 86 S.Ct. 669, [676] (1966).” *Brown v. K.N.D. Corporation*, 529 A.2d 1292 (Conn. 1987)). *State v. McKee*, 46 A. 409, 414 (Conn. 1900) (noting that, “The general right to disseminate opinions on all subjects was probably specified mainly to emphasize the strong necessity to a free government of criticism of public men and measures”).

The First Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment, U.S. Const. amend. XIV, § 1, also prohibits state action that bars public and media access to information necessary for the effective public evaluation of acts taken by public officials. The Parties have a right to access the autopsy, toxicological, and prescription drug records of Mr. Lanza as members of the press, for each intend to aid the public in comprehending potential causes of Mr. Lanza’s murders and suicide. *New York Times Co. v. United States*, 403 U.S. 713, 717, 91 S. Ct. 2140, 2143 (1971) (J. Black concurring) (holding that, “The First Amendment...gave the free press the protection it must have to fulfill its essential role in our democracy...The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government”); *Id.* at 724 (J. Douglas concurring) (reminding that, “It is common knowledge that the First Amendment was adopted against the widespread use of the common law of seditious libel to punish the dissemination of material that is embarrassing to the powers-that-be”); *Pittsburgh Press Co. v. Pittsburgh Comm'n on Human Relations*, 413 U.S. 376, 382, 93 S. Ct. 2553, 2557 (1973) (citing *New York Times Co. v. United States*, and noting that, “The durability of our system of self-government hinges upon the preservation of these freedoms”).

Disclosure is sought without delay. The information is indispensable to political decision making and public debate related to a continuing series of school shootings and acts of mass violence across the country: Dec. 14, 2012, Sandy Hook Elementary School; April 2, 2012, Oikos University; February 27, 2012, Chardon High School; May 10, 2011, San Jose State University; January 5, 2011, Millard South High School; April 10, 2009, Henry Ford Community College; April 16, 2007, Virginia Tech University; Oct. 2, 2006, Amish School Shooting (PA); April 20, 1999, Columbine High School; Mar. 24, 1998, Westside Middle School (AR); February 19, 1997, Bethel High School (AK). Many of those and other shootings have been committed by individuals who were medicated with psychoactive drugs. The pattern, potentially repeated here, invites serious inquiry into whether those drugs are in whole or part responsible for affecting changes in perception that may have led to increased thoughts of hostility, aggression, suicidality and murder in the people committing the crimes. Exercise of any check by the public through their elected representatives on actions to be taken will depend very heavily on the extent to which the public is fully informed of the potential causes for these murders.

This office may have waived objections for disclosure through communication with the media shortly after the autopsy was performed on Mr. Lanza’s body. In the January 11, 2013 online edition of the *Connecticut Post*, reporter Michael P. Mayko authored, “M.E.: Lanza’s brain

appeared normal.” The article lists several quotes from your office. Specifically, Mr. Mayko quotes you as stating that Mr. Lanza’s brain showed “no tumor ... no gross deformity,” and that , “We measured his head and it fell in the normal range.” (This was in response to a question based on suspicions that, based on published photos, Mr. Lanza might have suffered from “Fragile X syndrome” [the most common known genetic cause of autism or autism spectrum disorders], which results in a large forehead or big face).¹ Another report of the same interview noted that you mentioned that the results of toxicology tests might provide “potential information” into “the motives of the deadly shooter.”²

For the foregoing reasons, the Parties respectfully ask that the documents requested be released at the earliest possible moment and in no event later than March 10, 2013, the statutory deadline for response. Conn. Gen. Stat. Ann. § 1-206(a) (“Any denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right by the public agency official who has custody or control of the public record, in writing, within four business days of such request”).

Please send the complete autopsy report, toxicology report, and prescription drug histories requested herein for Mr. Lanza to the Parties at the following address:

AbleChild
Attn: Sheila Matthews-Gallo
19 Washington Avenue
Westport, CT 06880

Thank you.

Sincerely,

Sheila Matthews - Gallo
Co-Founder, AbleChild

¹ See <http://www.ctpost.com/local/article/M-E-Lanza-s-brain-appeared-normal-4183530.php>.

² See <http://www.policymic.com/articles/22740/adam-lanza-s-brain-shows-nothing-unusual-says-autopsy>.