

Received: from e3000b.state.ms.us
by governor.state.ms.us; Sun, 23 Sep 2001 01:43:32 -0500
Received: from mx1.its.state.ms.us (mx1.its.state.ms.us [192.42.4.253])
by e3000b.state.ms.us (8.10.0/8.10.0) with SMTP id f8N6hLl03672
for <governor@governor.state.ms.us>; Sun, 23 Sep 2001 01:43:21 -0500 (CDT)
Received: from sunlold.its.state.ms.us (sunlold.its.state.ms.us [192.42.4.37])
by mx1.its.state.ms.us (8.10.0/8.10.0) with ESMTP id f8N6f9L09208
for <governor@governor.state.ms.us>; Sun, 23 Sep 2001 01:41:10 -0500 (CDT)
Received: (from nobody@localhost)
by sunlold.its.state.ms.us (8.10.0/8.10.0) id f8N6huo07545;
Sun, 23 Sep 2001 01:43:56 -0500 (CDT)
Date: Sun, 23 Sep 2001 01:43:56 -0500 (CDT)
Message-Id: <200109230643.f8N6huo07545@sunlold.its.state.ms.us>
To: governor@governor.state.ms.us
From: EFAN3MAN@aol.com (RANDY S. MILLWOOD)
Subject: Comments to the Governor

Below is the result of your feedback form. It was submitted by
RANDY S. MILLWOOD (EFAN3MAN@aol.com) on Sunday, September 23, 2001 at 01:43:56

Issue: ABUSES OF OPEN RECORD'S LAWS

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Organization: NASCAR COMMUNITY AGAINST AUTOPSY PHOTOS

Position_in_Organization: MEMBER AND CONCERNED AMERICAN CITIZEN

Message: <http://www.geocities.com/meoowpccat/NCAAP.html>

The Honorable Ronnie Musgrove
Governor of Mississippi
Jackson, MS

It is hard to divide attention from a national crisis to provide information on a matter so totally unrelated. But in some sense it might become related. At this time it is actually legal in some of the states for persons of moral bankruptcy to ask for and be granted autopsy photos and medical examiner's reports from the offices of our nation's medical examiners and coroners. This is absolutely legal in these states because of loopholes in open records laws and grieving families are powerless to prevent this atrocity.

NCAAP: NASCAR COMMUNITY AGAINST AUTOPSY PHOTOS was formed in answer to the pleas of the widow of the late NASCAR Legend Dale Earnhardt, for all possible public assistance in preventing the release of her late husband's autopsy photos to the media and to an internet site builder, in the State of Florida.

Florida Governor Jeb Bush and the Florida State Legislature had to act with great haste to prevent this very obscenity from occurring in that state. Governor Bush signed THE EARNHARDT FAMILY PROTECTION ACT into Florida Law on March 29, 2001 to stop this morbid pursuit from being inflicted upon this family or any resident of the Great State of Florida. But that did not deter an internet site builder from using the 11th hour of the old open record's law concerning autopsy photos and medical examiner's reports.

He seized the moment to post the autopsy photos of the late Neil Bonnett and Rodney Orr, both of whom were victims of similar accidental deaths, as that of Dale Earnhardt, to make those autopsy photos a featured service to the public, on his deplorable website. That site is: www.websitecity.com It is but one of a host of these reprehensible sites that display naked and mangled human corpses and human body parts AS A PUBLIC SERVICE, if you would call this such.

I call it something far different and it serves only to inflict more sorrow and grief upon mortal human beings than anyone can justify, no matter the legality of the media's corrupted claims. The news media is so intent to protect the right of free press that it will not yield to the decency of human compassion in this matter.

Those other sites, along with <http://www.websitecity.com/> that I have knowledge of are: <http://www.findadeath.com/>, <http://www.choosedeath.com/>, <http://www.cadaver.org/>, <http://www.celebritymorgue.com/>, and <http://www.rotten.com/>

Whether it's a celebrity or a hobo, choosing death, finding death, viewing cadavers, or whatever the name for this lunacy is; it is a rotten enterprise and there is nothing on God's Earth that can justify any legal protection for such deplorable and reprehensible inhumanity being inflicted on human beings in mourning. THE EARNHARDT FAMILY PROTECTION ACT passed The Florida House as House Bill # 1083 from the 2001 session, was upheld in a fair and just legal proceeding before The Honorable Judge Joseph G. Will, as legal and Constitutional, in the 7th Judicial Circuit Court of Florida. (Volusia, County).

That case # is: 2001-30373-CICI / Division 31. Legislation of the same type has passed in Alabama, Louisiana, Indiana, and Texas. Limited legislation has passed in the State of Georgia in this matter, though it is absolutely unsatisfactory, and legislation has passed the South Carolina House as House Bill # 3668 and awaits a decision in the South Carolina Senate Judiciary Committee, as South Carolina Senate Bill # 461.

Legislative actions are being proposed in Wisconsin, Virginia, Oregon, Arkansas, Pennsylvania, and New Jersey, though they are yet to be realized. I have just yesterday been notified by Representatives in Kansas and Arizona as well, that they too will be taking a closer look at the open record's laws of those states as well. I have been notified just today that The State of Missouri does not allow these tragic autopsy photo releases without proper due process and I am relieved for that knowledge as well.

I would kindly ask you as an Honorable Representative of the great people of Mississippi, to become familiar with the open record's laws of The Great State of Mississippi and to determine for yourself, the current status of such open records laws in Mississippi, and that you move with all haste to close any such loopholes in the statutes of your great state, to prevent any Mississippi Citizen from ever facing such a gauntlet of morbid curiosity.

We at NCAAP: NASCAR COMMUNITY AGAINST AUTOPSY PHOTOS intend to make this effort a national concern and see that these open records laws are amended to the protection of the privacy of all American Citizens at a time of their deepest of human sorrows. The name NCAAP, must not infer to anyone that we are simply interested in this for its effects on the NASCAR Racing Community. Neither are we only concerned about this issue because of a single family or a single individual.

We were only made aware that this injustice was even possible, as result of the tragic death of NASCAR Legend Dale Earnhardt and the subsequent series of despicable events that have occurred since this national hero was tragically killed on February 18, 2001. It is absolutely not the case in this matter, that we are seeking the intervention of the state legislatures and governors to address, only a singular or idolic concern for this individual family.

We have been portrayed as a gang of southern rednecks infatuated by hero worship. That description has been tagged to us by the medias that see benefits to placing these autopsy photos into a marketable property. The truth is that we are seeking redress of grievance in this matter for every citizen of Mississippi and every citizen of America and we absolutely do not believe that any Constitutional protection exist now or should ever exist, that allow persons of heartless indifference to human grief, to make a monetary profit from the sorrow of other human beings.

This has grown to include the auction of autopsy reports on the internet for those that would actually bid in monetary dollars for copies of autopsy reports on other mortal beings. Again I would question the legality of anyone selling a public record, which is also a basis of the media claim, in which they contend that autopsy reports and autopsy photos are public documents, in their repugnant pursuit of these particular autopsy photos.

Are public records and documents property of the state and the public, or are they simply available for anyone's view of capitalist opportunity? Can anyone truly say that this is a Constitutional Protection under the 1st Amendment? These are questions that have to be answered and there are many precedents in current law for restricting one person's view of Freedom of the Press and Freedom of Speech, when that freedom is a reckless endangerment to the public at large or when it is perceived to be a danger to the general public. So this is not a new and untried precedent of law.

The tobacco legislation and the pornography and gun restrictions are just some of those mentioned precedents of law, in which Free Speech and Free Press have had to be restrained because of the harms these products do and the burdens they place upon this nation in human and economic cost. This matter is no different and deserves no protection of law in any state within this most blessed of nations.

Neither do we speak freely in courts of law or in public gatherings just to be a nuisance and hindrance to the freedoms of others. I can assure you that I do not view these reprehensible sites for any purpose and the only reason that I ever will make mention of them is that I feel I must provide the evidence to backup the assertions and claims stated within this correspondence.

No other intent for their mention should be implied or taken. I offer to you further proof of why this sordid injustice must be stopped and there are human and financial cost involved with allowing such morbid and unjustifiable releases of these documents and photos for such despicable and repugnant reasons as those mentioned above: <http://www.ajc.com/> Within is a story of teenagers that have been given access to autopsy photos on a deceased classmate.

<http://www.myflorida.com/> Florida EOG | House or Senate Bills: 947-1558 FLORIDA HOUSE BILL # 1083 THE EARNHARDT FAMILY PROTECTION ACT.

<http://www.mysc.gov/> South Carolina General Assembly-lis Bill S 0461 SOUTH CAROLINA SENATE BILL # 461 SOUTH CAROLINA HOUSE BILL # 3668

Representative Shirley Borhauer of Arkansas has agreed to try to establish some means of contacts with Florida Governor Jeb Bush, South Carolina Governor Jim Hodges, and Senators and Representatives of the above named states and begin a dialogue designed to make this open record's laws issue an issue for all Americans.

That is my belief of the meanings of my correspondences with this fine Representative of the People of the State of Arkansas. Also stating his clear support of the efforts of NCAAP is The Honorable Governor Bob Wise of West Virginia.

I truly believe that we as a civilized people have a full right under God to say no to such despicable, vile, and repugnant abuses of the deceased, by those that seek to profit at the expense of human sorrow. This nation has a full measure of grief before it now and we have much to do to protect the sacred memories of those that have fallen to the verdict of tragedy.

We are absolutely not seeking censorship or a loss of our cherished freedoms. We are asking that laws be established that protect open records from being abused by immoral scoundrels that see no harm in inflicting more needless suffering on human beings already in mourning of the sudden loss of a loved one.

We fully understand that autopsy photos and medical examiner's reports have a justified and useful purpose in the fields of medical science and criminal and civil justice. We adamantly oppose that there is any useful purpose that serves any public interest for these documents and photos to be accessible to the news media, internet site builders, or average citizens on demand. That is the case of our plea and grievance of this matter.

God Bless America with a Divine measure of comfort at this moment of such unquestioned national sorrow.

<http://www.geocities.com/meoowpccat/NCAAP.html>

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