

## Nashville Parents Ask: Must a Mass Shooter's Writings Be Made Public?

The lack of information about what motivated a deadly attack on a Christian school has led to a protracted legal fight over releasing the shooter's handwritten journals.



By Emily Cochrane

Emily Cochrane, who lives in Nashville and covers the American South, has reported on the Covenant School shooting and its aftermath.

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Barely two months after an armed assailant fatally shot three children and three adults at a private Christian school in Nashville, the lack of information about the motive has led to a bitter legal fight over whether handwritten journals and writings found during a search of the shooter's home and car should be released to the public.

Caught in between the arguments about the constitutional right to access public records and a political dispute over gun-control legislation are the parents from about 100 families at the Covenant School who have made clear that they want the material to remain locked away, at least until the surviving classmates finish out the school year.

"It is such a heavy burden for them to put themselves back in the middle of all this when they are just trying to heal," Eric G. Osborne, a lawyer for the families, said at a court hearing on Monday. "Clearly they wouldn't be doing this if they didn't earnestly believe that the release of these writings were going to have very negative effects on them."

Journalists, a gun-rights group and others have sued to force the release of the writings. But much of the hearing was dedicated to whether Tennessee law allowed parents, the school itself and the companion church on campus to have a legal voice in the dispute, a question that the judge said she would answer by the end of Wednesday.

"I believe that getting the information that needs to be out is a good thing," said the judge, Chancellor I'Ashea L. Myles of the Chancery Court in Davidson County, who acknowledged that the case represented "uncharted territory" and asked for sensitivity as it continued.

Even if the court rules in favor of the parents, the thornier question of how much to reveal about the shooter's motivations and final thoughts will still remain. Officials have said that they will very likely redact some of the material should the court order its release, as they weigh First Amendment protections and the need for a public explanation against fears of inspiring more violence and adding to a percolating contagion of mass killings.





they want.”

After a deadly rampage at Columbine High School in Littleton, Colo., in 1999, the images and motivations of the two gunmen were plastered across cable news and front pages for weeks. Their sinister notoriety has reverberated in several mass shootings in what is now known as the Columbine effect, as isolated and troubled young people have used that killing as a road map for achieving infamy through violence in their own communities.

The Nashville assailant “considered the actions of other mass murderers,” the police said in early April, though they noted at the time that a motive remained unknown.

In the decades since Columbine, news organizations, including The New York Times, have honed a set of guidelines about reporting on mass shootings: Largely avoid repetitive use of the shooter’s name and image, and focus on the victims and survivors.

But the release of an assailant’s writings, and how to share them, is more complicated, and courts, news organizations and law enforcement have wrestled with it before.

Nearly 1,000 pages of documents related to the Columbine shooting were released in 2006 as a result of an order by the Colorado Supreme Court. The Hartford Courant won a five-year court battle to view documents from the gunman responsible for the massacre at the Sandy Hook Elementary School.

Social media, in some ways, has negated the need for a court to step in, given that several mass shooters have deliberately left a trail of hateful and malicious thoughts online, including in the attacks in Buffalo and El Paso, Texas. But it has also allowed writings and graphic images to easily circulate, something that experts say could heighten risk and outweigh the research and investigative merits of publishing some of the writings.

“It’s millions of people, all commenting and then commenting on comments and speculating, and that’s where it gets really difficult,” said James Meindl, a professor in applied behavior analysis at the University of Memphis who studies the behavior of mass shooters and how news outlets can responsibly report on them.





There are now several instances where mass shooters have deliberately left a trail of hateful and malicious thoughts online, including the attack in Buffalo last year. Kenny Holston for The New York Times

The absence of a clear motive or significant social media postings by the Nashville shooter has already inflamed rampant speculation. After police officials said that the shooter identified as transgender, right-wing activists intensified their attacks on transgender people, claimed a connection between the shooting and the assailant's gender identity without any evidence, and speculated about a conspiracy to cover up details about a killing at a Christian school.

Pressure to act on gun legislation has also buoyed Republican state lawmakers to push for the release of the writings, after a tumultuous stretch in which two Black lawmakers were expelled — and later reinstated — for leading protests calling for gun control on the House floor but no action was taken on any measure dealing with firearm access.

Gov. Bill Lee, a Republican, called for a special session in August to consider what he described as public safety legislation, releasing a draft proposal that could allow judges to take guns from people who are ruled to be a danger to themselves or others. Citing that upcoming legislative work, Republicans have demanded the documents as a way of fully informing any possible policy change.

“If we hope to pass meaningful legislation that effectively deters this kind of targeted attack, we must have all the facts to make informed decisions,” more than 60 House Republicans wrote in a letter to the Metropolitan Nashville Police Department this month.

A Republican state senator, Todd Gardenhire, is also among those who have sued for the release of the records, citing “research” in “writing new laws regarding school safety.”

Some Democrats and gun-control supporters fear that Republicans will focus on the specific content of the writings as a way to avoid addressing what they see as the larger issue of firearm access.

Multiple news outlets, including The Tennessean, have argued that the documents are required to be released under state public records laws and warned against infringing on First Amendment protections.

The Tennessee Firearms Association and James Hammond, a former Tennessee county sheriff, are among the outside law enforcement and conservative groups that have also cited a violation of state public records law in suing for the release of the records, echoing the argument that it is important to know more about the motive before the special legislative session.

On Monday, their lawyers argued that the Covenant School, as a private school, could not claim exemptions for school safety under the public records law. They also questioned whether the group of parents had the legal standing to intervene in the case, or were entitled to the protections afforded to victims of a crime.

Most of the parents have yet to publicly identify themselves as part of the lawsuits, and their lawyers indicated that several wished to remain anonymous if the case were to move forward.

Nashville law enforcement officials have argued that releasing the writings prematurely would impair an ongoing investigation; as of now they believe the shooter, killed by the police at the school, acted alone. The Metropolitan Nashville Police Department, in a separate court filing, did not object to the release of a redacted compilation of the shooter's writings, though Chancellor Myles of Davidson County is set to review what one city lawyer described as a "voluminous" trove of evidence.

Lt. Brent Gibson, the officer overseeing the investigation, estimated in a court filing that it would take a year for the Police Department to conclude its work, warning that "releasing any of the puzzle pieces too quickly could jeopardize putting this intricate puzzle together." He added that the agency needed to subpoena many records, such as messaging data and internet search history, and conclude its interviews.

Chancellor Myles is set to continue reviewing the documents and evidence in police possession, as well as previous cases in Tennessee, before making her decision on whether the parents have the legal right to intervene.

"My goal is to make sure that whatever needs to come out can come out in a manner that protects all involved, but also gives open access," she said.



**Emily Cochrane** is a national correspondent covering the American South, based in Nashville. She was previously a congressional correspondent in Washington, chronicling the annual debate over government funding and economic legislation. [More about Emily Cochrane](#)

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