

Task Force on Victim Privacy and the Public's Right to Know
Testimony by

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Chairpersons Arce and DeCesare, honorable members of the Task Force:

I come before you this morning to speak to the issue of the public's access to the records of our government, especially birth, marriage and death certificates. I have practiced genealogy for 40 years, the last 17 as a professional genealogy working for clients around the world. I am an ordained minister¹ and was a clinical teaching chaplain at a major Connecticut hospital for 23 years² and a certified mental health practitioner³ to individuals and families. I have dealt with many families in crisis situations over my career and taught courses in thanatology and pastoral care to health care professionals, clergy of all faiths and postgraduate students, including at Yale Divinity School.⁴

As a genealogist, I have exercised my right to access the records that my government collects and holds for its citizens, a right that has been in place for nearly 400 years. However, during the past year, the access of the public – and that includes me and all genealogists – to these records has been threatened by three proposals⁵ submitted and endorsed by legislators, one threatening to close death records to the public for an astounding 100 years!

I believe that proposing legislation carries with it the burden of informed testimony, including a statement of the proposals, the rationale for the proposal, and substantial evidence supporting the rationale. Perhaps I should not have been startled to find little evidence of these in the testimony concerning those three bills, but it has frightened me. For example, I searched the testimony given before legislative committees in support of these bills for even one instance of an individual or family who experienced harm because of the availability of vital records and found absolutely none.

Nevertheless, despite the lack of evidence to support these proposals, there are some in this state who would close virtually all records anyway. One problem is what I have called Gatekeeper Proprietary Syndrome (GPS), where those who are the keepers of public documents, funds and other items belonging to the public often confuse them as their own property. A perfect example of this is found in the testimony of two instigators of these bills who stated in their testimony before legislative committees that they wished to “permanently restrict access to *all* death records and marriage certificates” to “only immediate family and authorized agencies

1. The Unitarian Universalist Association of America.

2. Waterbury Hospital Health Center, Waterbury, Connecticut.

3. Past certifications and accreditations include Connecticut Certified and Clinical Member of American Association for Marriage and Family Therapy (ret); Diplomate, American Association of Pastoral Counselors (ret); American Mental Health Clergy (ret); Board Certified, Association of Professional Chaplains (ret); Acting Clinical Pastoral Education Supervisor.

4. Mattatuck (now Naugatuck Valley) Community College, ca. 1982; many hospitals in Connecticut and Massachusetts and Connecticut, Yale Divinity School 1975-6.

5. HB 5733 (file number 585), HB 5421 (file number 622) and HB 6157 (later rescinded).

and attorneys,” claiming that “[d]eath and marriage certificates are official state documents and are only vital to the parties named on them.”⁶

These bills hung in the air like the legendary Sword of Damocles for months and filled genealogists across this country with fear, for, if adopted, they would have virtually destroyed our profession here in Connecticut. In addition to destroying the careers of professional genealogists, these bills would have placed an insuperable obstacle to research for the millions of Americans across this nation who trace their ancestral roots to Connecticut. Research for most of my clients begins with birth, marriage and death certificates. These documents in turn lead the genealogist on the journey backward in time. If you destroy access to any of these records, you destroy most of the ability to conduct accurate and thorough genealogical and historical research. It would be tantamount to trying to make sense of a book by skipping the first four chapters.

I have personally viewed thousands of birth, marriage and especially death records, and have never once thought that the information contained therein posed a threat to the privacy of any individual, nor have I seen any instance where this information caused any harm to any family or individual. To be sure, there are cases where people have objected to information concerning themselves and their families being available to other people and you have a synopsis of cases in material already presented to you. However, the wholesale restriction of vital records to everyone based on unsubstantiated rationales is, in my opinion, misguided and harmful to our culture.

The information on death records does not have anywhere near the detail of autopsy reports, which are closed to the public. Marriage and birth records usually don't have as much information as local newspaper reports, obituaries, marriage and birth notices, yet they are handy targets for those who do not appreciate the true threats to privacy, primarily through the Internet. One small example is that on October 4, the press reported that the software giant Adobe had been hacked and millions of customer records stolen.

The tired canard of protecting people against “identity theft” used to promote these bills is simply unfounded. There is not time or space to completely answer this falsehood, but consider this, if you will: in Massachusetts, for example, birth, death and marriage records are, to this day, all open to the public (out-of-wedlock birth records and adoptions are closed to the public); in my native New York State, which enacted a number of restrictions on these records decades ago, the incidence of identity theft is far, far greater than that in Massachusetts. The statistics simply do not support the plaint of “identity theft protection” as justification for closing or restricting these certificates, and no evidence was offered last year to show any harmful nexus between the availability of vital records and identity theft.

Genealogists are just as concerned – perhaps more so – with preserving and securing our historic documents, which is why we initiated the Connecticut Historic Records Preservation Act about 15 years ago which has netted over 25 million dollars to preserve records in our 169 town halls. In addition, we think the public may feel more secure if registrars of vital records issued non-certified “informational” copies of vital records, clearly stamped “For Informational Purposes Only.” That way, they may not be used for any official purpose. These would serve for most genealogical purposes, and many states do this. Ironically, the Connecticut Town Clerks

6. Verbal testimony of Newtown Town Clerk Debbie Aurelia and Redding Town Clerk Michelle Grande of February 22 and 27, 2013 before the Public Health Committee and the Government Administration and Elections Committee on House Bills 6157 and 5421.

Association (CTCA) successfully lobbied the legislature 12 years ago to end this practice and forbid issuing anything but certified copies.

I read every word of testimony given in the past to support closing or highly restricting vital records. What I heard was a great deal of anger toward news media personnel for their alleged behavior in Newtown. But on the night of December 14th, like so many of you, I was glued to my television set, emotionally distraught and in need of information that would help me to make some sense of that tragedy. That evening I was fortunate to tune in to a news program and hear a marvelous man named Robbie Parker. He had just lost his precious daughter, but what he had to say and how he said it was just as therapeutic as any psychoanalyst or clergyperson could have been at that moment. He touched my heart and provided me with courage and healing, and I'm sure he did this for many people that day. I was so grateful that we live in a country where we have a free press that could bring us somebody like Robbie Parker who was able, like no one else, to assuage our dismay and distress. I have only sadness for those who only experienced the press that day as "jackals" or "exploiters."

Genealogists across the country, including the Association of Professional Genealogists, join me in respectfully asking you to keep the records of our government open and accessible to the public.

Sincerely,

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