

Analysis^{1[1]} and Fact Sheet of Raised Bill No. 5628, March 2004
An Act Concerning Funeral Directors and Vital Records

The bill is aptly named. If passed, we can all call our local funeral director to ask for a funeral and burial of much of our right and freedom as citizens to access *our* public records. If passed, this bill would constitute the most profound reduction of access to vital records in the history of our state.

It would **severely compromise** access to vital records for all genealogists. It would **repeal** Sections 7-51 and 7-51a of the general statutes,^{2[2]} the sections that allow genealogists and all citizens access to vital records and **close** records that have been open for centuries for the *first time in the history of our state*.

It would render it extremely difficult to obtain any copies of records because of the severity of restrictions placed on researchers by enacting a maze of hoops through which citizens would have to jump. Ordinary citizens, not members of genealogical societies, would be prevented from searching or obtaining **birth, marriage and death** records less **than 100 years old**. In addition, because of the complicated conditions placed on gaining access to records, it would demand an extraordinary amount of time from town clerks and registrars of vital records.

Genealogists have always treated all records with the utmost of respect, and since 1971 they and other citizens have responsibly accessed birth records pursuant to the general statutes with no adverse effects. In fact, the major abuse of records was perpetrated by the Department of Public Health when it was moving records from one facility to another in March 1996. A member of the state-contracted company that had been chosen to conduct that move by the Department itself stole thousands of birth certificates from the 1960's, many of which have never been recovered to this day.

The proposed legislation would force hardships on already fiscally overburdened and understaffed towns and cities to...

- ❑ **Separate** out and **isolate** all current birth, marriage and death records under 100 years old in order to restrict access to them.
- ❑ **Purchase** new locking cabinets.
- ❑ **Allocate** extra space for new locked cabinets in already overcrowded vaults.

- **Spend** much more time checking paperwork of genealogists and the public requesting access to records, and hold their fingers over death and marriage records from the past seven years.

To the general public, the legislation would...

- **Prevent** access to all public vital records under 100 years old. Where a book of records overlaps the 100-year mark (for example, an index book covering the years 1880 to 1920), *all* would be closed to them.

To the genealogist, here is a comparison of the current access and what this legislation would do...

BIRTH and FETAL DEATH RECORDS

Current law

Birth records more than 100 years old:

- Complete^{3[3]} access to and issuance of copies allowed. The law permitting this was initiated by the Connecticut Professional Genealogists Council and signed into law in 1996. Only certified copies may be issued (this was a provision of a law passed in 2001).

Birth records less than 100 years old:

- Since 1971, over 33 years ago, access to and issuance of copies allowed to all members of **genealogical** societies incorporated or authorized by the Secretary of the State to do business or conduct affairs in Connecticut.

Proposed Law

Birth records more than 100 years old:

- Access to and issuance of certified copies allowed.

Birth records less than 100 years old:

- **Access to and issuance of copies** of birth records would be **eliminated for genealogists** unless you can **prove** you are a *relative* of a *deceased* registrant^{4[4]} or provide a “*notarized authorization from a person who is an eligible party...*” If the registrant is dead, the only access to that record is to someone related to that person, i.e., a person’s children, grandchildren, spouse, parent, guardian or grandparent. The **criteria** for proving relationship to the registrant are **not** delineated, but we may assume this will mean lengthy checks with photographic identification, etc. The Town Clerks and Registrars will have to photocopy the identification, drivers licenses and all other documentation provided, and store and maintain them in secure places in their vaults.

- ❑ **Searching** records would be *eliminated* for birth records less than 100 years old, even to those currently holding memberships in authorized genealogical societies.

DEATH RECORDS

Current law

All death records:

- ❑ Complete access to and issuance of copies of death records for 375 years.

Proposed Law

Death records more than 100 years old:

- ❑ Access to and issuance of certified copies allowed.

Death records less than 100 years old:

- ❑ **Closed to all citizens except genealogists.**
- ❑ Access to death records would be allowed to genealogists only, and issuance of copies would be limited to copies stamped “For Genealogical Purposes Only.”
- ❑ Social Security numbers would be removed or redacted for any record produced after July 1, 1997.
- ❑ There would be no research allowed of records from July 1, 1997 to the present because of the presence of Social Security numbers.

MARRIAGE RECORDS

Current law

All Marriage Records:

- ❑ Complete access to and issuance of copies allowed for 375 years.

Proposed Law

Marriage records more than 100 year old:

- ❑ Access to and issuance of certified copies allowed.

Marriage records less than 100 years old:

- ❑ Access to marriage records would be allowed and issuance of copies would be limited to copies stamped “For Genealogical Purposes Only.”
- ❑ Social Security numbers would be removed or redacted except for copies for the bride, groom, officiator, town clerk or registrar or other authorized by the commissioner.
- ❑ Searching of records after 1 July 1997 would be eliminated because of the Social Security numbers on them, the same Social Security numbers that are readily available *free* of charge to the world on the Internet.

Why is this Legislation being Proposed Now?

1. It is difficult to tell. There has been no effort by the Department of Public Health to discuss these changes with genealogists. Perhaps this is an attempt,

misguided as it is, to “secure” records from foreign enemies, especially since “9/11.” But there has been a legitimate concern about identity theft for decades, not just recently. There has been no evidence of abuse of current statutes by genealogists and the general public. In fact, Connecticut has one of the best environments concerning access to vital records in the nation. Current laws were carefully worked out cooperatively and deliberately between genealogists, Town Clerks and Registrars, legislators and custodians of records at Town Halls and the Department of Public Health, particularly over the past four decades. This “attack” on access is a break with the trust between the department and genealogists that had been built during that time.

2. We do know one thing, however, that passage of this bill will greatly *reduce* the work required of those who deal with citizens’ requests for vital records. The Connecticut Department of Public Health has long abnegated its statutory responsibility to provide vital record service for years. By law, state records should be available to genealogists each day of the working week. Yet officials there have allowed researchers to search records only part of two days a week, similar to the way officials in cities such as Bridgeport and New Haven have thumbed their noses at the public for years by refusing to honor current statutes and greatly restricting access.
3. In addition, the Connecticut Department of Public Health apparently has been attempting to rid itself of dealing with the public as much as possible. While other state departments of health assist the public by supplying records themselves, even constructing helpful Web sites allowing for remote contact, the Connecticut Department of Public Health has refused to do this, rather detouring citizens to the individual towns and cities for these records.
4. By further closing records and making it more difficult to access them, genealogists and other citizens will be further discouraged from even attempting to approach the Department of Public Health and local Town and City Halls for records, thus reducing their need to be helpful to the public.

Why is this Proposed Legislation Misguided?

1. Currently, extracts from all Connecticut death records from 1949 to 2001 have been sold to the Ancestry.com Company by the Connecticut Department of Public Health and have been available on the Web for years. These are available to subscribers of this site anywhere in the world for a small yearly fee (about \$70). Anyone wishing to download these records could have done so completely by now.

2. Currently, extracts from all Connecticut marriage records from 1959 to 2001 have been sold to the Ancestry.com Company by the Connecticut Department of Public Health and are available on the Web and have been since the spring of 2003. Likewise, they are available to all subscribers of Ancestry.com.
3. Currently, the Social Security Death Index is available on the Web and has been for many years. It is entirely free and available at a number of sites and available to anyone with access to a computer and the Internet. This is a list of virtually every death in the United States since 1962, many before that date, current to at least November of 2003. For most records it contains the Social Security Number, the death date, the birth date and the last residence of each decedent. It contains more than 71,800,000 names of Americans in it. In addition, a copy of each person's SS-5, the application submitted to gain entrance into the Social Security program, is available to the public for a fee from the Social Security Administration.
4. Almost all newspapers carry local marriage and death notices daily and have for over a century. Most carry continual lists of births. These are available on a daily basis, and virtually all back issues of newspapers in this state are available on microfilm at various libraries throughout the state.
5. Birth, marriage and death records from Florida, California, and numerous other states are available for at least the last fifty years at Ancestry.com to all subscribers and have been for years.
6. The Governor's Prevention Partnership of the State of Connecticut currently publishes a facsimile of the death record of a woman who died from an overdose of drugs in its advertising campaign against drug abuse in public newspapers.

What Can and Should be Done to Protect Ourselves Against Records Abuse?

1. It has been shown time and again that the most egregious abuse comes from *insiders* working within governmental agencies, not from the general public, as demonstrated in the 1996 theft of thousands of birth certificates. Focusing on the *correct* threat is a good beginning in protecting against records abuse.
2. The towns and state should require stringent background checks of all those in state government and state-contracted workers who deal with vital records.
3. The towns and state should print all certified records on specially designed paper that cannot be readily forged, as the state is currently doing with birth records alone.

4. Birth records should be cross-indexed against death records in all towns and the state.
5. Town Clerks should continue an excellent record of maintaining these records by the care they already exercise with customers, be they genealogists or other members of the public.
6. The Town Clerks and Genealogists Action Group, founded in 2001, has worked cooperatively with Town Clerks and genealogists for over two years to find areas to improve security and facilitate the public's right to access our records. With working groups such as this, legislation to close records is unnecessary. Other ways of securing records can be designed without destroying our precious rights and freedom as a free people in an open society.

^[1]. The analysis and views presented herein are entirely those of the author, Dr. Robert L. Rafford, professional genealogist, of Middlebury, Connecticut. No claim of legal or factual accuracy for its contents is made.

^[2]. Lines 150 through 231.

^[3]. Of course, birth, marriage and death records closed or restricted by courts are not open to genealogists.

^[4]. "Registrant" means the subject of the record or certificate.