



The Genealogical Society of New Jersey

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3 July 2002

Hon. Loretta Weinberg
Assemblywoman, 37th District
545 Cedar Lane
Teaneck, NJ 07666

Dear Assemblywoman Weinberg:

The Genealogical Society of New Jersey (GSNJ) was founded in 1921 for the express purpose of preserving and promoting research in New Jersey family history. To fulfill this mission, GSNJ holds educational programs around the state, maintains public research collections at Rutgers University Library, publishes a journal and newsletter, and transcribes records and tombstone inscriptions. Our goal is to promote the study of family history for all ethnic and religious groups in New Jersey without regard to the social status of past or present generations.

I am writing to you today on behalf of the Society's 800 members to alert you to a public-relations and public-records crisis relating to birth, marriage and death records maintained by the Bureau of Vital Statistics (BVS) within the New Jersey Department of Health & Senior Services (DHSS). As you know, this agency holds all such records filed with the State since May 1878. It is important to note that records for the period May 1848—when New Jersey first required filing of vital records at the state level—to May 1878 are maintained separately by the State Archives, within the Department of State. These earlier records are equal in legal status to those held by BVS, although transferred to the Archives decades ago.

The current crisis centers on BVS's access and searching policies pertaining to the historical documents entrusted to its care. During recent decades, BVS has instituted various measures to *increasingly* restrict access to family information contained in these open public records, which span nearly 125 years of New Jersey history. These measures have included the closing of vital records to direct public research, an intermittent policy of outright, discriminatory refusal to provide searches to genealogists, and redaction of the cause of death even from death certificates over one hundred years old. The latter policy has a dramatic negative impact on researchers tracing family health history—an issue which *should be* of special interest to DHSS.

More recently, the Bureau of Vital Statistics has implemented *extreme* restrictions on access to its public records apparently in an effort to prevent identity fraud and invasion of privacy. The current policy requires that persons requesting vital records provide extensive information including parents' exact names, the exact date and place of the event, and so on. Not surprisingly, such information is frequently unknown to the family historian and it is precisely what is sought for research purposes! Moreover, BVS does not need all of this information in order to

complete a search request because *the agency has already created indexes to locate the records* or, in some cases, has filed the certificates alphabetically within the year of the event. While the effort to prevent identity theft and to protect privacy is certainly understandable as applied to records of living persons, it is entirely unwarranted if applied retroactively to records documenting the long deceased.

Ironically, some of BVS's *now restricted post-1878* records are already fully accessible on microfilm to in-person visitors at the State Archives. As a service to the public, about ten years ago the Archives accepted microfilm copies of BVS's birth records up to 1923 and marriage/death records up to 1940. The Archives, however, does not perform mail searches or send copies of post-1878 records. We understand that this is because the original certificates have not been legally transferred to the Archives, and the Archives lacks staff resources to assume responsibility for providing this service.

The bottom line is that BVS is now: 1) unduly restricting access to historical public records; 2) failing to serve the public in good faith by requiring information unnecessary for completing a search request; and 3) discriminating against New Jersey citizens and those outside the state who either cannot travel to Trenton to access the microfilm at the State Archives, or do not have the full information now required in advance by BVS in order to initiate a search.

This crisis has a direct impact on the ability of New Jersey's historians, genealogists and other interested citizens to access public records held by the State and documenting the lives of its citizens and their family members. In response, the GSNJ Board of Trustees has authorized and directed me to contact you, as Chairwoman of the Health & Human Services Committee, to request your intervention. We sincerely hope that you will be able to pursue a solution.

We would like to offer suggestions concerning changes to state policy and, potentially, legislation that would provide solutions to the numerous problems currently surrounding public access to records held by BVS. We propose the following:

- Requiring BVS to legally transfer birth, marriage and death certificates to the State Archives following a reasonable time period for each record type, and providing the Archives with adequate funding, staff resources and equipment to implement an additional search service for these records. The schedule below would allow for adequate protection of the privacy of living persons as well as reasonable measures relative to identity fraud. It would also allow BVS to maintain its current search requirements for recent records:
 - Birth certificates and any corresponding indexes regularly transferred after **100** years
 - Marriage certificates and any corresponding indexes regularly transferred after **75** years
 - Death certificates and any corresponding indexes regularly transferred after **50** years
- In the interest of family health history, either compel BVS to relax its policy of redacting the cause of death for older death certificates or, if necessary, change the policy via simple legislation or regulation. In either case, it can certainly be argued that after a decade or two the public benefit of disclosing the cause of death for health-history reasons *greatly outweighs* any considerations relative to the privacy of the long deceased.

GSNJ would welcome an opportunity to meet with you, your staff and/or representatives of the relevant state agencies to discuss these ideas.

Thank you for considering this issue.

Sincerely,



Janet T. Riemer
President