

House Bill 139-Public Testimony

Galen R. Wilson * May 9, 2017

Thank you, Chair Anielski , Vice Chair Hambley, and members of the House State and Local Government Committee, for the opportunity to testify today regarding my support of House Bill 139, to open, after 100 years, certain *public* records that are currently closed to the *public* that owns them. I have been an archivist or records manager for 37 years. I am currently on staff with the National Archives and Records Administration's Office of the Chief Records Officer of the Federal government. But I stress that I am not speaking today for or on behalf of the National Archives, but rather from my years of experience as an archivist and records manager, and as a patron of public archives in doing local history and genealogy research. Also, I have just completed a 9-year stint as a member of the Ohio Historical Records Advisory Board.

Closure of these records is based on a general understanding of a person's right to privacy. Longstanding principles of common law state that this right expires at death. Records must be temporarily closed to satisfy this right to privacy. But in some Ohio counties, these records remain closed forever, creating a disconnect affecting both custodians and potential users. Custodians—county archives—bear the cost of maintaining records that literally have no use but cannot be thrown away. Users are frustrated because public records created by taxpayer investment exist, but cannot be seen.

Continued closure of records past an actual right to privacy—particularly adoption and lunacy records—smacks of a misguided paternalism: somebody might be embarrassed, even a century later, so best to just not let anybody see them. We will protect you from yourself. Never mind that the people saved from potential “embarrassment” are the very researchers who want to see them.

My senior seminar in 1978 at Muskingum College was the history of Bloomfield, founded in 1818, the Muskingum County hamlet in which I grew up. When I started grad school in Ann Arbor the next fall, I was privileged to meet Janette Osler, then 91 years old. She had grown up

in Bloomfield but had lived in Ann Arbor since 1924. Over the next 10 years until her death at age 101, I spent many an evening visiting with her, hearing long-ago tales about her family and Bloomfield. I heard stories of her father-in-law who lived to 103. I didn't hear much about her mother-in-law. One thing I never heard—because Mrs. Osler was herself part of the conspiracy of silence—was that her mother-in-law lived the last two decades of her life in the Ohio State Hospital—then known as the Asylum for the Insane. Who knew? This detail was eventually dredged out of the historic record by Mrs. Osler's granddaughter when researching the family tree. Mrs. Osler's daughter, it turned out, was 20 years old when her grandmother died in the asylum—and *never knew that her grandmother was actually still alive!* But this attitude toward mental illness is a vestige of a different era. People today want to know. Mrs. Osler's granddaughter was thrilled to be able to obtain the asylum case file on her great-grandmother, held by the Ohio State Archives.

A 42-year-old man named Sykes Hinson died in 1853 in London, England's infamous Colney Hatch Lunatic Asylum. He was my great-great-grandmother's brother. Am I ashamed of the fact that he spent at least the last quarter of his life in an insane asylum? No. Am I interested in his story—why he ended up there, how well he was treated, how and why he died there? Yes. Not many records are extant that can answer these questions, but if the records were in Ohio, my ability to access them would be at the whim of a county judge. Passage of H.B. 139 will put similar records in all Ohio counties on an equal footing.

Comedian George Carlin once said "Truth is just truth. You can't have an opinion about truth." I am asking you today to let the truth be told. Please open these records uniformly across Ohio so that researchers can tell the stories of how our society has treated orphans and those judged insane, so that we can benefit from longitudinal studies of inheritance tax and how society has cared for war veterans...and so that people can access the stories of their own families' past. Thank you again for allowing today's opportunity to testify. I am happy to answer your questions.