

House Bill 139 – Proponent Testimony

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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. Today I represent the Ohio Historical Records Advisory Board (OHRAB). HB 139 falls right in line with OHRAB's mission to nurture and advise programs that identify, preserve, and provide access to the documentary heritage which enriches culture and protects the rights of Ohioans.

I became interested in archives as an Undergraduate student at Wittenberg University, in Springfield, Ohio, when I approached the Clark County Historical Society about using one of their unprocessed archival collections to write my Honors Thesis. I wrote a paper titled “the Clark Memorial Home: A Model of Progressive Era Benevolence.” Through researching this home, I learned that they were celebrating their 100th anniversary the very year that I was researching and writing the paper. Yet, they were not aware of their own beginnings. Somehow, the stories of their formation and early years, those events that shaped the organization, were lost and forgotten. It is no exaggeration to say that digging into the records and giving them back their history for their 100th anniversary, was life altering. It set my career path in motion. Telling unique stories. Saving the records that needed to be saved so that people could learn their own stories. That is what I wanted to do!

So, I got a graduate degree in archives and went to work for the Ohio Historical Society (now the Ohio History Connection) as a local government records archivist and later assistant state archivist. It was there that, through my colleagues in county government, researchers that I came in contact with, and counterparts in other states, I saw firsthand just how difficult it can be in Ohio to get access to the records that people need to learn about their past, solve mysteries, and put an end to rumors. Ohio has one of the

most open public records acts in the country, yet the records that really shed light onto people's past were closed. Or at least, closed in some counties, but not others.

On a daily basis, records custodians have to balance the responsibility of protecting private information, while still providing access to important aspects of the significant historical information contained within the records. Current permanent restrictions are an impediment to records being used to their fullest potential. Rules protecting the privacy of those mentioned in the records rarely take into account the historical nature and uses of records from preceding centuries. How can we learn from the past if we don't have access to it?

Setting a standard time period for removing all restrictions to these records would allow the records to be used to their full historical research potential, while protecting a living individual from infringement on personally identifying information. A few examples of records opened after time has passed:

- Federal Census Records – opened after 72 years
- Mental Illness – 50 years after patient death (ORC 5122.31(A)(14))
- Veterans' Discharge – 75 years (ORC 317.24(B)(2)(a))
- Individually Identifiable Health Information (Health Insurance Portability and Accountability Act) - 50 years after the patient's death
- Student Records (Family Educational Rights and Privacy Act) – after death

The labeling and treatment of "normal" behaviors continues to evolve. Conditions, behaviors, and situations for which people were once institutionalized or had a social stigma attached are now integrated into society as much as possible. Things that people didn't talk much about are now common. The stigma associated lessens over time. Access to the records can clear up rumors and replace them with facts.

Additionally, there is a wealth of information, not just about individuals, but about cultural and societal response to various conditions or incidents or about the prevalence of various conditions within populations.

Over the years, I've thought a lot about the emotion behind revealing family stories. Based on family stories and a surprising record that I found in my own research, I have created a story in my head that my great-grandmother was a free-spirited, uninhibited flapper, to the detriment of her parents and children. Some might even say her antics were of questionable legality and probably embarrassing to her contemporaries. I've drawn an image of this woman in my own head. There's nobody left in my family that can answer my questions. So, I've created theories based on the little, disjointed pieces that I know. Is my theory close to accurate? I don't know...yet. There are missing pieces of the puzzle. But here's what I do know. I don't get the glory for the great things my ancestors have done. And I won't get the blame for the less than glorious things they've done. What I do hope to someday achieve is the full truth and understanding of who this woman was, and how her actions affected my grandma, and how my grandma raised her kids. There's no denying that there is an emotional connection. Each time I uncover another clue, I am overcome with waves of different emotions. But I am willing to go through this to learn. It is a voluntary undertaking on my part, the part of the researcher. Most researchers are out to learn, not out to embarrass their ancestor. After 100 years, researchers just want to learn the truth. To grow from their history.

In fact, Lisa Platt, an assistant professor of psychology at St. John's University researches family history as part of the therapy she provides. She says "Becoming aware of patterns of alcoholism, divorce, abuse or other misbehavior can make it easier for people living today to understand and change them." Dr. Platt is not alone. Many studies have been conducted on the use of genealogy in counseling, therapy, and genetic medicine. These studies note that research into one's family history can serve as a foundation for personal healing and lead to better family communications. Having access to records of these shielded events, situations, and conditions can actually help shape, or as master family therapist Michael

White terms it, “re-author” how persons view their experiences or problems by highlighting themes of survival or perseverance. Over time, information that current law withholds from those seeking it ceases to be detrimental, and instead becomes a positive path to personal healing.

I am eagerly awaiting the spring return of the genealogy show, “Who Do You Think You Are?.” In each episode, they are searching records, often government records, to find out about a side of the family that wasn’t talked much about, or to see if there is truth to a story or rumor that has been passed down. On one such episode, Jessica Biel was trying to find out more about a relative that, family lore claimed, was shot in the back during the Civil War. Unfortunately, what she learned was less heroic than what was passed down. It turns out, he was a deserter who was shot in the back while attempting to escape from imprisonment. At the end of the episode, Ms. Biel said something so profound that I used the magic of DVR to watch it several times. “Family legends and stories are probably the greatest game of telephone ever created. I can see how this story might have slowly through the years taken these little twists and turns to end up as the story I had been told.”

HB 139 can put an end to the game of telephone and allow families understand their history, to confirm the stories, to put an end to the rumors, or to find personal clarification and healing. HB 139 would accomplish this while protecting the privacy of living individuals and also providing a reasonable level of access to Ohio’s archival resources.

Chair Anielski, Vice Chair Hambley, members of the House State and Local Government Committee, thank you for your time and the opportunity to speak to you today. I would be glad to take any questions you may have.