

Advocacy for Genealogy

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Genealogical Advocacy includes diverse topics such as:

- **Improving access to records**
- **Records scheduling**
- **Funding for Archives**
- **Small business matters**

Understand the Specifics of What the Issue Is

- Sometimes the government is (allegedly) violating the law.
 - Example: A Department of Health is required to turn over records every year to the Archive, and they repeatedly fail to do so.
- Sometimes the laws are not favorable to genealogists.
 - IRS records never become public records, regardless of their age.
- Sometimes the law is ambiguous.
 - It's unsettled law if vital records indexes in some states are public records.
- Sometimes there are legitimate logistical hurdles to access.
 - An Archive doesn't have enough space on the shelves to accession important records.
- Sometimes bureaucracy is completely at fault.
 - A clerk isn't able to request a document from the offsite storage facility because the truck driver retired (this actually happened to me).
- Often many of these factors are compounding to complicate the situation, meaning that many things need to be solved simultaneously.

Understand the Full Context of the Situation

- Many genealogists are upset about x or y issue, but lack an understanding of why the issue exists or what the meaningfully useful solutions would be.
- Sometimes learning about the issue is complicated and requires reading and understanding vague and conflicting laws and regulations. Sometimes it requires making public records requests. Sometimes it requires building relationships with government officials who can properly contextualize the story.
- **It isn't necessary that you are the world expert on a given topic, but what matters most is that you come across as reasonable and informed, not angry and confused.**

Some important questions to consider:

- Does a legislative body need to change the law or appropriate funding?
 - Who are the legislators / committees who primarily control the issue?
 - Who controls the appropriations to the agency / entity at issue?
- Does an executive branch agency simply need to change their policy?
 - Might the agency be receptive to creating a dialog?
 - Is there a way for you to enforce extant law to accomplish this goal?
- Are there legally mandated public hearings or comment periods?
- Are there other advocacy groups with whom you can ally?

Think back to Schoolhouse Rock:

- Determine which of the three coequal branches of government is best suited to solve any particular issue.

The Legislature:

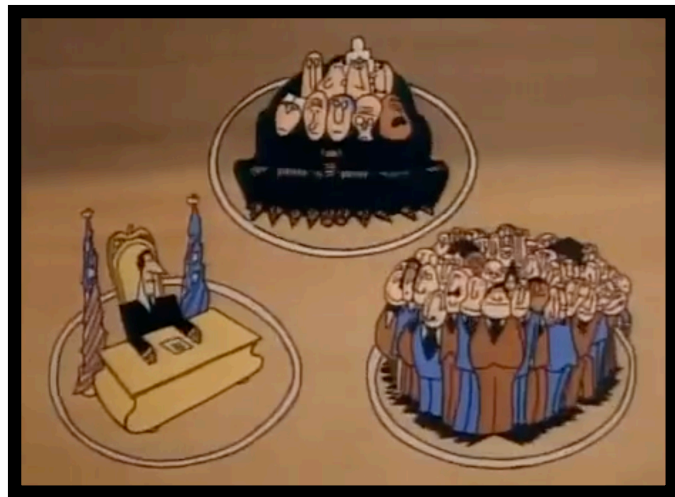
Creates laws

The Executive:

Carries out laws

The Judiciary:

Interprets laws



The Three Branches of government

Staying Up to Date on The Issues:

- Governments often have daily journals, where they publish public notices and proposed agency actions. The most prolific of these is the Federal Register, which is managed by the National Archives but covers the entire Federal Government
- States and to a lesser extent cities may have their own versions of these publications as well.
- Proposed legislation is generally published online too, via the Legislatures' websites.
- It is possible to set up alerts / do keyword searches to keep abreast of any potentially relevant proposals (good or bad).
- Build relationships with government officials who may be able to keep an ear out for you.
- Follow updates from other advocacy organizations, but remember that many issues fly under the radar and there is nobody in genealogy with the resources to monitor everything.
- **Any genealogist in the wild might be the first person to discover a problematic proposed law or regulation and will need to raise the alarm**

The Federal Register

- The US Government's "Daily Journal.": <https://www.federalregister.gov/>
- Federal notices, proposed rules, amendments to existing rules, and final rules are published here, as are Presidential Executive Orders and other documents.
- Published every weekday, except Federal holidays.
- Allows for public to provide input into federal agency rulemaking.
- Notice of Proposed Rulemaking (NPRM) – usually provides for 60-90 days of comments.
- Emergency rules can bypass timeframes or NPRM altogether.
- Final rules become part of Code of Federal Regulations.
- Entire rule-making docket found at <https://www.regulations.gov/>
 - This is where comments are published once approved by the agency.

Case Study

- In 2023, the National Archives (NARA) and Social Security (SSA) proposed to sign a new records schedule for Social Security application (SS-5) forms. This schedule would have prevented SS-5s from going to NARA until the 2090s.
 - In order to properly oppose this, genealogists needed to understand (or at least have a reasonable basis to presume) the reasons for such a proposal, namely issues with personally identifying information, the nature of how the records are stored / organized / indexed, and the flat funding at the National Archives for the last twenty years.
 - In the case of SS-5s, we obtained documentation that revealed that Social Security digitized the microfilm reels, but that they are not indexed to the file level, although separately, there is a database, called the NUMIDENT, of everyone's social security number. The SS-5s themselves are stored sequentially by number, so the form of someone born in 1880 might be sandwiched between two still-living people born in the 1930s. Thus, there is no way to easily segregate the living people from the deceased people, which is in large part why the agencies proposed delaying the transfer until the 2090s, because by then, *everyone* will be deceased.
 - The context explained above allows us to propose viable alternative solutions (and ignore non-starter ideas). A successful campaign hinges on viable alternatives.
- There are three branches of government. We needed to determine exactly which branch is best poised to solve this problem.
 - If the agencies were violating records laws, one could initiate a court action against them. However, this does not appear to be the case here (In the 1980s, there was successful litigation surrounding retention of FBI records, so this is *sometimes* a solution).

- NARA and SSA have largely full authority over their own records schedules because Congress has fully delegated rule-making about technocratic matters like this to the agencies, through statutes such as the Administrative Procedures Act (APA), The Federal Records Act (FRA), etc.
 - Technically Congress could pass a law at any time mandating the transfer of SS-5 forms, but realistically, in today’s political climate, that is not going to happen. While sometimes Members of Congress can lean on agencies to “do the right thing” the likelihood of passing a law about such a specific issue is nearly zero.
 - A State or County Legislature would be much better poised to pass laws about specific issues that constituents bring to their attention; but that simply isn’t likely to happen in Washington.
- Thus, the Judicial Branch can’t help, and the Legislative Branch’s usefulness will be limited (yet not zero). This leaves lobbying NARA and SSA directly. Because of laws like the APA, the public is in fact guaranteed a voice, because of Public Comment Periods. As required by law, NARA published a notice in the Federal Register announcing the proposed schedule, which gave genealogists time to submit public comments.
- Over 800 genealogists submitted comments opposing such an elongated transfer schedule, and in the ensuing 18 months, a finalized schedule has not been published, hopefully because they have taken the public’s united opposition into account.
- Realistically, if NARA accesses the SS-5s sooner, they will need to divert their limited resources from something else. To only solution to that is to increase funding to NARA, and that is more directly within the purview of Congress. NARA cannot set its own budget; they must receive appropriations from Congress.
- **If genealogists want a properly funded archive that has the resources it needs, we must advocate for funding to our Legislators. This is a much longer-term project than opposing a specific records schedule, but is potentially far more vital to the long-term success of genealogy.**

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| Form SS-5 TREASURY DEPARTMENT INTERNAL REVENUE SERVICE | | U. S. SOCIAL SECURITY ACT APPLICATION FOR ACCOUNT NUMBER | | 80-119-01-7252 |
| 1. PRINT NAME (EMPLOYEE'S FIRST NAME) | | (MIDDLE NAME) | | (LAST NAME) |
| Harry | | Goldstein | | ✓ 32 |
| 2. ADDRESS AND NUMBER | | 3. CITY AND STATE | | (STATE) |
| 2077 Wallace Ave; Grand Drug Co.; | | 137A 1512 Second Ave. N.Y.C. | | N.Y. |
| 4. BUSINESS NAME OF PRESENT EMPLOYER | | 5. BUSINESS ADDRESS OF PRESENT EMPLOYER | | (BUSINESS ADDRESS OF PRESENT EMPLOYER) |
| 31-11-5-05 (AGE AT LAST BIRTHDAY) (DATE OF BIRTH: (MONTH) (DAY) (YEAR) (SUBJECT TO LATER VERIFICATION)) | | 6. PLACE OF BIRTH | | N.Y.C. |
| Max Goldstein (FATHER'S FULL NAME) | | 10. Lena Appelbaum (MOTHER'S FULL MAIDEN NAME) | | ✓ |
| SEX: MALE <input checked="" type="checkbox"/> FEMALE <input type="checkbox"/> (CHECK (1) WHICH) | | 12. COLOR: WHITE <input checked="" type="checkbox"/> NEGRO <input type="checkbox"/> OTHER <input type="checkbox"/> (SPECIFY) | | ✓ |
| IF REGISTERED WITH THE U. S. EMPLOYMENT SERVICE, GIVE NUMBER OF REGISTRATION CARD | | | | |
| IF YOU HAVE PREVIOUSLY FILLED OUT A CARD LIKE THIS, STATE (PLACE) (DATE) | | | | |
| 6/30/57 (DATE FILLED) | | | | |
| 15. Harry Goldstein (EMPLOYEE'S SIGNATURE, AS USUALLY WRITTEN) | | | | |
| DETACH ALONG THIS LINE | | | | |

SS-5 of Harry Goldstein

A Genealogist's Quick Guide to Advocacy

Step 1: Get Informed

- Know your Elected Officials: https://openstates.org/find_your_legislator/
 - Keep in mind that Federal Officials handle federal issues; state officials handle state issues; county official handle county issues, and so forth
- Subscribe to items of interest in the Federal Register: See <https://www.federalregister.gov/documents/search> and <https://www.federalregister.gov/reader-aids/using-federalregister-gov/subscription-options-and-managing-your-subscriptions>
- Look for similar Registers for your own State / City
- Sign up for updates from and/or become a member of:
 - Records Not Revenue (RNR): <https://www.recordsnotrevenue.com/>
 - Records Preservation & Access Coalition (RPAC): <https://www.recordsadvocate.org/>
 - Reclaim the Records (RTR): <https://www.reclaimtherecords.org/>
 - International Association of Jewish Genealogical Societies Public Records Access and Monitoring Committee Records Access Alert: <https://lists.iajgs.org/mailman/listinfo/records-access-alerts>
 - Massachusetts Genealogical Council: <https://www.massgencouncil.org/blog>
 - American Historical Association: <https://www.historians.org/news-and-advocacy/aha-advocacy>
 - Association of Professional Genealogists (APG): <https://www.apgen.org/advocacy.php>
- Review Massachusetts Genealogical Council's "How to Promote Records Access": <https://www.massgencouncil.org/promoting-access>

Step 2: Be Ready to Act and Involve Friends / Colleagues

- Understand that the deadlines come fast. Don't wait!
- Strength in numbers WORKS!
- Submitting written comments and telephone calls to Officials' offices can both be valuable

Step 3: Talk to Your Elected Officials

- Build a relationship with the staffers.
- If there has been a longstanding issue, reach out to your Legislators.
 - Don't wait for the fire!

Step 5: Don't Be Complacent

- Advocacy is not a spectator sport!!
- Inform your membership groups about records access issues you've heard about.

- Just because your group or organization isn't taking a stand doesn't mean you can't.
- Thinking that you don't need to comment or act because "other people will" is not an option.

Step 6: Volunteer Your Time

- Which local or state groups are doing records advocacy work?
- Does your local or state genealogy society have a records access committee?
 - If not, why not create one?



A public hearing at the NYC Dept. of Health & Mental Hygiene, October 24, 2017