
QUESTIONING THE EXPERTS

Interview with Brooke Schreier Ganz

DOROT questions both JGS members and outside experts about their genealogical skills and elicits their advice for those embarking on their own genealogical path.

Brooke Schreier Ganz is the founder and president of Reclaim The Records, and the first genealogist to successfully sue a government archive for the return of records to the public. A computer programmer, she is also the creator of LeafSeek, a free open source records management platform and multi-lingual search engine that won second place in the 2012 RootsTech Developer Challenge.

Her web development work has helped non-profit organizations like the Israel Genealogical Research Association (IGRA) and Gesher Galicia publish over 1.5 million unique genealogical records online for free use. She designed and built one of the first public API's (Application Programming Interface) for records sharing between non-profit genealogical organizations. Brooke is also a long-time volunteer for ArchiveTeam, an online preservationist group that pre-emptively crawls at-risk websites to save

copies of the data for the Internet Archive's Wayback Machine. She is much in the news for her efforts on behalf of the accessibility of vital records, and her views of the government entities charged with their care. She shared those views with Dorot in our recent conversation.



Brooke Schreier Ganz

DOROT: You founded Reclaim the Records three years ago. What led you to take that step?

GANZ: I grew up in New York. Basically, all of my family is from New York. They got off the boat at Castle Garden or Ellis Island and they stayed in New York for generations. And growing up, I always assumed I'd stay in New York too. But then, in college, I

met the man who is now my husband and he is from California. We got married and moved to California, so I'm a New Yorker in exile in California. For years I was trying to do genealogy research while living in California and it was incredibly difficult. Both New York City and New York State are absolutely horrible at putting any record online of any sort, whether an index, a scanned image, a certificate. They don't team up with organizations or for-profit companies. They absolutely

have no desire to make their records more available to the public. It's horrible to try to do New York research when you live outside of New York.

My frustration grew year after year, living in California but wanting to do New York research. The attitude of the archives and the agencies was either "the records simply aren't available" or "you can pay us to do a search through our records; we'll do the search and tell you if the record exists and then charge you an obscene amount of money for it, take payment in a money order and take months to get back to you." Or their attitude was, "Sure, we have those records available if you're on site in our archive. So you can fly across the country and leave your kids at home for a couple of days while you do research." And to them, that was a perfectly legitimate response and, as the years went on and other states were getting their acts together and starting to put records online, it became more and more indefensible that New York City and New York State were still taking this incredibly antiquated view of records access issues. I got so frustrated that I started looking around for ways to force them to put copies online so, while living in California, I could do my New York research. I wasn't expecting them to do it for free. I'm aware that they all have tight budgets and resource issues. But what I've been able to discover is they frankly didn't want to do it. Both the New York City and the New York State archives and agencies basically didn't care that their stuff was not online. I cared a lot.

So in 2015, my New Year's resolution was to force the New York City Municipal Archives to give a copy to me of the index of New York City marriage licenses from 1908 to 1929, for which I would pay. I was not expecting them to give me a copy for free. I was happy to reimburse them the copying cost. I would do the work to digitize those images and find a place to put them online and find a way to get those images transcribed. I wrote a freedom of information request to the New York City Municipal Archives in January 2015 and asked them for a copy of the marriage license index. This was not even asking for actual certificates or licenses. This was just asking for the index. If you were sitting inside the New York City Municipal Archives, you could use the microfilms of this index. But they were available nowhere else. There were clearly no privacy reasons to withhold the data. The New York City Municipal Archives refused to turn over the copies. I provided them with evidence that they were, in fact, covered by the Freedom of Information Law.

The Archives replied by saying, we kind of don't care;

we're not going to listen to you. And I sued them, and I won. I won a settlement; I got all the records. I paid them for the copies. I took my microfilms, which had never been outside of New York City before, and, with the help of FamilySearch, which generously donated their scanning equipment to us, we were able to get those 48 microfilms digitized. I put them all online at the Internet Archive, which donates for free the hosting for the images. And then various other for-profit and nonprofit organizations and companies have transcribed all of the data inside those first 48 microfilms. So that was my first project, one dataset out of the New York City Municipal Archives. But what that lawsuit also proved was that every single document in the New York City Municipal Archives is subject to the New York State Freedom of Information Law (FOIL) that covers state and city agencies. They are required to make copies available for a fair price, provided that there is no overriding privacy concern. It wasn't that we got this one particular record set. It proved that the entire archive was subject to this law. This changed the game. This meant that everything was potentially available to any genealogist. They are public documents. Our taxes pay for them.

DOROT: "Reclaim," the first word in your organization's name, seems to be key.

SCHREIER: Absolutely, because originally the attitude of most genealogical groups toward government archives and government agencies was that of being a supplicant. We were begging the archivists, begging the government agencies if they would please let us see our own records that our taxpayer money paid for. That's insane. These are government records that belong to us. An archive that does not make government records available is not an archive; it's a warehouse. We are reclaiming these records because they were always ours. By the time this interview is published, Reclaim the Records will have reclaimed and published over 28 million genealogical records, none of which had ever been online before anywhere.

DOROT: Do you think the attitude of the holders of records in New York State and New York City has changed because of the success of your first lawsuit?

SCHREIER: Not yet, because I keep having to sue them, and win. I'll believe it has changed when I don't have to sue them anymore. However, in the case of the Municipal Archives, I think it changed, because I know there were many other genealogists who took my win and built upon it to get their particular records out of

there, which they never could have done before. For example, somebody contacted me by email. I had never met him before. He had been researching his family for some time and he realized that some of the documents he wanted must be at the Municipal Archives. He wrote an email to the Municipal Archives saying, "I'm looking up these old records. I think you may have copies. I would like to get copies of the microfilms under the Freedom of Information Law. By the way, I heard about Brooke Schreier Ganz winning her lawsuit against you." And by dropping my name into the conversation, he was able to get his microfilm copies that no one had ever gotten before.

DOROT: How expensive is it to pursue one of those lawsuits?

SCHREIER: It depends. In the first case we did not win our attorney fees although we asked for them. We found a really great lawyer, David Rankin, who is in New York. He took the case for a discounted rate because we were a small group just starting out. Originally it was just me doing this crazy idea: sue New York City. For the first case, it was only about \$5,000, maybe a little bit less. That sounds like a lot, but, because it proved that, yes, the Archives is subject to FOI and it opened the door for everything that came after it, I consider it absolutely worth it. In our subsequent cases, we have won attorney fees. Earlier this year, in 2018, Governor Cuomo signed a new law passed by an overwhelming majority of the New York State legislature that makes New York State's Freedom of Information Law require that government agencies pay attorney fees if there was no good reason for them to have denied the request in the first place.

DOROT: How does New York compare to other jurisdictions?

SCHREIER: There's broad ignorance of freedom of information laws across all sorts of city and government agencies nationwide. However, some states do a better job of educating their governments about it, and New York apparently didn't do a great job. I can't blame ignorance of the law in this case. In the cases I've brought against New York City or my issues with the New York State level, which is separate, ignorance of the law was never an issue. It was absolutely an issue of stubbornness by the government agencies, a refusal to look at laws that we cited explicitly, a refusal to consider advisory opinions created for us by the statewide body, the Committee on Open Government. That stubbornness is now costing them. It's costing

them thousands of dollars in paying their own attorney fees and paying my attorney fees going forward.

DOROT: At the point when you first encountered the intransigence of those agencies, had you been working on your personal genealogy for some time?

SCHREIER: That started in 1998. I was a freshman in college, University of Pennsylvania, when I discovered Jewish Records Indexing-Poland (www.jri-poland.org). So it was not just discovering genealogy. It was specifically getting interested in genealogical records – or at least the extracted records – that were online. I was coming at it from the assumption that, of course, things were going to be online or will shortly become online as soon as somebody finds enough money to put them online. As the years went by and I saw nothing going online from the city where my ancestors lived, then it became that much more incredible to me, and that much more frustrating. Poland, where a good number of my ancestors lived before they came to America, has done a great job of scanning their old books, putting them online for free use, very high definition scans. I feel very lucky that I can research some branches of my family in Poland back to the late 1700's, which is incredible! And yet when they came to America and became New Yorkers more than a century later, there was not a single record online for them here, not from the city nor the state. The *shtetls* wound up having better records access than the five boroughs.

DOROT: What other areas of the world have you been researching and what has been your experience with records from those areas?

SCHREIER: My ancestry is from three modern-day countries: Poland, Ukraine and Moldova. Ukraine has had serious budget issues and they don't really have the funding now to proactively publish their own materials online. They don't even have enough money to pay for the heat in their archives buildings during the winter, especially since the Russians invaded. However, despite that, Ukraine has been pretty good about allowing people to go into their various archives, take photos of old records, publish indexes. Furthermore, they don't have a year cut off. They are not trying to put a 100-year restriction on, say, birth or death records. Moldova has some things scanned from FamilySearch (www.familysearch.org). Whatever records did survive there is mostly on FamilySearch microfilm.

DOROT: Getting back to Reclaim the Records, where do you see it going?

SCHREIER: Reclaim the Records is continuing our work in New York with multiple government agencies, both at the city and the state level. By the time people read this interview in *Dorot*, we will have successfully settled our third court case in the city, against the New York City Clerk's Office, and won our attorneys fees again -- along with the first-ever public database of the 1996-2017 New York City marriage license index. And also by the time this interview goes to print, we will have likely started our first legal case against the state Department of Health in Albany.

We're also rapidly expanding our legal work to more cities and states, including both New Jersey and Connecticut, using their state freedom of information laws to request, acquire and publish indices and records that were never widely available before, and certainly never online before. But we're also expanding our activist work, pushing back against government agencies that try to close off public records from the public. This is really a nationwide problem and we're going to tackle it as such. We're also happy to help out other researchers who file their own freedom of information requests, whether it's with advice or offers of legal assistance or even funding to help them pay for records that they may have won from an archive or agency. We became a formal 501(c)(3) registered non-profit in

February 2017, so this has become much more than just my little pet project trying to pry records out of New York. We recognize that there is a huge need for some sort of activist group like this nationwide. We're very grateful that in our first year as a non-profit organization, the genealogy community has been so supportive and has responded in such an enthusiastic way to our work. People can keep up to date with our work in several ways: we have a website (www.reclaimtherecords.org) with a free e-mail newsletter sign-up. We also have a Facebook profile and a Twitter feed, and we're very active on social media. And people are welcome to reach out to us at info@reclaimtherecords.org and talk about ideas that they might have for a new records request. And yes, we welcome donations!

But most of all, we would love to see more genealogists becoming records activists, not just records consumers. We need more people pushing back, not worrying so much about rocking the boat, but instead becoming a force for change. We want our records back!

DOROT: Thank you.

*The views expressed by the interviewee do not necessarily reflect the official policy or position of JGS.