

**SURROGATE’S COURT IN THE STATE OF  
NEW YORK FOR BRONX COUNTY**

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In the Matter of the Adoption of )  
Children Whose First Names were: )  
) Docket/File No. \_\_\_\_\_  
ZALKIND TANNENBAUM )  
(Sara)NESSA TANNENBAUM )  
)  
.....)

**AFFIDAVIT OF MATTHEW G. YEAGER, Ph.D.**

I, **MATTHEW G. YEAGER**, Ph.D., residing in the City of New York,  
County of New York, SWEAR THAT:

1. I am a Criminologist and the Petitioner herein and, as such, I have direct knowledge of the matters to which I hereinafter depose, save and except where such are stated to be based on information and belief.

**A. BACKGROUND**

2. I am presently a criminologist and teaching professor in sociology and criminology at King’s University College, Western University, Canada. I have a bachelor’s degree, summa cum laude, in criminology from the University of California at Berkeley (1972); a master’s degree in criminal justice from the State University of New York at Albany (1975); and a doctorate in sociology from Carlton University, Ottawa, Ontario (2006).

3. I am currently finishing a sabbatical in New York City, where I am a visiting scholar at the Department of Sociology, Columbia University. My project is the preparation of a book length study of Frank Tannenbaum (1893-1969) and his contributions to the history of American

criminological thought. In 2011, I published an article in *The Prison Journal* on Frank Tannenbaum (**Exhibit A**), which forms the basis for this planned monograph.

4. My original training was in theoretical criminology. I have taught at the Administration of Justice School, American University, Washington, D.C.; at the graduate level with the Forensic Science Department at George Washington University, Washington, D.C.; and as a lecturer and instructor at Carleton University, Ottawa, Ontario.
4. From 1981 to 1986, I was a Regional Director of the National Center on Institutions and Alternatives, Alexandria, Virginia. From 1986 until 1990, I was a partner with “The Sentencing Group,” a sentencing and parole consulting firm in Los Angeles, California.
5. I have clinical experience in evaluating offenders in the United States and Canada. I have given evidence several times before Parliament on the subject of crime, gun control, the Young Offenders Act, sentencing reform and parole. In addition to my teaching duties, I also maintain a small clinical practice in sentencing and parole throughout North America. I also conduct research under contract.
6. I have previously been a Board Member of the Canadian Criminal Justice Association, and am a long-standing member of that Association’s Policy Review Committee (since the early 1990’s). I have also been a long-standing member of the American Society of Criminology since 1970.
7. I have been a criminologist for some 42 years and have authored numerous publications in the criminal justice field. One of the most relevant articles is titled, “Frank Tannenbaum: The Making of a Convict Criminologist” **The Prison Journal** 91 (June 2011): 177-197, No.2 .

Appended in **Exhibit B** is a copy of my resume for the Court's perusal.

8. As such, I have a long-standing public interest in criminal justice issues as both a public intellectual and academic scholar.

**B. THE PETITION TO UNSEAL ADOPTION RECORDS**

9. This Petition is for a judicial Order permitting Matthew G. Yeager, Ph.D., to inspect and read (but not copy) the contents of this adoption file, which has been sealed pursuant to the Domestic Relations Law in and for the State of New York.
10. Section 114 of that Statute allows a petition to be filed in which "good cause" must be shown to persuade a Court to grant an Order permitting access to sealed adoption records in the State of New York.
11. Almost all of the common law under this particular section of the Domestic Relations statute has involved adoptees or biological/adoptive parents litigating the question of access to sealed records. The most sought-after record is a medical history.
12. Historically, adoption records were publicly available in the 1920's and 1930's. See Elizabeth J. Samuels, "The Idea of Adoption: An Inquiry into the History of Adoptee Access to Birth Records," 53 Rutgers L. Rev. 367 (2001).
13. The law in New York State changed circa 1938 , making adoption records confidential. Historically, the purposes behind sealing was to protect the identity of birth parents, shield them from the humiliation of public knowledge of unwanted pregnancies or inability to support; to protect adoptive parents from possible interference by the birth parents; and to shield the adopted child from the stigmatization of illegitimacy. cf. Lucy S. McGough and Annette Peltia-Falahahwazi, "Secrets and Lies: A Model Statute for Cooperative Adoption," 60 La. L. Rev. 13, 32-38 (1999). See

**Matter of the Estate of James J. Walker** (1985) 486 N.Y.S. 2d 899, 903; **Applicaton of Anonymous** (1976) 390 N.Y.S. 2d. 779, 781 (Surrogate’s Court, Queens).

14. Under the Statute, access may be granted for non-medical reasons if the matter “will benefit the petitioner and will not have an adverse impact on the interests of the adopted child or the adoptive or biological parents.” **In re Adoption of G.** (2010) 906 N.Y.S. 2d. 488, 489 (Surrogate’s Court, Bronx).
15. In these circumstances, “good cause” must be shown by the petitioner. Such cause must rise above a desire to learn one’s identity or mere curiosity. **In re Matter of Linda F.M. v. Dept. of Health, City of New York** 437 N.Y.S. 2d. 283, *cert. denied* (1981) 454 U.S. 806.
16. The question arises as to when and can do sealed adoption records become subject to a petition that asks access to the records for historical, research purposes related to a biography of one of the biological parents, now deceased?

### **C. PARTY INFORMATION**

17. Frank Tannenbaum was born on March 4, 1983 in Galacia, Austria, and immigrated to the United States sometime around 1905. He died in Manhattan on June 1, 1969, and his probate file is the property of New York County, with a file number of 1969-3864.
18. On June 1, 1917, he married the former Esther Abramson in the Bronx. A copy of their marriage certificate is appended as **Exhibit No. C**. Miss Abramson was born in June 2, 1895, in New York City (**Exhibit No. D**).
19. Public Health Records for the City of New York reveal that a son was born to Frank and Esther Tannenbaum, named Zalkind, on November 4, 1925, in Manhattan (**Exhibit No. E**).

20. Mr. Tannenbaum's 1929 divorce papers, originating from Sonora, Mexico, reveal that a daughter named Nessa was born to this union, probably around 1927 or 1928. cf. Tannenbaum papers, Butler Library, Columbia University, Box 5, Folder T(2).
21. Information from the 1930 U.S. Census reveals that Esther Tannenbaum remarried an Eli Hurwitz – likely in 1929 – and that they had two children: Zalkind Hurwitz and a Saralneus or Saranessa Hurwitz. The family name is also spelled Hurowitz, and they resided in Brooklyn. See **Exhibit No. F.**
22. Data available from the Social Security death index reveals that a Zalkind Hurwitz, with the same birth date above, passed away in Florida on June 23, 1994. **Exhibit No. G.** This exhibit also contains a copy of his death certificate.
23. Data available through the Social Security Death Index reveals that the adoptive father, Eliahu Hurwitz, died in July of 1968, most likely in the Bronx, New York. **Exhibit No. H.**
24. Information furnished to this affiant through the surviving daughter of Zalkind Hurwitz indicates that Nessa Hurwitz Sternfeld was born in New York on June 29, 1927, and passed away on May 18, 2011, in Tarrytown, New York. **Exhibit I.**
25. Information furnished to this affiant through the surviving daughter of Zalkind Hurwitz indicates that Esther Hurwitz, her grandmother, died on August 30, 1957, most likely in New York City.
26. At this juncture, we have not been able to locate death certificates for Eli Hurwitz, Esther Hurwitz, or (Sara)Nessa Hurwitz Sternfeld. As far as can best be determined, all the parties are deceased.

#### **D. Showing Good Cause**

27. This is a historical request for research purposes to unseal ancient adoption records so that a biography of Frank Tannenbaum – the biological father -- can be completed to reflect what happened to his children and former wife, as best as can be determined. The importance of a historical figure, like Frank Tannenbaum, is not just his contributions to the field of criminology, but includes a chronology of his personal life. Frank Tannenbaum had an arrest history in March of 1914, followed by jail time at Blackwell's Island Penitentiary, that made his contribution to criminology unique for the time. He was also a protégée of the famous penologist and Sing Sing Warden, Thomas Mott Osborne.
28. These aspects of a subject's social history provide context, accurate facts, humanization, and allow for the telling of a story that interests the reader. One's social history becomes part of the historical record in a biography. Hence, this request goes beyond mere curiosity. Further, there is no adverse impact on the interests of the adopted children or the adoptive or biological parents. It is for the above reasons and facts that we respectfully argue that "Good Cause" has been shown to open this ancient adoption file for the purposes of historical research on an early American, convict criminologist.
29. Should this Honorable Court decline to allow the opening of the entire adoption file, your Petitioner puts forth a modified position, to wit: providing the date that both children were adopted by the Court, their dates of birth, their legal adoptive names, and the names and dates of birth of the adoptive parents as stipulated in these historical records.
30. I make this Affidavit in support of this Petition and for no other or improper purpose.

SWORN BEFORE ME in the City  
of New York, County of New York

this \_\_\_\_ day of May, 2014

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**MATTHEW G. YEAGER, Ph.D.**

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A Notary.