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TERRORIST ATTACKS

Directors Of Funeral Homes Help ID Victims

40 volunteer to interview relatives

By Martin C. Evans
STAFF WRITER

Tom Kearns spent Sunday on the telephone, calling one family after another, painfully asking each one for details of relatives who had disappeared into thin air.

Did a daughter wear a wedding ring? Did a mother have blond hair? Did a husband have a faded tattoo on a bicep he flexed in happier times?

"It's my business, my profession; a lot of people call it a ministry," said Kearns of Merrick, whose family runs a string of funeral homes in Queens and Nassau County. "But you never get used to tragedy. A lot of these are kids who are my kids' age. You can't get used to that."

Men and women whose daily job is to bury the dead are being tested by the harrowing task of asking grieving families to describe minute details about missing loved ones.

Kearns is among about 40 New York City funeral directors, working as volunteers, who on Saturday began interviewing relatives of passengers and crew members of the two airlines that crashed into the World Trade Center towers.

The detailed physical descriptions will be forwarded to the New York City medical examiner's office to help in identifying remains of crash victims.

The identification effort, run out of a building near LaGuardia Airport, is a joint task of members of the New York State Funeral Directors Association and the federally run Disaster Mortuary Operations Response Teams.

But even for people who deal with grief on a daily basis, asking families to share such intimate details about loved ones has been draining.

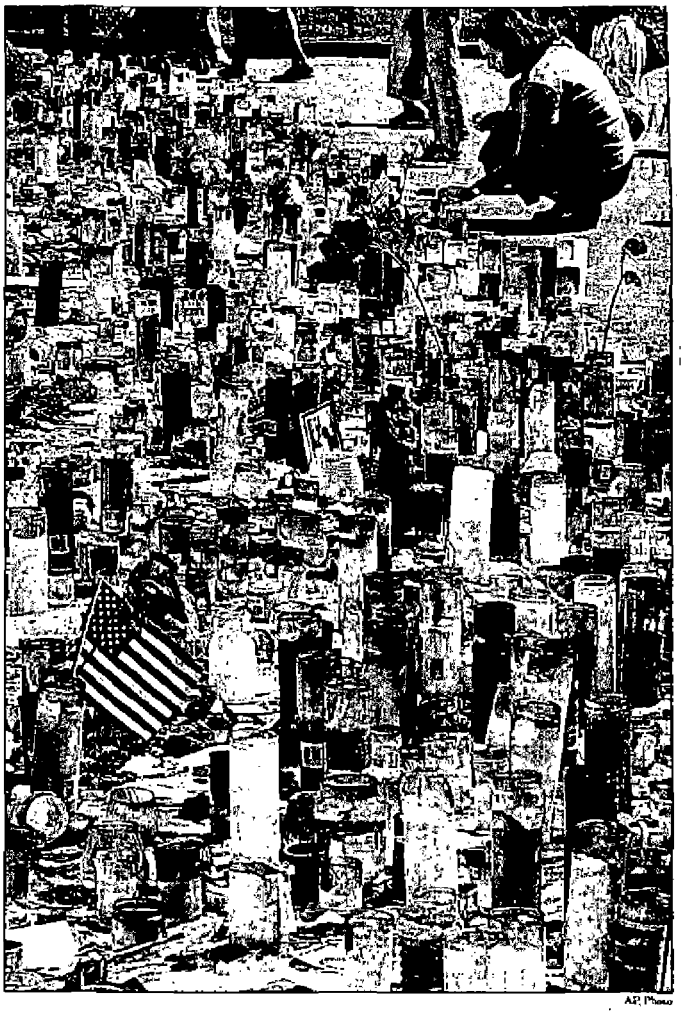
"I'm looking forward to going home now," said volunteer Frank Cieri yesterday. "I need to get away from it for a little bit. Funeral directors deal with families at bad times, but this is indescribable."

Kearns, who volunteered from 9 a.m. until 5:30 p.m. Sunday, said he had to pause between interviews — which typically lasted about 45 minutes — to collect himself.

Emotionally drained by day's end, he called his wife to let her know he was on his way home.

She told him he had one more phone call to make.

The son of a neighbor had not been heard from since the World Trade Center swallowed 5,000 lives.



AP Photo

Edith Enerio of Newark, Del., lights a candle at Washington Square Park in memory of the victims.

Issuing Death Certificates for the Missing

Officials discuss ways to speed up the process

By Graham Rayman
STAFF WRITER

In the morgues of New York City, in legal circles and in government, officials have begun discussing a process over the last several days that would allow death certificates to be issued where no body has been recovered.

Death certificates — issued by the city medical examiner's office and recorded by the Health Department Bureau of Vital Records — trigger the burial process, allow families to make insurance claims and start the process of resolving wills and estates.

"It's a pretty significant issue because there are so many procedures that you cannot begin without a death certificate," said Barbara Sloan, a lawyer on the Bar Association's Estate and Gift Tax Committee. "If it involves a single person who lives alone, for example, you can't even legally get into their apartment without a death certificate."

Under state law, to protect against fraud, three years must pass before the courts can order a "presumption of death" certificate to be issued. A law passed last year allows judges to declare death in less than three years if a missing person was exposed to a "specific peril."

The key question now is whether there will be a blanket determination made in this case, and whether the remedy will be legislative or whether it will come through the courts. Ellen Borakove, a spokeswoman for the city medical examiner, said her office and city lawyers are working on the question.

In the Egypt Air crash on Oct. 31, 1999, just two weeks passed before a judge in Rhode Island gave permission to issue presumption of death certificates. To issue the decision, it was necessary for the Rhode Island attorney general to petition the courts. In that case, however, there was no disagreement over who qualified.

The attack on the World Trade Center presents a far more complex situation, involving victims from two planes, building employees, rescue workers and those who just happened to be walking by.

Not only will DNA samples be necessary to identify the dead in many cases, there likely will also be cases in which no body parts are recovered. In addition, there may be cases where no one has a DNA sample that can be tested.

"With a blanket determination, you would have to demonstrate that one's loved one was present when the collapse occurred," said Henry Christensen, a veteran estate lawyer with Sullivan and Cromwell. "When you have a person simply walking though the plaza, that is a much more difficult case."

Christensen said another problem will be that some people kept their personal financial records in their offices, many of which were destroyed or lost in the collapses. The lost documents will cause difficulties in resolving estate claims.

"My view is that it couldn't just be some kind of blanket authorization, but legislation could be passed to streamline the process," said T. Randolph Harris, an estate lawyer. "The feeling is that a judge would not have the power to dispense with due process."

"Certainly this is an exigent circumstance, and where issues will arise, we'll deal them expeditiously," said David Bookstaver, a spokesman with the Office of Court Administration.

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