

Welcome to the Funeral Consumers Alliance national conference. Every year we get a mix of long-time volunteers, fresh faces, and increasingly, like-minded new friends from within the business of death, dying, and funerals. But I'll just think of you all for the next few days as my "loved ones."

I want to bring you up to date on what your national organization has been doing, and what we've got in store for the near future. And then, I want to open a conversation with you about the ways we think about consumerism---its usefulness and its discontents. There are several directions a consumer action group can take, and I hope we can start talking about which direction we want to take as an organization in the future.

Since we all met together two years ago, it's been a source of satisfaction for office manager Nastassia Strackbein and I to work with colleagues to produce work and word of mouth that's caught the attention of the press and policy makers. As you know, FCA's top public policy goal is to amend the Funeral Rule to require funeral homes to post their prices on their websites. Consumer Federation of America has been our organizational partner. Steve Brobeck (he'll be addressing us later today) and his staff offered helping hands for research, data crunching, and most importantly---experienced colleagues with broad knowledge about consumer activism and government.

With CFA we've released four studies since late 2015 showing that the majority of funeral homes today have websites, but most of them won't list their prices. It doesn't matter if they're in big cities, small towns, the countryside, or the capitals of their respective states. Hop on Google and look up the closest five funeral homes, and you're

in a digital version of 1950. It's all Cadillacs and condolences, but a not peep about dollars and cents. One suspects that if you have to ask, you can't afford it.

And then we went further---thanks again to an insight from our friends at CFA. Do higher prices correlate with funeral homes that don't disclose their prices online? Yep, they sure did.

It's ludicrous---right? Can you imagine hopping on Amazon to look for, say, electrical generators and find a helpful telephone number should madam wish to inquire about price? Or a restaurant website where you can make your own reservations but the menu is like Your Mystery Date. You can't see it until you *step through the door*.

But the Funeral Rule was made effective in 1984, when fax machines (damn every one of them) were high-tech. The requirement for funeral homes to give prices by phone, and on paper in person, is fine as far as it goes. But it doesn't go very far. 34 years later and FCA volunteers around the country are still slogging through having to individually request price lists from funeral homes. And they can shut us down by refusing to email one and saying "You'll have to come get it." And many do.

How in the world is a grieving consumer supposed to have the time and wherewithal to call, say, five funeral homes at the last minute? Since most Americans don't know what to ask except "how much is cremation versus a funeral", how are they going to effectively compare itemized services? I'm going to seem to contradict myself a bit later when I talk about consumer responsibility---one can, actually, make those calls---but it's an

unfair and stressed situation that requires redress. It's just never going to work for the majority of grieving buyers.

So much of Funeral World feels like Alice through the looking glass that it was a relief to see that America agreed with us! National Public Radio, the New York Times, the Associated Press, CBS News, and dozens of others reported on our studies as they came out. And they stayed interested enough to ask to be alerted about the next ones. Our position is so reasonable it was almost impossible for media to find anyone who objected. All we ask the of the FTC is to mandate that the price list that funeral homes already have by law be put up on the business's website. If the mortuary doesn't have a website, fair enough. It costs literally no money to upload a document. It takes only two to five mouse clicks.

But what really tickled me was how readers commenting on news stories were unanimous in their support of disclosing prices online. Most members of the general public are in favor of FCA's position when we're featured in funeral stories, but I can't remember a single funeral director lashing out or crying persecution on a major news story site. We've finally found something even the shady operators are embarrassed to object to. Of course, some battle-hardened industry partisans are complaining, and claiming that we "mislead consumers" when we compare \$800 direct cremations to \$3,500 direct cremations. Those aren't the same, they say. One's like, a total junk cremation, and the other one is like SUPER extra brand quality.

So where are we with this project? Federal law requires the FTC to review many of its rules every 10 years. The Funeral Rule is up for that review this year, though signs point to 2019 for any progress. The agency will open the review for comment, and FCA will submit commentary on behalf of our 70 member organizations, our consumer membership, and the funeral-buying public. But nothing has been the same in Washington since the Trump administration came to town, and DC staff seem uncertain. I'm confident that CFA and FCA have made a credible and well-supported claim to justify amending the Rule. But lots of decisions have to be made yet, and in the meantime we're in touch with key policymakers and staff to lay groundwork for the time when the review becomes active. And you'll be the first to know!

Why is getting prices online such a big concern for us? It's obvious, right? Of course. We were one of the groups that pushed for the original paper-based Funeral Rule. Consumers need access to prices in order to compare them and make effective decisions. On a deeper level, though, getting prices online is a concrete step toward helping consumers help themselves. I've been thinking a lot about how we help ourselves, and how we don't. What we mean when we talk about "smart consumers"; what we mean we talk about "consumerism". I wouldn't be here if I didn't believe in the power of education and myth-busting to help people make emotional and financial decisions that make sense for them. That bring them what they need without breaking the bank. We live in a market economy, and all of us are going to be consumers of some specialized service or another. We need watchdogs and educators to help people navigate transactions that are complex or occur in stress situations.

But I'm also convinced we, all of American society, have allowed the idea of being a consumer to completely disempower us. Instead of making sound decisions that serve our needs, we serve the market. So convinced are we that every single step in life requires both the market's permission, and the market's \*product\*, that we believe we cannot do anything for ourselves. 25 years ago when the topic of wedding planners was discussed, at least one person would venture that it seemed a little excessive to hire a planner as if dynastic considerations were at play for Jayden and Kyla's nuptials. Today? Seen as normal. If you don't think "I can't afford a wedding planner" is on its way to being a legitimate complaint of deprivation, think again.

Instead of seeing consumerism as a savvy way to deal with vendors for necessary help but on fair terms, we see ourselves as un-able---dis-abled, if you will—from taking action that we can't buy from someone.

This is learned helplessness. I've been thinking about that a lot too, and a New York Times article two weeks ago pushed it to the top of my mind. It was about crowd-funding funerals, putting a call out for donations on social media to pay for a funeral. Please note---I'm not speaking here of tragic situations like murders, fires, or other such situations. We can all understand, and we can all sympathize, with a family caught in such a situation.

I'm talking about everyday people who've decided that their father's funeral has to look a certain way, and since they don't have the money, it's best to ask other people. To see a funeral---not a light bill, not food for your children---as something that should be

charitably funded.

The article quoted me about the possibility of conflicts of interest when funeral homes get involved, but that's it. None of the advice we offer on preventing yourself from getting into this situation made it to the story. None of the creative options for saving money, or traps to watch out for, made it into the story. The reader was left to see the subject families as poor unfortunates, deprived of what the rest of us take for granted.

This attitude is reflected in the ever increasing calls we get asking for money. Families, social workers, friends---some days are nothing but "My dad didn't have insurance and we need resources." Some of these people are a bit entitled. Some of them just don't know there are less expensive options, and are delighted for our guidance. We really enjoy seeing people take up the tools we offer.

Learned helplessness depends on telling ourselves stories. Stories that we can't, we mustn't, we just couldn't bear it. And the stories work. The more we repeat them, the more we believe we "can't" bear to call around for funeral prices. We "can't" say no to the family funeral home because everyone will think we're disloyal. We "can't" possibly wash the body ourselves. We could never do a home funeral, even though everyone did it 150 years ago. We "can't" consider body donation or cremation if mom said she wanted burial, even if that means we go to a payday loan lender to finance it.

Nonsense. There is a difference between can't and won't. This is all fear-based decision-making. Fear-based self disempowerment. I've said this before---if you can't decide that

you'll be OK if you choose not to be a consumer at all, but to do it yourself, then you have no real rights as a funeral consumer. You've made yourself a captive market of one.

I want to share a personal story about learned helplessness, and about getting over it.

It's a little bracing, though some of you may recognize parts of this from your own lives.

Two years ago while planning the 2016 version of this conference the worst thing I have ever experienced was grinding away at me in my personal life. Yes, worse than my early heart attack 7 years ago. Though I didn't know it at the time, it was also the best thing that ever happened to me. It woke me up to the debilitating power of telling yourself you're a victim of circumstance, that you have no choices, that nothing will ever change.

Along with my sister, and after many sad years trying to help something that couldn't be helped, I put my mother and stepfather out of my life. It took the courts and the threat of a sheriff's escort to get them out of the house that, only two years before, I bought to keep them from homelessness. There would be no more picking fights with the downstairs neighbors, no more holes in the walls, no more screaming obscenities at night.

I walked away from threats to ruin my reputation among my colleagues. I walked away from threats to file fraudulent elder abuse claims against me. I left behind the chaotic, unpredictable, unacceptable storm that has been the family life that my sister, my brother, and I, have all known since we were born.

But how did I get there? Why was I 41 years old and terrified to look at my phone for

fear of what my parents might demand? I got there by telling myself a story that I repeated and re-confirmed over a very long time. Because, for a long time, it seemed easier to believe I was powerless to get away than it would have been to face the truth. Some people are bad. Some parents are bad. People who abuse their children do not mellow with age, and abusive people cannot be loved back to health.

I faced that reality when denial didn't work any longer, and when my health began to fail. I stopped hobbling myself and I drew a line. And it changed my entire outlook. I can spot problem people and dicey situations much earlier, avoiding them in favor of living a peaceful life. I now understand what boundaries really mean, and I understand that caring for others doesn't require any of us to sacrifice our health, our peace of mind, and the right to be treated decently.

It is so much better on the other side. So much better to face what's in front of you and make choices based in the real world, not on what you think should be, or ought to be.

When it comes to funerals, we are also talking about people who experience them traumatically, or expect that they will. Maybe briefly, and maybe mildly. And even the most even-tempered people are more emotional in most cases than they'd be on any ordinary day.

Someone has just died, and few of us are ever really prepared for that. We have vendors with all the information on the one hand, and a buying public who knows little about funerals and puts off thinking about it on the other. Don't we need to help people tell



themselves a different story? Do we really need to succumb to the commercial notion that being unable to afford an \$8,000 funeral constitutes a bona fide deprivation?

Do we, as an organization and as activists, have to accept the fundamental premise that the only way we can experience death and the commemoration of a life, is as a consumer? That the only ways to love come with a brand promise?

I say no. I do not accept the assumption that we are homo consumerus. We are not servants of the marketplace. But we so often act as though we were.

A sampling of common statements we hear from people who call us for help. Notice how many of these people have told themselves they have no choices.

“We can’t afford the bill at our family’s funeral home, but we have to use it because that’s where my father was buried from”

“My grandma doesn’t have any insurance and we can’t cremate because it’s against her wishes.”

“My cousins are expecting a two-day funeral because that’s how we do it so I have to buy this package but where am I going to get the money?”

“I just wanted to join you because my sister used you and it was great to have everything taken care of. I can’t talk to my kids about how to shop for a cremation because it’s too

much for them----why can't you just send me a card with a number they can call?"

I could go on all day with these. They come from rich people, the working poor, the middle class, the destitute. Some of them are our members. Some of them are a bit entitled. Most of them, though, are just plain scared. Scared silly by their own stories. We are so disconnected from the mundane, worldly, grubby, plainly physical reality of death and body care, that Americans have tied their own hands. They "can't" talk about it. They "can't" make another decision. And how dare you suggest you they lift a finger to organize a memorial supper at church, let alone touch a dead body.

I'm not buying it. Don't say you can't, when you mean you won't.

This isn't just the general public. It's also our members. At every FCA meeting I've addressed for the last two years, no more than 5 hands go up when I ask the crowd how many of them have actually shared their FCA member funeral planning materials with their kids. Think about that. When I ask how they believe the funeral magic will happen, not one person can answer.

We have to help make change. 50 percent of consumer advocacy in a free market is about making sure vendors obey level-playing field rules. We're small, but we've got that part down pat. FCA has a proud history of more than half a century of working to curb the sales excesses of the funeral industry and prodding the government to keep its promise to make the market work for consumers, not just businesses. And we're going to win this with the FTC. Funeral buying is going to look a whole lot different, and a

whole lot more transparent. I don't know when, but I'm willing to go on record as an optimist that we're going to succeed.

But the other 50 percent is about taking personal responsibility. Responsibility for our decisions, our finances, and our expectations. We're at the point where people very nearly don't believe it's possible to grieve without a Capital P Professional Funeral Product to facilitate their mourning. Even those interested in home funerals are beginning to ask "where do I hire a home funeral professional."

Can we get off this carousel please? And how do we help our members and the public to get off of it and reclaim responsibility for a serious event in every family and every household? This is where the conversation has to start, I think----with all of you, and all of us, asking ourselves some questions. Is it time for FCA to broaden its educational mission and start addressing some fundamental problems with consumerism as paralysis? I would say yes. Should we reconsider our longstanding position that we make no value judgments at all about what constitutes a reasonable approach to funerals so long as the paying customer is happy? I'd don't know, but I'd like to hear what you have to say.

Our consumer protection mission will keep going strong. Our partnerships with allied organizations are making a difference in public policy, and we will be front and center in every such conversation. Now, how shall we help Americans pick up their end of the bargain?

We can do this. When the young-ish steering committee of memorial society members founded this organization in 1963, they were saying all sorts of things that weren't considered conventional, polite, or proper. Why, these Unitarians don't even have the sense to be embarrassed about their cremation choices---they ask for it by name! Seems quaint, doesn't it?

Let's do it again? Our speakers are asking practical questions, philosophical questions, and challenging questions. There's a place for every facet of this conversation here and I'm so grateful to everyone who said 'yes' when we asked you to be a part of this conference.

Now, it's your turn. Thank you.