

Case 5

The sheriff's department admits the investigation into the death of a newborn is at a standstill. Workers at the Harold Rowley Recycling Center in Storm Lake, Iowa, found the body of an unknown baby boy born on May 30, 2002. Investigators have not been able to identify the cause of death of the day-old baby, since the Center's machinery had shredded the baby's body.

Officials believe access to medical records may help them discover who is responsible for the baby's death. Subpoenas were issued to hospitals and clinics for the records of all women who tested positive for pregnancy between August 15, 2001 and May 30, 2002. The sheriff's department ran DNA tests on women they thought had been pregnant. Although some healthcare providers complied with the request, Planned Parenthood would not release the records of women who sought their services.

Jill June, director of Planned Parenthood of Greater Iowa refused to turn over the women's names to local officials, citing the obligation to preserve the confidentiality of medical records. Planned Parenthood guarantees in writing that medical records will be kept confidential. Although Storm Lake is a small community, Planned Parenthood performed over 1000 pregnancy tests in the time period covered by the subpoenas. Ms. June asks people to imagine the invasion of privacy that would result if sheriff deputies were to knock on women's doors and ask for proof of live birth or documentation of termination of pregnancy. Planned Parenthood has cooperated with law enforcement officials in the past, working with a particular suspect and her lawyer to agree on release of records. In the current case, there is no suspect, and no evidence the woman responsible for the baby's death ever was a patient at the clinic. Planned Parenthood officials have indicated their willingness to cooperate in the investigation if they can do so without violating the privacy of hundreds of women.

Philip E. Havens, Buena Vista County Attorney, states that with no suspects, the records are the only hope of investigating the crime. Ms. June counters that records may not help because many of the women in the socially conservative community of Storm Lake who receive services from Planned Parenthood give false names. In addition, the mother may not be from the area, may never have been tested, and may not have sought medical care.

Following her refusal to comply with the subpoena, a district court judge ordered Ms. June to turn over the records, but she still refused. The Iowa Supreme Court granted a delay of compliance to the subpoena until the week of December 9. Subsequently, the Buena Vista County District Court granted the county attorney's motion to withdraw the subpoena. The Iowa Supreme Court has maintained jurisdiction and may decide to hear the case despite the withdrawal of subpoenas because of the importance of the competing interests that have the potential to impact people far beyond Storm Lake.