

WARREN COUNTY GENEALOGICAL SOCIETY

504 North Buxton, Apt. #7

Indianola, Iowa 50125

August 1981 NEWSLETTER

SPECIAL EDITION!!!

Meetings: Monthly, third Monday at 7:00 p.m. at Trinity
Presbyterian Church.

Next Meeting: September 21, 1981 "What Is Your Problem?"
Small groups will be formed and each individual's stumbling
blocks will be considered and solutions suggested. Bring any
materials you wish to share. Yearbooks will be handed out.
Don't miss this meeting!

FREE MEMBERSHIP AWARDED: Geri Cutts will receive the free
membership awarded at the County Fair. Let's help our new
member feel very welcome.

from the Iowa Genealogical Society we received another call for
action and help. EACH OF US MUST RESPOND AGAIN TO KEEP
IOWA'S RECORDS OPEN!!!!!! DO IT TODAY!!! AUGUST 17th is too late.

"Just a few weeks ago we spoke out against Health Department Rules
at a public hearing held here in Des Moines. Since then much has
happened and we must speak out again at another public hearing the
Health Department will held on Monday, 17, Aug. 1981, 1:00 p.m.
at the Wallace Building, Des Moines, Iowa.

After the last hearing House File 413, a bill granting complete
access to all Vital Records at the county courthouse level passed
the Iowa Legislature. When he signed the bill, the Governor
instructed the Health Department to immediately write emergency
rules protecting the confidentiality of these records. The end
result, we believe, was an overzealous reaction with stringent
rules that seem to deny our inspection of any records.

We maintain there are several areas for disagreement with these
Health Department Rules.

1. Prior to the passage of H.F. 413 we had access to most records
65 years old or older. This privilege has been abolished.
After all these years of having access to courthouse vital
records as a matter of custom and practice, we are now being
informed - that this is unlawful. They are protecting from
public view that which has been public knowledge for years.
2. The new rules treat much personal information as confidential,
whereas, we believe the argument can be made that much of it
was given fully realizing the inherent openness of records in
U.S. History. Much of what they wish excluded is of utmost
importance to genealogists.

Examples: cause of death, race, religion, number of marriages
and number of children born to the mother.

In your own research, is this not important data?

3. We are told that we shall have access to indexes in the
courthouses to identify our ancestors after which a search
will be made for the record a copy of which will be \$4.00.
But what about the many record books that are either unindexed
or whose index is unavailable to us because it is contained
within the record book itself? Won't this further reduce
our efforts to costly futile guesswork?
4. The records will have to be purged (entries covered) of all
confidential information before we can have access, however,
we detect no enthusiasm for compliance of the law on the part

of the record keepers or of the Health Department. Assuming the records were purged, shall we then be subject to hourly supervision rates as the emergency rules suggest?

5. And, finally, the insidious phrase "compelling interest" is creeping into discussions of the rules. Is it possible, that, after all other restrictions were compiled with, we could still be denied access to records other than for ourselves, our parents and our grandparents? As family historians the knowledge and interest in aunts, uncles, cousins is absolutely essential to properly construct a family history. If we are forced to contend with the capriciousness or whim of those who would interpret the term "compelling interest" we are indeed in trouble.

We urgently need genealogists who can come to Des Moines on Aug. 17, and address these or any other points of concern at the hearing. You need not speak at great length, but if you can express, even briefly, in your own words, your disapproval or displeasure, it will have a significant impact. We dare not be silent.

Additionally, we all must write the Health Department and the Legislative Rules Committee expressing our concerns (a list of addresses follows). If we don't act now we may regret our dilemma later.

Anyone who has ever attended any of our meetings is aware that as a group we are a kind, gentle, patriotic, family oriented and peaceful people. If these traits seemingly put us at a disadvantage in this matter - so be it, but we must speak out.

I wish there was time for me to talk with each of you personally to share my great concern over the proposed rules, but time is short and I cannot. Each of you must make your own determination to help. Your letters to Mark Wheeler must be in his hands by 4 p.m. August 17, 1981.

President of Iowa Genealogy Society
Carl W. Nissly

Mark Wheeler, Hearing Officer
Iowa Department of Health
Lucas State Office Building
Des Moines, Iowa 50319

Governor Robert Ray
Iowa Capitol Building
Des Moines, Iowa 50319

Representative Laverne Schroeder
Chairman
Route 1
McClelland, Iowa 51548

Senator Dale L. Tieden
Elkader, Iowa 52043

Senator Berl Priebe, Vice Chairman
RFD 2 Box 145A
Algona, Iowa 50511

Representative Betty J. Clark
Route 2 Box 12
Rockwell, Iowa 50469

Senator Edgar H. Holden
2246 E. 46th
Davenport, Ia 52807

Representative Ned Chiado
2410 S.W. 12th St. Pl.
Des Moines, Iowa 50315

The above letter came from the Iowa Genealogy Society.
Attached is the Health Department's Notice of Intended Action.

PLEASE WRITE TO EACH AND EVERY PERSON ON THIS LIST TODAY. PLAN TO ATTEND THE PUBLIC HEARING AND SPEAK OUT. It is helpful to write your comments down before you arrive at the auditorium. These comments are taped and passed on to the Legislative Rules Committee.

THIS MAY BE OUR LAST CHANCE TO KEEP THE RECORDS OPEN.

IAB 7/22/81

HEALTH DEPARTMENT (470)

NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in 17A 4(1) "b" of code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under 17A 8 (6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Sections 135.11(15) and 144.3, The Code, the State Department of Health hereby gives Notice of Intended Action to amend Chapter 96 "Vital Records". Iowa Administrative Code.

These amendments are to define what is meant by vital records for purposes of public access and what constitutes confidential-private material and information which is not accessible to the general public. The amendments also address the issue of accessibility and the maintenance of the confidential material and information.

This rule is also filed emergency as ARC 2158*. Oral presentation or comments concerning the emergency adopted rule may be made on August 17, 1981, 1:00 p.m., Auditorium, Wallace State Office Building, East 9th and Grand Avenue, Des Moines, Iowa. Any written comments will be accepted prior to August 17, 1981, addressed to Mark W. Wheeler, Hearings Officer, 3rd Floor, Lucas State Office Building, Des Moines, Iowa 50319.

This rule implements Section 144.3, The Code.

ITEM 1. Amend Chapter 96, Vital Records, to add the following new rule: 470-96.1(144) Definitions. Record(s) shall be the following:

96.1 (1) Record of live birth. Record of live birth shall be the Certificate of Live Birth excluding all material or information relating to the medical/health history or condition including the pregnancy history of the person named or the parent(s) listed on the certificate and any material or information referring to the race of the named person or of the parent(s) listed on the certificate.

96.1(2) Record of Death. Record of death shall be the Certificate of Death excluding all material or information relating to the medical determination of the cause of death and all material or information concerning other significant conditions surrounding the death and any material or information relating to the race of the deceased contained on the certificate.

96.1(3) Record of marriage. Record of marriage shall be the Certificate of Marriage excluding all material or information referring to the number or occurrence of previous marriages of either named party and any reference of either party's race or religion contained on the certificate.

96.1 (4) Record of dissolution or divorce. Record of dissolution or divorce shall be the Statistical Report of Dissolution and Report of Divorce excluding all material or information relating to the race, religion, number of occurrences of previous marriages, the number of affected children of either named party and any reference material or information referring to alimony, child support or the cause of granting the dissolution or divorce contained on the report.

ITEM 2. Rule 96.3 (144) is amended by striking as follows:

~~96-3(144)--Birth-certificates--The-medical-portion-of-a-birth~~

~~certificate shall be considered confidential~~

ITEM 3. Amend Chapter 96, Vital Records, to add the following new rule:

470-96.6(144) Accessibility. The general public shall have access to all vital statistics records, material and information contained therein except for the material or information specifically excluded by definition for purposes of confidentiality.

The state and local registrars shall maintain the confidentiality of all excluded material and information. Where records are such that this confidential material and information are included with accessible material and information, only accessible material and information shall be made available to the general public.

Local custodians of vital records shall take all necessary steps to ensure the confidentiality of that material and information reflected on vital records that have been excluded from general public access. The local custodians must employ one or all of the following methods to ensure confidentiality;

1. Temporarily cover, by appropriate means, confidential material or information in a manner as to allow access if needed at a later time.
2. If vital records microfilmed, make a copy of the records from existing microfilm, eliminating the confidential material and information or cover the copy as above.
3. The local custodian will reproduce all vital records at county level eliminating the confidential material and information.

The local custodian or registrar may adopt reasonable charges to reflect their expenses for what efforts are required to allow general public access, examination and the assurance of confidentiality of this material and information pursuant to the authority of section 68A.3, The Code. This charge to be paid by those requesting access or inspection.

Item 4. Renumber the remaining rules of Chapter 96, Vital Records, accordingly.

*See ARC 2158 p. 101.

The trickier we feel

QUARTERLY MEETING

Saturday, September 12, 1981
First Unitarian Church
Bell Avenue and Casady Drive
Des Moines, Iowa

Guest speaker will be Maralyn A. Wellauer on the topics of "Using Immigration and Emigration Records to Assist in Locating the Origins of an Immigrant Ancestor" and "German Sources in the U.S. Archives and Libraries." Miss Wellauer is a noted genealogical lecturer and author and has made several trips to Europe for genealogical research. She specialized in Swiss and German records and also Norwegian and Danish research. She lectures to both beginning and advanced researches.

\$2.00 preregistration fee, \$2.50 at the door

9:30 a.m. - registration

10:15 program

11:45 - luncheon your own

1:15 p.m. Business Meeting

2:00 - Program

Let's have a group go to this meeting. Call 961-6758 by September 8th if you want to go. The church is on the southside of Des Moines, so we will probably leave Indianola about 8:45. We will line up cars after we see how many can go.

September 12th was our date to man the Iowa Genealogy Library. Usually that library is closed on days they hold quarterly and annual meetings.

QUARTERLY MEETING
Thursday, September 12, 1981
First Unitarian Church
311 Avenue and Candy Drive
Des Moines, Iowa

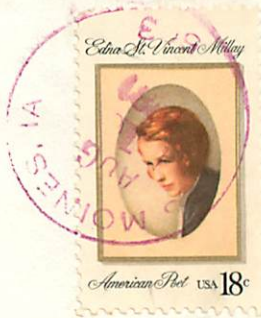
Guest speaker will be Marilyn A. Jellner on the topic of
"Using Immigration and Naturalization Records to Assist in Locating
the Origins of an Immigrant Ancestor" and "German Sources in the
U.S. Archives and Libraries." Miss Jellner is a noted genealogical
lecturer and author and has made several trips to Europe for
genealogical research. She specialized in Swiss and German
records and also Norwegian and Danish research. She lectures to
both beginning and advanced researchers.

\$2.00 registration fee, \$2.50 at the door
9:30 a.m. - registration
10:15 program
11:45 - luncheon your own
1:15 p.m. Business Meeting
2:00 - Program

Let's have a group go to this meeting. Call 951-6758 by
September 8th is you want to go. The church is on the southside
of Des Moines, so we will probably leave Indiana about 8:45.
We will line up cars after we see how many can go.

September 12th was our date to man the Iowa Genealogy Library.
Usually that library is closed on days they hold quarterly and
annual meetings.

L R PILMER
210 W GIRARD AV
INDIANOLA IA 50125



Mrs. David Grissom,
109 Pine St.,

Milo,
Ia. 50146

P.O. Box 42