

Brenna Findley log

Brenna Findley was a dynamic Republican candidate for Iowa Attorney General in 2010. She lost, yet she outraised her incumbent opponent by 2 to 1! In July she emphatically agreed with me, orally, that Roe has “collapsed”, legally. I asked if I could quote her endorsement officially. She invited me to call her the next day at her campaign office. Over a dozen communications with her staff later, as of January, 2011, she still has not responded, although her staff told me she had gone so far as to present the idea to other attorneys more expert than herself. This is a record of my contacts with her office.

July 30, 2010 Thursday

I, Dave Leach, as a Republican candidate for Iowa Senate, talked with Brenna Findley, Republican candidate for Attorney General. The event was a Republican fundraiser/picnic at the Iowa State Fair. Maybe the name of the place was Jalapeno Pete’s.

The subject was my legal arguments that state lawmakers already have a legal green light to criminalize abortion as if Roe had never existed, through the 2004 federal law that defines all unborn babies as “members of the species homo sapiens”, which precisely meets the conditions of Roe’s “collapse” clause.

Brenna agreed with me. And not just a little, but emphatically. With zest. So my next project was to translate her verbal agreement into an official “endorsement”. That required her looking over the written draft in detail. She said I could call the next day at her campaign HQ for her answer.

Brenna’s campaign had a lot of respect among Republicans. I heard her on the Jan Mickelson show a couple of times. Her legal opinions were accepted as the final word. Although she eventually lost the election, she raised twice as much money as her opponent, Tom Miller. Because of her respect, I knew that with her endorsement of the arguments, lawmakers would be emboldened to act upon them next January. I also felt that with her endorsement, my own election would have gone a lot better, and I would have been in a position to floor manage the necessary bills to end abortion in Iowa.

Brenna gave me her HQ number: 720-0738.

July 31, 2010 Friday

I called Ben, at Findley’s Headquarters. She was not available that day, but he said he would try to get Brenna’s reaction Saturday, the next day, August 1.

August 1, 2010 Saturday

Ben gave me his email address: ben@findleyforiowa.com, so I could email him a copy of what I had given to Brenna. He would also copy it to give to Brenna as a second copy; Brenna probably wouldn’t see it till Monday.

From: Uncle-Ed

Sent: Sunday, August 01, 2010 10:13 PM

To: ben@findleyforiowa.com

From the lap of Dave Leach

Hi! Here’s the legal arguments I told you about, that I gave to Brenna Thursday evening at the Fair, that state lawmakers have a legal green light to criminalize abortion as if Roe had never been written. (Attached: PDF of SLIC flier)

Dave Leach

August 6, 2010 Friday

Ben said Brenna has been sick most of this week, but he will talk to her tonight and this is on his list of things to talk about. I can call again Monday. He won't be in the office Saturday.

August 10, 2010 Tuesday

I left another phone message. No answer at 2pm in the office. 4:50pm, Ben said Brenna has definitely looked at it, and even asked others more knowledgeable about it! (Since Findley is a lawyer, that means she consulted with other lawyers.)

September 6, 2010 Monday

From: Dave Leach
Sent: Monday, September 06, 2010 6:40 AM
To: ben@findleyforiowa.com
Subject: SLIC (Stop Legal Infanticide by Christmas)

From the lap of Dave Leach for Senate, Dist 31
480-3398 cell

Hi Ben!

Remember my strategy for ending "legal abortion" in a few months, through bringing a case that forces courts to recognize the legal "collapse" of Roe by Laci's Law's definition of all unborn babies of humans as humans?

I talked with Brenna about it July 30 at the State Fair. She did not only agree with my oral explanation, but she emphatically agreed. So then I asked if she could put her endorsement on the record. For that she needed to look over the one page overview of my arguments. She gave her office number for me to follow up, which is why I then called you and emailed you over the next week and a half for her answer until, on August 10, you told me she had shown it to others more knowledgeable about it.

I also encourage you to contact Chuck Hurley at IFPC, who I perceive is at about the same point Brenna is in deciding whether to publicly endorse this strategy for ending abortion. Perhaps you could encourage each other, or perhaps you might want to coordinate your endorsements.

I am writing now not only to follow up since that has been 3 weeks, but to update you (and Brenna, through you) with corroborating research I have completed. I have slogged through the 100-page Congressional Record of the House debates on Laci's Law, adding my analysis, which proves that there was considerable understanding, when the law was debated, that the law was the threat to infanticide's fragile "legality" that I claim.

As a way of summarizing that research, below is my one page letter to Emily Ferris, counsel to Senator Roger Wicker, with whom I talked about Wicker's fundraising letter to replicate Laci's law in new legislation next year with the expectation that enacting the same thing again would "collapse" abortion although the same law enacted in 2006 could not. This one page letter summarizes the Congressional Record, and also gives a link to the complete Record with my analysis added.

In fact, this Congressional Record contains quotes useful to Brenna in combating any skepticism about the soundness of her legal reasoning. For example, she could say **"I am very prolife, so I don't normally agree with the National Women's Law Center, the ACLU, NOW, Planned Parenthood, the National Abortion Federation, and all the Democrats in Congress. But I believe**

they were all absolutely correct in 2004 when they predicted that passage of Laci's Law, which occurred on April Fool's Day of that year, would legally establish the "personhood" of all unborn babies, which would undermine Roe v. Wade, which would enable state legislatures to again criminalize abortion. This legal fact, upon which all abortionists agree, has not been addressed in courts only because no case has yet been brought which squarely raises the issue. The perfect case, I believe, would be a court challenge to a state law that criminalizes abortion as if Roe had never existed. Should the Iowa legislature so criminalize abortion, and that law is challenged, and I am elected Attorney General, I am prepared to defend it as successfully as abortionist legal organizations have anticipated."

I believe it is vital that positions on these arguments be made public before the election, not the day after. Candidate surveys go out before elections, not after, because voters have a legitimate need to know what agendas they are voting for. Defending Support for a strategy to end infanticide will enrage infanticidists, but will also make them say desperate things, more fully exposing their dark side. It will excite voters who choose Life. It will turn them out. It will get Christians to register.

A statement like the above, which spells out what the legislature should do, would effectively place criminalization of abortion on the legislative agenda. But it needs to have popular support, which means it should be announced before the election so it is established that voters have approved the agenda. If it is announced afterwards, there will be grumbling that the agenda was sneaked in because it lacks popular support; voters would have rejected it had they known about it. By the same principle, the strategy needs to be on the table early enough that candidates can be asked about it, and will have to think about it under the pressure of voters wanting to know.

I believe also that it is vital that Brenna's endorsement come in enough time before the election for it to be reported, for reporters to get their usual quotes from university law professors, for Brenna to respond to them if necessary, and for the public to chew on the result.

I can't imagine a greater goal for a Christian attorney general, than to preside over ending abortion next year! Which makes Esther 4:14 applicable: **For if thou altogether holdest thy peace at this time, *then shall there enlargement and deliverance arise to the Jews from another place; but thou and thy father's house shall be destroyed: and who knoweth whether thou art come to the kingdom for such a time as this?***

Surveys to all Iowa candidates on this issue went out only a few days ago; it was March when my volunteer accepted this task and he finally finished it. Rep. Windschitl told me back in February that he would be willing to sponsor this Joint Resolution.

MY CAMPAIGN

I want to update you on the "controversy meter" of my campaign, in case the holdup is Brenna's concern that endorsing these legal arguments would embroil her campaign in the controversy surrounding me. If that is not a concern, just skip this section and go to my letter to Emily Ferris. In the first place, an endorsement such as I proposed in red above would not name me, but would pit Democrats against their own unanimous past positions. It stands alone without reference to my Model Joint Resolution, yet is similar enough in content that I could quote the statement in support of this legal strategy for ending abortion in a few months.

In the second place, to whatever extent Brenna's statement would associate her with me, that has gotten to be better company recently. The same articles which lambast me are ranking me with Jan Mickelson, Kim Lehman, and Steve King.

Candidate training was offered by Mary Spaeth, who was a Media Consultant for Reagan and who organized the Swiftboat Veterans. A rich Texan financed the all day session. It was wonderful training. She proved herself extremely expert in perceiving what words, and what word order, make which impressions on viewers and readers. After the others had left, Mary talked to me privately. When I told her about this strategy for ending abortion, she advised me to say no more about abortion at all

other than to say my views are on the record but now may we talk about the rest of me and my agenda? I certainly agree I have other issues, but when reporters talk about my abortion positions they aren't going to scour my website for exculpatory quotes. I need to provide them in interviews. Anyway, Mary's alarm bells went off not because I am prolife, but because I have a vision of not merely "opposing abortion", or even of vacating Roe, but of then making abortion a crime. She said that is such an extreme position that not even prolife Republicans who work so hard to put prolife language in Republican planks want it.

I had never previously considered that anyone who excoriates Roe would be frightened by someone about to topple it! I never before considered that millions who want Roe repealed do not additionally want states to actually criminalize abortion again!

But now that I think of it, I believe I have met such people, who are so used to the status quo that mere anemic additional red tape for abortion is all the restriction they can stomach. I believe I have met people who would love to see Roe gone but would be terrified if legislatures actually then criminalized abortion! NO ONE, that I know of, besides me, has publicly thought through the appropriate severity of such penalties. I have published a Bible study explaining why I believe they should not be especially punitive but only severe enough to make abortion financially impractical, and to end the abortion education in schools, for the foreseeable future.

As much respect as I have for Mary's sense of people, and for the reality of the obstacle she sees, I must proceed in the faith that this mountain, too, will move. This is only one more mountain of a whole range that must jump into the sea for America to have real hope. I think the way to attack the obstacle is simply to publicly think through what has not been thought through, so people can take comfort in how much sense it makes.

The earliest articles lambasting me were about my involvement in the Scott Roeder trial. On my way back from Wichita I gave an interview to a Register reporter whose article acknowledged that my involvement was for the purpose of ending all the violence, in and outside the womb, through legal arguments that Roe had "collapsed". But most other articles only say I "support" Roeder.

On August 18 I wrote to the Iowa Independent about their job on Jeremy Walters; I said Walter's connection between sodomy and disease is stated by God in Romans 1:27, as the verse has been understood for centuries, and besides everybody knows there is a connection. It is "inappropriate", to use Matt Strawn's word, to censure a Republican candidate for saying what God says and which everyone knows is true. See www.Saltshaker.US/Leach2010/JeremyWaltersApology.pdf for what I said, what everyone else said, and for all the news stories. Although I gave Strawn far more reason to censure me than Jeremy did, Strawn never censured me, or interfered with my opportunities to volunteer for the party. Perhaps that is partly because...

On August 19, hours after I wrote to the Iowa Independent, Jan Mickelson hit Strawn as hard as I did, for censuring Jeremy with the phrase "AIDS does not discriminate", which he had lifted from a series of propaganda ads, whose silliness Jan proceeded to expose. See www.Saltshaker.US/Leach2010/Debate.pdf for a near transcript of Jan's remarks, and links to the audio, and to the audio of Clear Channel's renunciation of Jan, calling him "factually inaccurate" though without explaining how a single thing Jan said was not true.

On September 1 Matt McCoy said, after Steve King refused to debate his opponent, that an incumbent (like himself) has a moral duty to his constituents to accept a debate with his opponent, to enable them to cast informed votes, and to honor the spirit of democracy. What is the difference between saying that, and saying "I am willing to debate Dave Leach"? None, that I can pick out! I accept! I hope I can finish my press release in the next few hours. See the previous link for Matt's letter to the editor, all the comments after it, my response, and my complete press release.

Letter to Senator Roger Wicker's Counsel

inquiring what he wants to accomplish by replicating in a bill next year the same language that was put in Federal law in 2004.

Emily Ferris, counsel
Senator Roger Wicker
555 Dirkson Office Building
Washington DC 23510

Dear Emily,

Thank you for talking to me a week ago on the phone about Conner & Laci's Law, 18 U.S.C.1841(d).

Enclosed are my legal arguments based on it, in the form of a Joint Resolution. I believe that even if there is not enough support to *pass* this resolution, the mere *support* of it by Senator Wicker and a few others will end infanticide's fragile "legality" as surely as if 1841(d) is replicated in the U.S. Code again next year as Senator Wicker's fundraising letter proposes.

You said the "purpose" of the law was not to destabilize *Roe v. Wade*, but merely to add a criminal charge when a man kills a pregnant woman. But as I said on the phone, is that really relevant to what the *effect* of the law is? Do laws cease being binding when they have consequences which were unintended, if not misrepresented?

Certainly when a law is ambiguous, it is appropriate to consult Congressional debates for light on the law's original intent. But how can 1841(d) be read any other way than that all unborn babies of humans are human? And when a law can only be read one way, but a minority of its sponsors said it means something entirely different, how can what a law unequivocally *says* be vacated to conform with what those sponsors *said it says*?

Taking 1841(d) on its face, can there be any doubt that it precisely meets the conditions of *Roe's* "collapse clause" just as surely as any future "personhood" language being contemplated?

You said no one has raised my argument before. It's been 6 years, but what I'm saying was said as the bill was debated. The minority Democrats, and all their infanticidist legal organizations from NOW to the ACLU, *unanimously* made the same argument I do except without spelling out the legal pathway in enough detail for brave Republicans to figure out how to do it. But what they said leaves no doubt that the argument I present (that defining all unborn babies as humans meets the conditions of *Roe's* "collapse clause") is the argument they had in mind. A complete transcript of the House debate, along with my analysis, is at www.Saltshaker.US/Leach2010/CongressionalRecord2004.pdf

The Republicans needed the votes, not only of a few Democrats but of infanticidist Republicans, so they had to pretend mother-approved abortion was safe. Even so, they could not restrain their more enthusiastic proliferators from rashly proclaiming that the law *does* establish the "personhood" of the unborn! (Iowa's Steve King incredibly stated both: that it does establish unborn personhood, AND that it does not undermine "legal abortion"!)

So as you read the House debate you hear a few Republicans alleging the bill does not challenge *Roe*, yet without making legal arguments sufficiently credible to reassure a single Democrat; and if you allow yourself a scintilla of skepticism they will not convince you either.

Several Democrats said any reassurance the handful of Republicans gave them was canceled out by the larger number of Republicans insisting the law *was* about recognizing the babies of humans as humans! The conversation may be characterized as "This is not going to undermine *Roe*. It's the same language we enacted 4 years ago when we wouldn't let pregnant mothers be executed, and that

hasn't stopped legal abortion (yet).” Next Republican Congressman: “What do you mean, my precious grandbaby I held in my arms just last night isn't a 'person'?!!!” Next Republican Congressman: “Why of course this bill establishes the 'personhood' of the unborn! You got a problem with that?” The Democrats made much of a statement by Senator Orrin Hatch on CNN May 7 that **‘They say it undermines abortion rights. It does, but that's irrelevant.’**

Please take the time to evaluate whether, indeed, the shortest path to ending abortion is faithfully pursuing the opportunity we already have, not replicating it. If I am missing something, please help me see it.

In Jesus' Name (Col 3:17)
Dave Leach for Iowa Senate, Dist. 31
137 E. Leach
Des Moines IA 50315
www.Saltshaker.US/SLIC <> AcknowledgeHimN2010@Saltshaker.US

September 11, 2010 Saturday

Ben says Brenna saw what I emailed her several days ago. She's at an Iowa State game today. I can call him any time Monday about a time to talk to Brenna.

September 15, 2010 Wednesday

From: Dave Leach
Sent: Wednesday, September 15, 2010 8:23 AM
To: ben@findleyforiowa.com
Subject: The "collapse" arguments in another format

Hi!

I haven't heard from Brenna yet.

My survey to Iowa candidates, for their support of the SLIC Joint Resolution, has gotten a response from attorney Timothy Gartin, a candidate in Ames. He has not decided about it, but asked for more information. In case you would like to talk to him: Timothy L. Gartin Hastings, Gartin & Boettger, LLP 409 Duff Ave. Ames, IA 50010 O: 515.232.2501 / F: 515.232.2525
Timothy.gartin@amesattorneys.com

Below is another way to present the "collapse" arguments. I wrote them at the request of Chuck Hurley, who asked me to write as he would write, in order to send them as his own letter to Americans United for Life for their vetting. Perhaps this format will be useful to you.

July 14 was when I wrote the email to Chuck Hurley, after he said he would then pass them on to Americans United for Life because he trusted their expertise in this area. After a couple of followup emails to which he didn't respond, I reached him September 13 by phone; he said he hadn't sent the information yet, and asked me to redraft the information as he would write it so he could submit it as from a lawyer.

Dave Leach, 480-3398

Proposed draft:
To Americans United for Life
From Chuck Hurley, Iowa Family Policy Center

Sirs:

Legal arguments that the "collapse clause" of Roe v. Wade has already been satisfied, by the 2004 federal law that defines all unborn babies as "members of the species homo sapiens", have come to my attention. I will appreciate your review of them. If these arguments are correct, then Iowa lawmakers already have the legal green light to criminalize abortion as if Roe had never existed.

As a prolife activist I am well aware of Roe's "collapse clause", and the hope of personhood movements that defining all unborn babies as "members of the species homo sapiens" will trigger it. These arguments seem to me correct. If they are, my public endorsement of them should come as early as possible before the election in order to educate candidates, which will help place this on next year's legislative agenda. In fact, State Senate candidate Dave Leach has already surveyed Iowa candidates for their support of a Joint Resolution built around these arguments, and he has asked me to endorse them.

But if I have overlooked something, and these arguments overlook something, I and my organization have much to lose from my public endorsement of them. That is why I need to double check these arguments with attorneys more expert than myself in this area. My own specialty is in auto accidents. Although as a state lawmaker and as head of IFPC I have argued prolife issues in the Court of Public Opinion, I have argued only one prolife case before the Iowa Supreme Court, (that of the same Dave Leach), and none others in any court.

The argument goes as follows:

1. FEDERAL LAW DEFINES BABIES OF HUMANS AS HUMANS. 18 U.S.C. § 1841(d), known as "Laci and Conner's Law", states

“‘unborn child’ means a child in utero, and the term ‘child in utero’ or ‘child, who is in utero’ means a member of the species Homo Sapiens, at any stage of development, who is carried in the womb”.

“Child,” “Homo sapiens”, “who,” (not “what” or “which”) “carried in the womb” are all words which apply solely to human beings. This definition of the unborn as human beings is absolute, applying to all unborn children, even those not directly protected by this law. It is absolute in the sense that this definition is treated as the acknowledgment of a fact. If unborn babies who are loved by their mothers are in fact human, it would be absurd to imagine, say or rule that "unwanted" unborn babies are not human. No other section of Federal law contradicts or limits this definition; in fact, this same definition is replicated in the Innocent Child Protection Act of 2000.

2. ROE EQUATES "HUMANS" WITH "PERSONS". Roe v. Wade 410 U.S. 113 (1973) equates the time an unborn child becomes “human” with the time the child becomes a “person”.

“These disciplines variously approached the question in terms of the point at which the embryo or fetus became ‘formed’ or recognizably human, or in terms of when a ‘person’ came into being, that is, infused with a ‘soul’ or ‘animated.’”

3. ROE SAID IF BABIES ARE EVER ESTABLISHED AS "PERSONS", LEGAL ABORTION ENDS. Roe v. Wade spells out the conditions for Roe’s own “collapse”:

“[Texas argues] that the ‘fetus’ is a person. If this suggestion of personhood is established, the case [for legal abortion], of course, collapses, for the right to life would then be guaranteed specifically by the [Constitution]...”

This "personhood...established" is treated as the legal acknowledgment of a fact. If this were a matter of law, the Court, being the world's expert on questions of U.S. law, would not have rested its doubt about unborn "personhood" on its allegation that preachers and doctors don't agree. By caring what preachers and doctors think, the Court treated them as expert witnesses to the facts of unborn "personhood".

4. LACI'S LAW'S "ABORTION EXCEPTION" DOES NOT PREVENT ROE'S "COLLAPSE". 18 U.S.C. § 1841(c) does not

“permit [or authorize] the prosecution of any person for...an abortion for which the consent of the pregnant woman...has been obtained...”

BUT the "collapse" of Roe does not criminalize abortion. It does not "permit [or authorize] the prosecution of" abortion. Roe's collapse merely returns the choice to states whether to "permit prosecution" of abortion through laws enacted by them against it. Outlawing abortion is clearly a process with two distinct steps, and 18 U.S.C. § 1841 clearly takes only the first, without hindering the second.

5. THE SUPREME COURT IS SUBJECT TO THIS FEDERAL LAW. Until such time as courts declare federal laws unconstitutional, courts must conform their rulings to them. No court has declared 18 U.S.C. § 1841 unconstitutional. To so find would require the Court to positively affirm that human life does not begin until birth, a position which no legal authority has ever taken, even though a number of the highest legal authorities have taken the position that human life begins at conception (See Missouri #1.205, R.S.Mo.1986, Louisiana LSA-R.S. 40:1299,35.0, Nebraska 28-325. R.R.S. 1943, besides various proclamations of Presidents and Governors).

6. ROE IS NOT RESCUED FROM "COLLAPSE" BY "FACE". There is no conflict between 18 U.S.C. § 1841 and 18 U.S.C. §248 (FACE, Freedom of Access to Clinic Entrances, 1992). 18 U.S.C. §248 merely prevents individuals from saving the lives of the unborn; it asserts no jurisdiction over states, to prevent states from authorizing their police to protect the unborn. Nor does the "collapse" of Roe directly invalidate FACE. Even if Roe's collapse is legally recognized, Congress may still prevent individuals from saving unborn lives. However, where a state has not yet authorized its police to stop abortion, individuals who save unborn lives would have more success than they have in the past, in raising the Necessity Defense.

7. STATES HAVE A LEGAL GREEN LIGHT TO CRIMINALIZE ABORTION. Not only do states already have this authority, and should be able with these arguments to defend this authority in court, but after 18 U.S.C. §1841 it is impossible to treat ex-utero and intra-utero children differently without violating the XIV Amendment rights of one or the other: therefore states are legally obligated to protect unborn children with the same criminal laws that protect born children. In fact, far from such a move being a bold, legally dubious attempt by one state to rewrite the legal landscape for the entire nation, it will merely bring state law into conformity with federal law; AND any federal court which attempts to block a state's effort to bring its laws into conformity with these federal laws will, in so doing, violate Roe v. Wade, interfere with the state's compliance with federal law, and be an accessory to genocide according to federal law.

Resouce: Congressional Record

These arguments are certainly not what proliferers have been saying for the past decade! Speaking of the Innocent Child Protection Act of 2000, the National Right to Life Committee fact sheet still promises "this bill has no effect on access to legal abortion, either for women on death row or anybody else." <http://www.nrlc.org/Federal/ICPA/ICPAfactsheet.html>

During debate of Laci's Law, several Republicans flatly stated that Laci's Law would not undermine legal abortion even a little. But other Republicans said otherwise, and Democrats unanimously agreed. As did a score of abortionist legal organizations. They even predicted how legal abortion would fall. The Congressional Record of the House debate on Laci's Law, with analysis by Dave Leach, is at

www.Saltshaker.US/Leach2010/CongressionalRecord2004.pdf

I can even quote abortionist legal teams in support of my public endorsement of these arguments, Leach suggests! For example:

"I am very prolife, so I don't normally agree with the National Women's Law Center, the ACLU, NOW, Planned Parenthood, the National Abortion Federation, and all the Democrats in Congress. But I believe they were all absolutely correct in 2004 when they predicted that passage of Laci's Law, which occurred on April Fool's Day of that year, would legally establish the "personhood" of all unborn

babies, which would undermine Roe v. Wade, which would enable state legislatures to again criminalize abortion. This legal fact, upon which all abortionists agree, has not been addressed in courts only because no case has yet been brought which squarely raises the issue. The perfect case, I believe, would be a court challenge to a state law that criminalizes abortion as if Roe had never existed. Should the Iowa legislature so criminalize abortion, and that law is challenged, I am sure Iowa's Attorney General will be able to defend it as successfully as abortionist legal organizations have anticipated."

Sincerely,
Chuck Hurley
Iowa Family Policy Center

September 20, 2010 Monday

I left a phone message asking to talk to Brenna.

September 21, 2010 Tuesday

I called Ben in the morning; he said Brenna should be able to call me in the evening. In the evening he called, saying Brenna had just finished a steak fry and would try to call me Wednesday.

October 14, 2010 (about)

I called Ben again. He said he would ask Brenna to call me tonight.

From: Dave Leach
Sent: Thursday, October 21, 2010 5:35 AM
To: ben@findleyforiowa.com
Subject: Re: SLIC (Stop Legal Infanticide by Christmas)

Hi, Ben!

Thank you for all your efforts since July 31, when I first talked with Brenna about my legal strategy for ending legal abortion in a few months, to get communication between me and her regarding a potential public endorsement from her.

In view of the press of time, and the urgency of saving lives, though a formal endorsement would be much more powerful and would practically end abortion all by itself, and would at a minimum put abortionist self confidence in a tailspin, I plan to proceed with what I may truthfully state. I am working on a mailing to Des Moines pastors, and my draft so far includes this paragraph:

Among such encouraging responses: **Republican Attorney General candidate Brenna Findley** emphatically agreed with my verbal description of these arguments when I presented them to her July 31. I gave her my written Model Joint Resolution (see www.Saltshaker.US/SLIC, for Stop Legal Infanticide by Christmas) for her to review for the purpose of publicly endorsing it. I have had a dozen conversations with her staff about getting that endorsement. I learned she has submitted the draft to lawyers more expert in that area for review. Although I still do not have her formal public endorsement after all this time, I am personally encouraged that after all that scrutiny, she at least has not indicated through her staff that there is any problem with it.

Dave Leach

(The following sent to www.findleyforiowa.com, Findley's campaign website, which does not yet acknowledge the results of the election.)

November 20, 2010

Brenna Findley

Dear Brenna,

I don't know why you never responded again to my request for your official endorsement of what you wholeheartedly endorsed, orally, when we talked July 30 at the State Fair Republican picnic. But if you have time now to think about it, it is not too late to save millions of innocent lives.

Although I won't be in the Iowa Senate to floor manage criminalization of abortion, and you won't be able to defend the law from a court challenge as AG, and in fact the Senate won't even let it out of subcommittee, your endorsement of these legal arguments, even at this late date, may embolden representatives to introduce it in the house. If they do, and especially if it gets very far, it will be tremendously educational. It will force media to acknowledge the existence of such an argument. Which will change the atmosphere when any abortion related issue goes to court.

I had a dozen communications with Ben, in your HQ, about setting up a time to talk to you. I also sent him a lot of information which he said he passed to you; in fact he told me you had even consulted with other attorneys about my legal arguments. I would love to know how they responded!

Please let me know if I should re-send any of the materials I sent before. Most of them are posted at www.Saltshaker.US/SLIC.

In Jesus' Name (Col 3:17)

Dave Leach

December 20, 2010

bfindley@terrybranstad.com

Brenna Findley

Dear Brenna,

I remember a powerful article you wrote in the early 90's which I published in our Prayer & Action Weekly News. I remember meeting your parents, and them as subscribers. I remember seeing you as a page at the statehouse.

For old times sake, and for the unborn, please reply about this Legal Green Light I have been shown for legislatures to criminalize abortion as if Roe had never existed. When I talked to you about it orally July 30 at the State Fair Republican picnic, you agreed with me. In fact, you emphatically agreed. But when I asked if I might publicly quote you, you said you would look over the written materials and give me an answer the next day, for which I and the unborn are still waiting. Ben, in your campaign office, told me over a dozen times that you were still looking at it; that you had even shown it to other lawyers for their view of it; and that I would be hearing from you in a few hours or the next day.

Attached is the original "Model Joint Resolution" I showed you July 30, and an article called "No Greener Light", comparing what is already in federal law with the proposed "Life At Conception Act" which is alleged to finally "collapse" Roe, showing that it does not "collapse" Roe significantly more than Roe has already "collapsed" under the weight of the 2000 and 2004 federal laws – so why are we waiting until 2013 when Republicans may hopefully control both chambers of Congress? Why aren't we going through the green light we already have?

The following paragraph is an idea how to word an endorsement of these legal arguments.

Below that is the same argument redrafted as a legal argument instead of as a resolution.

Here is an idea for how to word an endorsement of these legal arguments:

"I am very prolife, so I don't normally agree with the National Women's Law Center, the ACLU, NOW, Planned Parenthood, the National Abortion Federation, and all the Democrats in Congress. But I believe they were all absolutely correct in 2004 when they predicted that passage of Laci's Law, which occurred on April Fool's Day of that year, would

legally establish the "personhood" of all unborn babies, which would undermine Roe v. Wade, which would enable state legislatures to again criminalize abortion. This legal fact, upon which all abortionists agree, has not been addressed in courts only because no case has yet been brought which squarely raises the issue. The perfect case, I believe, would be a court challenge to a state law that criminalizes abortion as if Roe had never existed. Should the Iowa legislature so criminalize abortion, and that law is challenged, I am sure Iowa's Attorney General, who campaigned as a pro-life when he ran for governor against Avenson, will be able to defend it as successfully as abortionist legal organizations have anticipated."

Legal Argument

1. FEDERAL LAW DEFINES BABIES OF HUMANS AS HUMANS. 18 U.S.C. § 1841(d), known as "Laci and Conner's Law", states

“‘unborn child’ means a child in utero, and the term ‘child in utero’ or ‘child, who is in utero’ means a member of the species Homo Sapiens, at any stage of development, who is carried in the womb”.

“Child,” “Homo sapiens,” “who,” (not “what” or “which”) “carried in the womb” are all words which apply solely to human beings. This definition of the unborn as human beings is absolute, applying to all unborn children, even those not directly protected by this law. It is absolute in the sense that this definition is treated as the acknowledgment of a fact. If unborn babies who are loved by their mothers are in fact human, it would be absurd to imagine, say or rule that "unwanted" unborn babies are not human. No other section of Federal law contradicts or limits this definition; in fact, this same definition is replicated in the Innocent Child Protection Act of 2000.

2. ROE EQUATES "HUMANS" WITH "PERSONS". Roe v. Wade 410 U.S. 113 (1973) equates the time an unborn child becomes “human” with the time the child becomes a “person”.

“These disciplines variously approached the question in terms of the point at which the embryo or fetus became ‘formed’ or recognizably human, or in terms of when a ‘person’ came into being, that is, infused with a ‘soul’ or ‘animated.’”

3. ROE SAID IF BABIES ARE EVER ESTABLISHED AS "PERSONS", LEGAL ABORTION ENDS. Roe v. Wade spells out the conditions for Roe’s own “collapse”:

“[Texas argues] that the ‘fetus’ is a person. If this suggestion of personhood is established, the case [for legal abortion], of course, collapses, for the right to life would then be guaranteed specifically by the [Constitution]...”

This "personhood...established" is treated as the legal acknowledgment of a fact. If this were a matter of law, the Court, being the world's expert on questions of U.S. law, would not have rested its doubt about unborn "personhood" on its allegation that preachers and doctors don't agree. By caring what preachers and doctors think, the Court treated them as expert witnesses to the facts of unborn "personhood".

4. LACI'S LAW'S "ABORTION EXCEPTION" DOES NOT PREVENT ROE'S "COLLAPSE". 18 U.S.C. § 1841(c) does not

“permit [or authorize] the prosecution of any person for...an abortion for which the consent of the pregnant woman...has been obtained...”

BUT the "collapse" of Roe does not criminalize abortion. It does not "permit [or authorize] the prosecution of" abortion. Roe’s collapse merely returns the choice to states whether to “permit prosecution” of abortion through laws enacted by them against it. Outlawing abortion is clearly a process with two distinct steps, and 18 U.S.C. § 1841 clearly takes only the first, without hindering the second.

5. THE SUPREME COURT IS SUBJECT TO THIS FEDERAL LAW. Until such time as courts declare federal laws unconstitutional, courts must conform their rulings to them. No court has declared 18 U.S.C. § 1841 unconstitutional. To so find would require the Court to positively affirm that human

life does not begin until birth, a position which no legal authority has ever taken, even though a number of the highest legal authorities have taken the position that human life begins at conception (See Missouri #1.205, R.S.Mo.1986, Louisiana LSA-R.S. 40:1299,35.0, Nebraska 28-325. R.R.S. 1943, besides various proclamations of Presidents and Governors).

6. ROE IS NOT RESCUED FROM "COLLAPSE" BY "FACE". There is no conflict between 18 U.S.C. § 1841 and 18 U.S.C. §248 (FACE, Freedom of Access to Clinic Entrances, 1992). 18 U.S.C. §248 merely prevents individuals from saving the lives of the unborn; it asserts no jurisdiction over states, to prevent states from authorizing their police to protect the unborn. Nor does the "collapse" of Roe directly invalidate FACE. Even if Roe's collapse is legally recognized, Congress may still prevent individuals from saving unborn lives. However, where a state has not yet authorized its police to stop abortion, individuals who save unborn lives would have more success than they have in the past, in raising the Necessity Defense.

7. STATES HAVE A LEGAL GREEN LIGHT TO CRIMINALIZE ABORTION. Not only do states already have this authority, and should be able with these arguments to defend this authority in court, but after 18 U.S.C. §1841 it is impossible to treat ex-utero and intra-utero children differently without violating the XIV Amendment rights of one or the other: therefore states are legally obligated to protect unborn children with the same criminal laws that protect born children. In fact, far from such a move being a bold, legally dubious attempt by one state to rewrite the legal landscape for the entire nation, it will merely bring state law into conformity with federal law; AND any federal court which attempts to block a state's effort to bring its laws into conformity with these federal laws will, in so doing, violate Roe v. Wade, interfere with the state's compliance with federal law, and be an accessory to genocide according to federal law.

Resouce: Congressional Record

These arguments are certainly not what proliferers have been saying for the past decade! Speaking of the Innocent Child Protection Act of 2000, the National Right to Life Committee fact sheet still promises "this bill has no effect on access to legal abortion, either for women on death row or anybody else." <http://www.nrlc.org/Federal/ICPA/ICPAfactsheet.html>

During debate of Laci's Law, several Republicans flatly stated that Laci's Law would not undermine legal abortion even a little. But other Republicans said otherwise, and Democrats unanimously agreed. As did a score of abortionist legal organizations. They even predicted how legal abortion would fall. The Congressional Record of the House debate on Laci's Law, with analysis by Dave Leach, is at

www.Saltshaker.US/Leach2010/CongressionalRecord2004.pdf