

Legislature Passes Heartbeat Law Again

This past week the legislature met in a special session called by the governor, in which, the legislature passed and the governor signed, again, the “heartbeat law” for the state of Iowa. This bill represents historic life reform for the state of Iowa. We are advancing the protection of life farther than we have ever done in the history of the state.

The heartbeat law was originally passed in 2018 and declared unconstitutional by a state district court, who also issued an injunction against it, meaning not letting it go into effect. We didn’t appeal it because in that year the Iowa Supreme Court “found” a right to abortion in the Iowa constitution, so we thought we’d lose at that time.

In the meantime, Governor Reynolds appointed 4 more justices, the Iowa Supreme Court “unfound” a right to abortion in the Iowa constitution, and the U.S. Supreme Court overturned Roe vs. Wade. The game changed.

So we sought to get the courts to lift the injunction against the heartbeat bill and let it go into effect. But in a decision a few weeks ago, the Iowa Supreme Court deadlocked 3-3 on that decision, which meant the previous court decision issuing the injunction would stand. Their decision did not address the merits of the bill but only if the injunction should be lifted.

That brought us up to the present day. The only path forward for the legislature was to “re-pass” the heartbeat law, so that’s what we did last week. Planned Parenthood has sued already asking the court to put an injunction – again – on this law. It is important to remember that the Iowa Supreme Court has mostly all new justices on it and that it has never actually itself ruled on the merits of the heartbeat law itself. It appears it will have a chance to do just that.

This law says that when an unborn baby’s fetal heartbeat is detected, that his or her life is protected. The reason is simple: when we detect a heartbeat, we know there is a life present, just as when a heartbeat is absent we know life is not there.

The unborn baby is deserving of all the rights and protections, including the right to life, under the U.S. Constitution and our state constitution. It is his or her life given to him or her by God, not by the government. It is government's responsibility to protect and secure that right.

Roughly 2000 babies are killed each year after the heartbeat is detected, which is after 6 to 8 weeks gestation. This is a tragedy.

The heartbeat law includes exceptions for rape, incest, fetal abnormality, miscarriage, and the physical life of the mother. Except for miscarriage, these exceptions comprise an extremely small percentage of abortions committed-roughly 1%. The vast majority are elective or on-demand.

Life, just like liberty, is a moral imperative. According to Thomas Jefferson, "God is just and His justice does not sleep forever." He said this about slavery when it was legal and it was eventually outlawed and slaves were granted the rights of citizens. The same thing will happen to abortion: Someday it will be outlawed and the unborn will someday enjoy their right to life as citizens. It may not happen this year or next year but it will eventually happen. God's justice is waking up and it is the beginning of game over. We need to be on the right side of history; even better than that, we need to be a part of making good history happen. And with this law we make big strides toward doing that. With this law we make Iowa one of the safest places for the baby in the womb in the entire nation and we cause Iowa to be a part of making good history happen both here and in our nation.

U.S. Supreme Court Roundup

Lots of great news came out of the U.S. Supreme Court this term, which ended in June, representing significant victories for constitutional rights and the rule of law:

Religious Liberty 1: In a 6-3 landmark victory for religious liberty, the U.S. Supreme Court ruled in favor of Lorie Smith, a Christian web designer, in the case *303 Creative vs. Elenis*, where she was charged with violating a Colorado anti-discrimination law because she refused to make a website for a homosexual wedding because it violated her belief that marriage is to be a

union of a man and a woman. The court said the law violated her constitutional religious liberty and free speech rights. Justice Neil Gorsuch writing for the majority said, “The First Amendment’s protections belong to all, not just to speakers whose motives the government finds worthy.....all persons are free to think and speak as they wish, not as the government demands.”

Religious Liberty 2: In a unanimous decision, the U.S. Supreme Court ruled in favor of Gerald Groff, a Christian postal worker, in the case *Groff vs. DeJoy*, where the U.S. Postal Service was requiring him to work on Sundays, which violated his belief on setting aside Sunday for church and family. The court said that employers are required to make accommodations for employees’ religious beliefs unless there are “substantial increased costs” to the business. Minor costs are not enough to allow violation of an employees’ religious beliefs, they said.

Religious Liberty 3: The U.S. Supreme Court in *Klein vs. Oregon Bureau of Labor*, ruled that the \$135,000 fine Oregon levied against Aaron and Melissa Klein of Sweetcakes by Melissa is vacated, meaning the Kleins will not have to pay. The fine was imposed by the state of Oregon because the state said the Kleins violated the state’s anti-discrimination law because they refused to make a cake for a lesbian wedding saying it was a violation of their religious belief that a marriage is to be between a man and a woman. The court agreed with the Kleins saying, “the opportunity to think for ourselves and to express those thoughts freely is among our most cherished liberties and part of what keeps our Republic strong.”

Affirmative Action: In another major case, the U.S. Supreme Court reversed the decades-held affirmative action policies of universities. The court combined two cases into one opinion, but two separate rulings. It was 6-3 in the University of North Carolina case and 6-2 in the Harvard case. The court ruled in favor of Asian-Americans who brought the lawsuit, saying they were unfairly discriminated against due to their race in the college admissions process because the universities preferred some races over others, thus violating the equal protection clause in the U.S. Constitution.

The court agreed and Chief Justice John Roberts wrote that for too long universities have “concluded, wrongly, that the touchstone of an individual’s identity is not challenges bested, skills built, or lessons learned but the color of their skin. Our constitutional history does not tolerate that choice.” Justice Clarence Thomas said that the decision “sees the universities’ admissions policies for what they are: rudderless, race-based preferences designed to ensure a particular racial mix in their entering classes” and that the 14th Amendment “ensures racial equality with no textual reference to race whatsoever.....(and) recognizes that classifications based on race lead to ruinous consequences for individuals and the nation.”

Biden Student Debt Cancellation Plan: In another 6-3 decision the U.S. Supreme Court ruled in *Biden vs. Nebraska*, that the Biden administration’s plan to forgive billions of dollars in student loans violates federal law because Congress did not grant the executive branch the power to do that. Under current federal law the court said only Congress has the authority to forgive student loans. Iowa was one of the states that objected to the student loan cancellation plan. This means that, unless Congress acts, the 43 million student loan debtors will be expected to pay back the money they borrowed to go to college, with payments expected to resume in a few weeks.

State Redistricting Authority: This case arose in North Carolina where it was charged that the legislature, dominated by Republicans, was too influenced by partisan gerrymandering when redrawing district lines. The legislature said the courts did not have the constitutional authority to review their decision but the court disagreed. The U.S. Supreme Court ruled 6-3 in *Moore vs. Harper* that the state legislature does not have unchecked authority to draw redistricting line for congressional districts. The court said a law made by a state legislature setting redistricting lines is subject to judicial review by state courts just as any other law would be.

Other Big Court News

Federal Government Overreach: A federal district court judge has issued an injunction against the Biden administration telling it to stop colluding with Big Tech companies to censor and suppress free speech

which is a right protected by the First Amendment. The injunction blocks the administration from meeting with social media companies for the purpose of suppressing free speech. This was a case initiated last year by Missouri and Louisiana in response to the government working to censor discussions online about COVID vaccines, masks, the 2020 election, and the Hunter Biden laptop. The court noted, “During the pandemic, a period perhaps best characterized by widespread doubt and uncertainty, the United States Government seems to have assumed a role similar to an Orwellian ‘Ministry of Truth’.” However --- the 5th Circuit Court of Appeals has temporarily blocked the district court judge’s order, meaning the Biden administration can continue colluding with Big Tech companies to censor free speech until the case is decided.

Feel free to contact me with ideas, thoughts, and concerns. My phone is 319-987-3021 or you can email me at sandy.salmon@legis.iowa.gov . I want to hear what you are thinking and will listen to your input. Together we will work to make a difference for the future of Iowa. Thank you very much for the honor of representing you!

Sincerely,

Sandy