

Transcript of Alan Colmes Show 9/1/9

Alan let me explain in what sense judges do not allow juries to know the trial issues, in abortion prevention cases.

Friends say “it’s no use going on those shows. They just talk over you. They don’t let you get out your message. It’s just a bunch of arguing. You will never convince anybody anyway.”

Well, the last sentence is more fatalistic than Mark 16:15 and Matthew 13:8 permit, but I am very satisfied that Alan provided me a forum where I was blessed to get out my message. Certainly in very abbreviated form, and with interruptions I do not consider necessary, but the message is there on the record, for anyone with reasonably good concentration.

I will even credit the “Liberland” host with providing me more opportunity to explain this issue than most news reporters, and infinitely more than any church.

The best way to absorb this content is to read the transcript while you listen to the audio. Time markers are given in the transcript to help you coordinate the two.

This is not a transcript of all the audio. It is a transcript of the 20 minutes during which I was on, and the later 10 minutes in which Scott Roeder’s ex-wife, Lindsey Roeder, called in to say I was wrong – that Scott *would* get his right to trial by jury. The audio has more discussion of the issue with callers before I came on, between when Lindsey and I were on, and after Lindsey was on.

Time numbers in this transcript correspond to my edited copy of the show posted with this transcript at www.Saltshaker.US. Color code: Red, great statements about the expected denial of Scott Roeder’s right to trial (of the only trial issues) by jury. Orange, other great statements. Blue: Remarkable statements of my ideological opposition.

0:00 Alan actually says “I answer to a higher calling”

...To Hell with my ratings! I answer to a higher calling! (Yes, Alan Colmes actually said this before I came on! Unfortunately, his “higher calling” was to say “I don’t want to know you” if you disagree about something.)

0:15 Promos and comment

2:07 Dave Leach interview

I’m Alan Colmes. Uh, wanna welcome Dave Leach. He is publisher of Prayer & Action Weekly News. *[Actually I changed the name to Prayer & Action News 13 years ago.]* And, a, if recent news stories are correct, a, Mr. Leach, he wrote a uh Friend of the Court Brief, I guess, or a brief on behalf of Scott Roeder who is accused of killing George Tiller. Is that correct? *[A “Friend of the Court” brief can only be filed during an appeal. The trial hasn’t even started yet in the lower court.]*

Dave: Yes, a proposed brief. I like your hold music.

Colmes: Thank you. It’s, uh, Nancy Pelosi chose.

Dave: Ah hah.

Colmes: Uh, so uh, glad you like it. Uh, the, tell me, let’s, what’s your, what’s your relationship with a Scott Roeder and why you support him.

Dave: Um, well, I’m not related to him.

Colmes: Uh no, I didn’t mean biologically.

Dave: He once subscribed to Prayer & Action News. Course, so did Judy Thomas of the Kansas City Star, but I, I met him about 11 years ago.

Colmes: You met him 11 years ago? And you attended some meetings together? Is that correct?

Dave: No, never went to any meetings together. He gave uh, read...

Colmes: According to a story in the Kansas City Star you meet in each other's homes for potluck dinners and Scripture study classes, No?

Dave: I think you're taking some liberties with the report there. No, we just met once.

Colmes: According to, uh, I'm going by what it says in that article. In any event...

Dave: No, come on! Pot luck? (Laughs)

Colmes: Kansas City Star, August 30, talked about Roeder, and uh some of the groups he attended, which you were a part of. Anyway let me ask you about this. The Prayer & Action News, before we get into Roeder's case. Uh, that is your magazine, has a small circulation, right?

Dave: Right.

Colmes: Would you say exists for the purpose of implementing The Plan. Right?

Dave: Implementing *The Plan*? No, I don't say that. I'm not sure what it means.

Colmes: According to, uh, a piece at, uh, uh, about this publication, about the publication, at PANews.org, *[that was my website address for its first 3 years or so; I changed it to www.Saltshaker.US about 10 years ago! Where does he get such dated information?]* the Prayer & Action News is a print magazine of very small circulation which exists for the purpose of implementing The Plan. It's a vision to be more than a mere magazine of entertainment, it's for people who merely read information, but don't do anything about it, don't give any information back. To provide, I don't know what this means, uh, it says "The Plan". And you have no idea what that is?

Dave: Well, say, that sounds like something I might have written 15 years or so ago. I...

Colmes: You wrote it! Tell me what that means?

Dave: Yeah, well I gotta remember. I think I might have written an article about a plan of action, but I can't even remember what it was now. Didn't go very far.

Colmes: Well this is your publication. I mean, you don't know what it is?

Dave: Well, like I say it's probably 10-15 years old.

Colmes: Uh, your, your publication, you, you uh **you reprinted also the Army of God Manual, that lists ways to damage abortion clinics, back in 1996?**

Dave: Yeah. That was in response to the Grand Jury investigation of Janet Reno that was going on for an entire year before that. Where they sent out subpoenas to prolife leaders from all over the country "commanding" them to show up for the Grand Jury and also to bring in any copies of the Army of God Manual they had.

Colmes: Right.

Dave: And before that the Army of God Manual was published anonymously. No one knew where it came from. And it was, a, sent out to journalists and prolife people and all kinds of people, and so having it didn't mean you subscribed to anything. It, and it was becoming, uh, a concern to me that my prolife friends were being intimidated by the insinuation that owning a book was now a crime.

Colmes: Right.

Dave: So kind of like to throw down the gauntlet, and say "If owning a book is a crime, here, uh, I'm going to reprint it, and put my return address on it, prosecute ME, if you're going to do something like this. Couple of days after I went in the mail, the Grand Jury investigation, uh, ceased. It was shut down.

Colmes: Uh, you, you support damaging abortion clinics?

Dave: Well, YEAH! Wouldn't you?!

Colmes: No. I would not. Not my property. (Pause) You still there?

Dave: Sure.

Colmes: A, uh, you have a response to that?

Dave: (Laughs) Oh, well,...

Colmes: So you believe it's OK to damage other people's property?

Dave: I think it's a good idea to save lives.

Colmes: Uh, so, you, you believe that uh what Scott Roeder did, in killing George Tiller, was the proper thing?

Dave: Uh, yes, but, uh, I'll tell you what the purpose of the brief I wrote was for was just to preserve his right to trial by jury.

Colmes: I, but you believe he did the right thing by killing Dr. Tiller?

Dave: Yes, and I also believe that whether he did the right thing or not is for the JURY to decide.

Colmes: I, but, I, I, not asking about the jury. I'm asking you. You, so you support killing...

Dave: If I were on the jury, yeah, I would...

Colmes: You support killing abortion doctors?

Dave: If I were on the jury I would acquit.

Colmes: Well wait a minute. But you support the killing of abortion doctors? Obviously, correct?

Dave: *[I should have answered like a lawyer: "Asked and answered."]* Well I'm sorry it has to be done that way. I'm sorry that... *[I continued talking a bit, but he has the volume set so when he talks over you, the volume on your mike drops so only he can be heard.]*

Colmes: Well it doesn't have to be done that way. You're you are choosing to support a guy who does that and you're telling you support, you support killing abortion doctors!

(8:00 minute mark)

Dave: I regret that that's the only way to stop abortion.

Colmes: So would, would you urge other people to go out and kill abortion doctors?

Dave: No. I'm not asking that. I AM asking support...

Colmes: Well if you think they need to be killed, uh, why would you then *not* support dim?

Dave: I'm, at this point I'm asking people to support Scott's right to a trial by jury.

Colmes: Yeah but I'm not at, I'm not, I'm not suggesting he doesn't have a right to a trial by jury. I'm asking you about ...

Dave: Well I'm suggesting to YOU.

Colmes: No I'm I'm You're You're I'm asking you a particular question and you're talking about something else. I'm asking you about your support for someone going out and killing a doctor. Who's performing something legally.

Dave: You called asking about my brief, and my brief says nothing about what you're asking.

Colmes: I, I, I, asked to interview you to talk about your brief, and also your position on what Tiller did. You're telling, telling what Roeder did. You're telling me that you support the idea of killing abortion doctors. So I'm asking you why you would not urge people to go out and do that, if that's what you think is the right thing to do?

Dave: Nothing can be more illegal than what courts have done to keep abortion legal. They've denied the right to a trial by jury in 100,000 abortion prevention cases. Now I'd like that to come to a stop. In Scott's case.

Colmes: Right, but you say you want abortion doctors to be killed. Correct?

Dave: If this brief prevails, no one will ever have a reason to shoot another abortionist.

Colmes: Why is that?

Dave: Because if the Necessity Defense is allowed to go to the jury, if the judge breaks down uh and tells the jury the only contested issue of the trial, which is the Necessity Defense, there will be, it'll be easy for people in the future to shut down abortion clinics by just sitting in front of the doors without fear of arrest.

Colmes: Uh, if you can get a justify, justifiable homicide defense, and the court agrees this was justifiable homicide, aren't you going to encourage, won't other people be encouraged to go out and kill abortion doctors?

(10:00 minute mark)

Dave: Uh, it might not go that way. If, a, if the judge *does* give the defense to the jury, the jury might say “well, you know abortion is, is a harm, a terrible harm, but it’s not harmful enough to justify killing an abortionist.” But even if that happens, uh...

Colmes: But you sup, you supporting a justifiable ha, a justifiable homicide. And if a and if a court says this is justifiable homicide,

Dave: Actually...

Colmes: ...won’t that encourage other people to go out and kill people.

Dave: ...that’s not the right name for it. In Kansas law it’s called Defense of Others.

Colmes: All right, it’s called justifiable homicide. We’re talking about the same thing. Won’t that encourage people to go out and kill abortion doctors?

Dave: No.

Colmes: Why not?

Dave: Well, the first reason, I already gave.

Colmes: Well, I don’t understand. If you’re going to say justifiable homicide exists here, why that wouldn’t encourage other people to go out and do the same thing?

Dave: Uh, lemme, let me, *there’s two reasons. One, I gave; I’m not sure you heard it. The second reason is that, uh, if Scott actually is found innocent by the jury, uh that does not mean that anyone else uh who does the same thing will be found innocent. If he’s found innocent, it will only be because the jury uh finds that uh...*

Colmes: Yeah but you’re not responding to what I said. My issue is that if the court says this justifiable homicide, why wouldn’t other people go out, who are anti-abortion, and think this is wrong, and kill other doctors?

Dave: I was in the middle of explaining why it wouldn’t work for anyone else. With...

Colmes: Hel, help me understand, cause I’m not getting it. Go on. Say it again. Go ahead.

Dave: *If, the only reason that a jury would find Scott innocent – that’s after they are given the defense – would be because, uh, they find that Tiller’s, uh, abortions are much more heinous than other abortions. I, normally I wouldn’t expect the jury to find, find, uh, find it justified to kill an abortionist. uh, that’s pretty extreme...*

Colmes: But Tiller is a separate category so it’s OK to kill ...

Dave: Tiller’s abortions are pretty extreme too.

Colmes: Because he performed late term abortions, it’s OK to kill him?

Dave: Probably the most notorious abortionist in the country.

Colmes: Buwe but he did he did legal work. He did what was protected by law.

Dave: Well, that’s arguable. There was two, uh, actions at law in the process when he was shot.

Colmes Well, uh, uh, he he was not he was operating legally. He was not under arrest. He was performing, going to work every day, we take a quick break...

(13:00 time marker; transcript resumes at 13:53)

Colmes: What do you do for a living, Mr. Leach?

Dave: I’m a musician. Say, there’s a legal disclaimer I really need to make.

Colmes: Yeah?

Dave: I *proposed* this to Scott but uh, and he’s expressed interest, but as for whether he’ll actually use it, he’s still exploring his options.

Colmes: OK.

Dave: I’m not a lawyer. I don’t have the authority to file it or to represent him.

Colmes: Right. *[But the next day he wrote, on his introduction to the sound file, that I had FILED it!]* I understand. All right.

Dave: And it is posted at saltshaker.US.

Colmes: Uh, you you’ve said that uh, when uhm, when we otta, when human law conflicts with God’s law, we ought to obey God rather than man.

(14:30 time)

Can you give me other examples where uh laws made by governments we should disobey?

Dave: Well, right here in Des Moines there is a museum uh called the Jordan House which was an Underground Railroad station back during the civil war days.

Colmes: Right.

Dave: Uh, there's, uh, the Jews that were rounded up in Germany, and some of our German heroes uh tried to hide them. Couple of examples.

(15:00)

Colmes: Let's go to Jason in North Carolina. Hello Jason.

Jason: How ya doin'?

Colmes: Hello, sir.

Jason: Yes, I want to agree with your guest 100%. ...

Colmes: You want to kill abortion doctors?

Jason: Well, I think it's what needs to have to happen to save life. In other words, he, yes, you may be killing one, now I'm not out there doing this. I just agree with what your guest is saying. Because in order to save many lives, you sometimes have to take out one.

Colmes: All right so you, you think it's OK to kill abortion doctors?

Jason: Well, I'll tell it like this. I don't feel sorry for George Tiller one bit. He got what...

Colmes: Wou, would you kill a doctor if he was performing abortions?

Jason: I, I personally would not, but I'm saying...

Colmes: Well why not? Oth, Other people should do your dirty work?

Jason: Well, I just don't feel sorry for...

Colmes: Weah whya weyou think they should die, why wouldn't you kill 'em?

[This is so weird, how Alan harps on this question with me and others! Doesn't he know it was that same kind of reporter badgering that led Paul Hill to finally say "you're right. It's inconsistent for me to believe, and not act"??]

Jason: **Because it's against the law and I don't want to spend the rest of my life in jail.**

Colmes: So you acknowledge that it's illegal.

Jason: Sure it's illegal.

Colmes: And wrong.

Jason: But under God's law it's, I mean I, **I was listening to you ask him awhile ago, would you rather obey God's law than man's law. Sometimes I feel like you know...**

Colmes: So we sho, we should forget, we should disobey laws.

Jason: No, because **sometimes I feel like a person, oughta, sometimes I saw people sacrifice, sacrifice their own life for, to save others.**

Colmes: All right. OK I see. Thank you very much. Uh, Lance in San Antonio.

(16:25)

Lance: Yes, Hello. Allen?

Colmes: Yeah.

Lance: Yes. I just want to say this is unbelievable what this guy is saying. And everybody, for all the listeners out here, who feel the things he is saying is logical and understand it, and agree with it, please, tomorrow when you wake up, go see a psychiatrist. Because this guy, a a a its (?) what is going on in the country with this, with these right wing nuts talking about dace you know what he is saying is is is correct. Please. This is absolutely absurd.

Colmes: You want to respond to this, Mr. Leach?

Leach: **I know that, a, asking people to support killing abortionists is, a, has the support of way less than one percent of the nation. But what I'm asking is for people to support the right of Scott having the right to trial by jury. Which is going to be denied him according to every lawyer you ask.**

Lance: **How is he going to have, how is he not going to have if that's what he asks for? He**

murdered somebody. So by law, he should have a a jury trial or at some type of trial. How is it he's going to be put in jail? He's not, he's not in jail for no political reason. **He should have a jury trial!** And I believe he will!

Leach: He's not going to get one. Every lawyer you ask expects the judge to decide the only contested issue of the trial by himself, and not allow the jury to know about it.

[I just want to emphasize the significance of what you have just read or heard! Lance called me "crazy" for justifying stopping abortion, but when I wrestled him down to the subject of a jury trial, he cares as passionately about the right to trial by jury as I do! He still may think I'm crazy, but this time only because he doesn't yet know what every lawyer knows: it's really true. The jury is not to know what the case is about.]

Colmes: All right thank you very much. Regina in Kansas City.

Regina: Hello?

Colmes: Yes.

Regina: I think that, a, what Scott Roeder did was heroic. I think that he stopped a mass murderer. Yes the guy's talking about if people wake up in the morning they need to see a psychiatrist, I'm sure that's the same thing that citizens of Nazi Germany thought when Valcary plan was in effect. They tried to kill Hitler. And they didn't succeed. They probably thought that he was a nut too. The only difference is that Scott succeeded! And yes, ...

Colmes: So you believe that Scott did the right thing by killing George Tiller...

Regina: Absolutely.

Colmes: ...and you would like to see all abortion doctors killed.

Regina: I would like to see no necessity

Colmes:...if you gonna support someone to gots to break the law to kill somebody, then you your support murder.

Regina: Well I guess that...

Colmes: So you you philly don't support the Ten Commandments.

Regina: Are you going to let me answer the question?

Colmes: (talking over each other for several words) I haven't heard you answer. My question here's my question I'll do the asking of the question: do you support breaking the Ten Commandments?

Regina: I will answer your question if you will answer mine.

Colmes: No I'm I'm I'm hosting the show, ma'am. I'm asking you a question. Do you support breaking the Ten Commandments, correct?

Regina: No I don't. That's why I...

Colmes: Thou shalt not kill. That doesn't give you the right to kill somebody else.

Regina: Do you know what that says? Thou shalt do no *murder*. *[Regina means that is the meaning of the Hebrew words, and especially in the context of the chapter, which mandates capital punishment for certain crimes.]* And it also...

Colmes: That's not what it says. *[Colmes will not admit when he is out of his element.]*

Regina: Yes it does!

Colmes: Well you do no ver OK, but it's OK for you to murder an abortion doctor!

Regina: It's OK to defend someone with force according to the Bible.

Colmes: Ok you you who you defending with force?

Regina: *The Babies. [Duh!]*

Colmes: All right. Dennis in Buffalo. Hello, Dennis.

Dennis: Hey, son, hey man this guy is off the hook. Uh, there's no Scripture where God needs to call up the unit of the reserves and have people go out and awl somebody. There's no Scripture in the Bible. In fact it's quite contrary. **Their whole argument is off the Bible. Number one, God felt that you don't have a life until you're breathing on your own. That baby has to be separated from the unBiblical (sic) cord. That's number one.** Number two, nobody forcing you to be part of an abortion. That's the

woman who's having...

Colmes: Right. But I mean you're not going to get you're not going to get Dave to be prochoice. All right. You're not going to convince Dave to be prochoice.

Dennis: ...everybody's gettin in yo business. Huh?

Colmes: You're not going to convince Dave to be prochoice. So what are you going to do, Dave Leach, if a, if a, Scott Rader Roeder is convicted?

Dave: Well, I'll keep, depends on the circumstances of the conviction. If if as usual the judge does not allow the jury to know the only contested issue of the the trial, I'll keep trying to explain to people that right to Trial by Jury is being denied in these kind of cases.

Colmes: All right, uh. You know you know you're fightin an uphill battle here. You know that, right?

Dave: Oh, of course.

Colmes: And you know that you are supporting breaking the law.

Dave: No, I I I think that the uh law is broken by judges who have been denying the right to trial by jury in 100,000 abortion prevention cases.

Colmes: Well, gee, let him have his trial by jury, but uh I can't imagine a jury not convicting him for killing.

Dave: They're not going to give him a trial by jury.

Colmes: Well,

Dave: They're going to have a show trial where the jury is going to have a parade of 182 witnesses that are...

Colmes: Right.

Dave: ...going to prove what Scott doesn't contest.

Colmes: Uh.

Dave: Sure he *shot* the guy.

Colmes: Uh.

Dave: The *contested* issue is WHY he shot him. What he was preventing.

Colmes: Well he shot and killed a man who was performing within the law. He killed a doctor in a church. Anyway I thank you for being with us tonight Mr. Ra, er Mr. Leach. I appreciate your time.

Dave: Thank you.

Colmes: Thank you, sir.

21:43 End of Leach interview: comments begin

55:34 Lindsey Roeder

Colmes:Lindsey, in Overland Park, Kansas.

Lindsey: Yes, uh, Allen?

Colmes: Yes!

Lindsey: Uh, my name is Lindsey Roeder. I am Scott Roeder's ex-wife.

Colmes: Oh!

Lindsey: And I've been listening to the program this evening. I had been told that David Leach would be on. I don't know the man. I never met the man. Nor do I ever want to meet the man. But I do...

Colmes: I'm just wondering a a I mean I don't doubt you, a a but you know, you sound like you're very sincere, how do I know that's who you are? (laughs) I mean, you know...

Lindsey: Uh, I don't, I don't know how to prove who I am to you.

Colmes: uh, what year are, uh, let me ask you a question: what year were you married?

Linsey: Uhm, we were married March 8, 1986.

Colmes: alle, yap! OK, we checked that out. I mean we hada hada have a little verification question. Go ahead. OK.

Lindsey: I see. I understand. I, I, *everyone keeps saying that Scott will not be getting a jury trial. [Interesting! Is my message getting out that loudly, that she says EVERYONE is saying it?! Wow! Talk about seed bearing fruit a hundredfold!] Well he is going to get a jury trial. He pleaded "not guilty". And he will get to plead his case before a jury. uh, what he won't probably get to do is say that he was justified. [Hmmm. So she knows Scott won't be allowed to present the only defense that he has. Yet she asserts that "he will get to plead his case before a jury." What case, when the only case he has is ruled "inadmissible"? Can she not see the contradiction, even after I have pointed it out to her?]* I don't believe he was justified in killing Dr. Tiller. I I don't feel that he should have done what he did in any way, shape or form. What he did was murder. He walked into a church and shot somebody in the face. And it's murder. Um, I I believe women should have a choice. And, and their own, their own body. *I do not, I resent the fact that that everyone's saying he won't get a trial by jury. This is the United States of America.*

Colmes: Right. Right.

Lindsey: *You commit a crime, you're arrested, you're going to get a trial.*

Colmes: How long were you married to Scott?

Lindsey: We were married 10 years.

Colmes: Were you shocked to find out that he was the accused killer of Tiller?

Lindsey: No.

Colmes: You were not?

Lindsey: No. No. He would always he'd always I remember when Paul Hill um had been arrested. Had shot the doctor in Florida.

Colmes: Right.

Lindsey: He he thought that was justifiable. He felt, you had Regina Dinwiddie on the phone earlier this evening. At least I believe it was Regina Dinwiddie.

Colmes: Not that I'm aware of.

Lindsey: You had a Regina. Um,

Colmes: Now, there was a Regina who called the show. Now tell us who she was.

Lindsey: Oh well she he she she was arrested here in Kansas City, a, she had interfered with a (58:00)

Lindsey: ...clinics with her bullhorn.

Colmes: OK, she didn't identify herself that way when she called but...

Lindsey: Oh, I'm sorry. I made that assumption...

Colmes: But I've read about her. OK. Yeah.

Lindsey: I made the assumption because what she was talking and Leach they were friends and in my mind I connected that.

Colmes: All right.

Lindsey: If that wasn't her I apologize.

Colmes: It may well have been, I just don't have any verdigen.

Lindsey: I apologize to whoever that ...

Colmes: It may well have been.

[It was. So get on with it.]

Lindsey: would not have been her. But, um, I don't agree with what he did. I don't agree with ANY of his philosophies or beliefs.

Colmes: Why did you mar, why did you marry him? *[Appropriate question, after so thorough a rejection of Scott! Divorce is terrible for relationships!]*

Lindsey: He wasn't that way at all when I married him. He was a normal, everyday, fun loving guy. He didn't even go to church when we got married. *[Wow! The perfect husband!]* Religion was not,

it was not really, I'm aaa we didn't aaa we didn't it wasn't. Voting wasn't something we voted, but it wasn't a political discussion. [*A husband who votes without forethought! What more could any American woman ask?!*]

Colmes: Was he said [sic] by the end of your marriage? After 10 years? Did he, had he changed by then?

Lindsey: Oh, he had changed by the time he we got married in '86 and he had changed radically by in in started in 92. He started in 92. 91 92 he started changing radically. He, uh, became very interested in Robert Tillman. Reverend Robert Chilman. Texas TV evangelist.

Colmes: Right.

Lindsey: And was sending him large sums of money all the time. Well when that didn't pan out for him, he didn't get his "answers", then he he he discovered that, um, you don't pay your taxes and you will have money to make ends meet. And it went from that, and it just started snowballing to religion and and it just kept getting

Colmes: So when he discovered his evangelism, that's what kind fo flipped him?

Lindsey: At, well that flipped him and the fact that he could never make ends meet. Well, when you're sending your entire paycheck to some TV evangelist in Texas, then you're not going to make ends meet. But he thought that was the right thing to do.

(1:00:00)

Colmes: But how do you go from being a so called normal person, which I guess he was when you married him, and you know...

Lindsey: I don't, I I think because I think he's mentally ill. I think...

Colmes: But at what what what point in your marriage did he show signs of that?

Lindsey: u u when we u u when we'd been married about 5 years.

Colmes: And what what tipped off that hey this guy might be going south mentally?

Lindsey: Well, when you start si, when you have a choice between buying groceries or paying an electric bill, and you're sending all of your money to at TV evangelist who

Colmes: I I like TV evangelists too. Sometimes for fun. I mean I happen to like Joel Oldstein. But I means, so,

Lindsey: But so man had been exposed by, I think it was Dianne Sawyer, for he would collect the money and throw the prayer requests in the dumpster. Was a fly by night...

Colmes: ...something in his makeup even prior to that, that would have led to him being susceptible to something like that.

Lindsey: I, you know, I I I I didn't see it when I married him. I didn't, you know, I...

Colmes: Are you pro choice?

Lindsey: Uh, I actually can say that I'm pro choice now. When before, before he was locked up, I didn't feel comfortable saying that. I didn't feel *safe* saying that.

Colmes: Why? did you think he'd come after you?

Lindsey: Well, yeah. I think he would have, he would strongly object. I don't think he would have tried to *hurt* me these past... [*Huh? Well make up your mind, lady! You didn't feel safe, even knowing he would not have hurt you? Ah, but for a man to "strongly object" is, to a woman, assault?*]

Colmes: Do you have, do you have kids together?

Lindsey: Yes we do. We have a son.

Colmes: And how old is he?

Lindsey: He will be 23.

Colmes: And whe what does he feel about his dad?

Lindsey: He is, uh he's gone through every emotion in the book in the last 2 months. From anger and disillusionment to hurt to scorn to pity to you know this is my dad I'm supposed to love him. You know, Scott didn't, we fought for, you know from 1980 1996 on, till our son turned 18, for child support. I had to fight. We fight and fight for child support.

(1:02:00)

Lindsey: He's a man who believes in saving unborn babies, but yet could not pay child support.

Colmes: Um. Um.

Lindsey: You know this was a man who was arrested for for murder. Um has a gone to jail and 2 weeks later sends us a letter Nick and I telling us and berating us for spoiled brats.

Colmes: When last time talked at her?

Lindsey: We, we saw, er, Nick saw him a couple nights before he went uh before he went he shot Tiller.

Colmes: A couple of day nights before he shot him. Tiller.

Lindsey: Um hm. He spent he he called Nick can I want to take you to the movies, I want to take you out and make ...

Colmes: Was a behavior particularly odd that day?

Lindsey: Not, the only odd thing was that it was a Friday night, and Friday night was the beginning of his Sabbath, and he usually never ever did anything on Friday night.

Colmes: You say beginning of the Sabbath. You saying he was a Messianic Jew?

Lindsey: Yes, he is.

Colmes: In other words a Jew who believes in Jesus, right?

Lindsey: Yes. Yes.

(1:03:00)

Lindsey: And they are they they...

Colmes: Not Jewish, but I mean **most Jews, like myself**, do not consider a Jew who believes in Jesus to be a Jew in the respect that, you know,

Lindsey: Naw. Naw.

Colmes: But I know. But there are people, I mean I got friends who are Jews who believe in Jesus. So

Lindsey: Yes.

Colmes: Yes. U

Lindsey: Yes. And like, and like in any religion, any religion and any politics in any any diet, and any kind of any kind of thing, you can go to the extreme.

Colmes: Right. Right.

Lindsey: And and and the Muslim religion, and Christianity, Judiasm, there are extremists. I think you know and this is what happens.

Colmes: Yeah. Yeah. Well it's fascinating talking to you. I mean, do you have any emotional attachment to what happens to him at this point?

Lindsey: I am, yeah, I emotionally in that that that whatever happens will affect my son.

Colmes: Have you remarried?

Lindsey: Uh, no I have not.

Colmes: Has he?

Lindsey: Well, uh, yes and no.

(1:04:00)

Lindsey: He was he he he does have another child. Um he doesn't have he never had limited limited visits of of this other child.

Colmes: Right.

Lindsey: Um they weren't actually legally married. They were married in a in a religious ceremony. But not a ceremony by the state.

Colmes: Right.

Lindsey: So. um and I know and I know u u my son has never met his half sister. So.

Comes: We a we have your number because it shows up here on the screen. we, cwe interview you again, a a around the time of the trial, you be willing to willing to talk to me at that point?

Lindsey: I I I yes I would. I mean e I a the listened to this all evening. um. And the only reason I finally called in because I got so tired of hearing people say he's not going to get a trial by jury.

Colmes: Yeah. But of course you've got a unique perspective, a.

Lindsey: He's obviously going to get a trial by jury. This is the United States. Unless he pled guilty. And in Kansas he's not eligible for the death sentence. So. But a

Colmes: (hearing siren in background) I hope that car's not headed to your house.

Lindsey: No, I live on a busy street and I stepped outside for my son's...

Colmes: I really do appreciate that you called. It's It's just a you've got a fascinating perspective obviously and and I hope it's OK if we ccall you again.

Lindsey: Yeah. I I appreciate the time you took to listen to me. I just wanted to make sure everyone knows that he is getting a trial by jury. So.

Colmes: All right Lindsey. Thank you very much.

[Wow! My message really hit her between the eyes! It was the reason she called, she opened with it, closed with it, and closed with it again! "This is America. Of COURSE he will get a trial by jury!" I am typing this up 9/10/9. On 9/9/9 I sent her the letter copied below:

1:05:48 Comments resume

1:09:23 end

September 9, 2009 AD

Dave Leach

137 E. Leach

Des Moines IA 50315

Lindsey Roeder

7501 Conser

Overland Park KS 66204-2822

Dear Lindsey,

It was good to "meet" you through the Alan Colmes show last week, when you called to say I was wrong – Scott *will* get his "trial by jury".

I'm not sure the show gave me very much of an opportunity to explain what I meant. I would like you to understand. Even though divorce is never good for any relationship, I think you care enough about Scott to at least want for him a trial by jury. I do too, and am doing what I can to get it for him, but I think any lawyer will tell you that what average citizens think is a "trial by jury", and what any lawyer expects Scott will get, are two different things.

Of course there will be a trial. And there will be a jury present. But should Americans call it a "trial by jury", where the jury is kept ignorant of the only trial issues, and instead is given the "busy work" of "deciding" issues upon which both parties already agree?

I think the average citizen expects that the jury will hear arguments and evidence about the contested issues of the trial, and the defendant's defense, and will judge who is right. But most lawyers understand that in any abortion prevention trial, the only seriously disputed issue is not what the defendant did – blocking the door, burning it down, shooting through it – but whether the abortions he prevented are enough of a "harm" to justify their prevention. In virtually all such cases, that is the ONLY defense.

(Generically it is called "the necessity defense". In Iowa it is called "compulsion". In Florida, "justifiable homicide". In Kansas, "defense of others", although the Kansas statute specifies prevention of "unlawful harms", which

may drive Scott to rely on the common law "necessity defense" which allows prevention of "lawful harms" and is still in effect.)

But that defense is normally ruled "inadmissible". Which means the defendant is ordered not to breathe a word of his only defense, which is also the sole contested issue of the trial, to the jury! The jury never finds out what the trial is about! I think most citizens would call that "trial by a judge", not "trial by a jury".

The amazing thing about this is that lawyers are so used to this system that I think it will be easy to find lawyers to confirm this is the way it is, but hard to find a lawyer who thinks there is anything wrong with it. Lawyers accept that the jury can't judge "questions of law", but only the judge; so if the judge decides to classify an issue as a "question of law", it is his perfect right to decide the issue all by himself and keep the jury in the dark about it.

There are several outrageous features of this logic which I expose in my proposed brief posted at www.Saltshaker.US, left column, under "Can a prolifer shoot an abortionist, and get a trial (of the only contested issues of the trial) by jury?"

If you would like any other information I have, I would be glad to provide it.

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