

Kimberly Atkins Stohr:

Welcome back to #SistersInLaw, I'm Kimberly Atkins Stohr. This week we'll be talking about Merrick Garland's abortion actions, following the Texas law. We'll be debating cameras in the courtroom, and we'll look back on 9/11 and how it's impacted us personally. And as always, we look forward to answering some of your questions at the end of the show. But first, it's been a rough couple of weeks. And I would love to hear from you all about how you unwind, about what you do to relieve the stress of the heaviness of the work that we do day in and day out, especially over the last few weeks. What about you Joyce?

Joyce Vance:

Well, I tend to knit. And it's interesting that Barb was talking about patience a little bit earlier. Knitting really gives me patience to deal with a lot of the turmoil that we live through. I can put up with almost anything as long as I have knitting in my hands. If it's a difficult news cycle, or if one of my kids is getting on my nerves, not that the little darlings would ever do that. I tend to knit my way through it, and it's really relaxing. What about you Barb?

Barb McQuade:

Well, I like to exercise, run or swim and do other kinds of things. I find that that is a great release and outlet, not just for my physical health, but far more importantly for my mental health. But I've also been, during COVID times doing a lot of binge watching of TV shows, so I guess that's my guilty pleasure. Most recently, I've been watching the show called Only Murders in the Building, I don't know if any of you have seen that. It's Steve Martin, and Martin Short, and Selena Gomez, it's great. It's an old fashioned murder mystery that they're trying to solve. They live in this cool apartment building in New York City.

And maybe one of the reasons I like it, they are recording a podcast about their efforts to solve this murder. So knowing some of the stumbles that we've had in putting together our podcast, I enjoy watching them with their failed experiments, recording and closets and things like that. So that's been a lot of fun. How about you Jill?

Jill Wine-Banks:

Well, I'm going to take your advice and watch Only Murders in the Building. Because I do find that I can watch mindless, stupid television, just the worst things to totally take my mind off things. But I'm also very lucky because I have a very funny husband. And he makes me laugh, and he makes me relax. And so just spending time with him is one of my best ways, or going for a walk with the dog. Although this week the dog saw a squirrel and dragged me behind the leash on the ground. Yeah, my nose was really red as it was dragged, fortunately, I hit grass fast. But I still love him, and I will still go for long walks with him. So that's what I do to relax. And what about you Kim?

Kimberly Atkins Stohr:

Well, I will say this, I'm happy that my dog was only 30 pounds, because that prevented him from doing that. I hope you're okay. My husband and I, we were a little late to the bandwagon on this. But we have recently been bingeing Ted lasso. And I had heard a lot about it and how it's so optimistic and I thought, oh, that sounds really boring. And we started bingeing it, and of course, we loved it. We've absolutely been loving it. We have caught up, the season two is not as great as season one, I'm going to go ahead and say that, but that's one way that I have been unwinding. And my husband is very funny too. I just want to say that for the record, since Jill [crosstalk 00:03:48].

Joyce Vance:

My husband is funny too.

Barb McQuade:

So is mine.

Jill Wine-Banks:

Maybe that's the key to a successful marriage, just having a funny husband.

Barb McQuade:

Maybe.

Joyce Vance:

I think I'm funny too, you guys are funny.

Jill Wine-Banks:

We are all funny.

Kimberly Atkins Stohr:

But one of the unusual things that I have done on my own is that. I have a bit of a fear of flying. I fly a lot, but it's never comfortable, particularly on takeoff and landing. But one thing that I found that actually is stress relieving, although it doesn't sound like it is. Is that on YouTube, I found this old series called Mayday. Which actually does a forensic evaluation, takes you through the forensic evaluation of plane crashes to figure out what happened and why. But it also tells you how the industry changed in reaction to every one of these accidents to make flying safer.

And I've actually found that not only is it relaxing to me, even though it's about plane crashes, because I really enjoy forensic science and forensic reconstruction, and I particularly like it in a setting. This is a setting that doesn't involve a crime, so usually it doesn't involve maybe in some rare cases. If it's a hijacking or something it is a crime, but usually it's not. Its just an accident. So it's a little less stressful, in terms of the stuff that we talk about everyday. But knowing how the industry responded to it actually makes flying easier for me. So anyway, I've gotten hooked on them, I've literally been bingeing the shows.

Barb McQuade:

So you are watching videos definitely about plane crashes to overcome your fear of-

Kimberly Atkins Stohr:

Correct, to relax

Barb McQuade:

... Plane crashes.

Kimberly Atkins Stohr:

Yes, and to relax.

Barb McQuade:

Yeah. Actually, I would call that exposure, you're exposing yourself to this kind of thing.

Kimberly Atkins Stohr:

Exactly, it's exposure therapy.

Joyce Vance:

So do you all ever watch anything on HGTV? Since we're talking about sort of silly but relaxing TV. I'm getting ready to redo a bathroom, we have a really old house and we have one that's never been redone. And I confess, I've gotten a little bit hooked on watching some of the HGTV home design shows they're sort of fun.

Jill Wine-Banks:

I haven't.

Kimberly Atkins Stohr:

I haven't yet, but I think as we were embarking on moving toward trying to buy a home, so I think that will increase dramatically, once we really get into the swing of that.

Joyce Vance:

I want to suck you into my guilty pleasure.

Jill Wine-Banks:

I'll admit to watching some really low-rent kinds of things. When I was studying for the bar exam, and this goes back a long way, and needed to just sort of just totally get out of it. I watched Days of Our Lives, a soap opera.

Barb McQuade:

And we used to watch that in law school, every single day. Oh, yeah, everybody's got a double, yeah.

Jill Wine-Banks:

Oh my god, I'm so glad to know that I'm not the only one who did that horrible thing for a long time, and I actually got hooked on it. Now I try and watch more of the late night humor shows to get me sort of laughing, and then I'll sometimes we'll watch horrible Nazi movies. Because that also gets me really worked up about something that I don't have to do anything about as opposed to voting rights or abortion, or any of the other things that we have to deal with everyday. So those are good escapes for me.

Barb McQuade:

Well, there's always sports.

Jill Wine-Banks:

Yeah.

Barb McQuade:

I almost always have some sporting event on in the background, either on the radio or TV. I'll have the Tigers game on or the US Open, tennis, the Olympics. I'll always have some kind of sporting event on in the background. I find it very soothing.

Joyce Vance:

Real tight baby, real tight.

Kimberly Atkins Stohr:

Jill, your Nazi making me feel better. Jill, your Nazi movies make me feel better about watching shows about plane crashes. It's not so weird.

Jill Wine-Banks:

And you'll never catch me watching sports. It is the one thing, I've never read the sports page ever. And I think some of you know I had a bad first marriage, but he did one good thing my first husband. He would give me a sports line that I could share at the coffee breaks, because I was the only woman in the office. At coffee break time conversation was always about sports and I knew nothing. So he would give me a line like, wasn't Kareem Jabbar great last night. And at least I could participate in a conversation. So that was a good thing of husband number one.

Kimberly Atkins Stohr:

Okay, well, we should probably get right to what has happened this week because it has been an eventful week. And I think the top line is Attorney General Merrick Garland's actions against the State of Texas for their abortion bill. Jill, why don't you lead us in that discussion?

Jill Wine-Banks:

Let me start with a short introduction. Because last week, we did talk about the Supreme Court's failure to stay the Texas Abortion Act, SB8. It created a vigilante enforcement mechanism to prevent all abortions after six weeks, measured not from conception, but from a person's last period. It was a 5-4 unsigned one paragraph decision, and the four dissenters wrote powerful opinions in opposition to the majority's one paragraph. Which said only that, "Complex and novel antecedent procedural questions," prevented the court issuing a stay.

More important for us today is that the court went on to say, "In reaching this conclusion, we stress that we do not purport to resolve definitively any jurisdictional or substantive claim in the applicant's lawsuit. In particular, this order is not based on any conclusion about the constitutionality of Texas's law, and in no way limits other procedurally proper challenges to the Texas law, including in Texas State Courts." This week, Attorney General Merrick Garland, took the courts words literally and accepted their invitation for a procedurally proper challenge and filed a suit to protect the constitutional rights set forth in Roe and Casey, that Texans who are or may become pregnant are being denied by SB8.

So let's take a look at what the Department of Justice's US v. Texas case filed on Thursday does. And let me say start with you Joyce, first let's remind our listeners what the procedural issues are that made the Supreme Court take no action. And how the Department of Justice's lawsuit seeks to

overcome those so that Texas and any other state that might want to follow in their lead, cannot evade federal court review without which there is an ingenious and vicious cycle, where you need to violate the law to challenge it, and no one will perform an abortion in Texas after six weeks, so you can't get it challenged.

Joyce Vance:

People should be forgiven if they're trying to figure out exactly what's going on in this case, because it's a little bit procedurally complex at this point. We now have two cases, this private lawsuit that was brought by abortion providers and advocates in Texas. That's the lawsuit that the Supreme Court took a look at last week. Now we have the new suit brought by DOJ, which is a separate case. And Jill, I think you're right to start by reminding folks that what the Supreme Court did last week in the Texas abortion case, was not a decision about whether that law is constitutional.

This was an emergency request that came to the Supreme Court that asked the court to issue an emergency ruling, what lawyers call a preliminary injunction, that would have blocked the law from going into effect. The court's decision was to say, no, we're not going to block SB8 from becoming the law in Texas. As you point out, they explicitly did not reach the merits of that decision. And it's pretty routine, to grant a preliminary injunction in a case where a new law passed by a state violates the clearly established rights. The courts will prevent the law from going into effect to preserve the status quo, because that litigation can take a long time. It can take a year or longer to decide whether a law like SB8 is constitutional. And the courts tend to grant these injunctions to avoid violating people's rights in the meantime.

A Florida court did that yesterday, for instance. Where a statute in Florida that really interferes with people's rights to demonstrate and to protest was passed. And so the court issue to stay in that case, to keep people's rights from being violated while the case is ongoing. But the Supreme Court didn't do that here. And it's important to remember that they made their decision without any kind of ruling or evidentiary findings by the lower courts. That's because the Fifth Circuit, a court that I don't really have enough bad language to use against right now. The Fifth Circuit strips the district judge who had scheduled a hearing of his ability to proceed. And they tell the district court you can't take any evidence, you can't make a ruling on whether or not there should be a preliminary injunction against this law. They in essence just boot it, straight on up to the Supreme Court.

So what happens at this point is the Supreme Court in this one paragraph ruling that you've mentioned, Jill, they acknowledge that the plaintiffs have raised serious constitutional concerns, but then they blow right past them. They essentially say, Texas outsmarted the entire legal system in our country. We've never seen such a thing before. Private enforcement, we're going to have to let them violate women's rights because they've done it in such a novel way. And to DOJ, DOJ is not having any of that, right? So they've filed a lawsuit that's based on old case law. This goes back to a case called Shelley versus Kraemer, a 1948, Missouri case. That goes to the real heart of this dodge the Supreme Court used, saying that they couldn't do anything because Texas had gone to a private enforcement mechanism using sort of vigilante citizens.

In Shelley, the situation involved the use of restrictive covenants that were designed to prevent Black people and Mongolian people from buying houses in the neighborhood. And a Black family purchased a house and a nearby resident sued to enforce the covenant, and the court held that that sort of private action couldn't be a vehicle for violating constitutional rights. So let me read you my favorite paragraph of DOJ's complaint. This is paragraph 84. And it says, "Texas has deliberately impeded the ability of women and providers to raise a challenge in federal court for a violation of their constitutionally protected rights. In so doing, Texas has foreclosed the ability of these individuals to seek

relief in their own name. The United States therefore, brings this suit to vindicate its interest in ensuring that Texas respects its obligation under the Constitution."

In other words, DOJ just brilliantly tosses the court's ridiculous decision back at it and says, okay, justices in the majority, you've held women don't have a remedy. Well, the law says in that case DOJ can step in and here we are. And so that's the point that we're at today.

Jill Wine-Banks:

That's a great summary of that. And Barb, can we go on to maybe summarize the relief that the Department of Justice is seeking, and the legal basis for the challenges that they're going ahead and maybe even assess how you think the arguments that DOJ made, whether they're likely to prevail or not? Is this the procedurally proper challenge that the court sort of said, we'll wait to decide this until there's a proper challenge.

Barb McQuade:

Yes. And hats off to the people at the Justice Department who came up with this theory. There are a lot of legal analysts who are scratching their heads about ways to get in front of court. Laurence Tribe, the Harvard law professor was floating some different ideas about filing actions under Civil Rights Laws. But they came up with this theory that's been used in the immigration context, I think Joyce used it in the immigration context, when she was US Attorney in Alabama. I'd love to hear more about her experience with it.

But it's this idea that under the Supremacy Clause of the Constitution, the federal preemption, that is federal law can displace state law and is primary. And the extra theory that's in this case that I think has not been used in the immigration context, is this idea of sovereign immunity that you can't put our government employees in a bad situation. And so your laws in Texas are violating our employees duties to do certain things. For example, in Texas, there is a Department of Defense facility that provides reproductive health services for employees. In the Bureau of Prisons, they provide reproductive health services including abortions for victims of rape and incest.

The Office of Personnel Management administers health care programs for federal employees in Texas, including reproductive health benefits. Medicaid, the Office of Refugee Resettlement, all these federal actors in Texas. And so I think one of the things that's brilliant about this, in addition to suing on behalf of the public, which the case law that Joyce has cited, gives the Justice Department the ability to do, in a way that no other party has. They have also asserted that it is the US government itself that is suffering a harm here. And I think that is a way in which the Justice Department is uniquely situated to bring a claim like this. So I think it's brilliant, and I think it is absolutely procedurally proper.

The relief they are seeking is a declaratory judgment that SB8 is invalid, null and void. It can't be enforced. A preliminary and then permanent injunction against the State of Texas from permitting enforcement of this, this would be any judge in Texas cannot entertain any lawsuit brought by a private party. And here's a nice touch, costs of litigation awarded to the United States government. Well done. Well played, sir. I'm really tipping my cap today to the people at the Justice Department who came up with this theory and I think it's just terrific. And I think it is likely to succeed, although I think the Supremacy Clause argument is very strong. I think this thing about the intergovernmental immunity is very strong, because the federal government will suffer a harm, and so I think they've got standing here.

The preemption one strikes me as less strong. And Joyce, I'm interested in your thoughts about this. When you brought this claim in Alabama, and when Arizona brought it, preemption in the immigration space, the federal government is uniquely charged with handling things like immigration,

and foreign trade and printing currency. There's certain things only the federal government does, and immigration is one of those. When it comes to abortion rights, that is something that tends to be more of a state law regulation. And so I'm curious about your thoughts about that particular one and its strength in this context.

Joyce Vance:

It's a little bit trickier of an issue in this case. I think you're right, Barb, because in Arizona, where there was an immigration law that was challenged, and then in Alabama, we had a separate challenge that sort of unusual for DOJ. But the Alabama law was sort of like the Arizona law on steroids. And so we got permission for a separate challenge, because the State of Alabama was burdening the rights of kids with parents who didn't have status to go to school. And so the argument was preemption. But our argument was that Congress had spoken, that Congress had passed laws about Arizona, and had made it clear that litigation or rather that policy about immigration was federal.

No foreign country would want to deal with a patchwork quilt of 50 states different regulation, right? It made sense for the federal government to be the one that had to say so. It's a little bit different in the Texas case, because there is no federal legislation about abortion, at least not in that primary sense that there was with immigration. The argument here is, well, the 14th Amendment and Roe, and long-standing policy, and all of the work that the federal government does establishes preemption.

If I'm, as one might suspect is the case after last week, the Supreme Court has a different set of rules that they apply to abortion than they do to other constitutional rights. They might could distinguish the two situations and say that there's no preemption here. I don't think that's correct, but they could do it. But Barb, that's why I think that you're right to point out that this intergovernmental immunity argument is a really strong and important one that I don't see how they get around.

Jill Wine-Banks:

So before I turn to Kim, I want to just comment on why the government has a particular interest. And for those of you who are wondering about the Hyde Amendment, or for those of you who even remember that there is a Hyde amendment that forbids the federal government from spending money to support abortion. There is an exception, and that is for the life of the mother, and for rape and incest. And the Texas law, SB8 goes so far as to have no such exceptions.

And so, in the case of a rape or incest, for example, on a military base, the Department of Defense would provide an abortion for the rape victim. And this would be not allowed in the State of Texas. And so that's one of the ways in which the government has a direct harm, it's not allowed to. And Barb mentioned all of the other departments that are also affected. Even the Department of Labor that has a training program, where part of the training program gives the trainees health insurance that includes reproductive health.

But let's move on. And also I want to add to Barbara's praise of the Department of Justice for doing this. I just want everyone to know, this didn't happen from the day the court denied the stay. It happened that they must have been working on this for a long time. A brief of this magnitude and thoughtfulness doesn't happen in a few days. It happens after weeks, or months of preparation. So they've been preparing for defending this for a long time.

But Kim, let's now look at, as important as this is and as much as I believe that ultimately the Supreme Court will rule SB8 is unconstitutional. There will come a time when someone will violate it and we'll get an opinion. Does it even matter or is the Mississippi case Dobbs v. Jackson Women's Health, which is going to be argued in October, the real end of Roe? Well, the question in that case presented is,

are all pre-viability prohibitions on elective abortions unconstitutional? It prohibits any abortion after 15 weeks which is still pre-viability. So Kim, what do you think? Is that really the turning point?

Kimberly Atkins Stohr:

It could be, it could be. I wish I shared your optimism that this law will be ruled unconstitutional by the court, I really do not. But you are right. The Supreme Court had already granted before any of this happened before the law in Texas was even signed into law. The Supreme Court had already granted certiorari in a case out of Mississippi. And in the Dobbs case, it involves a Mississippi law, which until the Texas law was one of the strictest anti-abortion laws in the country. And you're right, among other things, it prohibits abortions after 15 weeks.

It also has other provisions that imposes onerous restrictions on people who can perform abortions, there are certain things that only physicians can do and not physician's assistants. There are certain standards that they have to meet which most clinics can't meet. And there's also a heartbeat provision in this, which says, if a physician does an examination and finds a heartbeat, then the abortion will be prohibited. It's not necessarily 15 weeks, it could be less. It's a very restrictive law.

A number of things can happen here, one of which would render consideration of the Texas law moot. Which is, the court could decide, in this Mississippi case to overrule Roe v. Wade. And in that case that it won't matter, they won't have to even decide whether Roe v. Wade is the law, in the Texas case it will be gone. But something else that it could do, it can decide, well, okay, we're not technically overruling Roe. But what we're going to rule is that this Mississippi case in our estimation, does not create an undue burden on women. Of course, Roe and its progeny, the cases that came after it, established an undue burden test, we talked about that last week.

In terms of rendering a law that restricts abortion whether or not it's unconstitutional. Remember that in the federal law, the federal so called partial birth abortion ban case. The court found that it did not violate Roe, that it was not unconstitutional because it was not an undue burden. Ruth Bader Ginsburg dissented strongly, saying that it was and that it was the first major rollback of Roe.

Even if the court held this, it would be a further chipping away of Roe in a very significant way. But given that the Texas law is more restrictive, the court would still have to consider that. It would say, all right, well, okay, you ruled at 15 weeks is not an undue burden, what about six? So that is a possibility. We don't know whether or not that's going to knock the Texas case off of its docket. I just think that all of this is bad news. And particularly since the court gave, reading the tea leaves that the court allowed the Texas law to take effect. I have a bad feeling about all of this, when it comes to access to reproductive care.

I just want to make one final point, just practically right? For people who... I consider myself a very prolife person. I want there to be fewer abortions in the country. I have personally encouraged people who I know, who are pregnant, who are considering abortion, not to. I even offered to help with childcare in one case. There should be fewer abortions in the country, there should be. The way to get there is to make reproductive rights and reproductive care and access broader. Actually, the number of abortions have gone down. If these laws were really aimed at reducing the number of abortions, what it would do is, it would increase access to birth control. It will increase access to family planning options, because that has been proven to work.

Bans of abortion have never reduced the number of abortions, they've just made them more dangerous. So make no mistake that these laws are about control. They're about controlling women's options, controlling women's bodies, and this is not about being pro-life. I just can't stress that enough, and I think that that gets lost in this debate so much. The number of abortions have been going down in

this country because of the work of groups like Planned Parenthood. It's going in the direction that you want.

Barb McQuade:

Yeah. Hey, Kim, if I can push back on it, I'd like to push in little bit. I do think there are people out there who have a genuine religious belief that abortion is murder, and that life begins at conception. But that's one faith, that is a Catholic belief and probably other religions believe that too. Correct me if I'm wrong Joyce and Jill. But I think the Jewish faith says life begins at birth. And different religions have different views on that and there are people who are not religious.

To impose one's religious beliefs on all of the rest of us because it is true and it is right, is no different from what people fear when they say Sharia law will take over our country, or what the Islamic State is trying to do. ISIS's vision is that we will have an Islamic state where the law of Islam is what prevails, and everybody else can get out of the way. Now their tactics are, sometimes to kill people who don't agree with them. But I think what extreme right-wing people or even people of good faith who believe that under their religious views, that abortion is murder. You don't have to have one. But you don't get to make that decision for the rest of us.

Joyce Vance:

Yeah, I think that's right.

Kimberly Atkins Stohr:

And I don't think that that's correct. I was just going to say I don't think that that's the brunt of the people who are passing these laws [crosstalk 00:29:34].

Barb McQuade:

No. I mean I think they are multiple people with multiple motivations.

Joyce Vance:

Well, to Kim's point though I'll believe that folks who are passing anti-abortion laws are not interested in controlling women's bodies and women's options. When they also pass laws that provide for prenatal care, for food support, for child care, for education. Because if you're really in favor of letting kids have good lives, and live their lives, that support should not stop at birth. And that's for instance, in states like mine. In Alabama, where in large measure, women are forced to have babies and the state doesn't help them care for them if they're not able to.

I sense a certain amount of control in these bills rather than a legitimate religious belief which I think you're right, Barb, it does exist in some places, but not in the legislature's that are passing these laws.

Jill Wine-Banks:

So Barb, you're correct about Jewish believed that a child is at birth. When the first limb emerges from the birth canal, that is when it is a person and can be protected. But I don't want to end on a sort of a sad down note. Let's look at one more quick question. Could blue states use this vigilante tactic to enforce things that blue states might want to enforce like gun laws? Could they turn things on its head? And if you remember, Merrick Garland in his press conference announcing the lawsuit mentioned something about other uses of this.

And there is, I want to point out, Missouri has a Second Amendment sanctuary law that, again, enables citizens to enforce laws. And I'm just wondering if he meant that as another place they might use this challenge. But on the more positive side, could blue states use the same tactic to accomplish something they want to accomplish?

Kimberly Atkins Stohr:

I mean, my gut on this just says two wrongs don't make a right. That state lawmakers cannot delegate their authorities out to private citizens in the terms of private rights of action. There's nothing ever, I think the four of us who went through law school saw anything that supported that, that is just not the way the law is supposed to work. I certainly rarely think that turnabout makes for a fair play use cases like this. I think lawmakers should be responsible for what they do, they should be accountable for what they do, they're elected officials, they should be accountable to their constituents. And by sort of outsourcing it shouldn't be an option, no matter what the outcome.

Joyce Vance:

And that's what Shelley the case law that DOJ relies on says here, right? Legislatures can't outsource their desire to violate people's constitutional rights to private citizens. That's not a world that any of us wants to live in.

Barb McQuade:

And I think these legislators in Texas have violated their oath to support and defend the Constitution. Supreme Court [crosstalk 00:32:47].

Joyce Vance:

Yeah, but they've been doing that for a while Barb, I mean, come on.

Jill Wine-Banks:

Fair enough. So maybe they should be the next set of defendants. And the president does have a right to enforce the laws to take care that they are faithfully executed. And that was one of the grounds in the Department of Justice brief. I think there's some really strong points that we've pointed out in the arguments being made to the court. And this may be a way to get around the otherwise ingenious, devious methods of Texas and other states to use vigilantes instead of their own enforcement powers.

Barb McQuade:

Hey, Kim, are you enjoying anything from Girlfriend Collective?

Kimberly Atkins Stohr:

I really am. Just the other day I went for a hike and I was wearing my Girlfriend Collective leggings, which I love because they're so comfortable. They give you the support you need if you're doing anything active. But I got home and I started doing chores around the house and whatever, and hours later, I realized I still had them on. If I ever go hiking or walking or anything, I get home, the first thing I do is change, right? But the leggings were so comfortable. I just totally felt so comfortable that they were like a second skin and it didn't even occur to me that I should change. They're so great. I love them a lot. What about you Jill?

Jill Wine-Banks:

Well, I agree with you completely and think that that is the joy of Girlfriend Collective, is how comfortable they are. And now that the weather is unfortunately changing, I'm going to have to trade my skort in for something a little longer, so that I can continue to enjoy the comfort as we go forward. And everything about it is really terrific. And I know Barb you've loved it in the past, are you still using them? Are you going to wear anything today?

Barb McQuade:

Yeah. I may put on a skort to plays tennis later. But you know me I'm all about the pockets. My favorite aspect of Girlfriend Collective is that they understand the consumer like me, who is obsessed with the pocket. Who would create a garment without a pocket? Not Girlfriend Collective. Lots of pockets and that's one of the things I like best about them.

Kimberly Atkins Stohr:

Girlfriend collective is sustainable and ethically made. With inclusive sizing from extra, extra small to 6XL, incredible bras, leggings, shorts, skorts, tanks, tees and swimsuits. The perfect choice for activewear.

Jill Wine-Banks:

Whether you're working out, running errands or doing nothing at all. I can't imagine any of us ever doing nothing at all but it's possible. Girlfriend Collective has functional fabrics, colors and styles for any activity, and all their clothes and packaging are 100% recyclable.

Barb McQuade:

Their best selling leggings come with pockets, and they have different levels of support so you can find the perfect fit. But I think my very favorite thing about Girlfriend Collective is their garment take back program, ReGirlfriend. When you change styles, you can return pieces for upcycling into new Girlfriend gear.

Kimberly Atkins Stohr:

Join us in joining the Collective today. For listeners of the show, Girlfriend collective is offering first time customers \$25 off purchases of \$100 or more, when you go to girlfriend.com/sisters.

Jill Wine-Banks:

That's \$25 off \$100 or more when you go to girlfriend.com/sisters. Again, girlfriend.com/sisters, or look for the link in our show notes.

Joyce Vance:

Let's move from abortion to something that's much more in the wheelhouse of our legal nerdy sides. Let's talk a little bit about cameras in the courts. You know one of the fringe benefits of the pandemic, although it feels a little bit weird to think about fringe benefits of the pandemic was the increased access to court proceedings. Because normally in federal court, you have to be there physically, in order to see a hearing. You have to be far enough in the front of the line to actually get a seat. Sometimes for popular hearings or trials, you can't even get a seat in the courtroom.

And at the Supreme Court people will line up overnight and wait overnight to try to get in when an important case is being argued. That means that in some of the most important proceedings in our country, they happen cloaked in secrecy. Even though we technically as a matter of law have open courtrooms and judges are only authorized to close the courtrooms in very limited circumstances. All of that changed during the pandemic, there were a lot of proceedings in federal court that became publicly accessible on Zoom. I watched trials and hearings, I know you all did too. And anyone in the public could. You didn't have to be a lawyer, you can literally click on the Zoom link and there you were in a trial.

I think that that was important and what happened when George Floyd's murder was on trial in Minnesota, when Derek Chauvin, the police officer in Minneapolis, who was ultimately convicted of that murder was on trial, everyone in the public was able to see the proceedings for themselves. And even the notoriously publicity shy Supreme Court made real time audio available for their hearings. But now we're going back to businesses as usual, for whatever reason this fall. And in the Elizabeth Holmes trial, the Theranos case that we talked about last week. When that trial kicked up this week, people got in line very early in the morning to try to get a seat in the courtroom. But if you weren't there by 6:00 a.m. you didn't get a seat in the courtroom.

The Supreme Court is going back to hearings in the Supreme Court building, but they've announced that they won't be publicly accessible, at least not to everyone, although there will be some audio. So let's start there with the Supreme Court Kim, talk about why the courts in general and the Supreme Court in particular are so very hostile to this notion of giving the public real time access to their proceedings. And what's the Supreme Court doing here?

Kimberly Atkins Stohr:

Yeah. In very many ways, the Supreme Court is allowed to make its own rules in a way that even federal courts haven't. So federal courts in general had been hesitant about allowing audio or video in their courtrooms. You've seen a gradual moving away from that some, particularly at the trial level and some appellate levels have allowed more remote access into the courtroom, not the US Supreme Court. I covered the supreme court for many years and outside of the pandemic. Not only is there no audio or video coverage of oral arguments or opinion announcements in that courtroom, you cannot take anything electronic into that courtroom. All you can take as a recorder is a notepad and a pen.

They won't even let you take, you're not even supposed to take Apple Watch in there. Nothing that can tape or record anything. They're very old school. And Justice Antonin Scalia years ago said in an interview on C-SPAN, that a reason that that is important is because news organizations would take a little clip, a 15 second soundbite from the court and write all these things and extrapolate about the court in a way that isn't true. And certainly you cannot capture what happens at an oral argument in 15 minutes. But I think as we have moved forward, and certainly in the last 18 months, as the Supreme Court has allowed live streaming of audio, that hasn't happened. There hasn't been any grand mischaracterization about what has happened in the court. I think that's an antiquated view.

My sources in and around the Supreme Court said, there might be a softening on that position. It's up to the justices, but it would have to be unanimous. Unanimously, the Justice would have to say, okay, you know what, we think that it is okay to broadcast audio or video from the courtroom. But until that happens, and I think so long as there are more senior members on this court, who are still in that Scalia view of things. It will be a long time before you see any of that. One thing I do think is because as they're reopening and holding oral arguments again in the courtroom, but still streaming, that just knocks out an argument.

I mean, I had people saying, oh, there's no technical way to stream from the courtroom itself. I mean, the only reason they were able to do that before is because they were doing it by a telecall. Well, now they're doing it. So clearly, there's a technical way to do it. I'm sure if you ask C-SPAN, C-SPAN we'll find a way to put cameras in there in a way that is disruptive and can do it. It's not a can't. It's that, that they don't want to. So we'll see if there was a slow movement, I'm very cautiously optimistic that the small step could mean more transparency in the court, which is important, as you said. Only a handful of people who stand in line in Washington D.C. or people like me who are reporters, and we can go in, can see what happens in there. There should be more transparency.

Joyce Vance:

Yes. I'm not buying, we can't put cameras in the courtrooms but we can put a man on the moon. The technology argument has never made much sense to me. And I think it's pretty distressing that two branches of government operate with a lot of public attention. I mean, congressional hearings are on C-SPAN. But the courts have somehow managed to hold themselves above that. So Barb in contrast to the federal system, where there's really just very limited access, most of it in the courts of appeals, some of them have chosen to stream audio. But in the state system, there's a lot more access. All of the states offer some kind of access. How does that work? And to any of the arguments against having cameras in the court hold up in light of the experience the states have had with this?

Barb McQuade:

Yeah. I think it's such a great point, Joyce, because I think it really exposes the arguments in federal court as being sort of disingenuous, right? I mean, they have the technology to do it in the states, they most certainly have the technology to do it in federal courts as well. I think our listeners are probably accustomed to seeing on the six o'clock news, here's a scene about something that happened in court today. That's because our state courts typically do have cameras in the courtroom. And it does provide access to the public to see what's going on and to be informed about what kinds of cases are being tried. I think it's very good for the transparency of what prosecutors are up to, very good for transparency about the performance of judges.

And I think it's a very good public service. I think some of the things that have caused some reluctance is, over the years, there have been some cases where there was such extraordinary public attention, that there was concern about the defendant's right to a fair trial. The Sam Sheppard case, he was the doctor who was accused of killing his wife that was the subject of the TV show *The Fugitive*, that was a big one. The Lindbergh baby case was one that got a lot of attention. And this was in the era before cameras, and so that circus-like atmosphere that can impair a defendant's ability to receive a fair trial has been the focus of the part that I think is legitimate.

O. J. Simpson, for example, some thought that the cameras in the courtroom there, with Lance Ito and Marcia Clark and all of those folks, that that was perhaps a distraction from the work at hand. I think the defendant's right to a fair trial is a legitimate concern, if it becomes a circus. I also think that jurors rights to privacy are a fair concern. And jurors don't ask to do this. But I think those things can be dealt with particularly with jurors, I'm sure many of us watched the Derek Chauvin trial, and you never saw the jury. You just can forbid cameras from showing jurors. I think that's one way to deal with that.

They would focus only on the witness, or the judge, or the lawyers as they were speaking. I think there are ways to regulate without eliminating cameras in the courtroom. I do think that this issue with regard to a fair trial is one that needs to be thought through. I think the states have experimented with this in ways that seem satisfactory. But at the very least, if you are concerned about a defendant's right to a fair trial, then why not allow it at the appellate level? At the Supreme Court, there's no defendant

there, at the Court of Appeals. Those are just legal arguments between judges and lawyers. And so I don't think this argument about the fairness of the defendant's right to a fair trial carries any weight at all, when it comes to appellate courts.

And so maybe you start there, start with the Supreme Court and then introduce the Courts of Appeals. And when the world doesn't end then you can think about maybe adding the trial court level.

Joyce Vance:

Well, how about it, Jill? I mean, you've been a state solicitor general, do you see any reason that appellate proceedings need to remain cloaked in secrecy? Senators Grassley and Durbin have cosponsored a Cameras in the Courtroom Act, that would require the Supreme Court to televise their proceedings. Do you think it's a good law, a good idea?

Jill Wine-Banks:

I think it's a great idea. I can answer any argument made for restricting cameras in the courtroom, there is no good reason. Not in today's technology. We have cameras that can be hidden so that no one is aware of them. We all are aware that we may be filmed by someone's telephone at any moment. And no one is distracted by it, and no one is playing to the cameras. That was the other argument that was made was that, people will ham it up for the cameras. And that just isn't true, certainly not at the Supreme Court.

If you've ever stood before the nine justices, you don't focus on anything except what you want you will to say, and how you want to answer the questions. There is no one else in the room, but those nine justices. And so I just don't see any legitimate reason. If you go back to the time, and I'm the only one of us who would have remembered live the Sheppard trial. That was pretrial publicity. It wasn't so much what happened in the Lindbergh case, as I've read, I'm not that old. So as I've read about the Lindbergh case, photographers were jumping up on tables to get better shots of people. Obviously, that's not good practice. That has to be controlled.

But you can imagine, behind the wall, there is an embedded camera, one facing the jury box, I'm sorry, not the jury box, they would be excluded. One facing the judge and the witness, one facing the arguing lawyer, the questioning lawyer, and that would not even be seen by anyone in the courtroom. And the argument that it would mislead people or that misleading 15 second clips would be shown. Well, right now you have misleading 15 minute quotes, that a reporter in the courtroom wrote down and is repeating as part of the reporting.

So absolutely, I think we need, this is maybe one of those issues where all of us agree, we need cameras in the courtroom, it would help to make people understand the legal system and to understand the outcomes of cases. I think I feel better about the Chauvin trial, for example, because I saw the witnesses and I could evaluate them for myself. I didn't have to take someone else's opinion. I think it's a good thing and that we need to definitely do it, and free press in this case has some rights as well as the right of fair trial, and the fair trial can be guaranteed by rules that prevent obscene kinds of displays in the courtroom.

Joyce Vance:

Well, that's four votes for the passage of the Durbin, Grassley Act right here with the SistersInLaw. You heard it here first.

Jill Wine-Banks:

I have been using Headspace more and more as the news gets worse and worse and more alarming. I really need Headspace for relaxing, for distressing, for thinking about something other than the news. What about you Kim?

Kimberly Atkins Stohr:

I feel the same way. It has been an intense few weeks, both with the news and as a result with my job. And it's really great to know that I can just take a few minutes or a longer period of time, and just go to my phone and get a really great meditative session that allows me to recenter and really prioritize my mental health. What about you Barb?

Barb McQuade:

Yeah. There are a lot of different guided meditations on Headspace. There's a really good one about patience in traffic, and I've been listening to that one, and I find it's been really useful for developing patience in other settings as well. It just gives you some things to think about, when you're in a situation, and you're in gridlock, and you're tearing your hair out. It really gives you some things to think about that we're all trying to get somewhere, we're all in the same boat, that I have found really helps me make peace with the madness of traffic. So there are a lot of things like that, very specific situations where you can use Headspace. How about you Joyce, are you using Headspace?

Joyce Vance:

I use it a lot at night. I sometimes have difficulty falling asleep or I'll wake up in the middle of the night, and so I've been using Headspace then. I like the guided meditations but also the music. I think it all works out really well.

Jill Wine-Banks:

Headspace makes it easy to build a life-changing meditation practice with mindfulness that works for you, anytime, anywhere, to give you a daily dose of guided meditation in an easy to use app. In just 10 minutes, it can change your life.

Barb McQuade:

Overwhelmed, trouble falling asleep, wild kids, Headspace has a three minute SOS meditation for you. Their approach can reduce stress, improve sleep, boost focus, and increase your overall sense of well-being. And is one of the only mindfulness apps validated by clinical research.

Kimberly Atkins Stohr:

Headspace's benefits are even backed by 25 published studies, 600,000 five-star reviews in over 60 million downloads. You deserve to feel happier, in Headspace's meditation made simple. Go to headspace.com/sisters

Joyce Vance:

headspace.com/sisters for a free one month trial with access to Headspace's full library of meditations for every situation. This is the best deal offered right now. So head to headspace.com/sisters, or look for the link in our show notes.

Barb McQuade:

Well, the 20th anniversary of 9/11 is upon us. And I think everybody remembers where they were at 9/11. I know prior generations will say they remember where they were when they heard the news that John F. Kennedy had been assassinated. That was just a bit before my time, but I certainly remember where I was on 9/11, when I heard the news about the planes striking the World Trade Center. I'm curious to hear about each of your stories. Jill, you remember where you were when you heard the news about the 9/11 attacks?

Jill Wine-Banks:

I even remember where I was when John Kennedy was shot. I was under a hairdryer across the street from my sorority house in a beauty shop. But, yeah.

Barb McQuade:

Were you getting a big beehive?

Jill Wine-Banks:

I was [crosstalk 00:52:51] Oh god, yes. And I recommend the Memphis restaurant called The Beauty Shop, which is actually a converted beauty shop with hairdryers in it. So you can see what a hairdryer look like. And yes, I also remember where I was on September 11th. I was speaking to the Rotary Club of Evanston about a new startup not-for-profit called Winning Workplaces, and how they could help employers be better employers, and therefore have more profitable outcomes.

And when I finished and I was with the person who had started this not-for-profit, Ken Lehman, the president of the Rotary Club, took the stand and said, "We want to thank you for being here, but now I have to make an announcement." And he announced that the first plane had crashed into the World Trade Center. And everyone in the room... It was electric, and terrifying, and of course everyone left. My office was walking distance and on the way back, Ken and I decided that we should go somewhere to get a TV. And I called my husband and told him the news and he met me at Ken's home, and we watched the news in total disbelief and despair at what was going on.

Not long after that I had to fly to New York on business and went down to see the ashes basically of the World Trade Center. And when I say ashes, it was ash covered blocks around the Trade Center. And you saw the pictures of victims that had been posted on standing buildings around there. And again, it was terrifying. More recently, I was there to see the New World Trade Center and the memorial. And it is really a dramatic reminder of the loss of that day, and what at that time foreign terrorists did to us. And now we have to look at, is the biggest threat to America still foreign terrorists or is it the right-wing domestic terrorists? And I'm going to vote for, it is the domestic terrorists that are the big challenge to us now.

And that's why we've been talking about all these other issues, including the SB8, and voting rights, and some of the other things that have happened in America. That's how it impacted me long-term is my commitment to continuing to fight for freedom against domestic and foreign terrorists.

Barb McQuade:

How about you Kim? Do you remember where you were on 9/11 or you're too young to remember?

Kimberly Atkins Stohr:

I remember, yeah. Oh, no, come on I was working. I was already on my second career. I had actually just started as a reporter at The Boston Globe, the first job I had after switching from the law to journalism.

It was my second week on the job and I was getting ready to leave for work, and my TV was on the Today Show. And I saw that the first plane had hit the World Trade Center, and my boyfriend at the time was living in New York. And I called him, I think he was on route to his work in Midtown Manhattan. And I just called him to say, did you see this? A plane flew into the World Trade, that's crazy.

And as I was leaving this message on his machine, I saw on live TV when the second plane hit and immediately understood that this was not an accident that this was an attack. After that the phones went dead, you couldn't reach anybody in Manhattan. It was hours before I could reach him to make sure that he was safe. But I was a reporter in Boston, working at the Globe, and remember, two of the planes that were used that day came from Boston Logan Airport.

And immediately all of us began working, covering this story. And one of the most difficult things I had to do in my journalistic career was go to the homes of people whose loved ones were on that plane. And sometimes, especially in the early days, it was hard. They didn't want to talk, some of them were angry that reporters were coming to them in a way that I could understand. But it was one person who was a relative of one of the flight attendant on the planes who I knocked on his door, and he very politely declined to talk to me. Even though I said, just a photograph to something that we can let the world know that your loved one was a real person and not just a name or a number. And he just very politely declined, and I could only imagine the pain he was going through.

And I got back in my car, I was in tears, and I called my mother and I was telling her I made a terrible mistake in making this career change. I feel like a bottom feeder, I feel awful. I feel like I'm preying on these people at the worst time not just in their lives, but in one of the worst times in our country. And she talked me off the ledge and keep in mind, my mom was not happy that I stopped practicing law to become a journalist. But she talked me off the ledge and said, no, the work that you're doing is important. And sometimes people will want to talk to you and you will help them, and you are doing the right thing in giving stories and letting America know who these people were.

But if there's somebody who doesn't want to talk to you, just move on to the next, and it's okay, you're doing good work. She kept me from quitting that day. And so that was a great lesson in my career that I've taken throughout.

Barb McQuade:

We're all lucky to have mothers and sisters. Joyce, how about you?

Joyce Vance:

I spent a big part of the morning of 9/11 calling car rental agencies because my mother-in-law who I loved and was very close to was in Manhattan for a dog show that day. And so well, I hope my sister-in-law is not listening to this episode. [Lisa 00:59:12] if you are I'm sorry. Well, my sister-in-law was very slowly taking a shower and getting her stuff together, after I had told mom that I would find a car and that they needed to get out. I finally found, I think it must have been the last car that was available. They had to get into a cab and go about an hour and a half south into New Jersey.

And they picked up a car there and drove home so that had sort of given me something to focus on. My family is from New York, my granddad was one of six. My grandmother was one of five and most of my cousins, and aunts and uncles, great aunts and uncles remain in New York City. It felt very personal to me, even though I was in Birmingham, Alabama. I was actually driving into work when the first plane hit. My husband called and I asked him, what's the weather like? Are you watching it on TV? And he thought it was a small plane. Do you remember that was the first [crosstalk 01:00:07].

Yeah. Bob said, no, the skies are clear, it's sunny. And I instantly just had that bad feeling that so many of us had. I got to work, I was a federal prosecutor, a line prosecutor, and I got to work in time to watch the second plane hit on live television with all of my colleagues at work. We were normally a very busy bustling office, but we lived in and out of each other's offices. We didn't tend to shut doors and stay isolated. We were always consulting and working with each other. And I remember that that morning the office was quiet.

We just all sat in one of the biggest rooms that we could find. Somebody managed to rig a TV in there, and we watched sort of in shock and in horror, because we knew that the world was going to be different after that. I think you knew that almost immediately. People early on suspected terrorism even before that was confirmed. And at lunch, my husband and I did something that we had never, ever done before. Our kids went to an Episcopalian school in Downtown Birmingham, we only had three kids. And we got together and Bob and I walked over there and picked up our two boys and took them home and talked to them about what had happened.

And our daughter was just getting ready to turn three, she was at home with her babysitter, and here's what I remember about 9/11 to this day. This is what really got to me. Ellie sat on my lap, she was so cute. She was three years old. And she had tears just sort of sitting on her little cheeks. And she kept watching for the next couple of days the video, and she would point at the monitor and she would say, "My people, my buildings." She was trying to understand it. And what that always drove home to me was that no matter where you were in the country, whether you were in New York, whether you had a loved one who died that day, it was a very personal experience for all of us.

And I hope we'll never forget what that felt like to be under attack, but also to come together as a country. That's what's so important, that we remember and that we remember in this tough time that we're living in how to come together as a country.

Barb McQuade:

Yeah. That reminds me a lot of my day, Joyce. I was home on maternity leave with my third born son who you can mark his age with 9/11, who's now 20. And my morning ritual was to watch the Today Show. I was up with him, and I turned on the Today Show and they were talking about a plane crash, what they thought was a small private plane into the side of the World Trade Center. So I'm half watching, half tending to him, and then the second plane hit while we were watching.

I called my husband and he said, "I'm already on my way." He was going to pick up our older two boys from day care to get them home, and he knew I was calling. I think because I was home on maternity leave, I was riveted to the television. I watched a lot of the coverage, probably too much, frankly. And I think as a result of that, I overdosed on some of those emotional stories. I know there have been a lot of retrospectives in the news lately, and I find myself turning away from them, because it's so painful to read those stories.

There's that movie, I think it's called Flight 93, that came out like five years after 9/11 in 2006. I want to see it but I still have not seen it, because I think I will see that someday, but it's too soon. 20 years later, and it's still too soon. But I was also a federal prosecutor Joyce, home on maternity leave. But when I got back to the office after that leave, the office was forming a counterterrorism unit. And I said, I would like to do that. And I applied for that unit because I just wanted to do something to help. I think so many of us felt helpless and wanted to do something. And so from that moment forward, I was a national security prosecutor. And I found that work very important and very satisfying. And I now teach a course in national security and civil liberties, where we talk about the importance of both of those things.

And I find my students now, law students are too young to remember 9/11 because it was 20 years ago, most of them are in their 20s. And so one of the things I show them in that class, one of the first days of class is a brief clip that I have put together from the Today Show of that day. Because I want them to feel to the extent as possible, what we felt that day. Because I think it explains some of the reaction and maybe even overreaction that came in the law with the Patriot Act and some other things. I want them to feel that sense of terror as it unfolded.

And so I show them this clip that shows the planes, and the Pentagon, and all of those other things. But it's so eerie when you watch it, because the way it begins is Matt Lauer's voice. They start with a clip of Michael Jordan, and the lead story is, will Michael Jordan come out of retirement and play again in the NBA? We'll learn more today, Tuesday, September 11, 2001. And then the theme song begins. And it's a crystal clear day and you see the skyline of New York and you think, oh, good god, I know what's about to happen in just a very short period of time, and then we show the other clips.

It was a monumental day, I remember it well. And like all of you, I think about where we've come, and it did feel like that day we came together. But then you see what happened on January 6th, Jill, as you pointed out, and why doesn't that hit all of us the same way. It hits me like that. What an awful day for democracy? And in fact, in some ways it's worse, because it came from within. This wasn't a foreign adversary, someone who's hostile to us, but these were our fellow Americans. And they didn't just kill people, they were undermining our democracy. And I think we should feel the same way about January 6th, as we do about September 11th. And I wish that we could unite around that instead of having government officials denying that it happened. Well, we'll have to leave it there, yeah.

Jill Wine-Banks:

I just want to say I agree with you and think that it's similar to the difference between when I say that, Donald Trump's impeachment was more important than Richard Nixon's. Because Richard Nixon didn't involve a foreign country and Donald Trump did. And I'm glad you mentioned the Pentagon because I did lose one of my former employees from the Pentagon on that day, and almost lost a very dear friend who was late to work and wasn't inside the building, when the plane hit that building.

Barb McQuade:

So many stories like that, random strokes of luck. Well, we'll have to leave it there. But I don't want to end on a down note, it's a very down story, of course. But I think that it motivated me to want to do something to help. I think all of you had stories about what you wanted to do and find a positive lining out of that. And I hope that, that reminder is an inspiration for how we can come together as a country and go forward and do better and be better as a result of these attacks, to come together and unite and not be divided.

Joyce Vance:

So you all, what have you been eating for breakfast lately? What about you Kim?

Kimberly Atkins Stohr:

I have been eating some Greek yogurt topped with Magic Spoon. Lately, I've been on a peanut butter cake. That's a really good combination in the morning. What about you Jill?

Jill Wine-Banks:

I actually have a new flavor, which I'm hoping they'll make permanent. It was a special flavor called jelly donut. And they make really a good breakfast cereal, but also a terrific snack. But you mentioned peanut butter and that is my husband's favorite. He is a peanut butter addict. He eats peanut butter every morning for breakfast. The real creamy, actually the real chunky stuff. But now he's using the protein from Magic Spoon in its peanut butter flavor, so that's really good. And what about you Barb?

Barb McQuade:

Well, you know me. I like to eat cereal as my late night go to dinner option. And so I find Magic Spoon to be just the perfect dinner if I'm home late, I've missed dinner. It's nine o'clock or so, or I want to eat something but I don't want to eat something too heavy. I find Magic Spoon to be just the perfect little light dinner. And I know I'm getting good nutrients and in a tasty form. How about you Joyce? Are you enjoying Magic Spoon?

Joyce Vance:

It's a big family favorite at our house. And you know it's like a wonderful thing when you can find something new that you love this direction. It really has become a big favorite around here. Kim, I've been using your granola approach by the way. Thank you for that because it's really good. It is good. Magic spoon has zero grams of sugar, 13 to 14 grams of protein, four net grams of carbs and only 140 calories of serving. It's keto-friendly, gluten-free, grain-free, soy-free and low carb.

Jill Wine-Banks:

It's almost too good to believe but you can build your own box and customize it with Magic Spoon's delicious cocoa, fruity, frosted, peanut butter, blueberry or cinnamon flavors.

Barb McQuade:

Is that all Jill?

Jill Wine-Banks:

Actually it's not. Magic Spoon is bringing back two fan favorite flavors, cookies and cream and maple waffle permanently.

Barb McQuade:

They're delicious, indulgent and healthy. Go to [magic spoon.com/sister](https://magicspoon.com/sister) to grab a custom bundle of cereal and try it today. Be sure to use our promo code, sister at checkout to save \$5 off your order.

Kimberly Atkins Stohr:

Magic Spoon is so confident in their product. It's backed by a 100% Happiness Guarantee. If you don't like it for any reason, they'll refund your money, no questions asked. Remember, get your next delicious bowl of guilt-free cereal at magicspoon.com/sister and use the code sister to save \$5 off. Thank you to Magic Spoon for sponsoring this episode.

As always, we've received some great listener questions this week. If you have a question for us, please email us at sistersinlaw@politicalon.com or tweet using #SistersInLaw. If we don't get to your question during the show, keep an eye on your Twitter feeds throughout the week. We'll answer as many questions as we can there. This week, we have a question from Mark in Silicon Valley, California,

who asks, is it true Congress can make Roe v. Wade the law of the land once and for all without further legislation? Please include answering if it has to go to the Senate, I hope not. What say you Joyce?

Joyce Vance:

Well, unfortunately, that hope is in vain. There actually is a bill that's been introduced in the House by California Congresswoman Judy Chu. And that bill would make Roe versus Wade the law. There would actually have to be a new law, this bill, that would pass the House. But then it would have to go to the Senate for passage where that might be a little bit more difficult of a proposition. And finally, if a law did pass Congress, it would be subject to review in the court. So ultimately, this all ends up with the Supreme Court deciding whether a law that made Roe the law would be constitutional.

Kimberly Atkins Stohr:

All right. Well, thank you for listening to #SistersInLaw, with Jill Wine-Banks, Barb McQuade, Joyce Vance and me Kimberly Atkins Stohr. Don't forget to send in your questions by email to sistersinlaw@politican.com. Or tweet them for next week's show using #SistersInLaw. This week's sponsors are Girlfriend Collective, Headspace and Magic Spoon. You can find their links in the show notes. Please support them as they are the reason why we can make this show happen. To keep up with us every week follow #SistersInLaw on Apple Podcast or wherever you listen, and give us a five star review, we love to read your comments. See you next week with another episode #SistersInLaw.

Joyce Vance:

So Barb, you're not going to be with us next week. Where are you going to be?

Barb McQuade:

I'm going to be a chaperone on a busload of high school girls who play field hockey headed toward your neck of the woods, Jill, Chicago for a weekend road trip. I think it's going to be lots of fun. What could possibly go wrong? What could go wrong? No. It should be a lot of fun. And this is my fourth child, so soon to be an empty nester. I'm too much eye-rolling for my daughter, making sure to attend everything I can. Because I'll soon be an empty nester and I'm going to miss it. She'll move on to better things, but what am I going to do for a social life, once I can't go to my kids sporting events and band concerts anymore? I'm looking forward to it, I think it'll be a lot of fun.

Kimberly Atkins Stohr:

I can vouch as a spouse of an empty nester, it's going to be hard for you. It's going to be harder than you realize. There's a lot of moping.

Joyce Vance:

So you all houses are different than ours. We just dropped our fourth kid off at college. He's now a Buff at Colorado University at Boulder, and Bob and I've been out celebrating. Does that mean we're bad parents?

Barb McQuade:

No, I think it just means you have you're the parents of the four and the fourth one is the charm.

Kimberly Atkins Stohr:

When I left the house to go to school, I'm the youngest of six. We pulled out, my dad was driving to U-Haul. And I forgot something and I went back in the house and my mom was already ripping up the carpet in my bedroom to turn it into her [crosstalk 01:13:54].

Jill Wine-Banks:

Cheerfully I'm sure.

Kimberly Atkins Stohr:

Yeah. Oh, she was just real broken up.

Barb McQuade:

Do girls still talking in the phone or do parents like measuring.

Joyce Vance:

[crosstalk 01:14:04] My first child goes to college. I take him up there, I'm really traumatized. I come back home, and the one thing you tell your kids is clean your room before you leave. And his last year was at boarding school, so he had brought everything home and just left it there for me. And I'm going through his boxes and he's such a freaking slob that he had literally, into these boxes, put a plate with food on it. His trash can, his entire freaking trash can is in the box with the trash still in it. And I was like, I'm so glad that kid is gone.

Barb McQuade:

Yeah, that helps ease the pain of their loss, right?

Joyce Vance:

It really did.