

Barb McQuade:

Well, I've been cooking a lot more at home recently. I made a delicious barramundi with lemony carrots. Who would've thought, and that's just one of the delicious meals I've tried through HelloFresh. With more than 50 menu and market items to choose from you can try something new every week. Get 16 free meals plus three gifts with code Sisters16 at hellofresh.com/sisters16 or look for the link in our show notes.

Joyce Vance:

Welcome back to #SistersInLaw with Kimberly Atkins Stohr, Jill Wine-Banks, Barb McQuade, and me Joyce Vance. In this week's show, we'll be discussing the Supreme Court and abortion. What our takes are now that we've had a chance to digest the leaked draft opinion in Dobbs. Then we'll discuss some of the proposals for restoring rights if the final opinion goes as far as the draft does and how we assess their chances. And finally, we'll take up the other Supreme Court decision this week, there was one. Where the court told the city of Boston it could not prevent a Christian group from flying its flag on a pole outside of City Hall that's used by non-governmental groups as well.

And as always, we look forward to answering your questions at the end of the show. But before we jump into this week's somber and a little bit depressing news, the sisters-in-law had an elegant milestone to celebrate this week and that's the birthday of Jill Wine-Banks. Happy birthday, Jill. Did you have a lot of fun?

Barb McQuade:

Happy birthday sister.

Jill Wine-Banks:

Thank you guys. Of course, being with you this year has made this year fabulous and we'll make next year equally so. And of course, our listeners cannot see that I am wearing a gift you gave me, which is a leaky faucet pin. It has a beautiful drip of a pearl coming out of the faucet. So it's quite wonderful and extremely timely to say the least. For someone who was involved with the plumbers in Watergate, and now with the news this week about the leak, it put a little lighter touch on the leak of the Dobbs' decision. So thank you for my gift. And I started celebrating on Wednesday. We have very dear friends who are having a dinner party for me tonight. They hired a chef to cook for us. So it's going to be terrific.

Barb McQuade:

Happy birth week then we should say.

Jill Wine-Banks:

Exactly, yeah.

Barb McQuade:

Frankly, Jill, why stop it a week? Why not happy birth month?

Jill Wine-Banks:

How about happy birth year? Well, because it's leading up to a milestone year next year. So I'll have to really be prepared for next year.

Joyce Vance:

I'm going to copy you. I turned 60 during the pandemic, so we didn't really celebrate and I want a do over. Maybe I'll do it for 65.

Jill Wine-Banks:

Yeah, 65's a good one. 36 was the year I hated. I don't know, somehow it seemed like that was when I was really getting to be mature and old.

Joyce Vance:

Yeah, I've never gotten-

Jill Wine-Banks:

Which of course in retrospect is ridiculous.

Joyce Vance:

... mature so I don't have that problem.

Barb McQuade:

Well, Kim, I wonder what that'll be like when we turn 36.

Kimberly Atkins Stohr:

Yeah. We'll have to wait and see. We'll have to wait and see. Well, no, honestly I have next year, 2023, is a milestone one for me too, I'll be 50. So maybe we can have some sort of get together to celebrate the milestones.

Barb McQuade:

We can toast with our UpCards.

Jill Wine-Banks:

So when is your birthday, Kim?

Kimberly Atkins Stohr:

Mine's in March.

Jill Wine-Banks:

March. So if we do an April, it would be.

Kimberly Atkins Stohr:

That would be perfect.

Jill Wine-Banks:

... of 50 and 80.

Kimberly Atkins Stohr:

Right in middle.

Jill Wine-Banks:

Yikes.

Kimberly Atkins Stohr:

Yeah.

Jill Wine-Banks:

Yikes.

Kimberly Atkins Stohr:

That would be so fun.

Joyce Vance:

80 is the new 20.

Jill Wine-Banks:

Yeah. Have any of you guys had any problems with your skin or have any of your children so that you could use some advice from a really good place like Apostrophe? What about you Joyce?

Joyce Vance:

Yes, mom of four here and we've all had struggles with our skin and that's why we at Sisters-in-law are excited to partner with apostrophe, a prescription skin care company that offers science backed oral and topical medications that are clinically proven to help clear acne and connects you with a board certified dermatologist who will create a personalized treatment plan that's perfectly tailored to your unique skin.

Kimberly Atkins Stohr:

I have to give apostrophe some credit for the reason why I now am able to, for the first time in years, leave the house without makeup on. I never did because I was so self-conscious about my skin. But apostrophe, in just a matter of a few months, has my skin looking great. And you can find out for yourself. Simply fill out apostrophe's online skin quiz about your skin goals and your medical history. Then you snap a few selfies and your dermatologist will create your custom treatment plan. Apostrophe treats all types of acne from hormonal acne to facial acne, even chestne and backne and buttne.

Barb McQuade:

Oh, she said it.

Kimberly Atkins Stohr:

We all hate buttne. And they treat breakouts from head to toe. It's amazing knowing your treatment plan was from a real dermatologist and that your plan was tailored just for you. Not to mention how quick it is to submit your visit all without the need to schedule an appointment.

Joyce Vance:

And we all like avoiding scheduled appointments at this point in time.

Kimberly Atkins Stohr:

We do.

Joyce Vance:

It's a big benefit. We have a special deal for y'all. Save \$15 off your first visit with an apostrophe provider at apostrophe.com/sisters when you use our code sisters. This code is only available to our listeners to get started just go to apostrophe.com/sisters and click begin visit. Then use our code Sisters at signup, and you'll get your first visit for only \$5. That's apostrophe, A-P-O-S-T-R-O-P-H-E dot com slash sisters. And use that code to get your dermatologist crafted treatment plan for \$5. We thank apostrophe for sponsoring the podcast and giving us the opportunity to say buttne.

Jill Wine-Banks:

Let's get right into the biggest news of the week, which is of course the leaked draft of the Dobbs decision upholding the Mississippi ban on abortions after 15 weeks with no exceptions for rape and incest. And Joyce, you annotated the leaked draft. So I want you to start us out by talking about what was the basis for the majority's conclusion as set forth in this draft. And we want to stress it is a draft, which means that Justices can take away some of the harsher, more extreme language, or they can add to it. And some Judges might change their mind, that's been known to happen. But talk about what's in the draft and what their conclusion means for now for abortion availability in Mississippi and in every other state, especially those that have trigger laws or an old ban that's never been repealed like Arizona.

Joyce Vance:

The short takeaway is state legislatures can do whatever they want to do to restrict and even criminalize abortion if Justice Alito's opinion becomes the law in the United States. He writes that Roe was wrong from the start. And his primary argument is that the court has to overturn Roe because, and this is I'll quote him, "The constitution makes no reference to abortion and no such right is implicitly protected by any constitutional provision, including the due process clause of the 14th amendment. So in Roe and the other leading abortion case precedent, Casey, the right to abortion is largely grounded in the 14th amendment." That's where Alito focuses his criticism of the court's grant of unenumerated rights via substantive due process.

And the view of the majority in Roe was that any constitutional right to privacy is broad enough to encompass a woman's decision to terminate or not to terminate a pregnancy. Alito disagrees with that. And so he wrote in this draft opinion, and again, I'll quote that, "Any such substantive due process right must be deeply rooted in this nation's history and tradition. The right to an abortion does not fall within this category." And shocker here, after exploring a history and tradition during which women were treated as little more than property of their fathers and husbands and at the founding couldn't vote, women lacked really any semblance of real rights. Justice Alito concludes that history and tradition says that women also don't have any control over their own bodies. So essentially the holding in this draft opinion and the view of Justice Alito is that people who didn't historically have rights, don't get to have them today.

Jill Wine-Banks:

Of course, we aren't going to talk about all the other people who aren't included in the constitution, not just women. And maybe Kim let's talk about, it seems to me that the decision's rejection based on the absence of a history of abortion being legal and going out of its way to note that guns have that kind of history. They used very harsh, I would say, over broad language that I think puts unenumerated rights like contraceptives and same sex marriage, maybe interracial marriage and more, at risk in the future. Even though the draft opinion does specifically say they're only talking about limiting abortion rights. They're not talking about these other rights that are also unenumerated in our constitution. What do you think?

Kimberly Atkins Stohr:

I think it's impossible to read this decision and not walk away knowing that a host of other rights that are not specifically named in the constitution are at risk. So Alito tries to distinguish this by saying this only applies to abortion, as you said, because it involves the protection of life. But if you look at the analysis he does, this substantive due process that's the legal technical right that we're talking about when we're talking about things that aren't expressly stated in the constitution, but the court has found to be protected anyway. You can plug in anything and it would still fit this test. I mean, same sex marriage for example. We're talking about embedded in a long history. It is only within my... That's one of the few that only within my lifetime, has there been a real consistent movement to give legal protection to the right to marry someone who you choose, regardless of that person's gender or gender identity. That is really new, okay?

But my problem with this whole idea that you have to look at the history of the country and you have to... Only rights that have long historical protections are really worthy of constitutional protections. If we're talking about the history of this land from, I'll pick a date out of the air, 1619, the institution of slavery has been in existence on this land for longer than it hasn't, longer than it's been abolished. Now, of course, there is now an express constitutional amendment that protects people from being enslaved again. But just given that analysis that's why do you think about it, it doesn't make sense.

You think about access to contraception. You think about the ability to have privacy in your own home. Listen, some of these cases like Bowers, it's not just about protecting LGBTQ people only. It's about protecting all of us in the decisions that we make in the privacy of our homes from being interfered with by the government. It is hugely important. When we talk about the Liberty right, that's came from our founders. But when we think about how that is played out in today's world, it is really up for debate. So I hope that, shoot, I hope just so that my marriage stays legal, that loving isn't overturned. And I don't think that it will be because that's also based on an equal protection right. So I think I'm okay, I'll have to check. But I think there are a number of things that will be open for attack. And I don't think that the people who attacked abortion access will be content to stop there. So I think we will see these challenges ahead.

Jill Wine-Banks:

Well, we can talk about what the people who are behind this decision might do in terms of a constitutional personhood amendment that would go even beyond this. But you're right that this affects much more than just the rights of women. Because I remember when the case came down that allowed married couples to purchase contraceptive measures, which were illegal before that. I mean, think about that everyone. But Barb, I'm going to ask you a really hard question. Did the draft for the majority get anything right? And I know, I said I'm asking you the hardest question. But also, did it contain some factual misstatements, some logical errors? Let's talk about some of that.

Barb McQuade:

All right. So did Justice Alito get anything right? Well, he spelled most of the words right. There were some typos, but he did. His spell checker did seem to work well. Well, so just specifically about factual misstatements, it pins the whole logic on this idea that there's not a tradition that permits abortion in the United States and that's just wrong. It really wasn't even on the legal radar screen until the 1800s. The 1873 was the Comstock Act. There was a member of Congress named Comstock from New York who was on kind of a morality crusade about contraception and other things.

And then also as the medical profession became more professionalized, doctors' associations didn't want nurses and midwives doing procedures instead of doctors. And even the Catholic church did not ban pre-quickening abortion until 1869. So this notion that our tradition did not support abortion is just wrong. But aside from that, the reasoning here that I think is so wrong, and it is a problem that I have with all of these originalists, which I think is a solution in search of a philosophy. What they really want to promote are traditional values. And they dress it up in something that they call jurisprudence and a judicial philosophy to reach a result that they want and to reverse engineer to that result.

So let's take for example, abortion here. When they're talking about these substantive due process rights, which are fundamental rights, which the ninth amendment says rights that are not otherwise enumerated are reserved for the people. So there are these fundamental rights that are not explicit in the constitution. What textualist and originalists will say is, "Unless the words are in the constitution, you don't have this right." And we know that's just not the way the court has interpreted the constitution.

I mean, the right to pre-presumed innocent is not in the constitution. The right to vote is not literally in the constitution. But what the court has said is those are so fundamental to how we live our lives that they've been implied from other parts of the constitution. So you have that, but where I find the intellectual inconsistency is sometimes when it suits them, they want to define those substantive fundamental rights very broadly. And other times they want to define them very narrowly. So you mentioned guns just a minute ago when it comes to guns, they talk about it very broadly that there's this right to bear arms.

And there's a Heller case decided as the most recent case, authored by Justice Anton and Scalia. And there, he talks about this traditional right to bear arms. And then an argument gets raised in that case. It says, "Yeah, but at the time of the constitution, what it meant to have a firearm was a musket that shot one ball and the aim was really bad. So you mean that we're just limiting to that? Should we look at it very narrowly like that?" And with a wave of the hand, he just says, "No, that would be absurd. Of course not." But when it comes to abortion, now what Justice Alito is saying is "No, no, we have to look at this very narrowly." And so even if there is this substantive due process, right to privacy generally that might protect things like interracial marriage and contraception, it does not include abortion. We have to look at that word narrowly. And since that word isn't in there, and since that has some negative consequences to the unborn fetus, that's different.

And so I think it's this broad versus narrow reading of these rights. And in my view, of course, they have to be read broadly. Of course, when the authors of the constitution were writing it, they were writing for the ages and they didn't intend to lock in the world as it existed in the 1780s. And the court engages in that process all the time. Otherwise, how would they analyze the fourth amendments' right against unreasonable searches and seizures in a world that has electronic surveillance and cell site location information. And they do it all the time. They don't say, "Well, we have to go back to the books and papers you could keep in a drawer back in the 1780s." They apply it to today's world. And so this inconsistent-

Kimberly Atkins Stohr:

Yeah, how could they make corporations people?

Barb McQuade:

There you go. So this inconsistency is, I think, what belies the hypocrisy. And so to me, what it all comes down to is this is just the personal opinion of Justice Alito that Roe was egregiously wrong. He is simply substituting his own view for the view of the court that existed in 1973. And what it reminds me of is a case called Dickerson. Do you guys remember this case? Joyce, you may remember this case because it was a big deal in law enforcement. It was in the early 2000s. The Supreme court took up a case that was going to review Miranda, the Miranda warnings. "This is your right to remain silent, your right to an attorney." That had been part of the activist Warren court from the 1960s. And the court took up a case at oral argument. They were very hostile to the notion that the Supreme Court requires this because it isn't explicitly included in the language of the constitution.

And yet ultimately Chief Justice William Rehnquist, a conservative, wrote the opinion affirming Miranda and saying that even though we have this opportunity, if I were writing from a clean slate, I would absolutely come up with a different view. But because of the concept of stare decisis and the notion that we follow precedent, I'm not going to do that. We're going to honor Miranda because it's been workable and it seems to work and people rely on it. And so we're going to follow that law rather than change it just because we think it's wrong. It is better that the law be settled than that the law be settled right.

Jill Wine-Banks:

Hypocrisy is the takeaway from that one, I would say. Let's look back at they refer to Lawrence tribe and they cite him in some of his articles. And Ruth Bader Ginsburg, Justice Ruth Bader Ginsburg. And she spoke even before this, about her concerns about the Roe decision. And Joyce, can you talk about some of her concerns and what she would've done, how she would've liked this to have come out, Roe to have come out.

Joyce Vance:

We had a lot of questions about this on Twitter this week. And I think Justice Ginsburg's views are really fascinating because for her, the landmark 1973 decision that affirmed a woman's right to abortion was too far reaching, too sweeping, and perhaps most importantly it gave anti-abortion rights activists a very tangible target to rally against once it came down. She would've preferred that abortion rights be secured more gradually, she said. In a process that included state legislatures, we can now see the wisdom of that, and also the courts. And she was troubled, I think, most importantly, by the focus in Roe, on privacy rather than on women's rights as deserving of equal protection.

So she spoke directly to this at the University of Chicago's law school in 2013. And she said something that I think is important to share with our listeners. She talked about a different case that she wished could have gone up to the Supreme Court instead of Roe. And it was a case called Struck versus Secretary of Defense. Jill, I suspect a little bit about this one. In that case Ginsburg represented captain Susan Struck, who was serving in the Air Force in Vietnam when she became pregnant. And the Air Force gave her two options, terminate the pregnancy or leave the Air Force. Struck wanted to keep the baby and her job and Ginsburg took the case.

So the Supreme Court agreed to hear it, but the Air Force, perhaps wisely caved in and gave Struck the ability to keep both the baby and her job before it was heard, which mooted the issue. But

Ginsburg's comment about that case is very telling. She says, I wish that would've been the first case. I think the court would've better understood that this is about women's choice. And that's the heart of her argument against Roe. That it focused in the wrong place, not on women's rights, but rather on this more generic societal penumbra right. I think what we're seeing happen today bears that out. And as an equal protection right, as Kim said, like Loving versus Virginia, the Anti-miscegenation case, there would've been a more firm grounding, more difficult to reverse, but let's be honest, not impossible for this Supreme Court that seems to get nothing but the spelling right.

Jill Wine-Banks:

And that's really a good point because I'm not sure that even had Roe been decided in a different case and under different concept, it would've mattered today. That would've made any difference to this outcome. And one of the things we've gotten another huge number of questions about is the testimony during confirmation hearings of Justices recently confirmed and whether that was perjury. And this is going to give me a chance to talk about my favorite perjury case, Bronston. But Kim, why don't you start our discussion about that issue? Whether this draft is inconsistent with what Justices testified to during their confirmations?

Kimberly Atkins Stohr:

Yeah. So it is a very interesting question. And we know perjury is the crime of lying under oath. And of course at each of the Justices' confirmation hearings, they were under oath and they were all asked about not just precedent and stare decisis generally, but specifically about Roe versus Wade. But if you go back and listen to the confirmation, the answers that the Justices all gave during their confirmations, none of them said that Roe v. Wade, that they wouldn't overturn Roe v. Wade. They didn't even say that Roe v. Wade was the law of the land. What they said was that Roe v. Wade is precedent, which yes, it is. It's a decision that was handed down and here to fore has not been overturned. So that makes it precedent. They are all intelligent people. They knew, especially those who had antipathy toward the Roe decision were much smarter than to sit there and say, "No, no, I would never overturn Roe v. Wade," which is essentially what would be needed to have any chance at prosecuting them for something like perjury.

Now, Susan Collins claims that she was told, I believe by Brett Kavanaugh, that it was the law of the land, but that was done in her chambers, in her Senate office, that's not under oath. So I think people thinking of that's not really an avenue here. I personally think that if you listen to anything that these Justices have said, have you read any of their dissents, their concurrences in any case, they have telegraphed that they were championing at the bit to overturn Roe v. Wade. The fact that the Texas law, the even more restrictive Texas law, even more restrictive than Mississippi's was allowed to go into effect told you that they were ready to overturn Roe v. Wade. We've known that part for a while. That's the only thing this week that wasn't a surprise. The leak, everything else, the way it happened was a surprise. The result was not. So no, there's no perjury charge to be made here.

Jill Wine-Banks:

And it goes back to Robert Bork, who was the solicitor general during Watergate, who became the acting Attorney General when the Attorney General and Deputy Attorney General refused to fire my boss, the special prosecutor. And then he was nominated for the Supreme Court. And he did tell people, he did answer the questions and tell people exactly what he thought and he wasn't confirmed. So all of them have learned. And this gives me my chance to mention Bronston, which says you can be deliberately misleading as long as it is a literally true statement.

And so, as you pointed out saying it's precedent, that's literally true. It doesn't answer the question of how you'll rule on it. And in this decision, they did go through why, even though it is precedent, it is reversible because it doesn't meet the criteria for being confirmed.

Barb McQuade:

Not enough for perjury, but certainly below the standards we would expect of an officer in the court. They could never get away with that same statement in their own court.

Jill Wine-Banks:

You got it.

Joyce Vance:

I think that's exactly right.

Jill Wine-Banks:

Yeah. It's awful, but not unlawful as Joyce would have us say.

Joyce Vance:

If one of us had done that as a sitting us attorney, Barb. If we had made a statement, we, I think, would've been grieved to the bar association for-

Barb McQuade:

Fired, discipline, grievance.

Joyce Vance:

Yeah. For failure of the duty of candor to the court. And yet we see these Justices holding themselves to a lower standard.

Jill Wine-Banks:

So a couple more questions. Barb, let's talk about the Religious Freedom and Restoration Act and whether there's a chance for at least religious exemptions in the same way that you can get an exemption to not complying with a vaccine mandate. Do you think there's any chance that will be an avenue? And it may even involve something that we'll talk about in the flag pole case about the satanic temple.

Barb McQuade:

Yes. One of the reasons that it is so important to adhere to precedent is because when you don't, it creates chaos. The entire legal landscape is now in disarray. States are going to start passing laws. There are trigger laws in about 13 states and so called zombie laws that are going to spring back to life in about another dozen. And in all of these states, this idea that unborn life is being protected, I think flies in the face of other religious traditions. So it may be true that Christian faiths and not even all Christian faiths, but some Christian faiths, certainly the Catholic faith, believes that life begins at conception.

But there are other faiths. Jill you've shared with me some writings on the Jewish faith, that there is a belief that in the Jewish faith, life begins at birth. I know the Muslim faith believes that life

begins at ensoulment, which occurs at around four months. And so to the extent these laws are based on this idea that life begins at conception or that someone even consider abortion to be homicide and conferring personhood on a fetus before birth flies in the face of some of these other religious traditions. And so I think that they do have legitimate claims under the Religious Freedom Restoration Act to file lawsuits either to strike them down or to ask for a religious exemption. And how about people who are atheist or agnostic to the extent that this forces them to adhere to a Christian view? Is this in fact, even a violation of the establishment clause? So I think we're going to have a lot of challenges to this on a number of different grounds. And I think religious freedom could very well be one of them.

Jill Wine-Banks:

So while the leak was only of the draft majority opinion, can we talk, Joyce, about what you think the dissenters would say in response to that draft?

Joyce Vance:

So I think I'm going to quote my favorite movie lawyer, Vinny Gambini, from My Cousin Vinny, who said everything that guy said is (censored). But I think to be honest, I think that we will see angry dissents. I think that they will point out some of the hypocrisy and the special jurisprudence. I say special advisedly here to mean very different jurisprudence that this majority has used to try to do away with abortion rights. And I think that we will see the divide and the dispute in the court aired full force. Because one of the problems with this Alito opinion... I don't like the result, I don't like the reasoning, but I really object to the tone. The tone is so demeaning and it's so patronizing. And I think we'll see the dissent respond in kind.

Jill Wine-Banks:

Let me ask you Kim about the leak. And I don't want to talk about the specifics because what we've seen in the media from people speculating is so disgusting. But about what the reason might be that one side or the other might have leaked it. And listening to Joyce just now, a new thought came to my head. Which was in the same way that William Barr, the then Attorney General basically leaked the Mueller report, put it out before the whole thing came out, gave his opinion and conclusions so that it stuck and people came away, "That's what's in it, no collusion." That was sort of how we interpreted it or not we, because we actually read it and knew what it was. But was this maybe to not let the dissents, that we've just been talking about, get out there so that people would be not so persuaded by this? What are the reasons, Kim, that you think either side might have... Why would the liberal side, why would the conservative side?

Kimberly Atkins Stohr:

So assuming that this came from the liberal side, it could have been both an effort to raise a warning bell, I suppose, raise a warning flag. As well as try to allow the American people the chance to rail against it and maybe convince one of these five Justices to, if not move off of their ruling, their vote on the judgment, at least change the rationale, roll it back a little bit so it's not as far, doesn't go as far as Justice Alito takes it. If it came from the right, the more conservative Justices, perhaps if somebody was waffling, it may have been an effort to lock them in, to put them sort of publicly on the record. Because we can do math, we can figure out which five it is since it doesn't include Roberts, and keep them from changing their mind.

Because if subsequently it's a softer decision, then they would know who moved, who blinked. And I think that this is really important because I am dismayed at what seems to be this social

media/cable news/public discussion that has set up that either you think the leak is... You can only care that the leak is bad or that the decision is bad and not both. And for those who care about the decision, have to say that the leak is just a distraction. And those who care about the leak say only look at the leak. And there are some people who are taking it to that extreme. I think it's really important for our listeners and Americans to know that both things are really important and both things are really bad.

The Supreme Court is different. I know someone says, "Well, Congress leaks all the time. We need more transparency. We should know more about what the Justice does. It's a very untransparent body." It is. There is no government body that lacks transparency more than the U.S. Supreme Court. If you want transparency, fine. And the way to do that is reform. Yet we had this whole committee set up to investigate ways that the Supreme Court could be reformed and absolutely nothing came from it. So that was the time to have the discussion about Supreme Court transparency. We didn't get that, nothing happened.

So what we have is the Supreme court where you have unelected, lifetime appointed members. And regardless of the reason, if it was done... And this only applies if this was done by a Justice, at the behest of a Justice, or even with the knowledge of a Justice, I would say. If it's just a clerk, that's something different. Who took it out upon himself or herself. I think that's different. But if this had anything to do with the Justice, that would be a Justice who was unelected, who was appointed for life, using a leak to try to exert external pressure on their fellow Justices, to either make them stay in their position or change their position.

To me, that is wholly undemocratic. That is extremely dangerous. And if that is found to be what happened, I think that should be grounds for impeachment. And it's because you don't have any other check on them. And we're going to talk more about checks and balances. But I just, in my cut, I've been dying all week, listening to people say, "No, don't pay attention to the leak." No, pay attention to it. That's crazy if that's what happened. We don't know yet. But if that's what happened, that's crazy. And we have to pay very close attention.

Barb McQuade:

And can I add just a comment on the leak investigation, Kim? I completely agree with you about how a leak like that can undermine the workings, not just the perception of the court, but the actual work of the court. And it's a terrible thing. But I also think that when you are investigating, as an investigator, it's really important not to make assumptions that you're looking to confirm. It's referred to as sometimes as confirmation bias. I actually have a little piece in MSNBC daily about this, about how an investigator should go about their work when investigating a leak or anything else. And that is you can't presume to know what it is. You have to just look at all the evidence. Computers, and security footage and talk to people and everything you can find. Because it's quite possible, maybe even quite likely that it's either someone on the staff on the conservative side or on the liberal side.

But it's also possible that you've got people working from home and it's a friend or family member or household worker. It's also possible that this was obtained by a hack. This is the MO of Russia and hostile foreign adversaries. They look for hot button issues that can pit people against each other and divide us from within. They've now got everybody at the Supreme Court looking at each other, "Which one of you is the traitor?" And they're deepening those factions. And so that's a possibility. I'm not saying it's probable, but you have to be open to any possibility and not just assume that you know where you're headed.

Joyce Vance:

This feels like such an important conversation to me. And I'm so glad that Kim makes the point that as sophisticated, smart reasoned people, we should be able to hold two thoughts in our head at the same time. Because while it seems to me that the lead story here is that the court is taking away a fundamental right from women. At the same time, it seems to me that a leak like this is actually a really strong sign of an institution that's in decay, right? This isn't something that happens with a vibrant, healthy institution.

And the fact that someone contemplated doing this, whether it was someone from inside with access to the court, which is what Politico seems to have said when they brought this to the public, or whether it's somebody external like Barb's suggesting, possibly a hacker, this is what you do when an institution is already weak from inside. And I think it should be a wake up call to us that the court, which is an institution that we praised and that others praised during the Trump administration, the courts were still a place that we could look to, to protect democracy. The fact that the court itself is in this condition is something that we all need to pay attention to.

Jill Wine-Banks:

And I know you all think that I'm actually Forrest Gump, but I have to sort of Forrest Gumpy stories that I have to share about this.

Barb McQuade:

Of course you [inaudible 00:38:31].

Jill Wine-Banks:

I'm sorry. So one is that a document that I had drafted, a memo during Watergate, actually was leaked. In the sense that I woke up one morning opened the Washington post and there on the front page was a draft of a memo and it was accurate. It was a real draft of mine. It turns out that a janitor, in taking away our garbage, which was put in clear plastic bags, not shredded, saw it and brought it to the Washington Post. So it could be something as innocent as a janitor got this document somehow and gave it to Politico. We don't know that. The other is that I want people to know that this is an unusual leak because all past leaks, and there have been leaks, have been a final decisions not of drafts. And it's really important to point out why it's so dangerous to have a draft, because it may freeze people into their positions who might have said, "Gee, I'm reading this now and the language is really pretty harsh. I'm going to back away from how this is phrased." And that won't happen now because of the leak.

But Roe itself was leaked. It was final when it was leaked and it was leaked by one of my Watergate colleagues who was at the time, a Supreme court law clerk, Larry Hammond, who is also the person who is actually the one who came up with the viability standard. So Larry Hammond created Roe and the viability standard. And then he leaked it to the papers. It turns out because of some technical things, it actually was published hours before the official announcement in court of the Roe decision. And it was a final decision, so it's different. But I just think it's important that we see that leaks have happened in the past and the court has survived. So one last-

Barb McQuade:

What happened to him?

Jill Wine-Banks:

Well, he actually, he immediately confessed when it happened to his Justice and had to go see Berger who was irate and who, like Chief Justice Roberts said, "We are going to find this person." And he went to Berger and said, "I'll give you my resignation. I'm horribly embarrassed. I did the wrong thing, I'm sorry." And he survived. He was not let go.

Barb McQuade:

Different times.

Jill Wine-Banks:

He was chastised by Berger but he stayed and finished his term as clerk. So anyway, last question. And is Barb, let me ask you this, because it's one that I don't actually know the answer to. And that's whether states can have extra territorial application of their laws? Can they punish a citizen who goes out of state to a place where it's legal? Can they punish a citizen for using the day after pill, which is legal in many states, if they get it through the mail, it's intrastate commerce. So what impact can states have on those two situations going out of state or getting the pill?

Barb McQuade:

I think when it comes to traveling out of state, it is likely unconstitutional. Now, it's probably not going to stop them from trying. There has been a proposed bill, I think, out of Missouri, to prohibit people from leaving the state. If they prohibit abortion, you can't travel to a state where it's permitted. The courts have held that the 14th amendment right to due process does have a protection, a liberty interest in travel. And so, you would have to show that it passes, I would think, the strict scrutiny of narrowly tailored to fulfill compelling governmental purpose. So I don't know, but it seems unlikely that would survive.

And that is also a place where Congress could act and regulate interstate commerce, because certainly there's an impact on interstate commerce when people are going to be traveling to obtain abortions. Your other question about prohibiting drugs through the mail? I think the answer is yes in the same way that a state can make it illegal for you to possess certain drugs. Heroin, and certain opioids and other kinds of things. I think that they could just prohibit you from possessing abortion medication. And so no matter how you get it, even if it's legal where it's sold and you order it by mail, once you possess it, then I think you are in violation of the law. So it could be criminalized there.

And I also think one thing to think about is the collateral consequences of criminalization. We see this with all kinds of contraband. Whenever you have a criminal law, you will have criminals who try to exploit it for profit. And so there will be people who have a black market on medical abortions and surgical abortions in these states. So I think all of these undesirable consequences will result from this change in the law.

Joyce Vance:

Jill, I've already told you that you're going to have to be my youngest son's phone a friend, because he's learning how to cook. And HelloFresh makes it so easy for new cooks to get acclimated that we've given him three recipes and told him to cook for the next three nights. Do you think you can help him out if he runs into trouble?

Jill Wine-Banks:

I can't wait for that phone call, but I can't wait for you to report on how he does. I hope you get to taste them and enjoy them. Because it's not just new cooks that get to learn from HelloFresh. I'm a pretty experienced cook and I love cooking, but I have learned a lot of ways to make sauces or how to roast vegetables, all sorts of things, by doing the recipes. So that on the days that I'm not using HelloFresh, I get three a week. But on those other days, I sometimes use the techniques I've learned from HelloFresh. The recipes are so clearly laid out, it's terrific. But maybe the best part of hello fresh is that you get farm fresh, pre-proportioned ingredients. You get seasonal recipes delivered right to your door. You can skip trips to the grocery store and count on HelloFresh to make home cooking, easy, fun, and affordable. That's why it's America's number one meal kit.

Barb McQuade:

Well, for me, it's all about convenience with HelloFresh. Not only do the ingredients come pre-portioned so you're not over buying or wasting food, but it's easier than ever to get filling meals on the table in a snap with options like their family friendly or quick and easy recipes. My family thinks I've suddenly learned how to cook and actually, I'm just opening the box, pulling it out and following the instructions. And it's amazing. You can pick out your favorites from 50 different weekly options and skip weeks when you need to. If you're going out of town, you can change your delivery date. You can update your preferences, all in the HelloFresh app. You can easily customize your order on the app within minutes with fresh, high quality ingredients that go from the farm to your kitchen in less than a week and all delivered right to your door. No one's lazier than I am when it comes to cooking and HelloFresh has solved my problems.

Jill Wine-Banks:

And I love being able to change parts of the order because we avoid meat. And so, sometimes there's something that has great side dishes but comes with beef or veal or something like that. And you can change it to a chicken. So I love that and you don't have to wait to get started. Go to hellofresh.com right now. It's hellofresh.com/sisters16. By using code Sisters16, you get up to 16 free meals and three free gifts. That's hellofresh.com/sisters16, and use code sisters16 for up to 16 free meals and three free gifts. Or you can get the link to America's number one meal kit in our show notes.

Barb McQuade:

Well, we've been talking about the Dobs draft opinion and its consequences, but let's turn now to some actions that could be taken to help us move forward in a post Roe world. I often tell my students that when things go horribly wrong... And they will, if you're a trial lawyer, a litigator all kinds of curve balls are going to be thrown at you. So when things go horribly wrong, assess your options and take action. And so I want to talk next about some options for taking action. Democracy is a government of vying for the people. So let me start with you, Kim, do you think Congress can legally enact a federal law that would protect the right to an abortion?

Kimberly Atkins Stohr:

Yes, they could. And there is a law that's already being pushed to be passed by the Senate that would do just that. The one drawback of course, is that if it is an act of Congress, that even if they do pass it, which all indications are, they will not eliminate the filibuster, which will be required to pass it, to get it below that 60 cloture vote, nor will they likely have the 60 votes. Susan Collins made clear that she doesn't support either one of those things, even though she expressed shock, absolute shock that Brett Kavanaugh was not completely candid with her.

Barb McQuade:

She's concerned.

Kimberly Atkins Stohr:

So she's very concerned. So that likely wouldn't happen, but it could. But even if it did, there would be nothing that would stop a Republican-led Congress, subsequently, to pass not only a repeal of that law, but potentially, and very dangerously so, try to codify Dobs in legislation by creating a nationwide ban. Now, they would have a tough time explaining this whole state's rights thing if they were to choose to do that. But it is possible.

Barb McQuade:

Consistency is not their forte. All right. So that's the congressional side. Joyce, what about the structure of the court? Can we expand the number of seats to neutralize this conservative, super majority that was created by Mitch McConnell in a power grab? We talked about these confirmation hearings where conservative Justices testified they believe Roe was settled precedent and the second they had the chance called it egregiously wrong. Is there anything we can do either about the court itself or about confirmation hearings that can help us to address some of these concerns?

Joyce Vance:

So there are, depending on how you view it, at least two stolen seats on the court where Senator McConnell outmaneuvered the Democrats. Some people view those as stolen seats. Others view those as part of political shenanigans. But President Biden took it seriously enough that he put together a Supreme Court committee made up of many really smart academics and other practitioners, Barb and I each had a colleague from our law school on that commission. And ultimately, that commission did not come forward with a plan to increase the number of seats on the courts. Although there are many very smart people who believe that's the right approach. Our former boss, Eric Holder continues to be one of them who advocates for an increased number of seats on the court.

I think that approach is fraud. And even if Democrats with the political clock ticking, were able to make that a reality, it would still lead to this sort of tip for tat situation where Democrats increase seats, Republicans increase seats. And where does that really end? The confirmation process, which is broken in many ways, reflect how deeply divided the country is. That's the real fracture that we see with all of these issues on the court. So the bottom line is that Justices are nominated by politicians, unless there's a better way of coming up with Justices for the Supreme Court that no one has thought of yet. It may be possible to tweak this process, but it's inherently going to have this at least a tinge of politics.

The maybe more important question here is whether this is a moment that can galvanize Democrats to treat nominations to the court as seriously as Republicans always have. Democrats have never been really great at doing that, but this whole result on abortion may finally be the moment where Democrats are able to convince their followers to treat these issues as a reason that people should vote for their candidates.

Barb McQuade:

And I guess kind of lastly, Jill, let me ask you about legal options. Roe was based on, as we've discussed, this idea that abortion restrictions in states violated the due process rights of people seeking an abortion under that right to privacy. Are there other legal theories that have yet to be tested? Could other challenges succeed perhaps, where Roe has now maybe failed?

Jill Wine-Banks:

The answer to that is yes. I think there are several legal theories. We talked about Justice Ginsburg and her feeling that equal protection might have been a better argument, so there's that. There is, I believe we've also talked about the first amendment and religious discrimination and religious establishment. So both in terms of denying me my right to practice my Jewish religion, which does not recognize the fetus as a person, but also establishing that I have to follow the Christian belief. The ninth amendment and the reserved rights under that is another way that could be challenged. The 14th amendment, we've talked about. So I think all of those are possible but I just want...

I have to add one quick thing to Joyce's answer, which is aside from retaliating for the stolen seats, there is a reason to increase the size of the court. And that is because of the growth in our population, the growth in the number of judicial districts that we now have. Nine used to be the number of districts. It isn't anymore. And that is a logical and justifiable reason for enlarging the court so that there is a Justice assigned over each of our circuits. And it would have the advantage of not being one where then the Republicans could come back and say, "Okay, now we have to add two more to offset your added two. Anyway, just wanted to add that.

Barb McQuade:

All right. Well, I think there are no shortage of solutions. I actually posted some of these ideas on Twitter and asked other people to share theirs and I've gotten tons of great ideas. So I think that this is the kind of wake up call that could really galvanize people to get people thinking and working to move us toward a more perfect union. Well, as I sit here in a small unadorned room, I envy the beautiful rooms that Kim and Jill and Joyce have. Joyce, what's the secret to updating space in your dream home? What is it that makes your home feel complete?

Joyce Vance:

So with four kids and lots of pets, I like things that are as simple and decluttered as possible. And I also like to keep things fresh. Because let's be honest, you can do something really great and a couple of years later, it's looking a little bit dingy. I'm in the process of updating some of our pillows and I'm in love with the New Jenni Kayne alpaca basket weave style, which will soon be gracing my living room. Jenni Kayne Home has everything you need to create the home of your dreams from handmade furniture and kitchen essentials to pillows and throws that you can pair with anything. They're true neutrals.

Jenni Kayne is the perfect place to find the items to create your perfect space. Right now the thing that I love the most is the Pacific bed in linen and booth clay. It looks like you would just fall asleep as soon as you hit it. We all know finding the perfect bed is tough. You want it to be elevated yet enduring and able to evolve with any design choice. But it's an easy choice with Jenni Kayne. The Pacific bed comes in gorgeous classic colors and timeless fabrics that work with any bedroom style. It's a peaceful and joy for years to come and you'll love the classic California style.

Kimberly Atkins Stohr:

And even though Joyce is our Southern bell, we do know that she actually is from California. So she knows what she's talking about. Jenni Kayne creates instant classics for any room or mood, all grounded in natural textures and inviting neutrals. Jenni Kayne has the pieces you'll love coming home to, and you get 20% off all furniture and home decor plus early product access and much more with a JKH membership. Join at jennykane.com/membership. Or go to jennykane.com/home to create the space

you'll never want to leave. That's J-E-N-N-I K-A-Y-N-E dot com slash home, or look for the link in our show notes.

You would be forgiven if you didn't realize the Supreme Court actually handed down a decision this week. I'm not talking about a leak, like an actual decision handed down on the merits, the way it normally is done. And it was in a first amendment case involving flag flying, free speech, and religion. All the hot button topics. And it comes from my adopted hometown of Boston. So Joyce, tell us a little bit about this case and how the court ruled.

Joyce Vance:

So the Supreme court ruled unanimously on Monday that the city of Boston violated the constitution when it rejected an application to fly a Christian flag on one of three flag poles that it has out in front of city hall. It lets groups that are congregating out their fly a flag in addition to the flags that are already flown. And what the court held essentially is that these private flag flyings weren't first amendment speech by the city. So it couldn't refuse permission to fly a particular flag because of the views that it expressed, not even when they were religious ones.

Kimberly Atkins Stohr:

And so it was unanimous on the judgment, but Barb, this decision was split on whether to apply what is known as the Lemon test. So tell us about this Lemon test.

Barb McQuade:

Yeah. So Lemon is a case that is often used or has historically been used as a test in these anti-establishment clause cases. But in recent years we've seen a lot of the Justices say it's no longer a good law. It's a 1971 case that set this test. And essentially the test was about whether a reasonable observer would consider government action to be endorsement of a particular religion. And so instead, what some of the more conservative Justices are arguing is rather than looking at this reasonable observer test, what we should really do is look back to history and see what we thought at the founding and tradition and all those sorts of things. Which as we talked about before, this all goes back to this idea of promoting a Christian tradition in our country.

And so you'll see the more progressive Justices say you're right, that it has not been used as much over time and it shouldn't be applied rigidly, but there's still some basis in looking at it. Because that's what we care about is whether there is this perceived endorsement of a particular religion. So I think we're going to see more about that. They haven't overturned it, but there is a push to do that. And again, just back to my theory that these originalists really what they really want to do is go back and lock in traditional values in our country and not permit us to evolve in our standards of morality and religion. And if you do that, then you say, "Well, the majority of the country was Christian at the time of the founding therefore everybody has to follow these Christian traditions today."

Kimberly Atkins Stohr:

And Jill, a lot of people were concerned about this saying that this decision could make it so that Boston or other municipalities would be stripped of their ability to regulate anything. Like, what if it was an Al-Qaeda flag? What if it's a Nazi flag or something else? And in fact, as soon as this decision came down, a satanic group applied to fly its flag under this policy in Boston. Is this what's going to happen now? Will these cities be forced to fly the flag of whoever asks?

Jill Wine-Banks:

So first of all, I was on the board of the ACLU when Nazis wanted to March in school.

Barb McQuade:

Of course you were. I love it. Were you there? Did you march? Were you there? Did you hold up signs to the counter protest? I love it.

Jill Wine-Banks:

I went to high school in Skokie so I know the community and know what a painful thing it was because there are a lot of Holocaust survivors. So there's nothing that could have been more horrible. And yet I believe that the first amendment means that people get to speak, even if I don't agree. And that I believe in aerial projectiles and that in the free marketplace of ideas, truth will out. But Boston can take away that third flag pole. It flies the state flag, it flies the U.S. flag. It doesn't have to allow anyone to fly a flag. So if it gets out of hand, there is a way out of this and Justice Breyer, in his opinion, in saying that the constitution had been violated said, "You can amend your policy. You don't have to keep flying flags." So if Al-Qaeda or Nazis want to fly their flag or white nationalists, I don't think has to let them do it. They can change their policy without violating anyone's constitutional rights.

Kimberly Atkins Stohr:

Yeah. And I will just add that this opinion was written by Justice Breyer, so it will be at least one of his final opinions from the court. He clearly gave his adopted hometown, home region... Cut it a little bit of slack here and said, "You can change the policy, we're not going to lock you to this." He also had a little bit of fun with it and said that Boston can't be expected to fly a Boston Red Sox flag, and have to take into consideration all the offended Yankees fans and things like that. So he was clearly having fun with it. I'm glad he had a moment. I think he had a little less than a day to enjoy the fun part of this ruling before the leak broke out and totally changed the subject matter. But just a shout out to Justice Breyer there for giving a very clearly reasoned reasonable interpretation of the first amendment. I worry that we will have a fewer reasonable and clear majority opinions in the years ahead,

Joyce Vance:

Jill, what's on your nails today?

Jill Wine-Banks:

Today I have a French manicure and I am using some of the best polish ever. It's really healthy, good ingredients. And my first order from Olive in June was stolen by my grand goddaughter. It's true, I mean, she came in and she took everything. They were all gone. I had to order a whole new set. Olive and June has everything you need for a salon quality manicure in one box. And you can customize it with your choice of six polishes, their polish doesn't chip, and it lasts seven days or more. That breaks down to just \$2 a manicure.

Kimberly Atkins Stohr:

That just makes me think. I'm not sure if my stepdaughter even knows I have them but she's welcome to do use them.

Joyce Vance:

Don't let her know.

Kimberly Atkins Stohr:

It feels great to feel confident knowing I'll have a salon-worthy nail polish selection at my disposal, and I can do it all from the comfort of my own home. I can't tell you how many times I've gotten compliments on the amazing, beautiful colors, and they really are beautiful. And the really professional look. I have to say when I do my manicures, they also last a really long time, which is great when you're busy. It saves time and money and Olive and June makes it so easy to have perfect nails. We know you will love it.

Jill Wine-Banks:

And it's amazing because you can pick colors online. It's really surprising how accurate it is. And if you need extra advice, you can call in and they have experts who will help advise you on which is the best color for what you're looking for. But you can visit oliveandjune.com/sil for 20% off your first mani system. That's O-L-I-V-E-A-N-D-J-U-N-E dot com slash S-I-L for 20% off your first mani system. Or look for the link in our show notes.

Joyce Vance:

This week we had a lot of questions from our listeners, lots of interesting issues and lots of interesting questions. We love hearing your questions so please do keep sending them to us. We've chosen three, but we'll try to answer as many as we can during the week on our Twitter feeds. If you've got questions, please email us at sistersinlaw@politicon.com or tweet using #SistersInLaw so we can answer your questions too. Our first question this week, Kim, I think this one is you. It comes from @ShermansCorner on Twitter. Is there something that Joe Biden can do to kill the Filibuster without a Senate vote? Executive order, anything?

Kimberly Atkins Stohr:

So the answer to that question is no, because the filibuster is a rule of the Senate. So there is nothing anyone can do about it except from members of the Senate. Members of house can't do anything, Biden and the executive branch can't do anything and neither can the courts. That's part of the separation of powers we were talking about a little earlier, so it's all up to the members of the Senate.

Joyce Vance:

That's important information. Our next question comes from @JudeBirch also on Twitter. And Barb, this seems important for you in light of this really excellent piece you've written on MSNBC daily, talking about the leak investigation. The question is a process question though. Robert stated he's asking, "The Marshall to conduct an investigation of the leak." Who the heck is the Marshall and why don't we even know there was one?

Barb McQuade:

Yeah, this is such a good question. Her name's actually Gail Curley. She is a former army lawyer. And I can imagine she's highly decorated. She's had a very impressive career, but I'm sure she thought of this as like her sleepy retirement job. She's there to oversee security of the court and personal security for the Justices, so it's a big job. But nonetheless she's been overseeing all the legal staffs in Europe and she's provided national security strategy advice to military leaders. She's done all this stuff. So she goes [inaudible 01:06:53] time on easy street and then she gets this.

The Marshall is most well known for being the person who when the court is in session is the person who actually says OEA, OEA, OEA, that's the Marshall. But they are also in charge of a security force, the Supreme Court police that answers to the court. They're not part of the executive branch. So like the U.S. Marshall service which provides security to all other federal courts, actually work for the Justice Department. And I think it's really important because of the separation of powers that they answer only to that chain of command.

So I think we'll be hearing more about Gail Curley in the days and weeks to come. She seems very impressive, but I don't know that she has in her background, conducting investigations. It sounds like most of her work has been being a lawyer, providing legal advice and playing defense on the security side. And so this is more of a proactive investigation, so she has a work cut out for her, but she sounds like she's very sharp. And so I'm sure she'll be able to manage.

Joyce Vance:

You'll all want to go and read Barb's piece on this. It's very thoughtful and I found it to be very illuminating. So great question.

Barb McQuade:

Thank you, Joyce.

Joyce Vance:

Sure. Our last question also comes from Twitter. @BookJackie says the grand jury is finally being seated in Fulton County. What takes so long and goes into the process? And this is of course the investigation being conducted by Fulton County, Georgia District Attorney Fannie Willis into the former President's infamous phone call to Georgia Secretary of State, Brad Raffensperger, where he asked him to find him the 11,780 votes that it would've taken Trump to win in Georgia. This is an investigative grand jury. So Willis has her usual grand jury in Fulton county, the grand jury that indicts cases always in session.

But part of the reason for the delay here is that this is an unusual process. She had to go first to the court in Fulton County to get approval. Then it took about 45 days to summon grand jurors. They had to bring in about 200 people from whom they could select their final cohort of folks. And that takes a while to summon and get everyone in. So now that grand jury is seated, their first order of business will be to review requests from prosecutors to issue subpoenas to witnesses. I think I read that there are about 30 people who wouldn't agree to voluntarily speak with the DA's office, including Secretary of State Raffensperger, who's in the middle of a contested primary election.

So this process is now underway. The delays are a little bit frustrating, but there's nothing improper or nothing bad to read into them. These things just take time.

Thank you for listening to #SistersInLaw with Barb McQuade, Jill Wine-Banks, Kimberly Atkins Stohr, and me Joyce Vance. You can send in your questions by email to sistersinlaw@politicon.com or tweet them for next week's show using #SistersInLaw. Go to politicon.com/merch to buy our pale blue tee, the classic navy blue tee or other goodies. And please support this week's sponsors, HelloFresh, Apostrophe, Jenni Kayne, and Olive and June. You can find their links and special sisters codes in the show notes. Please support them as they really help make this show happen.

To keep up with us every week, follow #SistersInLaw on Apple Podcasts or wherever you listen. And please give us a five star review to help others find the show. See you next week with another episode, #SistersInLaw. Happy birthday, Jill.

Kimberly Atkins Stohr:

Wow.

Barb McQuade:

Oh, would you look at that?

Kimberly Atkins Stohr:

Oh, my God.

Jill Wine-Banks:

Veuve Clicquot, which is the only champagne technically, for sure.

Joyce Vance:

That bottle is as big as you are.

Jill Wine-Banks:

Oh my gosh.

Joyce Vance:

Is that a Methuselah?

Jill Wine-Banks:

I cannot lift it easily, as you can see I put it down immediately. It's fabulous. Thank you. Thank you. Thank you. Thank you for sharing that. It's going to have to involve a lot of people. I'm having a sorority reunion and this is a group that I have known. I pledged in 1960.

Barb McQuade:

That's awesome.

Jill Wine-Banks:

1960. And about 12 of us are going to be together coming up this week.

Kimberly Atkins Stohr:

Oh, that's perfect.

Joyce Vance:

That's good for several rounds with a group of 12 from the size of it.

Kimberly Atkins Stohr:

Yes, I know. It really is.

Jill Wine-Banks:

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Maybe this will be a good thing. I think so. I think that's what it's going to do is use for that. We'll have a celebration. So I'm very excited. The [inaudible 01:11:38] Chapter of which I was President. And the President before me will be there and she was also President of our pledge class. And she has just recovered from some serious surgery so we can celebrate her recovery.

Joyce Vance:

Many reasons to celebrate.

Kimberly Atkins Stohr:

That's lovely.

Jill Wine-Banks:

So that's lots of-

Joyce Vance:

Happy birthday, Jill.

Jill Wine-Banks:

Yeah, I'm very excited about that.