

Joyce:

Welcome back to #SistersInLaw with Jill Wine-Banks, Barb McQuade, Kimberly Atkins Stohr, and me, Joyce Vance. Today, we'll be discussing the most recent news from the January 6th Committee on the release of the report, the decision to release Trump's tax returns, and the fate of the Biden administration's efforts to end with a week's delay the Title 42 immigration policy implemented by the Trump administration. As always, we look forward to answering your questions at the end of the show. Before we dig in today, we have a birthday to celebrate. Barb, you turned another year. I don't want to say older, another year better. Didn't you, recently?

Barb:

Oh, you're so nice to frame it that way. Yes, I had a recent birthday. Thank you very much. It was a grand day, had a great time.

Jill:

What did you do to celebrate?

Barb:

Well, I went with my mother, and my sister, and my daughter and we went into Detroit to see Les Mis.

Kim:

Oh, fun.

Barb:

So, dinner at a fun restaurant. I just love being in the city in the wintertime at Christmastime. The lights are up. We walked around the skating rink and the Christmas tree. We had dinner, and then we went to see Les Mis. The greatest coincidence ever occurred.

I walk into the theater. It was a big theater. Sit down in my seat, glance at the person next to me just to give the little acknowledgement nod. It turns out to be my very best friend from high school.

Joyce:

Oh my gosh.

Barb:

So, we had a great time watching it together.

Joyce:

That's insane. I love Les Mis.

Kim:

Oh, that's really fantastic.

Joyce:

What fun thing to do.

Barb:

I had seen it once before but it's been 30 years. So, it was so good.

Kim:

That so great.

Joyce:

So, do you get a full birthday celebration and being that close to Christmas?

Barb:

Frankly, I do. How people say, "Oh, I bet your birthday is overlooked so much because it's so close to Christmas," kind of just the opposite. It's kind of a quieter time, but people start making plans. So I did this thing with my mom, and my sister, and my daughter. My husband took me out to dinner. I end up doing pretty well for myself, if I do say so. So, don't tell anybody.

Kim:

That's great.

Barb:

I kind of milk this whole, "Oh, poor me. My birthday gets overlooked." I think in some ways it gets amplified. So, I had a very happy birthday indeed.

Joyce:

Good for you. I am so into celebrating, and I'm so looking forward to the holiday weekend. Do you guys all have big plans?

Kim:

Yeah. So for me, I'm very happy that the step kids are home from college. One tradition that I've brought for Christmas is growing up. We had our parties on Christmas Eve. One of the foods we'd always make was fried chicken because on the next day, you're opening presents and cold fried chicken is the best snack ever.

So after we record this podcast, I'm going to fry a big batch of chicken that will be around over the weekend. Plus on Christmas night, we host a nice dinner for family too. So, it's a really lovely time of year. I like the getting together, and the eating of food even better than the opening of presents, honestly.

Joyce:

Feel free to come down here and fried chicken anytime you want to come and visit.

Kim:

Anytime.

Joyce:

I love it so much. Jill, what about you all? Are you celebrating Christmas, Hanukkah? What are you all doing?

Jill:

Well, we celebrate Hanukkah. This year, my family didn't get together. We always used to do a big, big Hanukkah celebration with all the kids getting presents with some dollar limit on how much you could spend. My family birthdays, going back to Barb's, birthdays are a big deal. I used to have as a kid, oh my god, the most sensational birthday parties.

My parents would bring in clowns or magicians, and they would decorate with crepe paper. It was a big deal, and I've kept that up. Birthdays are really important. My husband's always really good about birthdays. Some of my best friends, we always celebrate birthdays and go out together for big birthdays.

One of my big ones recently, they took me to a hotel and spa for a weekend. Just having the time together was the best gift of all. That was the best.

Joyce:

We need to all do birthdays, Jill Wine-Bank's style, I think.

Jill:

Hey Kim, it is getting really bad here. It is now two below zero on the thermometer. My skin is just so dry. What can I do?

Kim:

I know. I have been having the same thing. I have a little thing at my desk that shows what the humidity is and it keeps just saying dry. It just says, "Protect your skin." One thing that I've been using a lot that I really like is this wonderful serum by Osea. It has wonderful ingredients, all natural including seaweed.

When I put that on before my moisturizer, I'm telling you, my skin feels so much better. It stays moisturized for so much longer. So, I highly recommend that in the winter months when the air gets cold and dry. Taking care of yourself is always important. When you have a great way to do it, you need to gift it too. It's just another reason why we love Osea.

Osea is a California-based skincare and body care brand that's been making clean, vegan, and cruelty-free skincare products for over 25 years. They use seaweed. It's really a miracle ingredient. They call it their hero ingredient because it's nutrient-rich super food with endless benefits including anti-aging and moisturization.

Joyce:

Not only are Osea products clinically proven to work, we love how their climate neutral certified. Your skin will glow and you'll feel amazing. That's why it's one of our holiday gift list power players. The one we recommend is Osea's Bestseller Minis Collection. It's great for so many of the people in your life, and it's only available for a limited time.

With it, you can get or you can give a travel size six-piece set of luxurious skincare and body care favorites that's convenient and adorable, giving a complete glow up from head to toe. I'm not going to give away my Christmas shopping, but I will confess that I did get Osea for one of my best friends for her birthday. I can say that because she'll have it by the time the episode drops.

Kim:

Joyce, I really love the idea of those minis because it allows you not only to gift it, but to try it out for yourself to find out which products work best for you. Then, you can get those from then on. The kit has Osea's three bestselling face products: their Ocean Cleanser, their Hyaluronic Sea Serum which I talked about, and the Seabiotic Water Cream, plus three bestselling body moisturizers.

It even has their TikTok famous Undaria Algae Body Oil. We love how it comes packaged in a beautiful box that's easy to gift wrap. With packaging this pretty, you can skip the wrapping all together and get straight to the good stuff.

Joyce:

Don't be like me. I accidentally tore the box when I opened it for my friends. So now, I'm going to have to be creative about wrapping. These products are so great, you really won't mind going to the extra trouble. You'll be giving your friends or yourselves products with clinically proven results for an unmatched body care experience. All of Osea's products are clean, clinically proven, and consumer tested. They're the perfect addition to any winter skincare and body care routine.

For a gift that will impress, check out Osea's Bestsellers Mini Collection. Right now, our listeners get 10% off your first order with promo code sisters @oseamalibu.com. You'll even get free samples with every order and orders over \$50 get free shipping. That's 10% off Osea, O-S-E-A-malibu.com promo code, sisters. You can also find the link in our show notes.

Barb:

Well, the January 6 report is out at long last. All 845 pages, four appendices, even the executive summary is 154 pages long. The committee has also been posting witness transcripts on their website. I know that Joyce stayed up all night to write a beautiful summary for her Substack. You ought to read it, if you haven't looked at that yet.

Joyce, thank you. What a gift to all of us to provide that summary. Kim, you nerd, you were up until what? 2:00 AM reading the report.

Kim:

Guilty.

Barb:

My favorite observation of this thing. It was supposed to drop Wednesday, right?

Jill:

Yup.

Joyce:

Right.

Barb:

Then it got delayed maybe because of the Zelensky visit. Then it was supposed to come Thursday, and it didn't come Thursday until almost 10:00 PM. Joyce, you noted that there are some typos in it, right?

Joyce:

There are few.

Kim:

Yes, I saw that too.

Joyce:

The Federal Bureau of Intelligence.

Barb:

Oh, geez. You know what my favorite typo is?

Joyce:

What?

Jill:

What?

Barb:

It's on page one. It says, the date of the report is December 00, 2022. Clearly, someone was supposed to fill that in later when they decided which date was coming out. They forgot.

Joyce:

That's funny.

Barb:

December 00.

Kim:

I found the typos when I was searching the document. I was searching for Giuliani, and I misspelled it in the way that I always misspell it. I'm like, "How come there's only three references to Giuliani?" I realized it was three misspellings.

Barb:

Oh my God.

Joyce:

That's terrible.

Kim:

That transcribe-

Barb:

Don't they have any spell check?

Kim:

It switched the U and the I.

Barb:

That's an easy one.

Kim:

Oh well, they were working fast. They were working fast.

Barb:

Maybe they'll do an amended version to correct the typos. This is for history folks. Come on. It's like a Sidney Powell filing. You know how some of those Trump lawyers?

Jill:

Oh, man.

Kim:

Oh my God, that's bad.

Joyce:

It's so funny.

Barb:

Someone reminded me today. Remember, there is the one that was public.

Kim:

They need copy editors.

Barb:

They get the caption wrong. Filing in West Plam Beach, Florida. It's crazy.

Jill:

Oh, man.

Barb:

Well, let's talk about the report and what's in it because it's chock-full of great stuff. Maybe starting with the criminal referrals. Jill, I'll ask you about this. The committee suggests to the Department of Justice four crimes. The first one was obstruction of an official proceeding. What is that? Do you think it's a strong charge that the Justice Department might actually charge here?

Jill:

I think that is one of the strongest charges. It doesn't have some of the complications of proof that, for example, the insurrection one has. It is clear that the intent of all of the overarching activities of this coup plot were intended to stop the congress from doing its constitutional duty in certifying the election results. That's what it was all about.

It was not just sending people there on January 6 for that sole purpose, but it was all the stuff about pressuring Pence to interfere with it, pressuring state legislatures, the fake electors, all of that was part of interfering. It was done with deliberate intent. So, I think that is a very strong case. As I say, the official proceeding at issue here is the confirmation of the Electoral College vote.

I don't see a defense to that one at all. So of all of them, that is my favorite charge except for the penalty of insurrection, which makes that more important.

Barb:

Yeah, we'll get to that one in a minute. How about Joyce? Let me ask you about the second charge they refer to there, conspiracy to defraud the United States. Can you explain what that is? That's what we always call Klein Conspiracy. What's the basis for the charge, and how do you assess the strength of that one?

Joyce:

So this comes from, the statute is 18 US Code 371. As you point out, Barb, it's the general conspiracy provision. There are a lot of crimes that have their own conspiracy statute, like a Civil Rights Conspiracy has its own conspiracy statute, or seditious conspiracy, or drug statutes. 371 is the general statute that makes it a conspiracy crime to agree to commit any federal crime.

Then, there's a second prong in the statute that makes it a crime to conspire or to agree to defraud the government. That's the charge that's under discussion here. I agree with Jill, the obstruction of an official proceeding. I think it's the strongest of the charges. The Klein Conspiracy provision is also a very strong contender because it involves a group of people who agree to do something that essentially interferes with the functioning of government. It's a conspiracy provision for the obstruction charge.

So is it strong? Is it provable? On the one hand, we can all look at the evidence and draw our own common sense conclusions. The evidence is very strong, but we don't know what additional evidence DOJ has and whether or not there's some form of defense that they see in the evidence that's not publicly available.

I think this has a lot of legs. The notion that there was a conspiracy among all of the lawyers who were identified in the report to defraud the government, I think is a place that DOJ could well end up. There is a lot of evidence that ties Mark Meadows into a conspiracy to defraud, but proof beyond a reasonable doubt is a lot more demanding than conviction in the court of public opinion. So, I think we should all give DOJ the space to do its job.

Barb:

Of course, the committee put forward what I thought was an incredibly compelling narrative, but they didn't have to worry about the rules of evidence. The Justice Department has to make sure they can't rely on hearsay and some of the things the committee did. They have to worry about defenses. There's going to be a real defense lawyer arguing defenses, whether that's intent or constitutional defenses like the First Amendment.

The witnesses will be subject to cross-examination. These witnesses were not subjected to cross-examination. So, that's something that the Justice Department has to do for itself, really push on their stories and really assess their credibility in ways that the committee just didn't have to worry about.

Jill:

Barb, could I just add one thing based on what Joyce said, which was the reference to all the lawyers who were involved. It's an incredible number of lawyers who are going to end up being defendants most likely in this case. I was struck by the similarity to Watergate where because so many of the defendants were lawyers, the bar association did a major overhaul of ethics rules. There are now courses in ethics for lawyers because of it, and it's really amazing.

Now, I don't know if it's because so many lawyers go into government service at high enough levels to get noticed or whether there's something really wrong. I just don't know, but there are a lot of lawyers involved in this.

Barb:

If they pass ethics rules, or training, or guidance after Watergate, looks like they didn't take. Kim, let's talk about the third charge that the committee suggested. That was conspiracy to submitting false documents to the government. Can you explain that charge?

Kim:

Yeah. I didn't see that one coming, initially when I saw it-

Barb:

Same, yeah.

Kim:

... in the referral. Then when I looked at it, I thought, "Oh, of course." This seems like it's right in line. It's found in 18 USC section 1001. It essentially criminalizes making false statements in matters involving the federal government, which certainly this seems like it would fit the bill, particularly when you're talking about this fake elector scheme, where fake electors were found, fake documents were created, all kinds of lies were submitted in terms of a government function. I think that it is a pretty good fit here. The penalty comes with five years.

It's also something that to Jill's point, there were an awful lot of attorneys involved in putting this together. First of all, there were to be fair, a lot of attorneys who quit and who were replaced by rogue folks. Rogue lawyers who were willing to engage in this fraudulent scheme. They were deeply, deeply involved in this. Not only do are lawyers more aware than most about the potential criminality of engaging in a plot like this, but they also take an oath. We talk a lot about the fact that you take an oath, you need to adhere it.

Lawyers, all of us, each of us at some point in time took an oath to uphold the law to the constitution, to be officers of the court. I think both in terms of their intent in the criminal cases and whatever disciplinary action their state bar licensing boards could bring, I think that's something that's really important.

Barb:



I agree with you. I didn't see that one coming either, but it strikes me as a very good and finite kind of a charge. You can get your arms around that. The way the others are a little more, I don't know, sprawling I guess. Then the fourth is assisting in an insurrection.

This one I thought was actually brilliant. I didn't see this coming. I thought it was a loser because inciting insurrection has some very real First Amendment concerns. I expected that this charge would have to be based on Trump's speech at the Ellipse where he urged supporters to fight like hell, or you're not going to have a country anymore and said, "We're going to march down to the Capitol."

I thought he threw in enough vagueness to survive the test, the Supreme Court has put in place for political speech in that case called Brandenburg versus Ohio. We've discussed that before. The court said, "Before the government may criminalize political speech, it must show that the speaker intended to incite imminent illegal activity and that the speech was likely to produce that result." So, I thought that it was vague enough. He never said, "I want you to break into the Capitol." He used the word peacefully. He threw that in. So, I thought maybe that would be enough to defeat that one.

What they did is they focused on the tweet that Trump sent at 2:24 PM, an hour after he's back at the White House. He sees this attack unfolding. It started shortly after 1:00 PM. He watches the whole thing on television. Then after he sees that this insurrection is underway, he tweets whereas the effect of, "Mike Pence didn't have the courage to do what was right. The United States demands the truth."

Man, talk about just pouring fuel on the fire. We heard testimony from some of the witnesses who were working in the White House that they were just disgusted by that tweet. So, that's the one that they said assisted insurrection. He didn't incite it. It was already going on, but he assisted because he emboldened and put fuel on the fire. So, I thought that was a really brilliant way to frame that one. What did you guys think? You think that will fly?

Joyce:

Can I take a slightly more aggressive position? The appellate lawyer in me, I'm usually so cautious. I hear you about the First Amendment defense under Brandenburg versus Ohio. The way I view the evidence is that if you look at it all together, it really is a good incitement charge because although Trump uses the word peaceful, it's just like this little one word in the middle of this huge speech on the Ellipse where he's in essence winding up this mob and pointing them towards the Capitol.

I think these later tweets, and also the 187 minutes where he does nothing, provides fuller context for that original speech and shows that he really did mean to incite. Barb, what I think is so brilliant about what the committee did and you pointed out, is like so many federal crimes. There are a lot of possible verbs in the statute, right?

Barb:

Yes.

Joyce:

So, aiding or providing comfort to people is sufficient to ring the bell on this statute. I think once you look at everything in focus, this charge is much more strong than I originally gave it credit for being.

Kim:

These are the things that happen. I love you all.

Jill:

I think the waiting was really an important element of his culpability. The fact that as soon as he said go home, it ended. Meaning they were his people, they were under his control and he knew it all along. He sat there gleefully watching it, and there's plenty of testimony about him watching it with joy. I think that when you put it all together, that actually ends up being a pretty good charge.

Joyce:

You don't usually have direct evidence of somebody's intent.

Jill:

Right.

Joyce:

Every once in a while you get the foolish defendant who says, "I really want to incite that mob." Often, you have to use circumstantial evidence and pull the inferences out of it. Barb, I heard you saying this on TV earlier today, and I really agree with this.

I think the DOJ will use the report. They'll mine it to see what evidence is in there that they may not already have, but they'll draw their own legal conclusions. I think though, when they look at this, they may well end up concluding that there's sufficient evidence to indict for incitement here.

Barb:

I just think it would be poetic justice for Trump to ultimately be prosecuted for something he said in a tweet.

Joyce:

I am with you on that one. We'll definitely be having a SistersInLaw get together party if that happens.

Barb:

Hey Jill, let me ask you about seditious conspiracy, which was not included in the report. You mentioned earlier when we were talking about, you thought inciting insurrection was in many ways the most important because it brings with it such serious consequences. Can you tell us what you mean by that?

Jill:

Well, what I mean is that it bars you from holding office if you are guilty of insurrection. So, that one becomes really important because it's the only one that has a direct carryover to that penalty of you can't serve. If you took an oath to the office, to the Constitution, which of course the president does. So when he was sworn in, he took that oath. If you violate that oath by engaging in conduct, that is considered insurrection to take down the government. You can never hold office again. So, that's why that one's important.

Seditious conspiracy is the highest charge that has been brought against the Oath Keepers and the Proud Boys are now under trial right now. That is something that DOJ could subsequently add. The problem is the linkage. Right now, we haven't seen real clear evidence that links Donald Trump directly to them and to their plans. The plans they had were clearly laid out in the first Oath Keepers trial, but it doesn't connect directly to Donald Trump.

Now, if one of those people from either the Proud Boys or the Oath Keepers ends up flipping and saying, "Well, here's my phone. I talked to the White House. I talked to the War Room, and the War Room told me that they were talking to Donald Trump. Then, the Department of Justice could add seditious conspiracy. So it is something that is still possible, but it made sense to me that it wasn't there right now.

Barb:

I agree. I think I agree with you that they didn't make that link, but it does not to say the Justice Department will not because again-

Jill:

Right.

Barb:

... the Justice Department has tools not available to the committee like search warrants and grand jury. They might be more inclined to give witness immunity to compel testimony. So, we'll see. I agree with you. I was looking to see whether that would be in there and it's not. I agree with that based on the information they've been able to gather.

Well, let's turn to some of the transcripts that have been released because those are certainly interesting. Joyce, there are an awful lot of witnesses there invoking their Fifth Amendment rights. What, if anything, should we conclude from that?

Joyce:

I'm at war internally on this one. Everyone is entitled. You have a constitutional right to assert the Fifth Amendment, not only when you're guilty but when you believe answers that you give might tend to incriminate you. So, it can be used by defense counsel legitimately to fend off indictment.

Look, in this situation, it's just so pervasive. Everyone is taking the Fifth Amendment. Everyone is trying to avoid testifying. It's like they're waving a big red flag in front of the bull saying, "Come look at me. Look at me here. We're the people that committed insurrection."

So my hope here is that although they have legitimately asserted their rights, DOJ will take them very seriously, will take their assertion of the Fifth Amendment at face value, and will scrutinize all of these folks to see what evidence they have absent their own testimony that tends to incriminate them so that they can be held accountable.

Barb:

I'm having a new view of some of these witnesses who say things like, "I don't recall," after reading the transcript of Cassidy Hutchinson. Kim, let me ask you about that one. I thought her transcript was really quite riveting. She describes that she felt pressured that was being applied to her to lie by lawyers that were provided by Trump. Do you think that the legal advice that she describes was unethical or even illegal?

Kim:

I think the likelihood is very good in this case. So, listen. Cassidy Hutchinson was originally represented by someone named Stefan Passantino. He is the former top White House ethics lawyer under Donald Trump. Let that sink in for a second, as we continue to tell this story.

He was paid when he was representing Hutchinson by the Save America PAC, which is Donald Trump's political action committee. We spoke on a past podcast about the potential ethical implications of Donald Trump's PAC paying for the representation of witnesses in the January 6 investigation. This is precisely what we're talking about because Hutchinson testified that this attorney said to her, "We just want to focus on protecting the president. We all know you are loyal. Let's get you in and out, and this will be easy. I promise."

That's like mob boss speak. That's basically telling her that how she should testify. That she could say that she didn't remember something, even if she did. These are things, just to be crystal clear, as an attorney you cannot do. You cannot advise saying to someone to say they don't know something when they do, is lying. You cannot advise your clients to do that.

You cannot obstruct justice which is essentially what that amounts to, and that is very much a crime. So, I found that very interesting. I hope that, that provides some impetus to take a closer look into all of these attorneys that were paid basically by Donald Trump's PAC in the course of this investigation, because that very much looks like obstruction to me.

Barb:

You probably have all prepped witnesses before, right, for testimony?

Kim:

Yes.

Barb:

What I used to tell them is like, "Tell the truth," right?

Kim:

Yes.

Barb:

I would say, "Listen carefully. Make sure you're answering the question. You only have to answer the question-

Kim:

100%.

Barb:

... that's asked."

Kim:

If you don't know, say that. A lot of times, the witnesses, because they want to do a good job. They ask you like, "What should I say?" You always say, "The truth." If there's something that you answer the

question that's posed to you, if there's something you don't know, say so. They certainly cannot say, "Hey, be loyal." No.

Joyce:

That doesn't happen here, right? Because when she starts talking about the incident in the vehicle, the response from her original lawyers, "No, we don't want to go there." That to me is the moment where he crosses the line very clearly.

Jill:

I have to add that during Watergate, one of the charges of obstruction was for the language saying, "You can always say, 'I don't remember. I don't recall even if you do.'" That was part of the obstruction of justice charges on which defendants were convicted.

Barb:

Oh, wow.

Jill:

The exact same language.

Barb:

Oh, that's so interesting.

Jill:

Now that came from, that wasn't necessarily from lawyers advising clients. That was from the President of the United States and his top aides.

Barb:

I think it's worse with the lawyer, right?

Kim:

Yeah, because they know. They know better.

Barb:

They should know.

Jill:

Well, he is a lawyer. He was a lawyer, Richard Nixon. So, it's not like he didn't know. Of course, anybody knows that you can't say, "I don't recall." If you do, that's a lie, period.

Barb:

I don't know for Jeff Sessions in his confirmation hearing. Really, I don't recall. I don't recall.

Kim:

Oh, man. I can't do the accent as good as I used to.

Barb:

That I'd like to hear. Jill, what do you think the special counsel will do with this report? They've got access to this. Merrick Garland had said before, they were going to watch the hearings. They're probably going to read the stuff. Do you think it makes it more or less likely in any way that the Justice Department will file charges?

Jill:

I don't think it makes it more or less likely, except to the extent that they discover evidence that is helpful or harmful to the case they have already developed. I'm one of those people who criticize them for being so slow off the starting gate. They were really taking too long, and I said that from the beginning.

I bought recently a running rabbit pin because I think they're making up for it. They're running fast now. So, I think they're well into doing what needs to be done. What they'll look for now is, are there any inconsistencies in things that witnesses said to them and that same witness said to the January 6th Committee, or are there inconsistencies between witness who testified at January 6 and something that one of their witnesses, a different person said to the grand jury.

They will look for additional leads on people they want to interview or talk to, or people who didn't respond to subpoenas. All of those members of congress who can be forced to testify before a grand jury in a way that they haven't been, although I think they could have been forced to testify before the congressional hearings.

So, I think that's what they'll be looking for. It's not going to affect their decision on do they have admissible evidence. Again a lot of this, a lot of what Cassidy Hutchinson said was brilliant and wonderful, but it was hearsay. So it's great for informing the public, but it's not admissible evidence in a trial. So, they have to look for what is admissible evidence and is there anything new in what they're reading with the transcripts that they're getting and the full report. Does it put it in a different context and framework?

I think for example, there's stuff in there about Dominion that may lead to some additional charges, but probably just civil case not a criminal one.

Kim:

Can I ask this question though because that point is well taken that the work of the committee and the evidentiary standards of the committee are very different than in a criminal context. There are lawyers on this committee. They know that. Is there anything we can extrapolate from that? They're not just doing this completely outside the realm and understanding of how the DOJ works.

Jill:

No, but their purpose in doing this was one, to make legislative proposals. Two, to figure out how they could prevent a recurrence of this. Three, to inform the American public. The American public can evaluate when Cassidy Hutchinson says, "This is what Tony Ornato told me." I think it's up to the American public to evaluate that in a way that's different than a jury would and to determine how will that influence who I vote for.

So, I think they served an important purpose by having that testimony. I think her credibility stands up quite well. Of course, we'll see what Ornato has to say, who obviously is viewed as not as credible as she is. So, that's how I feel about it.

Barb:

Joyce, let me ask you a question. Certainly, we've talked about how all this information is something that the Justice Department will use, but it's so public. Are there ways that, that might harm the Justice Department's investigation?

Joyce:

So, yeah. I think that there really are. It's tough because I appreciate the point Jill is making, which is that the committee has a different job to do than the Justice Department. The committee has an oversight function. They have a protection of democracy function. They have a public information function. They have a historical function. Those functions are a little bit at odds with DOJ's investigative priorities here.

As a prosecutor for instance, you just almost get hives as you see these transcripts being publicly released because it gives potential defendants a way to see what the evidence against them looks like. It gives them a way to clean up their own stories, if they vary from what's in the transcripts of other people's testimony, or to have time to think about how they might explain those differences. So in many ways the public benefits, and at the same time potential defendants benefit.

I was a little bit surprised to see this full release. I thought perhaps the committee would hold some things back. One of the explanations that I've heard is that because the committee is about to expire, they felt like they needed to make everything public, but they could have preserved this evidence by providing it to DOJ. That would have meant that it would not disappear when the new congress comes into place.

So look, congress is a political animal. I am fully cognizant of the fact that this now gives Democratic members of congress the opportunity when they campaign to say that they stood up for democracy. That they requested that DOJ take an aggressive stance and prosecute these people. So that political agenda, which is a legitimate agenda, an important one, can sometimes be at odds with the way that DOJ would like to conduct business.

Frankly, because the committee was out in front of DOJ for at least a year on this investigation, DOJ really didn't kick it into gear until late last year, early this year, depending on which version you credit. The committee was there first. So in some ways, I think they feel justified in releasing this information.

Barb:

I can only imagine how hard it must be. I've never had to deal with anything like that where members of the public know more about the case than they do. There are so many people, "I've read all the footnotes. What about Kenneth Chesebro, and the memo he sent?" Oh, man.

Kim, let me just ask you one last question. That is, we've been talking a lot about the impact of this on DOJ. What about the impact on Fani Willis in Georgia? I've long expected her investigation to be closer to done. She talked about writing a final report in December. Now, this lands on her desk. What do you think this report, what kind of effect will it have on her work?

Kim:

I'm not sure because she was ahead of the game, getting some crucial people in this case to testify like Rudy Giuliani, like Meadows, like others, even before this report came out. I don't know, but I'm going

to guess that she's doing just fine and that this could might supplement and buttress whatever she has. It's certainly not something that she was waiting on.

She seemed to be proceeding pretty expeditiously and all the signs are that whatever actual action, including charges may come out of her office before they come even out of Smith's office.

Barb:

All right.

Joyce:

You all, I may have forwarded this to you guys. I can't remember for sure. I got, as I'm sure you all do, just a random "anonymous" email that was sent to my inbox at work last week. It was from someone who said, "Just want to give you a heads up, Fani Willis has a sealed indictment that she's ready to release at any point in time." I just normally hit delete on those sort of things. People do that, it's a prank.

I have to confess. I stopped for about 10 seconds to contemplate what it would be like if in the middle of the release of the report, Fani Willis dropped an indictment.

Kim:

It could be.

Joyce:

I think to Kim's point, it could happen any day. That's not outside the realm of possibility here.

Barb:

Well, it will be interesting to watch how this plays out in the coming year.

Kim:

Barb, when my step kids came home for the holidays from college, I got to introduce them to a new family member in the kitchen named Lomi. I'm really digging, having Lomi around. How about you?

Barb:

It's the greatest thing ever. With our planet under siege from climate change, it's up to all of us to make a difference. Luckily, they're big steps. We can all make to take action. One of the most effective ways we've found to do our part is to reduce our garbage and food waste by using Lomi by Pela. We've been able to drastically cut down on our household waste output.

Lomi is an incredible and effective home appliance that allows you to turn food scraps into dirt with the push of a button. Lomi is a countertop electric composter that turns scraps to dirt in less than four hours. There's no smell when it runs, and it's very quiet. Plus, it looks high tech and sleek. We love how it complements a great kitchen setup.

Joyce:

Poor Lomi with the cold swiped down here, I've had to bring her inside. She's been living in our outdoor kitchen. She sits up on the counter out there.



Barb:

You guys are freaking me up by giving Lomi gender pronouns.

Joyce:

She's a family member, Barb. Where have you been with this? We're reducing our weekly garbage bag usage multiple times per week. In fact at my house, we did just host an amazing dinner and cleanup was very easy. I just dumped everything into Lomi. Then, Lomi leaves us with nutrient rich dirt that went directly to our plants. It was a big hit with our friends.

Food waste is a huge portion of our personal carbon footprint. By reducing the amount of food we throw out, it's transformative. That waste reduction means it's not going to landfills and producing methane. Your yard and garden benefit instead.

Barb:

So, if you want to start making a positive environmental impact or just make cleanup after dinner that much easier, Lomi is perfect for you. Head to [lomi.com/sisters](https://lomi.com/sisters) and use the promo code sisters to get \$50 off your Lomi. That's \$50 off when you head to [L-O-M-I.com/sisters](https://L-O-M-I.com/sisters), and use promo code sisters at checkout. Food waste is gross, and Lomi is your solution.

With the holidays just around the corner, Lomi will make the perfect gift for someone on your shopping list. Their link is also in our show notes.

Kim:

This week brought news that Trump's tax returns may finally see the light of day. It also revealed big problems at the IRS, which didn't follow its own rules requiring regular presidential audits. So Jill, I want to start with you and talk about this revelation that the IRS, which is supposed to routinely audit presidential tax returns which has in the past, just didn't during the Trump administration.

What do you think was involved there? We know that Obama was audited. That President Biden has been audited regularly, but Trump wasn't. Was it political, was it a funding issue, was it both? What do you think?

Jill:

I think first of all, we need to note that the reason there is a policy goes back to Richard Nixon. He tried taking a huge tax deduction for his pre-presidential papers and got caught with that. The result was an IRS policy. One of the things that the committee is now recommending is that it become a law, not just policy that they do it.

The original excuse by the way, was one thing. Now, it's developed into something else. What's interesting is that the audit that was finally done of Trump didn't start until Congressman Neal made the request for the returns under the proper statute that he has the authority to do that. Now, was the failure to do the audit until then political?

Well, I guess many of us are probably suspicious that when the boss is the subject of the audit and has long said, "I didn't do anything wrong. Any investigation of me is a witch hunt." That probably there was some pressure not to investigate, in the same way that Mnuchin didn't turn over the tax returns even though to me, the law is quite clear and says, "When asked, he must turn it over." That seems political to me too.

There is now some issue being raised that there isn't enough funding for this. That there isn't enough expertise. That no president has had such a complex business corporate arrangement. That frankly, IRS was outgunned. That they really didn't know how to approach the investigation of such a complex corporate structure.

If there is any truth to that, that is really despicable. That is something that must be fixed by funding and by training, there has to be. Having the results of an audit, two years after a president leaves office, is not helpful. When we're looking to see things like conflicts of interest, is foreign policy influenced by who's giving him money? Is he in desperate financial straits because he's losing \$100 million or \$400 million or more?

Well, those are things we need to know while he's in office, and actually before he's elected, which is why there needs to be a law saying that you must. If you are running for president, turn over your tax returns. That's a bare minimum.

Kim:

I will just say briefly, Jill, the points that you make are so important because I believe the reporting that Trump's tax returns were such indecipherable mess with all the pass-through organizations, and the complications, and how complicated they were.

That's precisely why most presidential candidates put their stuff into blind trust. That is why they don't have this kind of income streams when they're running for public office, so that you don't have to disclose this kind of messy, indecipherable financial state that you're in. Everybody did it. People who may even have been richer than Donald Trump, sorry to state it. Mitt Romney did it. Everybody did it when they ran for president. It's not hard to do. The president does that, and I think that should be the law as well.

Joyce, I want to talk about what we know so far about Trump's filings themselves. They have not yet been released. Do we have enough information to know if anything dodgy was going on there, and how does that fit with the New York Attorney General's investigation into his finances?

Joyce:

Yeah right, the plot thickens. The important thing here is less what we the public know and more what red flags are emerging for the IRS. Trump did not have the mandatory audit that he should have had as a president, but there are now real reasons for the IRS to take a good look at his taxes.

The committee questioned the legitimacy of some of the deductions he took. There was one big one for \$916 million. Questions about the legitimacy of loans that were given to his children. Some of the members of the committee said on Tuesday that the tax returns were very short on substantiating details.

There was reporting that they had expected voluminous materials, and instead it was just a few simple boxes, which just didn't seem to be what you would expect for the complicated corporate infrastructure that Trump has created. So, what this really does is it highlights the need for a credible IRS process. They're the experts. Some of that stuff that looks dodgy might in fact be legitimate.

Something that I think about a lot is my accountant won't let me take really basic things as business-related tax deductions. It looks to me like there was a different standard for Trump than there was for me. I hope the IRS will shake that out.

Kim:

Barb, that leaves me with an honest question. Now, we have the Supreme Court cleared the way by saying the Ways and Means Committee has the authority to request and release Donald Trump's tax returns. There's a different question. Should they be released? You have Republicans saying that it's just political and turnabout will be fair play.

Are there actual legitimate concerns about privacy here? If they were part of the investigatory and oversight function of congress, why do we need to see them?

Barb:

They are and they aren't. I'm conflicted on this. When you're a prosecutor for example, tax records are given extreme protection. They have to be locked. You have to get a court order to obtain them. You can't get them with an ordinary grand jury subpoena. That's because of this idea that tax returns are so private because they show sources of income, and dependence, and deductions, and all other kinds of things.

In this case, the committee met for four hours behind closed doors. So we don't know exactly the basis for their decision to release these, and because we have not seen them yet. They are being redacted to remove things like social security numbers and the like. We haven't seen them yet either. What they said is they thought that it was important in interest of transparency for the public to see these tax returns.

They believe that when a person runs for president, it is a norm to share these things with the public. Trump, of course, broke that norm. So, I think that's why they feel like perhaps he's a little different than others. They also noted that he had a lot of irregularities in the returns themselves, in terms of what he claimed as deductions, and business losses, and other things. So perhaps, they believe that if the public is to see these, it will give people more comfort that there really was something amiss here. So I don't know, but we'll find out in short order why they were disclosed.

Joyce:

Hey Kim, have you been doing much cooking lately?

Kim:

I have with the assistance of HelloFresh. I really love to have a meal that is a family pleaser for all the members of my family because each of us has our own likes and dislikes. So, hitting them all can be tough. I have to say the HelloFresh chicken pot pie dish went over splendidly. If you have not tried that, you really should.

With HelloFresh, you get farm fresh pre-portioned ingredients and seasonal recipes delivered right to your doorstep. So, skip trips to the grocery store. We all know, I hate 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.

Jill:

It's funny, Kim, that you should say you hate the grocery store because I never realized that I hated the grocery store. I used to think I actually liked it. Now that I have the convenience of HelloFresh and don't have to waste ... It's not even so much the time going to the grocery store, it's that you have to buy huge quantities of everything.

With HelloFresh, you get the exact amount you need. There's no waste. You're not paying a fortune for a huge bottle of a spice that you need one quarter teaspoon of. So, I really love it. Now that the holidays are here, it's the season for saving money wherever we can.

HelloFresh is cheaper than grocery shopping and 25% less expensive than takeout. So, you can use those savings for holiday gifts or to treat yourself. Plus, HelloFresh can help you eat better amid all the holiday temptations. Their meals have 20% fewer calories than takeout, so you can still have full flavor just without the guilt. We know you'll love it as much as we do.

Kim:

Yes, Jill, it's definitely cheaper, easier, and also does not involve anyone pushing their cart into you in the aisle, which I really hate. HelloFresh even works with your schedule. Their plans are flexible, and you can change your meal preferences. Update your delivery day and change your address with just a few taps on the HelloFresh app. Imagine getting fresh quality produce from the farm to your door in less than a week, allowing you to enjoy the flavors of the holidays right from home.

Jill:

Go to [hellofresh.com/sisters18](https://hellofresh.com/sisters18) and use code sisters18 for 18 free meals, plus free shipping. Remember, go to [hellofresh.com/sisters18](https://hellofresh.com/sisters18) and use that code, sisters18, for 18 free meals plus free shipping. You can also look for the link to HelloFresh, America's number one meal kit in our show notes. You'll be sorry if you don't do it. We love it.

We're recording this on Friday at about 4:00 in the afternoon, and we are still waiting to see if the Supreme Court rules in a particular case that we're about to talk about. If it happens while we're talking, we'll take a break and figure out what it is. If not, here's what you can expect coming.

This has to do with Title 42, which is part of the public health service law that allows the US government to prevent entrance of people into the country during public health emergencies. The Trump administration relied on this provision to issue an order during the pandemic that authorized the immediate expulsion of migrants without giving them a chance to even apply for asylum, which they would normally have the right to do.

Title 2 was very little used and probably nobody ever heard of it until this used by the Trump administration, which claimed it was for public health reasons, but which I believe was actually a way to keep immigrants out of America, and to avoid addressing the need for comprehensive immigration reform. The Biden administration left that policy in place, but now wants to end reliance on it.

In a suit filed by the ACLU, US District Court Judge Emmet Sullivan said that the policy was arbitrary and capricious, and it didn't effectively ban infections from coming into the country anyway. He ordered it ended effective December 21st, which has now passed. 19 states, mostly Republican-led, appealed and it's now pending at the Supreme Court while tens of thousands of migrants wait and what is now freezing weather without adequate shelter or food.

Kim, can you just briefly describe Title 42? The case that's before the Supreme Court?

Kim:

Yeah.

Jill:

What Justice Roberts 11th hour blocking of this means?

Kim:

So essentially, as you laid it out was exactly right. When the Biden administration came in, they did not immediately lift this policy. They left it in place for a while. So, a couple things happened. First in 2021, a group of migrant rights activists sued to end this policy saying, "Look, this had nothing to do with Covid. It needs to stop right away because it's making it more difficult, including for those who are claiming asylum to do that."

Soon after the Biden administration said, "No, we want to end it. We're going to try to end this." Well, once the Biden administration announced that, a bunch of Republican state officials sued to try to keep it in place. They claimed that it would cause a surge in border crossings that would overwhelm border officials. It would overwhelm hospitals if these people did have Covid and so on.

So, it made its way up the appellate chain. Recently, Chief Justice John Roberts issued a temporary administrative stay, which keeps it in place for now while the parties submit their briefs to the US Supreme Court to decide what to do. This is the emergency docket. I know sometimes we call it the shadow docket when the cases could have precedential value, but this is actually the emergency docket working as it should, which is when something comes up in an expedited way, the court needs to act on it quickly to decide exactly what to do. So that as we speak now on this Friday afternoon, is what we're waiting for.

Jill:

So let's follow up on that, and I want to try something new and different. I'm going to ask Barb and Joyce to do a mock oral argument. I'm going to assign each of you to be an advocate for one side of the case. Barbara, will you take the government position, and Joyce make the arguments made by the 19 red states challenging or most of them-

Joyce:

Do I look like a red state to you?

Jill:

You do, sweetheart. You do.

Barb:

You sound like one.

Kim:

You know where you are.

Jill:

You sound like one. You don't act like one. You don't think like one. I know that you were exposed to them enough that you could do this. You can do this. Remember-

Joyce:

We'll see.

Jill:

... we all learn to argue any side of the case.

Joyce:

I trained for it.

Jill:

That's what we're trained for. Yes exactly, we're trained. So Barb, start out as if this was oral argument at SCOTUS, and then Joyce is going to answer you. Then, I'll decide if either of you gets to have some rebuttal. Go ahead, Barb, take it away. Make your argument.

Barb:

If this were an oral argument, the appellant would go first. I'm the respondent, so I'm going to sit here and wait to respond to Joyce.

Jill:

Okay. Well then, Joyce go ahead.

Joyce:

Oh man, she's being so snarky.

Jill:

She is.

Joyce:

I knew she was going to do that. So look, I'm usually able to argue both sides of anything, but I just have to be upfront here and say that I think the states have it wrong, both legally wrong and morally wrong. The states aren't really arguing. I'm just not going to be their advocate here, but I will explain their argument.

They're not really arguing that Title 42 is necessary for public health, but rather to control the border. So the question is whether the Supreme Court should keep Title 42 alive as a border management tool, even though what it's specifically based on is a public health statute and it was always supposed to be temporary.

The states make the argument that yes, it should be continued. It's just a naked attempt to use the public health law to continue denying asylum hearings. In my view, there's not a good argument in favor of doing what they're requesting. If I had to make the argument, here's what I'd say.

I'd say we put all of you all on the Supreme Court, and now you're supposed to keep ruling in line with our political agenda. It's a bad argument. It's the best argument the states have, and the scary thing is that it might be a winner.

Jill:

That is absolutely frightening. It is proof that what I said in the beginning is true, which is this is an excuse to avoid doing any kind of legitimate immigration reform in a major way, any systemic changes. So Barb, go ahead and answer that weak argument.

Barb:

Yeah. Well, Joyce has made my argument for me. So, case closed.

Joyce:

Sorry.

Barb:

Well, Joyce, makes a great argument for the government's position. In the big picture on all of this, the government is arguing that this stay should be denied long term. It will expire on its own on December 27th. So, this is sort of the what next? The government says that the state should be lifted, and Title 42 should not be used to prevent people from entering the country.

Big picture, the government is actually defending the right of the government to enact these kinds of rules. Under Title 42, the court that threw this out said that the rule itself was arbitrary and capricious. So, although the Justice Department agrees that this rule has overstayed its course that it was invoked during Covid, it made sense to invoke it during Covid.

Now Covid is still here and there in pockets, but it doesn't justify overriding all the normal rules of asylum anymore as it did two years ago. They want to preserve the right to do this in certain circumstances. Even though this one is over, they don't want to let stand an order that says that procedurally it was improper to do it. So, it's a little more complicated than just the issue that's before the court.

The one that we're waiting for is simply whether the states have the power to continue this program, and that even the government doesn't want to continue. So I think for that reason, my money is on the government winning this round.

Jill:

Kim, can you talk about the political issues, and the humanitarian concerns, and the consequences for migrants if they have a legitimate asylum claim under this current ruling and whether it gets lifted or not?

Kim:

Yeah. We're seeing the consequences happen right now as temperatures drop to unbelievably low levels in places like Texas. A lot of these people are left out. I was watching news coverage this morning where people were even bringing food to where a lot of these asylum seekers were staying and waiting for their claims to be heard, bringing them soup and it froze within under an hour because the conditions outside are so cold. So, that's really brutal.

All of this is political, let's be clear. The reason that this challenge is being brought is for political reasons because Republicans think that immigration is a strong issue for them. If they can somehow tag Joe Biden with being soft on immigration, that will be a win. That's what makes all of this so really upsetting, even more upsetting than it already is.

We know that there is actually a desire on a policy level, a bipartisan desire to fix some of the things that are broken with our immigration system to address this. There is no political will because everybody is looking to their next election. This is one of the repercussions of that, and it's really infuriating. It's something that has been in place for decades, certainly for the last two decades that I've lived in Washington, DC, and seeing this play out. So, it's a sad chapter.

As we record this, it is Festivus. I have some grievances. One of my grievances is plastic. It is everywhere we look and not enough is being done about it. It's insane to know that 100 billion plastic bags are being used, and then thrown away every year. You know that plastic bag you see in the gutter, or floating in a stream, or washed up on the beach? Multiply that by a hundred billion. That's crazy, right?

There is a better way, and it can start with a better bag. HoldOn is a company born from the idea that there must be a better way to go about our daily chores. Trash bags and kitchen bags are necessary staples, but do they need to be 100% plastic? 100% no. Every single time you see one, you can be making a difference instead of creating waste, thanks to their incredible products.

Barb:

HoldOn trash and kitchen bags are heavy duty, plant-based, non-toxic and 100% home compostable, which means they break down in weeks not decades, without filling up our landfills or polluting our oceans. You can be part of the change with HoldOn, while they help the growing movement away from single-use plastic.

If you ask most experts, it's the single worst kind of plastic. At every stage, production, disposable, and decomposition, plastic bags are doing harm to our earth, our water, and even our bodies. Let's do better. You can find the link in our show notes.

Kim:

To shop plant-based bags and replace single use plastics all over your home, visit [holdonbags.com/sisters](https://holdonbags.com/sisters) or enter sisters at checkout to save 20% off your order. Sustainability has never been more simple. That's H-O-L-D-O-Nbags.com/sisters or enter sisters to receive 20% off your order. Small things can lead to lasting change, if we stop and say, hold on. Thank you, HoldOn, for sponsoring this episode. You can also find the link in our show notes.

Joyce:

Well, now it's time for the part of our show where we answer questions from our listeners. This week, we had a lot of questions and they're all absolutely fascinating. We have picked a few to start out with. Our first question is from Ed in Alexandria, Virginia. Jill, I think this one is for you. Ed asks, during his term, President Trump spoke for the government's executive branch. Can the government claim First Amendment rights?

Jill:

Well, the government gives First Amendment rights, is prohibited from interfering with them, but it doesn't enjoy them. It's an individual right. On the other hand, there was something related to this question that I found interesting, which was a law school classmate of mine who is a federal district court judge, ruled in a case where Donald Trump was trying to prevent people from getting on his Twitter account, his personal one, the @realDonaldTrump.

She ruled that it was in fact a government site because of his position, and that he could not block people from that. That would violate their First Amendment rights. So, I thought that was interesting.

Joyce:

Hey, Barb, a process question for you from Amy. She asks, could you please review the process for empanelling a grand jury? What does the DOJ or Jack Smith need to do to initiate a grand jury, when is one used?



Barb:

This is so interesting. I love the grand jury.

Joyce:

I do too.

Barb:

It's something that you don't know much about unless you actually practice in front of one. I think that we heard so much about Fani Willis empaneling a grand jury in Georgia. That I think there is this thought that you have to empanel on just to start any investigation.

Typically, they're already there. In Detroit, I was working there, we had three grand juries operating at all times. Two that had a life of six months each, and one that had a life of 18 months, so that they would look at the longer term investigations. Because Jack Smith came in after these investigations began, I think that grand juries were already investigating both Mar-a-Lago and the January 6 case. So, I don't know that he had to empanel a separate grand jury.

Just so you know, grand jurors are selected the same way as jurors for trials. You get a notice in the mail. It says, "Come down for jury service." Only when you arrive are you told that you are going to be sitting on a grand jury, and you can't tell anybody about what you're doing. You're going to be there for either six or 18 months.

I used to do their orientation when I was US attorney, and they'd look like deer in the headlights, "You got to be kidding me? I'm here for how long?" I would check in with them at midterm, and I would see them at the end. It was interesting to see how throughout the course of that, they had really grown to appreciate the importance of the job. They had been so impressed with the work of all of the federal agents and prosecutors that had come before them. So I think in the end, people end up having a very positive experience.

My guess is when it comes to Jack Smith, these investigations are underway and the grand juries are already empaneled. They did not have to start over just because he became the new boss.

Joyce:

Amen. I hope that's all right. The process questions are always really interesting to me. If the news cycle ever slows down, I feel like we could do a whole show talking about how things work and why, except for the fact that it's so nerdy. I might be the only one who would listen to it. I love that stuff too.

Kim:

Definitely not, lots of nerds here.

Joyce:

Okay, Kim, last question for you. It's from Jorie. As we're in the thick of the holiday season, can you give an overview of the Reindeer Rule in regards to public holiday displays, and whether we can expect any changes after recent Supreme Court decisions like Kennedy versus Bremerton School District?

Before you answer, I just have to say, if #SistersInLaw ever writes a lifetime Christmas movie, I want to call it the Reindeer Rule after this question. I think that's our movie.

Kim:

Yes, this is a really interesting question. So the Reindeer Rule holds generally that when a municipality or other public entity creates some holiday display that includes something like a nativity scene. So long as it has a significant amount of other secular imagery like a reindeer, which is why it gets the Reindeer Rule, or a tree which actually the Christmas tree is actually not a religious symbol, or snowflakes or things like that, it will generally be found to be okay. It does not violate the prohibition of the establishment clause of government-sponsored religion.

Well, what we have seen in recent years is an increased push to have more religious imagery in public spaces. I think that's what Jorie is referring to with not just that one case, but a lot of cases in the last year or two at the Supreme Court, has really blurred that line when it comes to the establishment clause and made it a lot easier for people to display religious imagery in public spaces.

I think perhaps, I haven't heard anything yet. I looked around and did a little research. I don't see any current big challenges underway, but I think perhaps this year and in the years to come, there may be more of a push to do that for the purpose of bringing these kind of cases and pushing that envelope. So, I'm going to watch this space.

I think as of now, if you see Mary and the Nativity Scene alongside Rudolph the Red-Nosed Reindeer, it's going to be okay. We'll keep an eye on it.

Joyce:

Thank you for listening to #SistersInLaw with Jill Wine-Banks, Barb McQuade, Kimberly Atkins Stohr, and me, Joyce Vance. You can send in your questions by email to [sistersinlaw@politicon.com](mailto:sistersinlaw@politicon.com) or tweet them for next week's show using #SistersInLaw.

Go to [politicon.com/merch](https://politicon.com/merch) to buy our shirts, hoodies, and other goodies just in time for the holidays, and please support this week's sponsors: Osea Malibu, Lomi, HelloFresh, and HoldOn bags. You can find their links in the show notes. Please support them, as we love them and they really 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. It really helps others find the show. See you next week with another episode #SistersInLaw.

Jill:

Who's Fig?

Joyce:

My boxer? I don't know if you can see her.

Jill:

Fig understands, go get your sweater?

Barb:

Wait, Fig has a sweater?

Joyce:

Fig is a boxer and boxers don't have very much hair. So, when it's this cold, she has to wear a sweater-

Jill:

Really?

Joyce:

... because she really likes it.

Kim:

When it's this cold-

Jill:

Did you make it for her?

Kim:

... most dogs probably need to wear a little something.

Joyce:

I have never knit a dog's sweater. I really need to get my act together in that.

Jill:

Yes, you do. My husband gave me a pair of pajamas that match a sort of pair of pajamas that he got for Brisbee. So, that work.

Kim:

That's so cute.

Barb:

Wait, I'm sorry. You and Brisbee have matching pajamas? Is that what you meant?

Jill:

Yes.

Barb:

I see.

Jill:

I'm going to take a picture.

Barb:

Do they have the little feet in them?

Jill:

Mine do not. No, it doesn't.

Joyce:

I love this so much.

Jill:

I know. We're going to have, to have a picture of it but because of Covid, I didn't want to get too near anybody. So, I haven't done it yet. So, I'm saving my pajamas.

Barb:

I don't know about a picture, Jill. That's the kind of thing that once you see, you can't unsee. I don't know. I think too much for me.

Jill:

We'll see how it comes out. Hey, I posted one of me in a Dalmatian outfit, remember that?

Kim:

I know, I love that.

Barb:

I do.

Joyce:

Can you explain this to me? How did your husband find matching pajamas for you in Brisbee? Where did he look for that?

Jill:

He saw it in some catalog and was so excited he couldn't believe it. Of course, he bought himself a pair that his is only pants. He didn't get the top for himself.

Joyce:

What's the pattern? Is there a Dalmatian dog print on it?

Jill:

No, it's got a tiger and it's green. It's a Christmas theme.

Kim:

Wait a minute. Your Frisbee was dressed up in tiger pajamas?

Jill:

It's ugly. It's really ugly.

Barb:

Can I just say, I am so happy that Jill and her husband found each other.