

Barb:

Welcome back to #SistersInLaw with Kimberly Atkins store, Jill Wine-Bank, and me, Barb McQuade. Joyce will be back next week and we already miss her. Today we'll be discussing the grand jury subpoena to Mike Pence, the 13th Amendment argument against abortion restrictions and the link between terrorism and hate crimes.

And as always, we look forward to answering your questions at the end of the show. But first sisters, how about those tickets to the live show? Sounds like they're going like hotcakes, huh?

Jill:

It's amazing, isn't it? It's so rewarding to me to know that the VIP tickets have sold out at all three venues, but there are still some tickets left at all the venues, but they are going fast.

So please, if you're listening to us now, don't delay. Go to politicon.com/tour to get your tickets so you don't miss us in Portland, Oregon, New York City and Washington, D.C.

Kim:

The fact that the presale sold out so quickly, I really feel like Beyonce. We are all Beyonce, right? I mean.

Barb:

You are kind of Beyonce. I think we're all Beyonce.

Kim:

We're all Beyonce.

Barb:

I do mistake you for Beyonce, pretty much every day.

Jill:

Only Kim is Beyonce. Sorry, Kim is Beyonce.

Kim:

No, we're all Beyonce.

Jill:

I'm Bette Midler. I'm Bette Midler.

Barb:

Do I have to be Kate Jackson again? I'm always there, man.

Kim:

You can be Taylor Swift.

Barb:

Oh, okay.

Jill:

The only song I can sing in karaoke is Y.M.C.A. And that's because everybody in the audience will sing with you because I'm toned up and can't sing.

Barb:

All right. Folks, we're not going to sing at our live show. But trust us that we're going to talk about the same legal issues we talk about on the podcast and answer a lot of your questions. So we look forward to meeting you in person there.

And I know we've seen on Twitter a lot of requests, disappointment that we're not coming to your town. I've seen, how about Boston? How about Ann Arbor? How about other places?

Jill:

Chicago.

Barb:

Yeah. And we do hope to get to some of those other cities. So we're going to see how it goes in these three places and hopefully if ticket sales are as robust as they appear to be, then we'll also be able to hop on the Magic Tour bus and make it to some of these other cities as well, because I'm looking forward to that.

Kim:

Jill, I'm trying to have better sleep hygiene and have a better routine before I go to sleep. What do you recommend?

Jill:

I highly recommend that you start using Calm. It's really helped me a lot. And some mornings when you wake up on the wrong side of the bed or you've had a long day at work and there's still more to do, maybe you've been feeling like you just can't catch a break.

We never know what type of day we'll be having, but Calm can help you handle whatever comes your way every day. Calm helps you stress less, sleep more and live a happier, healthier life. Their guided meditations, sleep stories, relaxing music and daily movement sessions are all designed to give you the tools to improve the way you feel. Isn't that true, Barb?

Barb:

Yeah. I've been working on getting up really early in the morning to work on my book, and so I find that by the time bedtime rolls around I'm super tired. But what I like to do is use Calm kind of midday.

So not so much to drift off to sleep, but kind of just to shake out all of the thoughts that are competing for airtime and get grounded. And right now, more than 100 million people around the world are doing the same, using Calm.

Even if you've never meditated before, you'll get the support you need to reduce stress, improve focus and uplift your mood. We love how their sleep stories help you drift off quickly to recharge your brain. And they're also great for getting kids to calm their minds at night, so you can rest assured they're getting the sleep they need.

If you go to calm.com/sisters, you'll get a special offer of 40% off a Calm premium subscription and new content is added every week. So relax, Calm's got everything you need for a happier and healthier you.

Kim:

I can't tell you how many times I've felt the burden of things I need to do the next day when I'm trying to clear my mind and fall asleep, but thanks to their amazing content and narrators, I'm able to find deep relaxation and be ready to take on the challenges ahead of me.

For listeners of the show, Calm is offering an exclusive offer, a 40% off a Calm premium subscription at calm.com/sisters. Go to calm.com/sisters for 40% off unlimited access to Calm's entire library. That's calm.com/sisters, or you can find the link in our show notes.

Jill:

So we're not a new show, we're an analysis show, but there is breaking news this week that we're going to talk about. And that is number one, that Pence was subpoenaed in the January 6th investigation by Jack Smith, the Special Counsel, but also breaking news just since we've started recording is that the FBI searched Pence's home in Indiana at a voluntary request and found another classified document that he hadn't previously found.

So that's the breaking news for today. But Thursday evening, after what is said to be, depending on where you're reading, weeks or months of negotiations, it was reported that the former vice president was subpoenaed by Special Counsel Smith to testify before his grand jury about the events of January 6th and possibly about what he knows about the full conspiracy to prevent the peaceful transfer of power and to overturn the free and fair 2020 election.

So Barb, let's start the conversation with does that mean that Pence wouldn't testify voluntarily or that he wants a protection of a cover for a subpoena to prevent it looking like he's cooperating?

Barb:

Yeah. I think that's a really interesting possibility, Jill. I mean, on the one hand, I could see how there are potentially some executive privilege issues that he might want to protect. He certainly does not want to be seen by Trump supporters as being too eager to cooperate with the Department of Justice.

So it could very well be that they have simply negotiated and reached an impasse and Jack Smith just says, "To hell with it, here's your subpoena. See at the grand jury."

Or it could be something I have seen before, which is a grand jury subpoena does give cover to a person who wants to be able to say truthfully, "Hey, look, I got a subpoena. I have no choice but to appear and testify. My only alternative is jail. I am going to comply with the law and I'm going to go in and testify."

And so I've seen it not only in these kinds of extraordinary cases, but cases where someone is a friend or an associate or maybe even involved in similar criminal activity with somebody. And so getting a subpoena gives them some protection so that they can face someone.

And here where it is so public, and everyone's going to know that Mike Pence was a witness against Donald Trump, I can see his lawyers even asking, "Just give us a subpoena and we'll come in and tell you what you need to know." So I don't know which is the case, Jill, but I think you're correct in suggesting that a friendly subpoena is a possibility here.

Jill:

Yeah. I mean, I've seen that happen in my cases and that's why I was asking because it could be either one, but it's also reported that Pence may not comply. So that was a surprise to me.

Is there any argument, Kim, that would justify in the case of a grand jury subpoena for a criminal case, or is this just a delay tactic?

Kim:

Yeah, it's interesting. So we have a couple things to draw from, and one is the fact that Mike Pence did not testify to the January 6th committee.

Now it's not exactly the same thing, but in that he asserted executive privilege and said, look, it would be a terrible precedent to set if we allow Congress to just come in and compel the testimony that happens within the realm of executive privilege between a vice president and a president, regardless of what happened on January 6th, that that is outside of the bounds of what Congress can do.

But in this case, it's different. He can certainly try to assert the same sort of executive privilege in this case, but it's very different when it's the Department of Justice and when it's an investigation of a crime. That's not what the January 6th committee was doing.

And in this case, there is precedent and Jill knows better than just about anyone else, that there is precedent that says, look, if there is a crime that is being committed in certain circumstances that trumps, for lack of a better word, a privilege that you can assert if the Justice Department is trying to get to the bottom of that.

So I think that might be what he's doing. I mean, of course he is a former vice president. He is likely a presidential candidate, and you can think that he very much wants to preserve the executive privilege to whatever extent that it can be.

And so I expect that that's happening here. Yes, it could be a friendly subpoena, but I think what he's actually going to do is try to assert this privilege and that is something that can be litigated for some time.

Jill:

Well, let me say in terms of when you say for some time, in Watergate, which established the principle in a Supreme Court case, U.S. v. Nixon that Barbara alluded to, which is that a executive privilege, which is a legitimate privilege, can be taken over in the case of the need of a criminal grand jury and that it is not a immutable privilege.

And we were able to issue a subpoena on April 16th. We argued in the Supreme Court July 8th and had a decision on July 24th. So the delay doesn't have to be a huge long delay, and the answer is going to be in this case that the privilege is not going to stand up.

I mean, I cannot see any distinction from USB U.S. v. Nixon to the current circumstances, but let's look at why Pence is an important witness. Barb, what parts of the conspiracy to defraud the US, which is your favorite charge against Trump, and it is certainly one of the really good ones, but there are many others as well.

But what topics does he have relevant testimony about? And is it possible that Smith could proceed to indict particularly on the part of the conspiracy that has to do with pressure on Pence without Pence cooperating?

Barb:

Jill, I'm so pleased that you know the conspiracy to defraud the United States is my favorite theory in this case. It warms my heart to know you're listening to that case. Thank you. Thank you.

Jill:

I pay attention to everything you say, Barbara.

Barb:

It's a good one. Thank you. It's the best one. I think Mike Pence is really critically important to that theory of the case. There are some theories that Trump incited the attack on the Capitol. I think that brings with it some challenges with the 1st Amendment.

I think the cleanest charge that is also a significant charge is conspiracy to defraud the United States. That is, I lied about winning the election, and then I tried to get Mike Pence to scuttle the vote by pressuring him to do so because he was my guy and I was going to coerce him to do my bidding.

And I think to get that case out there, it's very useful to have Mike Pence testify about all of the things that Donald Trump said to him. We know about some of his public statements. He said it in a tweet. He said it in his speech on the ellipse. I hope Mike Pence has the courage to do what we need him to do.

But what was said privately is really important not only to advance the case, but also to close off any avenues of defense. Because if Trump said things in defense like, I don't really mean it, or I know you can't do this, or this is a legitimate use of your power, there could be some, what's referred to as Brady material, which is evidence that could be in some way exonerating to Donald Trump.

But based on what we've heard from his aids and what we've read in some of the reporting, that does not appear to be the case. But at trial, you can't rely on secondhand witnesses. That is considered hearsay. You need what is referred to as percipient witnesses, that is witnesses who actually observed the facts themselves. They saw it, they heard it.

They were present when it happened. And for some of those interactions, it was only Mike Pence who was there with Donald Trump. And so I think to be able to prove that claim that Donald Trump pressured Pence to throw the election, you need to hear it from the mouth of Mike Pence.

Jill:

And I think it's not just in the Pence case. I think that there are plenty of other possible parts of this overarching conspiracy that Pence would be really important in. And Kim, that raises a question of why would Pence keep protecting the former president?

Former president was willing to have him killed. Pence has already said Trump's words were reckless and endangered him and his family, and yet he seems to be protecting him. Why? Why? Tell me why.

Kim:

Yeah, that's a great question. I think I'm trying to put myself in the former vice president's shoes, and I would think that I would do everything that I can to aid the Justice Department. But the one thing I can think of is, as I said, he is a former vice president.

He is a likely presidential candidate, and one possibility is that he really deeply believes in the power of the executive privilege and he wants to try to preserve that.

I mean, I think one corollary to that is the fact that in the DOJ's bid to get phone records from a Republican member of Congress, Congressman Scott Perry, we saw unanimity and bipartisan agreement

among house leadership that they wanted to get additional information to decide whether they were going to intervene in that case on his behalf.

And we talked amongst ourselves that we were a little surprised on the one hand that Democrats went along with this, but part of the reason that they probably did is that they believe that it is important to keep that principle of separation of powers, that they don't want the DOJ just coming in whenever they want to and trying to obtain phone records for members of Congress unless they really have a good reason.

And you could see that that is something that members of both parties might want. So it may seem weird, but there's a principle behind that. I think there's a possibility that Pence really does want to assert this executive privilege. He wants to do what he can to keep that from being pierced. But yeah, again, I can't put myself in his shoes. I would think if somebody put me in that kind of danger-

Barb:

Not as cool as your shoes, Kim.

Kim:

I would think Of somebody in stiletto.

Jill:

I have seen your stiletto heels.

Barb:

Yeah, Oxford wingtip with laces.

Kim:

I like heels. But yeah, no, I'm not sure that I would do the same thing, but that's one reason why he might be.

Jill:

So here's a question for both of you. I'll start with you, Barb. And then same question to you, Kim, which is why is the subpoena coming out now? What can we learn from the fact that it's at this point in the investigation?

I mean, this has been under investigation for a long time, although Jack Smith has only been appointed for what, a few months now, but why is this a big deal now? And also, what topics would you ask him about if he does show up before the grand jury?

Barb:

Well, I guess I would say there's two things that it could indicate. I'm speculating here, but I think it's a fair inference to say that if they are going to the trouble and the litigation risk and just the big deal of subpoenaing a former vice president, it means that they are very seriously considering criminal charges.

You would not go to these lengths if you did not think that that was a very real possibility. So that's number one. Number two, I think is that they are getting very close to the end. Normally in an investigation, you start with the lower level people, you talk with them and learn as much as you can about a case.

You look at every document you can get your hands on because you want to be as informed as you can be by the time you talk to the people at the highest levels of an investigation. And I would certainly put Mike Pence in that category.

And so I think it means that not only is it possible, maybe more likely than not that there's going to be an indictment. It also means that I think it's coming fairly soon, maybe not tomorrow, but sometime within the next couple of months I think. So I would say that is one inference.

And then in terms of what to ask him, I would certainly ask him about these private conversations that he had with Donald Trump that might indicate that Trump was applying pressure to him to abuse his power as vice president and thwart the count at the joint session on January 6th.

I think the other area that Pence could be useful in is the whole fake electors plot, because that was the plan to create cover for Pence to throw out the electors from those key states that, oh, I'm so confused. We have two sets of elector slates coming from Michigan and Wisconsin and these other states.

I am going to set those aside and not count those states. Oh, and lo and behold, when we count up the other votes, Donald Trump wins. Congratulations Mr. President. Was that discussed with him? Did I know John Eastman discussed it with his lawyers? How much of that was discussed with Mike Pence?

And his lawyers even say that John Eastman conceded that the Supreme Court would never uphold that plan. And so how much of that did Donald Trump know and what did Mike Pence know about all of that? I would want to hear from his mouth the conversations that he was a part of relating to that whole fake elector scheme.

Jill:

Perfect. And Kim, what about you?

Kim:

It's really hard to follow that because I associate myself with everything that Barb just said.

Barb:

I'm sorry to be a ball hog.

Jill:

Okay. I'll ask you the next question first.

Kim:

No, no. I think the only thing that I would add is just to underscore how extraordinary this is that the DOJ is subpoenaing a former vice president. This is something that just does not happen. And keep in mind, again, the January 6th committee chose not to because it is so extraordinary.

So to me, that shows that there is some there, there and that they are certainly looking at this seriously, to Barb's point. So I just think that the enormity of this, I know we talk about so many things and so many fast moving developments.

I just want our listeners to know that this is huge. This is a really, really big development, and that means that there is some there, there.

Jill:

I should mention this is maybe not so well known that we did depose Richard Nixon after he resigned. I don't know if many people even know that. Did you guys know?

Barb:

No.

Jill:

We had done. Yeah, we did.

Barb:

No. Jill, you are a never ending source of fascinating new facts.

Jill:

There it is.

Barb:

No. Did you do it yourself?

Jill:

No, this actually was after we got the verdict on January 1st, and I resigned from the office in April, and it happened right after that. One of my colleagues, I think Rich Davis was the one who actually did the deposition. And he wasn't even on our team. He was from a different team and the subjects were very broad.

But yeah, he was actually deposed. He sat for a deposition. So maybe that's something that we should make more public because it would make it even look worse that, for example, how many times 400 plus times that Trump took the 5th Amendment, Richard Nixon didn't, but anyway.

Kim and Barb, and I'll ask you Kim first, because you're right, it is hard to follow Barb who gives very complete and good answers.

Barb:

Same to Kim.

Jill:

Yes, you both do. So this time you'll have the trouble, Barbara. After years of belittling Pence, Trump is now saying nice things.

Is he trying to cajole Pence to give better testimony or is Carol Leon's theory correct that it is Trump saying Pence is a good guy and shouldn't be punished for classified documents he had at home, including the one that was just found by the FBI in order to argue that neither should he, Trump, be prosecuted for that? What do you think, Kim?

Kim:

Yeah, I respect Carol greatly. She's very smart. I don't think that that's the case in this case because as far as we know, based on the information that we know, I don't think that Mike Pence is facing any sort of criminal jeopardy for the classified documents.

It seems so far as of this taping that there is no evidence that he knowingly took classified documents, that he tried to withhold them. He seems to be cooperating, and that's very different from Trump. So I think that the that's, again, apples and Orangatings in this case.

So I'm not sure that that's it. Why is Trump being nice to Pence? I think generally speaking, the right answer is the simplest. And with Trump, you can really just look at where his interests lie.

And that usually tells you exactly why I think he wants Mike Pence to assert a strong executive privilege defense because that can only help him if that keeps him from testifying in this case and in such testifying against him.

And he needs Mike Pence right now. So of course he's being nice to him right now. I mean, Trump is fairly transparent in where his interests are. So that is the explanation that I would give.

Barb:

Yeah, that sounds pretty good to me. I don't think Mike Pence is likely to be facing criminal charges. I think I put him more in the same category as Joe Biden. And I think the only thing that Biden, Pence and Trump have in common with regard to these classified documents is that it involves classified documents.

Because what Donald Trump did is so different. It's all about the obstruction of justice and failure to return them as opposed to Biden and Pence who, as far as we know, and maybe the facts will change as they emerge, had accidental possession of documents.

So really, really different. I think maybe I've used this analogy before, and if I have, forgive me, but it is the difference between being involved in an accidental fender bender and deliberately driving your car into a crowd of people.

Both of those incidents involve a car, but they're the similarities end. And I would say the same is true with regard to Trump on one hand and Biden and Pence on the other. But why is Trump being nice to him? I agree with Kim, just I am transparently buttering you up, Mike Pence, so that you'll be nice to me.

And it's shocking that anybody falls for that, but I think Pence doesn't want to be seen as too cooperative. But I think at the end of the day, he is dutiful and will do what he has to do.

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Jill:

I used to do that manual search because when you get to check out and it says there's a box there that says put in the coupon code, I was like, oh, I have to do that. And so then you leave the site, you go and you look, you don't have to do that anymore.

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The best part was Honey made it so easy. And in case you weren't sure, Honey doesn't just work on desktops, it works on your phone, just activated on Safari on your phone and save on the go.

Kim:

It's funny, Jill, when I'm in stores now, like in person in stores, I find myself asking, is there a coupon? Is there something, like I'm so used to Honey.

Jill:

Where's my Honey?

Kim:

Coming down when I'm shopping online because it's just such a great product. So if you don't already have honey, you could be missing. Out by getting it, you'll be doing yourself a favor and supporting this show. Get PayPal Honey for free at [join honey.com/sisters](https://join.honey.com/sisters).

That's [join honey.com/sisters](https://join.honey.com/sisters), or look for the link in the show notes. We've discussed many times the Dobbs decision overturning Roe v. Wade by holding that there is no constitutional privacy right to an abortion, but can a right to an abortion be found elsewhere?

That is a question judges in the District of Columbia and Indiana are considering. So Jill, tell us about this DC case and the 13th Amendment, which as many of our listeners may know, abolished slavery.

Jill:

That is such an interesting case, as is the other case in Indiana. But in DC the judge basically on her own initiative, it's Colleen Kollar-Kotelly, raised the issue of maybe the Dobbs decision didn't consider this.

The Dobbs decision was based on is there a penumbra of privacy under the 14th Amendment? And it didn't look at is there somewhere else in the constitution that might guarantee a right to an abortion? And this is a case where some activists opposing abortion had blocked access to an abortion clinic in Washington, D.C.

And so that's what they're looking at in terms of did they violate that. She raised the issue on her own initiative of whether it would be involuntary servitude under the Constitution and the 13th Amendment to force a woman to carry a fetus two term. And so is it forced labor?

And the word labor could be sort of a double entendre in this case to go into labor with this fetus. And she raised the issue saying, I don't think the court in Dobbs, the Supreme Court, considered the possibility beyond what was raised in that case. And so she's asked for briefings and it's going to be briefed and argued.

Kim:

Yeah. And Barb, what do you think about that argument? Do you think that it is a good novel one that that should be explored? Or do you think as a law professor Josh Blackman wrote, and will put that piece in the show notes, that it is "An invisible elephant in a non-existent mouse hole?"

Barb:

Yeah, I don't even know what that metaphor means. I said it.

Kim:

What?

Barb:

I don't know, law professors like other writers try to come up with good analogies, and sometimes they're brilliant and sometimes good try. I don't know. As you guys know, the law is whatever a judge says it is.

It's sort of like umpires in baseball, as I say, you're not nothing till I tell you what you are. It's what the umpire says whether you're safe or out. And I think the same is true with the law. It's a creative argument to compare pregnancy to involuntary servitude.

Certainly I was pregnant four times and carried fetuses to term and it's a big deal. It's a big deal to carry a fetus to term and to do that against someone's will, I really think has some comparisons to involuntary servitude.

But I'll tell you where I see this case coming down, back to the, it's what the judges say it is. This supreme court is dominated by people who call themselves originalists and textualist, and the way they interpret the law is to say we look to the meaning of the law at the time it was enacted. And I think what they would say is, this was all about slavery.

We will look to, it came right after the Civil War. It was all about the enslavement of black people pre-civil war. And so therefore, that's all this amendment stood for, and we cannot engage in judicial activism and expand the right here. So my guess is that with this current Supreme Court, this argument is not going to succeed.

Kim:

Yeah. I think it is important to note though, even if you are giving a very originalist reading of this amendment, a very core part of the institution of slavery in America was the fact that enslaved people had absolutely no control over their reproduction, right?

Because that was a part of the labor force that was an essential part of what kept the institution of slavery vital and so profitable for so long. So I think that there is an originalist argument that would weigh in favor of that, but yeah-

Barb:

Oh, I love it. Look at you, an originalist. Secret-

Jill:

I love that argument, Kim. I think that you've added a really good dimension to this discussion because you are absolutely correct. The forced labor included reproducing and oftentimes with a child not of your own desire and that of your own, it may have been rape by the owner.

Kim:

Correct.

Jill:

And so it is now, I would hate to then have them say, but that's only for people who were formerly enslaved, which in this court, because I see them as, and maybe this relates more to the Indiana case, which is a religious freedom argument, that this is a very Catholic theory and that that's dominating the court now.

But I love your argument. I think that's a really good addition to thinking about this. I think it's a good argument. I'm glad they're making it.

Kim:

So Barb, let's talk about that in Indiana case that involves the argument that these bans on abortion go against religious exercise, which is protected not just by the First Amendment, but by state statutes. What's going on there?

Barb:

Well, I think this is a really interesting argument. As Jill said, the current view of restrictive abortions is a very Christian view that life begins at conception. And certainly not every religion follows that theory.

I believe I have been educated here by Jill and Joyce, that the Jewish faith believes that life begins at birth. I know the Muslim faith, at least some parts of it, believe that life begins at a phase called ensoulment, which occurs during pregnancy.

And there's certainly people who are atheist or agnostic who don't subscribe to any religious belief about when life begins. And so to foist upon all pregnant people the views of one religion is really a violation of religious freedom. And so I think that one is actually a really interesting argument.

Now, again, will this court go for that? I don't know, but they have been really expansive about protecting religious rights. If they mean what they say about religious freedom, then it should be freedom for all religions and not just one religion, the Christian religion, that is to be foisted upon all of us.

And I think it's an interesting argument because there is a segment of American society that says, unapologetically, this is a Christian country. And when they talk about pushing abortion bans on people, they very much think they're right. This is the right answer.

But of course, when it comes to issues of religion there, we have to respect religious beliefs of others. And so there is a state interest that can be balanced. Like all rights, even religious rights are not absolute. You have to balance them with state interests in protecting fetal life.

And so that's where you sometimes come with these first trimester versus second and third trimester issues, but I think it's actually a very fair argument to say that you can't favor one religion's views on when life begins over another.

Kim:

Jill, yeah, what do you think about this? And it's worth noting that there's not only RFRA statutes in states, but there's also a federal RFRA statute.

Jill:

Exactly.

Kim:

So what do you think about this argument?

Jill:

I actually think it's a very substantial argument. And I've been doing some research particularly on what the Jewish law is. And if you go to the Ultra-Orthodox, the ensoulment that Barbara mentioned for Muslims is the same for Jews. And that depending on how orthodox I guess you are, it doesn't happen until 13 days or 30 days after birth.

And actually, of course, if the fetus were a person, then you would be born at nine months old, but you're not. On day one, you're born. And under Jewish law, it is a person comes into being at the earliest stage when an limb comes out of the birth canal. And so it is a violation.

And I think it's important to understand that in some of the cases that have been brought to challenge it on the basis of religion, there was at least one of the plaintiffs is someone who had suffered several horrible anomalies in the fetus and is now preventing any possibility of getting pregnant in that state because she cannot have an abortion in the event of a recurrence of that.

Or another who had had some very serious miscarriages and is afraid that she will die if she can't have reproductive healthcare. And so it's not just a question of a desire to terminate a pregnancy. It is a desire to protect the life, et cetera. And these were two Jewish women for whom this is religiously totally allowed.

So I think we need to take very seriously, and the federal RFRA law says, government shall not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, except if it's in furtherance of a compelling government interest and is the least restrictive means of furthering that compelling government interest.

And the judge in DC said, it fails. This particular law fails in both of those aspects. It is not the least restrictive and there's no compelling state interest in the kind of law that they presented. So I think that this could be a way to resurrect what Dobbs took away after 50 years of living with Roe.

Kim:

Yeah. I would agree with you, especially with this particular court. I mean, as we've discussed many times, this court has really broadened the religious freedom, religious exercise, religious protections in a way that makes them, I think just maybe second only to the 2nd Amendment, probably the most protected constitutional that there is.

And I think it would be very difficult for the same court to turn around and say, no, no, not in this case. These same religious rights don't get that full protection. So I do think that this is perhaps the best argument that is currently available to challenging some of these laws.

So there are other ways that some of these state laws can be challenged or are being challenged. Barb, what other arguments are being made to try to challenge some of these abortion bans?

Barb:

Well, we are seeing arguments based on privacy rights or due process rights under state constitutions. So for example, in South Carolina, the Supreme Court there struck down an abortion ban saying that it violated the South Carolina's State constitution that protects a right to privacy.

And I know there have been similar challenges based on state due process clauses in the state constitutions, which is very different of course, right? Because Roe was based on the federal constitution, so very different. It would only apply within that individual state and not elsewhere.

And then there are people going to the ballot box. Here in Michigan, we had a ballot initiative to amend the state constitution to protect explicitly the right to an abortion that passed overwhelmingly.

Kim:

Jill, what other ways are people challenging these laws?

Jill:

Well, first, let me mention that I'm at the University of Chicago now where my other podcast co-host was speaking alongside Elise Stefanik, who mentioned specifically that one of the reasons that the voter turnout was so high in Michigan was because of exactly what Barbara said, which is the referendum on the enshrining Roe into the state law.

But there's another thing, which would be the passage and implementation of the Equal Rights Amendment, which would create a right for women to have control of their bodies. And so I'm still a big believer that the ERA actually is the law of the land, that it's been ratified by 38 states and that the attempts to rescind do not work at all.

There's just no way in the constitution that allows that. And so it should be announced as the law of the land, the Department of Justice should start enforcing it. And that's what I think.

Barb:

Hey, Kim, I got this jar of OSEA body cream and I open it up and it smells so delicious, I want to eat it. What am I supposed to do with this stuff?

Kim:

Well, your skin will eat it up because it's really a great, great product. If you're like us, your body needs a little love this winter season when it's been really dry. And when it comes to replenishing your skin's moisture barrier, OSEA is your one-stop shop for clean, nourishing, clinically proven products for both face and body.

Even better, they've been making seaweed infused products that are safe for your skin and the planet for over 26 years.

Jill:

Using OSEA is a habit worth keeping all year round. And you should know that all of OSEA'S products are clean, vegan, cruelty-free, climate neutral, enriched with seaweed and made in California. That means you can feel good about what you're putting on your skin. Plus they're clinically proven and consumer tested, so they work.

We strongly support their clean seaweed based skin and body care products. Not only are you getting the best, but you're supporting a woman owned company that is drawing from the wonders of nature to give you an unforgettable experience.

Kim:

My current favorite right now is OSEA's Anti-Aging Body Bomb. As Barb says, it smells so good and it's a perfect performance-based body care product that uses the most beautiful oils like passion fruit and coconut oil to moisturize-

Barb:

I'm getting angry.

Kim:

I know, right? It's like this really, it's like ingredients in your kitchen, but they leave your skin absolutely gleaming and I can't get enough of it. I've been using it every day and I have to say, my skin noticeably feels better.

Even later in the day, usually I put on lotion and I feel dry almost immediately. And not with this. It's an ultra rich liquid body bomb, and it melts into my skin like nothing I've ever experienced.

I feel good because I know it's combining with the lasting hydration of a lotion with the anti-aging benefit of a serum. And the intoxicating jasmine and geranium scent is to die for.

Jill:

I love those fragrances, but you know, it's not your imagination that your skin is looking and feeling better. It's clinically proven to improve the appearance of skin elasticity, firm and tighten.

We know you'll love it, and there are other offerings as much as we do. So start the New Year fresh with clean vegan skincare and body care from OSEA.

Barb:

And right now we have a special discount just for our listeners. Get 10% off your first order sitewide with code Sisters at oseamalibu.com. You'll get free samples with every order and free shipping on orders over \$60.

Head to oseamalibu.com and use code Sisters for 10% off. You can also find the link in the show notes. Well, there are two new cases out of the Department of Justice this week that I want to ask you both about because I think both cases really relate to the intersection between terrorism and hate crimes.

That's a word I learned in law school, by the way. Everything's an intersection between two things, right. It's a very law thing to say.

Jill:

But you won't learn it in Florida under black studies, intersectionality is-

Kim:

That's right.

Jill:

- forbidden. Okay.

Barb:

Well, here at Michigan Law School, we still believe in academic freedom. So we're all about intersectionality, but these cases are about this sort of common thread of terrorism and hate crimes in these two cases. So let me ask you about the first one.

It involves two people who conspired to attack electric power stations in Baltimore. In fact, Joyce wrote about it in her Substack newsletter. So I highly recommend it for anybody who is interested.

We can put that in our show notes, a link to that. But Kim, can you just tell us about the two people who've been charged, their backgrounds and their motives? It's super interesting.

Kim:

Yeah, they sound like really swell people. The people who were charged are named Brandon Russell and Sarah Clin Daniel, I think that's how you say the name. Anyway, Russell is the founder of Atomwaffen Division. I don't know if I'm saying that right. I really don't care.

It's a neo-Nazi group linked to a plethora of crimes throughout the United States and other countries, crimes including assaults, murders and bombings.

And according to the Southern Poverty Law Center, which tracks extremists and hate groups, the members of this group believe that "The modern post-industrial society cannot be redeemed. Instead, it ought to be driven into apocalyptic collapse so a white ethnostate or whites only utopia can be constructed in its wake." Yeah, real nice people.

Russell previously served a prison term after being convicted of explosive charges. He had explosives and police found these explosives, these bomb making equipment specifically and guns, when they were investigating the killing of two other members of this neo-Nazi group, apparently there was an internal dispute.

But Russell was released in 2021. Clin Daniel, there's less known about her, except that she did serve a prison sentence for armed robbery. Which is interesting because the DOJ said that the two had "a personal as well as online relationship" when both of them were in prison.

Perhaps we should find a way for white supremacists who are in prison not to be able to contact each other. I don't know, just a thought, maybe.

Barb:

You don't want them hanging out at the prison mixers?

Kim:

No, I think that's a bad idea.

Barb:

Yeah. All right. Well, so that's the background of who these people are. And so Jill, according to the charges, what were they conspiring to do?

Jill:

They were conspiring basically to take down the power grid in Baltimore. A city that I think we should note is a majority African-American community. And so it fits with their white supremacist views.

And they were charged with a law that is a 20-year felony for destroying a power grid. And so that's what they were planning on doing.

Barb:

And they were going to, what, use guns to shoot up a number of these substations?

Jill:

Yes. And she had her gun taken away because she had done this armed robbery. And by the way, as I read the affidavit attached to the complaint, they seem to be corresponding through a encrypted app that obviously wasn't so well encrypted because the FBI was able to-

Barb:

Well, they shouldn't be able to do that either?

Jill:

Well, no, I'm saying, yeah, I mean, they aren't meaning it a social mixer in the prison.

Barb:

Yeah. No, but-

Jill:

But they were introduced through someone else through this app. But anyway, yeah, they definitely should be not communicating.

Barb:

Well, I've handled cases like this in which people who are maybe not terribly sophisticated or well resourced and maybe easy to dismiss as not criminal masterminds who've been charged with very serious crimes.

And often the defense is that the defendants are just a bunch of knuckleheads who couldn't plot their way out of a paper bag. Kim, do you think that DOJ is overreacting by charging them with a 20-year felony for a plan that was detected in a sting?

They never got close to actually doing this. It was plotting with online undercover agents. Do you think it's overkill to charge them with a 20-year felony?

Kim:

No. No, it really is not. And I think this is important because I think you're going to hear people say, this was just some buffoon who concocted a cockamamie plot that was destined to go nowhere. No, no. Again, this was a known violent extremist.

It's not just a white supremacist, which would be bad enough. It is a member of a group that specifically wants to use violence to sow chaos in society to foment a race war. If this is not a case that is tailor-made for these types of statutes that are meant to aim at hate crimes and domestic terrorism, then I don't know what is.

And it's very important for authorities to treat that seriously, to be clear, to make a statement that this type of activity just will not be tolerated whether it is adroitly carried out or not.

Barb:

How about you, Jill? I know sometimes the FBI always wants to take down these cases, what they call left of boom on the timeline. If boom is the attack somewhere before the attack, so left on the timeline of boom.

And it can be challenging because at trial they'll say, "We were just kidding. This is all talk. You're trying to be the thought police here." What do you think? Is it appropriate to intervene as early as they did here?

Jill:

An enthusiastic yes, it is appropriate.

Kim:

I want you as my juries.

Jill:

They definitely should. And well, it's the same thing that happened unfortunately in Michigan with the intervention against the plot against Governor Whitmer. Which was, let's not let them kill her. Let's stop it before that. You have to, of course.

You can't have the FBI watching while a murder happens. And so, yes, they should stop it. And you have to be punished. As you know, there was enough overt acts in this case to show that this wasn't just, we're talking about it, we're thinking about it, we're joking about it.

No, they were really serious about getting the weapons, the guns, et cetera, to do this and plotting exactly where they were going to do it. So I think that there was enough that happened. And just because they weren't actually able to carry it out doesn't mean that you don't charge them.

And in fact, under the particular law that they're charged, it says that it's a 20-year felony as long as the damage that would have happened if they had been successful would've been over \$5,000. Even if they were totally unsuccessful and there was no damage, the law still makes it a 20-year felony. So let's use that law and go forward with it.

Barb:

Yeah, I agree. Well, let's talk about another case, because again we're talking about the intersection of terrorism and hate crimes. And there was another case out of DOJ this week that caught my eye.

It was a press release announcing a guilty plea from the man who committed that mass shooting at the Walmart in El Paso in 2019.

I know it seems kind of like an old case to be making news today because it's four years ago, but he entered a guilty plea pleading to hate crimes under the Shepherd Bird Hate Crimes Act. And Jill, let me start with you this time. Can you just remind us about the awful facts in this case?

Jill:

They are awful. This is a person who deliberately with intention, he drove from his home in Texas to a area where he would have the most likely impact on killing a lot of Mexican Americans or Mexicans because I think some Mexican Mexicans came across the border to shop in this Walmart.

And he ended up killing at least 22 people and injuring at least that many. So it was a huge mass shooting. And it was after he had published a online screed saying, I won't let them replace us, and I am

out to do this. I mean, he deliberately announced his hate and his intention and then he turned himself in.

Barb:

And I think that sometimes people say, well, he's already facing state charges, capital charges, in fact in the state of Texas where they have the death penalty.

What is the point of charging someone with a hate crime federally when he is already charged with murder in the state?

Kim:

Yeah, I think it's really important, and it's a good question. Hate crimes are different. And this gets back to sort of the theme that's a through line with these cases. And the fact that I know I and Joyce and others have mentioned many times on this podcast, which is according to Federal authorities, the FBI, Department of Homeland Security.

The biggest threat to Americans, all Americans is domestic extremist terror. The biggest terrorism threat to all Americans is domestic extremism, specifically white supremacists and other right wing extremism and hate crimes fall within that.

These aren't crimes that are just targeted as specific individuals. They're meant to target entire communities or populations and groups. In this case, the purpose was to, as Jill said, to target this group of people, Latinos, specifically Mexican Americans and Mexican immigrants.

It was to target them specifically. And that is terrorism. And that it's important to treat that in addition to our terrorism statutes, to have hate crime statutes that address this. Just think about our history. We talk a lot about Section 1983 in civil rights cases.

That was part of the Ku Klux Klan Act that was literally meant to target hate directed at certain individuals in our society. And it's important, it always has been important in our history to treat that as different, as more severe than committing the underlying crime. So I think in this case, it's really important to treat it differently.

Barb:

Yeah. I remember when there was the shooting at the Charleston Church, the Mother Emanuel Church, and I remember at that time, Attorney General Loretta Lynch said that hate crimes were the original terrorism. And there's this, I think, a gap in the law in that there is not a domestic terrorism statute.

And so if you have a minority group that's protected by the hate crimes statute, then you can charge hate crimes. Sometimes you don't have that, and so you're left without recourse for a federal statute.

But here in this case, because this was targeted specifically at Hispanic victims, hate crimes was a potential charge that the feds were able to use here. And I agree, incredibly important. And Jill, let me ask you about that, about the string of maybe thinking about these cases together.

The shooter in this case, the El Paso Walmart, as well as the shooters in recent years at the Mother Emanuel Church in Charleston where we had black victims, the Pittsburgh Synagogue where we had Jewish victims, the Buffalo supermarket, again, black victims, all of those shooters made statements that they were motivated to kill minorities who were replacing white Christians in America.

It sometimes referred to as the great replacement theory. What is the great replacement theory, and should we be concerned about these attacks as part of that larger movement?

Jill:

Let me answer your second question first. Yes, resoundingly, we should be concerned about these attacks. They are part of a larger movement, and they are of great concern to me as someone who believes in the equality of all people. But what is the great replacement theory?

It is a nutty right-wing conspiracy theory that says that there's a group of elitist who are trying to make this a non-white nation, and they are going to stop it, and they are trying to stop the replacement of all white people by people of color.

And you heard it in Charlottesville, we heard the rant of, you will not replace us. That's what the replacement theory is and it's nutty and scary.

Barb:

Yeah. Kim, this, you will not replace us, was part of the chant at Charlottesville in 2019 when The Unite the Right rally led to violence. They were there over the removal of Confederate statues. Do you see a tie between some of the far right rhetoric and violent extremism?

Kim:

Oh, without question. Without question. I mean, I think that's why these two cases we're talking about dovetailed so tragically, honestly, in this case, that's exactly what we're seeing here. And I worry that it's going to only increase as we are a nation that continues to change.

I just wrote a column recently that's actually about a change in a couple of the census questions that are being proposed for the 2030 census to better count Americans of Middle Eastern descent as well as Latinos, but one of the consequences of it will be that it will probably hasten the date which America becomes a majority-minority country.

And I worry very much that people who believe in this great replacement theory will only become more extreme and more violent as that happens, as something that is inevitable in our country because of our history and because of the trajectory that we are on will happen.

And so, yeah, I think that it's really important that our law enforcement take this segment of our society very seriously and prosecute these things, people who act in a violent way based on this to the full extent of the law.

Barb:

Yeah. And it's so important to take people seriously. As I used to say to the knucklehead defense, just because they're knuckleheads doesn't mean they're not dangerous.

Jill:

So Kim, I was just reading an article about what Gen Z is not doing that baby boomers do, and they are missing out because one of the things that it says they don't do is they only order in food. They don't do any cooking.

And I've been using HelloFresh and cooking from their very fresh, wonderful ingredients and making myself a chef of different cuisines, different kinds of food, at least three times a week. And it's wonderful. Have you tried it?

Kim:

I have. And first I'm going to protest because I feel like Gen X is always forgotten, and that's me. And I use HelloFresh too, so don't forget about us. I really love HelloFresh.

I've mentioned that I hate going to the grocery store with a passion, but with HelloFresh, I can get farm fresh, pre-portioned ingredients and seasonal recipes delivered right to my doorstep.

And so can you. So 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.

Jill:

HelloFresh is pre-portioned ingredients and easy to follow recipe cards, meaning you can get a delicious home cooked dinner on the table without any of the time-consuming meal planning or prepping. And of course, as Kim said, without going to the grocery store.

No matter your lifestyle or meal preferences, HelloFresh has recipes sure to please everyone at your table from fit and wholesome to veggie or family friendly. You'll always find something even the pickiest eaters will enjoy.

Barb:

I recently made some delicious pork bulgogi bowls, very popular in my household, and it sounded and looked fancy, but it couldn't have been easier. So easy, even I was able to pull it off. HelloFresh works with your schedule too, which is a big deal for me.

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 season right from home.

Jill:

Go to hellofresh.com/sisters65 and use code Sisters 65 for 65% off. That's amazing, 65% off plus free shipping. Go to hellofresh.com/sisters65 and use code Sisters 65 for 65% off plus free shipping. And you can also look for the link to HelloFresh, America's number one meal kit, in our show notes.

Barb:

Oh, and now we've reached the part in the show that is our favorite part, it's listener questions time. I really do love this. If you have a question for us, please email us at sistersinlaw@politicon.com or tweet using #SistersInLaw.

If we don't get to your question during the show, please keep an eye on our Twitter feeds throughout the week where we'll answer as many of your questions as we can. All right, our first question comes to us from Lori.

And Lori asks, "Can the sisters explain in very simple terms what money laundering means and plain examples to confirm the examples that everyday people can take away with them?" Who wants to answer that?

Kim:

I think I can answer that.

Barb:

All right. Go for it.

Kim:

Money laundering is one of those things that actually is pretty simple, but I think people really don't understand what it is. So if you want to very simple explanation, it's the using funds obtained from some illegal means in a way to try to hide the fact that the funds were from an illegal means.

So if I were to think of a easy to understand example, imagine that somebody, let's say they robbed a bank, right? Somebody robbed a bank of cash, so that cash is going to be pretty easily identifiable. And banks, they may know what the serial numbers are, or if you try to deposit it in a bank, there are rules about large sum deposits that require them to be reported to the government that makes that not very easy.

So the thieves will want to try to use that money in a way that takes that identifiability away from it. So one of the most common ways is by buying property either in the United States or elsewhere often, and then selling that property.

And when you do the sale of the property, you can very easily deposit that money in a bank account, for example. And then that makes it much harder to trace that back to the original crime. So that's what launder means. You're trying to wash away the clear illegality that's associated with that money.

Barb:

Very good. All right. Next question comes from Julie who says, "I've been hearing that witnesses under oath may take the fifth to protect themselves against self-incrimination. However, I'm also hearing that these witnesses may be granted immunity, which removes their need or right to plead the fifth since their testimony will not be used against them. Is this something the witness has to agree to, or is granting an immunity and action the prosecutors can impose unilaterally without the witness's agreement?"

Oh, Julie, this question came up in my criminal procedure class just this week. And the way we described it there was, no, it's not like in football where you can decline the penalty and just take the outcome of the play because you like the way it turned out. No.

So the way the 5th Amendment works is it says that no witness shall be compelled to be a witness against himself. No person shall be compelled to be a witness against himself. And so that what means is I can't force you to testify and use that testimony against you to convict you.

But if I have been told by a court order that I cannot use that, or I agree not to use that, you no longer have that 5th Amendment right because your statements aren't going to be used against you. And so if a prosecutor says, I'm granting you immunity, what they typically do is they can either negotiate it with the person's lawyer in terms of a contract and get something like use immunity.

Or they can go to the court and say, we do not plan to use this person's statements against them, and therefore we also believe that they plan to invoke their 5th Amendment Right because they've told us they're going to do that. Therefore, I'm asking for a court order compelling them to come testify.

And the judge will issue that order saying, "Witness, you must come testify, but the prosecution may not use either your statements or any leads derived from your statements against you." And the witness then has no recourse, but to either testify or if they refuse, they could be held in contempt, which means they would be jailed.

So the witness does not get to decline the immunity if a prosecutor offers it. All right. Our final question is for you, Jill. It's from Leslie who says, "I am curious about Jill's pins. Aren't we all. I know she collects them and they have meaning. I'm curious as to how this collection started and how many do you have?"

Jill:

Well, the number that I have is hard to say because I have never taken the time to count them, but I'd say it's in the hundreds now.

Barb:

Wow.

Jill:

And it's really started because when I first went on MSNBC, the men commentators were all wearing American flags to show their patriotism. And I thought that that was sort of trite, and I wanted to do it in a different way. And I have always loved pins, but I used to wear them because they were pretty, they just were an accessory.

And actually, if you look at my book, *The Watergate Girl*, and the pictures in it, you will see that even in high school, my pictures include my wearing a pin.

Kim:

Oh, I love it.

Jill:

I just have always loved them. So it started because I love pins, but then I was wearing this pin that I just happened to have. It was a eagle holding a shield that said Defend America, but it was made out of celluloid and was sort of grayish. So I thought, no one's going to even notice it.

But sure enough, I started getting tweets saying, tell us more about your pin. And so as I explained it, I realized I was sending a message about patriotism through my pin. And so then it just became a challenge to me to find a pin that sent a message about the topic of the day.

And I have now gotten, some of my favorite pins come from people who follow me on Twitter or other social media. And one of my favorites that I got from them is a pin that shows a woman in a phone booth on the phone wearing a trench coat.

And I wore it when one of Trump's cabinet officers spent \$20,000 to put a phone booth in his office because he didn't want to go to a skiff outside his office and wanted to have secret conversations. And I wore it and thought that was so clever.

But what I didn't realize until I went to take it off was that the door to the phone booth, and for those of you too young to know what a phone booth is, please Google it. That the door actually opened. And with it, the trench coat of the speaker came off and it was superwoman underneath. And so it's like, oh my God, that's great.

Barb:

Well, that's great.

Jill:

Oh my God, is that not the greatest pin of all? In fact, I will put on our show notes a picture of it closed and open. And then I got another one that was really very touching.

It was someone who had recently passed away and her administrator, the state administrator, sent me a pin saying She would really like you to wear this when Donald Trump is gone. And it was a pendant clock.

And so I'm saving it for when, I did actually wear it on the day of Joe Biden's inauguration because I thought he was gone enough for that, but I will wear it again when he gets indicted, if he gets indicted, which I think he will. I think he will.

And so those are some of my favorites, but I love searching for them. It's so much fun to go to antique shows and flea markets to find them. But again, my best pins have come from people who send them to me with a note about what they mean. Everything-

Barb:

Oh, is that a shameless solicitation for listeners to send you pins, Jill?

Jill:

No, no, no. It's so true-

Barb:

So transparent-

Jill:

But I do love them. I do love them, and I love-

Barb:

I like cash.

Jill:

Oh, you're shameless. You're shameless. Anyway, that's how it got started and I totally love it. And someday I hope to donate the collection maybe to either my law school or my college as a way... And possibly to write a book.

And again, one of our followers has sent me a great title, Broaching The Truth: The Trump Administration Through Jill's.

Kim:

That's good. Oh, that is Good.

Jill:

Is that not fabulous?

Kim:

Yeah.

Jill:

So that may be my second book.

Kim:

All right, very good.

Barb:

Thank you for listening to #SistersInLaw with Kimberly Atkins store, Jill Wine-Bank, and me, Barb McQuade. You can send in your questions by email to sistersinlaw@politicon.com or tweet them for next week's show using #SistersInLaw. We're so excited that we're taking #SistersInLaw on the Road.

Come and join us as we record the podcast live on stage, discussing the legal topics of the day and answering questions from you. We're starting off in Portland, Oregon, New York City, and Kim's hometown of Washington, D.C. Our VIP packages have already sold out, but there are still regular tickets available. Hurry, because they're going fast.

We have so much fun recording this podcast, please come and experience it for yourself. Go to politicon.com/tour to get your tickets today. We can't wait to meet you. Please support this week's sponsors Calm, Honey, OSEA Malibu and HelloFresh. You can find their links 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. It really helps others find the show. See you next week with another episode, #SistersInLaw.

And you talked about Watergate. Jill, were you on Watergate? Did you work on that case?

Jill:

It sounds familiar. Not sure. Actually, I just forgot to mention Watergate.

Barb:

I've never heard you mention before.

Kim:

You did.

Jill:

I got the timeline-

Barb:

Oh, yes. I just wasn't sure-

Jill:

Is that not amazing how fast that was?

Barb:

I just never heard you mention it before. I didn't realize you'd worked on it.

Jill:

Yeah, right. I know. It's a surprise that my book is called The Watergate Girl. I know it surprises you.

This transcript was exported on Feb 11, 2023 - view latest version [here](#).

Kim:

I was going to say, it's not The Pin Girl, it's The Watergate Girl.

Jill:

Right. Oh, maybe that should be my second book, The Pin Girl.

Kim:

The Pin Girl, that's a perfect title.

Jill:

Yes.

Barb:

Actually, The Pin Girl: Broaching the Truth.

Jill:

Yeah.

Barb:

Boom.