

Kim:

Welcome back to #SistersInLaw with Jill Wine-Banks, Joyce Vance, Barb McQuade, and me, Kimberly Atkins Stohr. It has been a wild week and we have been digesting this big federal indictment on Donald Trump. And so today we're going to be discussing among other things, the defenses that he may launch in this case, what the assignment of Judge Aileen Cannon in this case means. And also a big Supreme Court case involving the Indian Child Welfare Act, which is big news, which you may not know about. And as always, we look forward to answering your questions at the end of the show, it's our favorite part.

But first, Juneteenth is among us and for a lot of us, and summer in general, it means cookouts. It means a lot of summery food and I'm thinking about how I always surprise people at the cookout because I have very specific things, summery foods that I don't like. And I was wondering if my sisters have that too. The number one food that I cannot stand that most people like is watermelon. I think it's disgusting. I don't like any melon, honestly, but watermelon in particular makes me nauseous. The taste of it, the aftertaste of it, the texture of it, the consistency. It's really, truly horrific, and people are always shocked by this. So I want to ask my sis... I also don't like chocolate ice cream, which also comes... I love chocolate. I love ice cream. The two things together ruin both things. It doesn't taste like chocolate and it ruins the texture of the ice cream. Why are we even doing this? So I just want to throw it out to you guys. Summer foods that you hate. Do you have them, Barb?

Barb:

Boy, I wish I did. I actually love all the summer foods. As you're describing the watermelon my mouth was watering like, "Kim, that'll taste really good right now."

Kim:

You can have my watermelon slice.

Barb:

I'll have your... All right. I'm going to sit next to you at the picnic, so I can have your... You're going to eat that? I want your watermelon. I will agree with you though, that you can ruin ice cream with a bad flavor. I like almost every flavor. I will absolutely indulge on chocolate ice cream, but there are a few that are just no chance. Like anything mint, mint ice cream. What are you doing? That's toothpaste. What are you doing to me?

Kim:

I love-

Barb:

No mint ice cream.

Kim:

.... mint. Oh, I love peppermint.

Barb:

Really? Don't like too much junk in my ice cream. They got a lot of nuts and marshmallows and candies and superman and all that kind of stuff. But a good salty caramel that's pretty good stuff. So I guess I am a little bit, to use one of your favorite words, Kim, persnickety when it comes to my ice cream flavor, but otherwise bring it on. I love all the summer stuff. Barbecued meats of any kind, corn on the cob, all the great salads and fruits and berries and all that stuff. Love it.

Kim:

What about you, Jill?

Jill:

So I'm basically with Barb. I love summer foods. I love everything about it. I especially love watermelon. I love watermelon so much that I make watermelon soup. I make candied watermelon rind. I really love watermelon and I will send you recipes for it and honestly, you'll love watermelon if you taste my watermelon soups and cold cucumber soup.

Kim:

I'm quite confident I will not. Like the taste of... It's not just... I don't love bananas, but I like banana bread. But it's not the flavor, it's the consistency of it that throws me. I hate everything about watermelon, especially taste.

Jill:

No, I love banana bread. I love... One of the best ice creams is banana ice cream. And an even better thing is to freeze a banana, peel it, freeze it in a baggie, and then put it in a blender with a little bit of yogurt or other thing to soften it up a little and it makes the best ice cream. It's just a banana and it's fabulous.

Joyce:

It's amazing. My husband makes that, Jill. My husband makes that too. And I-

Jill:

It's fabulous, isn't it?

Joyce:

... love it. Yeah. But I want some of your candied watermelon rind on the side. Are you going to share the recipe?

Jill:

Absolutely. Will do.

Joyce:

I'm sorry, I wish y'all could see the look on Kim's face right now. It's priceless.

Kim:

Well, I do love that my hatred of watermelon is bucking a stereotype. So there's that thing. But Joyce, what summer foods do you not like?

Joyce:

So I love going to the cookout. I really love barbecued ribs and nobody makes ribs like people in Birmingham do. But what I really don't like are potato chips. I've never liked them, didn't like them when I was a kid, and I just absolutely won't eat them.

Kim:

My gosh. I have an urge, and Barb will understand this, to get you a bag of Better Made's and see if you still at your [inaudible 00:04:55]-

Barb:

Yeah. A good Detroit brand right there, Better Made. Good stuff.

Kim:

But I respect it.

Joyce:

Never going to do it.

Kim:

I respect it. All right. I respect that. So we will... If you invite us to the barbecue, ladies and gentlemen, just make sure that you have our preferences in mind.

Joyce:

So Barb, it's summertime. I think we're all trying to mix up what we're eating for dinner. What have you been cooking lately?

Barb:

Well, you know what I've been cooking lately is HelloFresh. I love their pescatarian menu. I get all kinds of great fish, salmon, trout and barramundi, which I know is also Jill's favorite. With HelloFresh, you get farm fresh, pre-portioned ingredients and seasonal recipes delivered right to your doorstep. 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:

So Barb, usually barramundi is my favorite, but yesterday I made a tilapia from HelloFresh. That was really, really, really good.

Barb:

Yeah, I've had that one.

Jill:

And it had... Have you had the one with the sauce? I don't even know how to pronounce it. Chermoula sauce. Somebody tell me how to say it. Really good with parsley and lemon juice and olive oil and jalapeno peppers. Really, really, really good. HelloFresh makes entertaining easy. In addition to having your regular meals, they have a selection of crowd pleasing offerings like their shrimp, veggie and chicken kebabs, or a snack board with pretzel bites, spice bar nuts and hot honey peach jam. Plus HelloFresh Market has new snacks, lunch meals, and yummy desserts like cheesecake, Key lime pie, and chocolate brownies. You can add those to your weekly order. Plus they have some fun s'mores for the kids. Well, for me too, because that's one of my favorites for dessert.

Joyce:

Absolutely, forget the kids, I'm ordering s'mores for me for next week. And the best thing about HelloFresh is that it does work with your schedule, just like that. If you want s'mores, you can get them. The 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.

Barb:

Go to hellofresh.com/sisters16 and use code sisters16 for 16 free meals plus free shipping. Again, go to hellofresh.com/sisters16 and use code sisters16 for 16 free meals plus free shipping. Everyone can also look for the link to HelloFresh, America's number one meal kit, in our show notes.

Jill:

As Kim just said, by now, our listeners have all heard in-depth analyses of the federal charges against the former president in connection with his retention of national defense information, concealment of documents and false statements. But since the indictment was unsealed last week, we've been hearing about his trouble getting legal representation as well as what legal, not political, but legal defenses he's going to put forth once he gets his team in place. So let's look at what he's going to be defending on and see whether we think any of them will work. And because there are so many possibilities, I'm just going to go around the group here and say, "Okay, Joyce, what of the defenses do you want to talk about and rebut at the same time?"

Joyce:

Well, there are two that I wanted to talk about, Jill. There are so many, most of them are weak, but some of them are meritorious. And the first one is jury nullification. I know our listeners have heard us say, "When the facts are on your side, argue the facts. When the law is on your side, argue the law. When neither one is on your side, pound the table." Well, jury nullification is sort of the classic pounding the table argument. It's where you don't have great arguments and the lawyer for the defendant manages to suggest to the jury, manages to insinuate, because they can't say it directly, that even though their client is guilty, the jury should go ahead and acquit for any one of a number of reasons. It's not a charge that's meritorious. It shouldn't be a federal felony or, "Hey, this is Donald Trump, the leader of your cult, and you should not put him in prison."

So the goal when Trump's lawyers pick a jury will be find one or more jurors that they think that they can convince to nullify, they'll just be searching for that one pro-Trump juror who will never let go. But of course, hanging a jury is not the same as getting an acquittal. The government has the opportunity and has the right to retry their case after a jury hangs and it's really hard to imagine Trump's lawyers putting together a jury will where all 12 of the jurors vote for acquittal. Smart prosecutors see this stuff

coming from a million miles away, and Jack Smith is a very smart prosecutor. So they have the ability to make these sorts of arguments from a distance where they make sure to remind jurors of the oath that they've taken of the facts and of the law.

And we saw that play out in the Paul Manafort trial where Mueller's team had a juror who after the verdict came in where Manafort was convicted, she said, "I voted for Trump, I'll vote for him again. I didn't want to convict in this case, but the law and the facts were strong and I followed my oath." That's the sort of situation that you have to set up there. Barb, what defenses have you been looking at?

Barb:

Oh, well, lately it seems like Donald Trump is all over this Presidential Records Act comparing himself to Bill Clinton's socks drawer and saying, "This is exactly like Bill Clinton." And it's exactly not like Bill Clinton. This case is not about the Presidential Records Act. Donald Trump is charged under the Espionage Act. This strikes me as more one of those arguments that might sound good in the court of public opinion, but will never fly in a court of law. So just quick recap. The Presidential Records Act passed after Watergate, thanks to the great effort of Jill and others, said that records that are presidential records, that are those prepared by the President or his office for the purpose of executing the job of the President of the United States are presidential records. And they belong to the United States government, not the person who occupied the office.

And in contrast, it defines what is a presidential record and what is not. And it says personal records are not presidential records such as diaries, and they list other kinds of things that are personal records, president's memoirs. They aren't records that are used in governing, they are reflections of the President for posterity. And there was a case where Bill Clinton was sued under the Freedom of Information Act for the contents of some recorded interviews that he had done and apparently he kept the recordings in his sock drawer, allegedly. That's where that reference comes from. And the judge ruled that they were personal records, not presidential records, because they weren't documents or recordings used for the running of the office of the presidency, but his personal records akin to a diary, excluded from the presidential records case. So there's that, which makes it very different.

In addition, the Presidential Records Act excludes from its coverage, agency records, records of the CIA, the NSA, the Department of Defense. And those are the kinds of things Donald Trump is accused of retaining. Those are covered by the Espionage Act, which he is charged with violating. Willfully retaining documents pertaining to the national defense. So when he starts talking about how the Presidential Records Act allows me to keep these documents and it's just like Bill Clinton in a socks' drawer, that is wrong on three different levels. So I just want to make sure people are aware of that because we've been hearing a lot of it. What about you, Kim? What's your favorite defense of the week?

Jill:

Before Kim answers, I just have to say, you remember that the Clinton's had a cat whose name was Socks?

Barb:

Yeah. Also named Socks. Yeah.

Kim:

So one thing that I found really interesting is very rarely do the National Archives make any sort of public statement about any public thing. And the fact that Trump's mouthpieces have been on TV for so long

with this claim that, "Under the Presidential Records Act, everybody's given two years. You have two years just to go through this stuff and decide what's yours and what's not and work through them and Donald Trump hasn't even been given this." They came out with a statement saying, "No. No. That is not correct. All documents remain the property of the federal government at all times."

Normally what happens with normal presidents is they have a committee, even those that have only served one term, have some sort of committee or entity designed to serve as their future Presidential Library set up in order to work with the National Archives and say, "Okay, these are some archived documents that we may want to consider having for the library." And then together they go through these things and see whether certain things can go to be set aside for the library or kept for presidential records purposes and that's normally what happens. That's not what happened here. What happened here is Donald Trump just took them. He took them and made up some rules about them.

So anything that they're saying about the Presidential Records Act, certainly it may be citing precedent from the past where people had Presidential Libraries set up, Presidential Library Committee set up and they were going through these things legally and properly, and it may have taken up to two years to go through them all. That's not what's happening here. This is the Espionage Act, as everybody is saying. It's the willful retention of... It's really not a hard case. Sometimes claims that go up or have a lot of elements that can be tricky to prove and a lot of defenses can naturally be built in. This one is so straightforward. Did you take documents you weren't supposed to have? Yes or no? Did you do it willfully? Yes or no? Did you obstruct when asked to give them back? Yes or no? I think in Donald Trump's case, it's all yes, and I really don't know what his defenses are.

Barb:

And Kim, to your point, I mean I'm sure you've read the indictment where they describe 31 of the documents that he retained. And they relate to things like the US nuclear program and military and weapons capabilities of the United States and allies, vulnerabilities of the United States and allies, really sensitive stuff. This is not Bill Clinton waxing poetic to his memoirist. These are documents prepared by agencies for the purpose of running our military and our intelligence community.

Jill:

And it's really clear that he has not done any fundraising or in any way said he's going to have a library-

Kim:

No, he's done nothing.

Jill:

... which would be the circumstance. Exactly.

Kim:

Literally-

Jill:

Exactly.

Kim:

... zero to establish a library because he won't admit that he lost. So why would he establish [inaudible 00:16:27].

Jill:

So when he does this, what about-

Joyce:

Plus don't you have to like books to have a library?

Barb:

Picture books, Joyce, with a Sharpie. Hey, what do you think about this analogy? I've been trying to think, does this work? He has no more right to these documents and to keeping them, than he did to keeping Air Force One. Does that work?

Joyce:

Oh, that's a good one, Barb.

Jill:

That's great.

Joyce:

Yes. I like that.

Jill:

Yeah, absolutely.

Barb:

Imagine if it's parked in the driveway.

Jill:

Absolutely.

Barb:

Like, "What? It's my plane. I can do what I want with it." "No, it does not belong to you."

Kim:

Oh my God.

Jill:

Although it is true that Nixon did get the Marine One, the helicopter that flew him away, it is now parked at his museum and library in-

Barb:

But he doesn't own it, right?

Jill:

Absolutely.

Joyce:

It's still owned by the National Archives.

Kim:

But that was donated. Yeah.

Jill:

Of course all of the papers are... Yes, and it was taken out of use. It was no longer being used. It was given to him. He didn't steal it. He was crooked, but he did not steal that. So what can you say?

Joyce:

Well, Archives runs all of the Presidential Libraries. So it was still Archive's property even though it's there.

Jill:

Exactly. And the National Archives does appoint the person who's in charge of the library. Although originally it was a private foundation that raised the money, which is what happens. Obama... Let's not talk about the what aboutism. Okay. Yeah. The Obama... Trump is saying, "Oh, well, he took hundreds and hundreds of boxes." Yes, they were given to him for his library. They were negotiated and he raised money to have a library. So it seems to me completely different thing than what is happening here. So who wants to bring up another defense? Anybody want to talk about prosecutorial misconduct or the declassification? I'm not guilty because I declassified it in my mind. Anybody want to take one of those?

Kim:

Can I just say with this one thing? Because I feel like in the media, I've seen this a couple times. The confusion between this idea of prosecutorial misconduct and piercing the attorney-client privilege, which are two separate things. There can... Donald Trump's team, if his legal team can get it together to make this argument, could try to say, "Hey, you know what? The attorney-client privilege that was pierced in the case of Evan Corcoran who had evidence of obstruction, may or... They can try to say that was improper, which is within their right. And if they do, the result would be that evidence would not be included in the trial.

But I think what we're seeing just in the right wing media that's just kicking dirt into the air, but I think people in other media too are saying, "Well, would that mean prosecutorial misconduct?" No, that would just mean a reversible error with... Or not a reversible error, but an error within that a court could rule that evidence is not included, but that's not prosecutorial misconduct. I think if prosecutors generally believe, genuinely believe that the attorney-client privilege should be pierced because of the crime fraud exception, which means you cannot enlist your attorneys to break the law. If they acted in good faith on that, that's not prosecutorial misconduct.

Jill:

Well, and also they had a court decision saying that the crime fraud exception applied and that they could have his notes and his testimony. But I think prosecutor misconduct is something different here. They're talking about, at least what I'm hearing hinted at, is that there was some offer made to his, Trump's co-defendant, Walt Nauta's lawyer about, "Well, we could help you on something," hinting at that. And I haven't heard any proof of that but that's, I think, what they're referring to when they say, "We might raise prosecutorial misconduct."

Joyce:

I don't think it went that far. What I saw that allegation to be was that during the pitch to Nauta's lawyer that they should get their client to cooperate, the prosecutor referenced the fact that he was aware that the lawyer had applied for a DC Superior Court judge. It's not clear exactly what happened, but look, everybody knows that some lawyer in DOJ now in the special counsel's office does not have the ability to make judicial appointments. And I think the Justice Department appears to have great confidence in that lawyer because he was in the courtroom during Trump's arraignment. So that suggests that they're not very worried.

But I want to go back to the suppression argument of the lawyer's testimony, the whole crime fraud exception to attorney-client because I think it's really interesting. Normally there's this doctrine, the law of the case that says that once a district court has made a decision about an issue in a case and it's gone up on appeal, that's it. There's no more reconsidering of the issue, it's over. And that's what happened here. District Judge Beryl Howell in DC, she considered whether the attorney-client privilege should be set aside. She said, "Yes." Trump appealed her to the appellate court and they affirmed her decision.

But this is one of those rare instances where I think Trump's lawyers may actually have a good argument that they can make, a good argument that Judge Cannon could revisit the issue. And here's why, Judge Howell's decision was made pre-indictment. In other words, she didn't rule after the case was indicted, the case is down in Florida and there's an argument that law of the case may not apply to pre-indictment decisions. I did a quick search of the law, not an exhaustive one, could not find anything that definitively said that a decision made litigating a grand jury issue was law of the case. So I think Trump's lawyers can make some legitimate arguments here.

They could also argue that they have new facts that Judge Howell didn't consider or that there's some kind of manifest injustice. And the point that I'm making is Trump makes a lot of specious arguments. We've talked about many of them in the past. Well, here his lawyers actually have some good arguments that they can make. This is not the magic declassification argument. And so sometimes there are legitimate arguments on both sides to consider. Ultimately, I think this one ends up being a loser for Trump either way, whether Judge Cannon reconsiders it or not, because the facts here are so compelling that Trump was trying to use the attorney-client privilege to engage in criminal activity. But we should be careful and recognize that sometimes there are good legal arguments on both sides.

Barb:

And one thing to point out... Joyce, I agree with you. I think that they can revisit this issue now to suppress it from trial, even though it came in at the grand jury before. But even if they lose that evidence, which I don't think they will, the case is still strong. You might lose the Evan Corcoran testimony, but you still have all the other stuff, the recording of what he said at Bedminster, the documents themselves, the text messages between Walt Nauta and other employees. So it's stronger with it, and I'm sure the DOJ will fight to keep it, but the case isn't getting thrown out even if Trump prevails in that motion.

Joyce:

Absolutely. I think that's right.

Jill:

And what about the search itself and throwing out the fruits of the search? Because that's one of the defenses that's being mentioned is that the government can't use the search documents.

Barb:

Well, what do you think, Jill?

Jill:

I think it's a ridiculous argument in the same way that I think that the argument about attorney-client privilege. It seems clear to me that the crime fraud exception applies, that Judge Howell was correct and that it would be affirmed even in the context of the trial. So I think both of those are losers as I also think... But I'd love to hear from you, Barb, on the declassification argument.

Kim:

Well, before we get to that, just on the search, I have questions. Not only... I agree with Jill, I think that it's nonsense. But why, why, why was Bedminster not searched? I've been wondering this from the beginning and especially since the evidence in the indictment itself indicates that he was showing classified documents at Bedminster to other people. Why in the world did Jack Smith's investigators not search Bedminster? What do you guys think?

Barb:

I have one theory on that, Kim, and that is, it may be that prosecutors learned about that one piece of paper that they've never been able to find, and they may have learned about it too late. One of the things that a magistrate judge will look for in a search warrant application is probable cause, but also freshness of the documents. Documents can stay fresh a little longer than other kinds of things. If somebody had drugs in their house a year ago, there's not really much reason to expect that they'll still have it there. Something that you retained for a long time, much more likely to. But the fact that he was bringing these boxes back and forth, I could imagine an argument that, "Well, we found out about this a year after it happened, and so is there probable cause to believe this one document is still there at Bedminster?"

But I don't know, I imagine that they did look hard at this because it would've been worthwhile, not just as an evidence gathering exercise, they always want as much evidence as possible, but a protection of the national security exercise. If this document exists where it's talking about military plans with Iran, they want to get that out of the public domain where Trump can be waving it around at a meeting and make sure it goes back to its secured place. So I agree with you that I have to imagine they thought about this. And the only thing I can think of... And even if it's just one, you could have a search warrant for one document if it is a highly classified sensitive document. But the only thing I can think of is that they found out about this a year later and they thought that the probable cause just wasn't fresh enough.

Jill:

Seems like a very reasonable answer to me and a good guess. But let's go back to the declassification because Donald Trump is saying, "I declassified them in my mind." But that doesn't overcome the fact that even if it was declassified, the documents had national defense info and that's what at issue here. So Barb, you're our expert on national security. You want to talk about that?

Barb:

Yeah, sure. The charges here in this case are violation of the Espionage Act and then related conduct to cover it up, obstruction, false statements, conspiracy. And the Espionage Act makes it a crime to willfully retain information relating to the national defense that the possessor could reasonably believe, could be used to either injure the United States or advantage a foreign nation. There's no mention whatsoever in the Espionage Act of Classified Information. Sometimes when people are charged with mishandling information, it is classified and they're charged under a different statute 18 USC 1924, which makes it a crime to mishandle classified information because not all classified information relates to the national defense. It might relate to something else. He's not charged with that. So the idea that he declassified it is absolutely irrelevant to these documents.

Now they do talk in the indictment about the fact that they were classified. I think because that requires some special handling under the Classified Information Procedures Act to protect their sensitivity. I think to apprise a jury and the public about just how serious this was... These were, as we said, nuclear secrets and military capabilities. So they are classified, but that's not at all relevant to the crime with which he is charged. As long as they pertain to the national defense, then it is a crime to willfully retain them. And so again, I think this is just one of those things that Trump likes to say to confuse people who may not know the distinctions, which are not commonly known among members of the public, frankly. So I think he is taking advantage of that information gap to try to spin this case in his favor, but it's not going to fly at trial.

Jill:

Well, I hope everyone in our audience now sees how silly the defenses being raised are and why they aren't going to work and feels better about this case going forward.

Kim:

And now it's time for a riddle. What can be stronger than steel, softer than cotton and can sequester five times more carbon than pine trees?

Barb:

Is it Jill Wine-Banks?. Nevermind.

Kim:

Well, the answer of course, is bamboo grass in this case, not Jill Wine-Banks. Bamboo is a sustainable superhero and Reel Paper is using it to make your new favorite toilet paper. It's soft, strong, and 100% tree-free. So if you're still using conventional toilet paper in your home, there's no better time to dump the stuff that contributes to deforestation and switch to Reel's Bamboo Toilet Paper like we have.

Joyce:

When you use Reel, it doesn't feel like you're sacrificing something to help the Earth. In fact, it feels like an upgrade. It's always shipped free to your door in plastic free packaging and you can schedule it on a

subscription so that it comes exactly when you need it. With Reel I never have to worry about forgetting to buy any at the store and not only is it amazingly high quality, it's a great way to do your part for the environment. Y'all will be tickled to know I got an email from my rabbi. We were talking about something else earlier this week, and he says, "But really, do you really use Reel?" And I said, "Well, yes, actually I do. I really, really like it. It's a great toilet paper."

Plus Reel is now partnered with One Tree Planted and with every box of Reel that you buy, they're funding reforestation efforts across the country. So unlike the other products that cut down trees, Reel is helping to actively plant them. Do you see what I did there? It doesn't get any better than that.

Jill:

Reel Paper is available in easy hassle-free subscriptions or for one-time purchases on their website. And all orders are conveniently delivered to your door with free shipping in 100% recyclable plastic free packaging. If you head to reelpaper.com/sisters and sign up for a subscription using our code sisters at checkout, you'll automatically get 30% off your first order and free shipping. That's reelpaper.com/sisters or enter promo code sisters to get 30% off your first order plus free shipping. Let's make a change for good this year and switch to Reel paper. Reel is paper for the planet. You can also find the link in our show notes.

Joyce:

After listening to the comments in our first segment, my personal choice would be to have Judge Jill Wine-Banks overseeing United States versus Trump, but I don't think that's where we're headed. In fact, we're looking yet again at Judge Aileen Cannon, a name we have not heard for a while before we learned last week that she's the judge who's now assigned to handle the Trump indictment. Jill remind us of who Judge Cannon is in her past history handling cases where Trump is among the litigants.

Jill:

So her most famous case of course, in her very short tenure on the bench is what she did in connection with the search warrant and withholding the documents from the government, appointing a special master to review them and saying the government couldn't look at the documents until after the special review. A decision of hers that was roundly chastised by the Eleventh Circuit and overturned. But I think we need to know more about her because she's become almost this caricature based on this one decision. So what do we know about her? Well, she graduated from a very good law school, Barbara's law school-

Barb:

Thank you.

Jill:

... the University of Michigan.

Barb:

Go blue.

Jill:

So we have to admit... Yeah, and she did very well there. She was Order of the Coif and magna cum laude. So I would say she at least has a good academic background. She was a member of the Federalist Society, she still is as far as I know. She clerked for a very conservative judge in an appellate court, the Eighth Circuit. And she then went on to a very, very fine law firm, Gibson Dunn, was an associate for three years and then an AUSA, an assistant US attorney in the Southern District of Florida where she now serves on the bench. She was there for seven years. She had only four jury trials in that time and then was nominated by Marco Rubio and supported by Rick Scott and was confirmed after Trump lost the election.

So it was already passed November 3rd, and she got a qualified rating by the ABA, which she barely qualified for because it requires 12 years of experience and she just had 12 years but she did get the qualified. She identifies as an originalist and a textualist. Her application for the bench included... You have to list your writings and most people put in the law review articles they've written, et cetera. She put in, I wrote about flamenco dancing and other stuff for the Miami newspaper when I was a summer intern in college. But she nonetheless, despite her special masters overturned ruling, is the judge on this case and will proceed with, I assume, some cognizance of the Eleventh Circuit watching every move she makes and with the possibility that Jack Smith would wait until she makes a horrible mistake again before moving to have her ousted from this case.

Joyce:

So Barb, when Judge Cannon handled the civil case that Trump filed after the Mar-a-Lago search warrant was executed, she was actually reversed by the Eleventh Circuit twice, and they had harsh language. It's not infrequent for judges to be reversed. That's why we have appellate courts for appellate judges to revisit decisions made by district judges. But here the Eleventh Circuit did more than just revisiting her decision. They smacked her pretty hard. They told her she had not had jurisdiction. That was not a close call by the way. That was something that virtually every pundit, no matter whether they were liberal or conservative, had been saying all along here. Her decisions were in many ways out of bounds of the normal parameters of places where judges get stuff wrong. So one of the options that people have discussed since her appointment is whether or not she could be recused. How does that work out and what do you think the options here look like?

Barb:

Yeah. So before we go any further, I have a question for all of you, which is it Eileen or Aileen Cannon? Does anyone know?

Jill:

I don't know.

Joyce:

I think she says it Aileen. I probably just said Eileen.

Jill:

I hear Aileen as the reported, but I've never heard her say her name.

Barb:

It's spelled A-I... I know. It's spelled A-I-L-E-E-N. All right. Judge Cannon, we hope you'll write in and let us know the correct pronunciation of your name so we can pronounce it.

Jill:

I have a friend who knows her and I'm going to ask.

Barb:

All right. Very good. But of course you do. But as to the recusal issue, it's judges themselves who decide their own recusals. I think that I'm like Jill, she strikes me as a little young and perhaps not as experienced as others might be. The ABA graded her as qualified, not highly qualified, but she's got some good credentials behind her. She did make that really... Just bad lawless ruling in the prior case, which is I think what has everybody so concerned. And Joyce, in addition to violating the law of the circuit on the legal standard, she also said that the president should be held to a different standard from everybody else. And I think that's the one that really rubs me the wrong way.

Joyce:

She said that though in the context, the civil case was inequitable jurisdiction. She was saying in this equitable jurisdiction, I have to treat the president differently. I agree with you, by the way. I think it's an appalling comment, but I think her lawyers will try to distinguish it because of that but I am dead on the money with you here.

Barb:

So I can see why people are concerned about the fact that this case is assigned to her. She could wreak a lot of havoc if she wanted to. But usually the process for recusal is to ask the judge themselves to say, "Judge, you should recuse yourself because we believe you have a conflict of interest." Most often a recusal occurs, and a judge will do it on his or her own, because they've got some sort of financial conflict or family conflict or business conflict.

My first job out of law school, I clerked for a federal district court judge, same level as Judge Cannon. And one of the first things we did was a conflicts check. When a case came in the door, the judge I clerked for had a number of conflicts for which he would recuse himself. Very, very close friends who were lawyers would not handle one of their cases, small list, but his closest circle of friends. Some places where he had investments like his own bank. He wouldn't handle a case that covered his own bank and maybe some basic stock holdings. So a handful of things. That would be the very first thing we'd do. But those are things with either personal interest or financial interest.

Here it seems that people are only seeking her recusal because they don't like the way she ruled in a prior case and ordinarily that's not enough. I think the standard is something like her involvement in this case could cause people to fairly question her impartiality. So I think at this point, I'd be surprised if the Justice Department files a motion and she would grant such a motion. In a motion she would have to explain her reasoning and why. I think Joyce, I think I've heard you say this too, what seems like a better approach might be for her... The Justice Department, to wait and see.

There're going to be all kinds of motions filed as we talked about. Donald Trump's going to try to suppress all the evidence and claim selective prosecution, all kinds of other frivolous motions. And if she again decides something in a way that is lawless or suggests that the former president is entitled to a different standard from everyone else, maybe then that's an opportunity to both appeal her decision and ask that on remand the case be reassigned to a different judge. So I think if I were the Justice

Department, I would take a wait and see approach because Merrick Garland, above and beyond everything else has made it his mission to restore public confidence in the Department of Justice. And I think if you look whiny about, "Ah, we don't like this judge because we're afraid she's going to rule against us," maybe it looks like you are lacking confidence in your case.

And so I think if they get a conviction against her, it's an even stronger conviction because they can say, "Even this Trump appointed judge presided over a case at which Donald Trump was convicted." So I think they're going to wait and see what happens.

Joyce:

I think that path, if there's another substantive appeal, really is a good one. And it's interesting, there's case law in the circuit that says even in the absence of bias, that's what you're talking about Barb, judges who step down because they have a direct conflict of interest, maybe they'll financially benefit from the outcome of the case. But in this circuit, the panels have said, even in the absence of bias, when we've got a judge who's made a couple of really egregious... We're not talking run-of-the-mill errors, but really egregious outside of the bounds of law sort of errors. And it looks to us like that judge would not be able to set aside the prior path that they were on, then we'll order the chief judge of the district court to reassign the case on remand.

And I think her prior rulings in the Mar-a-Lago search warrant case, if say she were to make a bad ruling under CIPA and to deny the government of the ability to use some of the classified evidence... Or I'm actually saying that the wrong way. If she were to order the government to put classified evidence in at trial instead of using maybe an unclassified summary, then I think the government has a strong path. It's risky to not challenge her given her prior history, I think ultimately they might have to, but it's a much easier path after she makes the next bad ruling. So Kim, Barb alluded to this and so did Jill, but there's been an argument circulating recently that says she's too young, she's too inexperienced to handle the case. What do you make of that one?

Kim:

So I don't think being new to the bench and certainly one's age makes a difference when it comes to being prepared to handle a trial of this complexity and of this magnitude, this profile and magnitude. Every judge on the federal bench was a new judge at some point or another. So it would've been impossible for them to get where they are if every time they had a case before them, you were able to raise an objection saying, "Oh, this judge is brand new to the bench." And I'm not sure if sexism is a part of those criticisms, but I understand that it often can be.

And so my issues with her on the bench have nothing to do with the amount of time that she's been on the bench and we were all attorneys before, none of us has been judges, but we've all been attorneys that we... I remember my bar card, the ink on my bar card being barely dry and having my own caseload and being expected to go and do my job to the best of my ability and to the best of my client's ability and I think that judges should be expected to do the same.

I think for me, the concern comes more from what she has done, and we've already broken that down with some of the rulings that she's made initially. And just the lack of... There are obviously a lot of trial judges that come... Who have a lot of trial experience either from practicing or other things, it could even be running clinics in law schools as professors or something else, that they understand the workings of the very high paced think-on-your-feet trial court. I think our listeners need to really think about the fact that trial judges have a very, very different job than appellate judges. The appellate

judges think about the law and precedent and how it's been applied in the past and how it's been applied in their circuit and how it may be different from other jurisdictions.

Trial judges are making decisions every minute of this trial. When someone makes an objection, you have to make a ruling on that objection, whether it's evidentiary or something else. You have to have a good grasp of the rules of federal civil procedure in order to make that. If you can't make a ruling on a motion right on the spot, you have to be able to take a very short recess to be able to consider that motion and come back and make a ruling on it. It is a very, very difficult and think-on-your-feet type of job. And so if she is not up for that in a case that involves national security, in a case that involves classified documents in a very specific... A really special kind of case, then that can be problematic that she is taking this on.

I think if it were me and I was a new judge, I may not want to take that on. Immediately, we saw with the magistrate who did Trump's arraignment. At the end he said, "This is where my involvement in this case stops and thank goodness." I'm paraphrasing a little bit, but he was just like, "Thank God this is not on my docket because this seems like a lot of..." This is a complicated case, and it is. So I really hope that she's up to the task of this. I don't know if she is or not, but I really hope that she is, because justice depends on it.

Joyce:

Yeah. It's really odd to me to see this argument circulating, and I confess that I have questioned whether we would be hearing that argument if she was a man, not a woman.

Kim:

Fair enough. Fair enough.

Joyce:

Once you're confirmed as a federal judge, you're a federal judge.

Barb:

It's your job.

Joyce:

And you can do any case that shows up on your docket. I'm less, less interested in that argument than I am about the prior case rulings. Well, lots of interesting questions here. We'll have to wait and see how DOJ decides to handle the issues and the judge herself.

Kim:

Joyce, you're looking great today. What's your secret?

Joyce:

Well, thanks Kim. We all need to hear something like that now and again, and I appreciate it. And like you, my secret is Thrive Causemetics. They make high performance beauty and skincare products with clean skin loving ingredients. No parabens, no sulfates, no phthalates and the products are certified a 100% vegan and cruelty-free and it really makes a difference. Cause is in Thrive's name for a reason and

I love how every purchase supports organizations that help communities thrive and the products are perfect for any look.

Kim:

We love their sheer strength hydrating lip tint that hydrates lips with a hint of tint that applies evenly and lasts up to six hours. It's an amazing, lightweight, balmy, and non-sticky formula that hydrates lips to make them visibly softer and smoother. Plus, there's no mirror needed and the application is effortless. It feels great how smoothly it glides on with beautiful colors in six tints to choose from that's comfortable to wear all day.

Barb:

What do you mean no mirror required? How does that work?

Kim:

It's foolproof, Barb.

Jill:

It is really handy to have. I keep one in my car at all times because I also notice when I'm driving how dry my lips feel. And you can just pick it up while you're driving at a stoplight, just put it on without the mirror and it works. And you don't make a mess of your face. It's the best. Especially in the drying summer heat or in front of an air conditioner blasting all day. And Thrive has so many more amazing products. You need to get yourself over to the Thrive Causemetics website and check them out. We truly can't get enough of Thrive, especially how they contribute to helping communities thrive with every purchase through their Bigger Than Beauty program. They give to over 300 causes, spanning colleges, cancer research and homelessness, along with many more.

Barb:

Well, I don't know how this whole mirrorless thing works. I need a mirror just to eat my dinner. But you have to try Thrive Causemetics to see for yourself. Right now you can get an exclusive 20% off your first order when you visit thrivecausemetics.com/sisters. That's thrivecausemetics.com/sisters for 20% off your first order. The link to this deal also looks beautiful in our show notes.

This week the Supreme Court issued an opinion upholding sovereign rights for Native American tribes in adoption matters. And I want to talk about this case because it's a significant one, although a couple of things, the Supreme Court heard a record low number of cases this year, something like only in the 50s. In recent years they've been hearing in the 80s, and they still have 18 opinions to go.

Kim:

It's ridiculous.

Barb:

Kim, don't they normally finish by the end of June? How can they still have 18 [inaudible 00:48:36]-

Joyce:

It's hard when you're reversing that much longstanding precedent, Barb, because you know that democracy takes some time. That's true. That's right. We ought to be patient about that.

Kim:

Yes, there are a lot of cases still left given how short of amount of time they have. Yes.

Barb:

Well, I thought a couple... One of the significant cases this week was this one on the Indian Child Welfare Act. But before we delve into the case, I just wanted to ask all of you, is it correct to say Indian or is Native American preferred? I know the law often lags between popular culture. For example, the word alien is used throughout the law. And in my former office, we switched our nomenclature to undocumented person as opposed to illegal alien. But Indian is all over the law. What do you guys think about that? Is it appropriate to say Indian or is Native American preferred? What do you think?

Kim:

Yeah, I mean, my general thing is to ask the people who are affected by these, and in most of my reporting, people respond to them as part of their tribe, like the Mashpee Tribe or the Blackfoot Tribe or the Nation-

Barb:

That's right. I don't want-

Kim:

... that they're in.

Barb:

... to be called either. I want to be told Cherokee.

Kim:

Right. And try to-

Jill:

Interesting.

Kim:

... in my reporting use that. But it's difficult because we have statutes like the Indian Child Welfare Act, and so everything in this opinion said Indian. And I think it was because of the statutory language and it's an important question to ask whether that's appropriate.

Barb:

I think that's such an interesting answer, Kim. I think that in my question, I made the mistake of thinking of Native American peoples as a monolith. What do we call this group? Instead, as what your answer tells me is, we should think of them as sovereign nations. There's the Cherokee Nation, there's the Chippewa Nation. That's really interesting. When I was US Attorney, we had a tribe in our districts, it's

still there, the Saginaw Chippewa Tribe in Mount Pleasant, Michigan. And as part of our assignment, we were to consult with them as an independent sovereign about how we could best work together and serve that community. And we did and they were wonderful and I would tell you, they frequently use the term Indian, which I thought was very interesting.

Jill:

And our Secretary of the Interior uses the word Indian in her statement about this decision. But it would be, I think Kim is right, it's very interesting to ask, how do the people who would fall into the category, whatever you call it, want to be identified?

Barb:

Mm-hmm. Yeah, I'd love to hear from our listeners on this topic because I think, as we said, language evolves and we want to make sure that we're talking about people and groups respectfully. But the law uses the word Indian and uses the... There's the statute called the Indian Child Welfare Act. So let me start Jill, by just asking you, what is the Indian Child Welfare Act?

Jill:

It is an act that was designed in 1978 to protect the best interests of what... Again, I'm going to have to use the word Indian because that's the statutory language.

Kim:

Let's just speculate that for the purpose of this discussion, where we mean it in terms of we're using statutory language.

Jill:

Yes. Okay. So it was to protect the interests of Indian children who were prior to that being removed forcibly from the tribe that they belong to, from the family that they belong to. And so this was to promote stability and security of the tribes and families by establishing certain federal standards before children could be removed and placed outside of the tribe and outside of the Indian culture. So that was the purpose of this Indian Child Welfare Act and the case is quite interesting based on that.

Barb:

Well, good. So there's the statute. And Joyce, can you just tell us what the case was about? What was the issue and what did the court decide?

Joyce:

Yeah, it's such an interesting case. I'd love to see us do a whole topic on the law that governs the tribes and the way self-governance happens on tribal lands. I think it's a fascinating issue. Here this case arises from three separate child custody cases that get consolidated for purposes of this appeal. They are all governed by the Indian Child Welfare Act. And as Jill's mentioned, that statute, the whole goal is to keep Indian children connected to Indian families, whether it's their family of birth or a tribal family is the first order of business. That's the goal that's at stake here. The statute governs state court adoptions and foster care proceedings whenever an Indian child, a member of one of the tribes, is involved. And so the Supreme Court in this decision, they uphold that law and they say the goal of keeping Native American adoptees with their tribes and traditions is an important one, and we will not interfere with that.

So in that sense, it's a really big victory for the tribes and for self-governance. But there's an interesting issue that doesn't get addressed in this opinion. Justice Barrett writes the opinion and she leaves open the issue of whether there's an equal protection argument that the white Christian family from Texas who wants to adopt one of the children says, "We're being denied equal protection here." And she says, and it's very interesting, that she's not going to rule on the issue because there's no party present in the case who has standing to raise it. Sort of a complicated issue but it's good to know that the Supreme Court remembers that there is a standing doctrine and that only parties with standing can raise issues.

Barb:

So Kim, there were also two justices who dissented from the majority opinion. Justices Thomas and Alito. What were their views in this case?

Kim:

Yeah. So generally speaking, when it comes to family law and adoption, that is something that is normally within the realm of states' rights. And particularly in Thomas's dissent, which I found a little more... I don't know. I understood that one a little more than Alito's. It's basically saying, look, this is a federal government trampling on states' rights. The determination of where a child should be placed has normally been within the states' rights, and it should be here. But as we pointed out before, this was a charge by Congress, which when it comes to in Indian sovereignty in Indian Nations, that has always been a matter of federal law. There are so many federal treaties that are governing Indian Nations and their rights and their sovereignty.

So this law was passed in 1978 at a time... And it still remains the fact that Indian children are removed from the family at a rate that's so much higher than the national average. It's really shocking. And they're also placed in foster and adoptive homes outside of, not only their families, but often outside of their tribes, of their Nations. Again, disproportionately high. And so what that actually does is when you're taking children of these communities out of the communities, it accelerates the likely extinction of those communities, because if you're not carrying on those traditions and that history, it's impossible for those Nations to survive. I can't stress enough that this is a matter, this was passed by Congress, because it was understood that it was a matter of the very survival of these Nations that this practice continue. And so that's why this law gives a preference first to a child who is from an Indian Nation to a family member. If there is not a family member that is able to foster or adopt this child, then it was somebody within that Nation.

If there is not somebody within that Nation that is available to foster or adopt that child, then it's somebody who is Native American. And then after that, non-Native Americans can be considered as adoptive parents. Keep in mind that the challengers in this case who tried to adopt a child, were able to adopt that child in the end. So I'm just under... The only thing that is still... I'm happy that the Supreme Court decided the way they did that I'm still a little flabbergasted about is the fact that this wasn't just thrown out on standing from beginning. These people got their kid, there was no harm done here. They got the kid that they wanted, but they're just like, "Oh, but the process was so hard." Well, boohoo life is hard.

Barb:

Well, then-

Kim:

Well, really. Seriously.

Barb:

... I won't come to you with my complaints.

Kim:

But I think it's also... I will point out one other thing is that this opinion was written by Justice Amy Coney Barrett, who as we know has adopted two children from, I believe, Ethiopia. And so I think even she, as somebody who understands how this process works, can see the value of the statute and say that it was entirely within the authority of Congress, I think that's important.

Barb:

I wanted to pick up on one of the threads that Joyce mentioned, which there wasn't really standing to address this issue, but I think this issue is one that is worth talking about. And that is this argument that this statute in some way involves race discrimination because it favors Native Americans over other groups, whites and African Americans, others who might want to adopt these children. As I understand it, the argument is not that this is based on race, it's based on tribal sovereignty.

Kim:

Correct.

Barb:

It's like saying people from France get to adopt the French kids or people from Italy get to adopt the Italian kids. What do you make of that? Do you think that argument is valid? And I'm just curious about your thoughts about it because I think it's really interesting and demonstrates the way so many Americans still fail to see that Native American Tribes are sovereign Nations.

Joyce:

I think that goes to the fundamentals of their sovereignty and that's how they've postured this argument in an effort to have that sovereignty eroded. And also because they believe it's important that the prioritization that's in place that gives preference to members of the same Tribe should stay there. I understand the argument in the sense that, well, we want all of these kids to find good homes, but I think that because the tribes have sovereignty, they get to make those decisions here.

So Kim, have you done anything fun with your nails lately? You always look great. I always like to see what you've got on. What's going on right now.

Kim:

Well, thank you. I just gave myself a fresh pedi just last night using Olive and June, and I used a nice bright pink color because I think that's perfect for summer. Nothing is better than giving yourself a perfect home manicure or a pedicure with Olive and June. They have everything you need for a salon quality manicure or a pedicure in one box, and you can customize it with your choice of six polishes. We love how their polish doesn't chip and it lasts for seven days or more, although in my experience it lasts far longer than that. And when it comes down to it, you're getting a great savings because it breaks down to just \$2 a manicure. Not only do you get salon worthy nails at home with Olive and June, you'll immediately notice the difference you get when you craft your perfect nails with their Mani System.

Joyce:

So that means no appointments, no traveling to find a suitable salon, and you save money while putting your nails on your schedule. Last week I ordered one of their glitter polishes for the first time, and it is so much fun. It is so sparkly. Your friends, your family, your spouse and coworkers will all be amazed by how good your nails look. I feel just a little bit better going on the air knowing that I have a fresh manicure, even if no one can see it. Plus Olive and June has amazing looking press-ons that go on quickly. They look real, they last for a long time and they have every size you can imagine. So you know you're going to get the perfect fit.

Jill:

That means a non-damaging mani in less than 10 minutes that goes on much better than with gel. They're even an Allure Best of Beauty winner. And with their Quick Dry, you only have to wait a minute and you can feel confident knowing they'll last for five or more days with only one or two coats.

Barb:

So visit oliveandjune.com/sil for 20% off your first Mani System. That's oliveandjune.com/sil for 20% off your first Mani System. You can also find the link in our show notes.

Kim:

So we have reached what is truly our favorite part of the podcast, which is questions from our listeners. 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, keep an eye out on our Twitter feeds throughout the week. We try to answer as many of your questions there as we can. So first up is Laura in Quebec, Canada. We love our international listeners. And Laura asks, let's say Trump gets convicted of anything that requires actual jail time and there's a home confinement arraignment. Is it the Secret Service who enforces the confinement? What about the Trump cronies in the Secret Service who are inclined to be favorable to Trump? Interesting question. Joyce, do you know the answer?

Joyce:

It really is an interesting question. The Secret Service won't be charged, at least not technically with monitoring Trump because he will be in the custody of the Bureau of Prisons if he's in home confinement. And so depending on the jurisdiction, what most likely happens is there's some sort of monitoring device that's put on him. Again, with Trump, this is a wide open question, because there is some concern, some legitimate concern about protecting a former president. Maybe you don't want to put a monitoring device that could be hacked on him, but likely he'll be subjected to the same conditions of anybody else in custody.

And then some combination of BOP and probation personnel will make sure that there's not an incident where he leaves the area that he's supposed to stay in. Usually if you're on home confinement, you can leave to go to church or to work or to a doctor's appointment, and that is about it. And that monitoring will be maintained strictly... Ultimately, he will remain under the jurisdiction of the judge in whatever district he's incarcerated in. And if he violates those conditions, he would be taken immediately into custody.

Jill:

So Joyce, does that mean he can't play golf?

Joyce:

I think golf is off the table unless they like to find... Maybe they'll define Mar-a-Lago very broadly and give him the run of the place but one would hope. Seriously, he should not benefit from his wealth and so if he's convicted and if the order is home confinement, it should be a very narrow order.

Kim:

All right. Our next question comes from Ann in Portland, Oregon where we all just were a few weeks ago. Ann asked, will there be a 50th anniversary reunion of the Watergate prosecution force? I was the information section chief and would love to come if there is one. That one is for, of course, Jill Wine-Banks

Jill:

And hi Ann, and I... Sorry we didn't get to meet in Portland a few weeks ago, but the answer is yes, there is going to be a 50th anniversary reunion. The team is going to get together on Saturday night. Let's see, October 21st, and if you will contact me through my website, which is www.jillwinebanks.com, I can make sure that you get on the list for the information. And there'll also be something at the National Press Club for some of us to speak and several other events. But the big event for us getting together is on the 21st, celebrating the Saturday Night Massacre.

Kim:

Wow, that sounds really great. And our final question is from Jenna who asks, can you elaborate a little more on the phrase speedy trial that keeps being used about the recent Trump Federal charges? I was always under the impression that a speedy trial is a defendant's right. When Jack Smith said that, did he mean more expedient or does the government in federal cases have a constitutional right to a speedy trial as well? Barb.

Barb:

Oh, this is such a good question. Thank you, Jenna. And this is a topic that we cover extensively in my criminal procedure class. I haunt my students with understanding this. And you ask a really good question because a defendant has both a constitutional and a statutory right to a speedy trial. The government does not have a constitutional right to a speedy trial, but it does have a statutory right. So there is a federal statute called the Speedy Trial Act and what it says is that not only does the defendant have a right to a speedy trial, but so does the public. Because a defendant might have an incentive to drag out a case, to delay it. Donald Trump certainly does. If he can kick the can down the road past the 2024 election and maybe even become president, he might arguably be able to pardon himself.

And so the Justice Department as you heard and you note Jack Smith said, "We will seek a speedy trial." There is an interest of the public in having a speedy trial. Now the Speedy Trial Act does have all kinds of reasons that stop the clock. Filing of motions stops the clock. A reasonable time to consider that by the judge up to 30 days, stops the clock. The arraignment of a co-defendant like Walt Nauta is stopping the clock until his arraignment on June 27th. So there are all kinds of little things that can stop the clock or even a particularly complex case. The CIPA and Classified Information in this case will likely stop the clock as well. But you bet that the government does have this statutory right to a speedy trial, and Jack Smith has said that they will push it to get that trial done as quickly as possible.

Kim:

Well, thank you for listening to #SistersInLaw with Joyce Vance, Barb McQuade, Jill Wine-Banks, and me, Kimberly Atkins Stohr. Remember, you can send in your questions by email to sistersinlaw@politicon.com or tweet them using the #SistersInLaw for next week's show. Please support this week's sponsors HelloFresh, Reel Paper, Thrive Causemetics and Olive and June. You can find their links in our show notes. Please support them as they really make this show happen. And to keep up with us every week, follow #SistersInLaw on Apple Podcasts or wherever you get your pods. And please give us a five-star review because it really helps others find the show. See you next week with another episode, #SistersInLaw.

Joyce:

I like Jill saying, I don't like pasta salad. She says, "I love everything." She's like, "Yeah, I don't like pasta..." I think that's funny.

Barb:

That is really funny.

Kim:

Now the truth comes out. Now the truth comes out.

Joyce:

I think that'd be a funny [inaudible 01:08:28] like, "Yeah, I don't like pasta salad." I'm with you on that one, by the way, Jill. I don't like pasta salad.

Barb:

Yes, same.

Joyce:

I usually skip just because of the carbs.

Kim:

I make a good pasta salad. I have nobody to make pasta salad for because a key ingredient of mine is olives and my husband doesn't like olives.

Joyce:

We'll be over here eating the watermelon. Don't worry about us. Kim, have you-

Kim:

Have my pasta salad by myself.

Joyce:

Have you ever taken the watermelon and soaked it in tequila and then put salt on the end and it's like eating a margarita?

Kim:

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You could soak it in chocolate. It doesn't matter. It's disgusting.

Barb:

Oh god.

Kim:

It's disgusting. It's gross.

Joyce:

Kim is going to die on this hill, you guys. There's just going to be no point in [inaudible 01:09:09]-

Barb:

Fair enough. Fair enough. We all got our things.

Kim:

See, Brisby agrees with me.