

Barb:

Welcome back to #SistersInLaw with Kimberly Atkins Stohr, Joyce Vance, Jill Wine-Banks, and me Barb McQuade. This week we'll be discussing the 14th Amendment trials going on in Colorado and Minnesota, the Trump civil trial in New York, and the conviction of Crypto King, Sam Bankman-Fried. And as always, we look forward to answering your questions at the end of the show. Also, wanted to provide an alert to our listeners that among our merch available now, is a brand new item, the #SistersInLaw mug. Have you guys gotten your mugs yet?

Joyce:

They are great. I drink coffee so much. I'm pretty convinced that if you cut my arm open, I would bleed coffee at this point. But the SistersInLaw mugs are great. They look good and they're just the right size and shape. Highly recommended.

Jill:

I love it. I love using it, it makes me really happy to see.

Kim:

Same here. I always feel very proud when I take a good sip of Joe out of my SistersInLaw mug, so you guys should get one too. You can drink your coffee while you listen to us.

Barb:

All right. Well I'm sipping a little coffee here as we talk. And one thing I wanted to ask you folks, I saw this on Twitter and I chimed in. Halloween has just passed, so it's kind of the season of scary movies and other kinds of things. And the question was, what scary movie terrified you as a child? And I knew the answer immediately. For me, it was The Amityville Horror. I don't know if you guys ever saw that-

Kim:

Oh, that's a good one.

Barb:

... but whatever age I was when that came out, I was just a little too young. And I saw it with my older sister and it was just terrifying. And one of the things about it is, it's got this mood music with little children singing, humming in a high pitched sound. And we shared a bedroom, and at night she knew I was scared when the lights went out, and she'd start singing that, that little... "Hey, Barb." And she'd do the little thing. Like, "Stop, you're scaring me. No. Mom." But to this day, so, so scary. How about you guys? Did you have a scary movie that really went over the top for you?

Kim:

Yeah, Amityville is a good one because... I didn't think I was scared by that movie, but the house in it, had this very particular art shaped window.

Barb:

Yes.

Kim:

And whenever I see that window on other houses-

Barb:

Yes, me too.

Kim:

.. it sends a little chill through me.

Barb:

Yes. It's like those half moon thing.

Kim:

Yes.

Barb:

Quarter moon. I know exactly what you mean. Same, it's ruined that whole... Which is a lovely architectural feature, but I-

Kim:

It's beautiful, but I-

Barb:

... could never live in a house that has one. Never.

Kim:

It was similar for me. So my mom to this day, loves scary movies. And I remember distinctly once, I was walking into the family room while she was watching Invasion of the Body Snatchers, and it was right at the end where a woman goes up to Donald Sutherland basically to say, "Oh, I'm still human and I know you are too." But he actually was a pod person, and he turned and pointed to her and opened his mouth and this sound came out. And it was the most terrifying thing I had ever experienced. And I swear to goodness, same thing. To this day, Donald Sutherland, wonderful actor, he scares me. He's scary. And when I see him come up in a movie, it's like, "Oh my goodness. Okay, it's just Donald Sutherland. It's okay." Brilliant actor. But yeah, I'm scared of you, Donald. I'm sorry.

Barb:

What about you, Joyce?

Joyce:

This is so embarrassing by comparison, but I was four or five when Bambi came out.

Kim:

Bambi's scary, that's sad.

Joyce:

We went to see it in the theater with my cousins and my mom, and my granddad, and my aunt, and my uncle. And I was done when Bambi's mom died. I cried so hard that my uncle had to take me out of the theater. To this day, scariest movie I've ever seen. Yeah.

Barb:

Jill, what about you?

Jill:

I don't like the genre, so I almost never ever watch horror movies. One I actually liked and it came so highly recommended, I decided to see it, was Get Out.

Joyce:

Oh, that was good.

Barb:

Oh, I like that.

Jill:

Yeah, that's not exactly a horror movie in the-

Barb:

Kind of though.

Jill:

... genre you're talking about, but it is in that category and I liked it. Mostly I just don't watch it. I am hooked on a British series called Silent Witness, where I have to close my eyes a lot, because a lot of dead bodies and blood. It's about coroners or forensic pathologists. And so to me, that's a horror series, even though it is definitely not listed as such. So I'm sort of fearless in a way, but I just don't enjoy fantasy, sci-fi or horror movies. Oh, I'm going to add one other thing, which is my husband had to walk out of a movie with Glenn Close and Michael Douglas, in which-

Barb:

Fatal Attraction?

Jill:

Fatal Attraction.

Barb:

I even know the scene. Was it the rabbit boil?

Jill:

Yes, it was absolutely the rabbit.

Barb:

Yeah, it was hideous. It's a hideous scene.

Jill:

He literally left the movie theater.

Barb:

I'm with him. Yeah, that was hideous.

Joyce:

Yeah. I am very squeamish when it comes to horror and movies and I don't like animals.

Barb:

Well, good man.

Joyce:

I like Michael even more than I already did.

Barb:

Jill, you always look not only great, but so calm and comfortable with yourself. What's your secret?

Jill:

Well, one of my secrets is using the comfort of Honeylove. They've revolutionized the bra and shape wear game, so you'll say goodbye to uncomfortable underwire, thanks to their supportive binding. And forget about bulky heat transferring fabrics. Their fabric is so soft and their shape wear uses targeted compression that is a great new technology, so you won't feel like you're suffering in your undergarments.

Joyce:

You'll immediately feel and see the difference. Plus, for this month only, Honeylove is offering up to 50% off when you visit [honeylove.com/sisters](https://honeylove.com/sisters) and let them know we sent you. Their bestseller crossover bra is so comfortable, it's enough to be a go-to. It offers all the support you need, it's underwire free and the mesh detailing is very pretty. Plus Honeylove's back smoothing fabric means no awkward back bulges. And for lounging and relaxation, you'll love their V edition. It's the ultimate t-shirt bra.

Kim:

No one really wants to spend much time thinking about their under things.

Joyce:

I don't.

Kim:

But the beauty of Honeylove is that you won't think about it because you'll barely feel it. Honeylove's targeted technology means you'll feel supported and comfortable and you'll always know you're looking your best. So whether you're running errands or going to a black tie affair, you can just focus on being your best you. And on top of it all, it's hassle-free because Honeylove is easy on, easy off, and they make you look good and feel good. I know that's important you, Barb.

Barb:

Feeling good is important to me. And you can treat yourself to the best undergarments on the market and save up to 50% off site wide at [honeylove.com/sisters](https://honeylove.com/sisters), this month only. Inventory is limited and the sale ends soon, so don't miss their best deals of the year. After you purchase, they'll ask you where you heard about them. Please support our show and tell them we sent you. It's time to ditch the underwire for good, thanks to Honeylove. And remember, you can find the link in our show notes.

Kim:

This week, hearings began in a pair of lawsuits seeking to keep Donald Trump off the ballot in Colorado and Minnesota. Jill, these lawsuits were brought on behalf of several voters in these States, and they claim that Donald Trump is barred from holding office by the 14th Amendment. So explain to us what the legal case they have to make in these hearings, in order to be successful?

Jill:

So let me start by saying that both Minnesota and Colorado have specific statutes that allow this challenge, which is why the first two challenges are in those states. And I think I also should read at least, the relevant words of the 14th Amendment so that our audience understands what the hurdles will be. And the 14th Amendment says that, no person shall be or hold any office civil or military, under the United States if they have previously taken an oath as an officer of the United States or other things that aren't relevant here to the President. Or if they have engaged in insurrection or rebellion or given aid or comfort to the enemies thereof. So that's what the language that creates this possible hurdle, in the same way that you have to be 35 years old and a natural-born citizen as a prelude to being on the ballot.

But here are the questions. One, is an officer of the United States, the President? And there's apparently some debate about it, although I think on that one it's pretty clear that the president is an officer. The second question is whether Mr. Trump's behavior on or before January 6th constitutes engaging in insurrection or rebellion against this Constitution or the United States? And the third question is whether the clause is enforceable? Whether an election official or the courts can deem a person ineligible? Because there's no obvious enforcement laid out in the language of the 14th Amendment. And then there's a couple of other questions, which is, can the court decide this or is it a political question that courts don't get into? And another question is, even though they might be able to, even if they can, should they do that? So those are some of the key questions that will have to be resolved by the court. So the first question is, should the court take the case at all or is it too political? But all of these questions would require some factual support and the evidence is starting to be presented.

Kim:

Yeah. And particularly that last point, not just can courts decide this should, is something that's been on my mind a lot lately. But before we get into that, Barb, what did you think about some of the evidence and testimony that's been presented so far? I watched a little bit of the Colorado trial, which went on Monday through Wednesday. Or hearing. I guess it's not a trial, it's a hearing. And it reminded me a little

bit of the January 6th hearings. You had some of the same witnesses, some of the same evidence. They showed the video from January 6th. So what stood out to you and do you think based on these factors Jill laid out, that these voters are making out a case here?

Barb:

Yeah, just from a fact perspective, and I agree with Jill, there are a lot of legal issues here about whether this is the way to remove someone from a ballot, whether it should be that way in terms of democracy. But all that aside, just in terms of the case itself, I thought the plaintiffs put on a compelling case. They had some of the police officers who were on the Capitol during the attack, they had Congressman Eric Swalwell, talk about how members of congress thought they were worried about their safety based on what Donald Trump was tweeting during the attack.

And then they had some expert witnesses, I guess I would call them. One is a national security expert who said that Donald Trump absolutely could have deployed the National Guard without any request or permission from the DC Mayor. They had another professor who talked about political extremism and how the language that Trump used may have maintained plausible deniability but would've been heard by groups like the Proud Boys and the Oath Keepers as language of incitement. And then another, who talked about the 14th Amendment and about the definition of insurrection includes any public use of force to prevent the execution of the law.

So I thought they made a pretty compelling case. On the other side, it was some of the same stuff we've heard before. Kash Patel said they couldn't call up the National Guard without the mayor requesting it, which I think the plaintiff had debunked. They called some of the people who organized the rallies to say, "Oh no, this was all about free speech." And they even had somebody who... A Colorado congressman who said that he thought the whole January 6th committee's report was very one-sided. And another Colorado Republican, a treasurer who said, "It was all a false flag organized by Antifa." So I don't even take those two seriously. Come on, really? That's your defense?

Kim:

I'm sorry, I shouldn't have laughed out loud.

Barb:

Yeah, it's laughable. I mean, I think there's some serious questions here. And I think even a serious question as to whether this truly amounts to insurrection under the Constitution? And Trump's lawyer said words to the effect of whatever Trump said that day, he himself did not go to the Capitol with a pitchfork. So does it require that, or neither did Stuart Rhodes the oath keeper who was convicted of seditious conspiracy? No, he didn't enter the Capitol, but he was kind of the orchestrator of the whole thing. So I think it's some really interesting legal questions. It hasn't really been addressed before in our country, and I think we'll have to watch it play out.

Kim:

Yeah, I think it raises some pretty interesting legal questions. So Joyce, what do you think of all this? And actually, I want all of your views on this. Is this the right way to challenge the prospect of another Trump presidency? I guess here is where that last question that Jill brought up, which is an important one, even if courts can keep him off the ballot, should they? Do you think this is the right way to go?

Joyce:

Yeah, I mean it seems to me that that's the central question. And there's a good argument that this is about qualification. So just like you wouldn't let someone on the ballot, who wasn't old enough to hold the office of president, you wouldn't let them on the ballot, maybe you shouldn't let Trump on here. The problem for me is that that begs the question of whether Trump in a formal legal sense, has committed insurrection? I mean, I think we all have that sense, right? That common sense notion, that he played a role in inciting January 6th. The question though is whether it's enough to formally charge him with insurrection? And to me, that's just the point. He hasn't been convicted, let alone charged with insurrection in court. And in the absence of clear rules to enact section three, there's no enacting legislation that would tell us how we would keep someone off the ballot. I think that as a practical matter, given the mood in the country, it's wise to let voters decide. Otherwise, we run the risk of making Trump even more of a political martyr than he already is. But let me be candid and say, I can see both sides of the argument here. I have confidence in the voters, I'm willing to let the voters decide, but there is a good argument that he's simply not fit to be on the ballot.

Kim:

What do you think, Jill? Do you think this is the right way to go?

Jill:

I see as a political matter, the potential consequences and wonder. As a legal or Constitutional matter, I think it is absolutely the right way. I do not see a difference between determining whether someone is a natural-born citizen. And if we go back to the Obama election, secretaries of state were forced to make a decision because there were challenges, not in the same way that this is being made, but there were questions raised about whether his birth certificate was legitimate. And so it required some discretion in their analysis of that in the same way that this would. I don't know that a court needs to be the one to determine whether this is true or not, but it certainly would be an added value.

And I think if you go back to its original purpose, it was to prevent someone from doing again, what they did after taking an oath and then trying to undermine the government they had taken an oath to. And I think that the evidence presented to this state is very clear that this was an effort to undermine our democracy and that he should be kept off the ballot because he will do it again.

Kim:

What about you, Barb?

Barb:

Yeah, I hear Joyce's argument, I hear Jill's argument. I think I would want to find... This is an extraordinary step to take. I think it is a potentially anti-democratic step to take, to remove someone from the ballot. I would much rather see Donald Trump rejected by the voters, because then I think his loss is likely to be more widely accepted than if he is removed by a judge or ultimately a Supreme Court decision. But it doesn't really suggest discretion. It doesn't really say if the judge feels like it or the judge may remove if they make a finding. So if there is a finding, I think it does require removal from the ballot. But I think I'd want to see a stronger link between Trump and the violence.

We know he said some things that were inciting, we know he... What was the phrase Liz Cheney used? He summoned the crowd, he lit the fuse. Certainly, he did all of those things with his tweet, "Come to Washington. Will be wild." All the things he said to undermine the election and cause people to believe that there had been fraud. "Let's march down to the Capitol," although he did say, very peacefully. And

then for 187 minutes, he just watched it burn and didn't do anything to stop it. And as the President, I think he has a duty to take care that the laws be faithfully executed and tell people to go home way before he did.

But I think before I would say that he engaged in insurrection, which is the language that Jill read from the 14th Amendment, I think I would want to hear that he had a direct link to the Proud Boys or the Oath Keepers. Which may be the case, we've never really had that resolved. What was going on in that Willard Hotel war room between Roger Stone and Giuliani, and Mark Meadows and the Oath Keepers and the Proud Boys? If you could link those up, that this was all plot and that's why the violence was unleashed, I'd say, yeah, you got it. But without that, I think I'm just reluctant to take this extraordinary step of removing him from the ballot.

Kim:

Yeah, I think my concern, aside from the fact that I'd rather this be... If Donald Trump, his career comes to an end, I'd rather it be decisively by voters than by a court ruling. I'm with you in that. One reason why we have enabling statutes or other things on top of a Constitutional provision is that it makes the rules clear for people. If a court ruled that he engaged in insurrection, if there was a conviction, if there was a statute that made these things clear for... These are going to be town clerks and state election officials making this call. You're basically asking a town clerk who... If the four of us with legal law degrees come to different determinations as to whether this is an insurrection, you're asking these individual local officials to read the Constitution and analyze it, and apply what Donald Trump did to decide whether or not to put them on the ballot. I just think that's unfeasible. And suing them to force them to do it, I just don't think that that's the legal way to go either.

So just quickly, this is probably going to go all the way up to the Supreme Court. What do you guys think the SCOTUS will do? This is really my biggest fear, is that there has developed some in academia, disagreement as to things like whether or not Donald Trump is an officer of the United States. So I'm terrified that that'll give the SCOTUS enough to try to avoid this by saying, "Oh well, you know what? He's not an officer of the United States." And how terrifying that would be if the president is basically deemed to not be able to engage in an insurrection jail. That's like the ultimate Nixonism.

Jill:

It is.

Kim:

If the President does it, it's not illegal. What do you think the SCOTUS is going to do?

Jill:

I think going to SCOTUS is terrifying for a lot of reasons and a lot of issues. And this is certainly one of them, because it can create a precedent that we don't want to live with. And so that is scary. Politically as I said, I view this differently than I do under the terms of the law. I think within the intent of the framers, within the actual language of the 14th Amendment, it applies. And because the Supreme Court believes in the original intent, I think they would have to find that it is something that can be enforced and that he could be kept off the ballot. I don't know if politically that's the right way, but there's been some recent discussions about whether the court should ever take into account the political consequences of their decisions. And so that's a whole another discussion that we could have about whether courts in general and the Supreme Court in particular, should take into account what the public

opinion is. And given how low their standing is in the entire American population, whether they should be taking into account what the people think of their decisions.

Kim:

Yeah. Barb and Joyce, what do you guys think?

Barb:

Well, I don't think the Supreme Court is in the bag for Trump. I think that some of the justices have a profoundly conservative worldview that causes them to decide cases even at the expense of stary decisis, in finding that the ends justifies the means sometimes, which we've seen in the Dobbs opinion, in the Bruen case and some of these other things. But I don't think they're Trumpers. And so I think they will look at the case more based on how they view government power, separation of powers, the role of courts. I could even see them saying that this is part of the political questions doctrine, and so they have no role in this. But I guess I'm not sure how they would come out, but I don't think it's safe to assume that they would simply come out in Trump's favor.

Joyce:

Yeah, I think that's a really good observation, Barb. Because if you are a textualist, a strict constructionist who believes that you should abide by the literal language of the Constitution, well, as Jill has made clear, the literal language of the Constitution suggests that there should be removal. And there's, I think a strong argument, although personally, it would make sense for congress to have passed at the same time that this amendment was passed, enabling legislation that directed the courts or secretaries of state or whoever, how and in what situations to go about the process, it's self-executing under the terms of the Constitution.

So if they can get past Kim's hurdle, this notion of whether the president is an officer, maybe they would decide to enforce. And here I think is the little political notch on the belt. The Trump appointees are going to be on the court for the rest of their lives. They will outlive Trump both politically and very likely in terms of his lifespan. And if they want to go ahead and distance themselves from the way they got on the bench, this might be a neat little way to do it. So although we sometimes think that this court is predictable and they can be very knee-jerk conservative on a lot of issues, I wonder if they might not surprise us. I think that this issue probably will reach them, right? It seems very likely to me that there could be contradictory decisions in Colorado and Minnesota, and there are other states with similar proceedings ongoing.

Barb:

Hey, Joyce, eat any good meat lately?

Joyce:

Barb, I have been ordering from Moink ever since they started advertising with us, and I am so glad that I have found them. From small family farms to your dining table, Moink, I think of their name as a moo plus an oink, gives you access to the freshest, sustainably sourced meat and fish, all while supporting American family farms. You can help save the family farm while getting access to meat that you'll be delighted to serve to your family. It's incredibly tasty. You'll be happy if you join the Moink movement today.

Barb:

Moink delivers grass fed and grass finished beef and lamb, pastured pork and chicken and sustainable wild caught Alaskan salmon straight to your door. Moink farmers, farm the way our grandparents' generation did, and as a result, Moink meat tastes the way it should. The Moink difference is a difference you can taste. And you can feel good knowing you're helping family farms stay financially independent too.

Jill:

Another great feature, you are in charge of the meat delivered in every single box. You can pick ribeyes or chicken breasts, pork chops or salmon filets and much, much more. Plus you can cancel anytime you need. I love their chicken. It is a really juicy tender cut. And Shark Tank host, Kevin O'Leary called Moink's bacon, the best bacon he's ever tasted, and I know that a lot of us agree with that. I've heard from all of you about loving, loving the bacon. And Ring Doorbell's founder, Jamie Siminoff, jumped at the chance to invest in Moink. Plus they guarantee you'll say something I love saying, "Oink, oink, I'm just so happy I got Moinked." You'll love it like we do. It's the perfect option for a family meal or a party.

Joyce:

I love when you say that too, Jill.

Barb:

Thank you. So keep American farming going by signing up at [moinkbox.com/sisters](https://moinkbox.com/sisters) right now. And listeners of this show can get free ground beef for a year. That's a year of the best ground beef you'll ever taste. But for a limited time, spelled M-O-I-N-K [box.com/sisters](https://moinkbox.com/sisters), that's [moinkbox.com/sisters](https://moinkbox.com/sisters). And you know where you can find the link, it's in our show notes.

Joyce:

Well, this week the news has been full of the New York Attorney General's fraud case, the case that will very likely end Trump's ability to conduct real estate business in the state of New York. And this week in that ongoing trial, which has now been going on for weeks, we got a taste of testimony from the Trumps. First up was Donald Jr., who took the stand, all cheery faced and smiley making jokes about the fact that he should have put on makeup for the cameras. But Barb, what did you make of the substance of his testimony? Did he give himself a defense or was he helpful to the attorney general?

Barb:

Yeah, he also said to the courtroom sketch artist, "Make me look sexy."

Jill:

Oh, Barb. Impossible.

Barb:

Yeah. I think he entered the courtroom I think, with a decision between two choices. One choice is to admit to fraud, that "I knew these assets were being overstated," that "I knew we were misrepresenting them to the tune of \$2.2 billion," that "I knew we were defrauding lenders and insurers." That's one choice. The other choice is to say, "I don't know nothing about nothing. I don't know." And he chose the second course. And although it may tend to show him as a less than hands-on business executive, it's

probably better than the alternative. And so instead he said things like, we relied on our accountants to do, wait for it, accounting. But it wasn't just accounting, of course. It was certifying that these valuations were accurate to the best of his knowledge. And there were certainly things there that it wasn't just accounting, it was also appraisals and assessments and other kinds of things.

So I think that's a convenient way of using the Reagan defense, how Reagan used to say, "I didn't know anything. I left everything to my handlers." It's sort of the same thing. And so if this were a publicly traded corporation, they might have to really think twice about making those kinds of representations. But because it's not, it's privately held, it's a family business, who cares if he's a bad manager? So he went down that road and I think as a result, he escaped fairly unscathed. I think Eric's a different story, but I think when it comes to Donald Trump Jr., playing dumb probably worked for him.

Joyce:

Yeah, I mean their personal liability is a different question from whether the company gets dissolved or really has its certificates to do business yanked, which is what the judges already said he's going to do. It's a very interesting and unusual setting because it's civil, not criminal. And as Barb points out, Jill, Eric Trump was a little bit feistier than his brother. But I have the same question for you that I asked Barb. Were the specifics of his testimony helpful to the AG or did he manage to damage her case in some way?

Jill:

I actually think aside from being feistier and more uncomfortable on the stand, that he did more good for Letitia James' case because he took a position of things like I don't remember, things that are not credible to say he wouldn't remember. He insisted that he pours concrete and doesn't focus on appraisals. And I think it was your friend Joyce, Mary Trump, who said "He's never touched it. He couldn't even mix a bag of..." I forgot what it's called, that you buy in the grocery store and you mix with water and it makes concrete. Which did-

Barb:

Did you see what Jimmy Kimmel said about this?

Jill:

No. What did he say?

Barb:

He said, "He's a construction worker, just like the guy in the Village People is a construction worker."

Jill:

Love it. So I mean, he was sort of ridiculous and not credible. And I think that that helps. And also when he was cross examined by the attorney general people, he was shown emails that showed correspondence about appraisals that he was part of. And there was another piece where he was shown to have been in a conference call about appraisals just a few years ago. So it's not credible that he didn't participate, he didn't know. And so I do think that the case was made better on his testimony.

Joyce:

Yeah. I mean it's interesting, right? There's still more to come. But Kim, before we get to that, I've got to ask you, what was the strategy on the Trump side of things about going after the judge's law clerk? Trump did it on Truth Social, he got fined twice. But it just didn't stop there. This week, the lawyers piled on. What do you make of that?

Kim:

Yeah, he can't help himself. Well, before I say that, I would say, my father was actually a cement mason and he went on to be secretary treasurer of the Cement Mason's Union in Detroit, where I grew up. So I can confidently say, I have seen more concrete before, than Eric Trump. I am quite certain that that is the case. But anyway, yes, attacking this law clerk. Aside from being truly diabolical, which Donald Trump has shown a propensity to do as well as he's shown a propensity to hire lawyers that will do the same, I think that there are dual purposes here. One, Donald Trump is very motivated to cast not just this trial, but all of the trials and legal actions against him as politically motivated. And once there was found a picture of this clerk posing with a selfie with an elected member of congress who happens to be a Democrat, he thought he struck gold and he's going to milk that for all that it is worth in that case, and he's going to try to disparage anybody who is attached to any of these trials in the same way that he thinks he got some political pay dirt in that case, because he really needs his supporters to believe that all of this is a political witch hunt against him because he needs that grievance in order to garner that support.

I also think more long game, he is trying to do anything he can to tamper with potential jurors in cases where there are jurors. So there's not jurors in this trial, this is a bench trial. But I think he wants to taint the potential jury pool the same way he did when he talked about how awful DC is and how terrible New York City is now, and everything else. That's got to be the... If there's any strategy beyond him just being awful, those two are probably what he's up to.

Joyce:

Yeah, I mean it seems to me the lawyers went after the clerk in court this week. First Alina Habba asked the judge to stop talking to his clerk, saying that when she was a law clerk, she didn't do that kind of thing in court. Which seemed really silly because the whole point of having your clerk in the courtroom is so that-

Kim:

Yeah, why are you there?

Joyce:

... they can give you notes about, well judge, here's the case that he's referring to, or whatever it is that you're asking your clerk to give you. And then Chris Keys has this just bizarre exchange with him, where he defends himself against the charge of misogyny, saying that he has a daughter. He has a daughter, some people have black friends, right? I mean that was my reaction.

Barb:

They have not a racist bone in their body. Right.

Joyce:

But let me just say, that's the kind of thing, if I were a judge, I would've sent the lawyers to the state bar for disciplinary proceedings for attacking my clerk in court after being told not to, after a gag order that applied to them as well as to their client was put in place. I would've just said, "Okay, I've had enough. I'm going to refer you to the state bar for disciplinary proceedings and let God sort it out." But there's more because next week both Donald Trump and Ivanka will testify. Trump had that quick turn on the witness stand when the judge questioned him before imposing the second fine for violating the gag order. So Barb, did you learn anything from Trump's demeanor on the witness stand, that's informative about what you expect to see next week?

Barb:

Well, that was very interesting. He was very grumpy during that time. He was not at all cautious, which I think is a really dangerous mode for testimony. And I think he lied, right? He said, "Oh, I wasn't talking about your clerk. I was talking about Michael Cohen. Yeah, that's it. Michael Cohan." And the judge said, "What are you talking about he wasn't even sitting in the same line of sight you sat next to." So I think if Donald Trump comes in that unprepared, speaking through his rage as opposed to his reason, I think it could be disastrous for him. Can you just imagine being his lawyer? They've got to do a lot of prep. He's so undisciplined in what he says. They've just got to remind him, you're under oath and you've got to think before you testify. Because I don't think he did that in those few minutes he was on the stand with the judge last week when talking about his comments about the clerk.

Joyce:

Yeah, it seems like-

Kim:

I'm sorry, I keep laughing at things that I think are laughable and maybe I shouldn't. But the idea that he'll listen to his lawyer's instructions?

Joyce:

That is worth a laugh. I mean, it's sort of crazy. I think we'll be all eyes on that testimony when it takes place. Hey Jill, the court is also going to hear from Ivanka next week, which I think is a little bit risky. She's never been deposed. The AG doesn't know what she's going to say. What do you think is going on?

Jill:

Well, I think we can learn a lot from her testimony before the January 6th committee, where she was quite willing to go against the family picture and testimony. And so I think she may end up being a good witness for them, but you are absolutely right. This reminds me of having to question Rosemary Woods without knowing what she was going to say and having to violate the first rule of any trial practice, which is don't ask a question you don't know the answer to. So it's clearly risky, but I think in general we're going to see her telling the truth. She's dropped out of being part of his orbit, being part of his campaign, and so I think she may be somebody who will hurt.

The other thing we have to keep in mind is that she was dismissed as a defendant because her role in this preceded the statute of limitations running, and so she couldn't be charged in this case. But I think she still has very relevant evidence because she was very much part of a lot of the charged actions in this case. So even though her role was out, she still is very involved in the company, she gets a lot of money from them for a lot of things. And so I think she will be an interesting witness again, in the same

way as we don't know exactly how Donald Trump is going to do, although I bet that if any of us was a betting person, we would bet that his normal behavior, which is undisciplined and he can't help himself, will prevail. I think that I would feel differently about Ivanka and that she will be a better witness for the prosecution.

Joyce:

It's really a curiosity to me. I feel like to your point, that she was dismissed from the case because her conduct didn't go into the period that the AG can go after. I feel like maybe they have something that they can jam her up with, some sort of a document or something, where if she takes the stand and lies, then they can put that in front of her and clearly show that she's lying, which gives her the choice of either committing perjury or saying stuff that helps the attorney general out. But I'm very interested to see how this plays out. I'm a big adherent to the rule of not asking a question that you don't know the answer to at trial, so I feel like they must have something compelling to be willing to violate it.

Jill:

Whatever they do, don't ask you to try on the gloves.

Joyce:

Right. Maybe she'll try on her copyrights. So Kim, the judge has already ruled against the Trumps on the fraud issue. And they could appeal, right? But this is essentially going to end their ability to conduct real estate business in New York. They'll face significant fines. Given all of the legal impact. How do you think it plays out in the political sphere? You dabbled there more than the rest of us. Do you think it'll help Trump or hurt him?

Kim:

I mean, Trump's reputation as inflated as he's made it over the past decades, has been about being this successful businessman, that he has all this money. Nothing makes him angrier than claiming that he is worth or his company is worth less than he wants people to believe that it is. So this is sort of his kryptonite, right? He was this big shot. And you take that away from him and what does he have? And in a way, that's why I think that the penalty here is really perfect. When you break the rules, not just once or twice... I mean, you heard the people who are testifying. This basically has been his MO from the beginning. He cheats, he defrauds, he files for bankruptcy and he has hence up to now completely avoided accountability for it.

This whole question reminds me of a piece that Ruth Marcus, who I think is brilliant at the Washington Post, wrote about this case and she was asking, which I think is a valid question, whether the penalty, which is basically ending his business, ending the Trump organization, fits the charge? And she worried that it is too much because it would be unprecedented for a business this large in New York, to be completely shut down by a civil trial brought by the AG. And she wrote that while she'd love to see Trump have to write a big check, she says, "Forcing the sale or other disposition of his business as the judge ordered, seems both unnecessary and unduly punitive." And she points to the fact that it's never been done before. Well, nobody's probably been this big of a fraudster in New York City before, either. That's just like saying, oh, well a former president has never been charged with a crime before. Well, a former president didn't commit the kind of crimes that Donald Trump is accused of committing. So sometimes there's a first time for everything.

And I again, think that the parallel here is what happened with his charity when he had the Trump Foundation and he was using it basically to pay his legal fees and all kinds of other things which were illegal under New York State. The AG brought a suit and now neither he nor his kids can not only that charity got... Charity, I'm using air quotes, got shut down and none of them serve on the board of any charity. That's what you get when you break the rules. You can't play anymore. And I think that that's exactly the right thing and whatever political consequences come, so be it.

Joyce:

That is such a great point that you make about the first time, because I was reading the gag order appeal. Trump has appealed the gag order in the DC case last night, and his lawyers write this brief and they're just pounding into the ground. "This has never been done. No presidential candidate has ever had a gag order imposed." And I'm taking the paper and smacking it into the wall saying, and no former president who's running again, has ever committed this many crimes and refused to keep his mouth shut about witnesses, right? Every time they make that argument, no one's ever been treated by Trump. My response is, no one's ever acted like Trump and something has to be done about it. So I think your answer is the perfect one. So Kim, we are getting well into colder weather and I'm already starting to worry about how my skin is going to survive in the dry air. Do you have any tips for me?

Kim:

Yeah, it's all about OSEA. I actually just loaded up on the body butter because when the temperatures go down and you turn the heat on and the air gets dry, my skin just really appreciates when I take extra care of it. And when you want to look fresh-faced and glowing for the upcoming holiday season, those parties are happening. OSEA's Super Glow Body Set is your go-to gift for yourself and for the people who you care about in your life. I can't believe how close we are already, to the holidays. So you need to know that their limited edition Super Glow Body Set is the perfect way to try three of OSEA'S bestselling products at an incredible value. Meaning that you're saving while you're looking and feeling your best.

Jill:

With that set, you'll get a full size Undaria Algae Body Oil, Undaria Cleansing Body Polish, and a travel size Undaria Algae Body Butter, so you'll be ready for the upcoming travel season. We all love the beautiful box it comes in. It's ready to gift, and it's definitely worthy of an unboxing video if unlike me, you're young enough to be doing those kind of videos. And right now you can save 30% on the set at [oseamalibu.com](http://oseamalibu.com), plus we'll share a discount code for an additional 10% off.

Joyce:

I remember when we first started doing these ads, and none of us could say and Undaria at first. Now it just prints off of our tongues, because we've been using it for so long. Really though, I can't say enough good things about OSEA. It's the perfect combo for exfoliating hydration, and I love how silky it makes my skin feel no matter how high the heater is blasting. OSEA products are great for taking your shower experience to the next level. You won't want to get out. Just make sure you stop your shower before the hot water runs out.

Barb:

Love me some good of that OSEA body butter, that's some good stuff right there. You never have to choose between your values and the best skincare you can trust will work. Right now we have a special discount just for our listeners. Get 10% off your first order site wide, with code SIL, at [oseamalibu.com](http://oseamalibu.com).

Head to O-S-E-A malibu.com and use code SIL for 10% off. You can also find the link to your perfect glow in the show notes.

Jill:

So we just mentioned that this last thing was Donald Trump's kryptonite, so we're going to go from that to cryptocurrency.

Kim:

Nicely done.

Jill:

Samuel Bankman-Fried-

Barb:

I see what she did there.

Joyce:

That was nice.

Jill:

Samuel Bankman-Fried, a 31-year-old FTX founder and former chief executive and former billionaire, was found guilty of orchestrating one of the largest financial frauds in history. He faces 110 years in prison. The verdict caps a year long saga that took Bankman-Fried from a penthouse in The Bahamas to a shared cell in Brooklyn. Kim, what is the case about?

Kim:

So I am not an expert on cryptocurrency, I am still not entirely sure what it is. But the beauty about SBF, how he was known, about his scam is that even though it took place in the world of cryptocurrency, bitcoin and all of that, it was really an old-fashioned shell game. So essentially, he founded something called Alameda Research, which was basically a hedge fund for crypto, if you think of it that way. They invested, they bought crypto from one exchange and sold it on another where the cost was different, and made a profit from doing that and began taking people's investments so that they could do the same.

Well along the way, he and the other folks at Alameda decided, oh, crypto is traded on these exchanges, so why don't we start an exchange? Now that would be like a bank. Bank of America said, oh, instead of trading on the New York Stock Exchange, why don't we make our own exchange and trade on that, right? Would regulators allow that? Never, ever. But that's the whole point of crypto, is that it's unregulated so they were essentially already self-dealing. Well, that wasn't enough. Once they realized that on this exchange they controlled the value of this little cryptocurrency that they made up, they started using that to essentially cook their books and to take their client's money, not invest it and use it just to further their businesses. It was like the Bernie Madoff of crypto, and live these lavish lifestyle, hang out in The Bahamas, live this great life. And once their clients started asking for the money back, they realized it was a shell game, it all came crashing down and they all lost their money. So it was a big old, old-fashioned fraudulent scam.

Jill:

Definitely the Bernie Madoff of modern times and a very traditional old-fashioned fraud. So Joyce, talk about what the witnesses and documents have shown in the prosecution's kinks and whether the defense made any inroads into that case when they cross examined witnesses?

Joyce:

Yeah, so I should say that like Kim, I'm not an expert in cryptocurrency.

Jill:

I think it's fair to say none of us is.

Joyce:

And I actually had the great good fortune when we were in Texas for the Tribune Festival, I had dinner with Ben McKenzie who most people know as an actor who was on the OC and other shows. But he actually is a crypto expert and he has been sitting in the trial while it's been ongoing. So I had the great good fortune to do an interview with him tonight for Substack, for my newsletter. So if anybody wants to see that, I'll drop a link in the show notes, he actually explains cryptocurrency and I'm very grateful to him for the insight. But I think it is interesting to note that this case in many ways is less about crypto than it is just about garden variety fraud. And the fundamental issue I think that you're asking here is, should Bankman-Fried have taken the witness stand?

So the prosecution did something here, that prosecutors really like to do. They flipped key co-conspirators, they flipped co-defendants and turned them into the government's witnesses. And that was very effective because they were able to walk the jury through the scheme, explain what had been done in particular as regards Alameda, where this just crazy multi-billion dollar line of credit was extended, that far exceeded any other lines of credit. I think that they made a lot of headway with these witnesses who... I think the parallel... Because we all look at this case, it's a fraud case. You think about about Trump. In the Trump cases, there is no one from the inner circle. We don't know that a Mark Meadows or a Rudy Giuliani or an Ivanka is testifying against Trump.

But that's what the government had in this case. They had those high caliber lieutenants who were very effective, and the defense was not able to effectively cross examine them. They tried to insinuate that they had gotten very good deals that kept them out of prison, but on the stand, these witnesses really held their own, explaining that if they lied, they would lose their deal. And the government had plenty of evidence to discern whether they were lying or not. I think that was compelling to the jury. And given how quickly the jury came back, apparently the jury had no trouble believing them.

Jill:

Exactly. And all of them were very clear in pointing the finger at Samuel Bankman-Fried. They said, "He was the one who told us to do this, he knew everything we were doing." So it was a pretty strong case. So then Barb, talk about what the defense case is. They had only two witnesses and then they put him, the defendant on the stand, which is something that is very seldom done and has some high risk with it. What did you think of that strategy and was there any alternative they could have used?

Barb:

Yeah, I tell my law students, the most common defense in a criminal case is no defense, it is simply to argue that the prosecution has failed to make out its case. Using cross-examination as Joyce just said,

and then arguing to the jury that the prosecution had failed on one or more elements of the offense to make out the case beyond a reasonable doubt, it's a high standard. In this case, it appears they concluded that's not going to cut it. I saw the calling of Sam Bankman-Fried as kind of a desperation call. Sometimes if the defense feels like, "I think we got a shot here. I think we scored some good points on cross-examination. I think we'll just argue to the jury." I think they realized that was a loser, that the only way to snatch victory from the draws of defeat were to throw the Hail Mary shot.

They had two other witnesses. They had the lawyer for Sam Bankman-Fried in The Bahamas, a woman named Krystal Rolle. They had a database expert named Joseph Pimbley, but they just made some kind of minor points. So it was really all riding on Bankman-Fried himself to testify. And I think they probably gambled that he's this charismatic guy, he's been able to BS his way to success, let's put him on the stand. And you do see that sometimes with fraudsters, they think they can charm their way out of a criminal case. But the prosecutor, her name's Danielle Sassoon, former clerk for Justice Scalia, was just ready for him.

She caught him in contradictions. He would say things that contradicted prior statements. And she had done her homework, she brought the receipts. And she would contradict them and said, direct, you said X. During an interview, you said Y. You were you're lying then, you're lying now. So she was able to do that quite a bit. And then she got him to say 140 times, "I don't recall." And then to also show that well in an email, he certainly recalled it not too long ago. So I think it was really pretty devastating for him. As I said, I think it was a long shot. They were hoping that maybe this was a last ditch effort to save his case, and I think it didn't succeed because he was very, very guilty and he had some very skilled prosecutors proving it to the jury.

Jill:

And only four hours or less of deliberation, so clearly it didn't work. So Kim, the next step is sentencing, it's been set for March 28th. He faces 110 years. But besides sentencing on March 28th, what else is in store for him?

Kim:

Yeah, technically he's facing a second trial. There are still five pending charges against him. They were severed from the proceedings that we were talking about. Since there was a conviction in these first cases, my guess is that a judge may or even the prosecutors, may pass on those prosecutions because he also has to be, as you said, sentenced on March 28th. The total of all of the potential prison time he faces adds up to about over a century of prison time. And the experts I've been hearing, say they expect a pretty hefty sentence, maybe 15, 20 years for something like that. Bernie Madoff died in prison, and it's akin to that.

So my guess is that there probably won't be another trial, but he's going to have to prepare to try to say to the judge why he should not be put away for decades. He's at this point according to a statement from his lawyers, maintaining his innocence. But when it comes time to sentencing, you're going to have to switch from maintaining your innocence to professing your contrition and saying that you are a changed person and you want a second chance. If I was his attorney, I would be advising him to do that.

Jill:

And Judge Kaplan, who's been a terrific judge in this case, has asked the prosecutors to decide by February 1st, whether they will proceed. And I agree with you, Kim, he will never get consecutive sentencing if he gets anything significant, which he will in this case. So Joyce, a quick question about the

advice of counsel defense, which he tried to raise and it was rejected. And I'm just wondering, because Donald Trump is trying to raise that same defense, what do you think it's going to impact? What do you think about it in the Trump cases?

Joyce:

Yeah, I was really fascinated by how this played out here because Friedman Banks wanted to testify that he had relied on his lawyer's advice about business practices, to undercut the fraud claims. And Judge Kaplan largely disallowed that, except in one very limited circumstance involving records retention. He said that evidence of reliance on counsel would have in his judgment, been confusing and highly prejudicial, which is one of the ways that a judge can keep evidence out at trial. And that's a discretionary call with judges. It can only be reversed on appeal if the judge abuses his discretion. Judge Kaplan made a good record here.

And that becomes very interesting in the context of Trump because for one thing, he would essentially have to take the witness stand to make out that defensive relying on the advice of counsel. He's really the only one who can say he did. And perhaps this case is a cautionary tale about people who are overconfident, taking the witness stand in their own defense. But even beyond that, I think it wouldn't get this far in the Trump case for this simple reason, you cannot rely on the advice of counsel if the counsel you're trying to rely on is your co-conspirator in the crimes that you're charged with. And the government could move to exclude any mention of the defense pretrial in a motion in limine. On that basis, I think it would win as a legal matter and be kept out. And so you wouldn't even have to get to the point the judge got to here about ruling on admissibility at trial.

Jill:

And that's in limine, for those who are listening, not lemonade.

Joyce:

I know. That's one of those bad things that we do as lawyers, right? In limine is just a motion that's filed in advance of trial usually to determine admissibility of evidence. And I am bad to throw that around, so I apologize. From now on, I'll try to explain.

Kim:

I love Latin.

Jill:

It's music to my ears, I love hearing it.

Kim:

Yeah. Give me the Latin.

Jill:

But it just does mean, to limits the evidence. And Barb, a quick question for you, which is Samuel Bankman-Fried was indicted for orchestrating this gigantic financial fraud. And he was indicted in December of 2022, he was tried and convicted less than a year later. So the same thing happened in Watergate, where we went from indictment to conviction in just about a year. And many of the followers on Threads are asking me, so why are the Trump cases taking so long? What do you think?

Barb:

Yeah, I think that's such a good question. Joyce and I were sort of chuckling about this, about the difference between the work of a US attorney's office and the work of Maine Justice. Like any bureaucracy, I guess Maine Justice just has so many layers of review, that sometimes it really slows things down. US Attorney's offices can be much more nimble. It's a handful of people who are cranking out these cases, and it's a beautiful thing to behold. I also though, in fairness, will say that charging a former president is much more fraught with peril than charging a fraud case. And so I think it's understandable that it needs to be vetted, that you want to have your best appellate experts looking into every angle.

Crimes against Sam Bankman-Fried are pretty run-of-the-mill. Even though the cryptocurrency is a sophisticated and new type of investment, investment fraud is something that goes back to the Ponzi scheme of the old days. So as the US Attorney there, Damian Williams said, "This is an old-fashioned kind of a crime." The stuff with Donald Trump is pretty innovative. Nobody has charged people with trying to steal an election before. So I think in their defense it's understandable it would take a certain amount of time, but I still think that they were a little slow getting out of the gate and we're paying the price now.

Jill:

Yeah. Although I will point out of course, that President Nixon was an unindicted co-conspirator in the case. So it's not the same as directly charging him as the defendant, but still, it took 10 months and we went to the Supreme Court in that time too. So I do hope that we can catch up on the time with this.

One of the most frustrating experiences I ever had was when my identity was stolen. You had to deal with not one but three credit bureaus to try to get it back. I had to deal with multiple banks. One didn't believe me. Somebody opened up an account in my name and one of the banks was determined that it was me and tried to sue me. It was such a disaster and it took so long to undo. And that's why it's so important to protect your personal information because it's out there probably, for anyone to find just like they found mine. Data brokers scrape public tax records and sell that information legally, making it accessible to anyone, and we all need to fight back and protect ourselves. Joyce, how important is it?

Joyce:

It is incredibly important. We used to prosecute these cases, and I can remember one of our judges who used to think identity theft wasn't a big deal until his wife's purse was stolen, and it took him so much time to restore everything. He became a real believer that it was a serious crime.

Jill:

And when privacy is paramount, we're thrilled to partner with Aura. Aura is an all-in-one online safety solution that helps protect you and your family from identity theft, financial fraud, and online threats before they happen.

Kim:

And I especially like that they do it before it happens because it is really awful once it happens. With Aura, you can rest easy knowing you're being looked out for. The app scans the dark web to look for your email addresses, passwords, social security numbers, and other sensitive information bad actors might have. If anything is found, you'll get alerted in real time. And if you are an ID theft victim, their

experienced White Glove Fraud Resolution team helps you navigate credit bureaus, initiate credit freezes or locks and works with you around the clock to resolve your problems.

Barb:

The security is such a great feeling and Aura offers a suite of tools to protect you and your loved ones, including real-time alerts on suspicious credit activity, computer virus protection, parental controls, a VPN and a password manager. It's a comprehensive safety solution that provides almost every tool you'll ever need all in one place. Aura also helps reduce annoying robocalls, telemarketers and junk mail by sending take down requests for you regularly.

Joyce:

For a limited time, Aura is offering our listeners a 14-day trial plus a check of your data to see if your personal information has been linked online, and it's all for free when you visit [aura.com/sisters](https://aura.com/sisters). That's [aura.com/sisters](https://aura.com/sisters) to sign up for a 14-day free trial and start protecting you and your family just as holiday shopping begins. Again, that's [A-U-R-A.com/sisters](https://A-U-R-A.com/sisters). Certain terms apply, so be sure to check the site for details and you can always find the link in our show notes.

Barb:

And now comes our favorite part of the show, the part where we answer your questions. If you have a question for us, please email us at [sistersinlaw@politicon.com](mailto:sistersinlaw@politicon.com) or thread or tweet us using #sistersinlaw. If we don't get to your question during the show, please keep an eye on our Threads feeds throughout the week, where we'll answer as many of your questions as we can. Our first question comes to us from Mary in St. Louis, Missouri who asks, is there a database that provides information about laws and requirements to trigger red flags of gun owners for each state? Joyce, what do you think about that one?

Joyce:

I'm so glad to have a chance to answer this question. So thank you for asking, Mary, because this is something, especially in the wake of Lewiston, that we all need to be aware of since these laws vary from state to state. The best place that I know of to go and look, it's easy because there's an interactive map, is [everytown.org](https://everytown.org). Everytown.org. Everytown.org literally has a section on their website that talks about extreme risk laws. They call it that, instead of red flag laws. And you can go in and push on your state to see what the laws are like there. So thank you for asking, we all need to be better educated about this.

Barb:

Oh, that's very good information. All right, our next question comes to us from V who asks, in Jenna Ellis' plea, they talk about making a note specifically stating that none of what she's charged with is a crime of moral turpitude. What does that mean in this context? Jill, can you explain a crime of moral turpitude?

Jill:

I can, but I'll talk about what does it mean in this context? It means that she won't be automatically disbarred for having pled guilty to these particular crimes. Moral turpitude, many of us would say, is violating your oath as an officer of the court, which she clearly did. But generally, they're described as crimes that are offensive and vile or insulting to one's moral compass. It's assault, sexual assault, child

abuse, neglect, kidnapping, murder, manslaughter. So the crimes that she pled guilty to are not in that category, and so she will not automatically be disbarred. But she still may be disbarred and definitely deserves to be.

Barb:

And our final question comes to us from the melodically named Oy James Yo, who asks, from a legal perspective, what elements would you all like to see in a law to prevent or stop political gerrymandering? Kim, what do you think about that?

Kim:

I would love a Constitutional amendment that outlaws political gerrymandering, because I think it's just as for all the reasons that we've stated on many episodes of #SistersInLaw, it is anti-democratic. It tends to be a proxy for racial gerrymandering, and it's just bad. Everybody's vote should count. Everybody should be confident that their vote should count regardless of their party or lack thereof, regardless of any other classification. So I would love it to be outlawed constitutionally. If not, I would love every state to barr it because states still have the ability to barr it. Whether or not federal courts can take it up as a political question, as the Supreme Court has ruled they cannot do, there are a lot of ways to get rid of it. And I hope one day we do it.

Barb:

Thanks for listening to #SistersInLaw with Kimberly Atkins Stohr, Joyce Vance, Jill Wine-Banks, and me Barb McQuade. And remember, you can send in your questions by email to [sistersinlaw@politicon.com](mailto:sistersinlaw@politicon.com) or tweet them for next week's show, using #sistersinlaw. Please support this week's sponsors Honeylove, Moink, OSEA Malibu, and Aura. You can find their links in the show notes. Please support them, as they really help make this show happen. You can also go online and find our newest merch, the SistersInLaw mug. Get yours soon while the hot beverage season is here. 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 to find the show. See you next week with another episode. #SistersInLaw.

Joyce:

So seriously, my husband really loves scary movies and our boys, when they were little, I mean we're talking four years old, I would walk in and they would be sitting on their dad's lap watching stuff like Predator. And as a result-

Kim:

Oh, my God.

Joyce:

Really, right? I would be like, "What are you doing?" And our kids love horror movies. All four of them, they'll sit around and watch them with Bob and they terrify me. I just can't sit in the room and watch them.