

Joyce: #SistersInLaw is going on tour in May, get tickets at [politicon.com/tour](https://politicon.com/tour). You can see us live at the Athenaeum Center in Chicago on May 2nd, the Royal Oak Music Theatre in Detroit on May 9th and the Shubert Theatre in Boston on May 30th. Go to [politicon.com/tour](https://politicon.com/tour) to get your tickets now.

Jill: Welcome back to #SistersInLaw with Kimberly Atkins Stohr, Joyce Vance, Barb McQuade, and me, Jill Wine-Banks and we have exciting news today. We have live shows in May and tickets are now on sale. It's in Chicago on May 2nd at the Athenaeum Center, Detroit, May 9th, at the Royal Oak Theatre and Boston on May 30th at the Shubert Theatre. Hurry and get your tickets now, it'll be so much fun to see you all and we would love you to be there. Go to [politicon.com/tour](https://politicon.com/tour). That's [politicon.com/tour](https://politicon.com/tour) to sign up for tickets and more information of course, you can find that link in the show notes today.

This week, we have a very special show. We are going to take a deep dive into disinformation and of course, we will be asking Barb all about her new book, *Attack from Within: How Disinformation is Sabotaging America*. So, I want you all to look at the show notes to find the link to Barb's book, make sure you order it, you will love it. But before we start talking about Barb's book and this topic, let's do some talk about our coming live shows. Are you all as excited as I am? Kim, I can see you are.

Kim: Oh my goodness, I am so, so excited because these are two of my hometowns, right? Detroit is my actual hometown and Boston is my adopted hometown, they are the two cities that I love the most. So, this stretch of our tour is going to be the most special, exciting and meaningful for me. These are the places that I went to ... Well, I was born in Detroit, I was raised there. I went to school at Wayne State University but then I went to law school at Boston University. And obviously, I write for *The Globe*, I've worked for Boston-based news organizations for most of my journalistic career so this really feels like a double homecoming for me. What about you, Joyce?

Joyce: Oh golly, these are three of my favorite cities and I am looking forward to the cities, but I'm looking forward to seeing y'all. It feels like last year's shows were such a long time ago. We had so much fun, the crowds were big, they were fun, they asked us great questions and it really did make me feel optimistic about the future of American democracy. So, I'm looking forward to recapturing a little bit of that.

Jill: And Barb?

Barb: Yeah, I'm super excited. I got to see each of you last week but only individually. I was with Kim in D.C. and I was with Jill in Chicago and I was with Joyce in San Francisco. You guys were amazing moderators for my book tour. But it's not the same as all of us being together and so I'm really excited about that. And I'm also excited for the moment when Jill acknowledges that the Detroit coney dog is vastly superior to the Chicago hotdog so looking forward to that.

Joyce: Man, oh man, it's going to be a long month.

Jill: Don't hold your breath.

Barb: It's on.

Jill: But I think Kim is getting unfair advantage because you also, we had a tour last year in D.C. where you currently live. That's three for you.

Kim: It is three for me.

Joyce: Alabama girl here is feeling a little bit left out, y'all are going to come down to Birmingham at some point.

Jill: I know. Alabama, speak up. If you want us to come there, let us know.

Barb: And Kim, tell our audience where they can get tickets to our live shows.

Kim: Go to [politicon.com/tour](https://politicon.com/tour) right now because these are going to sell out.

Barb, I know you have a lot of deep thoughts about foundational garments, can you share them with us?

Barb: Yeah, I prefer to use the term shapewear, Kim and that's why I am proud to say that support for today's episode comes from Honeylove, the perfect go-to for shapewear. Honeylove has revolutionized compression technology so you'll never feel like you're suffocating while wearing effective shapewear. Plus, they won't move around no matter how active your day is. Honeylove shapewear features design details that you'll want to show off plus, their breathable fabric will keep you nice and cool. For a limited time only, you can get Honeylove on sale. Get 20% off your entire order with our exclusive link, [honeylove.com/sisters](https://honeylove.com/sisters). Support our show and check them out at [honeylove.com/sisters](https://honeylove.com/sisters).

Jill: So Barb, I know that you would never want to show your shapewear but you don't have to worry about that with Honeylove because comfort is the key. Nobody likes being stuck in uncomfortable clothes, which is why Honeylove's best-selling SuperPower Short is one of our favorites. It has targeted compression technology that distinguishes between areas where you want more support and where you need less compression. Their signature X works with your body to target and sculpt without that terrible squeezing feeling. It keeps your outfit looking smooth with the perfect amount of compression, thanks to flexible supports hidden in the side seams.

Kim: The boost bands give great support too, it's cotton-reinforced where it matters and is easy to wear. Honeylove has more than just sculptwear, they have super comfortable bras, tanks, leggings for everyday support. Never feel stuck in your shapewear, it shouldn't be hard, which is why their products are made perfect for you. No matter what your day has in store for you, look your best with Honeylove.

Joyce: Treat yourself to the best bras and shapewear on the market and save 20% off at [honeylove.com/sisters](https://honeylove.com/sisters). Use our exclusive link to get 20% off at [honeylove.com/sisters](https://honeylove.com/sisters) and never think about your bras again. After you purchase, they'll ask you where you heard about Honeylove, please support our show, and tell them #SistersInLaw sent you. Move with confidence, thanks to Honeylove. You can find the link in our show notes.

Kim: And don't forget to tell them specifically that Barb McQuade from #SistersInLaw sent you.

Barb: Shapewear.

Jill: I'm so excited to be talking to you today, Barb about your book. I want you to just give an overview of the book and how you decided on the title and the artwork. I know I'm always asked those questions so I think people really like knowing that.

Barb: You are such a great group of friends to focus on my book, I'm so thrilled. And Jill, your book, *The Watergate Girl*, gave me great inspiration because I remember talking with you about your writing process and so I'm so thrilled. The book just came out on February 27th and I've been doing some tours, some talks about it and it's been a lot of fun. But how did I decide on the book and the topic and the title? I have been studying national security for a long time and in my national security class, one of the topics that I've been teaching since the Mueller report came out in 2018 is disinformation. But I mostly had focused on it as foreign interference in elections, foreign influence, foreign disinformation coming from Russia and other places.

But one of the things that I have observed in recent years is that we are seeing more and more American politicians engaging in disinformation. And it is difficult to have democracy and self-governance if people are lying to you about what the facts are. If we cannot agree on facts, it is impossible to have self-governance. As Liz Cheney said during the January 6th hearings, we cannot have democracy without truth. And so, that's where the title *Attack from Within* really comes from that disinformation is sabotaging America. It's harming our democracy, it's harming our public safety, it is harming the rule of law. And so, that's the idea. And then, in terms of the cover, there is a man named Rodrigo Corral who is the designer, he actually designed the cover of Jay-Z's book too so he's a fancy designer.

Jill: Cool.

Barb: And he designed a whole bunch of prototypes for the cover, he did about 10 different ideas and shared them with me. I really like this one, which is a white right fist punching through a map of the United States because the idea is the attack is coming from within the United States. It is a right wing, far-right agenda, it is destroying what it perceives as Blue America, this idea of us versus them. But it also has shades of the United States on a globe because it has an impact on where we stand in the world and it's undermining our own standing in the world and democracy in the world. So, it has a lot of meaning plus, I like the color blue because Michigan go blue, so-

Kim: B to the AR, B to the McQuade. The Jay-Z fans understand what I did.

Joyce: Hey Barb, I have a question. Books obviously don't get written overnight, I mean, you spent a long time working on this book. You happen to land on a topic that would be in the forefront of everyone's mind exactly when it published. And that foresight I imagine, is not the work or not the product of luck, but rather it's the product of years of experience in this area and deciding to share what you know with the public. So, can you

talk about your expertise in this area and how it developed and what led you to pick this particular topic for this particular moment?

Barb: Well, you're very nice to suggest that I have expertise in anything but assuming that I do.

Joyce: Now, wait, I'm going to just stop you right there. As women, that's something that we do all too often, we want to discount our expertise. You are an expert, I have worked with you for over a decade now. Girlfriend, you claim it.

Jill: Bonafide.

Barb: All right, fair enough. Thank you. All right, I am an expert in national security, Joyce now that you mention it. As an assistant U.S. attorney, before I became U.S. attorney, my area of focus was national security. And in the early days after 9/11, the focus was Al-Qaeda and then we saw it evolve to ISIS and then it evolved to cyber and then it evolved to Russia. Now, I think it has evolved to disinformation, I think it is the greatest threat to national security that we see. And so, as I mentioned, I teach a course at Michigan Law School in National Security and Civil Liberties, I'm really interested in the tension between threats to our national security and our rights of free speech and privacy and other kinds of things.

And I see this as a really serious attack to our democracy, to our national security, to the rule of law because we need truth to be able to sustain our democracy. And so, I began teaching portions of the Mueller report and then I started reading everything I could about disinformation because I found it so fascinating. And I've had some wonderful guest speakers come to class, Asha Rangappa, who is a former FBI counterintelligence agent, Clint Watts, who studies disinformation for West Point has spoken to my class and so, I've learned a lot about it. And then, the idea for the book actually came, I wrote an op-ed that appeared in the New York Times about the importance of the Secretary of State office and that it would be in the upcoming 2022 elections so this was like, I don't know, 2021 or something.

And an editor saw it and said, "Hey, how would you like to turn that into a book?" Because I talked about disinformation in elections and why the Secretary of State position would be so important in defeating it or not. I said, "Well, it was 1,000-word essay and that's about all I got to say about that, 1,000 words." But we got talking and I said, "But I think I got a lot of words about disinformation more broadly and the threats that it is posing to American democracy." And so, he said, "Why don't you write up a proposal on that?" And so, that's where the idea for the book came. Then I just, as Jill once said, the work just started to flow. I had a lot of ideas about that and putting that in an outline form. Once I had an outline form, man, I had a lot of thoughts and the book began to write itself.

Kim: So Barb, tell us about the process of writing because that seems so daunting for me as somebody who has never written a book or has not yet written a book. What was the best part and what was the hardest part?

Barb: We've all discussed our writing process before and I would love to hear about your writing processes because Jill has written a book and Kim, you write a weekly column,

which puts a lot of pressure to come up with new and fresh ideas. Joyce, you're writing your Substack and you crank it out, I'm always impressed in how timely you are with what you write so I'd love to hear about all of your processes. And I've read or listened to a lot of books on the writing process. Robert Caro has a great one, he's the biographer of Lyndon Johnson, he's got a great one on the writing process. Stephen King has a great one on the writing process. So, for me, I remembered reading that Toni Morrison, when she first started writing had said, "I didn't really have time to write because I'm so busy with my life, my job and my family."

So, she began writing every day pre-dawn, really early in the morning. She would get up super early because she just needed time to think and reflect and write and that's how she did it. And so, I decided I would do the same. So, one of the things as an academic, I have space, I have summers when I don't teach and so I had some time then to do a lot of thinking, writing, outlining and that was great. But once I got back to the semester, I started getting up at 6:00 A.M. and I'd go straight to the computer. I would grab coffee, I'd sit at the computer and I would write for three hours a day from 6:00 to 9:00. Some of it was outlining, some of it was reading but working on the book. 6:00 to 9:00 every day and I said to myself, "That's all I'm going to do," and at 9:00, I put it all away and I get on with my day job and my other responsibilities.

And that worked pretty well because it gave me discipline and during those three hours, I worked with some urgency. And there are times when I got really carried away and loved it and I'd look up and it'd be 10:00 or 11:00. And mostly it was good because it gave me space to do other things. I will say as deadlines approach, there were times when I had worked more than just three hours on weekends and other kinds of things, but mostly it was a labor of love and I enjoyed it. There were times when, you know that phrase, "You have to kill your darlings," you probably have all experienced that, where I'd write something that was super fun and I thought it was brilliant, it was great. And then, I thought, "Yeah, that doesn't really belong in this book here at all."

I followed Robert Caro's advice to have a thesis, just a couple of sentences, and if what you wrote didn't really fit that, then it didn't belong in this book. But I did do the thing that one of them advised, which is you don't have to destroy it or delete it, just set it aside somewhere in a little file and tell yourself, "Maybe I'll use that again someday in some other project." Who knows whether I'll use it again but it makes it a little easier to cut if you think that it's not going to go for nothing, it'll be just something I'll have that I can use again someday.

Kim: It's funny when we went into the pandemic and we were all doing hits from our homes, there was a joke going around and I have a copy too, that Robert Caro's *The Power Broker* was on everybody's bookshelf. So, maybe in the future your book will be on everyone's, well yours is already on mine, but it will be on everybody's bookshelf the same way that *The Power Broker* is.

Barb: One can only wish.

Jill: So, what about your other possibilities, Kim on how you write and Joyce, you do it daily?

Kim: Yeah, I write quickly but I procrastinate a lot. So, the two together tend to work out because the closer the deadline comes is the closer to when I usually start the writing

process. My husband is funny he's always, I'll be talking to him about some ideas I'm still processing for a column over breakfast, and then later that night he'll be like, "How's the column coming?" And I'll say, "Oh, I filed that at noon," and he's like amazed but that's what I do. I ruminate and ruminate and ruminate and then I just sit down and write it and it's gone. So, I would have to be a lot more disciplined if I were to write a book.

Joyce: Yeah, I mean, writing fast like that, Kim is a process. And for me, it's sort of been a brave new world because most of my writing before this was as an appellate litigator where you wrote a brief and then you set it aside and then you polished it, you circulated it for comments. The same for writing as an academic. But in Substack, I'm trying to explain events in realtime in my newsletter, Civil Discourse, which is sort of about conversations about democracy. And so, I'm very often seeing something happen writing about it. I do by the grace of God, have a fabulous proofreader who catches the worst of my errors and then I click send and send it out into the world. And that was very intimidating to me at first because I mean, I'm the kind of writer, I need to set it aside and go back and look at it and tighten up the sentences to make sure that they're precise and clear.

And sometimes this process drives me nuts a little bit because read something three days later and think, "I could have said that more efficiently." But what I'm learning is that if you really do believe in public conversation, sometimes you have to instead of killing your darlings, one of my favorite phrases, Barbara as an appellate lawyer, I was a fan of killing my darlings as painful as it was. Now, I just send my darlings out and I let other people kill them. And my hope is that they will start conversation and people will be thoughtful about issues. But something I love so much about Barb's book is that it is so polished and it is so precise. And as you start to read it, you really do understand the point with great clarity. So Barb, I aspire to be you.

Barb: Yeah. Well, I had a great editor, his name is Greg Ruggiero and he was terrific. We would have brainstorming sessions together where I'd say, "I'm thinking about this," and he gave me great advice. And then, sometimes he would cut things. And sometimes I love the thing that he wanted to cut like, "No, that's really good," and he would explain why, "All right." Sometimes I won the battle, sometimes he won the battle, but I had a lot of sets of eyes to look at it. So, he looked at it. There were two professional proofreaders who also read it, there was an editor who did fact-checking and site-checking. So, it took a village Joyce, it wasn't just me.

Jill: So, my style is very different because before dawn is when I'm going to bed so I can't use that time.

Barb: Night owl.

Jill: I am a night owl, I'm much better after 11:00 PM than I am at 3:00 AM when I'm going to bed. But I also, I'm like Kim. I procrastinate terribly, that's probably the reason why I start at 11 is because I'm putting it off, I'm putting it off. But once I sit down, I'm pretty quick. But I also am a repeat editor. I read it and then I go, "Oh, I could use this word better," and I'm looking for the perfect word. So, I do that. I also learned in high school about outlining. And I think, Barb you must do that too because your book just sort of screams that it's well organized and outlined and that's how I start. I also think that an editor makes a big difference. And like yours, Paul Golob was my editor and he would say, "Does that really fit into the main purpose of your book?"

Because I had so many stories I wanted to tell and he'd say, "If it illustrates one of your themes, it stays. If not, it goes no matter how good it is." And I have saved those stories in the thought, "Well, maybe someday I'll write another book and these will be relevant to that." And at one point, I switched how I was writing. I had given a speech at Chapman, I'm sorry to say, Law School and only because of who it's now associated with. And the audience loved it. They said they felt like they were watching a movie. And I thought, "Okay, I was talking to them like I would talk to a group of friends and I'm going to use that way of writing this book. I'm going to just write it as if I'm talking to friends." And that seemed to work for me and it made it easier to write.

Among the many things that I am grateful to #SistersInLaw for is introducing me to OneSkin. It's important to shift your skin's care routine with the seasons, which is why support for today's episode comes from OneSkin as we move into the spring, even in Chicago, it's getting to be spring. Dryness, flakiness, redness and even fine lines and wrinkles are a reflection of what's happening at the cellular level. Give your skin TLC so it stays healthy, smooth and hydrated with warming weather. OneSkin's products are powered by their scientifically proven peptide called OS-01. This peptide reduces the damaged aging cells that make skin less resilient and prone to lines and wrinkles.

Joyce: Instead of hiding them, OneSkin works at the cellular level by boosting your skin's natural barrier to lock in moisture and help protect against the elements. They have a full line of face and body products, including OS-01 Shield, an SPF that prevents UV-induced aging and repairs cellular aging all at once. For a limited time, our listeners will get an exclusive 15% off OneSkin products using the code SISTERS when you check out at Oneskin.co, that's Oneskin.co. No matter the season, keep your skin looking and feeling healthy with OneSkin.

Kim: I travel a lot in between D.C. And Boston, which could not have different climates, especially given that it's not that big of a difference. I go from humid, moist air to cold, dry air, back and forth all the time. And I have to tell you, the travel kit from OneSkin is a great companion. I always know I'll be at my best the minute I step off the plane. And the formulas feel amazing to apply, especially on my face and neck. The regimen works so fast and it was really easy. It's like a vacation to the Fountain of Youth and I never go anywhere without OneSkin and I know you'll love it too.

Barb: OneSkin is the world's first skin longevity company. By focusing on the cellular aspects of aging, OneSkin keeps your skin looking and acting younger for longer. Get started today with 15% off using code SISTERS at Oneskin.co, that's 15% off Oneskin.co with code SISTERS. After you purchase, they'll ask you where you heard about them. Please support our show and tell them we sent you. New year, healthier skin, that's OneSkin. Help your skin stay younger and healthier for longer with OneSkin. Find the link in our show notes.

Jill: So Barb, I want to look at some of the specifics in your book because you really delve into all of these topics. And let me start by asking you to talk about some of the tactics you discovered are used as part of disinformation.

Barb: Yeah. So, in the research that I did here, I found about a number of different tactics that get used by disinformers. One is something called the either or fallacy. And this is something debaters know about and that is, "I'm going to frame the issues as if there are

only two sides to every argument. There's no room for nuance, you're either with us or against us. It's Red America or Blue America, Republican or Democrat and there's no room in between. And then, I'm going to demonize my opponent and make them look so bad that they are a completely untenable choice so that the only choice you have left is me." And so, by doing this, either or fallacy people are polarized that we only have two choices in this world. And of course, the world is far more nuanced than that. I think another thing that we have seen is this idea of people preferring tribe over truth.

And so, if I know that people will have a difficult time changing their minds, if I can attract them to my side, then they will support anything I say no matter how ridiculous it might be. It's what causes Donald Trump to say, "I could shoot somebody on 5th Avenue and not lose any voters." And so, that's another one. And then finally, I'll name just one more, which is one strategy that Vladimir Putin uses is this idea of destroying the concept of truth altogether to tell people, "You can't really believe anything is true because there's so much fake news going around." Sometimes this is referred to as the liar's dividend. Nobody knows what to believe. And so therefore, "You're a chump if you believe in truth. Truth is for suckers. Everybody's corrupt, everybody lies.

And so, instead of worrying about what's true, what's false, whether thinking about whether something's logical or consistent, then you should just believe me because I am the one who shares your values. You should be on my team and not worry about other things." And so, eventually people become very cynical and they say, "We can't believe anybody," and then they become numb and then finally they disengage from politics altogether. And that's where the authoritarian really wants them to be, disengaged from politics so that they don't know what's going on and they're just going to vote for the person who's on their team.

Jill: So Barb, I think technology may be exacerbating the problem and unfortunately, it's working. We see that with how many people are still supporting Donald Trump despite the facts. Is technology making it worse?

Barb: Yeah, I think that there are two things that are making it so bad right now. One is this extreme polarization that I just described, but also technology really enables disinformation. What used to take propagandists years to be able to spread through leaflets or planting a story in a newspaper or word of mouth, can now be done with the press of a button by posting something online and between anonymous users who can pose as someone they're not and bots that can amplify messages, artificial intelligence, deep fakes, it's really easy for that to go. I'll just give you a quick example of how Russia was able to use false claims by hiding through false personas online. And I believe it is still existing now with American users. But if you read Robert Mueller's report, he talks about how there were Russian accounts with names like Blacktivist or Heart of Texas that were actually Russian operatives posing as real Americans.

And so, the Blacktivist account gathered lots and lots of followers over many, many months. People who themselves identified as members of that group and said, "Oh, we like Blacktivist, Blacktivist says a lot of things that really sound very interesting to our group, Black activists, Black voters." And then, as the election approached in 2016 said, "Hillary Clinton doesn't care about the Black vote, you should make a point and don't show up, don't cast a vote for Hillary. Hillary doesn't care about you. We need to send a message and assert our power by doing that." We'll never know how many people took

that advice, but what they didn't know is that Blacktivist wasn't a Black activist but was somebody sitting in a boiler room in Russia.

Similarly, with Heart of Texas. People thought this was a Republican grassroots activist in Texas who was saying normal Republican things, "We care about lower taxes, smaller governments, Go Texas, Heart of Texas, Pride of Texas," and they were following, following, following. And then, started saying, "Texas should secede from the union." And people started mentioning that and saying, "Hey, that's a good idea." And that actually ended up on the Republican Party platform in the 2016 election because it was suggested by a Russian operative. So, it just shows you how effective somebody can be with these false personas online so technology is clearly exacerbating the problem. I mean, I'm sure some of you have seen some of these incidents online.

Joyce: It's really interesting, I just did a panel on election law and voting rights at a University of Alabama Law Review Symposium. One of my panelists, Michael Li from the Brennan Center was talking about some work that they've done and how easy it is to generate a deep fake off of just a few sentences and how even the people who the deep fakes are being created of will listen to the deep fake and go, "Wow, that really sounds like me." So, I mean, Barb to that point, I had a phone call from one of our former U.S. Attorney colleagues in New Hampshire, and y'all may remember it's been I guess a couple of months or six weeks now, but on the eve of the New Hampshire primary, there was a deep fake of Joe Biden circulating. And what it said was, "Save your vote until November, don't go out and vote now." For folks who are used to listening to Joe Biden, I don't think it used the word malarkey, but it was that classic sort of Bidenism, was it malarkey?

Kim: It did, it did say malarkey, yes.

Joyce: I mean, it really did. It used his sort of language and the impact of that sort of thing, I mean, this is the modern AI version of what many of us who litigated voting issues in the Deep South were used to these postcards or robocalls that would go out on the eve of election into Democratic areas telling people, "Don't forget to vote on Thursday, November 12," when in fact election day was Tuesday, November 10th. And that sort of pervasive misinformation is really accelerated by AI in some dangerous ways.

Kim: And another way that AI is being used in a dangerous way is that we have seen Donald Trump a number of times on the campaign trail when confronted with actual evidence of things that he did and said like confusing Nikki Haley for Nancy Pelosi and other things saying, "Oh no, I didn't really do that, that was AI." Even though he's doing this thing in front of a live audience and people saw and heard him do it, he's dismissing as that's just AI. And you know that there are some of his supporters that are going to believe that and that is another form of misinformation. It's low tech, but it's using the existence of high-tech to perpetuate another kind of disinformation.

Jill: It's really sad that this is going on and that it's having the big impact it is on elections and on voter laws. I want to talk about how voter protection laws based on false claims of fraud have proliferated and also talk about how voters can actually get real information and protect themselves against these scams that we're mentioning here. Any thoughts on that, Barb?

Barb: Well, yeah and there's a whole chapter in my book about how disinformation is harming democracy. And so, we are seeing states pass laws designed to prevent voter fraud even though there is no voter fraud. Georgia is a great example. Governor Brian Kemp there assured voters in his state there was no fraud and yet he signed a bill making it harder for people to vote. And so, it has a disparate impact on people of color, students, people of lower socioeconomic status because it makes it, for example, less early voting days. And so, if you've got two jobs and you don't have transportation issues, you might not make it to the polls on election day, making it more difficult to vote by mail, making fewer deposit boxes where you can deposit an early voting ballot. And these hit especially hard in minority communities where the voting places tend to be understaffed so the lines are longer.

There's even the provision under Georgia law that said, "You can't provide food or water to people who are waiting in line to cast their ballot." And so, if there is no fraud, then why are we making it harder for people to vote? And the truth is, because they want to make it harder for some people to vote, people who are more likely to vote Democratic are those who are impacted by these laws. And so, it is an effort to rig the election in favor of likely Republican voters. I don't know. Joyce, you've done a lot of work in voting rights, have you seen that? Or Kim, you've mentioned before that you've seen in certain communities how the lines get longer and so voters get discouraged when there aren't as many polling places available.

Joyce: Barb, what you're talking about is the experience of voting rights litigators in the Deep South. I mean, this is nothing new. This was what happened at the same time that the Voting Rights Act was signed early on, there were these expressions of concern that people who weren't smart enough to vote would vote. So, you would see these crazy things in the Deep South like the infamous jelly bean jar test where you had to guess how many jelly beans there were in a jar of jelly beans to qualify to vote. Of course, that was used only in Black communities and when you couldn't guess that number, well, I guess you couldn't vote. Then it morphed into fear of fraud as laws became more protective of voting rights. And that's why we have, for instance, these ID [inaudible 00:35:10] that sound really benign, right? Show your driver's license to vote.

Well, that makes sense, unless you're in your 80s or your 90s and you no longer have a passport or a driver's license and it's expensive and unnecessary to get those. And to your point, these sorts of measures end up having an impact on people who have less financial means, on people who are older, on people who live in rural areas and it's very clearly an effort to suppress voters who might vote Democratic. So, I'm so glad that you devoted a lot of real estate in your book to this issue, I think it's an important pressing problem and we all benefit from being better educated about it.

Barb: Boy, I cannot keep my OSEA Malibu products in my house because my daughter steals them every time they show up in my mailbox. It's just such great stuff. A good body care routine promotes healthy, glowing skin and even improved mental health. So, when your skin needs a glow up, turn to OSEA's clinically proven seaweed-infused skin care that provides results you can see and confidence you can feel. And right now, you can get 10% off your first order with our code SISTERS at [Oseamalibu.com](https://www.oseamalibu.com).

Joyce: OSEA has been making clinically-proven seaweed-infused products that are safe for your skin and the planet for over 28 years, that's older than Kim. Everything is clean, vegan,

cruelty-free and climate-neutral certified. And you will absolutely love it. You would use it even if it wasn't clean, vegan and cruelty-free. But with OSEA, you never have to choose between your values and your best skin.

Kim: You're so kind, Joyce. I have shoes that are older than 28 years. But I really do love OSEA. So, my general rule is that butter is always good, but you know what's really good? Body butter from OSEA, which is made with their Undaria Algae, its creamy goodness is just next level. When it arrives, you'll not be able to wait to put it on, not only does it visibly reduce crepey skin, it's clinically-proven to hydrate for 72 hours. It's perfect for transforming dry skin so that it's soft, smooth and supple. I really love how my skin feels when I put it on, it's so soft and it just feels like a little indulgence and I know you'll feel the same way.

Jill: There's a lot more they have to offer and not all of it is body creams, they have a great tea, you will love that too. But start glowing from the inside out with clean, vegan skin and body care from OSEA. Get 10% off your first order site-wide with code SISTERS at oseamalibu.com. You'll get free samples with every order and free shipping on orders over \$60. Head to oseamalibu.com and use code SISTERS for 10% off and you can find the link in our show notes.

Barb, we've talked about some of the serious threats to our country from disinformation, but you do focus on some solutions in your book that can protect us from propaganda and fake news. And I would like you to start by discussing some of the things that are solutions to these problems that can protect us.

Barb: Yeah, I'll share a couple of them and some require government intervention but some are things that we can do ourselves. I don't think we should put the whole burden on us individuals but we should certainly work to build resilience against disinformation. But at the governmental level, I think that there is room for regulation of social media. I'd be interested in your thoughts about the extent to which social media can be regulated. There's always this argument that anything you do with content will be deemed censorship and the best response to speech is more speech. But I think there's a lot that can be done aside from content regulation. You may recall that there was this whistleblower for Facebook named Frances Haugen who said, "It's not the content, it's the algorithms." Stupid, she didn't say that but the old James Carville line, it's the economy stupid. And she revealed that Facebook was using algorithms, which are simply computer programs that were designed to elevate content that would generate outrage into your feeds because the more outraged you were, the more time you were likely to spend online.

And outrage generates outrage and so online conversations become this one-upping and these arguments online. And I think that we can regulate algorithms without regulating content telling social media companies, "You can't manipulate people online with these kinds of algorithms or at least requiring disclosure of what those algorithms do. If you're going to have manipulative algorithms, you have to tell people about it." I also think, and this one's a little more controversial, that we could eliminate anonymous accounts. There is First Amendment precedent by the Supreme Court favoring anonymous messaging, anonymous speech when it comes to leafleting. But remember all rights like First Amendment rights and others can be restricted if the restriction is narrowly tailored to achieve a compelling governmental interest. And I think when it comes to online speech,

if you can have Blacktivist or Heart of Texas fooling people, maybe we ought to require people to use their own identities.

And back to the old Twitter days when you had to actually provide a driver's license to get a blue check to verify that you were who you said you were, instead of now where if you simply pay a sufficient fee, you can get a blue check from Elon Musk requiring social media to use non-anonymous accounts or prohibiting the use of bots. These are these AI-generated accounts that can like and share a message and make it look like it's exponentially more popular than it really is. So, those are some ideas on the government side. I also have some ideas on the individual side but maybe I'd be interested in your take on whether you think that would comply with the First Amendment if we were to do some things like that before we talk about individual solutions.

Kim: So, I think that they can. I think that the First Amendment, obviously First Amendment protections are very important and it's one of the most strongly and clearly stated amendments that we have. But I think that there is room for that. I mean, think about the fact we've been regulating commercial speech for a long time and then we have put limits on it and we regulate the information that goes over public utilities and across the broadband. So, I think in the interest, particularly in the interest of national security, there's got to be room for some of the common sense things that you talk about. The question will be ultimately once this gets to our Supreme Court, what they think about these First Amendment protections so it's hard to theorize about them, at least for me.

I think that it makes perfect sense to be able to limit it in this way. And I think, listen, the Supreme Court has a lot of cases on its docket and more teed up that sort of gets to where the social media regulation can be done. So, I think we'll get a little clearer picture pretty soon, but I'm going to venture and say I think yes, Barb, I think what you say, there's plenty of room within the First Amendment to do that.

Joyce: I always think it's interesting to reflect on why we didn't get some litigation or some regulation in the social media space early on. And it had a lot to do with the fact that you had members of Congress who were older who didn't use social media, didn't even send emails in some cases and you just couldn't convince them that it was important to get into this space. So, the Europeans are ahead of us, of course, they don't have the First Amendment in the sense that we have it, but they have put some meaningful rules in place. Often the social media companies are forced to respond to their rules in the absence of any sorts of standards in our country. And I think seeing that some of that is beginning to bear fruit, Barb makes the sorts of proposals that you make really meaningful, really timely.

Congress needs to sort of take this on as a moonshot project to get up to speed and to put in some restrictions that respect the First Amendment that are meaningful for the future of accurate information in this country. And I'll just make one additional sort of unpopular suggestion, which is I am a huge fan of civics education, which is sorely lacking in this country. It's complicated, right, because now education has become the new political fighting ground and all sorts of stuff going on there. But we do need to give all Americans a baseline of understanding about how the Constitution and the rule of law work, the younger, the better. And there's going to be opposition to that, right, in the Republican camp where instead they're trying to put religious education back into the

schools. But I think we need to make this one of our primary long-term political goals and fight for it.

Jill: That is one of my most passionate feelings right now is civics education. And I would pair that with critical thinking skill training because that requires, for example, don't just read something, read from multiple sources. When you're reading online and there's a link to the underlying facts, click on the link and read that and form your own opinion, that's all part of critical thinking. And I think if we don't have that, we're going to continue to have people saying, "Oh, I'm just listening to the things that reflect how I already feel," and then we're going to have more and more of the divisiveness in our country. So, I think all those are important. And I just want to add, I definitely think the First Amendment allows and I'm a ACLU card-carrying member who was on the board, I think there is room for some restrictions on speech or at least on the algorithms that are being used to make profit.

That's not speech. Although in this age, the Supreme Court sometimes says corporations are people and things are speech that I wouldn't consider speech. But I think we could easily get those kinds of things regulated and that that would make a big difference. Or even educating me about how do I know when it's a bot? If it's something that got, I look and they started on Twitter a day ago, okay, I'm suspicious, but I wouldn't mind having some clues. There's now some clues of how you can tell deep fakes and I'm starting to look at things more skeptically and more carefully because of that education. But I think we could use more civics and more critical thinking and more details of how you know that these things are fake.

Joyce: Doesn't this sound like a really great future plan for #SistersInLaw? Imagine a future, Trump has lost, he's no longer a feature of the political landscape, we're getting our democracy back together. And we could actually spend a good bit of time talking with folks about how you do critically think, how government should work, what we need to insist that our representatives do for us. I'm sort of liking this vision of the future.

Jill: I think it's at least a imminent show for us that we should do a whole episode talking about this.

Barb: So, I do have some suggestions in the book about how we can arm ourselves to build resilience against disinformation. And these are some of the ideas of civics education but also some tips on how you can avoid being yourself a victim of misinformation as an unwitting dupe. And so, some of it is as you say, Jill, "Don't just read the headline, read the story. Look for a second source of information." I may have told the story before but I once retweeted a story that Patrick Mahomes had refused to play another down for the Kansas City Chiefs until the team changed its name to one that was inoffensive to Native Americans. And I retweeted it. And later in the day I was talking to my husband and my son and said, "Do you see that story about Patrick Mahomes?" And they said, "No, I didn't see it." And they said, "You sure that's real? That sounds kind of made up. And if that were true, it seems like we would've seen it elsewhere."

And I said, "You know, now that you mentioned it, that does seem right." So, I went back and looked at it and I found that the source that had printed it was called ESPN Sprat Center, not Sports Center and so it was a fake and I took it down. But it shows how quickly and easily we can take the bait if we're not careful. But looking at the source,

reading carefully what it is, looking for a second source before you retweet something. If that were true, it would be reported in a number of different publications. And Jill, you're asking about how can you tell whether somebody is a bot? Sometimes looking at the name, if it's Joe1234567 and it's a picture you've seen again and again online, and if they have tweeted a million times but they have zero followers, that's a decent sign that it is a bot.

But I also have one more piece of advice and that is, we need to refrain from piling on the snark that causes such polarization. And you see this from time to time where people will just pile in on the trolling. On the right, we see a lot of Let's Go Brandon and I think that when we engage in that kind of polarized communication, it just feeds into this machine of choosing tribe over truth. And I think if we really care about truth, then sometimes we need to reconsider our own position or at least refrain from piling on into this polarization.

Kim: I love eating well, eating a healthy, balanced meal at every meal is really important to me. But you know what? Sometimes a sister gets busy and you don't have the time, which is why I really love Factor. Eating better is so much easier with Factor's delicious, ready-to-eat meals, every fresh never frozen meal is chef-crafted, dietitian-approved and ready to go in just two minutes. You'll have over 35 different options to choose from every week, including Calorie Smart or Protein Plus, which I really love and Keto. Also, there are more than 60 add-ons to help you stay fueled up and feeling good all day long. I personally love their Mocha protein shakes, really delicious. So, what are you waiting for? Get started with Factor today and get after your goals.

Jill: I picked the Calorie Smart and it is amazing how filling and wonderful their Calorie Smart meals are. And not only that, but think of how much time you'll save with Factor's two-minute meals. They're restaurant quality and come ready to heat and eat whenever you're ready. It's great having easy options like pancakes, smoothies and other delicious options ready to go for breakfast or a midday snack or any other occasion. In fact, I just had a fantastic shredded chicken taco bowl before the show. You'll be amazed at how much time you can save.

Joyce: It's really interesting, I had taken a bunch of Factor meals and put them in our refrigerator without saying anything to my family and they started disappearing. And when they were all gone, my husband literally said, "Hey, can you get more of those?" And I said, "It's a new advertiser on our podcast so I'll be happy to." Very enthusiastic response in my very demanding household. And since Factor meals are ready to heat and eat, there's no prepping, cooking or cleanup needed. Even better, Factor is flexible to fit your schedule. You can get as much or as little as you need by choosing your meals every week. It's just so easy and you can pause or reschedule your deliveries anytime.

Barb: Yeah, I've been taking Factor meals in for lunch, there are days when I don't have a lot of time but I can pop it into the microwave and it's a really delicious, healthy, fast, easy meal. Factor is less expensive than take-out and every meal is dietitian-approved to be nutritious and delicious. Just sign up and save. Factor is the perfect solution if you're looking for fast, premium options with no cooking required, that is me baby. Head to [factormeals.com/SIL50](https://factormeals.com/SIL50) and use code SIL50 to get 50% off. That's code SIL50 at [factormeals.com/SIL50](https://factormeals.com/SIL50) to get 50% off. Should I say 50 again? 50, 50% off. Look for the link in the show notes.

Jill: We're now going to take questions from our listeners and we love getting those questions. We love thinking about what you ask us. And if you have a question for us, please email us at [sistersinlawatpoliticon.com](mailto:sistersinlawatpoliticon.com) or tag us at [@sistersinlawpodcast](https://twitter.com/sistersinlawpodcast) on threads or tweet using #SistersInLaw. If we don't get to your question during the show, keep an eye on our thread feeds and tweets throughout the week because we try to answer as many of your questions as we can at least there. And we have some great questions this week. I'm going to start with Kim. We have a question from Laura in Newbury Park, California. And Laura wants to know, "Can legal counsel be sanctioned or otherwise disciplined for submitting and claiming as factual known false legally inaccurate or constitutionally incorrect statements in a brief submitted to a court of law?"

Kim: Oh, that is a great, great question and the answer is yes. At both the trial and appellate level, there are rules that are called the Rules of Civil Procedure or the Rules of Criminal Procedure depending on the case, that govern what you can and cannot do and provide for sanctions for attorneys who fail to adhere to those rules. So, for example, if you file a complaint or a motion to dismiss or something like that and you fail to adequately back up the claims that you are making, you can be sanctioned, you can be fined, and it's very serious.

And on the appellate level, at certain courts, if you do so repeatedly, before you get on a federal court for example, you have to be admitted to the bar of that court so I was admitted to the district court bar before I argued at the federal district court. I was admitted to the First Circuit bar before I was able to argue there and the same is true for the Supreme Court. You can lose your bar admission to the court that you're arguing before if you repeatedly defy those rules. So, there certainly are consequences for attorneys who flout these rules.

Jill: Joyce, we have a great question from Trudy that I'd like you to answer. She wants to know, "If Trump loses all his cases, will he be required to pay some of the court and DOJ costs? Do taxpayers have any protections?"

Joyce: This is really a great question. I mean, why should we be forced to bear the burden of this, right? I mean, we do as taxpayers, we foot the bill for our legal system in many significant ways, but particularly in a criminal case, when a defendant is convicted in a federal case, they actually have to pay a fine that's associated a fee, a fine that's associated with each of the counts of conviction. And so, although it may not be meaningful for someone with Trump's wealth, he will have to pay, have court costs and fees assessed against him for cases where he loses. And in some ways, it may not be super satisfying but at least it's a way of saying this is not a cost-free proposition for him.

Jill: And of course, in civil cases it can be even more damaging because you may have to be reimbursing if it's a frivolous case for the lawyer's fees and that can be significant. So, our last question today comes from Bruce and Barb, I'm going to ask you to answer. He says, "Suppose there's a natural-born US citizen who turns 35 between election day and the inauguration, can she be president in 2025?" I like his phraseology.

Barb: Yeah, this is such a great question. So, I did a little research on this and it has not been decided. There has not been a specific case of this that there have been people who tried to run for president who are much younger than age 35. And the founders thought 35 would provide sufficient maturity and also a track record of experience so that voters

would know a little bit something about this person. Of course, at the time of the founding, 35 was much older relatively speaking than it is today because life expectancies were much shorter. But there's a great example Bruce that suggests the answer is yes, Taylor Swift is 34 but will be turning 35 in December so could be elected president as a write-in candidate, think about it. And this is not a PSYOP. But here's the president and it is none other than Joe Biden, who was elected on November 7th, 1972 when he was 29 years old to the U.S. Senate, which requires that senators be 30 years old.

On November 20th, he turned 30 and he took office in January of 1973 after he had turned 30. And so, with that precedent in mind, if it works the same way for the President, then you could be 34 when you're elected, as long as you turn 35 before you take office on Inauguration Day in January. Of course, no one challenged Joe Biden's eligibility to be sworn into the Senate or to even run for Senate when he was 29, so maybe if someone had challenged it we would see some defeat to that, but as it stands, because it was unchallenged, he was able to assume office.

Jill: Thank you for listening to #SistersInLaw with Kimberly Atkins Stohr, Joyce Vance, Barbara McQuade and me, Jill Wine-Banks. Remember, you can send in your questions for next week by email to [sistersinlaw@politicon.com](mailto:sistersinlaw@politicon.com). You can also tag us at [@sistersinlaw](#).podcast on threads or tweet using #SistersInLaw. Tickets are on sale now for our live shows in Chicago on May 2nd. At the Athenaeum Theatre, Detroit on May 9th at the Royal Oak Theatre and Boston on May 30th at the Shubert Theatre. Get your tickets now or you'll be sorry, we want to see you there. Go to [politicon.com/tour](http://politicon.com/tour), find that link in our show notes and take action on it. And please show some love to this week's sponsors, Honeylove, OneSkin, OSEA Malibu and Factor. You can find their links in the show notes. Please support them because they make this show possible. Please follow #SistersInLaw on Apple podcasts or wherever you listen and please give us a five-star review to help others find the show. See you next week with another episode, #SistersInLaw.

You know what, Barb? It took me so long to get used to hearing the sound of my voice, it really creeped me out so I can't imagine recording a whole audiobook. Was that tough?

Barb: Yeah, I absolutely had that. I think of my voice as sounding much more appealing than it really sounds in the recording. It's the same-

Kim: I love your voice.

Barb: Well, you're very nice. It's the same reason I avoid mirrors, I picture myself much better-looking.

Jill: Oh, I think we need some therapy talk here today, you are really putting yourself down. That's at least the third time and you don't deserve that. You are terrific.