

Barb: Well, hello Boston. You all seem a little excited. Was there something big in the news today? Well, welcome to the #Sisters-in-Law Celebration for the Rule of Law. We timed it pretty well when we scheduled this show months ago. We looked at the calendar, we said, "Which day do you think the Trump verdict is going to come down?" And we said May 30th would be the day, so here we are.

Let me introduce our crew here. At the far end, we have Alabama's favorite knitting chicken farmer, let's hear it for Joyce Vance. And her Judge, Bob, is here in the crowd tonight. How about our round of applause for Judge Bob Vance? Next up, all the way from Chicago, Illinois, it's the Watergate girl herself, legal legend, Jill Wine-Banks. And next is Boston's own lawyer-turned-journalist, the columnist for the Boston Globe, let's give it up for Kimberly Atkins Stohr. And from Ann Arbor, Michigan, at five foot four, I am Barb McQuade.

Well, we are so pleased to be with you all on this historic night. In fact, the four of us were walking into the theater tonight when we heard this huge roar of a crowd erupt in cheers on the streets of Boston. Jill thought it was for her. It probably was, it usually is, but tonight, it was because of the delivery of the Trump verdict, 34 counts of guilty.

Well, tonight, we are going to talk with you about the Trump verdict. We're going to talk with you a little bit about Alito's false flag, and maybe a little bit about Judge Cannon on the loose. But first, I want to chat just a little bit about this great city of Boston. We're so happy to be here. We all have certain things we love about Boston. Joyce, let me start with you. What do you like about Boston?

Joyce: So the first thing I have to do every time I hit the ground in Boston is get a lobster roll, right? Because that's what you do. My husband and I went out late last night, I confess I was a little bit irritated, he was slow-moving, and then he picked this fabulous place. We sat down at the bar, I had a lobster roll, we had beer, and I'm sad to say we also watched the Red Sox lose down in Baltimore. But thank you, Boston. It's always great to be here.

Barb: How about you, Jill? What do you like about Boston?

Jill: Well, there's a lot I like about Boston. One of the newest things is that I have a mentee here in the audience, Ali Jablonsky, who is a Chaplain at Tufts Hospital, and who I've known since she was a Girl Scout. But I also love remembering that one of my first trials was against Sam Silverman, a boxing promoter in Boston, who was so popular that the US Attorney wouldn't try him, and made us come from Washington, because he got free tickets to the boxing matches. Is boxing still so popular here? I want to know. Is it popular?

Barb: How about you, Kim? This is almost a home game for you, right, 11 years as a resident of Boston?

Kim: I did, but yeah, it is really surreal to be here at the Schubert Theatre in Boston. It was almost 29 years ago that I came here as a 1L at Boston University Law

School. Some of my classmates, friends of three decades, are here tonight. I have family here tonight, friends. This is my second home, and I am pinching myself here. I practiced law in Boston, I was a journalist in Boston at just about every Boston media organization, The Boston Herald, Boston Globe, WBUR, Massachusetts Lawyers Weekly. So this really is my home away from home. And I strangely, given that, am allergic to lobster, but...

Barb: I did not know that about you. That's so sad.

Kim: I had a fried clam strip roll, so I did my part.

Barb: Well, I am thrilled to be here in Boston. I went for a long run today in the rain, but it would not deter me. And I saw lots of great Boston sites. And I'm a big sports fan, and so I was naturally drawn to the Garden, the TD Garden, I guess it's called now. And I got to say, when I got close, I got a little NBA fever, right, NBA finals for the Celtics? Pretty exciting. And even though I am a Pistons fan, I just couldn't resist.

Love the hometown sports. Always a lot of fun. Well, we're excited to be here for a show with you tonight. And so I want to point out just one thing before we get started. You will see there are two microphones near the front by the stage here. And so after we talk for a little bit, we are going to do what truly is our favorite part of the show, where we answer your questions. And so at the appropriate time, we'll ask that you come forward and ask questions, and I'm a law professor and I know the difference between a comment and a question. So none of this, "I got a comment, I got a concern," it's questions. And we will answer your questions, keep them sharp, keep them tight, and we look forward to doing that at the appropriate time. But with all of that, why don't we move on with the show?

Kim: You guys, you know what I can't wait to learn to do?

Joyce: What is that, Kim?

Kim: Learn to Play pickleball.

Joyce: Okay, why?

Kim: Because I have the perfect outfit. I have a great polo and skort, and when I got it, it just has pickleball written all over it. When you lead an active goal-driven lifestyle, your outfit should be the easiest part of your day. And unfortunately, most closets are filled with ill-fitting fussy, uncomfortable items that nobody likes. Well, mine's not, but I get what they're talking about. So Rhone has stepped up to the challenge. New Rhone Women's Course to Court collection is the most comfortable, breathable, and versatile set of dynamic activewear on the market, with tennis, pickleball and golf enthusiasts in mind. The Course to Court collection was designed to keep you focused on your moves with premium dresses, quarter zips, polos, skorts and more. And Barb, my Skort has plenty of pockets.

Joyce: Love the pockets. Kim, I might take up pickleball with you. I mean, I like a good summer weight athletic piece of clothing. I was so enthusiastic when I opened up my first box of Rhone. The leggings fit perfectly, the fabric feels velvety soft, and the pockets, really Barb, the pockets, they're the theme here, they're absolutely perfect. Rhone puts a premium on fit and functionality for optimal performance by using luxe fabrics like Cosmic and Celestial Knit to support breathability and freedom of movement. Innovation is woven into every stitch, incorporating chafe-free seams, hidden liners with drop-in pockets, subtle back openings and double-layer waistbands that really stay in place. It's great.

Jill: I've always said, it doesn't matter if you play well, as long as you look good. And so this is really the answer to my dreams, because I play almost every sport really badly, but maybe Kim, you and I can learn to play pickleball and maybe I'll excel at that.

Kim: I'm ready for it.

Jill: Rhone pieces even come treated with GoldFusion anti-odor technology so you get all-day freshness and more wear from fewer washes. The Course to Court quarter zip is my favorite teammate when I want to cover errands, gardening and a business brunch without a change. I love the style, and it's so comfortable.

Barb: Well, I love me some pockets, and I am a tennis player, so I am enjoying my Rhone wear. It's time for unparalleled confidence without all the hassle. The new Rhone Women's Course to Court Collection features unparalleled softness and performance in sleek layers that are flattering and functional for your entire day. At last, sportswear I can wear everywhere. That's what I'm wearing next time on the red carpet. The Course to Court collection can get you through any workday and straight into whatever comes next. Head to [rhone.com/sisters](https://rhone.com/sisters) and use promo code "sisters" to save 20% off your entire order. That's 20% off your entire order when you head to [rhone.com/sisters](https://rhone.com/sisters), and use code "sisters." Rhone, for every day, for every you, forever forward. Look for the link in our show notes.

Kim: Yeah, so we got a little bit of news today. So that flipped our script a little bit, but I think we're nimble enough to handle it. So Donald John Trump, convicted felon. I want to start quickly by getting your overall reaction to this verdict, and were you surprised by it? Anything about it, it's the quickness that the jury came back, what the verdict was, Joyce, let's start with you.

Joyce: So I had prepared myself, as every good prosecutor does, for a bad outcome, right? But in my heart, I believed that this case was going to be a conviction. Those of you who listened to the podcast know that I believed in this case from the moment it was indicted. I thought it was a righteous prosecution. I thought the prosecution did a good job, the evidence came in. The jury in their early questions seemed on board. And I'll tell you, when we learned that there was a verdict this afternoon, I was confident that it was a conviction. It was too fast for an acquittal.

Kim: Yeah. What do you think, Jill?

Jill: Of course, I agree with everything Joyce said. And I would say, I thought that the trial went splendidly, that the prosecution did an amazing job and the defense did a really, I'm not going to use the word I want to use, bad job. Fill in the word that you want to fill in. I had a preview of Bob Costello, because I testified before the Judiciary Committee the week before he testified at the trial, and he testified for the Republicans. So I saw what he was saying and what he was doing. And he was accused by the Democrats on the Judiciary committee of being there to interfere with the trial, to character assassinate Michael Cohen. And that's exactly what he was doing before the House Judiciary Committee, and what he did, he should have never been called as a witness. That was a huge mistake, and it was the last thing the jury saw before leaving for the closing arguments.

So I think it went really well. I think I was a little surprised at how fast it went, because there were 34 counts. And I wasn't confident that there wouldn't be a split verdict. I was doing a radio show when the verdict came in. And so the host was reading me, "Count 1, guilty, Count 2, guilty." By the time we got to the fifth or sixth, I was, "Oh, my God!" Even though I know we're supposed to keep you sane and we're supposed to be calm, listening live, you can't stay calm, when you're at 11 guilty, and then quickly rolling off to 34. So I was really happy, and I thought it was the right case to bring and it was the right verdict.

Kim: Yeah. I'm going to get back to the point about being the right case to bring. But Barb, I want to get your reactions. Any surprises? What did you think?

Barb: I was surprised the verdict came as quickly as it did. But as you and I were discussing, Kim, even though there were 34 counts, there were really only a couple big questions they had to answer. "Did you believe there was a conspiracy and that they had falsified records to cover it up?" Because once you believe that, it's the same count for all 34 of those things. I suppose it's stronger where he physically signed the checks, but if you buy the theory, then it works.

And I also think, I don't want to blame bad lawyering on the outcome of this case, I would credit strong facts as to why this case was a guilty verdict. The defense wanted to make it all about Michael Cohen, but Michael Cohen was really just someone who connected the dots and explained the context. This case was really a documents case. And as a prosecutor, I always loved documents cases, because documents are very strong. Documents don't lie, and documents don't forget. And so they stand up really well on cross-examination. And so sometimes you need an insider to be that narrator to help pull it all together, but even if you think that Michael Cohen is a big liar, you just can't explain these documents in any other way.

So I was not surprised by the verdict, but it is always gratifying to see the rule of law prevail. Because the deck is... I was just going to say, our system is designed with the premise that it is better that 10 guilty people go free than that one innocent person be convicted. And that's why we have such a high standard of guilt beyond a reasonable doubt. And yet we had 12 people unanimously make that finding today against a former president of the United States.

Kim: Yeah. Yeah, I really wasn't surprised by much of what happened with this verdict. In fact, when Jill and I saw each other at the airport, I said, "You know what? I think it's pretty likely that we get a verdict to talk about during this show," because the jurors, from the beginning, within an hour of deliberations, the questions that they were sending back, the notes that they were sending to the judge were so astute, that you can tell that they homed in on what the critical issues were right away. And they got started and just... We were talking at what, 11:00 this morning, and I thought, "Okay, by 5:00 PM today. That's another six hours. I would not be surprised if they are pushing through this and they have some technical questions, perhaps, but that they are really homing in one way or another." And I thought, "I agree with everything everyone said about the strong evidence."

And this is a documents case, but I would also not want to discount some of the witnesses, because it was also a credibility case. And I think we saw the credibility issue turn with the testimony of Stormy Daniels. I think she is one of the reasons why Donald Trump stands convicted. Because, yes, Michael Cohen has his issues, he's convicted too of the same scheme, and there were questions about him. He was not a compelling witness, it seems. He answered a lot of yes/no questions, he was gruff at times. But I think we needed to connect the why there was this document falsification, and it was to keep this story quiet because it was awful. And Donald Trump knew it would awful, and Stormy Daniels brought that part home. You could not have proven that conspiracy without her credibility and her willingness to tell that awful story on the stand under oath. So I think that that was a huge part of it.

So back to the issue about which case is brought first, of course the prosecutors in these different jurisdictions don't get together and decide the timing on it, the cases move forward as they do. But I want to get all of your reaction to what we've heard repeatedly, at least I've heard repeatedly. Oh, People didn't wish that this wasn't the case that went forward, "This is the lesser of the case." I don't think that that is the truth, but Jill, what do you think, that this is the first conviction for these charges in New York, what do you think the impact of that is?

Jill: Of course, it's not the first guilty, in terms of civil cases.

Kim: Right.

Jill: He's had plenty of those.

Kim: The first criminal case.

Jill: But the first criminal case. And we don't get to pick the order in which things go. If a law is violated, accountability should follow. And he clearly violated, 34 times, the laws of New York. They happened, through a series of flukes, get to be first. The flukes include the Supreme Court delaying the trial in DC, it includes Judge Cannon delaying the trial in Miami, and it includes the Georgia trial being delayed because of some bad judgments on the prosecutor's part.

So this one happened to be first. I don't think it's any less important than any other crime. It is a crime, and particularly in New York, where business records are very much a part of the economy, and you can't have Wall Street succeed without having honest records. So it's a crime that gets prosecuted a lot, just not in this context of being part of denying people the right to vote and having the information they need. It's not usually for election interference. But I thought it was a very... As Joyce said, it's a righteous case, and I was very glad that it went forward.

Kim: Yeah. But what do you say to people who either say, "You know what? I still don't even know what he was convicted for"? Or, "It's hush money, who cares about that? What does that have to do with him as a candidate?" What do you say about people knowing what these charges are?

Barb: Yeah. Well, first I try to prevent my head from exploding. But I do get this question a lot, like, "What did he even do wrong? Nobody even knows." Yeah. Absolutely, people know. It was falsifying business records with intent to conceal another crime, that crime being conspiracy to prevent or promote the election of a candidate to office by unlawful means. And then the unlawful means being accepting a campaign donation that was over \$2,700, \$130,000. It was accepting a corporate donation with a reimbursement, accepting a straw donation from Michael Cohen, failing to disclose and tax violations. So five different ways that this thing was a crime.

But I also want to look at the underlying facts here. And if we put ourselves back into 2016, I think that there are a lot of people who say, "What's the big deal about hush money, anyway?" As if this is some sort of morality play. I think the payment of hush money is a huge deal. And I think it is because if you hear Stormy Daniels' testimony, and if you believe it, as I do, if this information had come out in 2016, this would've been devastating to Donald Trump's campaign.

It comes on the heels of the Access Hollywood tape, which was awful, and many people were calling for Donald Trump to withdraw from the election at that time. I know it's hard to go back to that time, but to remember that moment. And then this wasn't just about some extramarital affair, it was a really awful encounter in a hotel room, as she describes it, and she gives full fault to herself for her participation, and she says there was no coercion. But if you listen to the details, it's a very Harvey Weinstein-esque power play, which I think many people would've found incredibly offensive in 2016, just as we do today.

And so I was asked by somebody, "Well, hush money payment isn't illegal. I mean, what's a fella to do if he wants to pay hush money?" You can't pay hush money and run for the presidency at the same time. If you want to do it, you have to use campaign funds and disclose it, which I suppose would defeat the whole purpose of the hush money. But the reason we have campaign disclosure rules is for transparency in government, so that we know how people are getting their money and what they're doing with it. And so that very well could have changed the outcome of history in the United States and the world, if he had not committed those crimes. I think it's an incredibly serious crime.

Kim: Transparency in government. But we will get to Alito later. Joyce. No, Jill. Jill, go ahead.

Jill: I just wanted to add one thing to what Barb said, which is, I have a hashtag called Say This, Not That, and we should not be calling this the hush money case. This is an election interference case, so call it that.

Kim: So Joyce, in July, it will be up to Judge Merchan to sentence Donald Trump for these convictions. As a prosecutor, what do you think they will be seeking, and what do you think the Judge might do? And tell us a little bit about what he will factor in, including his violation of the gag orders, repeated violation of the gag orders.

Joyce: Yeah. So Kim goes right to the heart of the question. Because if there is a strong rationale for putting Donald Trump into custody based only on the fact of conviction, it gets even stronger when you consider the repeated violations of the gag order. And Donald Trump's utter lack of shamelessness about both those gag order violations, as well, I think in many ways, about the crimes himself, right? He's already scheduled a press conference for tomorrow. He's quick to call it a witch hunt. And I think it's important to underline what we heard the district attorney, Alvin Bragg, say tonight, or y'all may not have heard it, because y'all may have been on the way to the show, but Alvin did a press conference and he put the thanks precisely where they belonged, on the 12 men and women in the jury.

Those jurors in a very real way, and I confess as a prosecutor to being emotional about juries, but they stood in for all of us, right? They bore on their shoulders the burden of all American citizens. I had said, and I know we had all discussed, we were willing to accept the verdict. We believed that the evidence supported guilt, but we would've trusted the jury's judgment regardless. And so I think now we have to trust the Judge to do the right thing when it comes to sentencing. I think we will see Alvin Bragg ask the Judge to put Donald Trump in prison.

Barb might disagree with me about this, we had started to talk about it, but basically my thinking is this is a defendant who's now a convicted felon, completely unrecalcitrant for the crimes, violated the gag order. There is no telling, by the way, what he will do between now and the July 11th sentencing date. My prediction is that it will get worse, not better, and there will be a sentiment in favor of doing that. But look, I mean, here's the bad news, Donald Trump will appeal this conviction. That will, I think, give him some period of time. He will probably stay out of prison, wouldn't you think?

Kim: Yes.

Joyce: There'll be an appeal bond.

Kim: Oh, absolutely. Barb, do you disagree? Do you think that there will be a bid for incarceration?

Barb: I don't know. There are some factors that cut against it. It's a nonviolent white-collar crime. He has no prior convictions, although you do talk about some...

Kim: The whole judgment.

Barb: It's like that scene in Stripes, "Do you have any prior criminal convictions?" "Convictions? No." But I do agree that there are some other factors that could come into play, like the repeated violations of the gag order and the complete and utter lack of remorse. And so maybe that puts some prison time in play.

Kim: And would the potential threat to jurors, now that their service is done, I think it's only a matter of time before their identities are sussed out. I want to ask all of you as former prosecutors, what can be done to protect the jurors? Since we have seen Donald Trump and his supporters attack jurors, attack staff of the courthouses, judges, lawyers, everyone. What can be done?

Jill: I think there's going to have to be some security provided to the jurors at this time. And we'll have to see. We have seen that Donald Trump's words have consequences. He says something and people act on it. That's how there was an attack on an FBI office, because he was blaming the FBI, as he is again, saying, "They were trying to assassinate me." Even though that is completely untrue.

And I think that his continuing threat with his lies, and let's call them what they are, they are lies when he says things like, "They were trying to assassinate me. This is a witch hunt. I'm innocent. This is rigged. The Judge comes from who knows where," he says, "and he can't be trusted." I think these are things that endanger not just the judge and the jury, but our system of justice and our democracy. And that in order to keep him from doing this on a continuous basis, that he has to be shut up.

Eric Holder said the federal prisons could incarcerate him and handle it. I'm sure that the New York system can do the same, and that may be necessary. Home confinement might work, but I know my husband would say, "It has to include that he cannot play golf. He has to stay home." So there has to be some way to keep him off the streets and to shut his mouth up. Lies have consequences.

Kim: Yeah. And I will add, whatever the sentence is, ultimately, that is handed down by Judge Merchan, I really hope that any remaining Americans who have not tuned into this and don't know what this trial is about, that they understand the consequences, just as we've spelled this out. This was election interference. This was somebody who tried to get an advantage by cheating. And this is a pattern with this person.

He stands accused, in many different contexts, of cheating. Cheating the voters by not allowing them to get the information that they need to make an informed choice for president, cheating the electoral system entirely by allegedly siccing a crowd on people to overturn the results of election, cheating in his businesses so that he cannot currently even run his business, not caring about anybody,



including the people who vote for him and support him, when it comes to the quest for his own power.

So this is a part of a pattern, and this is information for voters. They may think that this case is the least important one, it is not. This is important, the classified documents case is important because of the national security risk it presents, and most definitely, the case that charges him with trying to subvert democracy that Jack Smith is trying to bring, if the Supreme Court allows him. All of those are important for different reasons. It's not one after another. So this verdict is important. This is an important bit of accountability to someone who has not faced much accountability in his life. So I hope that if anything, whatever the sentence is, that it makes that point.

Jill: Hey, Kim, can I flag one more fascinating implication of whether or not Donald Trump is sentenced to custody is the question of whether he can vote after this conviction, right? So interesting issue. In the state of Florida, where Donald Trump now lives, whether or not you can vote is governed by the law of the state that you're convicted in. That's not true every place. It's a weird Florida rule, there's a lot of litigation going on. In the state of New York, if you're sentenced to custody, you can't vote while you're in custody. Interesting, interesting flag for us to look for at that July 11th sentencing. So if he loses by one vote, in the state of Florida, if we're back to hanging chads in Florida-

Barb: We were talking earlier, one of our friends has said that, "If you use the term "convicted felon," that's actually-

PART 1 OF 4 ENDS [00:32:04]

Barb: She is... If you use the term convicted felon, that's actually redundant, but I think it just sounds so good to say it twice.

Kim: It's not, it's not. You could be convicted of a misdemeanor, so a convicted felon-

Barb: There you go. Very good.

Kim: ... is not redundant.

Barb: All right.

Kim: So let's say it again. Convicted felon.

Barb: Convicted felon. All right.

Jill: I always feel so guilty whenever I'm being wasteful with any kind of refuse, whether it's food scraps or cardboard. And sometimes incorporating sustainable practices into your routines can be hard, but Lomi makes it easy. Lomi is a simple climate solution for turning your organic waste into nutrient-rich Lomi Earth to help feed our soil.

Kim: Something you might not know is that food waste isn't actually waste. It's a valuable resource for our planet. With a Lomi, you can transform your food scraps into nutrient-rich plant food for your garden, for your houseplants or your yard. Stop dealing with stinky gross bug-infested compost bins. Simply transform your waste at the push of a button on your Lomi.

Joyce: Now that spring is here, Lomi is perfect for the planting season. All my food scraps, plant clippings, and even forgotten leftovers are going back into my garden. Lomi Earth is making my yard look fantastic and helping me grow more nutritious food at home. My plants and my family are both eating better than ever. I have to say, the chickens are a little bit disappointed. Your kitchen will look great too, thanks to Lomi's modern and sleek design. I love knowing that we're doing our part for the planet and cutting our carbon footprint with just the push of a button on our Lomis.

Barb: Lomi's new app even lets you track your environmental impact, earn points for every cycle, and redeem them for freebies from Lomi and other great brands. Get rewarded for doing good, and don't miss out on your chance to get the best gift for yourself and Mother Earth. Order Lomi today, head to [lomi.com/sil](https://lomi.com/sil) and use the promo code SIL to get \$50 off your Lomi. That's \$50 off when you head to [L-O-M-I.com/S-I-L](https://L-O-M-I.com/S-I-L) and use promo code SIL at checkout. You can find the link in our show notes and thank you, Lomi, for sponsoring this episode.

Why don't we move on, because we have some other things that we want to talk about? Jill, why don't you lead our next segment?

Jill: Okay. So not only did we have to flip the script because of the conviction, we had to flip the script about SCOTUS, because they didn't do anything very interesting today. So since we're not going to talk about any of the cases they issued today, it gives us time to have a deep dive into Justice and Mrs. Alito and Justice and Mrs. Thomas. Yeah, go ahead, boo. It's okay. So I'm sure that all of you are fully up on the facts, but I'm going to start with you, Barb, and say just give a sort of closing argument about why, what they have done is terrible and why they should recuse themselves. What are the facts?

Barb: Well, there is a standard that says, "A judge should recuse themselves if their impartiality could be fairly questioned in the case." And so we've got Justice Thomas and Justice Alito who are presiding in the Supreme Court over a number of cases, especially the immunity case involving Donald Trump, right? He has sought immunity in the criminal prosecution of the effort to steal the election on January 6th and the crimes related to that. With regard to Justice Thomas, we know that his wife, Ginni Thomas, communicated with chief of staff Mark Meadows saying things like, "The King of Kings will prevail." But she was an absolute driver in the Stop the Steal movement. And in fact, one of the cases on which Justice Thomas presided and ruled, was the one when the Congressional committee was seeking from the National Archives all of Mark Meadows text messages, which included this message, series of messages from Ginni Thomas.

It turned out to be an 8-1 decision. And you know who was the one who said that those documents should not be turned over to Congress? Justice Thomas. Do you

think his impartiality can be fairly questioned in that case? I do. And now we've got Justice Alito, who again is facing this immunity decision. It's going to be a big decision by the court. And we have learned that his home has flown, not one but two flags associated with the Stop the Steal movement. Occurring even after the January 6th attack, in the days before Joe Biden was inaugurated of an American flag flying upside down, which is a universal symbol of distress, but was also used by the Stop the Steal movement.

And then it has also been reported that outside their vacation home a flag that says Appeal to Heaven was flown, which is a suggestion of the role of religion in government and was also used as a symbol of the Stop the Steal movement. And so no matter how well-intentioned it may have been, and Justice Alito has blamed it on his wife, Martha Ann, who appears to have a bit of a temper. We've learned. Regardless of who put it up or whose intent or what their intent was or whether it was innocent, again, it does seem that his impartiality can be fairly questioned. And so there has been a suggestion that both of these justices ought to recuse themselves from deciding these cases.

Jill: So we should also point out that it is not just actual conflict of interest, but the appearance of conflict. If court decisions are to be accepted and followed and understood, it has to be above the appearance of having a conflict. And I think, Barbara, you've laid out a very good case for both of them. And I would also note that not only did he throw his wife under the bus, but it certainly reminded me of when Richard Nixon did the same to Rosemary Woods, his secretary, blaming her for the 18 and a half minute gap. Yeah, it's Martha Ann's fault. She did it. I lived in the house, but I couldn't control her, even though I can control every other woman's body, I can't control my own wife's word. Word. So let's move on to the fact that there are no real ethics that apply. They get to decide if they were accused. So recently, Justice Roberts issued this thing about, now we have these ethics. So, Joyce, talk about what those ethics are and why they are unenforceable and meaningless. Sorry for drawing the conclusion for you.

Joyce: We all laugh, and we do, and it's sort of a crazy situation that every federal judge in the country is bound by ethics guidelines that are mandatory and binding, except for the nine justices on the Supreme Court. But I'm not going to make light of it, because there's actually a serious constitutional issue here involving separation of powers and who it is that would police the justices. The real problem here is that this set of justices has refused to police themselves, and that's simply the bottom line. In many ways, our system has been able to function with this constitutional ambiguity because Supreme Court justices, by and large have held themselves to a higher standard. And in cases where there have been issues, there is a justice named Abe Fortas, who had serious problems and had to leave the court. He stepped up and did the right thing. That's no longer part of the ethic of being a Supreme Court justice.

And so in response to pressure following, I'm sure that y'all saw the reporting in ProPublica, the reports about Clarence Thomas accepting favors from powerful conservatives and going off on vacations and failing to disclose them. And then Sam Alito going on this groovy fishing trip, where he flew on the private plane

flight that was valued at a hundred thousand dollars, but he thought it was okay because the seat would've been empty otherwise.

Martha Ann had nothing to do with that one. So they're under pressure. This becomes public. They do what the Supreme Court does best. They try to ignore it for as long as they can. And then I think Chief Justice John Roberts realizing that the public's confidence in the Supreme Court is at an all-time low, according to polling. He thinks they have to do something. So in essence they say, "Okay, we will formally agree to follow the rules that apply to all of the other judges." We've been following these all along, but now we'll make it official. And here's the problem with that. They then proceed to flagrantly violate the rules that they've said that they will follow voluntarily or at least Sam Alito has, because to Barb's point, and look, again, don't get me wrong, I don't want to overstate it.

The standard for recusal for a judge is extremely high and it's higher for the justices, because there are only nine of them. And they have, as Justice Alito pointed out in a letter that he wrote to the Senate Judiciary committee yesterday, a duty to sit unless they do have a serious recusal problem. But when you are sitting on a case involving presidential immunity for Donald Trump, and from your house, a flag is flying, that's a support symbol for the Stop the Steal movement, not just once, but twice. If you believe, Barb McQuaid or anybody else is going to have confidence in your impartiality, you are simply wrong. And so these rules have failed to work. I think that's the bottom-line point here. It's a code that's meaningless because the justices have refused to give it meaning or some of them.

Kim: And can I just say a little bit more to the point that you're making is, let's suppose Alito had no idea what this flag was. Let's suppose even Martha Ann Alito had no idea what [inaudible 00:42:55].

Joyce: She just likes flags, right? Brett Kavanaugh [inaudible 00:42:58], she likes flags.

Kim: What did he say? "My wife enjoys flying flags, I do not." Okay. Even if that were true, the proper response for someone who cares about the integrity of the institution on which they sit would be, "My goodness, I did not know. Once it was brought to my attention, we immediately took it down and I absolutely regret any implication that this may have caused with respect..." He didn't do that. He was like, "Yeah, my wife flew it. So what?" Right? He's defiant in this. And listen, no one in my family is a public official on the payroll of your tax dollars. But even in my household, you may have noticed, I'm an opinionated person.

I have let my opinions be known, and that is okay. But you know what I won't do? I won't fly a political flag out in front of my house. I won't put a campaign sign out in front of my house, because my husband is a news reporter and I would not want someone driving by to think that he is biased in his job. I'm allowed to have my opinions. I happen to be paid for them, which is a really cool gig. But I know there is no rule stopping me from putting out a sign. It is the idea that I want to preserve the integrity in what we both do. So that is a societal norm. We should expect that from our leaders, particularly the nine top justices of our nation.

Jill: So let's move to the hardest question of all. What is the solution to this? And I'm going to ask everybody to weigh in because I know we have different views on this. Jamie Raskin just wrote an op-ed suggesting one solution. My Senator Durbin has sent a letter asking Justice Roberts to come and talk to him, which Justice Roberts said, "No, I don't think so. I'm not coming."

Barb: Talk to the hand.

Jill: Do something else. And we've had a lot of suggestions about expanding the court and there's at least one justification, which is we now have 13 circuits. When the court number was nine, it was because there were nine circuits. And so we could use four more to sit over those four extra circuits. Age limits or term limits have been suggested. I guess those are popular ideas. I think you like those. So I just want to have a more in-depth conversation about those three things. And maybe you can throw in something about Robert's response, but also Alito's response and his going on Fox News to talk about it, which changes in my mind things. So let's go from my left. You're not to my right. I mean, they're all to my left. Okay, so I'll start over here.

Joyce: Well, I'm definitely to your left in all things.

Barb: Nobody out left Jill Wine-Banks.

Joyce: So look, I don't think that there are easy solutions here. Personally, I have become a fan of term limits for the court. I think that that's the appropriate solution. I don't think we'll see that. We certainly won't see it as to any of the sitting justices. It would require a major change in our system and a functional Congress. And I'm sorry to say we don't have one of those. And so here's what I think the real answer is. I think the real answer is that the Supreme Court is on the ballot. And when you go and vote in November, it's not just about daubs and substantive disagreements with the cases that this court has issued. It's about the process and it's about who sits on the court. Republicans for decades, and I watched this as a young law student at the University of Virginia, a really long time ago.

I watched how successfully conservatives organized around the principle that their voters should support the Republican ticket for presidency, regardless of whether they liked the presidential candidate or not, because of the power that person had to appoint federal judges and most importantly the Supreme Court. We need to adopt that view this November. If you care about having a court that functions with ethics, tell your kids, tell your friends, tell your family, all go out and vote together. And if you have to become a one issue voter and vote for the future of the court, Justice Alito will not do the right thing, it's up to us.

Kim: Yeah, I agree with that, but I want to put a finer point on it. I think yes, we talk a lot about reforming the court itself in term limits, which I also think are a good idea. But just putting a finer point of what you're talking about, what can happen now. Because even if we change the makeup of the number of people on the court, the term limits and all that, that's going to do absolutely nothing to Samuel Alito. There's no way to constitutionally kick him off the court. There's nothing.

But what can happen is this, Congress can act to not only make mandatory and put some sort of authority in place to enforce ethics rules against the justices so that there are no longer on the honor system, but Congress can pass laws that would require disclosure when a big, deep pocket conservative donor puts a Supreme Court justice on his jet plane and make that have to be disclosed so that the people know that, that is part of the accountability mechanism.

The people in Congress can demand and the President that you elect can demand that the people who go onto that court and other courts, be people who have a reputation of doing the right thing. When Samuel Alito was nominated, one of the questions he faced at his confirmation hearings is the fact that he would not recuse in cases even that involved his own family. This is a problem we saw coming. Also, during those confirmation hearings, Martha Ann had to be taken out of the room. She was crying. So a lot these problems we saw coming.

But that is where actual tangible things that we will see the fruit of in my lifetime is actually what's going to happen, because even if the Supreme Court is reformed, it'll have to be sort of phased in over the course of generations really. It's not going to come overnight. But what you do with your vote matters. It matters in every house seat that's up for re-election this year. It matters in all of the Senate seats that are up for re-election this year as well as the presidency. And it's also important for your state and local folks who do things like redistricting. These issues really are in your hands, so you already have a means to do something about it.

Jill: Before I get to you, Barbara, I just want to ask a follow-up to Kim, because you said, "There's no way to remove Justice Alito." What about him [inaudible 00:50:45]?

Kim: Yes. Supreme Court justices can be impeached with, what is it? 2/3, 3/4? 2/3? I didn't bring my pocket constitution. That's not a practical solution. And the Republicans have done a really great job of really destroying the impeachment power and making it worth nothing. So I'm talking about practical stuff that we can actually do. I also don't think that the court's going to be expanded. I actually don't think that they're going to be term limits imposed, but I think the things that we talked about, disclosure rules, knowing that these justices are in the deep pockets of conservative or whatever, whatever cause, if justice is in the pocket of a highly funded donor, I think these are things that are really, really important to know who is making these decisions and who should feel the pressure to recuse if they don't do it themselves.

Jill: So Barb, no one's mentioned the Raskin solution, and I know that in our dialogue that you and Joyce have some very strong views on this. So I'd like to ask yours and then, Joyce, go to you.

Barb: Yeah, so Jamie Raskin, member of Congress, who is also a constitutional law scholar, he's been a professor of constitutional law, actually wrote a very interesting op-ed in the New York Times, where he pointed out that there could be a petition filed by a member of the Department of Justice and a U.S. Attorney or the Attorney General could file a petition asking the other justices to demand

the recusal of Justice Alito or Justice Thomas. And he points both to the due process clause of the Constitution and to the recusal statute, which says, "Judges and justices should recuse when their impartiality could be fairly questioned."

Kim: It says shall, the statute says shall.

Barb: Yeah. So the idea is, there is a mechanism for that. And what would prevent some Justice Department official from filing this, and then the other justices from recusing Justice Alito? I think the answer is the other justices. I just don't see them doing it. But I would say, so that's my argument on that. But I do think in addition to some of the things that have been suggested here, we should look at both long-term and short-term solutions. I think one of the problems with our political system is that all of our solutions are very short-term, and that's because politicians are elected to terms, and they want to have a record to show you for the re-election, so it's all quick-hit stuff. But I think we should think about short-term wins and long-term wins. And I think long-term, these suggestions about improving our court through term limits and cycles would make them less extreme to the right or the left.

And I think that there should be consensus on that, that we want justices who are going to be less beholden to extreme views. And I think if we do this term limit thing of 18 years and they're staggered, so every president gets three, I think that would be a great long-term solution. But in the short term, one thing I would add is, I think that we need an Inspector General for the Supreme Court. When we worked at the Justice Department, we had Inspectors General in every executive branch, and they were counting every penny. We couldn't get a cup of coffee for free. Right? Joyce, I'm sure you were like me.

Joyce: Donuts, right? I mean, I bought donuts for my office.

Barb: My husband was saying, "We're spending more than you're making in this job." Because we would buy the coffee and the water and the donuts and the bagels whenever we hosted a meeting, because we knew that we were accountable for every penny to the taxpayers. And so I think what they could do without violating separation of powers, Congress, as Kim said, can pass laws. They legislate the budget for the Supreme Court, their building, their salaries, their number of nine. They could create an Inspector General, who works within the Supreme Court to investigate allegations of violations of these ethics principles or whatever they call them, and then bring to the attention of the Chief Justice and the other justices, when there is a violation, and perhaps use that information to vote these recusals. And so I think that could be a system that could work. And I find it really arrogant and lacking in judicial humility when Chief Justice Roberts writes these letters and others say, "You can't touch us because of separation of powers. That is a fallacy."

Jill: And, Joyce, you have a very interesting take on the Raskin proposal, so why don't you share that?

Joyce: Yeah, I mean, I think Barb is dead on the money when she says, "The only thing wrong with Congressman Raskin's suggestion is the Supreme Court justices, who

won't go along with it." It is a very elegant argument that he makes. It's grounded in the law. It makes absolute sense. And I think what Jamie Raskin is doing, because look y'all, he is no dummy. He understands that the votes don't exist on the court. And if he didn't already, John Roberts letter certainly drove that home, right? John Roberts is not going to vote to recuse Clarence Thomas or Samuel Alito. But I think that what Congressman Raskin is doing is he's setting the court up. He's making the point that the court will not show what Barb, I think aptly calls judicial humility, that the court will not adopt appropriate ethics rule, that it will not restore public's confidence in the court's operations.

And what that does is it makes it just a little bit easier for Congress to pass ethics rules and to stick those onto the court. Because the big argument, and we've hinted at it, we haven't really talked about it a lot. The big reason that the Congress can't impose regulations on the Supreme Court or that some people believe that is because of separation of powers, and that it would be an inappropriate sort of mingling in the court's affairs by the legislative branch. But by showing and by Representative Raskin setting this up, that the court will not take this on, I think he makes it an awful lot easier for Congress to justify it.

It looks a lot less like a problem with separation of powers. He's playing your long game. And I think we may well get, there's this bill that's circulating at Senator Whitehouse from Rhode Island's bill, I think, yeah, shout out for Rhode Island.

Barb: Is there anyone from Rhode Island here?

Joyce: Well, hey, Rhode Island, we love your Senator. We're all fans. He is a former U.S. Attorney. And I think that that's where this is headed. We may well get some meaningful change on the Supreme Court because of this.

Barb: And we love your Attorney General Peter Neronha, our former colleague.

Joyce: We do. Shout out to Peter Neronha. And I guess we should say, Barb, that our former colleague, the U.S. Attorney here in Boston, Carmen Ortiz is here tonight too.

Barb: Yeah. Welcome, Carmen. We're proud of your service, Carmen. Here in Boston. No better way to celebrate a verdict than by sampling some pastries. That's what I always say.

Jill: Hey, guys, I just want you to know I have discovered one of the best new things. Whenever I have guests over and want to take the meal to the next level, Wildgrain is the first thing I think of. The artisanal Bavarian pretzels are the perfect way to start a meal, especially on a game day. Their pasta is amazing. Their pastries taste wonderful too, and everything from there is really, really good. Their croissants cannot be beat. They puff up into these gigantic sized things from what looks like pretty small. There's so much to choose from. You should consider ordering Wildgrain.



Barb: I love watching the color and flavor come alive, when the blueberry pie bites are heating up in the oven. And now, I never have to call for everyone, when the food is ready. As soon as the smell reaches them, they come running. Wildgrain items are delicious and so easy to make. It's the perfect combination. There's something for everyone, and you'll want to try it all.

Kim: Wildgrain is the first ever bake-from-frozen subscription box for sourdough bread, which is delicious, fresh pasta, which is also delicious. And our artisanal pastries, which you guessed it, are also delicious. Every item bakes from frozen in about 25 minutes or less, no thawing required. Plus, you can now fully customize your Wildgrain box. So you can choose any combination of bread, pasta, and pastries. I highly recommend the croissants. They're impeccable. You can even build a box of only bread or only pasta or only pastries if you like. We know you love everything they have to offer.

Joyce: For a limited time, you can get \$30 off the first box plus free croissants in every box when you go to [wildgrain.com/sisters](http://wildgrain.com/sisters) to start your subscription. But listen, I'm going to warn you, it won't be your last box. Once you get your first box, you'll keep going. You heard me, free croissants in every box and \$30 off your first box when you go to [wildgrain.com/sisters](http://wildgrain.com/sisters). That's [wildgrain.com/sisters](http://wildgrain.com/sisters) or you can use promo code SISTERS at checkout. Look for the link in our show notes.

So last but not least, tonight we go back to Florida to the Southern District of Florida and to Judge Aileen Cannon. Y'all, I've got to say, I mean, it pains me to hear a federal judge get booed. It really does. I have so much respect for the office. It's a tough job. I often disagree with federal judges' rulings, but I don't think that they're bad judges. Aileen Cannon has really tested, all of those views and continued to this week, right? I mean, Barb, why don't you talk with us about this most recent exchange and what the judge did.

Barb: When Joyce says it's really testing me, that's Southern [inaudible 01:01:29]. I'm mad as hell.

Joyce: Don't get me started.

Barb: So the latest chapter in the Cannon Saga is this. You may recall that Donald Trump falsely accused the FBI of plotting to assassinate him. This, of course, comes from a search warrant application, that included what every search warrant application includes, which is a reminder to all agents to not engage in gunfire and reminding them of their use of force policy, which gets attached to every search warrant application and was on this one as well. Donald Trump takes that and says, "Aha, the FBI was plotting to assassinate me." Which of course has absolutely no basis in fact whatsoever. But he says this, and as Jill mentioned earlier, it's a very dangerous thing when a former president starts making false accusations against a law enforcement agency. When he falsely accused the FBI of planting evidence at Mar-a-Lago, a man showed up at the FBI office in Cincinnati with an assault rifle and was killed in a standoff with police.

When Donald Trump says, "Stop the Steal," people storm the capitol. And so he knows it's incredibly reckless behavior. And so in response to that, Jack Smith very promptly filed a motion with the court to amend Donald Trump's conditions of release on bond to include a provision to shut the hell up and stop accusing the FBI of trying to kill him. Now, they did this on the Friday before Memorial Day, and the response of Trump's team was, "How dare you bother us on the holiday weekend?" Why? We'd be happy to talk with you about this after the weekend's over, but we can't be bothered with such things before on the brink of a holiday weekend.

And so Jack Smith's lawyer said, "We attempted to obtain concurrence in this motion, which the local rules require before you file a motion with the court, the court wants to know that you tried to work it out, were unable to do so before you bothered with the court with asking for the expenditure of resources to decide a motion." But Jack Smith said, "I ain't waiting until Tuesday to see if somebody follows through and acts out on this threat. I'm filing my motion." And so that's what happens. And then on Monday, Trump's lawyers say, they tell this whole story about why they would've interrupted our barbecue and golf game if we had had to confer on this. They violated the local rules. And you know what Judge Cannon said?

PART 2 OF 4 ENDS [01:04:04]

Barb: ... they violated the local rules. And you know what Judge Cannon said? "You're right, lawyers for Donald Trump. How dare they interrupt your Memorial Day weekend? We refuse to decide this motion. The motion will be stricken from the record and you must comply with the rules, Jack Smith." Okay, Jill, let's give Aileen Cannon her due.

Jill: I'd be happy to.

Barb: I'm going to try so hard to do this with a straight face. What do you think? Did Jack Smith violate the local rules and if he did, was this the way the case should have proceeded following that violation?

Jill: Well, let me answer the easy part. It isn't the way it should have happened. Yes, I think technically he may have violated the conferral rules of the Southern District of Florida. And any DOJ or federal prosecutor must comply with local rules.

I think that once the issue was raised, the excuse for violating it was pretty obvious. Barbara just said they wanted to wait till Tuesday. Someone could have died in between the holiday weekend. And so, it was not safe to wait. I think that there was a good excuse for him. I also think he could have said, "Okay, I'm withdrawing my motion and I will refile it on Tuesday," but that avoids the problem of who might die because of the words of Donald Trump in the interim.

It's just one more notch in the wall for things that Aileen Cannon has done wrong, and she is delaying this as much as she can. She says, "Well, we can't go to trial because there's so many undecided motions. Yeah, there are because you

won't decide them. It's time for you to get off your duff and do it. She's already been reamed by the Eleventh Circuit twice. It's going to have to happen again. Eventually. I think she will have to decide this one way or the other because the conferral has now happened, I would assume, and he's going to make another motion and she's going to-

Barb: I think Donald Trump's lawyers were busy today, Jill.

Jill: Not the same ones. Those are probably fired by now and won't collect another penny.

Barb: I hope they got paid up front.

Jill: Any lawyer who represents him and isn't paid up front is really a fool. But anyway, I think that the lawyers in Florida could handle this now and that there should be another motion. She denied it without prejudice, which means it's with the ability for them to refile. And that they should refile and force a decision and once the decision is made, they would be able to appeal that and maybe throw in all the other undecided motions that should be mandamus.

Barb: Yeah, I mean it's a fascinating situation. It's Aileen Cannon has had the upper hand for so long, delaying everything, refusing to rule, ruling against the government, yelling at the government when the government has really tried to protect the court's integrity. You'll all remember that little situation where Donald Trump's lawyers went to Aileen Cannon and said that they needed a delay in something because of something that was taking place in another case up in Washington.

And what they didn't tell Judge Aileen Cannon was that they had then immediately gone to Judge Chutkan and asked her to change her trial docket. When the government came and said to Aileen Cannon, "Hey, you are being played," did she appreciate the government for protecting the integrity of her proceedings? Absolutely not. She was harsh. She was ugly. She rebounded on them also in that situation for violating local rules.

And so now we have Jack Smith coming forward with what I think was a very clever motion. And Kim, you like me, have a lot of appellate experience. What Jack Smith did here was he in essence said, "Judge, we want you to change this defendant's conditions of release." The reason it's brilliant is because a decision by a federal judge denying a request to change the conditions of a defendant's pretrial release is immediately appealable. And that's what Jack Smith wants to do.

Well, what do you think happens here? She's made it difficult for them. Now they have the ability to refile the motion. I know you like me, are a huge fan of Judge Cannon's. Do you think now that push comes to shove, she will rule in the government's favor and modify the conditions? Or are we off to Atlanta finally for appellate argument?

Kim: Yeah, I think we can get ready to put our appellate hats on in future episodes because nothing that she's done up until now indicates that she will do that or she even appreciates what this case is about. And I think that's really important to remember here. This is a case about protecting our national secrets. This is about protecting people who work in our government, people who are servants in the intelligence community and in the national security community.

And if she cannot understand the interest. And that's what the law is about, there may be local rules that are technical, but what judges do all the time is that they balance different interests. We talk about a constitutional case that you balance the interest of one thing against another. That's what they do. The interest in holding onto the integrity of this local rule versus the interest of guarding against what could be a national security threat, a domestic security threat really, if she doesn't get that, I just don't get how she suddenly has a come to Jesus moment now.

I think she is giving Jack Smith eminent a number of things to appeal. But the problem is it will be far, far too late for this to be the basis that information that I talked about for voters to consider as they make that choice. It'll come far too late for that. And I think maybe that's what the gig was the whole time.

Barb: Yeah, I mean I think that that's a good assessment, Kim. I wish it wasn't the case. I would love it if next week we were going to be talking about an appeal. And I just don't think that that's where we are.

Joyce: Well, did you hear that Donald Trump got convicted today [inaudible 01:10:43]?

Barb: I'm sorry, was I started being a buzzkill there?

Joyce: Yeah, let's talk with the good news.

Kim: It can often be hard to stay focused and grounded, especially with the news cycle that we have, even when it's holding people accountable and protecting our democracy. But we have something for you whether you are up or down, whether you feel like your plans worries and to-do lists are never ending, or when your brain is constantly racing on overdrive, Calm can give your mind a break from the noise. Calm is the number one app for sleep and meditation and gives you the power to calm your mind and change your life. Calm recognizes that everyone faces unique challenges in their daily lives, that mental health needs differ from person to person and that the time for meditation may vary. Since self practices are so deeply personal, Calm strives to provide content that caters to your preferences and needs.

Jill: Kim, listening to you makes me want to just take a break right now and put on something from Calm. Their meditations range to fit your needs each day, from anxiety and stress like we had today, waiting for a verdict, to relaxation and focus, to building habits and taking care of your physical wellbeing. There are also sleep stories with hundreds of titles to choose from, including sleep meditations and calming music that will have you drifting off to dreamland

quickly and naturally. They even have expert-led talks on topics like tips for overcoming stress and anxiety, handling grief, improving self-esteem, caring for relationships and more.

Barb: I sleep so much better after incorporating calm sleep stories into my routines, it really has become a part of my everyday existence. Daily practice has made a huge difference when stress starts building up. And I know I can look forward to Calm at the end of the day. Like me, Calm can help you dedicate a few minutes each day to reduce stress, improve your focus, and increase your overall wellbeing.

Joyce: The Calm app puts the tools you need to feel better in your back pocket. I love those pockets. If you go to [calm.com/sisters](https://calm.com/sisters), you'll get a special offer of 40% off a Calm premium subscription with new content added every week. Stress less, sleep more, and live better with Calm. For listeners of the show, Calm is offering an exclusive offer of 40% off a calm premium subscription at [calm.com/sisters](https://calm.com/sisters). Go to [C-A-L-M.com/sisters](https://C-A-L-M.com/sisters) for 40% off unlimited access to Calm's entire library. That's [calm.com/sisters](https://calm.com/sisters). Look for the link. You know where, in the show notes.

Barb: All right. Thank you. This is the part in the show where we want to answer your questions. We will ask that you come up to the microphones, get in line and stand by a microphone. And you can line up and we'll be very happy to take your questions. Feel free to address your questions to any one of us.

And while you're assembling and getting to the microphones, I also want to ask everybody a favor. This is an audience participation show. And so at the end of the show when we're all done, don't leave. We want you to stand up. We're going to turn on the house lights and we're going to turn around and take a selfie with all of you because we want you to be in the picture.

I'm talking to you, Debbie Heneghan. I'm talking to you, Carmen Ortiz. I'm talking to you, Carla Brigham. All of you, we want you to be in the picture. All right. Quick reminder, questions not comments, questions not concerns, but we're ready to answer them. So let's go with our questions. Go right ahead. Number one, first question.

Audience member: Hi.

Barb: Oh, can you tell us your name and where you're from, please?

Audience member: I'm Caitlin. I'm from, well, Newton. Pretty close from here. And as you can tell, I'm probably the youngest person in the room.

Barb: Bravo. We're happy you're here.

Audience member: But I was wondering because in my school in high school, a lot of the kids don't really understand what's going on and don't really understand government or stuff like that. And my own experience with learning about it in school was very brief. Could you talk about your thoughts about that?

Jill: I'll take that one because I'm a big fan of civic education. It is something that is missing from our schools that we need to put back in where we learn what the three branches of government are, what separations of powers is. And it isn't being taught anymore. And in some states, bad things are being taught or being prevented from. Florida, for example. Let's use that as an example. I used to do a podcast called iGen Politics with a high school student when we started, but now a college graduate. And he had civics education and I see the difference it makes. Let's get on boards of education, guys, and make sure we bring back civics education.

Barb: All right. Very good. And by the way, this just in from Fenway Park where the Detroit Tigers are playing against the Boston Red Sox, top of the seventh, Detroit Tigers two, Boston Red Sox nothing.

Joyce: Sorry.

Barb: Sorry, sorry for the... We'll monitor the game as it progresses. It's okay. It's not over yet. We've got-

Kim: Barbara's going to need security as she exits the studio.

Barb: Didn't you see my Celtics jersey? Doesn't this give... Find me some goodwill. What am I, Martha Ann? Please, tell us your name and where you're from.

Audience member: My name is Pam, and I am from Lexington, the birthplace of American liberty. My question is, whose job is it to certify the election and what can democracy-loving people such as us do if the election is not properly and appropriately certified?

Kim: I can say briefly. The certification process is essentially the same as what we saw play out in 2020. But since 2020, 2021, the Electoral Count Act has been amended so that it is a lot more difficult to raise objections to try to prevent certain states electors from being introduced and from the objections to the acceptance of state electors.

The way that January 6th played out would not play out the same way under the rules that are binding to lawmakers. And that was another example of we had a norm in place. And we didn't know that there was a hole in it until someone drove a truck through it and tried to start a coup. That already has been done, but it's still important to support our election workers, our officials who were doing the work in protecting the integrity of our elections.

And that starts at the local level, all the way up to the top. We are seeing some also prosecutions of people who broke those rules in 2021 take place. That's also important too, that they're held accountable. But we definitely need to support our election workers up and down the system.

Audience member: Thank you. Thank you.

Barb: Yes.

Audience member: Hi, I'm Jenny from Acton and I love you all. I start my day with Joyce. But Kim, you're a rock star to me. My question-

Barb: I'm right here.

Audience member: I know.

Barb: I'm sitting right here.

Audience member: I'm a fellow BU alum and a government attorney. I love you guys. That's not my question. That was my comment. My question is,-

Jill: At least you're honest.

Audience member: My question is, do you think there's any value? For a couple of years I've been trying to get somebody with a high profile to organize a protest on the steps of SCOTUS, a first Monday in October. Just show up, let them know we know what they're doing, we see what they're doing. And I'm wondering if you guys think there's any value in doing that where we feel so helpless. I was at the Women's March, it was one of the best experiences of my life. And I'm wondering if you think there's any value in trying to organize something like that? Just my thought.

Kim: I think if you're trying to-

Audience member: Can you organize it? She volunteers.

Kim: I think it depends on-

Barb: Let's all go. We'll all go.

Joyce: I'll go with you.

Audience member: Okay. Thanks, Joyce.

Kim: I think it depends on what your objective is. I think if it's to change the minds of anyone inside of that building...

Audience member: No.

Kim: You'll be wasting your time. People protest out in front of that all the time. I think if you want to put your energy into something, it goes back again to our elections and the people who are in a position to hold them accountable and making people aware of why this is such an important issue.

Postcard writing. Anything that you could do to potential voters, not just in your own state, but elsewhere. Volunteering for organizations that are pushing for

actual change, that are lobbying lawmakers, to hold them accountable, to let them know that the voters care about this. I think that that is a really, really good thing.

Put the Supreme Court on the ballot. I think that that will do a lot more than... I mean the Women's March. Yes, it was very amazing to see a million women in Washington DC. I was down there that day. But what happened? Dobbs was overturned. I think there are ways to actually make real tangible differences that we will start seeing hopefully on that first Tuesday in November.

Audience member: Thank you. Maybe both and.

Jill: Our rule is...

Audience member: I'll be there.

Jill: That we can only get one answer, but I'm just going to add that as the one person who grew up during the Vietnam era where I saw that protests actually made a difference in policy and changed behavior, I no longer think it does. Vote and get out the vote.

Barb: Yes, sir.

Audience member: Stan Griffiths, Concord, Massachusetts. And I've had never been accused of excessive brevity, so I'll try. I'm very nervous. But being this close to fame. And 60 feet from whatever they called it. But the thing is this, as I had to move around the country, I had to sit for the multi-state professional responsibility exam, had continue legal ed in ethics.

And it occurs to me that the justices presumably are members of bars that may have concurrent jurisdiction that could... And there was something in one of the classes I took that said, "If you see something, you are obligated to say something." And so, it's a guild thing, step forward. And should the lawyers be complaining to the bars in which Thomas and Alito are members? Because I'm looking down the list of things that they might have violated in the codes.

Barb: Yeah. I think-

Audience member: That's a thought.

Barb: Yeah, no, thank you for that question. The Op-ed by Jamie Raskin actually raises that point.

Audience member: It is, yeah.

Barb: And he talks about how, because of the justices have this ethical obligation, that's why they should petition the other justices who would then have an obligation to demand the recusal of Alito and Thomas because of that ethical obligation. And also the idea that a person should not be a judge in their own case. And so asking Alito and Thomas to make the decision themselves...



Audience member: Or take pride.

Barb: Violates that. And so we should call upon their fellow justices to call out this ethical violation. It's a great suggestion.

Audience member: But the state bar levels of the states in which they're admitted to practice, shouldn't we be complaining to those bars?

Barb: All right. Jamie Raskin, you heard it here first. Thank you. Yes.

Audience member: Hi, I'm Mary from Dover outside of Boston. Before I ask my question, I just wanted to thank you all for making politics and law so very accessible for so many people. A lot of people are very intimidated and watching and seeing your faces every night has been great for me and I'm sure for a lot of other people. Thank you for that. And my question, I'm so nervous. Sorry. Yeah. How afraid are you that Dobbs might be the first step in taking away many more rights?

Joyce: Well, pretty scared. I mean, I think something that we've learned in the last couple of weeks is that contraception is on the chopping blocks. We know from Clarence Thomas's dissents that he, and from really from his concurrences in some of these cases, that he has his eyes set on other rights, gay marriage among others. Look, five years ago, did any of y'all really think that Roe versus Wade could be reversed?

Audience member: Yes.

Joyce: A few of us. Right. And what was the reaction that we got from people when we said that? They looked at us like we were crazy. Now people are having that reaction when we suggest that this court may have its sights on contraception. I think we need to take those concerns seriously because it's coming.

Audience member: Thank you.

Kim: I mean, voting rights too. Justice Thomas thinks that racial gerrymandering is fine.

Barb: Yeah. Yep, it's coming. Yes.

Audience member: Hi, I'm Leah. I live in Jamaica Plain here in Boston, but I'm from Ohio.

Joyce: I used to live in Jamaica Plain.

Audience member: It's amazing place. And I work with teens. And Harrison Butker is one in a very, very long line of men who have gotten up in front of an audience and said demeaning things about women, about their potential, about what they're capable of, about their futures, tried to take their rights away. And while I would love to hear what you would say to women or girls who want to grow up to be lawyers and judges and make a difference in the world, and I understand the irony of asking a group of women to do this, but I'm curious what you would say to the

boys and the men who are raising those girls about what they can do to be supporting them.

Barb: Well, I'm the sports fan in the crowd. And so, Harrison Butker, as you may know, is the kicker for the Kansas City Chiefs who gave a commencement address at a Catholic college. And said to the ladies in the audience, "I have a special message for you. You have been told diabolical lies about the joys of a career. The real joy for women is a vocation as a homemaker."

And then he went on to install the virtues directed only to the ladies. And then he said, "And now to the men, you set the culture in this country. And so you have a responsibility to step up and do that." It was his personal view, his religious view. But it is one for, think about this, women who have just graduated from college about to walk across the stage are being told that your role in life is one that he has chosen for you and that is to be a homemaker. But his teammate, Jason Kelce, actually had a good response to this. And I'm sorry, it was the brother.

Kim: Travis.

Barb: Travis is his teammate. Jason is the brother of Travis Kelce who spoke out and said, "I disagree with that strongly. I think that we need to be partners in life, partners in our families, and think about what role makes most sense for each of us. Because we all have our roles in a family, and we all have our roles as humans. And we all want to be self-fulfilled and actualized, and feel like we are using our talents to serve other people and our own joys and fulfillment as best we can." And so I think that if you view women as humans, you would want that for the person you love the most in this world.

Joyce: It's a big if right now, Barb.

Jill: As someone who grew up when there were help wanted ads in newspapers that were listed as help wanted male, help wanted female, when there was no EEOC, where there was no Equal Rights Amendment. That's another thing you should take on as a cause, getting Equal Rights Amendment to be enacted as part of the Constitution. I can only say do it yourself. Just go out and do the job you want to do. Don't take any (beep) from those guys who are saying that. Tell them to... Off.

Kim: Well, there goes the explicit rating on this podcast.

Jill: That's right. We are a family show. It's really horrible that we're reverting to this. And again, we go back to who we elect as our leaders. And what was the image that Donald Trump portrayed? Women were accessories. They weren't important. They weren't partners. We need to elect better men and women, from the school board to the presidency. And it's up to all of you, all of us, to make that happen.

Barb: I also want to compliment you in your question because... And all the men who are here tonight, I think men can be important allies in lifting up women.

Kim: They're essential. They're essential. The burden shouldn't just be on us. You have to have strong men that raise strong other men who don't feel like they need the toxic masculinity. He may get mad at me for saying this, but one of the nicest things that my stepson told my was he thanked him for not raising him with toxic masculinity. That's what men need to do.

Barb: And I think we can all point to men in our lives who've helped us from our fathers, our husbands.

Audience member: I'm here with my dad.

Barb: Our sons. So great.

Kim: Thank you, dad.

Barb: Thank you, dad. And bosses, mentors that we've all had who are men who helped lift us up and believed in us. men and women have a role to play in equality for everybody. Thank you for your question.

Audience member: Thank you.

Barb: Yes, sir.

Audience member: Hi. My name is David. I'm from Exeter, New Hampshire. And I have a question you might think is crazy, but since you're prosecutors, I was interested in what you would think. If you are prosecuting the January 6th case, what might be the range of sentences you would consider offering Mr. Trump in exchange for his guilty plea?

Joyce: It's a great question. I mean, prosecutors can always plea bargain a case. There are four charges in that case, three are conspiracy charges. I don't know if you did this, Barb, but sometimes when I was indicting a case, I would add in a 371 conspiracy charge. That's one of the charges here. It taps with a five-year sentence. The sentence cannot go above five years.

The other charges Donald Trump is exposed to, in that case, go well beyond five years. I might offer him the plea and the five-year cap, and then agree to let the judge sentence within the guidelines range. Which now we're way down in the weeds, but it wouldn't be five years. But it would be a sentence that I would live with. I would take, by the way, the guilty plea in that case because Donald Trump would have to stand up in court and say he was pleading guilty because he was in fact guilty. And he would have to agree to the prosecutor's litany of facts. Donald Trump will never do that, by the way. But I would take that plea every day just to have that happen.

Barb: I've got another variable for you, Councillor Joyce.

Joyce: Okay.

Barb: We're sitting across the table. And I say, "I remember that when Spiro Agnew was offered a plea deal, one of the terms was that he resigned from office. Could you not include a term in exchange for perhaps a sentence of probation, which was given to Spiro Agnew, an agreement not to run for president?"

Joyce: Why, Barb McQuade, you absolutely can do that. I mean, we're in fantasy land. Donald Trump is never going to take this plea deal that Ms. McQuade and I are going to offer him.

Barb: Girl can dream, can't she?

Joyce: But that in and of itself tells us a lot. Right?

Audience member: Thank you.

Barb: Thank you.

Joyce: Great question.

Audience member: Hi, Lisa from Portland, Maine area.

Joyce: Yay, Portland.

Audience member: Cheer for Maine. Yep.

Kim: Anybody?

Barb: Yeah, we got some main people in the house.

Joyce: We've got the main crowd down.

Barb: We've got some Bates College alumni here supporting their friend, Joyce.

Joyce: I have to say Bates class of 1982. My class turned out to support. Thank you, guys. I love y'all.

Audience member: My question is more of a personal one for you guys. When you were going to law school, was there a particular experience before or during law school that directed how you ended up in the particular field of law that you're in now?

Barb: I'll tell you one. What affected me and what probably direct me into a career in the law was Watergate. And seeing people like Jill Wine-Banks holding a president accountable for crimes. Was a very formative experience. I'm much younger than Jill, of course. I watched on television as a young girl, as the fabulous Jill Wine-Banks and other lawyers...

Jill: Get my cane.

Barb: Took down a president and held him accountable for crimes. It really was, Watergate was a turning point in my life. Thank you. Thank you, Jill Wine-Banks.

Jill: I guess I'll have to add to that, which is I went to law school because I couldn't get a good job in journalism, which was my undergraduate degree because there was so much sexism. I was offered a job on the woman's page reporting about social events. I was a political junkie. I wanted to report on politics, foreign affairs, law. And so I thought if I went to law school, an editor would take me more seriously. And then in law school, I realized that I won the National Moot Court Competition in my second year and went on to trial practice.

Barb: Wait a minute. Why am I always learning new things about Jill Wine-Banks? The National Moot Court Competition? That's a big deal.

Joyce: We have never heard this before, Jill.

Jill: I'm sorry.

Barb: We have not heard this before.

Jill: Well, I got to keep you guessing, guys. That turned my attention to, I took a year leave of absence and worked as a journalist in that year leave of absence. But I also ended up doing lobbying during that year. And I thought, "That's really just advocacy." Instead of a trial or a Moot Court argument, you're trying to persuade congressmen to do something that you want. And by the way, that job was with something called the Assembly of Captive European Nations, which in writing my memoir, I found out was a CIA front. I've also been a CIA agent.

Barb: Also CIA. Jill Wine-Banks never cease us to amaze.

Kim: And next week, Jill will tell us about her time as a nuclear physicist.

Jill: That's Des Santos.

Barb: All right. I have a brief announcement about our questions. If you're in line, we will answer your question, but I don't think we can take any more people getting in line. And we're going to ask you to try to keep your questions quick and our answers quicker. All right.

Jill: And remember to stand up afterwards for the selfie. Please.

Barb: Go ahead.

Audience member: Judy from Philadelphia, Pennsylvania, seven hours.

Jill: Thank you for coming.

Joyce: Wow.

Audience member: What is your sense of the appeal of Trump?

Jill: No. I think you're asking the wrong crowd?

Barb: You don't mean legal appeal, you mean attractiveness?

Joyce: Well, look, I mean, I'm going to answer it.

Barb: Please.

Joyce: We've talked-

PART 3 OF 4 ENDS [01:36:04]

Joyce: Well, look. I mean, I'm going to answer it. We've talked about this before. There is no appeal. Donald Trump appeals to people who are afraid that their way of life is changing, who are afraid, I think, of a country that is increasingly-

Kim: Diverse.

Joyce: ... diverse. They are afraid of the demographic shift. That means we will no longer be a white majority country. Look, we've got just such diversity, such a wealth of culture, of food, of fascinating people. That's scary to some people. Perhaps if there's a positive message here, it's that we should each do what we can to help ease the minds of people who are so afraid of this great demographic shift because it's going to happen in this country and we need to move it along.

Audience member: Good. Thank you.

Barb: Update from Fenway Park, still Tigers 2, Red Sox nothing, but the Red Sox did break up the no-hitter in the seventh inning, which I was forbidden from saying because that would jinx it, so it's not my fault. Yes, sir.

Audience member: Hi, I'm Don. I'm also from Jamaica Plain. I want to follow up on that question and also the big news of the day with actually about the appeals, and that is, as former prosecutors and all, what's Donald Trump's appeal process? How long does that take, and are we going to get this resolved in a reasonable time before the election?

Jill: Too long is the answer, how long it will take. But he has a right to appeal and it must be allowed. I don't think there will be any incarceration pending the appeal, so whatever the sentence imposed on July 11th is, it won't happen until after the total appeal process. He'll take it all the way to the Supreme Court.

Barb: Which will take about a year, so it won't be before the election. Thank you. But did you hear he was convicted on 34 counts today?

Audience member: Okay. I got an easy one for you guys. First of all, congratulations on your Webby award.

Jill: Thank you.

Kim: Thank you.

Audience member: I heard that acceptance speeches can only be five words, so I wanted to know what was your acceptance speech?

Barb: Should we say it all together?

Joyce: No, we screw it up when we do it all together.

Kim: Keeping y'all off the ledge.

Audience member: Very good. Thank you.

Audience member: Hi, my name is Rachel. I'm from Plaistow, New Hampshire, and I have a question that's different from everybody else's. If the Supreme Court does overturn Chevron, what do you think the implications would be on the likely challenges to the new non-compete rule?

Barb: Ooh, somebody did her law homework. I love it. Keep going, Chevron expert.

Kim: Yeah, that's like a double agency whopper. Luckily, I'm an admin law nerd, so I will say I'm not actually sure except I already expect that this new rule. So if you don't know the Federal Trade Commission, it was that outlawed non-compete agreements and employment contracts, which is a huge, huge deal. Listen, it was a week we wanted to talk about that because that's really important, but Trump kept trumping and there was just not enough time.

I do expect that rule to be challenged just as a lot of other rulemaking is done. I don't know that overturning Chevron is the game anymore. I'm not sure that that will make any difference just because of other decisions by the Supreme Court and doctrines that they've made up, like the major questions doctrine and other things that have really, really whittled away the power of administrative agencies and their ability to make rules that stick.

There was a time that I thought, "Oh, my god, Chevron." Chevron isn't even doing much right now because of these other rules, so I think we will continue most definitely to see conservative-driven attacks on the administrative state, which is really, really awful because these rules are important for employees to be able to make a living once they leave. What if you're at a terrible job and you're leaving and you can't work any place where you live for two years? You can't feed your family. That's really a ridiculous rule.

Our clean air or the water that we drink, keeping chemicals out of our kids' toys, they're doing really important things. But I think this attack will continue. Again, this is a matter of voting, putting people in place in the executive branch that will protect these agencies with all their might.

Barb: But kudos for nerdiest question of the night. Well done. Yes?

Audience member: Hi.

Barb: Hey, wait, now. Nobody's getting in line now, are they? I said no more line, people, right? No more getting in line. We'll talk to the people who are in line, but no more getting in line. Right?

Joyce: Y'all put your answers on Twitter, or on threads, we will answer them this week. Just tweet at us.

Barb: All right, go ahead.

Audience member: Hi, I'm Adriana. I'm from Methuen, Massachusetts, but I live in Brookline. I actually met Kim at my school at BC Law when she came to visit and we had a nice conversation, and my friend Maggie is here too, who you also spoke to. I was wondering, so I know at least in the First Circuit with sentencing appeals, if the judges don't believe in the capability of the district court judge to do things fairly, they'll remand and ask for a different judge to be put on the case. Do you think with Aileen Cannon and if it eventually goes to the 11th Circuit, is that something that's possible? And if so, do you think that's going to happen? Also maybe another question, I'm studying for the bar right now, if you have any tips.

Barb: Ooh, a contender for nerdiest question of the night. Joyce, you want to take that one?

Joyce: It is a contender. First, bar exam advice, breathe deep, go out for a run, go to yoga, get a beer with your friends at night. It will be okay. We all passed. I mean, really, we all did. But I know it's not fun.

Jill: But Jim Jordan didn't. Three times he tried.

Joyce: And now for sure that you will because you are clearly no Jim Jordan. Your substantive question is an interesting one. I'm from the 11th Circuit where unfortunately Judge Cannon also sits. We have a standard, and it's interesting that you raise the sentencing context because that's where a lot of time courts of appeals will decide that a judge needs to step aside from a case just because they've had so much skin in the game on some bad rulings that another judge should take a shot at it. That's sort of the law in the 11th Circuit.

Look, they're not quick to do this. They never want to remove a judge from a case, but there have been cases. I have had several of them where the court says, "This judge has made several bad rulings." We don't think the judge has any animus. We're just afraid that having been reversed so many times, it would be tough for them to revisit the issues, so we'll ask the chief judge to appoint a new judge to handle this case on remand.

I believe that that is a very likely outcome at the 11th Circuit if Jack Smith is able to get one of Aileen Cannon's rulings up to the 11th Circuit Court of Appeals.



Barb: All right, thank you. Yes, please.

Audience member: Hi, my name is Chris. I'm from Attleboro, Mass., originally from Rhode Island, so I'm so proud of Rhode Island, and also not threatened by strong women.

Barb: All right, well done.

Audience member: With the total dysfunction of Congress and that doesn't seem to be fixing itself anytime in the near future, is there ever a chance where we will fix the Congress to possibly get constitutional amendments, to fix loopholes that allow felons to possibly be president?

Kim: I keep feeling this is the same answer. It's you all. You send the people to Congress to do this. You send the people to your state houses to do this, and it doesn't just have to... Listen. I know sometimes it seems like our message is vote blue. That's not necessarily the case.

You could be a Republican and send reasonable Republicans to office who believe in our constitution, who believe in the voice of the people, and who are going to do these jobs, especially in response when things are going wrong. We need real solution, problem solvers to go and do this work, and if y'all elect them, they will do it. If you vote for them, they will come. That's really the answer.

Audience member: It's preaching to the choir in Massachusetts.

Kim: I know.

Barb: Thanks, Chris. All right, so lightning round, go.

Audience member: Hi, I'm Karen from [inaudible 01:45:11]. I actually have two questions. One is on this momentous stage, Jill, what is your pin? My second question is I've listened since episode one, who produces you and who puts out the great podcast?

Joyce: Great questions.

Jill: Okay, I'll answer about the pin, which is I was carrying multiple pins with me tonight. I didn't expect a verdict, but just in case I'm wearing a rainbow after the storm. I thought it was perfect for tonight with the verdict.

Our producers are Politicon who are somewhere out there in the dark that I can't see, and they do a great job, and we are very grateful to them. They're British.

Barb: They're British. Yes, please.

Audience member: Hi, I'm Alex. Speaking of British, originally from London, but happily living and wicked happy in Boston for the last 40 years. Got a real softball of a question. What are your thoughts on the movement to erode the separation of church and state?

Jill: I have a great pin for that one.

Kim: Yeah, that's a nice quick answer. It's bad.

Barb: Our constitution makes it clear under the first amendment that there should be no establishment of any official religion, and yet we see constantly this idea-

Audience member: I say it's Michael Johnson to that.

Barb: Yeah, Mike Johnson is certainly a violator of that. Many members of Congress who push this idea that the United States is a Christian country. I am a Christian. I love being a Christian, but I know that that is a personal faith that is separate from anything that exists in civic life, and we have to separate those two things.

When people like Marjorie Taylor Greene advocate for a Christian nationalism, that is the same thing I saw as a terrorism prosecutor when ISIS was seeking an Islamic state. It is the same thing they preach against when they use scare tactics talking about Sharia law. We are a country that respects all religions and no religion. And so I think that people are using the fact that we have still a majority of Christians in this country to try to use that as political power.

That is a lie. It is a fallacy. All of us as a Christian, I'm particularly offended when Christianity is used in this way as a banner of repression. And so as a Christian, I see the need to speak out and say that our faith has nothing to do with our politics. Thank you for that.

Audience member: Hi, my name is Lorraine and I'm from NADIC. I love all of you. I listen to you every week. My question is this. I also listen to Rachel Maddow. I don't know if you all listen to her.

Barb: I'm sorry, what was the name again?

Joyce: Now and again.

Audience member: But a recent show of hers, she had Fani Willis on it. It was really very interesting and I'm wondering what you would recommend we do to support Fani Willis as she works towards moving the case forward in Georgia.

Kim: I think a good place to start is to thank her and stop blaming her for the fact that there is not a verdict in that Georgia case because it is not. She is one of the people who has worked the most doggedly to uphold our constitution, our rule of law, and understands what is at stake.

Two reasons that the Georgia case is not coming to a verdict before the election, one it's a RICO case. RICO cases are hard, they're difficult, they're complicated. It takes a long time just to see the jury in Georgia, so I don't think it was going to happen in the first place.

And two, yes, you may believe that she made a poor decision in her personal life, but that's not why the trial is delayed. The trial is delayed because Donald Trump and his team politicized that in the most ridiculous way, in a way that was televised nationally. Not this trial that he was convicted of in New York, that wasn't televised nationally, but the character assassination of Fani Willis took place on national television. What you could do is that you can tell people that it is not her fault. You can support her, and you can let her do her job.

Audience member: Thank you.

Barb: Thank you. Bottom of the eighth, Tigers 5, Red Sox 0. Sorry. Hey, as a long-suffering Tigers fan, I know it's not over until it's over, so it's okay, folks. It's going to be okay. Yes?

Audience member: I'm Susan from Belmont and I was actually in Detroit on March 22nd and I watched the Pistons-Celtics game and it was incredibly painful for the Pistons.

Joyce: Yes, I know.

Audience member: I can understand why you're repping in the whole Tigers thing, but anyway not why I stood in line all this time. I happen to be watching Nicolle Wallace this afternoon. It's one of my favorite show to watch and thinking it was going to be a dud of a show because what were they going to talk about.

It got very fun watching Ari Melber try to keep up with all the guilty counts. But one of the things that came up that I was wondering about immediately and wanting to ask you, and didn't think I got the opportunity, I think it was Andrew Weissman, I don't want to throw him under the bus, but he said something about the fact that it may be that SCOTUS was holding off on making the immunity ruling until after this case.

And then I had to go and get ready to come here, so I didn't hear what he had to say after that, and I just wanted to see what you guys might have to say about that.

Kim: Someone who has covered the SCOTUS for almost two decades, I don't think that that is the case. I think this is one of the biggest cases. The circulation of the opinion alone is going to take a long time. There are dissents, probably concurrence. Who knows? So I don't think anybody expected this opinion before the end of the term at the end of June. I don't think the two things are related, no.

Audience member: Thank you.

Audience member: Hey, ladies. My name is Jacob. I'm a recent Northeastern law grad.

Barb: Congratulations.

Joyce: Congratulations.

Audience member: Thank you, guys. Thank you. I have a pretty substantive question. You spoke about term limits. You spoke about making Supreme Court justices have duties that ordinary judges have, but what are your thoughts about going after the gatekeeper being the Senate Judiciary committee and having that be sort of nonpartisan because they're in charge of vetting the Supreme Court justices for having this judicial restraint, which as we all know isn't really a thing? Like Amy Coney Barrett, known conservative, known anti-abortionist, Brett Kavanaugh had clear character veracity issues and yet they were still swept through.

Jill: I think the problem is the word nonpartisan because there is no such thing anymore. I can still remember when there was bipartisanship when Democrats and Republicans talked to each other and they compromised. We're in a very divided country now, and we're going to have to get over that before I would trust any. Right now, you could say who the Senate Judiciary chair is, that's one thing.

But then look at who the House Judiciary chair is. It could switch. What if he was elected to the Senate and became the head of the Senate Judiciary Committee? That would be very frightening.

I think all ideas are good ideas and that should be in there along with term limits, age limits, giving every president a certain number of justices to appoint.

I mean there's just a ton of possibilities, but as Joyce pointed out, none of them is going to solve the current problem we have with so many of our rights on the line. We're going to have to keep working for the long haul.

Audience member: Thank you.

Audience member: Hi, I'm Peg from Franklin, and I have more of a concern that concerned me in 2020 when... Was it 2020? No, sorry, 2016, Ruth Bader Ginsburg died and Mitch McConnell sat on her seat. I was baffled. That's why he was so confident that-

Kim: You mean Scalia? Antonin Scalia died and Merrick Garland's nomination never went through.

Audience member: Sorry, I mean when Ruth Bader Ginsburg died-

Kim: When Ruth Bader Ginsburg died, Amy Coney Barrett was nominated within 37 days.

Jill: She was rushed through, so it was quite the opposite.

Kim: Yeah, confirmed within 37 days.

Audience member: You're right. Sorry. He's done a lot of things like this. So it made me concerned. Before that election, he sat on the seat like he was so confident a Republican was going to win. I get that same vibe from Judge Cannon down in Florida. It feels like, why is she so confident right now? That's the feeling I'm getting. Do you get

my concerns? Do you have that same vibe from that or you just think she's just trying to punt until the election is over?

Joyce: I had sort of a different take on Mitch McConnell. I don't think he was certain Donald Trump was going to win. I think far from it. But I think he has always played the long game and played the odds and that that was what he was doing. It was distasteful and it was wrong, and he did it successfully.

With Cannon, I think something different is going on. Look, I mean, we don't know. There's a lot of speculation that she's in the tank for Donald Trump. I think that it's very dangerous to go that far until there's absolute proof. I don't like her rulings. I don't think that they're merited based on the law, but based on what we have in front of us, that's sort of where I sit right now.

Audience member: Okay, thank you.

Audience member: Hi, I am Blair. I'm from New Jersey. A couple of weeks ago I took two granddaughters to see Taylor Swift. I brought these granddaughters because you're my Taylor Swift.

With the mess that I'm thinking our generation is leaving for these wonderful young people, all of you could have gone to Wall Street, probably made a gazillion dollars. Make a case either one of you or all of you for public interest law of which you are fine. Thank you.

Jill: I'll answer that because I've done both. I've been in private practice, although most of my career has been in public service. I went into private practice and I really hated it because as a prosecutor you get to do the cases that are right, the cases that are just, and in private practice you represent whoever pays you. It's not always a just thing and you do try to seek delay, and so I left private practice, return to government. I then went back into private practice and then went back into government and then I decided to go corporate.

I think the best things I've ever done have been in government service, and I have loved every minute of being able to do that, whether it was as a prosecutor. I also was head of career in technical education for Chicago and was able to create a whole new school that allows students to graduate in four years of high school with an associate degree from DeVry University.

Kim: Jill Wine-Banks literally has done everything.

Jill: But that was one of the best things I ever did. I loved it. So I wholeheartedly encourage public service for yourself, and you earn enough money to live very comfortably in public service.

Kim: Can I just add one? I agree with everything that you said. Public service is so important. As the former private practicing attorney on this board, don't sleep on that because our civil court system is so important.

Look at E. Jean Carroll. Look at the people, the defamation cases that force news organizations feeding disinformation to correct the record. You can do right. It was my job as a litigator to make people whole.

It's still an important thing, but yes, public sector employment is also very [inaudible 01:58:00]. Advocacy is also very important. All right, I feel the lavender is creeping. Oh, you didn't mean that literally. Okay, sorry.

Barb: Yes, the final question of the night.

Audience member: Thank you. My name is Lynn. I'm from South Portland, Maine. I hope that love will always remain. Each one of you has in your bio first woman, this first woman that, and Jill, if you were a man, we'd all know your resume. I just have to tell you that.

Could you give us, maybe each of you, an adjective or a phrase about what it feels like for four women lawyers to come into this hall in a packed house and get a standing ovation for one, and second, particularly to you law professors, I'm worried about young women not understanding about this fight that they have to join us all in. You have a front row seat to this younger generation. I'd just be interested in what we all should know about that.

Barb: All right, so we can each answer that question. Before we do, I just want to remind you that this is the last question. When we're done, we are going to turn up the house lights. We're going to ask you to stand, and we're going to take a selfie together. All right? Don't forget about that.

But then to answer your question, how does it feel to feel the love in this room? It feels inspiring because we know that what brings us all together here is a hope for the rule of law and democracy in our country. That's why it feels so good to be here.

Kim: Hear, hear.

Barb: And how do we get young people to come along? I think that there are some people who are not as engaged as they should be, as we heard earlier. But I see in my law students an actual real desire to make the world a better place. I see students who are really interested in doing the question that we just got working in public service, public interest.

From Brett Kavanaugh's confirmation hearings to the overturning of Roe, they feel fired up about making our world a better and more just place. I actually feel pretty good about young people, but all of us can do what we can to make sure young people and everybody understands the importance of this moment.

Audience member: Anybody else have an adjective?

Kim: Yeah, I'm in awe. This is a pinch me moment for me, so I know that's not just one adjective. Thrilled, I guess it is. But just to your point too, and there are already

examples of this happening strong. Here in Massachusetts, the first LGBTQ governor, the first black woman attorney general, the first woman of color mayor of Boston, y'all are showing what this looks like right now. A majority-minority city council, the first black woman city council president.

Y'all are doing it. Y'all are showing that what America can look like and what America can do, so that is teaching the children. That is teaching the children right now. Those are not examples that I had. When I was here practicing law in Boston, people used to... I would go in and check in and people are like, "Oh, are you a defendant? The criminal division is down there." That's what Boston looked like.

Boston looks very different now, and that's because of what the people in here are doing and showing the kids.

Jill: It's hard not to just say ditto and ditto, but I will. For me, this is energizing to feel your excitement and your just warmth. It really helps us to keep going. It makes it possible for us to do this every single week, and so we thank you for all of that.

In terms of the younger generation, I've had the privilege, I mentioned Victor Shi, of working with him for four years. As part of our podcast, we interviewed a lot of youth activists, and I see so much encouragement from what they are doing, whether it is gun control or climate change or anything that is challenging our nation now.

I think they're up to the task and that it won't be long before they take over and we actually fade out, but still continue to provide some leadership and encouragement to them. I think we're in a good place and that there's a good future for us.

Joyce: I agree with that. I agree with all of that. Aren't my sisters wonderful?

Audience member: You're wonderful.

Joyce: The one thing that I would add is to the start of your question, asking how it feels for us to be here. Look, we are as grateful to y'all as y'all apparently are to us because every Friday we get to get together and hash out these issues. I'm smarter, I'm more comfortable, I'm more stable because I have these women and all of you who ask us questions and keep us honest.

I think that this is what democracy is, right? It's this community of people getting together because we care about the future. We want our young people engaged. We want them to have the same kind of democracy that we did. This is just a first step. It's an important step in accountability, but we've got a country to fight for.

Audience member: Thank you. Thank you so much.

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Barb: Well, thank you so much, Boston. We love you. We appreciate your questions. Thank you so much. We're going to bring up the house lights and we're going to take a selfie with all of you.

Well, what are the chances that Donald Trump gets convicted on the very day of our live show in Boston?

Joyce: Apparently pretty damn good.

Jill: It certainly worked out well since I brought alternative pins to wear and I had one just in case there was a verdict of guilty.

Kim: And the audience in Boston was just so full of energy about it. I really, really love that.

PART 4 OF 4 ENDS [02:04:45]