

Jill: Welcome back to #SistersInLaw with Kimberly Atkins Stohr, Barb McQuade, and me, Jill Wine-Banks. Joyce will be back soon. She's enjoying herself right now, and we can't wait to have her back.

To start, we want to remind you about some exciting news. #SistersInLaw will be doing a live show at the 92nd Street Y in New York City, where I took guitar lessons as a law student. It's on September 20th, and you can get... I was a failure, Barb. You can laugh all you want, but I was a failure. Anyway, it's September 20th, and you can get your tickets at politicon.com/tour, or at the website for the 92nd Street Y. We can't wait to see you there.

Barb: I'm not laughing at you, Jill. I'm just imagining you playing the guitar. Sort of like, remember Phoebe in Friends when she would play like Smelly Cat-

MUSIC: Smelly Cat.

Barb: ... strum? That'd be Jill.

Jill: Yes. Smelly cat, smelly cat. Okay.

Barb: Next live show-

Jill: My voice is worse than my guitar playing. Never, never.

Anyway, there's also good news because our new T-shirt is at the merch store. It's a perfect color for summer and into the fall. Just go to politicon.com/merch.

Then if you haven't heard, Kim recently launched a new Politicon podcast called Justice by Design. Because justice doesn't happen on its own, Kim is there to introduce you to the people applying it to the most challenging issues facing our country. You can find Justice by Design wherever you get your podcasts, or watch it on the Politicon YouTube channel. You have to check it out. You can find all of those links in our show notes.

Now, let's get onto the show where we'll discuss our new presidential nominee on her criminal justice issue background, talk about Texas seeking to reinstate the conviction of a woman who didn't know voting could land her in jail, and another episode of our discussion of Project 2025. This time we're going to talk about the Department of Defense, which has a lot of surprising information in it, including a lot of gender and DEI and climate issues.

But before we get to that, I just returned from the Democratic Convention. I shouldn't say return because I was at home during it, but the convention just ended, and I'm on an adrenaline high, and so I just wanted to talk to you who saw it on TV what you thought.

Barb, tell me what you thought.

Barb: Well, you'll notice that today I'm wearing my customary Patagonia pullover, but today it's in white-

Jill: Good girl.

Barb: ... because I am one with the suffragettes.

I thought it was amazing. I thought it was really high energy. I thought it was really uplifting. I love all the themes of just joy and unity and freedom. I really found the whole thing incredibly joyful.

And I'm always a sucker for cute kids. So when Kamala's little nieces came out and gave the-

Kim: Oh, my goodness.

Barb: ... crowd the lesson on how to pronounce Kamala, Kamala, I thought that was really cute. So I'm a sucker for that. I ate it up. I enjoyed it.

Jill: It was amazing to look at.

Barb: But I do have one beef. One beef, though, Jill.

Jill: Oh, go ahead. Yeah.

Barb: There's supposed to be a surprise guest who never showed. Was it you? I was thinking it's probably Jill, and then Jill like had a better offer or something.

Jill: There were plenty of surprise guests. I mean, nobody expected Oprah. She wasn't on the list, and she was a definite surprise. Kerry Washington wasn't on the list. Eva Longoria wasn't on the list. So there were plenty of surprises, and the nieces were so adorable.

But I'm glad you're wearing white. I was wearing white yesterday, although I had to wear two layers over it because it was so cold in the convention hall. But that gave me a chance to wear five different pins, one on my white jumpsuit, one on the first sweater, and one on the jacket so that wasn't all bad.

Kim: She was covered in pins.

Jill: But looking out at the sea of white was amazing. And I was sitting behind a group of her sorority sisters, which I mean, there were large blocks of AKAs-

Barb: That's fun.

Jill: ... all over the auditorium.

Barb: I bet.

Jill: They weren't wearing white. They were wearing pink and green so it was just an amazing experience.

And you're right, the joy filled the room unbelievably, and there were many teary moments. I couldn't help but tear up at a lot of things, but I'll save that for later.

So Kim, what was your reaction? Because you've covered a ton of conventions.

Kim: I have.

Jill: But what was it like watching this one from home?

Kim: Yeah. Well, first of all, I was just happy to watch from home because I've been, like you said, I think I've covered every convention since 2004, John Kerry.

Jill: Wow.

Kim: It is been a lot, and so I thought this year I can give that to the younger journalists, that opportunity to do.

But I did watch on television and it was interesting because it gives me the perspective of how America is consuming it, right? When you're in there, you can't really tell, and I think that it was done really, really well.

First of all, I think that Kamala Harris's speech was pitch perfect. I mean, it's probably going to go down in history as one of the best convention speeches or best political speeches of any time, of any kind of all time. The tone, the delivery, the emotion, that's really hard to do. That's really hard to do, and she definitely shows that she has the skill for that. So politically, that speech was really perfect.

But one thing I really enjoyed seeing all week was examples of strength with compassion, or power with empathy, right? So you saw it in Tim Walz, right? He's a governor of a state, he's the vice presidential nominee, but you saw how important it is to him to be a coach, how important it is to him to be a father, how important it is for him to be a role model, his love for his wife, and that you don't need this kind of toxic masculinity kind of bravado to be a powerful, effective leader.

One of my favorite moments, honestly, was Mark Kelly. He gave a great speech-

Barb: Oh, yeah.

Jill: Yes.

Kim: But before he gave his speech, he went up when Gabby Giffords, his wife, delivered her wonderful, wonderful speech, and it was wonderful to see her. I was crying by that time because they were talking about gun violence, and I was already in tears. And she comes out, and I'm like, "Y'all are going to kill me now." Get the tissues, right?

Jill: That was dramatic moment, for sure.

Kim: But for him to come up quietly without announcement and help her scroll her speech on her iPad and then just leave, there was no mention of him, there was nothing, except for

her who was just like, "And I fell in love with an astronaut," and gave him a little kiss, very sweet.

Barb: Yes, loved it.

Kim: But for him to do that. And then he came out as a member of Congress, as a vet, as a leader, and talked in his forceful way, what a wonderful demonstration of what a powerful male figure should be. You don't have to be denigrating. You don't have to be calling people silly names. You can support the people that you love, be empathetic, show love and also be powerful.

And there were so many examples of that from Doug Emhoff, from so many people. Barack Obama being like, "I'm the only one stupid enough to talk after Michelle." Like it was just so many examples of that, and I'm like, "Please let that be an example," because our young men need to see that. Our young people need to see that. And it was so wonderful to see that on display all week.

Jill: That was an amazing moment. And Gabby Giffords' voice was strong and powerful and, of course, I teared up at that.

I teared up at the Exonerated Five talking. And I was very lucky when I was wandering around trying to find my Uber to get home, I met one of the Exonerated Five-

Kim: Oh, wow.

Jill: ... and had a little chat and it was like, again, I wanted to tear up and cry. There were a lot of those moments where it was tears of joy, and then tears of hatred, for example, for what had happened to the Central Park Five, who became the Exonerated Five. So it was an amazing convention that was just so joyous and so high.

And on the last night, I actually was sitting with a screenwriter who was like... So I was saying, "How well-produced is this?" And he said, "This is perfect." And when the team came out in their uniforms as adults, Coach Walz's team, he said, "That's it. The election is won. This is it."

So it was fabulous, and there were so many celebrities there. I was sitting right in front of Ben Stiller and across the aisle from Claire McCaskill.

Kim: That's fun.

Jill: I mean, it was like this unbelievable experience that I will never forget so it was great.

Kim: That was great.

Jill: Anyway, onto the show.

Kim: You know, summer means having a smooth routine that's an essential part of self-care. And a great way to ensure you look and feel your best is to use Flamingo. They fixed

shaving by making quality, affordable razors designed to work with your body to give you the look you want every time.

Plus, the Flamingo trial set now includes a free Dermaplane facial razor to ensure you get smooth skin from head to toe. They've thought of everything.

Jill: The razor comes in so many stylish colors, and its design is sleek and classy. I went with the lilac one, but there are many other great options. The weighted handle gives the razor perfect balance so it handles smoothly and makes the shaving experience close and comfortable. Hands down, it's the best shave I've ever gotten.

I paired the trial set with Full Face Trio, and it's the perfect combo. It comes with removable cream, disposable Dermaplanes, tweezers, and a calming serum. It's relaxing and smells amazing.

Barb: You know what color I got? I got blue. I always pick blue. Go blue.

One of the best things about Flamingo is that it is such an incredible value. The trial set includes, get this, a five-blade cartridge, a razor handle, shave gel, a shower holder, and a facial Dermaplane so you have everything you'll need. It's as little as \$2 per refill, which is low as half of what other big brands charge. They even have a 100% money-back satisfaction guarantee for a risk-free purchase.

It's no wonder Flamingo is trusted by millions of women. So keep smooth, whatever the season, with Flamingo, the razor that's built with your body in mind. Get started with 25% off your first order at shopflamingo.com/sisters when you use code Sisters. That's shopflamingo.com/sisters for 25% off your first order when you use the code Sisters. Look for the link in our show notes.

I wanted to start by talking today about Kamala Harris on law enforcement issues. One of the things that she has been messaging lately is the prosecutor versus the felon, and I wanted to spend a little bit of time talking about her record in criminal justice and in civil law enforcement as well.

I, as a former prosecutor, find her background as a prosecutor to be one of the most intriguing things about her. Kim, you talked about how well she delivered her speech, and I think that comes from being a prosecutor standing up in front of a jury. And I have great respect for people who work in the trenches, prosecuting cases, standing before juries, standing up for victims. It's hard work, and securing convictions requires an enormous attention to detail. So for that reason, I admire her a lot for that background.

But of course, not everyone loves prosecutors. Some people refer to them as persecutors. I've heard that before. And certainly in this country, our criminal justice system has sometimes fallen short of its ideals. So criminal justice reform is an issue that has support from people on the left and the right so I wanted to explore the record of Kamala Harris.

So first, Jill, Kamala Harris was a trial prosecutor and later an elected district attorney, an attorney for the people, as she likes to say. What do you think we can glean from her record in those jobs and how she might govern as president?

Jill: You know, it was interesting during the convention to hear how many references there were to "Kamala for the people," because that is what her campaign is all about, is that she will serve the people, not herself, not her rich friends. She is and has always been. And I know, Barb, I'm sure you shared with me when you stood up and said, "For the people of the United States." It really meant a lot to me and gave me a thrill, and I know that it did for her, too. Those are her policies so it's a very representative phrase.

Her history as a prosecutor, a senator and vice president, and everything we know about her was from how she was raised not to complain about injustice, but to do something about injustice, says to me that's how she's going to govern on many issues. Her goal is to help others to fix things, to create better solutions.

And in terms of criminal justice, she developed a diversion program called Back on Track, which was for first-time drug offenders. And if they followed the rules that were set before them, they were exonerated. They didn't go to jail, they didn't have to stay in trial. If they didn't, they got tried, and most of them got restored. It was a great model for restorative justice programs, including some Illinois counties that are using it.

She also had a smart-on-crime approach, including an initiative like truancy prosecution, to make sure that kids got the education they needed. And I saw this firsthand. Here's a little thing you didn't know about me.

My first legal job was the summer between law school, I worked in the Bronx Legal Aid Society, and I was-

Barb: Did not know about this job.

Kim: What?

Barb: Bronx Legal Aid, love it.

Jill: Yeah. So before I was a prosecutor, I was actually a defense lawyer, and it was a great experience. I was assigned to the juvenile division where I saw kids. They were just kids, who learned to be better criminals being put into the system. And if you can keep them out, I know rehabilitation is supposed to be the goal, but frankly, the funding isn't there, and it didn't happen. So if you can divert them from being incarcerated, and I guess we don't always call it incarceration for juveniles, but they are put in homes.

Barb: That's what it is. Yeah.

Jill: That's what it is. So I thought that that's just such a great program. You know, her background as a prosecutor has been scrutinized during the 2020 campaign, but really she's known for her smart-on-crime approach and these kind of initiatives that I've mentioned. So that's, I think, really important to know how much she did for restorative justice and trying to be smart, while not ignoring criminal cases that need to be brought.

Barb: Yeah, I'll add that when I was in the Justice Department during the Obama administration, Attorney General Eric Holder rolled out a program called Smart on Crime-

Jill: Exactly.

Barb: ... that was based on her book.

What she spoke about in her book and exemplified and what we endeavored to do at the Justice Department was she talks about the false choice between enforcement and fairness. So the idea this tough on crime, "I'm going to lock everybody up and throw away the key," it's really foolish because you can only allocate scarce resources, what you have. And you can't lock everybody up so you have to be selective and select priorities about who you're going to lock up.

So what we did was focus on the most violent offenders, those who were actually causing harm. She did the same by focusing on violent gangs, and she said, "You know, there are some people who are dangerous and need to be locked up, but that's not the only part of the criminal justice system. You also want to reduce the incarceration level. You want to prevent crime so that there's no victim or offender who needs to be incarcerated." So her book is a really thoughtful approach on both parts of those equations so I'm very impressed with her background.

Kim: And can I just say, I just want to say one more point on that. I thought one of the most effective appearances was from the sheriff of Genesee County, Michigan, who talked about how prosecutors can work with law enforcement, not against law enforcement, and how they can help create a better law enforcement atmosphere where you are keeping people safe without targeting them, and how important that is. That working with them, instead of against them, is just so important.

Barb: Yeah. That sheriff, Chris Swanson, has really made a name for himself in Michigan. He's in Flint. And during the George Floyd protests, he was very active in participating in those protests, saying, "Police officers don't want anything to do with that, either. What we want is community and police partnerships to keep the public safe." So I thought he was terrific.

I also did have to chuckle. He's kind of out of like Central Casting for a police officer, you know, very muscular.

Jill: Oh, my God.

Kim: On Twitter, people were tweeting around these shots of Rue McClanahan from the Golden Girls making these faces, fanning herself and things like that, I thought gave me a chuckle.

Jill: When he walked out on stage in full regalia-

Kim: Yeah, [inaudible 00:19:10]

Jill: ... it was like out of Central Casting. But his message was very well received and very important.

Barb: Yep, he's perfect. Yeah, he's terrific here in Michigan.

Well, Jill, I also want to ask you about this. You worked for the Attorney General's office in Illinois. Kamala Harris later became the Attorney General for the state of California, and what about her record there? Do you think anything about those experiences can help us to understand who she is or how she might govern?

Jill: Yes, but I think before I answer that specifically, you have to understand the difference between being the DA and being the Attorney General and the different roles and responsibilities. Because one of the things that she was criticized for was that she used prosecutorial discretion as DA to say, "I'm not going for the death penalty," which is a totally appropriate use of prosecutorial discretion and resources. But that she then defended the death penalty as the Attorney General, which is also her job as Attorney General.

You must, except in the most extreme cases, defend the laws of your state. And if your state has the death penalty, then as the Attorney General, that's part of your job. So it is not inconsistent, which is what I think the criticism was based on is that, "Well, she did this as DA, and then she did this as Attorney General." No, you have to understand what the difference is between the roles.

The same thing about whether you defend convictions where there's a question about innocence. Again, as the DA, you can dismiss those cases. As the Attorney General, that's not your job. The jury has already ruled, the DA has made their decision and as the Attorney General, you have a very different role.

So I think what we can see is that she understands what is legally required and also when discretion allows to use your policy judgment. I think that's what we can see will happen as she takes over as President Harris.

Barb: Yeah, I think that so often people get very knee-jerk in reactions to things. Like process, as you know a lawyer process is everything, and facts are everything. So people like to say, "She didn't intervene in this case of an innocence case," or "She didn't intervene in this case of the death penalty."

Well, what was the role? What was the procedure? What were the facts? You can't just say, "Well, I'm pro-death penalty or I'm anti-death penalty, therefore, I'm opposed to death penalty every case." I mean, as the Attorney General of the state, she has an obligation to enforce it. So I think you need to dig a little deeper.

Jill: I just want to add that when I took the job as Solicitor General for Illinois, I specifically said to Attorney General Neil Hartigan, "I will not personally be involved in any abortion case," which was still an issue in Illinois because I believe in reproductive freedom, and it will have to be handled by a deputy, not by me. He understood that, and I worked very hard and did eventually convince Neil, who was a very strict Catholic, about the rights of women who are not of the Catholic faith to do what they wanted.

So I think it's important to know that you do have some discretion, but I also defended in court cases of a basic life imprisonment for someone who, as a teenager, committed a crime. He wasn't the gunman, he was the getaway car driver, but he was jailed because, as part of a conspiracy, he was responsible. And did I approve of that? No, but that was

my job, and I understand that, and it's not immoral. It's just I wouldn't have done it that way. And as you said, facts matter. Each case has to be evaluated independently.

Barb: Yeah. So personally, as a matter of policy, I oppose the death penalty, but I sought the job of US Attorney, and I talked about this in my interview, and I applied the law. We sought the death penalty in certain cases because it isn't about what my policy preference is. It is, "This is the job, this is the law, and my-"

Jill: Exactly.

Barb: "... obligation is to uphold the law, and I took an oath to do that." So I think that people need to think methodically about positions on issues. They're not as simple as they may appear at first blush.

Kim: Yeah. One other point I want to make on the issue of innocence, which is another area that she's taken some flack on, there has been some hay, Republicans have been trying to make hay out of a case where someone who has been proclaiming his innocence was, according-

PART 1 OF 4 ENDS [00:24:04]

Kim: He has been proclaiming his innocence. Was, according to him, denied DNA testing by Kamala Harris to prove his innocence. I don't know the facts of that case, but I do know that the actual person, his name is Kevin Cooper, recently put out a statement saying, "Listen, keep my name out of your mouth, Republicans. Don't use me as a talking point. I have my own issues with how my case was handled by Kamala Harris when she was Attorney General, but I'm talking forgiveness. I am not trying to use that against her." And he said he spoke to women in his life who talked about this moment and the historic nature of her presidency and said, "Look, somebody could theoretically be a very good president and have made mistakes in their career in the past, and maybe that's it, but I've forgiven him for that. So, stop using me as a pawn to try to gain political points."

So, I would just say for everyone, do like D.L. Hughley said he did. When you have an issue about her past or you think you know something or you don't like her because she's a prosecutor, look her up, do your research and make your own decision. As he said, he was happy to say that he was wrong.

Barb: Well, Kim, let me ask you. I'm moving through Kamala Harris's career now. We've talked about her work as a prosecutor, as a DA, as an attorney general. I want to ask you about her work as a senator. My first public impression of Kamala Harris came when she was a senator as a member of the Judiciary Committee. Remember, she had some of those memorable sessions grilling candidates for the Supreme Court, Attorney General William Barr. What were your impressions of her in a role as a senator, both on the committees and championing legislation?

Kim: Yeah. So, I would not have wanted to be a witness before Senator Harris in the hot seat because she really... One thing is just important. She wasn't just tough. She didn't just show her prosecutorial skills, but she had a real prescience. The clip of her interviewing Brett Kavanaugh, and he was a nominee, has been going out around a lot. And by going

around a lot, I mean played at the DNC 14 times, but what she was getting at when she was grilling... And this is only one thing. I would advise anybody to go to YouTube. You can just go to YouTube and type Harris and Kavanaugh Senate hearing and you can see the whole thing.

She questions him in a way that's very prescient in asking him his opinion on precedent, asking him his opinion on reproductive rights, knowing the places where the court posed the greatest threat to the rights of people, and really getting him on the record saying, "Do you see?" Not just saying, "Do you see any laws trying to take rights away from men?" Just really putting a finger on the pulse of the court getting ready to attack women's rights. She saw it coming. She made him hem and haw, and he still was confirmed. She was also very good and very thorough when it came to questioning him about allegations that were made against him by Christine Blasey Ford.

So, she was definitely skilled. She definitely understood the importance of criminal justice and the legislation that she saw, but she was also on the Intelligence Committee. She has a range. She is ready to deal with national security. She understands that. She is ready to talk to foreign leaders. So, she had a really broad background that goes far beyond her role as a lawyer, as a former prosecutor, as a former attorney general.

Barb: Yeah. I remember that memorable exchange with William Barr where William Barr testified something like, "I never talked to anyone at the White House about this investigation." She's like, "Okay, did you ever mention it? Did you ever imply anything? Did anyone infer anything?"

Jill: And then dead silence.

Barb: I know, right? She clearly was like...

Kim: I remember, hamana-hamana.

Jill: I have to think about what that word means.

Barb: Yeah, yeah. Right, right, right.

Kim: Hamana.

Barb: Well, let's move on through history. So, Jill, in 2020, following the murder of George Floyd, Kamala Harris was asked about her views of defunding the police. This is during a time when she's running for president or maybe it's after she's dropped out of the race. Her position was nuanced, which sometimes makes it easy for people to misconstrue her views. At the time, everybody's you're either for the police or you're against the police. Where did she stand at that time on defunding the police?

Jill: I would say that her position was a nuanced one that was very smart and very correct. I share it, which is she didn't mean when... And I actually don't think many of the people screaming defund the police actually meant defund the police. They meant, let's use some of the police money for armed law enforcement and let's use some of it for things that

don't require the training and skills of an actual law enforcement officer, but would be better served by having a social worker, for example, do the job.

And I think that that was her advocating two things at once, that you can fund the police and you can also fund additional services that could be, free the police to do what they are the best at. So, use some for uniformed officers and some for social service officers because not all cases require those extra skills of the training of police officers. In a perfect world, you would have money for the police, you would have money for sensitivity training of the police, but you'd also have money.

And the same is true in schools. I mean, we barely have enough money for teachers in schools, let alone for the social services that our students very, very much need. So, I think that's what she was saying. And I think people need to understand that the bottom line would be the same kind of law enforcement that we currently have, only improved. And then we'd have these additional services.

Barb: Yeah, I share your views on that. And in fact, I've been doing a lot of work on community policing initiatives, and this is something that police departments want very much, which is to have people trained in mental health crisis situations. Law enforcement officers are not trained to deal with that and have someone who can go in and just deescalate a situation rather than coming in with guns and handcuffs. So, it's really thoughtful. I think it goes back to that same idea of this false choice between being tough on crime and being soft on crime.

Jill: Barb, can I add just one thing? The police in Chicago who didn't perform so well in 1968 were brilliant. I cannot tell you how calm and calming the police were. The protests, of course, did not amount to what had been promised. They were very minor and there was almost no violence. Minimal, minus thing. And the protesters were fine. You would walk through. They would want to hand you something. And if you just said, no, they didn't push it. But the police, I think everybody walking from the convention hall to get to transportation was saying thank you to the police. And they were very, very nice. So, they did an admirable job. And I want to thank the police of Chicago and the City of Chicago for hosting a great convention.

Barb: Great to hear. Well, Kim, let me wrap up with Kamala Harris's work as vice president. She's been in office during a time when we see a 50-year low in violent crime. We also see the enactment of the first gun control bill in decades; I think it's 30 years. But on the other hand, it's also been a time of great challenges with immigration enforcement. To what extent would you say she deserves credit or blame for any of those things?

Kim: Yeah. So, let's start with the crime. We have seen violent crime drop dramatically since the spike during the pandemic. I will say that the federal government, certainly the president, but even by extension, the federal executive, DOJ, has very little to do with that. Crime, by and large, is a local issue. It is handled by local law enforcement. It is prosecuted by local prosecutors. It is a local issue, by and large. Yes, of course, DOJ has a role. There are some federal crimes that the DOJ prosecutes. For example, there is a federal oversight of police departments when necessary but casting it as Kamala Harris's fault or Joe Biden's fault, when there is a spike in crime is just disingenuous when you hear people doing that. Be critical of that information.

That being said, it also shows that when there is a crime spike, using federal authorities, putting federal law enforcement into cities, having dramatic oversight by the DOJ looking over the shoulders of local law enforcement, like what is called for in Project 2025, is not necessary to bring those crime rates back down because that did not happen. The local and state officials were able to do that on their own. So, that's also important to note.

When it comes to immigration, yeah, immigration is one that, I think it might still be the most difficult issue to handle on a national level, which is where it has to be handled, is really the purview of Congress. But what the Biden-Harris administration has done is two things. They realize that what people want and what actually is necessary for good immigration reform is both strengthening our borders as well as fixing the actual process of immigration, which is just irreparably broken, I fear, at this point. But we have to try to roll up our sleeves and do that repair to make that system work.

And two things that they've done is fortify the border. Border crossings are at a low this year as are asylum requests, which I'm not... I don't think that's great, but what was happening was so many people were coming over the border making asylum requests that it became untenable. So, the Biden-Harris administration capped it, and that really boosted deportations of people who were seeking asylum. Now, again, I don't think that, overall, that that's good. We need to reform our system entirely so you don't have that kind of... They don't attract that kind of asylum. But the world is dangerous and awful, and you see people in actual terrible positions trying to get the freedom that America promises, and we see that.

So, to say that she's been soft on immigration, I don't know how you could say that given that border crossings are lower than they were during the Trump administration and deportations are higher than they were during the Trump administration. So, yeah, those are the facts.

Barb: The only other thing I would add to all of that is there was a bipartisan bill that was proposed.

Jill: There was.

Barb: Negotiated by a very conservative Republican member of Congress, and it was Trump who tanked it because he said he'd rather have it be a-

Jill: Yeah, they wanted [inaudible 00:35:58], to have a win.

Barb: ... campaign issue than a win for the Biden-Harris administration. When we're thinking about us versus them instead of what best for the country?

Jill: Right. And it would have been for the country. It wouldn't have been a political win. It would've been a win for the country. We have a system where we need more immigration judges, more enforcement at the border, and the bill would've provided the extra staffing. We could have handled more asylum requests, and it was stopped by Trump and the Republicans who voted against it at his demand. So, yes, it was their fault that we aren't

reducing it further, even though it has gone down, and we ought to pay attention to that fact.

Kim: There are 365 days in a year, although it feels like 2024 has already been like 500 days, but there really are only 365 days in a year. But that means there are 365 days when you might need to buy someone a birthday present. And finding the perfect gift for everyone can take forever. So, why not simplify the process with an Aura digital picture frame? It's ranked the number one digital picture frame by Wirecutter, and it's easy to see why. We really love it.

We have a couple here, and they're really easy to set up. They're easy to update with different pictures, and it's really enjoyable. Plus, Aura Frames can be preloaded with photos and gift messages. So, whether you're giving the frame to your best friend or your parent or your Aunt Gertrude, you can be sure the gift is personalized just for them.

Barb: Well, I don't have an Aunt Gertrude, but I do have a father-in-Law, and I gifted him an Aura Frame for Father's Day, and he absolutely loves it because I was able to upload all the photos. I used my phone just to do a search. I found every photo with him and some of our kids. And so, it's a really beautiful collection going back many years. It's lovely. I gave it to him and I thought, "You're welcome." And then he said, "You know, the frame, do you have the ability to make the sequence go more quickly because it's a long time between." I'll see what I can do there, but I could. I was able to do it remotely just from my house in the settings so that it goes faster.

So, he's enjoying it very much. It really is a wonderful gift. When you give someone an Aura Frame, you're giving the recipient an amazing way to feel connected to the people they care about and remind them of the great times that mean the most. With my children, going off to college, giving them an Aura Frame has been the perfect way for them to remember dear old mom and dad. And it's great because you can always add more photos. You can sneak them in and see if they notice, because there are always more memories to come.

Jill: That is the best. And Kim, you said how many days and what it feels like. Well, I think the next 75 are going to feel like either 3,000 years or it's going to fly by as if it was one day. But I want to remember every single day. And one way to do that is with the Aura Frame. And for my husband and I who love to travel, filling the Aura Frame with our many adventures around the world has been such a great gift. And I gave a gift to several friends, one of whom, and this may be TMI, put it opposite her toilet so she could see this-

Barb: Oh, boy.

Jill: ... constant rotation. Sorry, but it's a good place to put it.

Barb: That's bad.

Jill: It is good. Anyway, it would be such a special reminder of all the incredible experiences we've had together, and I know your friends and loved ones would appreciate it if you got them one too. And remember that every Aura Frame comes with unlimited storage, so

you can preload the frame before you give it with as many photos as you want. And everything you need is in the free Aura app and a Wi-Fi connection. That's all you need.

Right now, Aura is having their very first friends and family sale, and we've got an exclusive offer just for our sisters-in-law listeners. For a limited time only, you can get \$35 off their bestselling frame by visiting AuraFrames.com and using the promo code `sisters` at checkout. That's AuraFrames.com, promo code `sisters`. This is the best offer of the season, so don't miss out. Terms and conditions apply, and you can find the link in our show notes.

Kim: Crystal Mason said she thought she was doing her civic duty when she cast her ballot in Texas in the 2016 election. At the time, she was on supervised federal release and she cast a provisional ballot and it was ultimately never counted. Still, it led her to being charged and convicted on a felony charge of voter fraud, despite the fact that the crime requires proof of intent to vote illegally. Mason said she didn't know that she wasn't allowed to vote, and she never would have if she knew it would've put her freedom at risk.

After a seven-year legal battle, her conviction was overturned in March by a Texas appellate court. But now, the prosecutor's office in that case is appealing that ruling and seeking to reinstate her conviction. Jill, let's back up. Explain the rationale for a law, any law, barring people with criminal convictions from voting. Does one really forfeit their rights of citizenship if they've been convicted of a crime? Why?

Jill: Kim, I'm so glad you made me think about this question. It is a really, really good one. And while I want to start by saying, "Shame on that prosecutor," it is true that our constitution allows disenfranchisement. The 14th Amendment actually has language in it that says that you can be denied the right to vote if you've been convicted of a crime. So, it is constitutional. That doesn't mean that it's right. And we can talk about the moral question involved in whether we want people who have been convicted of crime to be barred and whether it is a mostly racist kind of thing to do because that's who is largely impacted by this.

But felony disenfranchisement is a thing in every state, except for Maine and Vermont. They prohibit felons from voting while they're in prison, but they also have sometimes lifetime bans if you've ever been convicted. And in a very close election, like we have recently had, the amount of people who are denied the right to vote... And let's face it, they have as much at stake as childless cat women, sorry, but they do. Maybe even more because they're in jail and they have some rights at stake. But the amount of people who are barred by disenfranchisement could clearly change the results of the election.

It depends on who they vote for, obviously. It could increase the differential or it could erase the differential in a close election. And so, it is a very important question for all of our listeners to think about. Florida just recently added to its laws. They had barred it, and then there was a referendum which said no. And then there's been this issue of, well, if you don't pay back your fine, which most people cannot do, then you're still not fully paid back to society, so you still can't. So, that's now being litigated in Florida.

The issue in the case here was what is the understanding of having fully served your sentence and not being supervised? And frankly, the word "supervised" as used here is so

vague that it's probably unconstitutional as the ACLU has raised, but that's a statutory interpretation issue. The idea of felony disenfranchisement in terms of why do we do it, well, we also bar felons from serving on juries. We bar them from having guns, which we know is a Second Amendment constitutional right of huge proportions to the right-wing people in the country, but it's all within the constitution.

Why do we do it? Why is this an additional punishment allowed? We have crimes and we have sentences that are appropriate for those crimes. They include incarceration, they include fines, they include probation and parole. But a lot of times, people don't realize it also includes this extra thing that is automatic for anybody convicted of any felony. That means white collar criminals who don't pay their taxes, business fraud like not keeping the right business records.

Kim: I was going to ask about that.

Jill: Yeah. The thing is, in Florida, it depends on whether you can vote in the state in which you were convicted. New York allows felons to vote. So, Donald Trump does not lose his right to vote just because he's a convicted felon, but he is a convicted felon. And if he moved back to New York, he could not vote. So, there you go.

Kim: So, Barb, we've talked a lot about mens rea in criminal cases, the intent requirement. But here, it seems particularly important, as Mason said she had no idea that she couldn't vote. She wouldn't have done it if she knew, and she actually saw it as her duty to vote. She thought the opposite. So, how do you think this conviction happened in the first place if there was no evidence that she knew she was breaking the law?

Barb: Yeah. So, this particular crime requires the highest level of mens rea, and it's in cases where it might not be obvious to the person that what they're doing is wrong. So, very low level of mens rea if you assault somebody because everybody should know you're not supposed to punch somebody. But when it comes to things like this, casting a vote when you have a felony conviction, this law requires what's referred to as willfulness, knowledge that not only that you know what you're doing, but that you know what you're doing is wrong. Very different from most laws would say, "Ignorance of the law is no excuse." Here, ignorance of law actually is an excuse.

But what they say is that she said, "I'd like to vote." And they said, "Well, you're barred if you have a felony conviction." She said, "But I'm out. I'm done now. I'd like to vote. May I have a provisional ballot?" And as you probably know, a provisional ballot is when the poll workers think you're not eligible to vote, but you're allowed to vote just to keep it, make sure you're there. You don't miss a deadline. You cast a ballot. And if it turns out you were right, then that vote gets counted. If it turns out you were wrong, then it doesn't, but at least you had an opportunity to cast your ballot in case it turns out you were right.

So, she cast a provisional ballot because she said she believed she had the right to vote. What they did say is, "Here's the portion of the law that describes who's eligible and who's not. Read this." And she still said she thought she was eligible. What's tricky about her situation is she was released from prison but was on supervised release. And so, that's sort of this proba-

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Barb: Supervised release. And so, that's sort of this probationary step between release and being free and clear. And so, what she says, as Jill said, is she did not realize that meant that it was a bar for her to vote. Now, there was a jury that convicted her and found that she did, but the appeals court reversed and said the evidence on that point was insufficient to sustain the conviction.

And so if someone does this innocently, ignorance the of the law really is an excuse under these circumstances. And I really have to question the discretion of the prosecutor here in bringing this case. Certainly, everybody wants to prevent voter fraud. If there is widespread voter fraud, it should be brought. But it seems to me that somebody is working very hard to make an example of this poor woman so that they can wave it around and say, "See, aha, there is voter fraud!" Well, one, out of millions of ballots cast.

And so I think as a prosecutor, this is the kind of case that I would say is really not worth the scarce resources. As I said before, expending resources really should be focused on the greatest threats to public safety and harm to your community, and hard to see how this one unintentional... vote cast unintentionally is really a threat to democracy.

Jill: Yeah, and you know, Barb, she thought she was doing her civic duty. She was never told by anyone, and a probation officer testified, we never told her she couldn't vote. And when she went in, nobody told her she couldn't vote. The evidence that was used at trial was that she signed a form, which has, how many of us read the small print about all the things that were signing away? That said you can't. And I want to just point out that her supervision was not like reporting weekly to a probation officer. It was an online, she had to report in if she changed her address or her employment, that was it.

Kim: And she wasn't on release for murder.

Jill: Right.

Kim: She was on release for failing to file her taxes or something. It was like a tax...

Jill: White collar criminal.

Kim: It was like a tax filing. Yeah.

Barb: Although I don't think the law distinguishes between what the underlying felony was. But you're right.

Kim: I get it. I get it.

Barb: No, I mean, it was a felony. Yeah.

Kim: But Barb, you anticipated my next question, which was, is this... This feels like voter suppression to me, like a different form of voter suppression, Jill, that they want to make an example to her, to say, "Hey, hey, if you have been convicted of something, or your

relative, or somebody, don't even try voting, because we will come for you and you can go to jail."

Jill: Well, I agree with you completely, Kim, and that's what I said in my first answer, was this is a way to prevent the votes of people who, I'm guessing the Republicans don't want to vote, because they think they'll vote Democratic. Although now they have their very own famous felon, maybe they'll feel differently about felons voting. They actually have, it's not just Donald Trump. Let's think about all the other people from his administration that have committed felonies.

Barb: If you got pardoned, is that the same as being on supervised release, and are you eligible to vote? These are important questions.

Jill: No, I don't think so. A pardon sort of exonerates it, eliminates it. It's done. It's gone. But yeah, so I guess Roger Stone could probably still vote and...

Kim: But think, all the Jan 6 defendants.

Jill: Yeah, exactly.

Kim: A lot of it's important. So my personal opinion is that someone in Crystal Mason's position should absolutely be allowed to vote. She served her time or whatever. Actually, I don't know if she actually served time, or if she was only sentenced to supervisory. But I think if you are out, if you are not in a prison, regardless of whether you've had a conviction, that you should be able to vote, because what your public officials do affect you just as much as, if not more than other people. I know there is nuance and thought even on that, but especially on whether people who are currently in prison should be able to vote. I personally think they can. Again, they're counted in a census, so why shouldn't they be able to vote, unless they are convicted for something particularly heinous, like trying to overturn the results of an election. I think maybe that should be grounds for losing it. But I just want you guys' view. It's a tough issue. What do you think? Do you think people who have been convicted of crime should be able to vote or not?

Barb: I do. And I think this reflects a view in the law that has been evolving for the past couple hundred years. And it used to be, if you were a felon, that was the big F. You wore the scarlet F for the rest of your life. You're barred from all kinds of things. Most felons are still barred from possessing firearms. It was a brand for life.

And when you think about what a judge is doing in imposing sentence, they're thinking about what is the amount of punishment that is appropriate for this crime? And then, most people who go to prison get out after some period, but then they carry this felony conviction with them for the rest of their lives. It makes it difficult to get jobs, difficult to get certain kinds of housing, and now we say voting. And so I think once a person has done their time, they should be done.

And you raise an interesting point about, what about while they're in prison? I suppose there are some logistical challenges while people are in prison, especially maximum security and trying to figure out how they vote and keep their ballots and all that sort of stuff. So I'm a little less troubled by that part. But even there, I don't know why

disenfranchisement should go hand in hand with serving a criminal sentence. You rough somebody up in a bar, you should serve your time to protect public safety and deter others from committing crime. But why should you be disenfranchised? It's kind of an unrelated penalty, if you ask me. It's kind of not really tailored to suit the crime. Unless, as you say, and there are some situations like that where people who commit public corruption crimes, for example, may no longer seek public office.

Jill: Yes.

Barb: And so, maybe somebody who engages in an insurrection loses their right to vote. I wouldn't have a problem with that. But I think I'm with you. I am a little bit sympathetic to the logistics of voting in prison, so maybe that's difficult, but otherwise I don't see why someone, merely because they've been convicted of a felony, should be deprived of their right to vote. Jill?

Jill: I agree completely with Barb. I would say that voting from prison should be allowed, and it should just be by mail-in ballot. I don't see any problem with that at all. And I did read an interesting article that I'll put on our show notes about the pros and cons of felon disenfranchisement, and it lists some pros, which are contributing to lawmaking processes is an essential step in a felon's reintegration. So that means, why would we bar people who are in jail if we're going to try to reintegrate them? It lists another one of, it's a denial of a right and a form of racial discrimination. So we shouldn't deny the vote to people who are in jail. And that is, I think, something that we have to recognize.

There are also some reasons to allow it, but it's more crime-related. If it's a vicious crime, if it shows blatant disregard for the law, frequent arrest. I mean, it could be imposed by a judge, not by an overall statute that says every felon should never have a vote again.

And the other thing is, court cases have said voting is a fundamental right, and if it is, then you can't just take it away. But on the other hand, it says you have certain responsibilities, and if you voluntarily commit a crime and do something horrible, then maybe you can be denied. But I think the full description set in this article was very interesting, and people might want to pursue that more and think. I thought this was... Kim, I was so glad you raised these issues, because I thought it was really thought-provoking about how we treat felons.

Kim: Thank you. I appreciate that, Jill. I just quickly want to underscore one point that you made, which is about race. Of course this is about race, right? We have a system. We have a country where Black and Brown people are over-prosecuted, over-convicted and over-imprisoned. And so, to say, oh, okay, let's pass laws that keep them from voting, that's part of the disenfranchisement, right? That's part of the voter suppression. So that's a very real aspect to all of this, as well. But this was a great discussion. Thanks, sisters.

Jill: Before I golf in the summer heat, I use OneSkin's OS-01 Face SPF Protect and Repair to fight back against sun damage. Whether at home or traveling for vacation, I feel great knowing my skin will be ready for anything the elements throw at me. Oneskin's regimen works fast, and the formula feels amazing when you apply it. At a recent event, I ran into a fan of our podcast and she asked a political question, but then sort of whispered to me, do I really, really like OneSkin as much as we say on the podcast? And I told her I did, that I really love it and I use it. And I told her, not only do I use it, but she didn't have to

take my word for it. Oneskin has over 4,000 five-star reviews for their full line of face, body, sun, and travel-sized products. I never go anywhere without OneSkin, and we all know you'll love it too.

Kim: Yeah, I get that question too, and I really do like OneSkin. One thing I really like about both the facial and the body sunscreen is that, not only does it go on without that weird chalky cast, it absorbs really nicely and it feels really good, but it stays, too. I went out when I was on vacation with my husband, we went kayaking, and I could really feel that it stayed on the entire time, throughout all the splashing of the water and everything. And so I really felt protected. It's important. I take protecting my skin very, very, I take it seriously. So this is good stuff.

And something you might not know is that your body starts accumulating senescent cells as early as your 20s. These are called zombie cells because they stop producing collagen and hyaluronic acid like they used to. Instead, they start secreting an inflammatory substance, yuck. And it makes the nearby cells dysfunctional too. But luckily, there's a solution for zombie cells, and it comes from our friends at OneSkin. Founded by an all-woman team of scientists, OneSkin is the first and only skin longevity company to target a key hallmark of aging called cellular senescence, using their proprietary OS-01 peptide. OS-01 is scientifically proven to decrease lines and wrinkles, boost hydration and help with the thinning skin that often comes with getting older.

Barb: For a limited time, you can try OneSkin for 15% off using the code "sisters" when you check out at Oneskin.co. With OneSkin, your skin can stay healthy, strong, and hydrated at every age. OneSkin is the world's first skin longevity company. By focusing on the cellular aspects of aging, OneSkin keeps your skin looking and acting younger for longer. Get started today with 15% off using code "sisters" at Oneskin.co. That's 15% off Oneskin.co with code "sisters." After you purchase, they'll ask you where you heard about them. Please support our show and tell them we sent you. You can also find the link in our show notes.

Jill: I am very excited to be continuing our series of deep dives into Project 2025, and today I want to talk about one that I have a particular interest in, and that is the chapter that's called the Common Defense, the Department of Defense, and it's written by Christopher Miller.

So I want to talk more about that, but just to give everybody an overview, Wikipedia describes Project 2025 mandate for leadership as having four main aims: restoring the family as the centerpiece of American life; dismantling the administrative state, that is, by putting in only loyalists; defending the nation's sovereignty and borders; and securing God-given individual rights to live freely, except if you happen to be a woman, for example.

And that's scary enough to me without looking even deeper. But today, as part of it, I want to look at what the document says about the Pentagon. And Barb, let's start with who wrote the DOD section, and what does it tell us about whether Trump is involved in this part of Project 2025?

Barb: Yeah. Well, I read this section, Jill, in preparation for our conversation today and I see it's your old friend Chris Miller.

Jill: I know.

Barb: Chris was a guest on Intergenerational Politics and had a meltdown with 21-year-old Victor Shi during their conversation. He couldn't handle the tough grilling from the college junior at the time. But Chris Miller is a retired US Army Special Forces, but he had lots of ties to the Trump administration. He was, during the Trump administration, he was the assistant to the Secretary of Defense for Intelligence Oversight. He was detailed to the National Security Council. He served as a counterterrorism advisor to President Trump. He was the Deputy Assistant Secretary of Defense. And then Donald Trump nominated Chris Miller to be director of the National Counterterrorism Center in March of 2020.

And so, all of these things say to me that he is someone who's very closely aligned with Donald Trump. And the reason that is significant is that, now that this Project 2025 has really come out into the public, Trump is seeking to distance himself from it and saying things like, "I don't know what it is. I don't even know what's in it." This really belies that claim.

And I also want to mention, did you guys see during the convention when Kenan Thompson came out on stage with an enormous bound copy of Project 2025, and he asked Americans, and everybody he talked to, like, "Hello, Madam, what is it you do?" "I work for the Department of Education." "Uh-oh. Page 395, we shall eliminate the Department of Education. Bad news for you." And then there was a woman in a same-sex marriage. There was somebody who was an OBGYN. Everybody who has a hot button thing like, "Oh, well, you're not going to like this," and he flipped the book very dramatically. "Page 562."

Jill: Yeah, and they actually, at the convention, they passed out, from Media Matters, they published a document that was the Definitive Guide to Project 2025. And it's a very short version.

Kim: Oh, great.

Jill: But everybody could go online and look at it. And every week we're urging our voters... Our listeners, rather, and voters, to go and look at it. I just want to point out about Chris Miller was that he never got above Colonel, which is a very unusual role for a military person to then accede to become the Secretary of Defense. And his positions, he held for like, two months each. These weren't like he had huge experience.

But Kim, let's look at some of the specific proposals about the DOD. And as with all agencies, and we've talked about this, DOD would have to eliminate all DEI and CRT and gender-related training, and any services, medical and otherwise. So in the military context, why would you do that and what would the results be?

Kim: Well, they're keeping it consistent in this way, at least, that they are trying to...

Jill: Consistency is the hobgoblin of petty minds.

Kim: Yeah. Well, the thing is, usually on the right, there's not a lot of consistency. We talk about that a lot, especially with the Supreme Court. But in this case, they are. It's like, DEI anywhere is bad. CRT anywhere is bad.

First of all, let's say again, CRT is not something that is... It's not something you wave with a magic wand. It is a legal theory that takes place in academia, in the stone and wood lined walls of law schools. It is not something that's happening in real life. Certainly isn't something that's happening in the Department of Defense.

But what is happening is a value put on diversity in our armed forces because the leaders, the generals, those who are in charge of the armed forces, have found that the rank and file is better, stronger, better prepared, when it more accurately reflects the diversity of the United States. They have called it a national security issue, to ensure the nation's readiness, to make sure that everyone is fighting. My dad was a Marine, and he was very proud of that. And we need people who look like all of us in America to be ready.

It's also important that the military provide, provided my dad, provides a lot of people, a really strong foundation for their lives and their livelihoods. It's something that should be accessible to anybody who wants it, anyone who wants to volunteer to serve their country. But of course, in the world of MAGA, that is not of value, and they're seeking to eliminate that, giving no justification in that document as to how that would increase preparedness, about how that would make the military stronger, anything like that. It's purely punitive, it seems. They just want to keep certain people out and to not say that they're adopting that in any way without any real good justification as to why. So it's really, it's awful.

Jill: The whole thing assumes that you can't do diversity without hurting readiness and unit cohesion, which is not only a logical fallacy, it is not true, based on research, based on what I saw while I was in the Pentagon, and even more recently when I was on a committee looking at sexual assault and talking to officers about, for example, the don't tell policies.

Kim: Don't ask, don't tell?

Jill: Yeah, don't ask, don't tell. And what we found, both back when I was in the Pentagon and more recently, is that it is much better, and people get along. In fact, if we go back to the integration of the forces, what, 50, 60 years ago, that was one of the first steps toward integrating our country. And it's an important experience that we have to allow. And the same is true for women, now that they are integrated. When they were first integrated at West Point and into basic training, "Oh, it'll never work. It'll never work." And then, yeah, it does work. And if you talk to generals, they say, people don't care what someone's sexual orientation is as long as they do a good job. So it's wrong in every way.

But Barb, one of the other things is, let's pretend Posse Comitatus doesn't exist, and that we're going to militarize the Southern border. Tell us about that.

Barb: Well, currently, Posse Comitatus does exist. It's a federal statute that makes it a crime to use the military to enforce the law. And it goes back to the origins of our country. In the old westerns, there'd be the sheriff putting together a posse of civilians to help him find

the bad guy, the cattle rustler or whatever it is. But in this country, we have very much separated law enforcement from military. Military is to defend our country from overseas threats, and law enforcement is supposed to be here to protect us from violations of the law.

Now, there is an exception, called the Insurrection Act, when it's usually at the request of a governor. But the president does have the power to call up the military to assist in a law enforcement situation. But it's really only for a couple of situations. It is to quell civil unrest and to protect the civil rights of citizens. And so, the idea of using the military to protect the Southwest border is really an inappropriate use of the military under any circumstance.

Jill: And that's one of the things that Project 2025 calls for. And so, Kim, we've sort of alluded to this, I think, but it also requires students at publicly-funded schools to complete armed services vocational aptitude tests, and to give military recruiters access to secondary schools, and increase the number of JROTC programs, which I'm very familiar with, both from, mostly actually from doing consulting work after I retired and became a consultant, and looked at a particular huge donor to JROTC and ROTC at the college level programs, as to, these were private donations to the military to do these programs. But talk about whether that's a good thing, a bad thing, a dangerous thing.

Kim: I'm really worried about it. So I do think that ROTC programs are great. Voluntary ROTC programs, whether it's for a junior level, for people in high schools to get involved. Certainly college. In my law school, there was a good ROTC program, even for law students, and I have friends who went and worked in the military as attorneys, as counsel, and that is all great. That is really great.

Jill: And that pays tuition.

Kim: Yes, and it's wonderful. It provides an opportunity. This whole aptitude battery stuff... Listen, in America, we have a history of when we had that sort of presidential, what was it called? The Presidential Fitness...

Barb: Physical Fitness Test? Yes. I love that. The Presidential Physical Fitness Test.

Kim: So, what...

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Barb: I love that, the president's physical fitness test.

Kim: So that was born, I did not love it because I did not do well first of all. But here's the problem, that came out of the fact, that was a military operation, that came out of the fact that the federal government was concerned when they saw what other Russia and China and other people were doing, that Americans were just going to be too out of shape to make a good enough army. And they implemented this thing that pick kids against each other based on what they did to do physically. I saw that really have a terrible impact on people. Everything in terms of how they felt about themselves being called out when they couldn't run as fast. Young people, particularly young girls, feeling like they were too

heavy and getting into eating disorder. I mean, it's terrible. Let's not do that. Let's just not do that.

Barb: I love the bent arm hang.

Jill: Luckily, I'm old enough that I didn't have to go through there. I would've failed. I would've failed. But Kim-

Kim: Try to climb that rope. Ring that stupid bell at the... Nobody could ring that bell. Who rang that bell? Did you ring that bell, Barb?

Barb: I'll take the fifth.

Jill: I love the president. Kim, what you mentioned though does go back to, let me just say when the draft was eliminated and we went to an all-volunteer force, and I'm old enough that I remember the draft and the number calling. And during the Vietnam War, if you got a high number, it was like, "I'm saved." Otherwise, who knows what.

But when we went to the all-volunteer force, we saw a change from a diverse body of soldiers to being an almost all Black soldier force. And the secretary of the Army I served was Clifford Alexander who had headed the EEOC but was an African American, a prominent fabulous lawyer, loved working for him. But we were very concerned that we'd have a disproportionate number of Blacks soldiers killed if we didn't bring in some diversity. But that led to programs that offered better benefits so that we could attract people. And

I saw the benefits of service to so many people about getting them out of bad situations, giving them the kind of training they could take into the real world. Learning to be a tank mechanic means you can also be a car mechanic or be an electrician or a radio operator. Great skills. I mean, the army can be a great career in itself, but it can also be a great leeway or getting you your tuition paid. So I am all for it. It's a different thing. A couple of other things about the chapter in Project 2025 about the military that fall into your national security background. So I want to ask you about requiring the National Security Council to review all military promotions. And it's a little unclear whether it's only during the current administration or whether it would continue, but they want to assure officers are promoted to "prioritize the core roles of the military over social engineering, including climate change, CRT, manufactured extremism, and other polarizing policies that weaken our armed forces." And that last part is a quote. So tell me what you think about involving that kind of thing.

Barb: I think this is deeply troubling, Jill. I mean, first the idea that the National Security Council is part of the White House. So basically what we're saying is the White House is going to sign off on these military promotions. Again, in theory, the president is the commander in chief of the Armed forces, but the goal is to have a career military service, not one that is political. And if you look at the factors they took a look at here, critical race theory, manufactured extremism. We know that Secretary of Defense Lloyd Austin has had concerns about extremism in the military in light of the fact that we had some veterans participate in the January 6th attack. We've had former military people being

involved in violent extremism. And so it is a concern and the idea that they call it manufactured extremism, that's really troubling.

Climate change, if you believe in climate change, you're not eligible for a promotion in the military. I mean this really is talk about political correctness. If you have a view of the world that is accurate, climate change is a real thing. It's science. You may not be eligible for a promotion in the military. I mean that's really absurd. And so again, another thing about this that is deeply troubling and the idea that somehow these issues are weakening our armed forces is just nonsensical to me.

Jill: You are so right. And I just want to point out that climate change, you may think, well, how does that get even into the mix here? And that's because there are environmental issues that are unique to the military. So ammunition manufacturing and other munitions creates real hazards to the environment and the military is responsible for cleaning it up and preventing it. So you have to have experts within the military about the environment and climate change. So it isn't an irrelevant factor and to say, "No, you have certain views." You are right, that's dangerous.

But I want to go a little beyond Project 2025, and I want to be clear, this isn't Project 2025. This is the Heritage Foundation, which of course is the same as Project 2025, but it's not within the book itself as we pointed out on the divorce issue last week. But the Heritage Foundation separately says that to increase recruitment, young people should be told that "most veterans leave stronger and healthier than when they entered, not riddled with mental scars and physical injuries." And that's despite a 2020 VA study that showed the contrary. And is that mis and disinformation and what should we do about it?

Barb: Yeah, it's not accurate. And so if this were a private organization, that would be false advertising. I think they can say many people leave stronger and healthier. Many people learn valuable life skills in the military. Many people think it helps shape their character and their work ethic and other qualifications that they will have throughout their lives. But there's certainly plenty of people who do come out with physical injuries, PTSD, other kinds of problems. And I don't think you should candy coat that. I think people should enter the military with eyes wide open. We're asking our citizens to make a huge sacrifice. And so the idea that we're going to spin it to some 17-year-old who's going to sign up to enlist and give them false information is just a terrible way to be treating our service members.

Jill: So there are a lot of other very strange proposals within the military section, including some that say you can't research or consider climate change despite whatever specific unique harm the military causes that national service should be implemented with no exceptions. And this is really strange for HIV positive or those with gender dysphoria, even though they say you can bar trans and probably LGBTQ. It also wants to increase funding for new technologies and to implement them really fast. They're saying it doesn't have to be perfect, it just has to be good enough. Well, I don't want a submarine with human beings in it being just good enough.

I want to make sure it's really, really, really good. It wants to staff all employees who are aligned with the GOP. That's like all agencies. They want to outsource VA services, which is very controversial. A lot of veterans think that the VA does a great job as it is. But again, I just urge people to look at Project 2025 and to know no matter what Donald

Trump says that in fact it is part of his agenda. And many of the things actually do appear in the actual platform to the extent one exists.

Kim: Whether your style is very natural and fresh face, whether you like full glam or somewhere in between, you've probably seen Thrive Causemetics viral tubing mascara. It's the one in the turquoise tube all over your socials and the one that we talk about all the time because we really love it. I've been using it for years. But Thrive also has so many other amazing products and each one is certified as 100% vegan and cruelty-free with zero parabens, no sulfites, no phthalates. It's easy to see why their bestsellers have thousands of five star reviews.

Barb: And we love that cause is in the name for a reason. Thrive not only defines luxury beauty, they give back too. Every purchase supports organizations that help communities thrive. Thrive Causemetics donates to eight major causes including those impacted by cancer and domestic abuse, veteran and education organizations and more. I'm so glad we are a part of it. Like us, you'll look and feel great with Thrive. What's your favorite product right now, Jill? I'm partial to the mascara, but what are you rocking these days?

Jill: Well, I am a longtime fan of the mascara, but I have to say that today where I literally had three hours of sleep, I can't get enough of Thrive's Brilliant Eye Brighteners. I'm actually using 1, 2, 3 colors. I am using the white in the lash line below my eye, I'm using white in the corner of my eye and under my brow, I'm using a golden light, golden color all over the lid, and a slightly darker one to give me some definition.

Barb: Oh, man. Next time we're together, I need a lesson from-

Jill: Yeah, but you'll never do it, Barb. We know that. But I'll give the lesson. It would be fun.

Barb: All right, I'll take the lesson.

Jill: It would be fun. It's a luxurious highlighter eyeshadow combo that makes your eye look effortless. Whether you're preparing for a business meeting, hosting friends, or out enjoying the summer day, there's nothing better to give you a fresh vibrant look and one that will last through sun and sweat. There are 16 buildable shades to play with, so you can use as little or as much as you'd like, just apply a light shade to the inner corner of your eyes and under your brow to open them up even when you've had three hours sleep and it gives you a glow.

Then I use a slightly different color, as I said on the lid and a darker one on the crease, but it's all so close in color that it just looks sort of subtle. I recommend Stella as the overall basic color if you only want to use one. It is just the perfect color for just about any eye and skin tone. Fabulous. And if you want to blend it with your finger for a bright or a smoky look, you can do it. It's my secret for making my eyes pop when I'm on camera. You have to try it.

Barb: Thrive has so much more to offer to refresh your everyday look. With Thrive Causemetics, beauty that gives back. Right now, you can get an exclusive 10% off your first order at thrivecausemetics.com/sisters. That's Thrive Causemetics, C-A-U-S-E-M-E-

T-I-C-S.com/sisters for 10% off your first order. You can find the link to your perfect daily look in our show notes.

Jill: Once again, it's time for our favorite part of the show, which is answering your questions. We love that part because you ask really hard and interesting questions that make us think. So please, if you have a question for us, email us at sistersinlaw@politicon.com or tag us on social media using #SistersInLaw. If we don't get to your question during the show, keep an eye on our feeds throughout the week because we do go there to answer questions that didn't get answered on the show. And today we have some really interesting questions. So one comes from Kim, and so of course I'm going to ask Kim to answer the question. And the question for Kim is if you were a time traveler and you were able to travel back to the time when our Constitution was being written, what changes would you make to help us now and why? Kim, you want to answer that?

Kim: Oh, what a good question. So if I could travel back in time, Kim, I would do a lot of things differently to our Constitution, namely giving equal rights to everybody, not just white men landowners. And that would probably change the course of this nation in a way that we would not be seeing the very first anything anymore being nominated for the presidency. I mean, that would be the biggest one. But I think I would rather address something that I've written about before and thought about that looking now, getting rid of the time machine, I'm sorry I'm changing your question, but just right now looking at our Constitution and the way that it is working with the amendments that have allegedly granted the right to vote and enfranchisement for everybody, it's this idea that the courts, namely many members of the Supreme Court, have adopted that religious rights sort of trump everything.

And that's not what I would say. The right to freedom, liberty, liberty that is entrenched in our Constitution, has to be protected whether you are religious or not or regardless of what your religion is. And I think what we have seen happen is that the ideals, particularly of the Christian Protestant religion have been deemed greater than anything else. They are unassailable and it's okay when they infringe on the rights of someone else. I'm with the Tim Walz view of rights. You do what you want to do, but when it comes to what I want to do, mind you to own damn business, I want the Constitution to embody that.

So give the same level, the strict scrutiny level of protection to civil rights, to gender equality, to LGBTQ rights as the right to practice one's religion freely, which I think should still keep that high strict scrutiny level, highest level of constitutional protection. Now, will that make it the job of judges harder? Yes. Because when those things run up against each other, it's going to be tougher for judges to make decisions. But they can't just keep saying, "Oh, well, religious rights trump all." And that's what we're seeing happen repeatedly over and over again. And that's trampling on the rights of everybody else, and that's just not what liberty means. So I would change that. Give the judges a harder job. You know what? They can deal with it.

Jill: That was such a great question that we might have to ask each of us in order in future episodes. But for now, I'm going to turn to Gina's question from Minnesota and that's for Barb. The question is, since President Biden dropped out of the race and Kamala, pronounced Kamala as her little nieces told us, when she became the Democratic

candidate, Gina says, "I have heard that her nomination is not legal because she wasn't primaried in to the nomination. Is that legally true?"

Barb: Great question, Gina in Minnesota, and the answer is no. So think of it this way, the parties themselves nominate their candidate and they can choose the method for deciding how to nominate their candidate. And so there was a primary election, but all that meant is those delegates said they were going to cast their ballots at the convention for the person who got the most votes in their state. Once Joe Biden dropped out, those delegates were free to choose another candidate, and those delegates decided to back Kamala Harris. And they did indeed during that roll call at the convention designate their delegates to Kamala Harris.

So if you watch the roll call, that was one of the highlights of the convention where they played music for each state. I know for Michigan they had Eminem doing Lose Yourself. They had various artists performing or playing music, some were performing. That was where they designated the candidate for the ballot. There's nothing unlawful about deciding that it's going to be Kamala Harris instead of Joe Biden. So I think that Trump and his ilk are already laying the groundwork for their next false claims of a stolen election by planting this seed of disinformation. So thank you for the opportunity to correct the record.

Jill: It is disinformation. And I also want to point out that, of course, when people voted, when the voters voted in primaries, they were voting for a ticket and that ticket meant that they voted for Kamala Harris at the same time as Joe Biden. And the job of the vice president is to step in when the president is unavailable. And in this case, he voluntarily left the ticket. And so not only were they free legally to support whoever they wanted, but in fact the people of their state had voted for the team of Biden and Harris. So it was definitely not illegal. So I'm going to take one last question, and it comes from Peggy in Atlanta, Georgia. And I know I'm not supposed to ever say you sound like a broken record because anybody who's under a certain age does not know what a broken record sounds like because they don't know what a broken record is.

But anyway, once again, I'm going to deal with a question about the Equal Rights Amendment. Peggy says, "I've heard the ERA has to go back to the Senate and the House yet again to be signed. Why do they need to sign off on it again?" Peggy, I have good news. They don't need to do that. I believe that 38 states, the required number, have ratified that it is completely illegal to try to take back your ratification. You can't do that. And that the big issue about this time deadline is also not meaningful because it wasn't in the actual amendment. It was in just some language that was a prelude to it. So I believe that as his legacy, our president, Joe Biden, could order the archivist to publish and implement the amendment as the 28th Amendment to our Constitution. And if he fails to do that, that the first act of President Kamala Harris could be to do exactly that in the same way that President Obama passed the Lilly Ledbetter Act to make equal pay a possibility for women in America.

I think that either President Biden or future President Harris could do that, and we could have this as our amendment. If it were to go back, it would have to be one of two things. And there is possible legislation pending that says we waive the time limit. That could take away the only possible issue that might be stopping Biden or Harris from acting. So that could happen, but I don't think that legally that's an impediment.

Thank you all for listening to #SistersInLaw with Kimberly Atkins Stohr, Barb McQuade, and me, Jill Wine-Banks. Remember to mark your calendars, #SistersInLaw will be doing a live show at the 92nd Street Y in New York City on September 20th. You can get tickets at politicon.com/tour. We look forward to seeing you there. And please show some love to this week's sponsors, Flamingo, Aura Frames, OneSkin, and Thrive Causemetics. Their links are in the show note. Please use their products, they're great and support them because they make this podcast possible. Follow us, #SistersInLaw, on Apple Podcasts or wherever you listen, and please give us a five-star review to help other people find the show. See you next week with another episode, #SistersInLaw. What are you doing? Your laundry there, Kim?

Kim: Yeah, I'm folding laundry.

Jill: Oh, God. I can't believe it.

Barb: Very productive, multi-

Jill: Joyce knits and you're doing the laundry folding. Okay.

PART 4 OF 4 ENDS [01:33:44]