

Kim: Welcome back to #SistersInLaw, with Jill Wine-Banks, and me, Kimberly Atkins Stohr. Both Barb and Joyce are away, but they will be back next week, so don't you worry. And the new resistance mini tote is ready for you to pre-order in our merch store. Go to [politicon.com/merch](http://politicon.com/merch) and get yours now. They're going to sell out. They will be hotter than the Trader Joe's model. This is the accessory of the summer. Make sure that you get it.

Now, onto the show, where we will be discussing the Supreme Court allowing the Trump administration's ban on transgender service members to go into place. And also some of the other, well, less than consistent legal arguments that the Trump administration has been making in many of the challenges that are making their way up to the courts. But before we get to that, I want to ask Jill... I chatted with you, Jill, a little while last week, and you seemed a little nervous about an event you had coming up, and not knowing if you were out of your element. I assured you that you were going to kill it, that you were just going to nail it and knock it out of the park. And you did. But tell us what you did, Jill.

Jill: I was asked by Jack Pack, a wonderful organization that supports great causes, to have a conversation with Chelsea Handler.

Kim: That Chelsea Handler?

Jill: That Chelsea handler, a seven time New York Times bestselling author, a comedian, a producer, an actor. And I was like, that is so not me. I'm a legal nerd, not a funny person. How am I going to do this? And they somehow convinced me. And as everyone who listens to this show knows, I never turn on a challenge, and I never let fear stop me. And that's probably advice I would have for everybody. Is if you want to do it, just do it. I thought, well, this could be sort of fun. And so, I did it.

And then they pre-cleared some questions, which was really hard because I'm used to just having a conversation. And they said, "No, these are the questions she wants to answer, and you got to go with these." And I said, "Well, can I tweak them?" Now, I define tweak probably different than they did. So I tweaked them so that I thought they were acceptable. But because I was sticking to a script, I had it on my lap as we were sitting down talking. And then they slipped off my lap and she went to reach for it. I said, "Ah, forget it. Let's just talk." And that was the best thing that ever happened.

So we just had a really nice conversation and she is really well-educated, well-read, really smart and funny. And we had a great time. The audience was very appreciative. And I had even said, "I'm not funny, so I don't know why I'm doing this." And everybody came up to me and afterwards and said, "You are funny. Even on SistersInLaw, you're very funny. Don't think you're not funny." That was a really, really great experience for me. And she couldn't have been nicer. Actually, I'll post one of the pictures of the two of us from the show.

Kim: Excellent. That is really, really cool. See, I always knew-

Jill: It was fun.

Kim: ... that you could do it. And don't say you're not funny, you are hilarious, Jill Wine-Banks. You are the funniest people that I know.

Jill: Well, I may be funny, but it's not always deliberate. That's the problem. It's really weird. I know the first time I gave a speech and the audience laughed when I hoped they would laugh, I was like, "Oh, my God, they're responding the way they're supposed to." It was one of the best things ever.

Kim: Good. I'm really, really glad that worked out.

Jill: Thanks for asking about that, Kim.

Kim: Of course.

Jill: You have a graduation coming up. Do you want to say what's happening?

Kim: It's May, it's that time of year where we're thinking about young people heading out into the future, and my stepson is graduating from college this month. I'm very proud of him. He will soon be an Emory grad. And it just [inaudible 00:04:13]... Yes, it's great, but it just made me think about advice that I would give to young people moving forward. Advice that I wanted to hear. And I think mine continues to be, look, don't put too much pressure on yourself. This is the time for you to figure things out.

And I know there is a lot of pressure about getting a job or doing the right thing, or what industry I should be working in and all of that. And those are important questions, but this is the time for you to figure that stuff out. And I often think that young people put the weight of the world on their shoulders. And those who do are the ones that are really going to do great work because they care so much. And do that work and focus, but also take time to really explore where your place is in this world.

I am so proud of my stepson, James, but he also has a great family support system. And I would also tell them, if they don't look for the support, you can build your own support system. Look for the people, whether they are professors or school administrators or neighbors, or your friend's parents, or people who will give you the kind of support you need as you start your journey in the world.

Jill: That's really great advice. Congratulations, James. And congratulations, Greg, on the graduation of your son. That's fabulous. And to you, Kim, for being involved in all of this. I would add to what you said. An extension of it is, keep an open mind. You may decide on a particular job or to go on with school, or whatever, but it may not be the right thing. Just pay attention to whether you're really enjoying it, whether it's really using the skills you want to use. And if it isn't, think about what job might take better advantage of your skills and interests, and be willing to take a risk and move on.

So many of us get trapped into, while I'm in this job, I got to stay. And I'm not saying you shouldn't stay for some amount of time to make it obvious to a future potential employer that you are a serious employee. You can't just keep jumping around. But really keep in mind what makes you happy. That's a really important thing too.

Kim: When summer starts, your skin's already in defense mode. Sun exposure, chlorine, dry air from the AC, and more, are combining to wear down your skin barrier. Leaving your complexion dull, dehydrated, and more sensitive. Luckily, today's sponsor, OneSkin, has everything you need to keep your skin healthy, hydrated, and strong all summer long. Their secret is a proprietary peptide called OS-01. It's the first peptide scientifically proven to reduce the damaged cells that weaken your skin barrier and accelerate aging. Their moisturizers and sunscreen don't just treat your dry skin and irritation on the surface, they go deeper, helping restore your skin's health at the cellular level. Now is the perfect time to reset and prepare for the season ahead before all of summer's skin stressors really kick in. The right moisturizer and SPF can make all the difference. I think that is absolutely true and I'm a big proponent of staying moisturized and protecting your skin from the sun. So you should try OneSkin, with 15% off your first order. Just use code: Sisters, at OneSkin.co.

Jill: Whether I'm out in the Chicago wind or basking in the sun sometime in the future, if we ever get sun again here, I use OneSkin's OS-01 face topical supplement to fight back against dryness. But don't forget to use their sunscreen too. Even when there isn't sun out, it's important to use. It makes your skin look fresh. It is ready for anything the elements throw at you. I especially love that OneSkin's regimen works fast, and the formulas feel amazing to apply. I'm certain you'll be a big fan too.

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. For a limited time, you can try OneSkin with 15% off using code: Sisters, at OneSkin.co. Not com, .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. Give your skin the scientifically proven gentle care it deserves with OneSkin. Look for the link in our show notes.

Kim: Well, this week the Supreme Court allowed the Trump administration's ban on transgender service members and recruits to take effect. If that sounds like déjà vu, that's because this is something that has happened before. If you recall, in Trump's first term, there was also a ban. It was not quite as broad on transgender people serving in the military, but it was paused by a lower court, as it was in this case. And the Supreme Court then too cleared the way for it to be put into effect before, ultimately, the Biden administration reversed course.

Jill, tell me a little bit about this case. And I'm happy to be talking with you about it, because I am lucky enough to know someone who broke gender barriers in the military. Jill Wine-Banks, the very first woman to serve as general counsel for the Army. I'm sure you have thoughts about this. What are your thoughts, Jill?

Jill: Well, I do. And as someone who has been removed from the history of the Pentagon, along with the Secretary of the Army, under whom I served, because he was the first Black secretary of the Army and I was the first woman general counsel. And so, we have been obliterated. There has been some pushback, and maybe they'll put us back in. But the important thing is that there's now a history of successful open service of transgender people. And there's really no excuse for re-implementing a ban. And no matter how carefully worded the executive order was, and it was mean and evil. As you and I have

often talked about the cruelty is part of the point when we talk about immigration, that's the point. When we talk about trans people, it's the point.

The executive order that led to the Department of Defense policy memo that really in-depth gets rid of everything that has to do with either trans medical care or trans service despite a successful number of years of successful service. And I even know from personal experience, because I was on a committee that looked at sexual assault in the military. And in talking to a lot of soldiers, sailors, and airmen, I can tell you that they accept gay and trans people. They are not uncomfortable as long as the person is doing a good job. And no one is asking, no one has ever gotten special treatment as a trans person.

From a policy point of view, it's wrong. To me, from a legal point of view, it is equally awful. We have equal rights protections in our constitution. And this is a clear violation of equal rights. There is no medical justification. And I think you and I have talked about this, Kim. The first reason that they gave was because it hurt the lethality of the service and the compatibility and unit cohesion.

Kim: Right. There were all of these justifications, unit cohesion, readiness, lethality of... But at the time, James Mattis did not immediately implement a policy, even though President Trump signed an executive order back then too. He said, "Well, wait a minute, let's study it." And he put it out to experts, and a report came back. And Secretary Mattis, "Mad Dog" Mattis actually said, "You know what, based on this report, I recommend not doing this."

Jill: Exactly. Now they've changed their tune, or their argument. And let me just, before I go on to what they're now arguing, I want to point out that women were subjected to the same thing. "We can't let women into all these units because it will hurt unit cohesion. The mission will never be accomplished." And when they were forced to consider integrating women, they did some studies, but they only would test a unit up to 30% female fill. Because they felt if there were more than 30%, for sure the unit couldn't succeed. And that proved to be completely wrong. I insisted that they test higher amounts. And 100% could work, 50% could work. It was the wrong argument.

Now they're arguing that it's an illness, and we can't have ill people serving. And of course there's no medical support for that. It's a ridiculous argument. And it's just wrong. And I'm hoping that SCOTUS will not fall for this. But, Kim, I want to ask you, as our Supreme Court expert, what do you think the fact that they let the ban take effect? Does that mean to you, as I think it does to me, that it indicates that they are going to allow the ban to take effect? Because otherwise you have the status quo, a ban that took effect but didn't take effect because the court stopped it. Now they're going to let it take effect for months while it's being argued in court. And then they're going to have to undo it. It seems to me they wouldn't do that if they weren't going to allow it to stay in effect. What do you think?

Kim: I think you might be right. Whatever the Supreme Court lets stand, as the case makes its way through the courts, has the advantage. I think back before Dobbs, when a different case was pending, when it came to a really, really almost universal abortion ban at the state level and they let that stand. We, at that point on, just basically acted as if we knew

that Roe v. Wade was going to be overturned. In whatever it was. I think it was a couple of months before it actually happened I think we sort of were bracing for it.

In that sense, I think generally it's right. But in this case, there are a couple of caveats that I would put into that. Which, one goes in either way. One is that there is currently pending a Supreme Court case that is testing the constitutionality of state laws that ban gender-affirming care. To me, if that's pending and they let this ban go into place, that would be a tea leaf. Not anything definitive, but a tea leaf that the court is very likely in that other case to allow states to ban gender-affirming care.

Because if they're willing to let a trans ban, which very much is about gender-affirming care in the military. Which, members of the military get healthcare support and coverage for the things that they need, just like anybody else. And so, that would be one thing, ongoing treatment for someone who has made a transition. If the Supreme Court is going to let states ban it, why wouldn't they let the military ban it too?

What cuts on the other side though is that the court has a growing animosity toward nationwide injunctions. Both Justice Kagan's complained about it, Gorsuch has complained about it. Across the ideological spectrum, the Supreme Court generally takes a dim view of that. Maybe this aligns with that. In this case, it's very complex. I'm not going to make a prediction on it, but one thing that I do know that I think weighs in favor of the court ruling to allow this trans ban, is when it comes to the military, the court definitely takes a broad view of executive authority. And if this is something that the executive wants, and in this case there's no ambiguity. You have the Secretary of Defense, so long as he keeps his job. And the President right on point.

In my newsletter, I pointed out the really disgusting thing that the Secretary of Defense said about our service members who are transgender, and it's really offensive. They are in on this. But if the court takes a broad view of executive authority, I think that it will stand.

Mother's Day is coming up, and here's something about my mom. She almost never smiles in photographs, which is wild because she really is hilarious. On the Aura Frame that we have in our kitchen, every now and again a picture of my mom and me pops up and she's smiling. And Greg always says, "Look, it's a picture with your mom smiling." And I get to see it. I get to see it a lot because of my Aura Frame.

One of the best parts of Mother's Day is reflecting on the amazing memories you've made with your family, and getting excited about how many more there are to come. And if you have a family member who tends not to smile, which you captured them with a smile, it's a great place to put it. The holiday is fast approaching, so we wanted to make sure our listeners get their moms something nice. And that's why we wanted to tell you about Aura Frames. They make unique and stylish digital picture frames that make displaying and sharing your favorite memories easy and fun.

Jill: It sure beats an old fashioned photo album. And a lot of gifts get a big fuss when they're opened, and are never looked at again. That's not the case when you gift someone an Aura Frame. That someone could even be you. If you get your mom one for Mother's Day, it's a great gift. With an Aura Frame, you're creating amazing ways to stay connected to the important people in your life, and remember the great times you've

shared by looking at the pictures. With summer only a far off dream in Chicago right now, an Aura Frame is the perfect way to enjoy the memories of past summers. And for me, who loves travel, it's the best way to relive the best vacations. And there's unlimited space, so you can always add photos from new adventures.

Kim: Yeah, I really like how easy it is to change up photos. If you want to add some or you just have a trip, or you wanted to switch them out to change things up, it's really as easy as a swipe on your phone. Aura Frames was named the best digital photo frame by Wirecutter, and featured in 495 gift guides last year. And that's for a reason. Next time you need to call your mom or see her smile, you can always send her a new pic of you from that trip you're telling her all about right from your phone. But the truth is, no matter what role someone has in your life, everyone loves an Aura Frame. Don't let your favorite shared moments be forgotten. Every time the photos in the frame catch your eye, it's such a warm and wonderful moment.

Jill: I know I already said this, but it comes with unlimited storage. All those photos on your phone that you never look at, because you can't find them, transfer them to the Aura Frame. All you need is the free Aura app and a Wi-Fi connection, and you can upload as many photos and videos as you want. And right now, Aura has a great deal for Mother's Day. For a limited time, listeners can save on the perfect gift by visiting [auraframes.com](https://auraframes.com) to get \$35 off, plus free shipping on their bestselling carver mat frame. That's A-U-R-Aframes.com, promo code: Sisters. And support the show by mentioning us at the checkout. Terms and conditions apply, and the link is in the show notes.

Kim, I'd like to change to a new subject that has multiple parts. It seems to me the Trump administration is, the kindest word would be duplicitous in making legal arguments. It seems to me they're making arguments that are based on political views or plain outright politics, not on the law or principle. And I can think of a number of examples, and one of them actually cuts in favor of a position that I support. I'm going to start with the good one, and then you can go to some of the bad ones.

The good one is, to my surprise, although I know I've talked to you and you weren't surprised, the Trump administration is continuing the Biden position in favor of Mifflin Wadsworth Swanwick. They are going to continue to argue that it can't be shut down. And that was a surprise, because of course they're against everything that has to do with women's reproductive freedom. And they have certainly changed positions on voting rights, they've changed positions on environmental protections. They've changed their minds on a lot of policy issues. I was surprised that they went ahead with this one. And you weren't. Tell me why you weren't.

Kim: Because this administration, and also those... I'm going to expand it out even broader, because when it comes to the fight against things like Mifflin Wadsworth Swanwick, it's not just the Trump administration, but the conservative evangelical movement that helps fuel it. They haven't always kept things consistent. If you listen to the conservatives when it came to Mifflin Wadsworth Swanwick, this of course is part of the medical abortion treatment. That it was dangerous, that it made it more likely that women could have some sort of complication. Both things are false. It is among the safest ways to have an abortion. It reduces the likelihood of adverse complications.



In fact, more than half. The majority of abortions that happen in America are done medically and use Miffla Pretstone. In part, because doctors in the American Medical Association and others recommend that because it is the safest way. They were still claiming that it was dangerous, that it put... Most of all, and this was what happened in the challenge that ultimately ended up at the courts, that it puts religious doctors in danger of having to rescue a poor person who took Miffla Pretstone and is suffering a complication. And that treatment may mean actually doing an abortion. Just, this is fiction. It's literal science fiction what they were arguing.

Not only was it a bad legal argument, it is unpopular. And I think that's the reason, sadly. It has nothing to do with the law and nothing to do with legal or statutory interpretation, or constitutional interpretation. It's just they saw how unpopular it was to attack Miffla Pretstone and other abortion drugs, and they don't want that smoke. So they're changing their mind legally, because what it really is politically, and that's exactly what you're not supposed to do at the DOJ. It is perfectly fine. And it's not at all unusual for an administration to change positions with pending cases at the Justice Department level and say the previous administration argued this way, but we have a different view. That in itself is not nefarious. When it's done for political reasons, it is. And it's the same when you're keeping the same position for political reasons. That's not how it's supposed to happen.

Jill: And this is one that will, I suppose, help them. Because it is so unpopular that they can't risk the political consequences of it. And as you said, the Department of Justice is supposed to act based on the law, the constitution, and not based on politics. And this is pure-

Kim: Interpretations can differ, but this isn't that way. And since we just talked about trans rights, I just want to say very briefly before we move on, that's another area. They tried this military readiness argument, and it was just a bomb. So now they're coming back with like, no, no, wait a minute, wait a minute. It's a medical disorder. Gender dysphoria is a medical disorder that is unacceptable for a member of the military to have. Again, factually, says who? No, it's not. We're talking about a tiny percentage of troops are trans overall, when you're talking about everyone. Every single one of them should be respected. I'm not saying that to minimize them. I'm saying this to say, this isn't some... Even if it were a medical condition or a disorder, which it isn't, it isn't something that threatens anything about the military any more than at this point measles would be. And I don't see them doing a measles ban.

Jill: Yeah. No, if you look at what doctors say, the medical field says this is not a disease, it's not a mental illness, and it shouldn't be banned.

Kim: Good grief.

Jill: It's really just a policy... Not even policy, it's just a bias that is [inaudible 00:27:13] shared by this particular MAGA administration. And it's wrong. And we didn't mention this when we were talking about the trans ban, but one of the plaintiffs in one of... There are several cases pending. Says that she has had over 200... Is it thousand, or \$2 million worth of training that is being lost. She has served as an aviator for 18 years. She's [inaudible 00:27:41] in the military, and now they want to kick her out and give her very...

By the way, they're upping the ante for if you resign voluntarily, if you leave the military voluntarily, they're giving very generous payouts. Just like they're now offering to immigrants. If you leave, we'll give you \$1,000. Which, actually that doesn't seem very generous to me. It very not generous. And also, probably a trap. If you go in to get your \$1,000, you're going to be on a plane out of there immediately. So, [inaudible 00:28:11] I would be worried.

Kim: Don't go. I would be worried about that too. I would be definitely worried about that.

Jill: Exactly. Kim, can you think of some other cases where you feel like politics or political views, cruelty have played a role in a change in how they are arguing in court?

Kim: Yeah. Oh, totally. I think everything about the immigration cases are made with duplicitous arguments. I think that's maybe one of the easiest ones to do. Because the administration does have broad powers when it comes to immigration. They do. If they really just wanted to increase the number of deportations, say that's the goal. There are any number of perfectly legally unassailable ways for them to do that. They can just say, you violated the law, you're going to go through this process, and we are going to do everything we can to deport. We are seeking deportation, we are letting you know. Get ready.

And so long as the people who are being targeted for deportation get process, they are likely on the losing side of that. It will take a little time, but what this administration wants to do is get people on planes and send them into these detention centers that have been compared, by experts. Not just my word, by experts. To be like GULAGs because they like the visual of it. Again, the cruelty is the point. And you can't do that. You can't not give them process.

So they made up the idea that they're affiliated with gangs. This is because the last time when they tried to use COVID restrictions and say that they presented a risk of disease spreading. Again, atrocious, racist lie. A racist stereotype that has been used against immigrants since time immemorial. But now they're saying, "Oh, no, they're gang members, they're dangerous." And in the case of someone like Kilmar Abrego Garcia, he's actually had an order not allowing him to be sent to El Salvador because he and his family faced threats from gangs over there. And they've turned that on his head and created this lie about rampant gang associations of all of these people that they've round up.

Which just simply isn't factually true, to try to create some false emergency to send them out. We've already seen a judge finally slap down the use of the Alien Enemies Act in this way. I hope we see more of that. But that is a terribly duplicitous argument, and different than the argument that the administration made in the past. I think, to me, that's the clearest example.

Jill: Oh, gosh, listening to you, I have a half a dozen things that I just feel like I have to say. I'm going to say them, they're a random assortment of things. But you mentioned the word emergency, and it's not just the Alien Enemies Act that he's doing. Which, by the way, there is a intelligence memo that says there's actually no reason to believe that the Maduro government has anything to do with the gangs. And so, when they went to court



and said that, they knew they were lying. I'm sorry, that is really... To me, that's a disparable offense.

But also, going to emergency. There are a lot of other emergencies. The tariffs are based on emergency. And by the way, all of these appeals to the Supreme Court, they are suddenly emergencies. What is the emergency on the trans ban? It's been in effect without any harm for several years under Biden, open service of transgender people. Why is that an emergency? Why would the Supreme Court even think that's an emergency? Okay, that's one thing.

But the other that I have to say, is the first thing that flashed in my mind was Donald Trump saying due process in response to Kristen Welker on Meet the Press. "Do you have to support the Constitution? Do you have to implement..." "Well, I don't know. I'm not a lawyer. I don't know. I don't know. And besides, due process would take so long, we'd have to have a million, 2 million, 3 million." And I'm pretty much quoting Donald Trump in one of his not lucid moments, which seemed to be more and more frequent. "It would take too much time and it would get in my way. So, no."

Think about what he's saying. His oath of office is to defend and protect the Constitution. To support our laws. And he's saying, "I don't know if I have to implement the Constitution. I don't know about that." That is horrifying to me. That's one of the horrible things they're arguing. And they're also arguing that the executive branch should control the Supreme Court in every way except its case decisions. Oh, yeah. I mean-

Kim: This court [inaudible 00:33:10]-

Jill: ... maybe you can laugh at it, but it's not funny. It's really scary.

Kim: It's not funny. It's not funny. It really isn't funny. I laugh because this court may be weak in a lot of ways, but there is no way on green earth that this court is letting go of Marbury v. Madison, and letting the executive take it over. If that's what you think you've got with your three nominees, well, I have news for you.

Jill: They're limiting it. They've started at least with, we should be in charge of the administration of the court, and the budget of the court, and the ethics of the court. Who are they to set their own ethics rules? Oh, my God, that is the end of the independent third branch of government. And it was part of our constitution that this would be an independent branch. The executive branch cannot take control of the judicial branch, which is separate and independent. But again, that's based on what they want the result to be, not what the Constitution says. So it is another example of the duplicitous arguments that the executive branch is making.

Kim, these are some really good examples, but there are so many things that I have seen this week that have me upset. I don't know if they all fit into the duplicitous, but terrifying and horrible. The voice of America is now going to be used by OAN, one of the most far right wing. One of the people who had to settle with Smartmatic because they lied about them having a far right wing organization be the news source. It's like having TASS, which the Soviet Union had as its mouthpiece. It's a propaganda tool

where we are going to be paying, we taxpayers, are going to be paying to broadcast Trump propaganda. And that is horrible.

Texas decided to keep the bail money it collected from migrants, and then deported them before they could appear in court and get their money back. They're keeping it. I hope that every lawyer in Texas is listening here and will go and represent those people to get their money back, because it is really disgusting. I don't think it's legal to be deporting people to third countries, countries they have no relationship with. Countries that, by the way, violate not only our constitution, because they're horrible places, but international law. You cannot deport people to places where they will be tortured. Either their home country where they're seeking asylum here because of torture, but also to third countries that are known for their torture. I think there's just a whole lot going on that makes me really worried about our democracy and what we need to do, and some of the reasonable arguments that the Trump administration is making to undo what is the law of our land.

Kim: With spring cleaning season in full swing, make sure you get rid of your uncomfortable and dated undergarments and shapewear, and start making upgrades. Think about it. When you reach for them right now, do you pull out one that actually you want to wear? That fits you perfectly, supports like a dream, and you can put on and forget about? For way too many of us, the answer is no. But that's just because you don't own Honeylove yet.

Today's sponsor, Honeylove, has completely transformed the bra and shapewear game. Say goodbye to discomfort of underwire and bulky construction that digs into your skin. Honeylove's bras are designed with supportive bonding that eliminates the need for underwire, while still giving you all the lift you want. Plus, the fabric is so soft it feels like a second skin, making them perfect for warmer days.

Jill: You'll immediately notice the difference. Honeylove is so unbelievably comfortable you'll forget you're even wearing it. And for a limited time, you can get Honeylove on sale. Treat yourself to 20% off your entire order by heading to [Honeylove.com/sisters](https://Honeylove.com/sisters). Support the best show and check them out, because you deserve this glow up.

Speaking from experience, Honeylove is the perfect pairing with exercise and summer outdoor activities. I love how comfortable their leggings are. And they are my go-to for everything from Pilates and functional strength training, to running errands. Best of all, their targeted compression technology means you never feel suffocated. And I know you'll love your Honeylove inspired looks. Treat yourself to the most comfortable and innovative bras and shapewear on earth, and save 20% off site wide at [Honeylove.com/sisters](https://Honeylove.com/sisters). Use our exclusive link to get 20% off at [Honeylove.com/sisters](https://Honeylove.com/sisters). After your purchase, they'll ask you where you heard about them. Please support our show and tell them we sent you. Experience the new standard in bras and shapewear with Honeylove. The link is also in our show note.

Kim, one more subject I want to talk about. It sort of relates to what we were talking about with the Trump administration trying to take control of the Supreme Court. And that is, some of the justices are finally starting to speak out. And you've called to my attention some of those remarks, and I'd like to have you talk about that.

Kim: Yeah. I was at the First Circuit judicial conference. Which is, every circuit has a conference, I believe it's every other year. Or some conferences may have different timing. But they get together with the trial level judges and the appellate level judges, as well as other stakeholders, professors, clerks, some journalists like me on occasion. And it's where they both have private meetings to do the business of the court. Because that's, as you said, the job of the court, not the job of the executive to manage how the judiciary is run. But also have panel discussions with some speakers. And I was there to talk about the relationship between the judiciary and the press.

But the keynote was Justice Ketanji Brown Jackson, who handles appeals that come out of the First Circuit. Which is made up of New England and Puerto Rico, which is why we were in Puerto Rico. I think we've mentioned before, every justice is assigned a specific circuit. So when appeals come through, they are first referred to that justice before they are referred to the rest of the court. That is why she was there. For her normal Q&A that she was scheduled to have first, she took some time to direct the audience, again full of federal judges, directly to decry the attacks that have been taking place against these judges.

She did not mention Donald Trump or the Trump administration by name. But what she did say, and I'm going to read a little bit of it was, "While I have the podium right now, let me address what I think is the elephant in the room, which is the relentless attacks and disregard and disparagement that judges around the country, and perhaps many of you are now facing on a daily basis." She goes on to say, "These attacks are not random. They seem designed to intimidate those of us who serve in this critical capacity. The attacks are also not isolated incidents. They ultimately risk undermining our constitution and the rule of law." And she calls them an attack on our democracy.

And she got a standing ovation. And I was so glad that her remarks were covered by the press. Because I think we, as Americans, need to see more people from the high court saying very plainly as people in this administration and others, because it's not just coming from Washington, say that they can defy court orders or claim to be above the courts, or try to take them over in their administration. And say, no, no, that is not how this constitution works. We need a free and independent judiciary that operates without fear or favor. That's how they're supposed to work. In that from the highest jurists of the land that they get that kind of support and there is that kind of condemnation.

And frankly, I don't know about you, Jill, have been very disappointed in the chief justice. I know technically the chief justice doesn't really have any more power than the other justices on the court, he's one of nine votes. But he has some administrative duties, but he also has the bully pulpit. And I think as someone who I have been told time and time again by experts, cares very deeply about the court, he's an institutionalist, he cares about its role. He has said the most milk toast things. And even this weekend comments at an event in Buffalo, his hometown. Yes, he said that the judiciary should be independent. He said that before.

When asked specifically about calls to impeach justices who give rulings that they don't like, he started his comments by saying, "Well, I've already spoken on that." No, sir, you need to get up and speak about it some more. You need to say it, not an answer to a question. You need to say it forcefully the way that your most junior colleague on the court just did. We need more of that. That shouldn't be partisan, that shouldn't be

ideological, that should be seen as a first and foremost part of your job. I would respectfully ask the chief justice to use the same energy that Justice Jackson did to also give just as strong of condemnation. Jill, I really wish he'd do that. I don't know why he won't.

Jill: It's hard to say why he did object to the calls for impeachment of judges, justices. Well, justice [inaudible 00:43:33]-

Kim: He did do that. I would give credit where it's due.

Jill: Right.

Kim: I feel like he's doing the very least. Do you think it's because he knows that not every justice on the court takes that position?

Jill: He is a centrist, and he has become a critical vote, as has Justice Barrett. Amy Coney Barrett. The two of them are where the court will decide or not decide. I hesitate to say too much bad about him. His remarks in Buffalo, as you said, were not as vigorous as perhaps we would have wanted. But he was very clear in saying an independent judiciary is a key feature of the constitutional system, and it has to continue. And it's a coequal branch separate from the others. And we are the ones who have the authority to interpret the constitution and the laws, and that includes any acts of the President. He did say it's not just the laws that Congress enacts, but the acts of the President. I guess I'm just pushing back a little. Because I completely agree with you, but I just want to give some credit that he did not just let it pass completely and-

Kim: He didn't let it pass completely. I was wanting him to, at the top, say something at this moment in our history, and not just be asked. And for those, you can go to C-SPAN and see his responses in total. It was about halfway through this Q&A session where he'd already talked about everything from the clerks to all kinds of other things. When the question was put to him, that's where we got some reaction at all. The second question...

And yes, the first one about the independent judiciary, he said all the things that one would expect one to say. In the second question about whether judges should be impeached, he started off by saying, "Well, I've already stated this." As if he's done the thing. As if he's already made the statement and it's all put to rest now. And I think with his... And I push back to saying that I was talking bad about him. I was not saying I was not talking bad at him at all, and this has nothing to do with his ideological positions on the bench, whether he's front, right, center.

This should be non-ideological. As an institutionalist who cares about the credibility of this court, as somebody who is not living on Mars and knows that one of the biggest reasons this court's credibility has taken a hit was the immunity decision that he wrote that clearly the President himself thinks gives him power that it doesn't. That he's the one. He is the one. It shouldn't fall to Ketanji Brown Jackson, but good for her. He's the one that needs to set the record straight on no uncertain terms, and he just does not seem to be built for that. And I think the nation is worse off because of it.

Spring is here, and it's the perfect time to refresh your kitchen and elevate your cooking game. Whether you're looking to eat healthy or save time, or just make every meal feel special, HexClad is your kitchen's best friend. Say goodbye to those scratched up pans and mismatched tools. I had them. You know have them too. Let's be real. And say hello to cookware that's as stylish as it is functional.

Jill: Kim, my cookware, until I got this HexClad, was older than you are.

Kim: Oh, my goodness.

Jill: I'm not kidding. But HexClad has changed my life. Because when it says non-stick, it really, really, really means it. It has completely redefined the game with their hybrid technology by combining the durability of stainless steel, non-stick ease, and the versatility of cast iron. Without the weight of cast iron, I will have to add. Better yet, it's all wrapped up in one gorgeous, sleek design. This cookware isn't just a kitchen essential, it's a kitchen upgrade. Best of all, it is super easy to clean. Even my husband doesn't complain when I cook and he has to clean up.

Kim: Yeah, that's real. Both the easy to clean and the weight of it. I like cast iron a lot because I like to do things that go from the stovetop into the oven, like the same pan. But you could do that with HexClad. And it's not nearly as heavy, the cleanup is so much easier. That is really a game changer. And I was a little wary of taking it from the stove to the oven, but you really can do it, and it works beautifully.

And now, since we're hyping HexClad, I need to tell you about their pepper mill. It has the perfect mix of precision and elegance, so you'll feel like a pro every time you season your dishes. You won't have to do that salt bae move anymore. It's cooler now to do the HexClad move when you're salting your food. And if it's good enough for Gordon Ramsay, yes, that Gordon Ramsay, you know it's top notch. He trusts HexClad in both his home and Michelin Star kitchen. And your sisters do too. Plus, with their lifetime warranty, you can rest easy knowing you're investing in cookware that'll last a lifetime. Don't wait. This will not be a kitchen nightmare for you, it will be a kitchen dream. For a limited time only our listeners get 10% off your order with our exclusive link, or take advantage of their crazy good Mother's Day deal. Just head to [HexClad.com/sisters](https://HexClad.com/sisters).

Jill: Spring is the time for fresh starts, so why not kick off the season with an upgrade to the best cookware on the market. For a very limited time only shop the HexClad Mother's Day sale for up to, get this, 49% off site wide. And a free gift with your purchase when you order one of their bestselling bundles with our exclusive link. Just head to [HexClad.com/sisters](https://HexClad.com/sisters). Support our show and check them out at [HexClad.com](https://HexClad.com). That's H-E-X-C-L-A-D.com/sisters. Make sure to let them know we sent you. Bon appetit. Let's eat with HexClad's revolutionary cookware. The link is in our show notes.

Kim: Now we have reached what is truly... We're not kidding, we really mean it. It's truly our favorite part of the show, which is answering your questions. You can email us at [SistersInLaw@politicon.com](mailto:SistersInLaw@politicon.com), or use #SistersInLaw in your socials to ask us your questions. We'll try to answer some right there in your feed. But if those that we can't get to there and we don't get to in this episode, keep trying. We really do like answering the questions. We can't answer every one, but we do our best.

Our first question is from Carolyn, who asked, what's the difference between undocumented immigrants and asylum seekers? Jill, that's a great question.

Jill: I love this question, Carolyn, and it is important to understand the difference. Undocumented means someone who enters the country without any documents. They have not applied for or at least have not been granted a visa to enter the country, and they have come in some other way. An asylum-

Kim: Or they overstayed their visa.

Jill: Or they overstayed their visa, that could become an undocumented person. But an asylum seeker is someone who has fled their home country, is seeking protection in another country because of persecution or violence in their country, and they have a legal right to apply for asylum. They haven't been granted it yet, but their claim is under review, and they have a right to be in the country. The person who's undocumented does not have a right to be in the country, so they have different legal opportunities. They have a right to due process, but they don't have a right to stay. Whereas, someone who is applying for a refugee status, for asylum, even under international law, not just under the US Constitution, has a right to be here. And so that makes a very big difference.

Kim: That was a great question. Our next question is from Andy Hepple. Forgive me if I don't get that right, but it comes from Blue Sky. And the question is, how can a normal person keep up with all of the mind-melting craziness from across the legal and political world?

Well, Andy, I hear you. I feel the same way. I cannot wrap my mind around everything that is going on, and it's literally my job. I'm a journalist covering politics and law, and it's hard. What I would recommend for you is, one, choose some sources that you trust and that you have found to be edifying and useful, and seek them out on a regular basis. And to the extent that you can, you have the bandwidth for it, I would find different forms of sources. It certainly shouldn't always be cable news, but it shouldn't also just be certain newspapers either. It can come from a variety of sources.

I subscribe to several newsletters from people who I really enjoy and I learn a lot from, who I think are smart. As well as reading certain print publications and even watching some television and radio journalism too. But I start off with the ones that I trust. The great thing I like about newsletters is if I need a break, and this is going to get to my second point, but if I need a break, at least I know they're there in my inbox or I can see something. If I see that a professor that I like or a journalist that I like has written about an issue like nationwide injunctions, or the constitutionality about an issue. And I don't have the ability to dive into it at that moment, I know it's in my inbox and I can go back and say, oh, yes, I want to read this.

I also use apps that you can save articles offline and you can read them later. But the second point is really, really important, which is give yourself a break. Understand that you cannot know everything at every moment, even if you really, really want to. And trying to fill your whole mind with every fact can actually work against you by making it harder for you to have a well-rounded life where you are still enjoying your family, enjoying going for a walk, enjoying what your work is. And that keeps you a full and complete person who is capable of doing your part to fight and protect our democracy. If you get bogged down by every detail, by all the craziness that's part of the design of the



current administration, to weigh you down and make you miss it all, because you're going to burn out. Don't burn out. Take good care of yourself. Seek out smart sources, stay on top of it. Listen to #SistersInLaw every week, we will do the best that we can to help you. But I really appreciate that question.

Thank you for listening to #SistersInLaw, with Jill Wine-Banks, and me, Kimberly Atkins Stohr. Follow #SistersInLaw wherever you listen to your podcast, and give us a five-star review so that others can find us. And please, please show some love for this week's sponsors. We are asked a lot if we really like our sponsors. If you can't tell from our ads, which I find that surprising, because I think it's clear that we do. The answer is yes, we do. We would never put our name on something that we didn't believe in. And this week, please support OneSkin, Aura Frames, Honeylove, and HexClad. Their links are all in the show notes, so show them love.

And see you back next week with the full sister contentions, not just half, for another episode of #SistersInLaw.

Jill, I thought you were going to say something entirely different. I thought [inaudible 00:56:09] you were going to say that since Barb isn't here... I was actually surprised you didn't say (bee) the whole episode. I thought that there would be swearing. I thought we were free this week, but you kept it clean. That's fine. Respect. Respect.

Jill: God, it's really true. Because having just talked to Chelsea Handler, she doesn't keep her mouth clean. [inaudible 00:56:32] I almost was motivated by that.

Kim: That's right, Barb. I said it.