

Kim: Welcome back to #SistersInLaw with Jill Wine-Banks, Joyce Vance, Barb McQuade, and me, Kimberly Atkins Stohr. Don't forget that our Resistance Mini Totes and T-shirts, which have been very popular are selling out fast. So get yours now before they're gone. You can go to politicon.com/merch. Well, we have a lot to talk about in this show, a lot, including the DOJ and utter disarray, the Supreme Court essentially letting Trump kill the Department of Education, even though it seems pretty illegal to do so. And we can't get through the show without talking about the latest in the ongoing Epstein drama.

But first I wanted to talk to you guys. There's been a couple of events I've attended or participated in where there are young people, some of whom are considering law school, and they ask my advice about whether they should do it. And in the past I had my sort of standard answer, "Only do it if you know what you want to get out of it and weigh the benefits and costs, including money." But now just with everything that we're about to talk about in this show, including just how constitutional law in many ways isn't even constitutional law anymore, has that changed either the advice you give to young people about law school or Barb or Joyce, what you say to your students? I mean, it must be a weird time for law schools. Yeah. What about you, Barb?

Barb: Yes, but I'll tell you what, I think that the need for lawyers has never been greater. It may be that people are kind of reconsidering what they do. People used to ask me in the first Trump administration, for example, "Is this still a good time to go work at the Justice Department?" And I would say "Absolutely. People at entry level are learning. You're not going to be doing anything political anyway. Go right ahead." Now that we're in this other term, I think things are very different there. And so I'm not sure I would advise anybody to go into the Justice Department right now, but there's still so much important legal work to do, challenging some of these Trump Justice Department and Executive Branch policies. So there's important work to be done in the private sector, in the nonprofit sector, defending immigrants in immigration cases. So we need good lawyers, I think, more than ever before. And so I urge young people to consider law school now maybe more than ever.

Kim: Yeah. Well, Joyce, how about you? Is what you tell young people changing, or is the way you're teaching changing given that it seems that the Constitution is constantly changing as well as the law?

Joyce: Well, look for anyone who teaches anything that touches on con law or administrative law, the last couple of years have been made much more difficult by a Supreme Court that just doesn't seem to adhere to precedent. But I think Barb is dead on the money. The country needs lawyers right now in a much more real way than it has in any time that I can remember. And perhaps it's the kind of people that have changed, not the advice that has changed, but for people who are interested in democracy and the rule of law and have that sort of same fever running through their veins that the founding fathers had for justice and for liberty, I think it's essential that people go to law school and I would really, really encourage people to go.

Kim: What do you think, Jill? I mean, am I off the mark when I say "I sometimes want my tuition money back from all the time that I studied since it's all gone now"?

Jill: Well, I think continuing legal education is mandatory now if you're going to understand what's going on, because it isn't what I learned in law school or any of us learned in law

school. But I absolutely agree. Barbara said it very well. We need lawyers more than ever. But I would add to it, and yeah, I'm maybe not working at the Department of Justice because even lower level lawyers are being asked to do things that are just wrong and without the experience to withstand or to fight back against those orders, maybe now is not the time to say that a law school graduate right out of law school should go and work at DOJ or maybe any other federal agency. We're going to be talking about the Department of Education. I wouldn't want to be there now. Of course, there is no more office of general counsel there, but that's a different issue.

But I think in addition to fighting back against what we are seeing as the dissolution of democracy, there are other things that law school prepares you for. I mean, I'm certainly a prime example of someone who's taken a law degree and used it in many different careers. It teaches you how to think, how to analyze. It teaches you how to be a good citizen because you know where to get facts and how to determine what's true and what's false. So I think law school is great training. Whether you plan on a business career or a journalism career or a law career in private practice. I mean, we still need lawyers to represent businesses, to do things the right way, to lobby for laws that are good and just. So I think law school is great preparation for a lot of things. It is expensive, but it's worth it to have the kind of thinking skills you get.

Kim: All right, so I won't be a complete Debbie Downer then when I talk to young people or listen just to my gut that says "Run, run." But I think all three of you are right that it is a profession that needs people, needs good people fighting the good fight. So consider all that, young kids, when you're thinking about what you're going to do next. Summer is the perfect time to stay on top of your self-care routines with the help of Flamingo. From the bath to the beach, Flamingo can handle it all, whatever the season they have, shaving, hair removal and body care products built with your body in mind. More importantly, Flamingo revolutionizes hair removal and women's body care by focusing on what's important, high quality, affordable solutions for optimal self-care. Their high quality, simple grooming solutions allow you to sit back, relax, and enjoy a day or week out in the sun. Flamingo's line of essential body care and hair care tools bring an eye-catching and innovative design to your bathroom counter and their high performance and affordable prices make them a must for any shower experience.

Barb: I love how this razor comes in so many stylish colors and it has such a classy and modern design.

Jill: I, of course, went with a blue one because you can never improve upon the color blue.

Barb: But it comes in lots of colors and-

Kim: And blue too, but my bathroom's blue, so it kind of made sense.

Jill: But don't you want blue and maize? Isn't that your color scheme?

Barb: Well, that is true. That is true. But I'm all about the blue, but it comes in lots of other great colors. It has a weighted handle that gives it that perfect balance so it handles smoothly and makes all of your experiences close and comfortable. Plus, when you need

new blades, you will pay as little as \$2 per refill. That's half of what other big brands charge, and they make sure there is no pink tax.

Jill: Love that point. And I love the new Moisture Plus Razors. It's a one-step razor that's perfect for women on the go. It's one of the many products that explain why millions of women trust Flamingo to provide a premium body hair and care experience, including us. They have so much to offer. In addition to razors, they have amazingly effective body wax and hair removal creams, pre and post-shave essentials to keep your skin sleek and hydrated and much more.

Joyce: Keep smooth and refreshed with Flamingo hair removal products made with your body in mind. Get started with an exclusive offer for our listeners, 25% off your first order at shopflamingo.com/sil. That's shopflamingo.com/sil. The link is in the show notes.

Jill: So following on our discussion of whether law school is worth it and about the Department of Justice, this week, I want to talk about some of the saddest and most destructive topics in the continuing saga of multiple bad acts at the Department of Justice. And I limited myself to just three of the bad things from this week, and there are many more. So maybe on another week we'll cover more. But this week I've picked three and they involve names you should but may not know. John Sarcone, the former Interim US attorney for New York Northern District in Albany. Robert Keenan, a DOJ official who signed the sentencing memo for a one-day sentence for former policeman, Brett Hankison, who shot blindly into Breonna Taylor's apartment. They are names that you may not have heard and they bring shame to the Department of Justice, but there is a hero there too. And you probably know her name, Maurene Comey, a career DOJ prosecutor in the Southern District of New York.

And I'm going to start, Kim, with you talking about John Sarcone, who was the interim US attorney in the Northern District of New York in Albany. This is one of the most phenomenal stories like the Interim US attorney in DC, Ed Martin, who we have discussed last week. His 120-day maximum service as the interim expired. In the case of Martin, there was strong opposition to his confirmation and it was clear he would not be confirmed by the Senate. So Trump withdrew it and gave him a dual appointment as pardon attorney and head of the law force section at the Department of Justice, neither of which required Senate confirmation. That was one way around the rules. We now have John Sarcone whose term as interim expired without his being confirmed. And the only way he could stay was if the district court appointed him permanently. They snubbed him. They rejected him, which should have meant he was out, but he's not. Did the administration find a way around this? Kim, can you talk about that?

Kim: Yeah, of course they did. Of course they did. So this guy, as you said, is what they used to say when I lived in New York, a piece of work. So with no prospect of either Senate confirmation or as you pointed out, Jill, appointment by this panel of federal judges in order to keep his job at US Attorney, the Justice Department just stepped in and allowed him to be appointed as something called the Special Attorney to the Attorney General.

Barb: That's not a thing.

Kim: I was going to say.

Barb: I'm not saying it's a thing. It's just not this thing. Right? It's outrageous.

Kim: It's what I was going to... So I was going to say, if you had not heard of that title before, neither had I, but this is essentially what it is. It's the ability of the Justice Department usually in cases of a special prosecution that either is in a specialized field or has a special significance, think Timothy McVeigh in the Oklahoma City bombing, can appoint someone to basically act as second chair to the US Attorney in prosecuting that case. Well, apparently the definition of that's pretty broad because the DOJ installed him in this role, but without an interim US attorney above him, if he's second in command, that really makes him first in command. And it seems that the Trump administration is trying to be slick with the law and exploit every potential loophole in our justice system to their own means.

Jill: Kim, because you mentioned this a little bit, why was he rejected? What are some of the things that made him a piece of work?

Kim: Well, besides doing things, which sound to me like some sort of fraud by listing as his address a building that's actually a boarded up abandoned property, that's not screaming job qualifications there. He also claimed at one point that he had been assaulted by an undocumented immigrant. And when video of the altercation emerged, it did show someone walking up to him and holding some sort of object, but he didn't really get close to him. They never made any sort of contact, but Sarcone claimed that he tried to kill him with a knife. And when the person at first was only charged with vagrancy later, he was charged with attempted murder, even though this video showed that he didn't get anywhere near him. Well, unsurprisingly, that charge was tossed. But yeah, this is the kind of guy now that is heading up the US Attorney's Office in New York's Capitol.

Jill: And I love that when he was discovered, having given a false address in this police report, this fake police report, and it was reported in the newspaper, what was his response? He barred them from any conferences with him, the newspaper. So that was his retaliation.

Kim: Oh, yeah. He took them out. He stripped them of their credential. Yeah. Nice catch.

Jill: I love it.

Joyce: The guy should be prosecuted, not appointed. Right? He gave the address to police. Last time I checked, DOJ did not reward employees who do that sort of thing.

Jill: So Joyce, let's go on to another subject, which is how many US attorneys have been confirmed so far? We've already talked about Martin and Sarcone who have not been confirmed. How soon after inauguration of Obama were you and Barbara confirmed and how does that compare to what's going on now in terms of how many have been nominated and how many have been confirmed?

Joyce: There are no confirmed Trump US attorneys.

Jill: Joyce, would you say that again? Is that no US attorney has been confirmed at this point of the administration?

Kim: Nada.

Jill: That is zero confirmations?

Kim: Zilch.

Joyce: That would be zero. Donald Trump has appointed 25% of the 94 federal districts. Fun fact that I think we've shared before, there are 93 US attorneys, 94 federal districts because Guam and the Mariana Islands share a US attorney. But look, so Jill, the numbers actually aren't as startling as you might think. I was one of the first five confirmed US attorneys in the Obama administration, and I was confirmed in early August of 2009. It was really into 2010 before the bulk of people were confirmed. But it was a very different situation in time. We had excellent relationships with our Bush colleagues. Many of them stayed on. They continued to work side by side with us, including on the Attorney General's Advisory Committee, the body that makes key decisions for the US attorney community and makes recommendations to the AG and represents the Attorney General on working groups and standing committees across government. In that early year in the Obama administration, not at all uncommon to have Bush hold over US attorneys involved.

And of course that's not happening now. The Biden US attorneys are gone. So I'm not aware of the exact marker for when there were nominees for all of the US attorney slots in Obama, simply because some of the Bush US attorneys stayed on for years. Many of them were highly regarded. Pat Fitzgerald in Chicago for example. And the Obama administration valued that sort of expertise and kept those folks on because they liked having career prosecutors as US attorneys. So the slow start is not all that surprising, but in an administration that's come out of the chute so fast, the fact that they don't have more nominees in place is very surprising. And also the caliber of the nominees and the fact that we've already had two just notorious rejections, the one you and Kim were discussing, Ed Martin in the District of Columbia. It's just not a stellar start for the Trump administration.

Barb: And Joyce, this just in, now I'm reading it on social media, so take it with a grain of salt. We have not yet confirmed this reporting, but reporting out of New Jersey is that Alina Habba, who is Trump's former lawyer, has been serving as interim US there, is without support of the court to continue in her interim role when her 120 days expires. Now she's been nominated by the president for the permanent job. So maybe she gets it in the end, but probably no surprise that the court is not supportive of her nomination in light of some of the political activity she's engaged in over there.

Kim: I was going to say, do you all think she has Senate support? And that was the problem with-

Barb: I think she's having trouble in committee, but that's temporary, not permanent, right?

Jill: But as Joyce said, this does reflect on the quality of nominees. So we have to keep that in mind. And the numbers, as Joyce pointed out, is not totally abnormal. But what does it mean for the administration of justice when you have no confirmed people and only 25% of the vacancies have even got nominees? What does that mean?

Joyce: I don't want to say it's unusual because sometimes administrations are slow with US attorneys. Federal judges are for life. US attorneys are for four years. So you know who comes first when administrations are teeing this stuff up. What I think is so remarkable is that this is an administration that by the book has gone through project 2025 and boom, boom, boom, boom, boom, accomplished the goals. The fact that they're not here I think is surprising. And to the point of your question, what does that mean for accomplishing the mission? Well, it means that in a lot of districts you have people who aren't Trump appointees in place.

There are some places where there was someone waiting in the wings, a first assistant or somebody to become the acting US attorney or the interim who's willing to be lockstep with the administration. In other places, not so much. But look, the reality is there's little that these line folks can do because this is an administration that has decided that the president should run the Justice Department. That's unprecedented. And it may be that the slowness with appointing US attorneys doesn't matter when they believe they can simply centrally control the whole operation anyhow.

Jill: Kim, there's another really bad thing that happened. The Department of Justice in a sentencing memo that no career line prosecutor from the Justice Department signed off on, asked for a one-day sentence of the policeman, Brett Hankison, who was involved in killing Breonna Taylor. None of his bullets hit her, but he fired blindly into it. So let's talk about who did sign the sentencing memo. Let's start with that, Kim.

Kim: So the sentencing memo was signed by a Trump administration official named Robert J. Keenan, who is a senior counsel for the Civil Rights Division. He was a part of the effort by the administration to undo a jury verdict that found a Los Angeles County deputy guilty of a felony in an excessive force case. So lots of pieces of work in this case.

Jill: So how do they justify it? I mean this is obviously excessive force firing into the apartment and one of his bullets just missed a sleeping baby and parents in the apartment next to Breonna Taylor.

Kim: Right.

Jill: But how can they possibly say that a one-day sentence or time served is an appropriate sentence for what could have a maximum life sentence?

Kim: I mean, it's important to back up and think about what happened here. He fired in through a window through Venetian blinds. So you cannot say that he had any clear shot of anything. And it was at night and he fired 10 shots into an apartment building. So it pierced not only Breonna Taylor's apartment, but the apartment next door and came within a foot of a sleeping infant. But according to this memo it is unnecessary to recommend incarceration because the biggest punishment has already been meted. He's unlikely to ever serve on a police force again. And I'm thinking, well, you think that that be the floor, not the ceiling?

And they said he's also unlikely to be eligible to buy a firearm. So that's punishment enough. So two things. One, I don't trust that he'll never be on a police force again. We live in America. Don't tell me that. Two, I don't even trust that he won't be able to buy a

firearm again the way that gun laws are being challenged in states left and right, or he can just move someplace where you have to get to the bare minimum of a background check and there are other ways. I just don't think that that's actually a punishment at all. So I think he's getting off scot-free.

Jill: Anybody think differently?

Joyce: I mean, the only good thing is that ultimately a federal judge has to issue sentence, right? But the whole thing is just a travesty of justice by DOJ and utterly appalling.

Jill: So I don't want to leave you all totally depressed by the bad behavior of the Department of Justice. So I want to end with one bad behavior in which there is at least one hero. And that hero is Maurene Comey. She was fired by a letter she got saying that it was based on Article II of the Constitution, which is the President's powers, but it gave no reason for her termination, which of course she's entitled to. And of course she is the daughter of James Comey. Last week we discussed his and Brennan's being investigated and he also was previously audited in an unusual audit. But before we get to the reason and the legality or illegality of her firing, what was her job, her reputation and the cases she was handling? Barb, can you talk about that first?

Barb: Yes. By all accounts, she was a very accomplished prosecutor. She worked at the Southern District of New York, which is a preeminent US attorney's office, and she handled some of the office's most sensitive and high-profile cases in particular in sex trafficking. She handled the case involving Ghislaine Maxwell, Jeffrey Epstein's co-defendant, and she was on the recent case involving Sean Combs, the Diddy trial. So she is a fine prosecutor, an experienced prosecutor, and to suddenly get an email in your inbox saying, "You're out just because the president can, because he's the executive branch." It'll be interesting to see whether she or any of the others who are getting these termination notices will challenge them. I believe there is a public affairs officer in the Washington DC office who plans to challenge hers. But I thought the part that was most important to highlight about Maurene Comey is she wrote a letter to her colleagues that she sent by email to everybody in the office talking about that she was fired. She got no reason.

And then she also noted that the ethos of this office is that "Without fear or favor, we do the right thing, the right way for the right reasons without fear of retribution or without favor of the powerful." And then she talks about like, "I've never worried about that. Of course that's what we did. There's no fear because we can act with integrity. Nobody's going to retaliate against us. We're safe, we're secure. There's no favor because we don't treat people with power or access or money any differently." But then, and I'll quote this that she said that maybe we're in a new phase now about the without fear part, and she says, she writes, "If a career prosecutor can be fired without reason, fear may seep into the decisions of those who remain. Do not let that happen. Fear is the tool of a tyrant wielded to suppress independent thought. Instead of fear, let this moment fuel the fire that already burns at the heart of this place, a fire of righteous indignation at abuses of power, of commitment to seek justice for victims and of dedication to truth above all else."

So I am sad to see her go. I'm sad to see all of these people go for no good reason, but I'm proud of her for having the wherewithal to say that to her remaining colleagues. That's a really important message.

- Jill: That's why I think she's a hero and I hope that she will do what others have done, which is to fight back and to sue for this wrongful termination. But let's discuss whether it is a wrongful termination.
- Joyce: I'll just ask Barb a quick question though. Barb, if that had happened to one of your line prosecutors when you were US attorney, if Washington had reached out and fired your line prosecutor, I mean, I'm curious about what you would've done. I know what I would've done.
- Barb: I would've picked up the phone and I would've been calling the executive director of EOUSA or the DAG, the Deputy Attorney General who's our direct report and say, "What is going on here? What are you talking about? This is crazy. This isn't how this works. There's a merit system protection, system of appeals and notice and cause." Yeah, I would not take that quietly.
- Joyce: I would've died on that hill. I would've left with my prosecutor. They can't do it. It's illegal. If she sues, she will win. She shouldn't have to sue. Everybody in the department should have seen this as an all hands on deck moment and stood up and resisted. Not the line people, but the United States attorneys, the political appointees, their failure to support the troops is unforgivable.
- Jill: And isn't it also undermining their authority and their powers as the US attorney if someone can reach in from the Department of Justice and fire one of their own assistants?
- Barb: Yes, they hire them. They are supposed to be acting with independents.
- Joyce: This is a much bigger deal than people believe it is. This is I think, the final nail in the DOJ's tomb. Trump administration, which has been across the board purporting that it can hire and fire federal employees is now reaching into the ranks of career prosecutors. It's what Barb said, this whole notion of trying to intimidate prosecutors into selecting on their own not to do certain kinds of cases. It's an outrage. It's something to pay attention to.
- Kim: Have I ever told you all how much I love mascara?
- Joyce: Only a time or two.
- Kim: I really, really do. And whether you love a simple mascara and gloss or you like to play it up with bold shapes and colors, Thrive Causemetics has a trusted favorite that's perfect for you. Thrive makes certified 100% vegan and cruelty-free products you can depend on for everything from simple daily wear to show-stopping self-expression. Plus, everything from Thrive uses clean skin-loving ingredients, high-performance and trademark formulas in uncompromising standards that you'll be proud to wear.
- Jill: I love Thrive's vegan tubing liquid lash extensions mascara. I have been using it for years and it really does work. It makes your eyelashes look longer and it never ever flakes and it washes right off with just soap and water. There's a reason it has over 40,000 five-star reviews. It's perfect for a salon look without the damaging glue or excessive prices. Better yet, you can pick from five shades that will last all day without clumping,

smudging, or flaking, and they slide off with just warm water and a washcloth. Without yanking out your natural lashes one truly amazing thing is how its nourishing ingredients support longer, stronger, and healthier lashes over time. Meanwhile, their flake-free tubing formula makes your lashes look like extensions by lengthening and defining them from root to tip. As soon as I found out about it, I started using it. It's the perfect way to make a big impression.

Joyce: We love that the word cause is in the name for a reason. Thrive not only defines luxury beauty with clean skin-loving ingredients and uncompromising standards, but they give back too. Every purchase supports organizations helping communities thrive across eight major causes, including the fight against cancer and domestic abuse, veteran and education organizations and more.

Barb: Try your new trusty favorites with an exclusive set for our listeners. New customers can get the liquid lash extensions mascara and a mini-sized brilliant eye brightener at a special set price with free shipping available at thrivecausemetics.com/sisters or save more than 20% 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 20% off your first order. The link is in our show notes.

Well, this week started with some bad news for the Department of Education when the Supreme Court issued a ruling allowing the Trump Administration to move forward with some planned downsizing. Joyce, can you get us started? Tell us what this case is about and what happened in the lower court.

Joyce: Yeah, so listeners probably recall that Trump true to the Project 2025 agenda ordered the closure of the Department of Education in March. And what followed as he began to implement that proposal very predictably was lawsuit. Trump ordered the firing of thousands of Department of Education employees and in Boston, Judge Young entered an injunction ruling that the administration's claims that those terminations were about efficiency was bumped. The judge found that the firings would cut into services so deeply that the department would be unable to perform functions that Congress had mandated it to perform and that it was tantamount to closing the Department of Education, which of course only Congress can order and it had not. So there's an injunction in place. Trump can't get away with the firings. The case gets appealed by DOJ up to the Supreme Court on the shadow docket, which we've talked about a lot, right?

Every court needs an emergency docket. The problem is when the court takes these cases off of the shadow docket, you don't get a ruling. You don't even know for sure what the vote of the justices is, but you don't get any sort of written order most of the time. So we get a 6-3 decision, possibly 6-3 announced on Monday that lifts the injunction. There's a ruling from three justices who joined the dissent. It's possible that one more justice also dissented, but we don't know that for sure. Really difficult to see these rulings come with no rationale.

Barb: So Kim, tell us what the court decided, and by the way, I thought they were done for the year, as Joyce said, how is it they're making these decisions now on this emergency docket? How's that all work?

Kim: Yeah, well, that's the point that Joyce made is that this wasn't a decision. It was a shadow docket order, and again, we've talked about the shadow docket. It's the emergency things, usually procedural issues or something that comes up in the trial level that can be quickly appealed before the whole case is over. And if necessary, they can be appealed, but if necessary, they'll go up to the Supreme Court. Supreme Court just issues an order about what's going to happen and doesn't make anything else about it. The reason why there's no briefing, no arguments is because it's just meant to apply to that case. But increasingly, like in this case, they issued an order basically reversing that temporary injunction that the district court in Massachusetts made. But because it's a shadow docket, they didn't say why. It's important to note that overturning a temporary injunction on the lower level by the Supreme Court is something that is exceedingly rare.

It is only if there has been some sort of completely arbitrary ruling that was made that cannot be supported by law. In this case, a lower court judge ruled that the state of Massachusetts and other states would suffer tremendous harm to the point that their children would not be able to be delivered the education that federal law requires of them, that they're likely to win because that's exactly what the Trump administration is doing. But that's the problem, right? This isn't just an emergency order. This is allowing Trump to continue these firings, dissemination of the education department, and by the time the case makes it up the appellate chain on the merits, it'll be too late. The department will be destroyed. So why let them do it? Why let them do it? I have an idea of why they're letting them do it.

Because remember, when the Biden administration had the audacity to forgive student loans under the Department of Education, the Supreme Court said, "Nope, nope, nope, nope, nope. You hold it right there. We're going to leave that injunction in place because you can't." So the Supreme Court thinks that it's okay to stop the forgiveness of student loans, but it's totally fine to let the whole department be destroyed. No problem.

Barb: Yeah, and the other aspect of that too is not just likelihood of success in the merits, but irreparable harm. So they say it's the Trump administration that would suffer irreparable harm if they're not allowed to go forward with these cuts and they don't care about the irreparable harm to the department or to the employees. They say, "Ah, they can come back with back pay."

Kim: Employees can-

Barb: Come on. I mean, you've gutted these people. They're going to move on to other jobs or be harmed in their personal lives.

Kim: Or the student. I mean, since the action is based on the students in the states, in this case, the students will be irreparably harmed too-

Barb: Yeah. Sure. Absolutely.

Kim: ... as schools are closed and curricula destroyed because there's no DOE.

Barb: Absolutely. Jill, we saw a strong dissent from Justice Sotomayor who seems to be becoming the real conscience of the court. What was her view?

Jill: She is definitely the conscience of the court, and she was very restrained, I would say, in this opinion as compared to some of her other opinions. But she is leaving no doubt about how wrong what they did is, I'll just read her concluding line before I describe a little bit more about what she said, but she said, "The president must take care that the laws are faithfully executed, not set out to dismantle them. That basic rule undergirds our Constitution's separation of powers. Yet today, the majority rewards clear defiance of the core principle with emergency release. Because I cannot condone such abuse of our equitable authority, I respectfully dissent." And she did say respectfully in this particular one, although some have dropped it in other dissents, but she really goes through and it's worth everyone reading it. We can put a link to this dissent, well, to the order, which is like a paragraph and to her 19-page dissent in our show notes so that everyone can read it.

But she goes through particularly the facts and the harm. She talks about the fact that this is not brought on behalf of the individuals who were fired who have to go through the Merit System Protection Board, as you mentioned, Barb, but that it is because so many programs that have been set up by Congress that Congress has created a department and given its certain responsibilities and said that they cannot be abolished by anyone except by Congress because Congress created it and you can't transfer the responsibilities somewhere else without 90 days notice and a statement of why you're doing this. That has to be given to Congress in advance.

So both in terms of the procedures for those parts that could be consolidated, they didn't follow the rules, but for most of the things they're abolishing, they can't do it no matter what unless Congress acts first. And her opinion goes through all of the various details of what would be taken away from the students, from the states and the irreparable harm that they will suffer and makes light of what is clearly a false claim that the government will be harmed. So I think that she satisfies all of the standing and procedural issues as well as the constitutional issue of separation of powers and shows how much will be missing from our society if the Department of Education can be abolished by fiat of the executive without Congress.

Kim: Beauty regimens are about more than just applying products, cleansing or removing makeup. Now, there's a new way to do things. OSEA's best-selling Undaria Algae Body Oil is rich, yet never greasy, and it's clinically tested to instantly improve skin elasticity. Plus, I really love how it smells. I think of it as the scent of summer in a bottle. As soon as I put it on, the iconic signature scent of natural citrus scents featuring uplifted notes of mango, mandarin, grapefruit, lime, and cypress that take you to a tropical paradise all of your own or it makes you hungry. I mean, it could do either.

Jill: I'm for going to a tropical island with you, Kim, so let's plan on that.

Kim: Oh, let's do it, Jill.

Jill: Yes, but in addition, the Undaria Algae Body Oil is OSEA's number one best-selling product for a reason. I could barely believe it when I found out that one is sold every 30 seconds. That means during this ad there are many sold, but it makes sense because it's so rich, yet never greasy and is clinically proven to instantly improve skin elasticity and in how it visibly firms your skin and makes it feel more sculpted and toned as soon as you apply. It feels amazing, and after you put it on, you'll love how it leaves your skin feeling silky soft and unbelievably glowing.

Joyce: I can always tell when my sisters have it on because they positively pop on the show recording as soon as I see them on camera. It's great stuff. And the best part is that you never notice a sheen thanks to the non-greasy goodness in all the OSEA products we've tried so far.

Barb: Joyce, you are just full of non-greasy goodness today. I want to compliment you on that.

Joyce: Non-greasy goodness, but I mean seriously, Barb, let's talk for real. OSEA is one of the few things that doesn't make me look all shiny, and I really appreciate that.

Barb: Well, I do know that OSEA can make you shine just like my sisters, so don't wait. Get healthy glowing skin for summer with clean, vegan face and body care from OSEA. They have a great deal. Get 10% off your first order site-wide with code SISTERS10 at oseamalibu.com. Plus you'll get free samples with every order and free shipping on orders over \$60. Just head to oseamalibu.com and use code SISTERS10 for 10% off. The link is in our show notes.

Joyce: Well, the legacy of child rapist Jeffrey Epstein has a very long tail. Some people are starting to suggest it could be long enough to do the impossible, take down Donald Trump. I'm not quite ready to go that far yet, just like Charlie Brown trying to kick the football when Lucy snatches it out of the way at the very last minute, Trump seems to have remarkably good luck, but maybe. So we'll trace the details from this week's strange occurrences involving Epstein, long dead, and hopefully arm you with the analysis and information you need to stay on top of what comes next. Late last night, Trump posted that he wanted Pam Bondi to go to court to get permission to release all grand jury transcripts subject to court approval. Barb, how did the Attorney General respond?

Barb: Well, this is really interesting, I think. So Trump posts online. In our performative presidential administration, the president doesn't just direct the Attorney General to do things. She's not independent from him. He does it on Twitter and she responds on Twitter like, "Yes, boss." She says, "President Trump, we're ready to move the court tomorrow to unseal the grand jury transcripts." I just want to point out to our listeners what a misleading trick this whole thing is. So first he says, grand jury transcripts. Let me say this. In a file like the Epstein file, the grand jury transcripts are likely to be a very tiny fraction of the entire file. And so I think most people would read that and think, "Oh, we're going to get all the really good secret stuff." Now, this is going to be just those people who went into the grand jury to testify.

Many other people would've been interviewed. In interview reports, there would be financial records, phone records, flight records and other kinds of things. So all we're talking about is this small percentage. The other thing is, grand jury proceedings are subject to a rule under the rules of criminal procedure called 6(e) that makes grand jury proceedings secret. There are only a few recognized exceptions, and they're all in the interest of law enforcement to share with other law enforcement agencies, to share with the intelligence community, to share with the defendant in a criminal case. There is no general rule about releasing it to the public. So go ahead, Pam Bondi, file it with the judge and the judge is going to deny it as you well know. And then she's going to say, "Look, I tried, everybody, but it's that mean old judge who refused to release it." They know well and good that's going to happen. This is a lie to the American people.

Joyce: Yeah, I think that's absolutely right. I wrote a piece in my newsletter, Civil Discourse last night that was sort of a hot take, but I can read 6(e). There's no basis for releasing the grand jury transcripts, especially with Ghislaine Maxwell's appeal still ongoing, and it looks like a very deliberate, a very cynical ploy by Trump and Pam Bondi's willingness to participate is just really appalling. I mean, I'll put that link in, but Barb, I have a secondary question which involves sort of the answer that you've given, whether or not you think that she'll succeed, but let me put a little wee gloss on it.

Dick Durbin, Friday afternoon, wrote a letter to Bondi saying that he was aware that about 1000 FBI personnel had been detailed to review all of the records in the Epstein case, about a hundred thousand Epstein related records, and that they ran them on 24 hour shifts. In other words, they know every time Donald Trump's name is mentioned, any place in the Epstein files. And so they're making this very selective recommendation about what to release. A judge may not order these records released. Do you think a judge might order something else released?

Barb: Well, you've got all of these agents, I suppose, their notes, their records, their interviews. There are parts of this file that are not grand jury material. So there is a possibility that we could see the portion of the case that is not subject to the same 6(e) rules that grand jury material might be.

Joyce: If Durbin's letter holds up, if were I a reporter, Kim, I might send a FOIA request in for every time agent's notes reflect Donald Trump's name is mentioned in the Epstein files. That would be a pretty neat trick. But Kim, we've talked about it a little bit. What do you think the point of this maneuver by the administration is if success seems to be foreclosed?

Kim: I mean, sadly, the only possible motive would be in order to try to quell a uprising from within his base and that this is 100% political. And that is a real shame because... I want to be careful how I speak here because I feel very uneasy talking about in a case like this, which is based on a conspiracy theory on top of another conspiracy theory, and it seems to some, it might seem silly or whatever, but I remember here in Washington DC when conspiracy theories like that caused a local neighborhood pizzeria to be shot up by somebody who thought he was saving traffic babies from Hillary Clinton.

I mean, when you get these things going and you keep stirring up and stirring up the issue, I fear that only bad things can happen. So I approach this case and this issue with care, but what's really galling to me for those who honestly want to see justice served and who want, if there were powerful people cavorting with Epstein and involved in the trafficking of young girls and children, want to see them brought to justice, all right, but it's been six years since that man's been dead, right?

Where was this outcry before? Where was this outcry when people were telling their own stories, like Virginia Giuffre, who told her story bravely, and even after winning a settlement from Prince Andrew who's still walking around free, went on to take her own life. Let's talk about the people who are actual victims. Donald Trump is not a victim here. No matter what you think, no matter what that file says, Donald Trump is a victim of nothing. Think about who the real victims are, and I hope somehow they find true justice one day.

Joyce: Thank you for saying that, Kim. I think that's the most important issue in all of this that gets overlooked. It's like a conspiracy built upon another conspiracy theory built yet upon another one. That's sort of the definition of the Trump administration, right? It's utterly appalling. And there was this other late breaking development Thursday evening, which is sort of interesting involving The Wall Street Journal. Can you talk about what they're reporting?

Kim: Yeah. So there is a report that in 2003, Ghislaine Maxwell asked some friends of Jeffrey Epstein to submit little notes to him for his birthday where she would bind these notes and present them to him, and allegedly won a purports to be from Donald Trump, which is a handwritten image of a naked woman, his name as the pubic hair, and with some notes about special secret times that we've had to Epstein. I mean, super, super gross. As an aside, at first I thought, would Donald Trump draw a picture? And then the second question I had, was it a Sharpie? And according to the description, it's a thick black marker, so it's a Sharpie as I thought. Who knows? But according to The Wall Street Journal, that's what happened.

Joyce: Jill, Trump threatened to sue The Wall Street Journal and Rupert Murdoch if they ran this story and they ran it anyways. What do you make of that?

Jill: I would say that they have had handwriting analysis and that they are pretty darn sure that he wrote that letter, that they could have expected he would say he would sue because he says that all the time. Although whether he will or not is another question and whether it would be good or bad for him, because of course the actual letter would have to be released and shown to the public as part of the court record if he sues. So I think they're very sure that they have done the research and that they have confirmation that this is a absolutely positively provable letter from Donald Trump and that it's important for people to know what kind of person he was at the time.

Joyce: Yeah, I mean, of all people, they understand the standard for defamation and realize that they have to be able to prove that they didn't run with something knowingly false. I mean, this sort of reminds me of an E. Jean Carroll moment where Trump is asked in his deposition to identify a photograph and it's E. Jean and he identifies it as his second wife, Marla Maples, after having said that E. Jean is not his type. I mean, that was a real self-own. And I wonder what you think, Jill. Was it a bad strategic move for Trump to box himself in so early to the position that the letter is a fake? Because like you say, the journal's not going to run this story unless they have proof. I wonder if they might not have testimony. All sorts of interesting things can happen. Ghislaine Maxwell is in prison, but she's not unavailable as a witness. What do you think? Did Trump screw up?

Jill: I think he often does, but I think from a PR perspective, it's often hard to change the first impression. And so as he always does, he says, "Fake news. Big fake. This isn't me. I didn't do this." And that's what his base hears and they believe, and it will be very hard, despite if there should be a lawsuit and this letter come out and testimony showing that it is definitely his, that they have the envelope it arrived in or whatever will prove that it is actually him and his Sharpie. I think he's doing it for the publicity, the PR value of saying it's fake and that it isn't a well-thought-out defense to a lawsuit or in support of a lawsuit.

News is going around that most of us are ingesting over a credit card's worth of plastic every week from plastic residue permeating our homes. It gets on our dishes, in our food,

and worst of all, in our bodies. Most of us don't know we're cleaning with plastic every day. That's why we've made the switch to Blueland across all the cleaning products around our houses. Their products meet the highest standards of cleanliness. They're effective, yet gentle on our families and the planet.

Barb: It's disgusting, Jill, that I'm ingesting all of that sort of plastic. Well, thank goodness for Blueland, which was previously named an EPA Safer Choice partner of the year for a reason. From cleaning sprays and toilet bowl cleaner to dishwasher and laundry detergent tablets, Blueland's formulas are 100% microplastic free made with certified clean ingredients free from chlorine, bleach, and harsh chemicals which are safe to use around the family and the house. I love not having to choose between the safe option and what actually gets my house clean. And I know you will too.

Joyce: Blueland products are independently tested to perform alongside major brands and are trusted in over 1 million homes, including ours. The fragrances add such a pleasant vibe to your home, and I can't begin to tell you how many times the subscription has saved me from running out of cleaning products. It feels great knowing that I'm incorporating sustainable practices into essential everyday activities. And we know you all will love it too.

Kim: And right now, Blueland has a special offer for listeners. Right now, get 15% off your first order by going to blueland.com/sisters. You won't want to miss this blueland.com/sisters for 15% off. That's blueland.com/sisters to get 15% off. And the link, as always, is in our show notes.

We are now at our favorite part of the show, which is listener questions. If you have a question for us, please email us at sistersinlaw@politicon.com or use #SistersInLaw on your social media. We keep an eye out on our feeds. Sometimes we answer right then and there, and other times we will read them on the show like I'm about to do right now. The first question comes from Maggie who asks, "Why are federal agents able to wear masks?" Barb, what do you think?

Barb: Oh, that's such a good question and one that I've been wondering too. And the short answer is because there's no law that says they can't. Ordinarily, we require law enforcement agents to identify themselves by a uniform, an insignia, a nameplate, so a badge number so that people know what agency they were dealing with and what individual within that agency they were dealing with in case they need to file a complaint or a lawsuit or other kinds of things. And so the masking really changes that dynamic. I think there's a couple problems with the masking. One is, it does not allow a person to identify by face if somebody in a group of agents should rough them up. It also means that when people see someone approaching them in plain clothes and a mask and they think I'm being kidnapped, that's a very reasonable reaction. They may run. They may fight back. It is very risky to do that.

And so I would not mind seeing some law that says agents may not wear masks when conducting ordinary law enforcement or crowd control or other kinds of things, because I think it provides anonymity for them to engage in all kinds of misconduct. And it also creates this impression of a secret police force that can operate without accountability. Now they say they're being doxed, they're being harassed, they're being threatened. I think that's the cost of doing business. And the harms on the other side are so great that I

think that we just have to address that. And so I would suggest perhaps with some exceptions for certain kinds of situations like undercover or other things, there should be a rule about no masking for law enforcement and of course, exceptions, perhaps for public health reasons as well.

Kim: All right, our next question comes from W in California. Is that W? It says, "We live in California. Our representatives always vote the right way. So what can we do to help preserve our democracy? What specific action can we take to help elsewhere or nationally?" Joyce, what do you think about that?

Joyce: I think the 2026 election will be make or break. It'll be important for everyone to turn out. And I think it's savvy for people in secure blue states to think about what they can do to help elsewhere. So obviously, you can donate to the people that are doing the work. There are numerous organizations. One of the most important challenges will be making sure that people have the ID that they need to register to vote because the Trump administration is determined to force people to prove citizenship before they can register or re-register to vote. So look, as Mr. Rogers would say for the helpers, donate to them, volunteer to work with them, and make sure that you focus on other states where you have friends and families. Just a simple conversation now to remind someone to get a passport if they're financially able to, or some other form of identification that proves they're an American citizen, that could be ball game come 2026.

Kim: And our last question today comes from Blue Sky, from user CommonSenseMatters, who asks, "Over 100 women took a 'buyout' from the Epstein Estate. If they have information about criminal activity, is that non-disclosure agreement null and void?" What do you think, Jill?

Jill: Well, I think that's a great question. Thank you, CommonSense, because common sense does matter. In a case where they are called into a court and under oath, then they have to answer the questions. They cannot use a non-disclosure agreement as an excuse for evading answering. So I think it would be something that people could be called to testify to. The problem is, of course, there is no pending case. There is no possibility of criminal prosecution anymore because the statute of limitations has run. And so there's nothing more that would call this into question. So I think these women who signed the agreements will be able to live by them.

Kim: And it is worth noting that some of them who signed the agreement had already testified and who had already spoken about what they were. So it depends on the... It was already a part of the first prosecution. So that is on the record. Well, thank you for listening to #SistersInLaw with Jill Wine-Banks, Joyce Vance, Barb McQuade, and me, Kim Atkins Stohr. Don't forget to follow #SistersInLaw wherever you get your podcasts, and to give us a five-star review to help us keep growing. And please show some love for this week's sponsors, Flamingo, Thrive Causemetics, OSEA, and Blueland. The links are in the show notes. Please support them because they allow us to do what we do. See you next week with another episode. #SistersInLaw.

I told Greg, "Please don't ever cheat on me, but if you do, please, please don't do it at a Coldplay concert." I mean, the humiliation, Jill, I'm just like, it's all my friends and I were talking about yesterday.

This transcript was exported on Jul 19, 2025 - view latest version [here](#).

Jill: Oh, that was brilliant.

Barb: All right. Focus. Focus, sisters. Focus.