

Jill: Welcome back to #SistersInLaw with Kimberly Atkins Stohr, Barb McQuade, and me, Jill Wine-Banks. Joyce is away this week, but she'll be back with us next week and we will miss her this week. Right now, you can get the resistance mini tote and T-shirt. They sell fast. We do restock them as fast as we can, but if you order right now, you can get one. Go to politicon.com/merch to get yours now. We have a really big show for you today. We have so many Trump losses that it's hard to count, but we're going to fill you in. We have a Texas bounty hunting law that is going into effect and will affect abortion medication throughout the country, possibly. We'll tell you all about that.

And the DOJ is ramping up its efforts to give Trump control of the independent Federal Reserve Bank. But before we start on these heavy topics, I want to ask both of you what your favorite advice is in your city. It's fall, it's beautiful. I mean, do you love going to places where you can see the fall foliage or what are the favorite things you would recommend to someone who's visiting your hometown?

Barb: Do I get to try it, Kim?

Jill: Oh.

Kim: Yes, you can take the turn.

Barb: We always have the battle for which of us is the true Detroiter.

Jill: We do.

Barb: So, I have a couple of suggestions for anybody coming to Southeastern Michigan, there are some wonderful things to see. If you go to Detroit, the best thing in Detroit, it's a little bit of a hidden gem, but it's so great. It is the Motown Museum. It's so good. And we are fortunate enough to be at a moment in history when most of the docents are still adults, older adults who grew up in the neighborhood and knew all these people like, "Oh yeah, Diana Ross was my next door neighbor, or Stevie Wonder lived down the street from me." And they've got amazing stories. It was an old house and there's all kinds of great stuff about how they'd go into the bathroom to record to get the right echoey sound and stuff phenomenal.

So, highly recommend that. If you love sports as I do, come on down to Ann Arbor and see the big house, largest football stadium in America, and it is really a spectacle and a place to see. Come for the football, stay for the fun. Even if you don't like football, you'll love the experience. And finally, Michigan is so great in the fall with all of the beaches of the Great Lakes and the fall foliage. Lake Michigan is like seeing the Pacific Ocean. The sun sets over the horizon in an incredibly beautiful way, and at this time of year, it's still, but the crowds have gone home and it's absolutely fabulous. So, those are my top recommendations for Michigan.

Kim: Well, since Barb took Detroit, and I agree with her recommendations by the way, but definitely make reservations at the Motown Museum, because it sells out fast because it is so awesome. But since she took Detroit, I will talk about DC. One thing that visitors to DC will be able to see right now in their unnatural habitat on many street corners are groups of national guardsmen. If you have never seen a national Guardsman before, come

to DC. You can find them all over downtown and then you can see those. But no, seriously the number one, obviously DC has monuments and it's absolutely gorgeous in both spring and fall, really year round.

My number one recommendation and what I do when friends and family visit is to, if you're going to take a monument sightseeing tour, do the one at night. Because when the monuments are lit up and you see them, it is absolutely stunning. It gives it a whole different perspective on the capitol, and it's really, really beautiful, beautiful and daylight too. But that night tour is just something really, really special. I highly recommend it.

Barb: Mm-hmm.

Jill: So, of course I will talk about Chicago, but I want to say we do share Lake Michigan with Detroit.

Barb: Hey.

Jill: And so, our beaches are fantastic and they are really in the city, as well as along the whole shoreline of the suburbs. So, you can come to see our museums, which are fantastic, and go to the beach at the same time. And we have great restaurants on the beaches as well that are really lovely. We also share a lot with Washington in terms of fall foliage. And I want to add on Washington, add the Women's Veterans Museum at Arlington to your sites because it has a glass ceiling pierced by two staircases, and it's really a good thing to see there. But I have to say my favorite thing in Chicago is the Chicago Architecture Foundation tours.

They have a boat cruise that gives you a really unique perspective from the Chicago River and the history of how it got reversed to avoid polluting Lake Michigan, so that Lake Michigan could stay free and clear and wonderful. You can kayak on the river now. You can actually swim in the river now, but you can see the architecture from that perspective. They also do walking tours that are fabulous. So, come to Chicago and stay for the hot dogs, but also do our architecture.

I am very excited that it's fall and it's planting season. It's great in Chicago to do planting now. And did you know that many plants and trees actually do better when planted this time of year? But you have to know where to start, and that's why we love [FastGrowingTrees.com](#). It doesn't matter if you live in the sunny south or in the air where it's getting chilly like here. Their plant experts can help you find the perfect fit for your space and your climate. They have all the plants your yard needs, whether it's fruit trees, privacy trees, flowering trees, shrubs, and so much more. Plus, all their plants and trees are locally grown in the US, ensuring that they will thrive in your yard.

For me, I have a very shady yard. And so, I went with hosta and green velvet boxwood, which lasts really a long time. The boxwood is all year. It stays green and looks beautiful even with the snow on it. But whatever plants you're interested in, Fast Growing Trees has you covered. Find the perfect fit for your climate and space. Fast Growing Trees makes it easy to get your dream yard order online and get your plants delivered directly to your door in just a few days or whenever it's appropriate to plant them, because they take that into consideration. You never have to leave home to have the perfect yard.

Kim: Their alive and thrive guarantee ensures your plants arrive happy and healthy, and I have called them on that guarantee. When one of my boxwoods arrived and just did not grow and was not doing great, they instantly shipped another. And now that was, was it last year? Maybe early last year, and they were small. Now, they are huge. They look beautiful. They're great. We actually need to prune them back because they're so happy in their spot. Plus, you can get support from trained plant experts on call to help you plan your landscape, choose the right plants, and learn how to care for them. Fast Growing Trees offers over 6,000 plants to provide the perfect choice for you.

Just follow their 14-point quality checklist and Fast Growing Trees will help you care for each plant individually. Everything from watering routines to maintaining the correct sunlight exposure becomes really easy. That means you'll be giving your plants the care they deserve the moment they ship to your home. We're excited to learn. You can grow a vanilla bean plant indoors, but with so many different plants, the choice is yours.

Barb: Yeah, even with my brown thumb, I have not managed to kill my lilac bushes that I received as spring. They're great. They are growing and thriving in my yard. And part of it is because you can talk to a plant expert about your soil type, the landscape design, how to take care of your plants and everything else you need. No green thumb required. So, don't wait. This fall, they have the best deals for your yard with up to half off on select plants and other deals. And listeners to our show, get 15% off their first purchase when using code Sisters at checkout. That's 15% off at Fastgrowingtrees.com using the code Sisters at checkout. Now is the perfect time to plant use sisters to save today.

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Jill: Hey Barb, you said that you can talk to a plant expert, but you can also talk to your plants. I know you have a green thumb, but you have a gifted mouth, so talk to them. There is evidence it'll survive even better.

Barb: Do your plants answer back, Jill?

Jill: They grow better and they look prettier. So, yes, they're answering me. They are responding.

Barb: I'll give it a try.

Jill: Just listing Trump's losses in court this week will take a lot of time, but it's important to cover what he's doing and what courts are doing to protect us from an authoritarian takeover of the entire government. There are seven noteworthy losses just this week and only one win. That's Alligator Alcatraz. But I want to talk about the losses and whether Trump is tired of losing and falsely blaming it on left-wing judges. Let's start with important loss number one, the decision by my friend and Watergate colleague, Judge Charles Breyer, who held the Trump's deployment of the military to Los Angeles was unlawful, which I hope will stop him from invading my hometown next week, so that I don't have to talk about like Kim just did talk about what the guard looks like all over downtown Chicago.

Barb, what did Judge Breyer say? And will it stop an invasion of my hometown?

Barb: Wait a minute. First, you're friends with Judge Breyer. How do you know Charles Breyer?

Jill: He was a Watergate colleague. He was on one of the teams in Watergate, and we have stayed friends for all these years. I can also tell you he cooks a mean rack of lamb.

Barb: I love it. I can just picture him now with a lamb on the spit as he's typing out this scathing opinion. Well, that's a...

Kim: Wait, is little brother Stephen invited to these Shin dates?

Jill: Gosh, big brother.

Kim: Oh, sorry, big brother.

Jill: Sorry, big brother. He was also a Watergate colleague.

Barb: Both of the Breyer boys.

Jill: Yes.

Kim: I've been covering the Supreme Court since 2006, but I did not meet Justice Breyer until I went to an event, a Watergate related event here in DC. And at the reception, I just walk over and Justice Breyer turns his phone to me and says, "These are my grandchildren."

Jill: Oh my gosh, how wonderful is that?

Kim: It was great. Anyway, not to digress.

Barb: Yeah, well that's great to know. Another great Jill story I didn't know before. She and Chuck, both Breyer brothers rolling up their sleeves and going after it. I love it. That's awesome.

Kim: Steve and Chuck.

Barb: Steve and Chuck and Jill. Jill, you referred to all of these court decisions this week as losses for Trump. I prefer to see them as wins for the rule of law.

Jill: Oh, I like your attitude, Barb. Yes.

Barb: They are absolute victories. I mean, this one by Judge Breyer is terrific. This is the case where the state of California sued the Trump administration for sending National Guard troops into LA regarding the unrest that was incited by the aggressive immigration enforcement that the Trump administration was performing there. So, you may remember the history of this. There was a temporary restraining order entered by Judge Breyer. It was overturned by the appeals court, but now this was the trial. They actually had a full-

fledged hearing with findings of fact about this case. And what Judge Breyer found was that there was no emergency triggered by any rebellion that authorized these troops.

And that's a real through line here is Trump claiming that there's an emergency, finding an emergency and then using that to authorize extraordinary action. And so, what Judge Breyer said is in the absence of a true rebellion, then we're left with ordinary law, including the Posse Comitatus Act, which prohibits the military from engaging in ordinary law enforcement activity. And he made factual findings that that's exactly what they did by setting up perimeters in certain parts of the city, by engaging in crowd control and by blocking traffic that he said are ordinary law enforcement activities. Now, will this withstand, of course, this will also go to the Ninth Circuit Court of Appeals and probably eventually to the US Supreme Court.

And you wondered what impact this might have on your dear city of Chicago, Jill? I don't know. But I do think that one thing is really important here is that Judge Breyer made these factual findings. Because even though appellate courts will substitute their own legal judgment for the legal judgment of a lower court judge, they're very deferential to findings of fact. And because this judge did hold an evidentiary hearing and he made factual findings that these troops engaged in law enforcement activities, even detaining some individual defendants or individual subjects, I think that part will withstand scrutiny.

And so, it'll be interesting to see whether the Supreme Court ultimately is deferential to President Trump on his finding that this amounted to a rebellion under the law.

Jill: Yeah, I was impressed by the clarity and detail of his findings. And I'm wondering, Barb, do you think that the case just filed by DC because of what they are now calling illegal occupation by the guard?

Barb: Because that's what it is.

Jill: Do you think that this decision will impact the likelihood that there will be another win for us and loss for Donald Trump in that DC case?

Barb: Yeah. I don't know. I like your chances in Chicago better because DC is a slightly unique animal. As the seat of federal government, the constitution gives Congress the power to make decisions about a number of things. They've delegated to local authority under the Home Rule Act, a number of decisions like having a mayor and a city council and some other things. But they have also delegated to the president the ability to declare an emergency and federalize the local police. But the fact that this emergency is ordinary law enforcement activity, just the crime rate is too high, that doesn't really seem like the kind of emergency for which that law was designed. And so, I think so.

Of course, the decision of Judge Breyer in California won't be binding on a court in DC. But I do think it reveals that Trump is being very aggressive with this use of emergency authority. And I think he could run into trouble in DC as well in. I'm more optimistic, Jill, about Chicago because we don't have even the unrest they experienced in LA. I mean, there was at least the pretext you could make in LA that all of this rock throwing and other things against federal officers amounted to rebellion. Chicago is just ordinary

crime. Now, I'm not defending it. Ordinary crime is a bad thing. But if the Trump administration really wanted to help solve violent crime in American cities, there are a number of things it could do.

It could add the number of resources, it could add police departments, IT or police officers. It could fund some of the prevention strategies that have been so successful in reducing violent crime in cities like Chicago for the past several years. But in fact, they cut all of those grants back in April. So, it seems to me it's more about a show of force. But I do like Chicago's chances better today than I did before this Breyer decision.

Jill: Me too. And I agree with what you said about we need violence interruption programs that have been defunded. We need gun control because that's what's causing the crime. And the guns aren't coming from Illinois where we have strict laws. They're coming from the red states around us that don't have those laws.

Barb: Mm-hmm.

Kim: And one thing I will say in terms of DC is Congress, which does have more power over DC than it should. I would love statehood. Thank you very much. But they are withholding over a billion dollars, 1.1 billion with a B dollars in city funding. They have tied it up. It's already been allocated for things like wait for it, public safety, and we don't have that. But instead, they sent in a National Guard. So, it's a mess and really there's no precedent for this.

Jill: So, Kim, close to your second home, Boston, a judge handed a big loss to Trump and a big win for those who will stand up to his authoritarian tactics and ruled that the Trump administration cannot withhold funding from Harvard. Tell us what the opinion says and what it means for Harvard and others that are threatened for being withheld funds from universities and medical research.

Kim: Yeah, it's a big, big win for Harvard and for academic freedom, frankly, because as you said, a judge in Boston ruled that the administration's efforts to, well, not efforts, actually slashing over \$2 billion in funding early this year was unconstitutional. And I recall that the administration said that they were taking these actions because Harvard has failed to address anti-semitism on campus. And also, they claim that Harvard discriminates against men and white people. That really is the argument. I'm not kidding.

Barb: You can't even say that with a straight face, can you?

Kim: And also Asian students.

Jill: Embarrassing.

Barb: Yep, it is.

Kim: Yeah, and so Asian students, and that was the justification for this loss in funding. But the judge said, "Look, even if that were true, and even if you believe that Harvard needs to do more about anti-semitism, which I personally do think Harvard needs to do more about that, that has nothing to do with funding these other... That's not how you address

it. The proper process was not followed for that, and the government did not justify it in that way." So, that was a loss for Harvard. At the same time, I know the government was pressuring Harvard to come to some sort of settlement and pay something like \$500 million still.

One good thing that this ruling does is, I mean if Harvard goes back to any settlement table after this, they're crazy. They should say no. And every other university, except those who have capitulated, Columbia should go back, should also stand firm and say, "Nope, you can't do this." This isn't how the law works. This isn't your power. This isn't the right way to do it. Note that there are a bunch of other ways that Harvard and other universities are being attacked. The government is filing EEOC claims about the hiring and doing all this other stuff. It's attacking international student visas, which so far lower courts have held off and allowed these students to come and start the school year at Harvard.

So, it's multiple areas of attack, but so far, Harvard's still standing. The school year is going on, and hopefully they'll get that funding soon.

Jill: So, Barb, here's another one, a biggie, and that's tariffs where we had a federal circuit court hold that at least some of the tariffs imposed by Donald Trump were not legal. They exceeded his statutory authority under the International Economic Emergency Powers Act. Tell us what that means. What are the consequences? And are people going to get refunds, particularly companies that have already paid tariffs?

Barb: Oh, Jill, I love your optimism. Are we going to get refunds? That's adorable. That seems unlikely to me. But there was, again, another win. The Federal Circuit Court of Appeals, this is a court that is a little bit obscure. It handles certain kinds of matters and among them are these matters like this tariff case. I think they also handle patent and trademark cases. Am I right?

Jill: Yep.

Barb: So, it's an interesting circuit, but they upheld affirmed a decision by a lower court, Court of International Trade that had said that the tariffs were illegal. There are two things. One is Congress has the power to impose taxes under the constitution, and tariffs are a form of tax. So, the President has to have some authority delegated to him by Congress to be able to impose tariffs. And there are some statutes that allow some limited tariffs, 15% for certain kinds of things under emergency circumstances and other kinds of things. But what Donald Trump did under IEEPA, that's the statute that Jill mentioned, International Economic Emergency Powers Act IEEPA.

There are a number of things a president can do, like impose sanctions and freeze the assets of terrorists or drug cartels or Russian oligarchs who interfere with the presidential election, but there's not a word about it in tariffs. So, how about it textualists? How can he possibly be using IEEPA to impose these tariffs? And this court said you can't. And so, other than that limited exception I mentioned under other authorities, the court said, IEEPA does not permit you to impose these tariffs, so you have to stop now. They did give him a pause so that he could continue to pursue an appeal to the Supreme Court. They'll stay in place until October, and in the meantime, they can continue.

But it appears that these tariffs are going to be terminated as well. They should be. It's really an abuse and excess of the powers that he has under IEEPA.

Jill: Barb, I hardly ever disagree with you, but I do think there is a possibility that this will be upheld at the highest levels and that there will at least be a tax credit awarded to companies that have paid large amounts of tariffs so that it will in fact be a refund or be treated as a prepayment. Let's see what happens. In the meantime, in the meantime, Kim, we have a couple of immigration cases that have had some wonderful results. One was in the Ninth Circuit, which affirmed a district court that had said that Secretary Noem's effort to terminate the temporary protected status for more than 600,000 Venezuelan migrants was not legal. So, talk about what all this means and whether this is going to have further consequences.

Kim: Yeah. So, this involved the temporary protected status of 600,000 migrants who are from Venezuela, and they had been covered under two separate orders, one in 2021 and another in 2023, which prohibited them from being removed. Of course, these people are here fleeing from a really horrific situations in many circumstances here. Well, a Ninth Circuit panel affirmed a district court injunction that blocked, as you said, Secretary Noem's effort to terminate that protected status. Remember the Administrative Procedures Act? That's an oldie, but goodie here that shows up a lot. The court essentially said that Noem lacked the authority to go in and undo these orders when as in this case, Congress has spoken and they have said otherwise.

Now, yes, the executive branch, we've talked about how the executive branch has pretty broad powers over the subject of immigration, but their power still emanate from Congress. So, while on one hand, Congress has delegated a great deal of that authority to the President and the executive branch, they didn't give everything away. And this court said, in this case, this goes against the intent what Congress wants you to do in these cases. And you can't do that. You can't get away from the constitution. So, the downside of this is the fact that the Supreme Court had already issued an order, which basically allowed the Trump administration to continue removing those Venezuelans who were covered under one of those orders, the 2023 one.

Well, now this of course, the Trump administration went and is now contesting the 2021 one. And if you have the same outcome and the Supreme Court does the same thing, allows this to continue temporarily while this case is still being litigated in the courts, it could really be, what's the word I'm looking for, a victory that really doesn't mean...

Jill: It's a difference without distinction between losing and winning.

Kim: A pyrrhic victory is what I was trying to say.

Jill: Pyrrhic, pyrrhic.

Kim: Pyrrhic. Isn't there H in it?

Jill: Yeah, but it's silent.

Kim: There isn't?

Jill: Yes.

Kim: Oh, the H is silent. Thank you for that, professors. But this is actually a really serious subject, and it speaks to the point that you made about these emergency orders being issued by the White House or very swift orders, the fact that the lower courts are actually trying to work through them. And when they do, they often rule that the Trump administration doesn't have the power that they assert they have. But the Supreme Court keeps popping in and just sticking ahead in and saying, "Yeah, that might be true, but just let them do it until the case is finally decided however long that might take. So, that's part of the problem with even some of the wins. They really don't amount to much.

Jill: Yeah, it's really an interesting thing how these are emergency relief that is like, yeah, go ahead and do it. We'll let you go ahead while it's pending. And it also speaks to, of course, the shadow docket, which is how these all got here. And it also, I would say, predicts that the October 25 term is going to be a heavily Trump emergency order kind of thing, where the cases are going to be heavily focused on whether all the things that are going on now are legal or not.

Kim: Jill, do you know where you might've seen that? Where in my newsletter this week, the Gavel?

Jill: I know. Of course, I read it there and it's really a good analysis and very well-written. I think I wrote to you to say that.

Kim: Thank you.

Jill: Yeah.

Barb: Everybody needs to read the Gavel, which is Kim's weekly newsletter. That is a great summary of what's happening in the courts and always links to her column. It's a must read in my inbox.

Jill: We should put it in our show notes so that people can subscribe to get it, right?

Barb: Yep, yep.

Jill: Okay, let's do that.

Kim: Thank you. I'll Venmo you both later.

Jill: No emoluments necessary. And they wouldn't be illegal under this administration. Anyway, anyhow, Barb, let's talk about another immigration case, which I consider to have been one of those unbelievable, you can't make this up tragedies. It was the Sunday of Labor Day weekend and resulted in another loss for Trump, a win for democracy. He tried to have unaccompanied Venezuelan children spirited out of America in the middle of the night. And a judge got a phone call at what, 2 in the morning and said, "Oh, no, no, you can't do that." So, Barb, talk about what all this means and how this ended up. What's the result?

Barb: Yeah. So, again, I want to call this case a victory. This is a case involving children who were between the ages of 10 and 16 years old. And the judge in the case says she got a phone call at 2 A.M. By the way, I have to set aside a moment to acknowledge the name of this judge. It might be my all time favorite judicial name. She's a judge in the District of Columbia, and her name is Sparkle Sooknanan. I don't know if I'm pronouncing it correctly, but it's a great name. That might be my new fake name. I like to pretend when I have a fake name. For a long time, it was Kate Kennedy because I knew an FBI agent by that name that I thought was awesome, but Sparkle Sooknanan might be my new one.

But she gets a call at 2 A.M. She happens to be the judge who's on call for after hours things. And they say to her, "We're seeking a temporary restraining order because the Trump administration is putting children on a plane right now to fly them out of the country." And so, she gets on the phone, she issues an order that says you can't remove anybody now. And perhaps learning from that case that happened back in March with Judge Boasberg and the men from Venezuela, she writes it down, no mistaking whether this is an oral order, "And any planes in the air have to turn around and get them back here right now." And they do.

She sets a hearing for the next day at 3 P.M., but then she gets word that another plane's getting ready to take off. So, she moves it up to 12:30 and she has a hearing and says, what is going on here? The Trump administration says that these children are being sent home to their parents, so that they can be returned to their loving families. Advocates for the children say the reason they're here is because if they return home, they will face persecution, torture, or child abuse. And so, what the judge ultimately concludes is, I don't know what the right answer is at the end of the day, but I do know that they get a hearing before they go, like all other immigrants. You don't lose the right to a hearing just because you're underage.

And so, they will get their due process hearing, so that a decision can be made whether they can have asylum in this country before they get sent back to Guatemala. So, again Jill, the phrase you use, I think of tragedy. I suppose tragedy was averted, but it really is abysmal treatment to try to put these kids as young as 10 years old, just throw them on a plane and we're sending you home to Guatemala. Do they have parents there? We don't know, just off the go. And so, I do give Judge Sooknanan on great credit for stopping this, so that they can get a hearing and we can make sure that they're being properly treated before they're just summarily thrown on a plane and sent home.

Kim: Yeah, stop it in the middle of the night over the Labor Day weekends is when she had to stop. I mean, that's really remarkable. But also keep in mind that the agency involved, wait for it. The agency involved in the custody of unaccompanied migrant minors is HHS, the Department of Health and Human Services, who is currently headed up by who? Someone who had a very interesting Senate hearing this week.

Barb: Whoa.

Kim: Secretary Robert F. Kennedy Jr. So, I still worry about these children who are in their custody. It's just so many layers that you didn't... I mean, I think I always knew that that it was HHS that dealt with minors, but I didn't think about it in this way and think about who was in charge until now when there's just so many layers of awfulness. So, I still pray for their safety and health.

Barb: Well, they're probably just having a good swim in Rock Creek Park about now, so it's all good. No vaccinations necessary.

Kim: My God.

Jill: And Barb, as you were talking about this, it does speak to the deliberate cruelty of this administration. The pictures of the children on the plane were so heart-wrenching.

Barb: Yeah, it's little kids.

Jill: Oh my God, it was horrendous.

Barb: Horrific.

Jill: And when you mentioned that they were being sent home to their parents, well one, where are their parents where they...

Barb: We Don't know that. Yeah.

Jill: Did they cross the border? Two, were they notified to pick their children up? I seriously doubt it. So, one other quick question about another immigration case is Kim, this one was the Federal Appellate Court said that the attempted deportation under the Alien Enemy Act, "Uh-uh," they said, "Can't do." Want to describe that for us?

Kim: Yeah, I actually think this is one of the most important rulings this week for a number of reasons. One, as you said, it's a federal appellate court, which is important. That means that this case is making its way a little further down the chain in terms of reaching the merits that the nitty-gritty of the law under a lot of these emergency rulings that we've seen.

And that court in one of the most conservative courts in the country, the New Orleans based Fifth Circuit, ruled that this 1978 law, as you said, the Alien Enemies Act, did not authorize the deportation of migrants based on a claim that they belong to the Venezuela based trend, Aragua gang, that that was not justification under this wartime law that was meant to at times of war with another country and foreign fighters are in our country, that they can be swiftly expelled out of the country for obvious national security reasons, right? That's what this law is for. Even if these migrants were gang members from Venezuela, essentially this court is saying that this law isn't the way to do it.

And it's so important that a conservative court did that because I think that will have sway when it reaches the US Supreme Court and hopefully, they will rule differently. Although again, on the shadow docket, the Supreme Court has allowed the Trump administration to continue using this law, not just against Venezuela and a number of people to ship them all over the world, including places that they have no connection. This has been one of the most overused and misused laws from the Trump administration under this fake claim of emergency so far.

Again, it's a crucial part of the agenda to get visuals of these people being taken into custody and detained and ridiculous and inhumane ways and shipped off to boast his

claim of being tough on immigration. And it's really, it's awful. And I hope that courts rise to the occasion. And I hope also the more lower courts I have to believe, even though the Supreme Court is in no way bound by a lower court ruling, if they are swimming against the tide of just about everybody else in the judiciary, it's going to make it a lot harder for them to explain.

And I think at the very least, they will listen out to judges like those in New Orleans who handed that down and see, at the end of the day, justice requires them to do what is the right thing and hold the president to the powers that he has and not let him run amok and grab a bunch of powers that he doesn't.

Barb: Well, here in the Midwest we have lots of great things, but sometimes we have questions when it comes to our seafood, but not anymore. I know tuna aren't native to the Great Lakes. But when they come frozen and wild caught from the coast with wild Alaskan company, I know my friends, family and I are getting the best.

Kim: Well, I certainly am not going to go fishing in Rock Creek Park here in Washington DC, but lucky enough for me, everything from wild Alaskan is 100% wild caught and never farmed. This means there are no antibiotics, GMOs, or additives in their catch. Just clean real fish that support healthy oceans and fishing communities. Don't settle for less, go with fish that are nutrient rich and full of flavor with wild Alaskan, that's a given. Their fish is frozen off the boat to lock in taste, texture, and nutrients, like omega-threes.

Barb: Like us, you'll love that everything from wild Alaskan is sustainably sourced and wild caught from Alaska with every order supporting sustainable harvesting practices plus becoming a member means your deliveries are flexible and at your own pace. And you'll get chef tips from the pros and an endless smorgasbord of truly feel-good seafood. I love the Pacific halibut that I'm going to cook tonight for dinner for a tasty treat that's low in fat, high in protein, and rich in omega-threes. But they have so many other amazing options. If you're not completely satisfied with your first box, and I know you will be Wild Alaska Company will give you a full refund, no questions asked, no risk, just high-quality seafood.

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Kim: Well, now we turn to the place that we talk about all too often here with good reason, the State of Texas. Lawmakers there just passed an anti-abortion bill. What you say? Hasn't Texas already enacted one of the most strictest, most strictest, one of the strictest abortion bans in the country, complete with a crazy bounty hunting provision that allows people to sue folks who might help someone get outside of the state, so that they may have access to an abortion? Well, yes they do. But you know what? They have found a way to go even further. They passed a law targeting blue states really who make medical abortion drugs available by mail through telehealth, and they hope that it'll serve as a model for other red states to follow.

At the time of this recording, I believe all it was awaiting was Governor Greg Abbott's signature, and I think that's pretty much a certainty. So, Barb, what does this law do?

Barb: Oh, man. So, it's very reminiscent. I think he used the term bounty hunter, very reminiscent of that law that they passed way back when, that gave a private cause of action to individuals who turn in, snitch on their neighbors and they can get rewarded with up to a hundred thousand dollars if they have an abortion in violation of the state law, which I think was one of those heartbeat laws.

Jill: It is.

Barb: If there's a heartbeat available, which is about six weeks of pregnancy at the time in which many people don't even know they're pregnant, this is now, if somebody uses a medical abortion, medicated abortion to achieve an abortion, they can now get this bounty against the person who helped them. So, whoever sent the drugs into the state, they can file for this civil cause of action against that person. So, now that medicated abortion has become so prevalent and it's safe, it's effective and people can do it in their own homes, this has become the way that people have abortions.

And so, realizing that their first bounty hunter statute is no longer as effective as they had hoped because of this innovation and advancement in medical procedures, now they're going after the people who are sending this drug into the state. So, that's what the law says, and I think it may be hard to enforce, but I think it will be a deterrent, right? That's the whole goal is to prevent people from sending these drugs into the State of Texas, so that people can't get access to the drugs they want.

Kim: Yeah. Jill, on that point, it's important to remember that health organizations on a global scale have endorsed not only abortion drugs like Mifepristone, but also telehealth abortions, which basically means, I think by now many of us have done some sort of telehealth appointment where you talk to a professional or a pharmacist over remotely, electronically and get your prescription that way. And thousands of women in Texas do that each year. So, at this point, as Barb noted, over half of the abortions performed in the United States are done medically, and I believe one in four involve a telehealth appointment. So, this is really widely used.

So, this feels to me, Jill, like it's trying to make an end run around states that have enacted abortion shield laws, which are meant to protect practitioners, doctors, pharmacists, whomever, from facing a penalty based on what happened, a law in a different state. So, I know for example, Massachusetts was an innovator in passing a law like this. What do you think? Do you think that they're trying just to plug up whatever holes that they may find to abortion access in Texas?

Jill: They are trying to stop blue states from having it. This law, first of all, in addition to anyone who mails it to them, a doctor or an abortion clinic would cover manufacturers. So, it would stop manufacturers potentially from allowing it to be sold in states where it is legal. So, this is a really big attempt. It's also an attempt to be a model for other red states. So, it's a really serious impediment, especially because as Barb said, it has been safe and effective for many years despite the fact that Robert Kennedy is starting a new investigation of the safety of Mifepristone.

Kim: Oh, Lord.

Jill: Lord be. Yes, you are right, heaven help us. So, is it enforceable, which is one of the questions you raised. The issue is, of course, our constitution requires that we give full faith and credit to verdicts in one state. So, if a state finds against a resident of another state, and for example, Illinois has the shield law and says, "We will not allow anyone to enforce it," there may be a problem in that. And so, this could end up being an effective end run around the rights of everyone, not just in red states, but around the rights of me in a blue state.

Kim: Well, Barb, Professor McQuade, to me, I see personal jurisdiction questions, but maybe that's just me being persnickety. I don't know. But anyway, Republicans and anti-abortion activists say the bill is needed to protect women from being victimized by dangerous abortion pills. The bill's author state rep Jeff Leach said, "We are cracking down, being vigilant and giving Texans the tools necessary to enforce our existing abortion laws. I believe this bill provides the nation's strongest tool to protect Texans unborn and their moms." Make it makes sense, Barb.

Barb: Well, that would be impossible, Kim because it makes no sense. Yeah, as to this idea about whether they can exercise jurisdiction over somebody, I don't know. They might try to hang it on, well you sent this drug into the state of Texas and therefore availed yourself of jurisdiction in Texas. It seems pretty flimsy. It's not a criminal case, it's a civil case. So, I don't know. And then also with these shield laws. So, I think it is a case that is unusual, and we might see some decisions by courts about that. I don't know about the legality of it. But in terms of this justification, let's not kid ourselves that this is somehow protecting women. This is not protecting women.

There's something like 3000 women a month are having medicated abortions in Texas. This will make it more difficult for them. This will make it less safe for them. They will have to now travel out of state sometimes at great distances. For someone who does not have the ability to fly to their state, they may have to drive great distances, and for some people that can put them in danger.

Kim: And it'll trigger the other bounty hunter law-

Barb: Yeah, there you go. That's right.

Kim: ... if somebody wants to try to stop them or they have a friend who's driving them.

Barb: Yeah. So, it's not making women any safer, and regardless of one's religious views on abortion, you're entitled to your religious views on abortions. If you think abortions are against your religion, don't have one. But for everybody else, get out of the way. And for people to be able to make their own healthcare decisions with their doctor important, and I think so often there's all this, what do they call it? Abortion on demand. Well, yeah, we have the right to exercise our rights on demand, but so often, there are also all kinds of complications that go along with these decisions. And the idea that we're just making it harder for people to do this is not in any way protecting the health of any mother.

Kim: Imagine seeing people with T-shirts that said, stop appendectomy by demand. That doesn't make any sense.

Barb: Right. Of course. It's on demand, everybody like it's... Unbelievable.

Kim: I mean, it makes no sense. It's a medical procedure, anyway.

Jill: It is and it also protects the health of mothers. It is a healthcare thing. It is not just for terminating pregnancies, and we should never forget that oftentimes, an abortion is a necessary life-saving medical intervention.

Kim: Oh my God. Stop intubation on demand. Okay, so this isn't just about Texas though, Jill. The writers of this bill wanted to make an in exemplar for other states. Leach, the Texas politician also said, "Texas is proudly leading in the charge and we hope other states will follow." Sorry, that was my JR.

Barb: That was pretty good. That was pretty good. It sounded a little more like Foghorn Leghorn to be honest with you, but it did have a sort of a...

Kim: Well, I'll pull that back out when we talk about the next Louisiana law. So, hold that thought, but Jill, what could it mean if other states start doing the same thing?

Jill: Well, it just expands the horror of this, and I think it is quite likely that this was a prelude to other states adopting the same sort of laws. We saw that happen with every other thing that has happened that's anti-abortion. The anti-abortion activists go to their own states and say, "Do the same thing." So, it's going to be bad. And as I said, if it stops the manufacture of these drugs, then it's going to affect not just the red states that pass these laws. It will affect the rights of everybody in the blue states.

Kim: Yeah, it's really awful. So, just finally, I wanted to ask you all about Justice Amy Coney Barrett, who has a book releasing or has just... I'm not sure exactly when, but it's soon. She's on her book tour and doing media. But early this week, CNN reported an excerpt from her book in which she explained and defended the Dobbs decision by essentially saying, "Hey, look, now it's in the hands of voters, not us. We shouldn't be setting policy. Americans should be setting these policies." So, aside from the fact that she did not say this in the Dobbs opinion, which would've been helpful if she explained why she voted with the majority in Dobbs, she didn't say boo then.

But now that she has a \$2 million advance for a book, she saved it for the book. And she's been talking about that a little bit, saying, "Well, the law says what the law is, but the law says what it does because it Dobbs." So, anyway, just wondering if you have...

Barb: Maybe that explains this whole shadow docket thing, Kim. Maybe to really find out what they're thinking, you just have to wait for them to write their blockbuster books and pay 39.99 for the book if you want to find out the reasoning behind these decisions on the shadow docket.

Kim: Got it. Maybe you're onto something there, Barb. What do you think, Jill? Do you think this portends what the SCOTUS might do?

- Jill: I don't know. I mean, I saw a part of an interview that she did talking about the doctrine that they relied upon, and it was so inauthentic and so disturbing to me to listen that I really...
- Kim: I mean, the doctrine was Roe V. Wade. What are you talking about? The doctor was Roe V. Wade until you overturned it. That's not the doctrine. Yeah. Sorry, I didn't mean to interrupt you, but it just...
- Jill: No, no, you're absolutely right. It's ridiculous, and I don't want to have to wait for everybody to write a book and get millions of dollars advance for it. I, course hope her book won't sell at all, and that instead people will buy Joyce's book, which comes out about the same time.
- Kim: Yes, yes. I endorse Joyce's book wholeheartedly. We all do and can't wait to dig into that.
- Barb: Yeah. Can I just say one word about this comment about what's so great about Dobbs is it allows voters to have the chance to decide what is best in their own state? That's why we have a constitution, because we have certain rights that we agree are enmeshed in the constitution. She herself loves to use this analogy about Odysseus tying himself to the mast so that in moments of weakness, he doesn't look into the eyes of the sirens or whatever it is when he is in his travels. And that's why we have the constitution, so that we're not susceptible to political whims and political wins. And so, this was a constitutional right that was recognized for 50 years, and we don't allow states to change that.
- Imagine like, well, they've restored slavery in the South and it's important that states get to do what they want to do. So, no, we have constitutional rights. If you want to amend the constitution, you can do that. But we had a constitutional right and they took it away to restore the choice to the states. That is not how the constitution works. You can't take away a constitutional, so that the people get to vote on it.
- Jill: The secret to glowing skin starts in the sea. Imagine the feeling you get when you see the sun hit the palms on a California beach and let it envelop you. That is the magic of OSEA and their outstanding skin care products. If you haven't heard Undaria Seaweed is the not-so-secret ingredient in OSEA's best-selling Undaria Algae body oil. It's a nutrient-dense, super food packed with vitamins, minerals, and antioxidants that all help replenish the skin's moisture barrier and keep your skin looking healthy.
- Kim: The Undaria Algae body oil is a favorite of mine. It's always in my shower. I never start the day without it. It's not some typical off-the-shelf body oil. It's TikTok famous, and I'm not surprised, even though I'm not on TikTok. I don't tick and I don't talk, but I believe them. It's rich, but not greasy. I can see it from using that clinical proof is accurate. The body oil definitely improves skin elasticity instantly. And what I really like about it is it doesn't leave you feeling sticky. It just feels like your skin is moisturized and good and that's top of the importance for me. And it visibly firms your skin and makes it feel more sculpted and toned as soon as you apply. It feels amazing.
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the power of Undaria Seaweed, OSEA harnesses in every bottle. The seaweed is not just good in your Japanese food, it's also really, really good for your skin. It comes packed with vitamins, A C, and E, minerals like iodine, magnesium and calcium and free radical fighting antioxidants.

Barb: Funny that you should mention eating when it comes to OSEA, because I find this stuff just smells so good, I want to eat it. I've been using that. The oil, the Undaria Algae body oil. I used to use the body butter, which I also like. That's what I want to eat, but the oil smells the same way. I don't know what it is. If it's the seaweed or something else, it smells delicious. I'm going to use it as an ice cream topping. But I was so excited to learn that OSEA products are not just good for your skin and delicious smelling, but they're sourced from some of Earth's cleanest waters and they even reduce invasive species. More importantly, OSEA uses sustainable seaweed harvesting practices that are gentle on the planet.

So, pristine waters stay that way. Now it makes sense why I can tell when my sisters have been using OSEA. They positively glow soon as I see them on our screens. The best part is how you never notice a sheen, any of that slimy oily look. Thanks to the non-greasy goodness of it all, the OSEA we've tried so far has been wonderful. I know that OSEA can make you shine like my sisters, so don't wait. Get healthy glowing skin for the end of summer and beyond with clean vegan skin and body care from OSEA. Get 10% off your first order sitewide with code Sisters 10 at OSEAMalibu.com. Plus, you'll get free samples with every order and free shipping on orders over \$50.

Just head to OSEAMalibu.com and use code Sisters 10 for 10% off. The link is in our show notes. Well, this week brought news that DOJ has opened a criminal investigation on Lisa Cook. She is one of the governors, of course, of the board of the Federal Reserve. Trump has already tried to fire her over allegations that she made false statements on mortgage documents, and he even bragged that he will soon control the body that sets interest rates for America's banking system. Jill, last week we discussed Bill Pulte. He is Trump's appointee to the Federal Housing Finance Agency, and he tweeted about Cook's allegedly false statements on the mortgage documents.

And now, how is it that we know about this DOJ criminal investigation? And isn't that knowledge unusual?

Jill: It certainly is. As I recall, it has long...

Barb: I guess that's a leading question, isn't it? Jill, do you find anything unusual about this?

Jill: I guess you answered your own question. But yeah. I mean, really, we're both former prosecutors. We know that you never affirm or deny the existence of an investigation. And of course, even a referral is not something that should be publicized. And Pulte, of course, did publicize his referral, and this is just something that we shouldn't know is going on.

Barb: Yeah, I mean, no I think the point is we don't want to impugn someone's reputation if it turns out no, they're there, right? So, there's just hearing it.

Jill: Well, of course that's the reason for this longstanding rule.

Barb: And Kim, to make matters even worse, here's another leading question. Pam Bondi has designated, as you've said today, wait for it, Ed Martin to investigate mortgage fraud among public officials. Does that give you any concern?

Kim: No. No, it's totally fine-

Jill: Holy good, he's good at that.

Kim: ... he's so qualified for this job. Let me just take off a little bit of a CV to show you how qualified he is.

Jill: It's the absences that are more important, Kim.

Kim: Yeah, recall, he was one of the organizers of the Stop, the steal rally here in Washington. He went on to represent some of the January 6th rioters. In fact, once even after he was appointed as interim US attorney for the District of Columbia, that was awesome. He had to give notice to courts to withdraw his defense from some of the January 6th rioters before he could start his job at the DOJ. So, yeah, I think Trump also wanted him in OMB, the Office of Management and Budget. But then he was instead after he failed to be able to be confirmed as US attorney, he went over to DOJ as Trump's pardons are. So, he's in charge of vetting pardons.

So, now he's going to put all of that mortgage-related background to work in charge of the mortgage fraud investigation. Everything's fine.

Jill: Everything's fine. Well, it's important to also know that he has no prosecution experience. This is not someone who should be prosecuting or investigating anything anyway. And he also has the weaponization at DOJ.

Kim: Oh, that's right. I forgot a job. He has so many jobs.

Jill: Yeah, that's an important one.

Kim: Yeah. Yes. So, yes, all of this...

Barb: Yeah. And he's the one who in that job said, "Even if we don't have sufficient evidence to charge somebody, we're going to name and shame them because it's important that the public know about their misdeeds." That is so far afoul from what the Justice Department is supposed to do.

Kim: They shouldn't have been announcing that they're investigating a poor crime.

Barb: No.

Kim: They shouldn't have even announced that.

Barb: No. No, absolutely not. No. It is such a breach of longstanding DOJ policy. Well, Jill, let's talk about this. What is mortgage fraud anyway? And let's talk about what it takes to commit mortgage fraud.

Jill: Mortgage fraud is not all that often prosecuted for one, but it is something that occurs when a person provides a financial institution with false or misleading information about either their income, their assets, their debts, or the value of property they're seeking a mortgage on. It could, I think, cover false information about property being your primary residence, because banks may give a better mortgage rate for a primary residence because banks view that as a more secure loan because they think people will really strive to keep up their payments, because they don't want to lose their house rather than if it was a commercial property or a rental. But that said, it is more than just a false statement.

It has to be materially false, and there has to be an intent to defraud. And this law, it can be either federal or state. So, there's many laws that could cover this, and penalties include prison federally up to 30 years and fines up to a million dollars, restitution, et cetera. And it's covered by a lot of federal laws. I think it's ironic that Donald Trump was convicted for false statements about property values and that this is going on. And I think it's also a new definition of weaponization when we talk about Ed Martin heading weaponization, because it's supposed to prevent weaponization, not to encourage it and not to make it happen, which is what seems to be going on here.

Barb: Yeah. So, when I was in the US attorney's office, we brought some cases of mortgage fraud, but they came to us through referrals from banks who said, "We've noticed some discrepancies in these documents where we suffered a big loss as a result of this." And then they would go. And at that time, in 2008, there was a lot of mortgage fraud going on. That was part of the whole big mortgage bubble, where people were underwater and they were trying get out from under it by hiding assets and other kinds of things. But in this administration, there have not been more mortgage fraud cases because they're focusing all of their efforts on immigration enforcement and violent crime. And so, use discretion to decide which cases to bring.

And some mortgage fraud cases certainly are bigger or more egregious than others. What does the data show about what is going on with mortgage fraud prosecutions nationally? And does that affect your view in any way about these particular charges?

Kim: Yeah, well just this one fact from the Wall Street Journal I think is edifying here. Last year, 2024, there were how many people sentenced or how many sentences issued for mortgage related fraud? 38, 3-8 in the whole country. That's according to the US Sentencing Commission and the average sentence was 18 months. But contrast that to a report from the Federal Reserve Bank of Philadelphia, which says, when it comes to the number of misrepresentations about occupancy status on mortgage applications, what percentage have a discrepancy? A third?

This is something that happens a lot, but most prosecutors will look at that and say, all right, to prove that they actually did it purposefully and not didn't accidentally check a box, that it was to defraud to get something that they otherwise were not entitled to. All of that stretch, unless there is some clear, like you said, a referral from a bank or it's part of a broader investigation, which is showing a pattern of crime, criminal activity, a financial fraud. They do not charge this. They don't charge this. It wouldn't be worth the

resources. Whatever the fine that is ultimately issued probably wouldn't cover the resources spent by the US attorney's office to prosecute it.

So, this feels retaliatory to me. This feels like an attack.

Barb: Yet the other thing that's weird about this, Jill, I'll ask you this. The mortgage fraud cases we've heard about, and again, which we should not know about, but we've heard announcements about New York Attorney General Letitia James, Senator Adam Schiff, in addition to Lisa Cook I, all people that are Trump's rivals in one way or another. And I just want to highlight something Kim mentioned here about how cases come to US attorney's offices. There's usually some sort of referral. And here, we've had these referrals from this federal housing finance agency that's led by Bill Pulte. We haven't seen any Republicans. They all happen to be Democrats.

And when DOJ is looking for predication, they aren't allowed to just go say, "Here's a list of names. I'm going to go in and find out Kimberly Atkins Stohr. Does she have anything where she's made a false claim on a mortgage document? Jill Wine-Banks, does she have..." you can't go fishing like that, right? You have to have what's known as predication where you're getting information that's reliable from some witness or observer like a bank. Do you think that they're doing some sort of end run around this process by having Bill Pulte, a Trump ally gathering this information from the Federal Housing Finance Agency?

Jill: It's not Justin and run Barb. It is a give me the name and I will find something on him. It is.

Barb: Yeah, it really feels like it is that.

Jill: Tell me the name and I'll get it. ProPublica has reported that there are three cabinet members who have multiple mortgages and primary residences. One of them has defended himself, Lee Zeldin from EPA. And based on what we were talking about in terms of what it takes for a materially false, deliberately intended to get a benefit, he's defended himself in a way that might say, yeah, he's not violated the law because he says he disclosed to the bank that he did have these two residents, because he was moving to Washington to take on his new job. But this is more like what happened with Al Capone, one of my favorite mafia members, Chicagoan who got...

Barb: Wait a minute, did you know him too?

Jill: No. Gosh, sorry. I'm old, but I'm not that old.

Barb: All right.

Jill: Yeah. But he did get indicted for tax evasion, not for any of his mafia crimes, although obviously this was part of his keeping his crime family going. And so, it isn't impossible that these things happen. We certainly have seen this before in the Trump administration with audits of Comey and McKay, was it? I think it was McKay that were extraordinary-

Barb: McCabe.

Jill: ... McCabe that's extraordinary audits that were clearly targeting perceived enemies of Donald Trump. And so, this is really the wrong thing. We do not say, "Show me the person and go and find something on them." We have to have predication. And isn't it ironic because wasn't predication a big issue in the Russiagate investigation where Trump's in?

Barb: It was.

Jill: Yeah, I mean, so it's one rule when you're the target, it's another rule when you're targeting and it's wrong, it is just wrong.

Barb: This is like what Justice Ketanji Brown Jackson called Calvinball, right? The rules of Calvinball is there are no rules. But the other rule is Trump always wins. Feels like Calvinball. Well, Kim, let me just ask you one last question about this. Lisa Cook has filed a lawsuit to challenge Trump's termination. We talked about it a little bit last week when she had a hearing. Now that we forgot that in the books. How do you assess his chances of removing her? She can only be removed for cause.

It doesn't say you have to be convicted of a crime, but his goal, of course, is to control the majority of seats on the board of the Federal Reserve so that he can play around with interest rates and make it look like, "Oh, homeowners wasn't life so good when I was president," even though the long-term consequences for the economy could be terrible. How do you assess her likelihood of winning that lawsuit?

Kim: Well, so that really depends on the Supreme Court because what will happen, she's filed this lawsuit saying that they did not show cause. It will make its way up the chain, but sooner than later on the emergency docket, whatever the ruling of the lower court will be appealed and it'll be up to the Supreme Court to say, "Okay, do we let her stay in that seat, pending the resolution of this case, or do we let Trump fire her in the meantime and figure out the legality of it later?" That's really up to the supremes. They gave a hint in another case involving members of the NLRB in which they said, "Okay, yeah, Trump has the right to fire these members and oust them while their claims are still being litigated."

But the Fed is different. I know they argued that this would also threaten Fed Governors. We're not going to get into that now, but we are just going to say the Fed is different, so to drop a tea-leaf. But on the other hand, for this court consistency is not their forte either.

Barb: That's true.

Kim: So, I don't know. I think it will be hard for them to defend letting him fire her because that's ball game, right?

Barb: Yes.

Kim: If she's ousted while the case moves on with all of these other leaders, that's ball game. So, I don't know. I'll be eagerly awaiting to see what they do.

Barb: Yeah, I was just going to say, I'm proud of her. I don't know her. I'm proud of her for standing firm because they're going to make her life difficult. She's going to get threats, she's going to get harassed. There's some other leaders who've stepped down. I think of the president of the University of Virginia, and I get it. They're trying to take their institution out of the fray a little bit, and they've just agreed to resign and other kinds of things. But by staying in this fight, she's protecting the Federal Reserve Board and she's really protecting the rule of law. She's protecting the separation of powers.

It's a lot to put on one person, and it would be so much easier for her to say, "Okay, she's a professor at Michigan State University." Like, "Okay, thanks, and good day. I'll go back to my perfectly good job. Thank you very much." So, to file this lawsuit, she knows I'm fighting a fight here.

Jill: Barb, can I just add two things? One, the president of Northwestern University is resigning for the same reason. But also I just want to add, yes, I'm proud of her for protecting the separation of powers and the independence that's so important for the Federal Reserve. But she is in a tough position because if in the end she is ousted, her vote in the September meeting, if it goes forward, which I suspect it will, could be a one that is questioned and could end up causing some problems. So, she has to evaluate what's going to happen if she is ousted, and it would throw into doubt her vote right now.

Barb: Oh, that's really interesting. Well, I guess we'll have to stay tuned and see how this one plays out. But I say you go, Lisa Cook.

Jill: Now is our favorite time of the show because we get to answer your questions. We are so inspired by your questions. We love getting them. So, please, if you have a question for us, email us at sistersinlawatpoliticon.com or tag us on social media using #SistersInLaw. If we don't get to your questions during the show, keep an eye on our feeds throughout the week where we oftentimes answer the questions that we don't get to that you've asked in the prior week. And this week, we had a really great array of questions. One came from Jay in Columbus, Ohio. And Barb, I want you to answer this, and it's a great question, Jay. Thank you so much. How can President Trump rename the Department of Defense, the Department of War?

Barb: Thank you for that question, Jay. Well, he really can't. So, you may have read that President Trump has said he wants to restore the original name to the Defense Department to the Department of War. And it is true. Before World War II, it was called the Department of War. But after World War II, there was an act passed called the National Security Act. It created the National Security Agency and did some other things. It turned the Army Air Corps into the US Air Force. The Navy was a separate department. And so, the idea was let's bring all of these different military services under one umbrella and we'll give it a new agency name and we'll call it the Department of Defense.

And the reason it was called the Department of Defense is they wanted to emphasize that we would not be a war aggressor, that we would defend our country, and that we certainly had the military capability to defend ourselves, but we were not interested in picking fights with other countries. So, the name of the department was really important after World War II. Following World War I, World War II, and we saw the death and destruction that can happen with a war, we were very interested in sending a message.

The United Nations gets formed a message of peace. And so, the Department of Defense name is very symbolic. So, can Trump change it? Actually, he cannot.

It requires an act of Congress because it was an act of Congress that created the name, Nonetheless, he said, "Oh, I can do it. I don't think we need a name. If Congress needs to, I'm sure they'll do it for me." So, that's a question whether he can persuade them to do it. But even if they can't, what is expected is that he will simply change it symbolically, so that even though the official name of it will be the Department of Defense, he's going to start calling it the Department of War. And what message does that send when we've got National Guard troops in American cities that he doesn't want to think of it as defense, but of war?

If you watch any of Pete Hegseth's confirmation hearings, you heard him use the term again and again, warfighter. We are a department of warfighters, not service members, but warfighters. It is really ramping up this idea of aggression, which I think is a very dangerous place to be when you are a country, a true superpower doesn't need to pound its chest and flex its muscles, it speaks through its soft power and through its military readiness, not through acts of aggression or a name that connotes this kind of aggression. So, it's going to be a fake name change, but I think that's not going to stop Donald Trump.

Jill: And I just want to point out, Barb, that it would also be very expensive to change the name because imagine if you had to rename and new signage for every place that it says that. Just even on the stationery, you'd have to throw away all the stationery and have Department of War, instead of Department of Defense. You'd have to redesign the logo. You'd have to change the Pentagon signatures, all those big-

Barb: Yeah, watch him do it.

Jill: ... big plaques. Oh my God, it would be...

Barb: We'll watch him do it. Meanwhile...

Kim: Page and doge. Page and doge.

Barb: Yeah, it's such a Trump administration move.

Jill: So, we have another great question. This one is for you, Kim, and it comes from Dr. Melissa. She says, "I was wondering if there would ever be a situation in the future that the Trump administration could be brought to an international court for the inhuman treatment of various groups?"

Kim: Yeah, that is a great question, Dr. Melissa. Unless something dramatically changes, meaning that the makeup of international bodies, like the Inter-American Court of Human Rights or the International Criminal Court changes, so that the United States is actually a party to them, no, there is currently no international court or authority that the United States is a member of, that is in the business of prosecuting for human rights violations in that way. So, we got to rely on the American voters to do that. That is even the constitution is straining right now, that that is what is where any accountability will come from now.

Jill: So, in a related question from Simon in the UK, he asked, "Is it a war crime for the Trump administration to have blown up the alleged drug boat in international waters?" Who knows where it was headed because it was not in American waters. Is it a war crime? So, this is such an interesting question, and the answer is probably yes. What will happen? I don't know, but it does look like it could violate many human rights and many of the international laws. This was for all we know, an unarmed vote. There's no proof that it was carrying drugs. The fact that it had 11 people on it would contradict it being a drug boat, because as has been pointed out to me, drug boats use all their space for drugs. They don't want people on it.

So, if there were 11 people killed, as is claimed, it probably wasn't even a drug boat. And again, we need some evidence before we start attacking random boats in the Caribbean. Imagine being a pleasure boat in the Caribbean and suddenly being blown up because the US wants to make a point. And I will point out, Marco Rubio said, "It's the only way we can get our message across. It's not enough to interdict or stop these boats. We have to blow them up." Well, America stand up for this.

Kim: That's insane. I mean, we have a Coast Guard. We have DEA, which also has boats within its fleet. If the boat crosses over into US waters, they should be able to intercept. I once took a ferry from Miami to The Bahamas and we pulled back into the dock. We pull up. We were told to stay in our seats for a moment, and DEA-

Barb: Oh, wow.

Kim: ... came in and did a little sweep before they let me.

Barb: Well, you are lucky. Next time they're just going to blow it up.

Kim: Blow it up. That was really funny.

Jill: Thank you for listening to #SistersInLaw with Kimberly Atkins Stohr, Barb McQuade, and me, Jill Wine-Banks. Please follow #SistersInLaw wherever you listen to podcasts and please give us a five star review so that others can find the show. And please show some love to this week's sponsors, Fast Growing Trees, Wild Alaskan Company, and OSEA Malibu. The links are in the show notes and support them because they make this podcast possible. See you next week with another episode, #SistersInLaw.

Kim: I was just going to say, there is nobody in the world who can make me laugh more about the most horrific topics than my sisters-in-law. Somehow I sit down and the weight of the week is on me. I'm just like, "Oh my God, I'm going through and looking what we're going to talk about, and it's like, Ugh." But somehow, I end up with a tummy ache from laughing. I love you all for that.

Barb: That's good. No, that's good.

Jill: I love that. And it's only only because we're talking the truth. We're speaking the facts, and they're the kind of things you can't make up. You would think that they were made up because it's so ridiculous the arguments that the Trump administration is making. It's just awful.

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Barb: Yeah, well, sometimes you have to laugh, otherwise you cry.

Kim: Well, I do that too. I'm just saying.