

Kimberly Atkins...: Welcome back to #SistersInLaw, I'm Kimberly Atkins Stohr. This week we'll be talking about the big news that the Trump administration's DOJ obtained data from members of Congress, their staffers, and their families, Attorney General Merrick Garland laying out a new approach on voting rights, and whether Garland is doing enough to restore the DOJ's credibility. And as always, we'll be answering some of your questions at the end of the show.

But first I want to chat with you guys. I know we have a lot of big pieces of news that we're going to discuss in the podcast, but because so much happens, there's a lot of news that we can't always get to in the podcast. So I just want to throw one thing that I saw this week that we won't get a chance to talk more deeply about, unfortunately. And that's the fact that Kim Kardashian has apparently, again, failed the baby bar.

Now, "What is the baby bar?" you may ask. I know I asked that the first time I heard this in reference to Kim Kardashian. I took the bar exam in Massachusetts and New York many years ago and I've went to law school, I never heard of the existence of a baby bar. It turns out, for people who do not go to law school often because, like Ms. Kardashian's, they do not have an undergraduate degree, which is required for most accredited law schools.

There is sort of an apprenticeship program in California where they can kind of work under the wing of an acting attorney, sort take some different classes after the first year of this alternative study. You take this exam which sounds like it's meant to tell people, "Hey, maybe this is for you, or maybe it's not. There's your chance after the first year. You don't have to keep going for several more years in this."

But twice now, Ms. Kardashian has taken the baby bar and failed. That news broke this week and I feel very bad for her. I know the main bar exam was pretty hard, I don't know what the baby bar is like, but my condolences. What about you, Barb? What caught your eye this week?

Barb McQuade: I know we don't have time to talk about this in depth, maybe down the road, but there's this ransomware case. And we've seen this ransomware phenomenon coming up more and more. Colonial Pipeline was held for ransom and there was a big shutdown with gas and oil supply. They paid \$2.3 million to a group known as DarkSide to get back up line. But the happy part of the story, the happy ending was that the Justice Department announced that it recovered \$2.3 million in Bitcoins through a seizure warrant.

And think that's such important information, because when I was U.S attorney, one of the things that we were asked to do was to go out and do some outreach with corporate citizens to make sure that they were reporting when they were the victims of these kinds of hacking and breaches. Because companies don't want to tell the world that they've been breached. They think it's bad for

business, it's bad for stock price, it's bad for customers and those kinds of things.

But the problem when they don't tell is that that means other people are going to continue to be victimized, and maybe even they will be victimized again. You can't negotiate with terrorists. If you pay these ransoms, then oftentimes they will continue to fight another day. So what's great about this, I think, is providing this reward. If you can get your money back by reporting to DOJ, I think people are going to be more inclined to do that. So I thought that was some good news.

Kimberly Atkins...: Can I just asked you a question? Because one problem with the cryptocurrency is that there's no paper trail, right? So it makes it very hard for investigators to find who these people are.

Barb McQuade: Mm-hmm (affirmative).

Kimberly Atkins...: But the fact that they were able to recover this money shows that they probably can figure out, get a little bit more insight into who's doing this. And maybe that's a deterrent.

Barb McQuade: Yeah, I think so. I think that it may be deter the ransomware criminals from engaging in this conduct in the first place. And I also think it will encourage victims to report to the government, which is really helpful. Getting government agents in there quickly to figure out the electronic paper trail is really important to detecting who the wrongdoers are. So that's some good news.

Kimberly Atkins...: Yeah, that is. How about you, Jill?

Jill Wine-Banks: Well, mine's not necessarily good news, but there were so many stories this week, and so many that, as you've said, we aren't going to have time to cover in this show. But one that I think is important is what's going to happen to the special envoy to Ukraine, Volker, in terms of his getting caught in a blatant lie to Congress? And we know that lying to Congress is a federal offense.

There's now a recording that's been released of a phone call that he and Rudy Giuliani were on with a Ukrainian official, in which it's very clear that there was a quid pro quo disgust that has gone unpunished and unwarned. And I think we'll be talking about countability and how important it is, during our show, that if we allow him to lie to Congress and have no consequences, we aren't going to be able to have oversight, we aren't going to be able to have a functioning government. We cannot allow people to lie to Congress, or to federal investigators, or to police. They have to tell the truth. And I think it's important that we follow up on that story.

Kimberly Atkins...: That's very important. Joyce, how about you?

Joyce Vance: Well, I'll end on a happy note. Yesterday, the Senate voted 81 to 16, and it confirms Zahid Quraishi to be a federal district judge IN the District of New Jersey. He is the first Muslim-American federal judge in U.S history. I found it a little bit hard to believe that here we are in 2021 and that's the first time. But that's progress.

He's the son of Pakistani immigrants. And it's so important to communities to see judges that reflect the makeup of the community. I hope he'll inspire law students and kids to make the same great strides that he's made. And congratulations, Judge Quraishi.

Kimberly Atkins...: That is great. And I appreciate you all bringing up really important issues that, perhaps, are a little more important than Ms. Kardashian's baby bar blues, but-

Joyce Vance: Oh, come on, Kim. What could be more important?

Kimberly Atkins...: Well, we have a lot to talk about this week. And to get us started about the big news that dropped on Thursday night, and we've been talking about ever since, this news that Donald Trump's administration's Justice Department sought and obtained metadata from two members of Congress, their staffs, and even members of their families, including a minor. Jill, what's going on?

Jill Wine-Banks: It is such an interesting issue. And there was also a gag order imposed. So the members of Congress didn't know until just now that they had been investigated and that the data had been obtained. And I look back to the Nixon era when Nixon tapped reporters' phones, but even he never went after a member of Congress. And I think there are some other things that are really bad that we need to talk about, and that's, it seems that only Democrats were targeted in this investigative tool, which is a very aggressive and unusual one.

And secondly, that when the evidence that they got through this showed that there was no link between any leak and these members of Congress, Attorney General Barr did not give up. He actually insisted on continuing the investigation, even when it looked like it was going to go away. And he even brought in an outside lawyer from New Jersey, who was someone identified more for his loyalty to Barr and Donald Trump than to having any particular qualifications for such an investigation.

And that he and others involved in this are still at the Department of Justice. So all the facts leave me with more questions than I have ever had on an issue. And I want to start with you, Barb, was any law or policy violated? Tell us about what the policies.

Barb McQuade: Well, of course we need more facts to know exactly what happened here. It seems unlikely that any laws were violated. DOJ does have the ability to investigate leaks that's a crime, to disclose classified information to someone without a clearance, especially if it pertains to national defense information, but

there are some policies at play here. And there's actually two that would come into play.

One is the policy that relates to the investigation of public officials, including members of Congress. That requires any DOJ official, if you're a prosecutor, to make sure that you're consulting with the public integrity section to make sure that you're going after things that are appropriate.

There's also another policy pertaining to leaks. And that one requires also high-level approval before this investigation can begin. That has to be based on what's known as predication. That is some factual reason to believe that a crime is being committed, not just a hunt or a fishing expedition. And that obtaining these records through process is necessary. It serves a substantial federal interest and there is no other reasonable investigative means that are possible before these are obtained.

So I did see that the Office of Inspector General at DOJ was going to look into this. And that would be important to determining whether these policies were complied with. Because they really all serve this other bigger policy, which says that prosecutors should never base an investigation on improper means. And then it lists what some of those are. And one of them is political motivation. And so the reason they have those very, very high levels of scrutiny and all of those hoops that a prosecutor has to jump through is to make sure that there is not an improper political motivation that is involved here.

Jill Wine-Banks: So you've made clear why violating the policy would be important, but I also, Joyce, I would like to ask you to maybe clarify the difference between the rules for subpoenaing records of journalists. Because this week we also had a story about The New York Times, The Washington Post, and CNN having records subpoenaed. So is there a difference in the rights of journalists versus the rights of members of Congress?

Joyce Vance: You're right to connect the two. It's a really interesting connection seeing these two stories come out at the same time. And I have to wonder if there's something more than coincidence at work. I guess we'll have to wait and see on that. The issue with journalists surfaced early on during the Obama administration when Barb and I were serving, and Attorney General Eric Holder adopted some very stringent policies involving press investigations.

So they are actually stronger requirements in place, at least on paper, when we're talking about members of the press than there are for investigating members of Congress. I suspect, Barb talks about the two different places that we find requirements in the U.S Attorneys' Manual, now called the Justice Manual. Probably, they come out to being more or less the same requirements. But at least where the press is involved, you've got to go to the attorney general or his/her to get approval. You have to have tried using less intrusive means to get the information. You've even got an obligation to let the member of the

press know what's going on, unless there's a certification that that would be damaging to the investigation.

So there's a recognition that there was a problem with how the press was pursued that policy was put in place. One of the live questions though is whether the Trump administration followed it. It's early days, we still have a lot to learn, but it's clear that there will have to be reconsideration of the policy as it regards investigations into members of Congress and people adjacent to them. And that those requirements may need to be beefed up. The most important thing will be putting mechanisms in place and consequences for people who don't follow the rules.

Jill Wine-Banks: And I think it's important to note that President Biden has said that he will not allow that to happen again, that he does not [inaudible] the Department of Justice to be using this method against. So it's not likely to happen and the policy will be going forward. It does make it look like big politicization at Department of Justice in doing this, especially if it proves, it now appears, that only Democrats records were seized and that Sessions and Barr did it at the request of Trump. Although we have now seen [inaudible] that's, "What? Who? Me? I didn't know any of this stuff." And of course, as attorney general, if he didn't know about it, because he's innocent, he should have known about it. But anyway, Kim, talk about the politicization issue.

Kimberly Atkins...: Yeah. So, so far what we know is that we know that two Democratic members of Congress, as you said, were the subjects of these subpoenas. One was a Congressman Eric Swalwell, the other being a Congressman Adam Schiff. Both of whom are not only on the Intelligence Committee, but both of whom were very vocal, sparring partners with Donald Trump throughout his administration. We all saw that with our own eyes.

We also saw with our own eyes, in real-time, through Donald Trump's statements and tweets throughout his presidency, how he talked about leaks, and leakers, and leaking. It was just about the worst thing that he could call anyone, right? When he was calling out his political enemies.

So we know for a fact, if we have eyes and ears, that it was certainly a big interest of Donald Trump to go after and find leakers within the administration. And they were always targeted toward Democrats. So those things are, they may not be smoking gun pieces of evidence, but it sort of leads you in the direction of where this is going.

And certainly, if Democrats were the only lawmakers who were the subject of this, that would give the inspector general in this case, who today announced that there would be an investigation of this, Inspector General Horowitz, really important piece of information as he's examining exactly what went down here and what were the motivations.

As Barb said, it's not necessarily illegal, but there are impermissible reasons for doing this, and political motivation is one of those impermissible reasons. So that's a big piece of the puzzle that we don't have specific answers to, yet, but that will certainly be a crucial piece of information to understand what's happening here.

Jill Wine-Banks: So I would say there are worse things that people could be called by former administration, which included stool pigeon, [inaudible]. Rat was another. But anyway-

Kimberly Atkins...: Yeah. They're rapists and murderers. I know. I know. There's a lot to go through.

Jill Wine-Banks: Yeah. There certainly is. So, Barbara, I want to go back on how unusual is it, or is it quite common to have a gag order? Because a lot has been made about the fact that there was a gag order and the members of Congress didn't know this was going on. And also, a lot's been made out of having an outside lawyer brought in specially for this purpose, particularly when there's a trained group within the Department of Justice who is used to investigating leaks. So what's the danger of those things? How unusual are they? What do you think? And should the people who did this be fired?

Barb McQuade: Yes. So one is unusual and one is not. The gag order, I think sometimes the press, perhaps because they don't understand it or maybe because it sounds so bad, get very worked up about secret orders and gag orders, but it's actually very common. When you issue a subpoena to a service provider or anybody who has account records, it is very common to accompany that with a gag order. Because otherwise, every time you issued a grand jury subpoena for bank records or communication records, the company would alert their customer and it would harm the integrity of the investigation.

So that's actually pretty common. I think what happened here, and the reason this has become public, is the gag order is only good and can only stay in place so long as it is necessary to protect the evidence or the integrity of the investigation. And once that ends, there has to be a motion to unseal those orders. So I think this current administration has unsealed those orders, which is why notice was provided to Adam Schiff and Eric Swalwell, that's my speculation.

So the gag order parts, really not unusual at all. But your other question, Jill, about bringing in an outside lawyer is highly unusual. The reporting is that instead of using lawyers in the National Security Division, which are lawyers who are trained and experienced in particular aspects of the law, they brought in a federal prosecutor from New Jersey. New Jersey had U.S attorney named Craig Carpenito, who was appointed by Donald Trump and, from everything I heard, was considered sort of one of the loyal Trumpish.

Remember he was the one that was originally supposed to fill in the Southern District of New York when Jeff Berman get pushed out. William Barr wanted to push him in to be the acting U.S attorney in the Southern District of New York until Geoffrey Berman pushed back. So a little intrigued with Craig Carpenito. This was someone Craig Carpenito identified as a particularly effective prosecutor who could come in and do this job.

So to me, it's not improper per se, people get recommended for new jobs all the time, and they move around in the Justice Department, but it seems very odd to me that instead of using this group of career professional, trained, experienced people to work on an issue like this, you bring in somebody who's handpicked by this Trump appointee.

And this was really very much a Barr play, right? We saw this in other places as well, where Barr would install his loyalists in various places. Remember in Washington D.C. during the Flint and Stone cases, they pushed out Jessie Liu, who was the U.S attorney there, and they installed a former aide to William Barr to be the acting U.S attorney there.

So this seems like highly inappropriate and it's got Barr's fingerprints kind of all over it. So it causes me to be, I'll just say suspect. There's nothing, per se, wrong with any of it, but in light of all the other things we know about William Barr, it causes me some unease.

Jill Wine-Banks: It certainly causes me unease. We've already mentioned that it probably is not a violation of federal law but maybe of the Department of Justice policy. But one of the reasons it's not is because a grand jury subpoena was used. So I think maybe it's worth having Joyce describe a little bit about how a subpoena comes into play, how it's obtained.

We've mentioned that you need predication or some legitimate factual basis for getting that. What passable predication, including for a minor, which... I mean, I can see how you might have a legitimate reason to believe the defendant is using their child's phone in order to hide the phone call. So could you talk a little bit about that, Joyce?

Joyce Vance: Well, I think that's right, Jill. There's a possibility that there was predication here. The surrounding circumstances suggest that this investigation should make us all nervous, but we do need to know the facts. But here are the basics, I feel like I'm going to do the Sesame Street thing on how a bill becomes a law, how federal prosecutors get a subpoena. You've got to have a grand jury subpoena. It's actually called a grand jury subpoena.

So let's say I'm the prosecutor, I'm investigating, and I have predication to open a case. That just means I have good reasons, a good faith basis for pursuing an investigation. And the subpoena, I can then cut on my own and have sent to, let's say that I want bank records, I send it off to the bank. I don't have to get

the grand jury's approval in advance. I don't have to go to a federal judge. There's probably a procedure in my office for a supervisor to review it and make sure that they're comfortable with that subpoena.

And then when I'm provided with material back from the bank, I do actually have to go before the grand jury and make what's called a grand jury return. The agent comes in and tells the grand jury that we've received this information. But the process itself operates at a readily available level for prosecutors. So once this leak investigation gets opened, it would have been easy for the prosecutors to obtain these subpoenas.

And that's the big question here. Who knew? What kind of supervisory approval was in place? Bill Barr told Betsy Swan, a reporter at Politico, this afternoon that he did not know, that he was not in the loop. So apparently this is too distasteful even for Bill Barr to be involved with. Lots more detail here that we need to learn.

Kimberly Atkins...: Can I just ask you a question though, Joyce?

Joyce Vance: Sure.

Kimberly Atkins...: Does that pass the giggle test? Is there any way that this is happening with the subject being members of Congress and their family members, and Bill Barr not know about it?

Joyce Vance: No, it really... It doesn't pass the smell test at all. And I think Jill referenced this. What makes me really nervous here is the notion that they're not looking at everybody who had access at this information, they're looking only at a handful of Democrats and people who are in their inner circle.

Now, maybe they have specific information, somebody really credible came to them and said, "That Adam Schiff, he's a bad guy and he's leaking." But there's no indication that that's the case. And we know that this investigation dragged on for years. In fact, it had lagged by the end of the session's administration. And Bill Barr instead of closing it, which is what you do when a grand jury investigation isn't productive, he resuscitated it and brings in this guy from New Jersey whose qualification appears to be that he passed the loyalty test. So nothing about this looks kosher right now.

Jill Wine-Banks: So now we've had a giggle test and a... What was yours, Joyce? You called it something else and I call it the red face test in court without blushing. And I would say that the thought that this was not political, and that it was legitimate, doesn't pass my red face test.

But, Kim, let me... As I said, I have more questions than we have time for, but I'm going to ask one more. Just one more. And that is, the information that was leaked was originally classified but the Trump administration declassified. Which

of course hurts any past tuition. If it's not worth being classified, it's not leaked, it's just revealed. That's part of what America gets to know. So is there any precedent for this and does that really hurt the prosecution? And is this just all nonsense?

Kimberly Atkins...: Well, it shows how ham-handed this whole operation was, really, because, you are right, just divulging information about the White House in itself isn't illegal, but it certainly is illegal to disclose classified information. And so if that was the basis of this investigation, this idea that they were investigating a potential criminal leak of classified information, you had a big problem in John Ratcliffe, who was the DNI at the time. Because in an effort to discredit Democrats during the Russia investigation, he had this penchant for declassifying information that he thought would embarrass Hillary Clinton, would embarrass certain Democratic members of Congress, so that it would be publicized. Not only it would embarrass him, but it also pleased Donald Trump to put out this information.

But if you are saying that the problem with the leaking is that it's classified information that would be damaging the national security to release, if you are authorizing the declassification of it, you're harming your own case. So it just sort of showed what a mess the entire operation itself was, let alone the fact that this targeting of members of Congress is really, really damaging to democracy.

You know, Joyce, I know it's a topic that people don't really like to talk about, even though we all do it, and that's shaving. But I have to say the Athena Club razor and other skincare products are really good. Over the pandemic, I was really glad I had them because my skin always felt very smooth and conditioned. And I'm a big fan. What about you?

Joyce Vance: I'm really glad given that lead in that you wanted to talk about shaving and not something else, Kim. You had me scared there for a second. But I'm a big fan of the products I've tried from Athena, too. I like the razor. But what I really love are the face wipes, especially at the end of the day on TV when you have to take off a lot of makeup. They're incredibly efficient. And like the razor they make my skin feels soft and fresh after I've used them. It's really a great product.

Kimberly Atkins...: Yeah. My razor should make shaving easy and gentle on my skin, leaving me moisturized, super smooth, and bump-free. The Athena Club razor is hands-down the best.

Joyce Vance: Athena Club's Razor has thousands of five-star reviews. And it's designed with built-in skin guards and an innovative handle so that it helps you prevent razor burn while being gentle on curves.

Kimberly Atkins...: It's surrounded by a water-activated serum with shea butter and hyaluronic acid, which is a holy grail for skincare. But the best part is the razor kit is only \$9,

with your choice of handle color. It has an extra blade head and a magnetic hook for easy shower storage, which is really cool. Thanks to Athena Club, shaving isn't a chore anymore. It's me time.

Joyce Vance: Show your skin your care with the Athena Club razor kit. If you sign up today, you'll get 20% off your first order. Just go to athenaclub.com and use promo code, "sisters." That's A-T-H-E-N-A-C-L-U-B.com with promo code sisters for 20% off, or look for the link in our show notes.

Kimberly Atkins...: So now we are moving on to Attorney General Merrick Garland, as he made a big address on voting rights. But first I want to ask everyone, given that he made this address as this massive news about these subpoenas was dropping, and the inspector general said that he was looking into it, was I the only person who was surprised that he didn't mention it at all, that he didn't even just say at the beginning, by the way, I welcome the inspector general looking into this, and we're pleased that he's doing that? Joyce, were you surprised that mirror Garland didn't say a peep about it?

Joyce Vance: I was surprised it would have taken a lot of pressure off of Garland to go ahead and clear the air on this topic. The deputy attorney general, Lisa Monaco, had already asked the inspector general to open an investigation. Garland could've said that they would have no further comment and it would have, I think, taken a little bit of the oxygen out on that issue.

Kimberly Atkins...: What do you think, Barb?

Barb McQuade: Joy's a suggestion is not a bad way to handle it, but I'm not surprised that they didn't. They wanted to orchestrate this message. This message was not given from the normal press room on the seventh floor of the Justice Department. It was done in the great hall. This was a speech on policy and priority to the Department of Justice employees. And so I think to clutter it with that other message would have been a distraction from Merrick Garland saying, "Voting rights is incredibly important, they're under attack and we're going to go after it now." I think the announcement by Lisa Monaco, the deputy attorney general, handled it earlier in the day, and I think he just wanted to separate those two things. I don't know if it's the right or the wrong decision, but I wasn't surprised.

Kimberly Atkins...: All right. Well, Jill, what do you think?

Jill Wine-Banks: I agree with both Joyce and Barb, which is not unusual, that happens so often, but I think it was a missed opportunity to let a rest a big concern. And that it's just a messaging mistake. But in terms of messaging, I don't know if anybody else remembers there was an attorney general who covered up the statues in the Great Hall. At least a female.

Barb McQuade: That's John Ashcroft.

Kimberly Atkins...: Oh, yes.

Joyce Vance: I thought about that today when I saw the angle that was right at the breast level.

Jill Wine-Banks: Right. Exactly. So looking at the setup for this speech, I thought, "Okay, we've come a long way where we can recognize the human body as artistic sculpture." Sorry for bringing that up, but it was just so prominent in my mind, remembering the Ashcroft actually draping the female body.

Joyce Vance: Because I have to say it was so weird the first time in the Obama administration to go into the Great Hall and suddenly that blue drape that had been over Lady Justice was gone and you felt like the world had been restored.

Barb McQuade: Yeah. Exactly.

Kimberly Atkins...: The two things I remember most about John Ashcroft was that draping and also his rendition of let the eagle soar. Google it if you don't know what I'm talking about. You will not be sorry. But anyway, I'm going to turn to Joyce now to take us through what Merrick Garland talked about with respect to voting rights.

Joyce Vance: Well, y'all are making it hard to turn to a serious subject, but this is serious. And it was, I thought, a welcome development from the Department of Justice. Right before we got together, Merrick Garland gave this landmark speech on the use he's going to put DOJ civil rights division's resources to protect our elections. And so this gives us the opportunity to have some hot takes. I know my hot takes aren't always the best ones, but we're going to indulge today in hot takes. And I'm hoping that we can talk about what he said and whether it's enough to protect free and fair elections in light of the attack that Trump supporters have been mounting on them.

So Garland, who is really a pretty remarkable intellect, he's a historian, he shared his early experiences at DOJ, he talked knowledgeably about the laws and the history of voting rights protection and suppression in this country. But let's focus on the deliverables, because Garland was all about what he's going to do. And let's talk about his plan for protecting elections and whether it's enough. So, Barb, I'm going to start with you, but I'll go around the room. What do you think is the most important action plan that Garland proposed today?

Barb McQuade: Well, the one that caught my attention was doubling the staff of the attorneys enforcing voting rights laws. I think you mentioned, I asked what's that staff, you mentioned you think it's around 34. So going from 34 to 68 lawyers is a pretty substantial increase. The reason we're in this crisis, of course, and we're seeing all these states passing all these laws to make it harder to vote is the Supreme Court set the stage with the Shelby County decision in 2012, I think it was, that said states no longer have to go to the Justice Department to get pre-clearance approval whenever they want to change their voting laws.

And so as a result, they remembered there was that dissenting opinion by Justice Ginsburg there, when she said, "It's working. Why are we ending this?" And she said some memorable quote along the lines of, "You don't throw away your umbrella in the rain just because you're not getting wet." They get throw away the umbrella and now it's pouring in Georgia, in Texas and all these other places.

And so I think it now falls upon the Justice Department because there is no pre-clearance to now go after and file lawsuits against these after the fact, after they get passed and they're on the books. And so it's going to be more time-intensive and more challenging. But with that increase in staff, that says to me that they're going to make that enforcement a priority. And so I would expect that we're going to see lawsuits challenging some of those new laws in of those states. It's going to be a methodical state-by-state process to file lawsuits, to push back on some of those laws that are violating voting rights.

Joyce Vance: Yeah, I agree with you. The voting rights section has always been understaffed. And so this is tremendous news that they'll have more capacity and more resources. Kim, what caught your eye today?

Kimberly Atkins...: Yeah, I agree. I think that that is a really important move, putting the staff where his mouth is on this priority and really prioritizing enforcement. I think that the most important thing when it comes down to it is what he said at the very end, which is the need to pass H.R.1 and The John Lewis Voting Rights Act in Congress. It's not...

There's only so much the DOJ can do, unfortunately, unless Congress shores up the voting Rights Act from where the Supreme court already, eight years ago, gutted a crucial section 5, which gave DOJ that pre-clearance authority in districts with a history of shenanigans when it came to voting rights problems and really restricting access to the polls.

But also because right now the Supreme Court, any day now, can issue an opinion that also really, really guts Section 2, which is the only mechanism left under the voting rights act to try to stop some of these laws. It can't stop these laws from being passed but trying to challenge them to say, look, these laws are really unconstitutional because of the way that they cause racial discriminatory voting restrictions.

So without Congress acting to shore up both of these things, which is why you need for the Section 5 part to restore that you need the John Lewis ACT. And then you need H.R.1 to give you the tools to protect Section 2. You're really not going to be able to get as far as you need to go. It's great that Merrick Garland is really prioritizing enforcement of voting rights problems and unconstitutional acts. But he can only do that if he has the law behind him. And right now, that law is really weakened. So I think that's the deal.

Joyce Vance: Do you think part of what he was doing today was putting pressure on the Senate, Kim? He did make a forceful case for, "I can do this much and I'm going to aggressively use my statutes, but I really need one in four." Do you think part of this was a pressure campaign?

Kimberly Atkins...: I hope he has called Joe Manchin to say, "Listen, buddy, this is not a drill. We really need to protect voting rights and protect democracy. And what you think is protecting democracy isn't really doing it." So, yes, I do think that it was a message to Congress. I don't know that he called them though.

Joyce Vance: Y'all heard it-

Kimberly Atkins...: I think...

Joyce Vance: Y'all heard it here first, right? Garland to Joe Manchin, "This is not a drill,"

Kimberly Atkins...: Correct.

Joyce Vance: New reporting from the SistersInLaw. So, Jill, lots of deliverables left. What caught your attention in Garland speech?

Jill Wine-Banks: Well, there were so many that were important, but I want to follow up on a little bit of what Kim was just talking about because there's also [inaudible] interpret this, which is he said, and this was important, that he's going to use to the full extent that he possibly can in provisions of law. And that he's going to carefully scrutinize every new state law. And I [inaudible] that will be used by Manchin and the Republicans to say, "Well, that's why we don't need H.R.1, and that's why we don't need John Lewis because they can just up their game on the existing laws."

And so that worried me a little bit. So it is going to take, as Kim was saying, Garland Manchin, "Pay attention." And I think that that's really important, but those... It is important. And I also want to point out that I've always sort of had this problem. Not always, but during the Trump administration. The pre-clearance only matters if you have people who actually want to protect voting rights. And when you have the Trump administration, pre-clearance doesn't mean anything because they would have cleared anything. They don't care.

And so I'm not sure that pre-clearance was the be-all-and-end-all. It was when we had people willing to enforce voting rights and to protect them. So that's something that we don't talk enough about, and that concerns me a great deal. But I think the combination of everything that he said in terms of Motor Voter registration, upping that, and working with the Department of Prisons to make that people get registered, who are eligible to register.

There are just so many good things that can be done within the existing framework. But I think we need to keep emphasizing that the existing

framework has its limits, and that we need these other two laws. And everyone listening to this program has to pressure. Luckily, I live where I have the best senators and representatives. I don't have to pressure them, they're already on board. But if you live in one of those other states, you need to really get onto this and make sure that your representative is protecting the right of all citizens. I think his opening remarks about the fundamental basis for democracy, without which no other things matter, is the right to vote. And protecting the right to vote is so important.

Joyce Vance:

I feel like you're sort of looking at me, Jill, when you talked about states where rights aren't protected, the home of Shelby County. I agree with you about the registration provisions. The Motor Voter Act is near and dear to my heart because Alabama had never been in compliance with it until working along with the civil rights division, we were able to force them into a consent decree. And that means, and for those of you in states where the Motor Voter Act is actually working, you know that when you go in to get your driver's license, on that same form there's just a box that you can check that says, "Do you want to register to vote if you're eligible?" And it makes it just that easy.

And Garland is really federalizing registration so that if you come in contact with a federal agency in a number of different capacities, including the Bureau of Prisons, which I think is just groundbreaking, it makes it easy for you to register to vote. And that's been a big problem that we've seen in states where they've made it difficult. So this is well-taken.

I'm also really encouraged by what I'm hearing as a sense to turn this letter that I think we discussed. This was Pam Carlin, who was the acting head of the Civil Rights Division before Kristin Clark was confirmed as the associate. And she sends a letter to the folks in Arizona, talk about crazy hi-jinks, and it says, "Listen, this post-election recount thing you're doing, you might be violating civil or criminal law. Because they're rules that govern the chain of custody for ballots and equipments. So you can't just give your machines to the cyber ninjas, right?"

And she also pointed out that you can't go out and knock on people's doors and take steps that could intimidate voters. You can't suppress the vote. That letter, if it's turned into nationwide guidance, could be powerful since a lot of our concern is about these laws that are being passed to take away control of elections from neutral officials. So hopefully, that's a good step.

One last question for the group. Obviously there's some good news here, obviously y'all have some concerns, but do you think this is enough? Is it a good start? Is it a comprehensive plan? Or are you concerned that this is more like government aspiration? That won't really be effective?

Barb McQuade:

Well, what I heard Merrick Garland saying is we're in business and we made it. We're we're going take action. As Kim and Jill have said, I don't think it can do all

that the legislation could do, which is to protect rights in the first instance. All that DOJ really can do is go after and chase people after they violated the law. States-imposed restrictions, DOJ can file lawsuits and try to get those invalidated. But that takes a long time, and it only comes through litigation in court. A more streamlined, effective way to do it would be to pass these laws in the first place.

But I'm very encouraged. And attorney general has only so many priorities he can focus on. And there are a number of them like protecting our democracy from domestic extremists like the January 6th attack and the ransomware issue that we talked about earlier. To see Merrick Garland, give a big speech like this, this early, and commit to these resources, they say personnel is policy, if he is moving all of these resources to voting rights, this says to me that this is going to get his attention as a priority.

I was also heartened by the fact that he called out... He's always very restrained in an effort to appear independent non-partisan, but he really called out this pre-textual argument that these laws are necessary to protect against voter fraud. He highlighted the fact that every judge who looked at this found zero fraud whatsoever. So I think he means business on this and I found it to be heartening.

Kimberly Atkins...: Yeah. I second everything that Barb just said. And just quickly, as a reporter for years I would cover the president's budget knowing that that budget would never turn into law, but it was important because it set out the priorities an administration. And I think this speech is like that. However much of this actually works and that depends a lot on the Supreme Court and it depends a lot on the Congress, it's good to know that this Justice Department has prioritized voting rights to the full extent that it possibly can. And I do believe him in that. I don't agree with everything Merrick Garland has done, but on this, I do believe that he has fully prioritized this. And I hope that there is follow-through.

Joyce Vance: Jill.

Jill Wine-Banks: My brilliant colleagues have said all the things that are really important to say, which is that... But I'll just say I do think that he laid out some very specific detailed ideas. And that means that he's thought them through, he's prioritized them as we've all acknowledged. And that, because they're so specific, they are implementable and can help. But again, I'm back to, they are only going to go so far if we don't pass the Senate bill and the John Lewis bill. So we can't get away from, we still need more, just what can be done within the limits of what we have now. So I thought it was really a good speech.

Barb McQuade: Hey, have you all been wearing your Warby Parker glasses? I get a lot of compliments on mine. They're called the Raider model, but I call them the

Gloria's, my [inaudible] to Gloria Steinem. How about you, Jill? Are you wearing your Warby's?

Jill Wine-Banks: I'm wearing my chains. And I totally have been wearing them all the time. I've been wearing glasses since I was in third grade. And this is the best pair I've ever had. They could not be better. What about you, Kim?

Kimberly Atkins...: I have been loving my Gillian glasses. I got them in the nutmeg color. So they look like you barely can see them, which I love. It sort of blends into my skin, which if you want your outfit to be center stage and maybe not your glasses all the time. I like that. I also have another pair that are in blue when I want to stand out a little bit more. But I love them so much. I get tons of compliments. And I was going around most of the pandemic not seeing very clearly, so I needed new glasses. And now I can actually see when I go out. How about Joyce? How about you?

Joyce Vance: I'm a long time Warby fan. I actually have a couple of pairs and sunglasses. And so something that I knew about Warby was that they do a great job with my lenses, which are... I'm getting older, they're a little bit more difficult to do. And they do a really good job. I get great vision with them. But my frames are all pretty boring. So I branched out and got a red pair of the Oliver's. And even my high school senior told me I looked really good in them. So I'm very pleased.

Kimberly Atkins...: And that's high praise.

Joyce Vance: It is.

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And for our final segment, we're talking about AG Garland again, we praised him a lot on voting rights, but there are some things that he's been doing that has caused some folks, including me, I'll be honest, to scratch their heads. So, Barb, talk to us a little bit about some of the decision Garland's DOJ has made.

Barb McQuade: Yeah. Until today, I was one in the camp of saying, "For independence, I'll give them an A plus, but for the merits of his own legal decisions, C minus." I think many people had been hoping that Merrick Garland would correct some of the abuses we saw in the Trump administration. And we've been a little bit disappointed in his performance so far, and maybe even his lack of urgency.

He testified before Congress this week at a budget hearing and said that his job is not to favor any one side, of course, but to protect the rule of law. And that means treating people and issues equally regardless of who benefits from that decision. And I think we all would support that. But in recent days and weeks, we've seen DOJ take positions that actually favored the prior administration. Most recently, we saw a DOJ appeal an order requiring the disclosure of that internal DOJ memo to William Barr about the Mueller Report. A judge has ordered that released to the public. And DOJ has appealed that order trying to continue to keep that from disclosure.

We also know that DOJ continues to defend the Trump administration in a lawsuit against a number of individuals regarding the clearing of Lafayette Park last summer when they fired tear gas and rubber bullets into the crowd. And DOJ continues to defend that conduct. And then this week, the one I really want to talk with all of you about is we saw DOJ file a brief defending Trump in the defamation case brought by E. Jean Carroll.

Kim, you wrote a column this week, comparing Merrick Garland, I love this comparison, to former FBI director, Jim Comey, with the point that sometimes if you try too hard to be a political, you cause more harm than you prevent. Tell us more about that.

Kimberly Atkins...: Yeah. In the fact that both these actions that the current administration DOJ, these positions that they've taken that are on the same side as the Trump administration. And also Merrick Garland's explanation to senators. It was in response to a question by Senator Patrick Leahy that was basically saying, "Hey, man, what are you doing?" and his explanation saying that it's very important for protecting the rule of law to not act politically, to not look as if you are making your decisions based on the political party of the president or the administration in place at the time.

And I think that is really important, but I also think that that has its limits. And it does remind me of the explanation that a former FBI director, Jim Comey gave when he decided to twice go and make statements, right before the election, about the probe of Hillary Clinton's home server. Once saying that there were sort of re-energizing the probe into the server based on some information. And then right when it was far too late saying that no charges would be brought against Hillary Clinton but still excoriating her for her actions.

While at the same time, there was an active investigation into Donald Trump's campaign and he didn't say boo about it and didn't disclose it, because generally

speaking, that would have been the right thing to do that was department policy to not speak about ongoing investigations before any action is taken. He broke that in Hillary Clinton's case, but he explained that he was trying to be so transparent so as not to look political.

And he went out of his way to do it to the point that it had the consequences that we all saw since Hillary Clinton certainly blames that as one of the reasons for her election loss. And Jim Comey is still stands by it, but says it's the decision that still haunts him in his nightmares. I think it hurts a lot of people. And I think that that's something that Merrick Garland should keep in mind. Yes, the principles of not being biased politically are important, but it doesn't force you to back a decision that you would have, every bit, the legal justification not to back.

And I think the E. Jean Carroll case is the most clear cut. This was a case that had been going on for a while. It was a civil case that had nothing to do with the Department of Justice. And then at some point, Bill Barr decided, "Oh, no, we're going to step in and intervene in this on behalf of the president to try to get this case kicked." It was shocking at the time. It was rightly criticized.

And so for now, for the attorney general to continue this, Attorney General Garland to continue this, it seemed like a no-brainer to me but really easy for them to say, "This was something that we don't think that the DOJ should have been involved in the first place, and we are changing our position."

I do know that there is an important principle for a new administration to not suddenly make these sort of hairpin 180 turns in policy, because that does look political, but you can do what's right at the time. And it reminds me of when the Obama administration defended the Defense of Marriage Act, which federally banned the recognition of same-sex marriage until they didn't and they decided that they weren't going to defend it anymore because they thought that it was wrong and unconstitutional. They could have done that from the start. And I think the same is true in this case with Merrick Garland. So I hope he is not following this principle of trying not to be politicizing something to the point that he is combing himself. Let's hope.

Barb McQuade:

Comey ever... There are many things I admire about Jim Comey, but I think your comparison is very apt here. He's kind of like the dad who coaches his own child in Little League. He's so concerned about appearing fair that he benches his own child even though he's the best team on the player, right? The best player on the team. He's made a big show of, "Look at me how fair I am." But meanwhile, the team loses the game and nobody's happy.

Joyce, let's dig a little deeper into the Jean Carroll case. Kim just mentioned it. Of course, she claims in her lawsuit that Trump defamed her by denying raping her many years ago. And in 2020, while he was president, Trump said that she was lying, that she was just trying to sell books by making these accusations,

that he has never met her, and that he would not have raped her because she is, "not his type." What's your view about whether DOJ is right to continue this defense of Donald Trump?

Joyce Vance:

Sometimes you can be wrong for the right reasons. And I think that that's what happened here. You guys are dead on the money. Merrick Garland wants to make sure that DOJ is not a political arm of the White House. And I think in this case that may have made them a little bit nervous about pulling back from the representation of Trump.

I think it was sort of like Godzilla versus King Kong inside of the Justice Department, only it was the institutionalists against the people that want to see some form of accountability. I can envision that there was a lot of back and forth and a real knock down drag out. And at some point, the decision was made that they would go with the institutionalists, and that they would continue to represent Trump.

But it's important to know what representing Trump means here. It's not just that they were going to come in as his lawyers, but once DOJ enters the room, they're actually asking that the United States be substituted as the defendant in this case under a provision called the Westfall Act that provides for that. And the notion is that when you have an employee, if you're the employer, you're responsible for that Employees Act. It's a theory called respondeat superior.

This is the notion that if you're driving a mail truck and you're the mailman and you hit somebody, normally if they tried to sue, they wouldn't be able to sue you. They wouldn't be able to Sue the federal government because of sovereign immunity. And so the government has actually relinquished some of its immunity so that when the United States is the defendant, you are actually able to recover when the mailman hits you while you're driving in your car.

This was sort of the situation that DOJ's involvement sits up. The United States becomes the defendant. But the problem is, because sovereign immunity is not waived for defamation, which is what E. Jean Carroll has brought her lawsuit for, the United States would be judgment proof. E. Jean Carroll's case would ultimately end up being dismissed based on sovereign immunity.

It's not just that Trump's getting a free ride in terms of lawyering here that's awful, it's that this would end Carroll's case. Fortunately Merrick judgment's decision in this case isn't the end of how this case pans out, because it's on appeal to the Second Circuit. So the Second Circuit will have the chance to decide whether DOJ can intervene or not. Hopefully, they'll affirm the district judge who ruled they could not enter the arena.

Barb McQuade:

Yeah. The district judge's opinion is really quite clear about his views on this case, that the idea that this was within the scope of Donald Trump's employment is ludicrous. And he found that it was without merit. He also found

that Donald Trump was not a "employee" for purposes of the statute called the Westfall Act. So we'll keep an eye on that lawsuit.

Hey y'll, I want to cover one other decision that DOJ has made in the past week. Jill, I'll ask you about this one. Certainly relevant here as we recognize Pride Month throughout our country, DOJ said that it would vigorously defend an exemption for religious schools from federal civil rights law that prohibit discrimination on the basis of sexual orientation or gender identity. What's the legal basis for DOJ his position there?

Jill Wine-Banks: Let me just add one more comment on the last discussion, which is the red face test or the giggle test isn't passed by saying that Donald Trump's defamation with hope of his job. It just doesn't pass the test and that should be the end of it. And saying that we have to be institutionalists, that would have led to, for example, separate but equal being defended continually, because that's what the policy had been. Sometimes things change and you have to be with modern.

But this other case is quite interesting. And the language that was used is another example of going too far. The Department of Justice, you have to understand, has an obligation to defend any law that Congress passes. That is their job. And so there is this law that exempts institutions from certain of our otherwise widely applicable laws. And in this case, that's the legal basis. Is they're saying, "Well we really don't have a choice. This is the law of the land, and we have to defend it." And I think there was a strategic reason why they made this argument that they would vigorously defend it. And that is that they were worried that they didn't say that.

And if the courts had them [inaudible] that much worse representing the point of view of defending the law and that it would go way too far. They have actually amended what they submitted. And the word vigorously has been changed to, "We can provide an adequate defense." And they've also added language about, "We haven't completely reviewed everything and it's premature to say that we will or won't defend this."

And so they've done some changes in response to what I believe was completely justified criticism of their taking on this case and saying that they would continue to defend exemption and that therefore schools with federal funding could discriminate against the LGBTQ community. And I'm hoping that they will come to their senses, particularly because there are two things, there's a blog and a memo that have been issued that both are contradictory to this, basically saying that the law says cannot discriminate on the basis of gender. And there's a law.... Supreme Court says, "By that we include gender identity."

And so I'm hoping that this will be undone by policy within the Department of Justice, and that they will back away from continuing to vigorously defend this exemption against LGBTQ. And as you point out, this is Pride Month and it'd be a good time for them to take a look at this.

Barb McQuade: Yeah. I'm so glad you mentioned that they changed their filing from vigorously to adequately. I think that's a real sign that they are rethinking their position here. I imagine when a new attorney general comes in there, it's kind of overwhelming to get your arms around all of the pending litigation. But I wonder if they aren't having that debate about going the way of DOMA, the Defensive Marriage Act, that Kim mentioned, originally defending and ultimately deciding against defending it because it was indefensible.

It's so interesting to me that we continue... I mean, I am a religious person, I respect the religious rights of everybody, but that we continue to allow religion to be a guise for discrimination. I remember, just a few years ago, one of the cases that ultimately got joined with Obergefell, which is the Supreme Court case that permits marriage equality. One of those cases that made it into that, there's was actually a series of cases that were collected, was a case called DeBoer out of Michigan. And the trial occurred in Detroit.

And because I knew it was historic, I went over and watched a couple of days of the trial just to see it. I thought it was fascinating. And as I would go in and out of the courtroom, I would see picketers walking around the courthouse with signs about marriage is one man and one woman. And I thought... It was I was living in a page of history. And I thought to myself, "This is like what it must've been like in the early-sixties in the Deep South. How do they not see they're just simply on the wrong side of history here?" And so it's frustrating to watch how slowly these changes take place. I'm confident we'll get there, but I feel bad for people who have to suffer through it while we slowly slog away at these things.

I was just going to say [Preparar] wrote a really interesting note this week, where he talked about Robert Kennedy as the attorney general of the United States. And it was from a biography of Robert Kennedy that said Robert Kennedy was determined to transform the Department of Justice from a citadel of stare decisis, kind of just processing cases, into an agency for reform.

And that also reminds me of the vision Eric Holder had for the Department of Justice, which was he admonished us, Joyce, and me, and our colleagues, not to just be case processors, don't just be an assembly line of all the cases that come to you, but to be community problem solvers. What are the problems in your community and use the tools of the Justice Department to try to fix those things to improve the quality of life for the people who live in your district.

And so I hope that Merrick Garland will see that he is not just there to be a caretaker of the Justice Department, although absolutely he should be independent and non-partisan, he is there to use the law to make life better for the people of our country, and to make sure that things like voting rights are trampled upon, that people are not discriminated against because of their sexual orientation or gender identity. So I am hopeful that he may see the light about how important it is to get these things right.

Jill Wine-Banks: So what I wanted to add was that in addition to changing vigorous to adequate, it removed the wording that said that the Education Department and the Christian schools "Share the same ultimate objective, namely to uphold the religious exemption as it is currently applied." That was removed. And I think that is a good clue to the fact that they are taking seriously a review of whether this is bad law and needs to be changed.

Joyce Vance: So you, guys, I was really curious about whether Merrick Garland was going to reference the fact that today is the anniversary of the Stand in the Schoolhouse Door at Alabama. It's not voting rights but it's one of the most important civil rights cases that DOJ ever took on because his... I will say I was thinking during his speech every year I go to Selma for the anniversary of the Voting Rights march. And a whole bunch of people show up, and people give speeches and they talked about how important it is. And then they all go home. And they come back to Selma the next year and it feels like nothing has changed. Merrick Garland's speech today felt to me like something had changed, like there's this fresh new commitment. And I'm really hoping that that's a real thing, that we won't just go back next year and do it again.

Kimberly Atkins...: Hey, you guys, I know you all listen to audible just like me. I just downloaded Clint Smith's new book, *How the Word Is Passed*, and like many audible books, he narrates it. He reads it himself. And it's really nice to hear the author in his own words speak about the work that he's done. In this case, it's examining the history of slavery in America, which is so important right now. How about you guys? What are you listening to, Barb?

Barb McQuade: Well, I'm actually listening to a book written by a friend of mine. A law school classmate named Brian Christie wrote a book called *In the Company of Killers*. And it's kind of a thriller about the CIA. My friend is a former investigative journalist at National Geographic. And so it's clearly based on his experiences as an investigative reporter in some of the more exotic locales on the planet. So it's a pretty fun read. It's a good kind of summer fiction read. How about you, Jill? What are you reading?

Jill Wine-Banks: I'm actually trying to listen to more podcasts. And audible also offers that. So that's been a terrific thing. When I'm walking the dog, it's great to be accompanied by a great conversation that I listened to on many of the podcasts. But I have to say that I'm excited now to add to my list, the book that Kim mentioned because that sounds really interesting. And I think for sure, the fact that I grew up in an era where we didn't learn anything about black history, and if we've learned anything in the last few weeks and the Tulsa massacre, I think we need to take courses in that. And that'll be a good way to start. So thanks for mentioning that, Kim.

Joyce Vance: Well, now I feel shallow because I'm the one in the group who usually listens to books with no redeeming social value. I enjoy audible a lot. I listened to fiction books that I wouldn't otherwise be able to listen to. But recently, I've actually

been listening to Carol Leonnig's book, Zero Fail, which is about the Secret Service and about some real problems in that agency. It's a great book. And it's been sort of one of those books where you're walking the dog and you're transported and you don't say hi to people on the street, but I love audible for that reason. I really like it's ability to take me away.

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Kimberly Atkins...: As always, we've received some really great listener questions this week. If you have a question for us, please email us at sistersinlaw@Politicon.com or tweet using the #SistersInLaw. If we don't get to your question during the show, keep an eye on our Twitter feeds throughout the week where we answer as many of your questions as we can.

So our question today is from Jamie. And it says, "Many us high schools offer or require courses such as economics or the constitution, why not offer beginning-level law courses?" So I love this question, I'm going to start, because I think that civics education is so incredibly important. I'm not sure that all high schools offer courses on the constitution. And I really wished that they would. I certainly do think that things like the rule of law, things like the constitution and the topics that we talk about on the show, the basis of these laws, the statute, should be taught in high schools.

I personally think a lot of the reason that we have seen misinformation and disinformation campaigns be so effective in recent years is because of a lack of civics education. I know this was a topic that is very close to the heart of retired justice, Sandra Day O'Connor. In her early retirement, she did a lot of talking and writing books on this subject. And she really wanted to increase it. And I admired her greatly for that. I think it's super important.

Barb McQuade: And do you guys remember that segment that Jay Leno used to do where he would just kind of like walk around on the street and ask people like, "So, what's

the electoral college?" And they'd say something like, "I don't know. Is it a four-year university?" It is an astonishing-

Kimberly Atkins...: I think it is Pennsylvania.

Barb McQuade: It's astonishing how little people know about it, but I agree with you, Kim, it'd be great to teach in our schools, but it seems like we keep adding more and more things that our schools are supposed to teach our kids like financial management we want to add and peer conflict resolution and other kinds of things. I think maybe we're spending too much time also teaching to the test with all the standardized tests that we have kids taking. We've overloaded their plates.

And so we've we've stripped away the time to teach about what it means to be a citizen of the United States. As I agree with you, I think there's more important than understanding the basics of civics and voting rights and so many kinds of things that people just don't understand. I am heartened. In the absence of that, what else can we do? A friend of mine, Stephen Henderson, is doing us... He hosts a radio show. He's doing a summer book club on the constitution, Let's Read the Constitution, and talking about a different part of it every week. So I think there are things that all of us can do to try to supplement what's going on in our schools in their failure to educate our students on civics.

Jill Wine-Banks: I live in Birmingham with the public school resources to do it. But I will say that in the meantime, there are ways that we can all get involved even if it means going in and reading, do a class. I always go in once a year. There's a day where we read in the public schools. There are programs like We the People, where high school students have this opportunity to engage with the constitution. Maybe the answer here is that we should all be more involved in helping to educate kids in elementary and high school.

Joyce Vance: And having been part of the Chicago Public Schools as head of career and technical education for five years, I can say, firsthand, how over extended the schools are and how important these extracurricular or courses are that aren't really part of the actual educational method. I'm also part of a group that does a We the People constitutional, but who have mentored my goddaughter's high school Mock Trial program.

And it is something that I so wish had been offered when I was in school. It really teaches you about the law in a very meaningful way. And in terms of how the courts work. And it's a great, terrific program. It can also be a career identifier for many of the students who participate in it.

So I think we need to make sure that we encourage and take part in helping the schools to offer these extra programs. But when it comes down to basic civics education, that has to be part of a school program. We are so bad in terms of

what Americans know about voting, about districting, about the sense of budgets, you name it, anything with how the government works.

If you ask them, what are the three branches of government? What percentage of people do you think can answer that question? And we can't have an informed electorate if they don't understand the basics of that. So I think we-

Barb McQuade: Like old, frankincense, and myrrh? Those are the three.

Joyce Vance: Yeah.

Kimberly Atkins...: Right. I'm glad-

Joyce Vance: Exactly.

Kimberly Atkins...: Yeah. I'm glad I'm a Gen Xer, so I had school house rock. So thank you very much for that. And thank you all for listening to #SistersInLaw with Barbara McQuade, Jill Wine-Banks, Joyce Vance, and me, Kim Atkins Stohr.

Don't forget to send in your questions by email to sistersinlaw@politicon.com, or tweet them for next week show using #SistersInLaw. And please support this week sponsors, Athena Club, Warby Parker, and Audible. You can find their links in the show notes.

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Jill Wine-Banks: That was well done.

Kimberly Atkins...: I love it. I love. Good timing.

Barb McQuade: Kim, [crosstalk].

Kimberly Atkins...: This podcast was recorded [crosstalk].

Joyce Vance: Whoever did that, that was fabulous, fabulous, fabulous.

Kimberly Atkins...: I'm sorry, what were you saying, Barb?

Barb McQuade: I was going to say your new name just flows off the tongue now, right? You've no problem connecting story. It all-

Kimberly Atkins...: I do now?

Joyce Vance: Yeah.

Kimberly Atkins...: I'm used it.

Joyce Vance: It works.

Kimberly Atkins...: The name is easy-

Joyce Vance: And I think I finally-

Kimberly Atkins...: Go ahead.

Joyce Vance: I think I finally got your name right, because it kept showing up as Kimberly Atkins on my email and I finally figured out how to change it. So I just sent you something, which I think says Kimberly Atkins Stohr. So [crosstalk].

Kimberly Atkins...: Oh, okay. I try and-

Joyce Vance: But you... Yeah, yeah.

Kimberly Atkins...: I'm trying to figure that out too, because it's different on the laptop than it is on the phone, than it is on everything. I'm trying to figure it. I will never be offended by you calling me Kimberly Atkins.

Joyce Vance: No, no, no. It's just... I mean, in your email is still Kimberly Atkins.

Kimberly Atkins...: Yeah. It still says that in that.

Joyce Vance: Nothing changed, but it was saying Kimberly Atkins instead of...

Kimberly Atkins...: Kimberly Atkins Stohr.

Joyce Vance: And I think I fixed it. So we'll see, hopefully.

Kimberly Atkins...: Thank you. I appreciate it. Yeah, the name is easy now. I keep forgetting to call him my husband. That's the hard part. I took my... Like, oh wow. Yes, I guess he is that.

Barb McQuade: Yeah, that's a big deal.

Jill Wine-Banks: That's fun.

Kimberly Atkins...: Yeah.

Jill Wine-Banks: Excellent.