

Joyce Vance:

Welcome back to #SistersInLaw with Jill Wine-Banks, Barb McQuade, and me, Joyce Vance. Kim is away this week on a much deserved break with her sweet husband. She's somewhere in the Rocky Mountains, posting these gorgeous, gorgeous pictures of snowy scenes. I am beyond jealous, but I do hope that they're both wearing their #SistersInLaw hoodies to keep warm. You can wear one too. You'll find it all at politicon.com/merch. We've got t-shirts, tote bags, water bottles, and lots more in addition to the hoodies, so it's time to go load up on SistersInLaw merchandise.

It's been such a slow news week said the SistersInLaw never ever, right? This week has just been extra. We've actually been emailing each other back and forth for the last couple of hours before we started taping today because there is so much going on, and it never stops. But before we dive in off the deep end, we will talk about what's going on with the January 6th investigation, both on the Hill and at DOJ. It's Domestic Violence Awareness Month, and we want to talk about some of the important issues there.

We'll also discuss these very interesting reports from Westchester County, New York, where our friend, District Attorney Mimi Rocah's office has apparently subpoenaed records regarding the Trump National Golf Club Westchester County. We'll try to figure out what that means. But y'all, before we do that, I thought we might try to take a peek into other people's houses, because we're more than a year and a half into the pandemic. Although Barb and I have big green screens behind us when we do TV, for the most part, you don't get to see our houses.

For a lot of folks, we actually get to see their real living rooms or studies or backyards. I'm curious about what houses or what folks homes you guys are interested in seeing the most. For me, I love seeing Claire McCaskill's kitchen. It's amazing, right?

Barb McQuade:

Right. With the baked goods.

Joyce Vance:

I'm totally obsessed with that green tile that's behind her. For those of you who don't know, Senator McCaskill is not just a former senator. She's a former prosecutor as well, very supportive of the women who came up behind her, but it's her tile as much as her professional skills that I'm jealous of. Like Barb said, those cakes she bakes, I want to just spend an afternoon at Claire's house baking with her. What about you, Jill?

Jill Wine-Banks:

Well, first of all, I would've mentioned Claire if you hadn't already mentioned her, but I'm impressed by how clean her kitchen is. You guys, unlike anybody else, has actually seen my kitchen, and it's just never organized and clean. I have pots and pans all over, and it just is a mess. I'm impressed with anyone who broadcasts from their kitchen. I've seen Valerie Jarrett from her kitchen, and I think John Howman from his kitchen, and so many people. I'm just so impressed by how absolutely spotless, and that there's no appliances out. How does that happen?

In my house, that's not how it is.

Joyce Vance:

I'm like you, Jill.

Jill Wine-Banks:

What about you... Good. I'm glad. I mean, I like using my kitchen, and so I leave my counters full of appliances. Things that most people would put under the counter, I leave on top, my blender, my Cuisinart. All of that stuff is out. Anyway, what about you, Barb?

Barb McQuade:

Well, I admire very much your room, Jill. Your kitchen is also beautiful, because you've got this... You have those bright colors. You've got the bright yellow in your kitchen, but also that red room that you use by the fireplace, I think that's magnificent. I think Kim has a great room behind her too. She's got great art and lamps and colors and all that. When it comes to... I am so glad that I have this screen. It's like being issued a school uniform.

I don't have to worry about what I'm wearing on any given day, because I just pop up the screen where I've got a background of the University of Michigan campus. In the same way, I dress just in grays and navys in an effort not to be noticed. My house is the same way, and so when I broadcast, you'll notice I'm in a room alone. It's dark. There's maybe a bookshelf behind me. It doesn't look too nice. I'm happy not to have to show any of that stuff to the world.

It's just one more thing that takes mental energy that I lack, so I admire those who have those beautiful backgrounds and those beautiful rooms like you, and beautiful homes, but I just find I don't have the bandwidth. Life's a lot easier if I just stay in my room with my screen that shows the same thing every time.

Joyce Vance:

It's something about being a working mom with four kids, right? I mean, even though our kids are getting older and mostly grown, I confess that I wouldn't really want the whole world to see my house. I've been doing some hits from my office at the University of Alabama, and so I do have to have a background. Thankfully, I have a really wonderful assistant, Brandy, who I'm crazy about, and she takes good care of me. She pointed out that what I just need to do is in my background, make sure you can always see prominently my Nick Saban signed football.

If you ever see me hitting from the university, you'll see my bookcase, which is not very remarkable, but I do have my Saban football back there.

Barb McQuade:

All right. I can top that one, Joyce. In my office... I occasionally do an appearance from my office, from my computer. You can see over my shoulder my Ruth Bader Ginsburg action figures.

Joyce Vance:

Is it one of the green bag, one of the bobbleheads?

Barb McQuade:

It's not a bobblehead. Just an action figure.

Joyce Vance:

Well, I am super jealous. Now, I'm going to start looking for that, Barb.

Jill Wine-Banks:

I have a Hillary Clinton Nutcracker so...

Joyce Vance:

I'm not going to touch that one. I'm not touching that.

Barb McQuade:

We got to stop there. That is just too good. Done.

Jill Wine-Banks:

I'm really excited to be talking about January 6th again. The date's for document production in response to the subpoenas and for the testimony by Bannon and others have already passed, and the committee took the action that many Americans have been calling for. They voted unanimously on Tuesday to hold a still defiant Bannon in contempt despite his claim that he is only following orders from the president, and protecting executive privilege. Thursday, the resolution went to the full house where it got a much larger bipartisan vote than expected with nine Republicans joining 100% of all the Democrats, and voting to hold Bannon in contempt.

One Republican, the brother of Vice President Pence, abstained, so it was a 229 to 209 to one vote. At the same time that that was happening, Congress's referral, of course, was heading to the U.S. attorney for the district of Columbia for a decision on whether criminal charges will be filed. The department at that same time was also in court answering questions from Chief Judge Howell about how it was distinguishing between 600 January 6th defendants in their sentencing recommendations. Both of those are such interesting issues stemming out of January 6th.

I want to start with you though, Joyce, and talk about the fact that nine Republicans voted to hold Bannon in contempt. Does it matter that the Democrats picked up nine votes?

Joyce Vance:

I think it does, maybe less from a strictly legal standpoint than from a perceptual one. This is nine Republicans who crossed over to vote in favor of forcing Bannon to do what any other citizen would have to do, and become in compliance with a subpoena. I think that that's a start on saying that we have democratic institutions, and that Congress should enforce its own prerogatives. I think it's a real head shaker that Mike Pence's brother couldn't muster the courage to demand answers for people who stalked his brother, for people who built gallows with his brother's name on them.

That one, I think, we'll just have to hold in abeyance. But when I say strictly speaking, I'm not sure this matters in a legal sense. I will say that if I'm the U.S. attorney in the district of Columbia making a decision about whether to prosecute or not, and if all things are equal, if the evidence is there, and if I'm satisfied I can obtain and sustain a conviction, I have a lot greater of a comfort level indicting this case the further it is away from being a strictly political position.

I think that this is actually good news in a couple of different ways.

Jill Wine-Banks:

Barb, does the U.S Attorney have any discretion in this matter? The referral statute talks about he shall go to the grand jury. Does that shall mean it's mandatory or does he have discretion?

Barb McQuade:

You're right, looking at the plain text, shall suggests that it's mandatory. But as we often know, statutes are often interpreted in ways that are different from the text. I think it has to be under the separation of powers concept of our constitutional structure that says that each branch has checks and balances on the other, but also, each branch has the ability to perform its own function. With regard to the executive branch, that has typically been found to mean that the justice department has its own discretion when it comes to deciding whether to file charges.

What will happen next is the U.S. attorney in the district of Columbia will assess the case and decide whether it belongs in court. I think on the one hand, you could say, "Well, of course, they should file charges because he's defied the subpoena," but I think they also have to look at not just whether they can file charges, but the principles of federal prosecution, which is what Merrick Garland said would be followed here also require that you look at whether there is a substantial federal interest or any alternative remedies.

I think if you go through that assessment, you can reach the conclusion that you should, but that is part of the process, and it's why we give discretion to prosecutors.

Jill Wine-Banks:

Joyce has already weighed in. We're both U.S. attorneys. So if you were the U.S. attorney, Joyce said she would go ahead. What would you do if you were the U.S. attorney?

Barb McQuade:

Again, going through those principles of federal prosecution, the one being whether there's a substantial federal interest at stake, I would look at a couple of things. There's been this assertion of executive privilege as the reason that Bannon is refusing to go forward here. That requires some legal analysis. I suppose, although it has never been held to apply to a private citizen like Steve Bannon, it's possible that a court could find that it does, although I would say here-

Joyce Vance:

There's that [inaudible 00:11:26] OLC memo, right? I mean, which is just from the U.S. Attorney firing debacle, but I don't think that's binding.

Barb McQuade:

It's absolutely not binding. It's policy, so I think there's an argument that could be made that it could extend to private actors, but then there's several other reasons why I think it doesn't hold up here. You would also have to say that the advice was within the scope of the president's duties as president. Just as we saw in the Mo Brooks case, when it relates to campaigns, it... This is about Donald Trump as candidate, not Donald Trump as president. I don't think it's covered by executive privilege in that instance.

As you well know, Jill, from the Nixon case, executive privilege is a qualified privilege. It's not absolute. So even if Bannon were able to persuade someone on these first two issues that it's privileged, it is the sitting president who has the authority to decide whether to assert the privilege in a particular situation. It has to yield if there is a compelling national interest that outweighs the privilege. Joe Biden has said, "That is the case here." Then finally, even if you win on all of those things, you still can't just defy a subpoena.

You have to show up and assert the privilege on a question by question basis. So if they said, "What is your name? Where were you on January 5th and 6th?" Those aren't privilege, so I think four strikes, he's out. I would bring those charges because I think his defense is not just flimsy, but frivolous, and there is that important federal interest here of defending the power of Congress that its subpoenas mean something, and that that power of oversight is one that is deserving of protection. I would bring charges here.

Jill Wine-Banks:

Let me just add that I love talking about executive privilege, of course, but I think that there's another reason why it doesn't apply. That's when you discuss crimes. If you're discussing interfering with the constitutional right of Congress to confirm the election, if you're talking about leading an insurrection, that is a crime. It's very clear to me that executive privilege does not apply to discussions of crimes in the same way that you were saying that it is not part of the president's job, and executive privilege only applies.

It's not just that it's political. It's that it was criminal. That is clearly the... In Nixon, that's clearly the case that they said. It doesn't apply, and so there are so many reasons why this is absurd, and that showing up is not an answer. You also mentioned, and I just wanted to quote, what Attorney General Garland said in terms of how he would handle this referral. He said that they would do what it always does in such circumstances.

It, meaning the Department of Justice, will apply the facts and the law, and that's exactly what should happen here. But let me ask you, will any of this get Bannon's knowledge to the public? Will he in any way be forced to testify, or are there some other means besides a criminal contempt that could lead to us hearing what he actually has to say?

Joyce Vance:

Well, I think he can't be forced to testify. That's the problem with these settings, and sometimes you'll see people go to jail for an extensive period of time. When they're held in civil contempt, they can cure the contempt and get out of jail if they choose to testify, and they don't always do it. It seems to me that Bannon has a little bit of a martyrdom complex here, and that he and Trump might actually have a plan to use a scenario where he's prosecuted or otherwise held accountable to try to fan the flames of division in this country in the way that Trump is so expert at manipulating people.

I have a little bit of a concern about that. It's not really a proper concern to have when you're making a decision about prosecution under the federal principles of prosecution, but I suspect that folks in DOJ will try to think through if they do decide to prosecute how to do this in the way that's the most clearly non-political fact-based prosecution possible. In that regard, I've heard folks saying, "Well, Eric Holder was held in contempt, and he wasn't prosecuted, and it would be purely political to prosecute Bannon here."

You guys have done such an amazing job of laying out all of the considerations in executive privilege and whether to prosecute that, I think, it's also worth distinguishing this case from the situation with Holder. That involved an ATF operation gone bad in Arizona called Fast and Furious, where ATF took their eyes off of some guns, and they ended up at a crime scene in Mexico where a law enforcement official was killed. In that instance, DOJ turned over thousands of pages of documents to Congress, turned over more than they were actually obligated to.

Congress still wanted more. Ultimately, they held Holder in contempt. I think that that's in stark contrast to this situation with Bannon, where as Barb points out, he didn't even show up, right? I mean, I

think your point that to assert the privilege Bannon has to show up and answer questions and assert the privilege question by question, I think that's really important. So deciding not to prosecute in these clearly political cases like with Holder or even with A.G. Barr, that's one thing.

With Bannon, the issue is, "Does Congress have any scope for oversight authority? Because if you won't enforce this subpoena against Bannon, there's no reason for any future witness to comply with a congressional subpoena."

Jill Wine-Banks:

I want to mention when you mentioned that you could be put in jail for a long time, Susan McDougal served 22 months. I don't know exactly how it got to be 22, because she was sentenced to 18.

Joyce Vance:

But it's different, right?

Jill Wine-Banks:

Why is it different?

Joyce Vance:

It's a really different scenario. She goes in front of a grand jury, and so she refuses to testify. Her story is that she has concerns that no matter what she says, they're going to prosecute her for perjury, but she's held in civil contempt, and the statutory basis is different. Here, what DOJ is looking at is a criminal statute. It's a misdemeanor, but it has some teeth to it. That's their option as opposed to there where she went to a grand jury, and declined to answer all of the questions.

I think that that's the right analogy, that people are held accountable when they don't comply with subpoenas.

Jill Wine-Banks:

Exactly. The other thing that you mentioned which I think is extremely important is that this has impact way beyond just this case, because if Congress cannot enforce its subpoenas in some way, then how can they do any oversight? We saw during the Trump administration repeated refusals to come before Congress to answer questions on immigration policy and all sorts of things. So if we're going to have three co-equal branches, and if there is going to be legitimate oversight, the subpoenas have to be obeyed, and so I think this is extremely important.

I want to move on to the question of Judge Howell. She raised the issue about the consistency and fairness of the sentencing recommendations from the Department of Justice for the 600 defendants who have been charged in the insurrection. Let me start with you, Joyce, about how the Department of Justice is distinguishing between defendants.

Joyce Vance:

It's a really interesting question. I think it's interesting that some of this started with Judge Howell because before she was a federal judge from 2004 to 2013, she actually did two terms as a commissioner on the U.S. Sentencing Commission, so she's really into the sentencing guidelines. One of the goals of the guidelines is to treat similar crimes alike. The guidelines were passed in the late 1980s,

where sentencing was this wild west with federal judges doing whatever they wanted to do. Their discretion was only cabined by statutory maximums.

Judge Howell is really steeped in this notion that crimes should be treated similarly. She raised some early questions in these cases about leniency. She frankly was critical of the federal government for being too lenient. She's now been joined, I think this is pretty interesting, by her colleague, Judge Chutkan, an Obama appointee, who is a federal defender. She too has had some complaints about leniency in sentencing recommendations, and so in this most recent case that was filed this week, DOJ resorted to putting together a chart, and laying out in great detail the crimes, the conduct, and explaining why in some cases they were seeking one sentence, in other cases, others.

Here, they're really arguing about petty crimes. They're talking about whether probation should come with home confinement or not. But as you say, Jill, with 600 crimes ultimately, it's going to be very important for DOJ to have a very dedicated sentencing rubric where they're distinguishing... I think, it'll be bans of crimes, right? As they move on into felony crimes, they'll have to have real good justification for where in the guideline range they're going, and the types of sentences that they seek. It's going to be very messy.

Jill Wine-Banks:

I think that the document you refer to that they just filed before Judge Howell is one we should post in our show notes, because it's really an interesting look at some of the specific things they consider. They looked at whether there was any remorse shown, what the violence level was, whether the person had pled guilty and done so early, whether the probation report had certain recommendations, what offense was charged, what was the criminal history, whether the person was cooperating at all. These are all very interesting ways that different sentences come.

You've mentioned the sentencing guidelines. Barb, do you think they work in this situation?

Barb McQuade:

Yeah. First, I want to have a shout out of appreciation to the AUSA who filed that document, Jill. It's Mitra Jafary-Hariri, who is an AUSA I hired in the Eastern District of Michigan. Because of the huge volume of these cases, they asked for volunteers from around the country to help with these cases. I know she and Amanda Jawad, another AUSA in Detroit, have stepped up to do these as have other AUSAs from around the country, which is really wonderful.

Ordinarily, the sentencing guidelines start and are driven by the count of conviction. As long as you're charging people with the same kinds of offenses, then it starts at the same base offense level, but then you get additional points added for aggravating factors like use of violence, use of a weapon, other kinds of things. But in the end, even the sentencing guidelines are imperfect. They're not binding. They're only advisory on a judge, but I think there are a number of factors.

Joyce, when we were charging cases, we had the Holder memo that asked us to make an individualized assessment about the person, and so there's this tension between, number one, uniformity and wanting to make sure people are treated alike and treated fairly, but also assessing the individual to make sure that you are considering unique factors about that person to make sure they're treated fairly. I think this grid that shows all of the factors they're considering is an effort to provide that uniformity while also acknowledging that one size doesn't fit all.

Jill Wine-Banks:

Barb mentioned the fact that she had two Michigan AUSAs helping out in this. I want to also note that there were two Michigan Republicans who voted to hold Bannon in contempt, one from Illinois. You got two, so good for you.

Barb McQuade:

Oh, I miss Kim when we have these kinds of ads. She doesn't mind talking about her undergarments, but Jill, can you talk with us about ThirdLove?

Jill Wine-Banks:

I can, but mostly because I love how comfortable it is. You don't even know you're wearing it. It's great for whether it's sport activities, which I know you would love, Barb, or if it's just for going out in the evening, in those days where we now can maybe still go out and be outdoors. They're really comfortable, and the sizing is amazing. Haven't you found that to be true, Joyce?

Joyce Vance:

I really have. I like my ThirdLove bras a lot. I know Barb does too. She's just such a shy shrinking violet these days.

Barb McQuade:

This is for... It's not just the three of us, right? This is a podcast. A lot of people are [crosstalk 00:24:28].

Joyce Vance:

Seriously, people are listening to us? Well, I've now outed myself for the whole world. I really do like the ThirdLove bras. I'm a big believer. They're comfortable, and they look great. You just can't say that about everything, but Jill, what do you think about the quality?

Jill Wine-Banks:

The quality is amazing. No matter what you do, they just fit perfectly. That's partly because of how they size you. They have half cup sizes. ThirdLove creates high quality underwear, sleep and loungewear with cup sizes ranging from AA to I, including exclusive half cups with lounge and sleepwear and sizes extra small to 3X. Get ready to feel good. If you don't love it, exchanges and returns are free. ThirdLove even gives gently-used returned bras to women in need, donating over \$40 million in bras so far.

Take the easy fitting room quiz, and ThirdLove does the rest, focusing your fit on size, shape, current issues, and your personal style to deliver underwear that's perfect for you. They even have stylists on standby to help.

Joyce Vance:

You can tell when you look at the bras that ThirdLove obsesses over each stitch, so you'll always love how it feels, looks and wears. Trends might come and go, but ThirdLove stays true to their motto. We do comfort. You do you. I also love ThirdLove's washable silk PJs with a soft like a peach touch. It's machine washable luxury, and so far, ThirdLove has helped over 18 million women find their true bra size. Feeling is believing, so upgrade to everyday pieces that love your body as much as you do.

And right now, we can help you get 20% off your first order at thirdlove.com/sistersinlaw. That's 20% off if you go to thirdlove.com/sistersinlaw.

Barb McQuade:

Well, the next topic we wanted to talk about is Domestic Violence Awareness Month. October is Domestic Violence Awareness Month. I see, Jill, you are even wearing purple in honor of this month.

Jill Wine-Banks:

I am. I am.

Barb McQuade:

Thank you for that. I actually participated in a purple run earlier this month. That's a nationwide effort to raise awareness and support for survivors of domestic violence. I serve on the board of a great organization called SafeHouse Center in Ann Arbor, Michigan. It's such a significant problem. Just to share a few statistics, according to the National Coalition Against Domestic Violence, more than 10 million Americans experience domestic violence each year. They say the math on that is that means every three seconds, somebody is a victim of domestic violence.

One in four women and one in 10 men experience sexual violence or intimate partner violence. We know right now, the Department of Justice has been seeking renewed funding for the Violence Against Women Act. Good work is being done to protect survivors both in government and in the nonprofit sector, but this problem has been especially acute during the COVID pandemic. It's a time when it's difficult for victims to get away from their assailants.

Domestic violence is prevalent in every community. It affects all people regardless of age, socioeconomic status, sexual orientation, gender, race, religion, nationality, all of that stuff. Domestic violence can result in physical injury, psychological trauma, and even death. I wanted to talk a little bit about what appears to be an example of domestic violence in the news, so I guess we don't know for sure, but at least it raises the issue, which is the case of Gabby Petito and Brian Laundrie.

Joyce, can you just tell us a little bit about the background of the case for those who might not be familiar with it?

Joyce Vance:

Sure. I mean, this case has been all over the media. In fact, for some people, the coverage has been so much that it's highlighted the fact that the same attention isn't paid to missing women of color, but the basics are that the couple was on this road trip of a lifetime, living the van life, lots of social media documenting their travels, and they apparently hit a rough patch. They had an interaction with law enforcement, but they were permitted to go on their way after being separated and permitted to cool down.

Then Laundrie comes home without Petito. He refused to answer any questions. He ultimately disappeared on a hiking trip, and now his remains have been found and positively identified. Barb, as you say, there's a lot of supposition that what this really is is domestic violence that he killed her, and that everything ensued from that, although we don't know for certain. Frankly, with his death, we may never know for certain.

Barb McQuade:

Her remains were found in Wyoming, I think, right, near the Tetons?

Jill Wine-Banks:

Yes.

Barb McQuade:

Jill, I want to ask you about this encounter they had with the police. Is there something you think the police could have or should have done when they first encountered the couple that might have prevented a tragic outcome?

Jill Wine-Banks:

I wish I could say yes in answer to that. I think we'll put the video of that encounter, again, in our show notes, because everybody can judge for themselves. But I think the police were actually quite kind and nice and engaging with this couple, and they did nothing. They let them cool down, and both of them... Well, Gabby was crying and seemed a little upset, but Brian talked to them very calmly, and neither of them wanted charges filed. There's really not much the police can do when the people involved say, "No, everything is fine. I'm not really hurt. I don't want anything done."

They actually... One of the policemen offered some advice based on his own marriage. He said to Gabby, and talked about how she might be able to handle this better. I think they did everything they could. Was there anything that the parents might have seen in their relationship? Was there anything that friends might have seen, and would they have been able to intervene? I don't think so. It's one of those really sad and tragic events. As you said, we may never really know what happened, but her body shows up buried in Wyoming, and he shows up without her and doesn't answer.

Then he runs off and hides in a swamp, and his remains have now been found. The funniest thing is the speculation is that he was eaten by an alligator because of where he was found. I know Joyce knows much more about alligators than I do, but maybe she'd like to comment on that.

Barb McQuade:

What do you think, Joyce? Does that theory hold up, the alligator theory hold up?

Joyce Vance:

I think it only holds up if they find teeth marks on his bones. Not to be graphic and gross, but the forensic experts will be able, I think, to get a pretty good grip on what happened there.

Barb McQuade:

Have you had alligator bite cases before, Joyce, there in Alabama?

Joyce Vance:

No, those only happen down in Florida. I have this running joke with our former Florida colleague, Willie Ferrer, down in Miami about Florida Man, because all the weird things happen in Florida, right?

Barb McQuade:

Well, Joyce, let me ask you about the parents of Brian Laundrie. Could they be facing any criminal exposure? I know for a while there's some speculation that maybe they had assisted him in escaping the country. It's even an odd factual scenario, isn't it, where they decided to join the manhunt, and they very quickly find a backpack and his phone, and shortly after that, the remains. Do you think there's anything suspicious there that might yet unfold?

Joyce Vance:

I think it's dangerous, and in some sense, unfair to speculate, but here we are, and I will anyhow just with that caveat, right? Saying that the facts will come out, and I think folks will give the... or not the Petitos, I'm sorry, the Laundries a really hard look, because as you say Barb, there's some stuff here that doesn't smell right. It's possible that they could be accessories after the fact or could have committed a crime called misprision if they were giving him aid in alluding law enforcement, or if they were taking steps to conceal the crime.

I think there will be investigation in both of those regards. If they knew where he was during this time when he was hiding, and if they lied to the police, or if they were giving him food or whatever he needed to survive, then they really could be in trouble. There's also another possibility here because he comes home. There's this refusal to give up any information about where Gabby is. If, for instance, in his van there was evidence regarding her death, if there was clothing or a murder weapon or anything like that, they could possibly be in obstruction territory if they were involved in hiding it or even in destroying it, but this is all conjecture at this point.

I think that there will be investigation. We just don't know enough yet to pass definitively.

Barb McQuade:

Jill, I want to ask you a question. Joyce alluded to this earlier, which is this idea of the disparate reaction our country seems to have based on the color of the victim. There's been huge public interest in Gabby Petito when she was missing, and then her body was found, her remains, I guess, and autopsy determined that she had been strangled to death. There had been this massive man hunt for Brian Laundrie until he was caught... His remains were found yesterday.

Do you think that we as a society or with media or all of us makes a bigger deal about missing white people than missing people of color? And if so, why is that, and how do we correct it?

Jill Wine-Banks:

There's a lot of evidence that that is exactly the case. Many professionals have looked at this. Martin Reynolds from the Maynard Institute for Journalism Education has commented frequently about the disproportionate attention paid to missing white women, a focus, he said, that is compounded by competitive coverage that leads to this because it's what people seem to want to read. I also want to point to one of my journalism heroes, Gwen Ifill, who described this phenomena in 2004, so we're talking about a long time ago this was identified.

She called the phenomena The Missing White Woman Syndrome. Basically, the demographics of the industry are a big factor. The newsrooms and particularly the editors and the managers of television stations tend to be white and male, and so the things that interest them are this adorable Gabby Petito and her handsome fiance off on this big adventure. On the other hand, you have reports where in the very state where she was found, we can look at the fact that in Wyoming, 710 indigenous people went missing between 2011 and 2020, and not much has been reported about that.

People are selective in what they read and in what they report, and so if we look at... This goes to a man named Alvin Williams, who's a host of something called Affirmative Murder. He quotes some of these numbers. There is a lot of evidence that there is disproportionate reporting about white women missing, and we need to pay more attention to that as we look at gender equity and racial equity, and make sure that there's as much attention paid.

I'm not saying that we shouldn't have pursued the Petito-Laundrie case, because their parents deserve to know what happened, but so do the parents of every indigenous and person of color who's missing.

Barb McQuade:

Right, it's that disregard for others, I think, that's the troubling part. I think, journalists really need to check their biases. We need more diversity in journalism to promote that diverse perspective. I remember we had an incident in Detroit, I'll say, a few years ago, probably more than a few know. My estimates of time are always... I always underestimate, but we had an incident. It was over the holidays, where a white, suburban girl from one of the affluent Detroit suburbs was killed by a shooter in a car.

She was out with friends, and they had, I think, recently bought some drugs, and somebody came and shot up their car, and she was killed. There was a manhunt on for her killer. It made the news... It was the biggest news story you've ever heard. It was an awful tragedy, and just wall to wall coverage. The same week, there was a young, black college student who was sitting in a car not too far from this other incident, and killed in some drive-by shooting where there was no shooter, really similar scenario and not a blip, didn't get any reporting until well after the event, and only because people pointed out like, "How come nobody's talking about this other case? Everybody's talking about the white suburban girl."

You're right, Jill. I mean, both of them are entitled to equal value of their lives, and we should be as upset at the loss of any life. This implicit bias against people of color, I think, is something that really needs to be checked and [crosstalk 00:38:16].

Jill Wine-Banks:

Well, before-

Joyce Vance:

Can I share an optimistic story in that vein, because I think we could use some optimism on that? Like y'all say, this is a matter of who you care about, right? In Birmingham, this precious little black toddler named Cupcake McKinney was kidnapped a couple of years ago, and it was a non-familial kidnapping. She had been there for gathering with family and friends, and she was with some slightly older children, and somebody snatched her. It was tragic, and it ended with her death. But the city's reaction to the story was really a lot like Gabby Petito except on a citywide scale.

Everybody was alert. Federal and state law enforcement were active. The media covered the story around the clock. I remember trying to figure out what was different about Cupcake McKinney, because all too often, we ignore black women who go missing. Of course, the factor was that she was just this precious, adorable child, and everybody saw their own child in her. It makes you think that if we're intentional, we really can find ways to define who we care about more broadly than we obviously do given the statistics that you talk about, Jill, but I think we have to be willing to make that step, right?

I mean, I think we have to intentionally, as Barb says, find value in all of these lives. That's something that we have to practice doing if we're not there yet. Because if we don't do that as a society, if we say some lives just aren't worth the attention, then we really can't feel very good about where we are.

Barb McQuade:

Good point, Joyce. I want to ask you about a different angle of this, Joyce, which is the manhunt version of this case. You and I have compared notes before on our work in our former U.S. attorney's offices on fugitive cases, running a program called UFAP-

Joyce Vance:

UFAPS.

Barb McQuade:

... which is Unlawful Flight to Avoid Prosecution. I know you worked on UFAPS, and you were involved in one of the biggest UFAP cases, one of the biggest fugitive hunts in history with Eric Rudolph. Now, that was a federal case, but how do federal agents get involved in fugitive cases where the fugitive is facing state charges like Brian Laundrie was?

Joyce Vance:

Yes, so UFAP warrants are these warrants that are issued by federal magistrates at the request of an assistant United States Attorney usually. They're the sign off on the warrant along with federal agents. Technically, there's a section of the U.S. Code 18 USC 1073, and the crime is Unlawful Flight to Avoid Prosecution. In essence, the statute federalizes somebody who's committed a state crime, and then fled. That's how the feds get involved in a situation like Brian Laundrie's.

The key element, the hook in the statute is there has to be reason to believe that the suspect has fled the state to avoid prosecution. Sometimes, law enforcement gets a little bit creative. Sometimes there's uncertainty, and you can get there, but it's really common for prosecutors to obtain these. They're used in a wide variety of situations. In a lot of the parts of the country, there are actually regional task forces led by U.S. Marshals but with folks from the FBI who have primary jurisdiction to enforce UFAPS and other crimes.

They're really good at tracking fugitives down. The marshals always get their man.

Barb McQuade:

Well, we're going to talk about Girlfriend Collective today. You know I'm a big fan of Girlfriend Collective because Girlfriend Collective has pockets, and I am all about the pocket. They have pockets in their leggings, and it makes it top of the line for me. Jill, what about you? Have you been enjoying Girlfriend Collective?

Jill Wine-Banks:

Yes. I was never so aware of pockets until getting to know you, Barb, but you're right. Having pockets is really a big advantage.

Barb McQuade:

See. It's liberating, isn't it, Jill?

Jill Wine-Banks:

Absolutely. I mean, instead of having to carry an extra purse or a waist pack, you can stick stuff into pockets, but it's not just the fact that they're pockets. They're stylish, which matters to me, and they are

comfortable, and that matters a lot too. Everything that I've gotten has been really wonderful in that regards.

Joyce Vance:

I'm with Barb on this. Pockets are a big deal for me. It's hard for me to remember when I actually went into the studio to take yoga classes, but pocket is where you can just stick your phone and your key fob, and you don't have to worry about anything else. That's a huge deal. But really sadly for me, Girlfriend Collective is just a fond memory because my 22-year-old daughter likes my Girlfriend Collective so much that she has stolen them, and that is the mark of something that's really extraordinary, right, when your daughter steals it from you.

She actually made me buy her more. For Christmas, I'm hoping a little bit shows up in my stock.

Jill Wine-Banks:

I bet it will, because Girlfriend Collective is sustainable and ethically made and offers inclusive sizing from extra, extra small to six XL on their selection of incredible bras, leggings, shorts, tanks, tees, and swimsuits. Whether you're working out, running errands or doing nothing at all, something that none of us ever gets to do, Girlfriend Collective has functional fabrics, colors, styles for any activity, and all their clothes and packaging are recyclable and consciously crafted.

This season, we're in love with their best selling squat-proof leggings that come with pockets-

Joyce Vance:

Pockets.

Jill Wine-Banks:

... and have different levels of support, so you know you'll find the perfect fit for you.

Joyce Vance:

Join us in joining the Collective today. For listeners of #SistersInLaw, Girlfriend Collective is offering \$25 off your purchase of \$100 or more when you go to girlfriend.com/sisters. That's \$25 off, \$100 or more when you go to girlfriend.com/sisters. If you're like me, you will have no trouble spending \$100 there.

We've spent some time talking about lawsuits that the former president is involved in for the last couple of weeks. But this week, we switched back to his possible criminal exposure. There are news reports that friend of the podcast and former guest, Mimi Rocah, who's now the district attorney in Westchester County, New York has a new investigation open. Barb, can you tell us a little bit about the allegations that are being reported?

Barb McQuade:

All we know so far is that it appears that Mimi Rocah's office, the Westchester County district attorney's office, has served a subpoena on the municipality where Donald Trump has a golf course property. That likely has become disclosed because municipalities are very transparent and deal with things very openly, and so very often when they get served with subpoenas, the press will serve Freedom of Information Act requests with local municipalities and local governments, and they typically feel the need to respond.

It can be really challenging when you're investigating something that involves getting records from a local municipality, because it's hard to keep it secret. I think that's how this has come out in the public, but it appears that Mimi's office, DA Rocah's office, has sought tax records from Donald Trump's golf course property. The speculation is that there is an investigation that he has undervalued the reported value of that property, which would be consistent with some of the investigations going on around other aspects of his work.

We're seeing attorney general Letitia James looking at some similar things, and certainly consistent with the charges against the Trump organization and Allen Weisselberg about cheating on taxes with regard to income and unreported benefits provided to some of the executives of the Trump organization.

Joyce Vance:

I think it's really fascinating because as you say, it's a very local issue, right? I mean, the valuation of this golf course determines in a large part funding for things like public schools and school food programs. And so when there's a rescission on the valuation of Trump's property, that money, in some sense, is coming directly out of school budgets. There's a lot of local protesting that goes on around an issue like this, and it's a real challenge for prosecutors to keep their investigation under wraps.

It's interesting, along those lines, Jill, there's been reporting that the DA's office has brought in of a ringer, a 30-year veteran prosecutor with experience in both federal and state systems. He's come out of retirement to work in Rocah's office. He's reported to be working on this investigation. Does that give you... I mean, are there tea leaves that you want to read there?

Jill Wine-Banks:

There are, but before I answer that, I just want to comment that it seems to me that this is also consistent with everything that Michael Cohen testified to, everything that he said about how, for insurance purposes, Trump organization and Trump overvalue property for tax purposes, they undervalue them. This is exactly what he was talking about. I also want to point out that we're talking about... He says it's worth 1.5, and the county valued it at 15. In his public filings for president, Donald Trump said it was worth 50 million.

We're talking about quite large divisions. But going back to your question about the DA having hired this expert, first of all, I'm always thrilled when I see somebody with almost as much experience as I have being hired for anything. That's good that it's a 30-year veteran, but I think that you don't do that unless you're expecting an indictment, unless you're expecting this to lead somewhere. Now, you never know when you start an investigation where it's going to end up, but I do think that it does pretend that there is a likelihood that there could be something coming out of this investigation.

Joyce Vance:

I'm trying to not read too much into it. I know Mimi. When she was on the podcast, she talked about some of the big plans she had for the office including a conviction integrity unit. I think that there's probably plenty of work there to be done, but it is really interesting to bring in somebody with that level of experience. Barb, let's get very nerdy about the nitty gritty of doing these fraud cases for a minute, because this investigation at least appears to have its Genesis in allegations of manipulating the valuation of the property for tax purposes.

Can you talk a little bit... I know you've done a lot of this kind of work. How hard are these cases to make? Are golf courses hard to value? Jill brings up the numbers. That's a lot of real estate between 1.4 million and 50 million, right? That's quite a discrepancy.

Barb McQuade:

Yeah, in some ways, a case like this is easy because it's a paper case. You can find records. You can find documents. You can find them signing a document for one purpose with one value, and another document for another purpose with another value. Those are the kinds of objective things that prosecutors love, because you don't have to worry about a witness having a memory fade or being accused of bias. The documents don't lie, so that's a great thing.

But as you say, when it comes to real estate, there is a wide swath of potential value. Especially over the course of time, there are times when times are tough, and real estate values drop. Then there are other times when real estate values skyrocket, so the same property can have a lot of different values at different points in time. What's important is that there'll be not only a false statement of the value, but a knowingly false statement of the value. The way you prove that is to show contradictory statements in records and reporting.

If on July 1st, he said it was worth \$1.4 million, and on July 2nd, he said it was worth 50 million because it was to his advantage to make it either lower or higher, that can be very good evidence of a willful violation. I think that's the kind of evidence that you're looking for is this knowledge that he's reporting and playing around with the numbers depending on the purpose.

Joyce Vance:

Hey Barb, do you think it matters at all that the \$50 million dollar valuation is on his federal ethics forms? A lot of the earlier allegations we heard or the suggestions about what Cy Vance was looking at was that he was using one valuation for insurance and another valuation for tax, and playing the float on the team, making money on both ends. Do you think that because the 50 million on his ethics forms is maybe just his effort to establish how wealthy he is and what a billionaire he is that it might not be as serious?

Barb McQuade:

Well, I think regardless of your motive, if something is false and knowingly false, then that is criminal, and so he may have had a goal to make people think he's richer than he is, or he may have a goal to get a break on his tax bill. But whatever it is, if he submits it falsely, and he knows that it's false, then it's potentially criminal.

Joyce Vance:

My recollection is that when we all signed those disclosure forms, we signed them under penalty of perjury, and there wasn't an exception for somebody who was trying to puff up their own value, right?

Barb McQuade:

You didn't claim that your golf course was worth 50 million, did you, Joyce?

Joyce Vance:

I never said that about my golf course. Absolutely not nor would I. But Jill, the reporting that we're seeing has suggested that because Mimi was a legal analyst at MSNBC, and she pretty clearly upon

during his presidency that she believed he had engaged in misconduct, that Trump would likely go after her personally. Of course, he would go after anyone personally who prosecuted him. But do you think this matters that Mimi has this background, and now Trump is likely going to use it against her?

Jill Wine-Banks:

He will go after, as you said, anyone and everyone personally. That's just his style. Will it matter? No, because the facts will speak to what are the facts. Will he be able to get her disqualified from this case to have her recuse herself from the case? Well, so what? She has terrific people in her office who can handle it. Ultimately, it has no impact on the outcome of the investigation or on the possible prosecution for this case. I agree completely with Barbara that false is false, and it doesn't matter what your motives for falsifying are.

Maybe it's even worse that on a federal ethics form, you puff your amount. That's maybe even worse than trying to get a tax advantage or a loan based on inflating the value or insurance payoff that is greater than it should be. All of those are terrible, and all of them are illegal. I, like everybody in this country, am getting impatient waiting for there to be some accountability. Donald Trump has had a lifetime of... Ronald Reagan was known as the Teflon president, but compared to Donald Trump, he's nothing.

Donald Trump has had Teflon his whole life, and it's time. It's definitely time.

Joyce Vance:

Trump gets away with everything, and one of the things he's always done is said, "Well, it's not an important crime, right?" Remember with obstruction of justice, how he would say, "Well, it's just a process crime." Here are the notion. "Well, I only lied on my ethics forms," I think is equally obnoxious. I'm like you, Jill. I do believe that justice should be deliberate, and we should be fair to people that are accused. I also think that people who engage in misconduct should be held accountable.

People's confidence in the system will slip if that doesn't happen with Trump, so I like Mimi as a prosecutor. I think she's really fair. I think she's determined to do the right thing. I feel like these allegations are in good hands, but Barb, where do you think this case could go? I mean, it starts with what looks like tax fraud and valuation. Could those allegations morph, and perhaps equally as importantly, do you think it matters that there's also a criminal case going on next door in Manhattan?

Barb McQuade:

I would expect that the prosecutors involved here are communicating with each other. At least I would hope they would. I think that's the best practice to have federal and state and local prosecutors coordinating their efforts. Because number one, you could step on each other if you're not careful. I was going... I was waiting to disclose this fact down the road. I wanted to question a particular witness before this particular fact became publicly known. That kind of coordination is important for that reason.

There's also value in sharing information that I learned this fact, and although it's not relevant to my state charge, it could be relevant to your federal charge or vice versa. This does not work in a federal charge, but it does work in a state charge, and so there is value in coordinating like that. What we could see is all of this coming under one umbrella to be something that is charged by the state AG, or it could it be each county has jurisdiction over crimes occurring within their county that Mimi Rocah has one set of charges, and Cy Vance has another set of charges. That could happen.

Then the other thing that could happen is anytime you begin to investigate one crime, it is always possible that you stumble upon another. There's something known as the plain view doctrine. So if you get records, and you either find what you're looking for, or you don't, you find something else that's criminal, then you can bring criminal charges there. The classic example of this, I suppose, is the whitewater investigation, where they were looking for corruption, and they found a blue dress.

I think it could morph into something more serious, but I don't want to minimize the importance of a tax case. I think tax charges, we pay our taxes for a reason, and those who willfully free ride on the rest of us, I think, are deserving of accountability.

Jill Wine-Banks:

Barbara, I want to just add to that the community that the golf course is located in is up in arms, because they're paying their fair share. As Joyce said in the opening, this is money that would otherwise pay for schools and other local services, and that he owes based on a legitimate assessment. I think it is important, and that the community interest will keep this case going.

Joyce Vance:

I heard something interesting last night. The valuation issue started in 2015 before Trump was in office, but I heard a local official on television talking about how awkward it was for them to prosecute or in a lawsuit be going after a sitting president. One wonders if any untoward pressure was brought to bear on the city to settle the suit for an amount closer to what Trump wanted. I think this case will bear a lot of watching.

I know something that we've all obsessed about is whether we're getting enough sleep and how that's working out. Have y'all been using ChiliSleep, Jill?

Jill Wine-Banks:

Yes, and they did something really wonderful for me because my complaint is my husband is always warm, and I'm always cold. They sell them in a half size so that it can cool his side of the bed, and not touch mine. That's really been very helpful. Barb, what about you?

Barb McQuade:

I sleep like a baby, and having a comfortable temperature of your bed is an important part of that. ChiliSleep is the secret to the success of a good night's sleep. Your body needs that trigger to let you know it's finally bedtime. So if you find that you are tossing and turning in sweaty sheets, ChiliSleep is here for you. ChiliSleep makes customizable climate controlled sleep solutions that help you improve your entire wellbeing. Like the OOLER and Cube Sleep Systems, they are hydro-powered, temperature-controlled mattress toppers that fit over your existing mattress to provide your perfect sleep temperature.

Jill Wine-Banks:

Whether you sleep hot or cold, these luxury mattress pads keep your bed at the perfect temperature for deep sleep. Their sleep systems are designed to help you fall asleep, stay asleep and give you the confidence and energy to power through your day. For an extra layer of comfort, they also make the chiliBLANKET, the only weighted blanket that can also be paired with a control unit for the ultimate sweat-free sleep. Can you imagine waking up and not feeling tired? ChiliSleep can help make that happen.

Barb McQuade:

Head over to chilisl sleep.com/sisters to learn more and save 20% off the purchase of any new sleep system. This offer is available exclusively for SistersInLaw listeners, and only for a limited time. That's chili, C-H-I-L-I, sleep.com/sisters to take advantage of our exclusive discount and wake up refreshed every day.

Joyce Vance:

We've got some time left to answer our listener questions. Y'all, we love getting your questions. They're great. They make us think, and in a week like this week, they are varied. They cover a lot of ground. We'll answer three of them here, but hopefully, we'll have a chance to answer more during the week on Twitter. Please do email us at sistersinlaw@politicon.com. If you have questions for next week, you can also tweet them at us. Just use the hashtag SistersInLaw, so we see them.

We'll keep an eye on Twitter so that we can answer more of your questions next week. But this week, I want to start with a question about Alec Baldwin. Barb, we've been reading the reports and talking about how this situation is tragic, and it also has the makings of a really great law school exam question. Do you think Alec Baldwin is likely to face charges in the shooting in New Mexico?

Barb McQuade:

Like all cases, the facts matter. We need to know more facts that occurred here, but assuming this was what he thought was a prop, and that he was playing a role as an actor, I think the answer is probably no. Crimes... Here's a quick law school primer. For homicide, you have to have something which is the actus reus that you are the person who did the act. In this case, he pulled the trigger, so he did commit the actus reus. You have to have causation. That is my act caused the death, and it did, so you have both of those factors.

But the key factor here that I think is missing is what's called mens rea, which is the criminal intent. For murder, it has to be either some kind of intent to kill or an intent to cause great bodily harm that results in death, or what sometimes you refer to as depraved heart murder that is doing something so reckless as to show a careless indifference to the value of human life, or you're engaged in a felony. There can be manslaughter where you're acting recklessly or in the heat of passion. There can even be negligent homicide, where you exercise a gross violation of the standard duty of care.

But if somebody said, "Here's the prop for your next scene, Mr. Baldwin, and we want you to point it directly at the camera and fire away," then I think most likely, this is simply a tragic accident. That doesn't mean there's not civil liability for somebody who was a prop master or however this gun ended up there and firing in this way. But I think in terms of a homicide charge for Alec Baldwin, unless we learn new facts, it seems unlikely that he would be charged with a crime.

Joyce Vance:

I think that's right. New Mexico even has a statute that's explicitly entitled excusable homicide and says that in a case where the death results from a homicide, it directs the jury to render a verdict of not guilty and the release of the defendant. So as Barb says, unless we hear more, I think prosecution is very unlikely. Jill, question for you. Matt Gaetz, what does it mean that there are now two DOJ prosecutors who have joined prosecutors in the U.S. Attorney's office in middle Florida in handling that case?

Jill Wine-Banks:

It's good news for everybody who is concerned about his conduct as reported, and who would like to see some results because the Department of Justice's public integrity section is not large, doesn't have enough resources to just send them anywhere. It has to prioritize cases that are likely to have an outcome. The fact that they are now working on this particular investigation suggests to me that they are getting closer to coming to a conclusion. Most likely, they were looking at an indictment, or they wouldn't have gone there.

You never know once you get there and you get down to the final evaluation of what the facts are. We can't say that for sure there's going to be an indictment, but I think that it is probably indicative that there will be a charging decision.

Joyce Vance:

Our last question comes from Laura in Epping, New Hampshire. She says this, "I enjoyed the discussion about Trump's legal issues. As he's been asked about his income, I'm wondering if he can use funds from "keep America great" and other PACs." Assuming he tries claiming that the suits are related to his time in office or campaign, can he use these political donations to pay off any of his current legal fees or settlements he may end up owing? Barb, do you have any thoughts?

Barb McQuade:

I think the answer is yes. If you are running a campaign, you can collect money. But if you decide not to run, you end up with that war chest, and I think you get to keep it.

Joyce Vance:

Trump has made some real interesting comments, right? I mean, he is always trying to raise money, and there's been at least some suggestion that this campaign for the presidency in 2024 is more about the opportunity to continue fund raising than it is about a legitimate run for office. We don't really know how that will turn out, but it is a money-making opportunity for somebody who's a proven grifter.

Barb McQuade:

Well, he's even been accused of having those hidden, small print that says things like, "Make my donation recurring," and so without really realizing it, people intended to donate \$50. It became \$50 a month. He does seem eager to maximize his ability to raise money and get people to give him money. We'll see whether he genuinely means to run for office again, or if this is just an opportunity to be a money grabber.

Jill Wine-Banks:

It's also noteworthy that he has done besides fundraising for his own campaign, that he is starting to do other ventures like this new platform, all of which so far have failed, but now he's got a new one that's going to be, I think, a substitute television channel as a way of making money. He is very interested in raising money. He's also going to have to disclose his income in some of the upcoming depositions, and so that'll be very interesting to see what happens there, because how much he has is relevant to how much he might have to pay back or what the damages he would have to pay.

Barb McQuade:

He's very entrepreneurial, but if he starts an underwear company, I'm not talking about that either.

Joyce Vance:

Note to our production team, we will not advertise Trump's underwear.

Thank you for listening to #SistersInLaw with Jill Wine-Banks, Kimberly Atkins Stohr, Barb McQuade, and me, Joyce Vance. Don't forget to send in your questions by email to sistersinlaw@politicon.com, or tweet them for next week's show using #SistersInLaw. Don't forget to go to politicon.com/merch for all of our amazing t-shirts, hoodies, bags, buttons, water bottles, and more. You are going to want to have them.

This week's sponsors are ThirdLove, Girlfriend Collective, and ChiliSleep. You can find their links in the show notes. Please support them. They really help us make this show happen. To keep up with us every week, follow #SistersInLaw on Apple podcasts or wherever you listen, and please give us a five star review. We really love to read your comments. See you next week with another episode, #SistersInLaw.

Jill Wine-Banks:

Oh God, I also have a Hillary Clinton serving platter. What else? Oh, I have a dalmatian nutcracker. Everybody needs some of those.

Joyce Vance:

Jill, we're all coming over and hanging out in your kitchen, and seeing everything you have. I told my husband to bring me down a drink, and he hasn't. I'm feeling a little bit pissy about that.

Jill Wine-Banks:

Do you want us to take a break, and go get it?

Barb McQuade:

It's so hard to get good help these days, Joyce.

Joyce Vance:

It is hard to get good help. I mean, that man finished trying a case. He's upstairs watching TikTok. You'd think he could make me a drink.

Jill Wine-Banks:

Do you want to go get it?

Joyce Vance:

No, because he's...

Jill Wine-Banks:

No.

Joyce Vance:

No, I'm going to make him feel bad about it later.

Barb McQuade:

This transcript was exported on Oct 25, 2021 - view latest version [here](#).

Even better. Holding a grudge. She'd rather hold a grudge than drink. Love it.

Joyce Vance:

I'm a Jewish girl. I can hold a grudge.

Jill Wine-Banks:

Okay. I'm not touching that one either.