

Kimberly Atkins Stohr:

Welcome back to #SistersInLaw, with Jill Wine-Banks, Barb McQuade and me, Kimberly Atkins Stohr. Joyce is away this week taking a well-deserved holiday. And also, I want to remind y'all to order #SistersInLaw merch. You can go to [politicon.com/merch](https://politicon.com/merch), where you can get yourself a Sisters In Law T-shirt, hoodie, water bottle, and so much more. So do that now.

Today we'll be discussing the Mississippi Abortion Law that the Supreme Court heard arguments on this week. We'll also talk about the latest developments in the prosecution of prominent figures from the events of January 6th. And we'll talk about women facing trial, who are blaming the men in their lives. And as always, we will get to your questions at the end of the show.

So before we dig into this week's Supreme Court arguments in that challenge to Mississippi's Abortion Law, one thing occurred to me as I was listening in, was that an unusual thing was happening, which was that both advocates who were arguing, challenging Mississippi's Abortion Law were women.

You had Julie Rikelman, who's Senior Director at the Center for Reproductive Rights, and US Solicitor General, Elizabeth Prelogar. Just a little funny fact, I don't know if I've said it here before, we were both interns together at the Boston Globe many years ago. So I've known her for quite a while and I thought they both did excellent jobs, but it's unusual because the Supreme Court Bar still has far fewer women than men. According to SCOTUSblog, during the 2020 term, last term, 84 advocates before the court were men and only 22 were women. And I have to say at having covered the court from the mid-two thousands to the mid 20 teens, that's a big improvement because usually, you would have terms where it was a single-digit number of women who advocated before the court. So it had me thinking, you have this issue where part of what the argument that both Julie Rikelman and General Prelogar made was the impact that this would have in the real world on women.

And so do you guys think that the fact that they themselves were women arguing this point was important? I'm at two minds on this. On the one hand, I do think it's important. Diversity is important not just to click a box, but it's important because you want to bring people who can talk about the importance of this and the experience in a real way. But at the same time, I would love to see men be able to articulate these same points. It shouldn't only be women that do it. So what do you guys think about that? And have you found being a woman in your practice was important in some cases or no?

Jill Wine-Banks:

So let me start because I argued in the Supreme Court before 2000. Long before you were covering the court. And talk about being a rarity, there were almost no women arguing back then. And the same was true in trial courts, I would say as well. So for me, seeing two women on what I would call the right side of a case, was amazing. And the only thing that would've better was if there were women on all sides of it, although on this one, it would be hard for a woman to actually argue the Mississippi point of view. I think having the role model in the same way that our vice president is a role model for little girls to say, I could grow up to be President. This is something that I could grow up to be a Supreme Court Advocate. So on that ground, it's really important.

It's also important because there are certain things on this particular issue of abortion that I think women will intuitively feel differently and understand in a different way than men. I didn't see that happening so much in the argument where I felt like only a woman could have made that argument. But in other cases, that could be the case. There was a case of a strip search of a little girl. And I think that it was Ruth Bader Ginsburg, who made a very big difference by being on the court and being able to understand the trauma to that little girl. So I think it's a great thing and it was particularly great because

the two women in this case were brilliant. They shone in a way that was unbelievable. So I'm so proud of them. They did a great job. They made all the right arguments and made them in a very compelling way.

Barb McQuade:

I will agree that they were terrific. I really enjoyed listening to them. I felt proud of them. The Solicitor General of course represents the United States at the Department of Justice. Having spent the bulk of my career there, I took a special pride in hearing her argument. I thought she was exceptional. Only the second woman to be the Solicitor General of the United States, which is the lawyer at the Justice Department who argues before the Supreme Court, the head of that office. The only prior woman of course was Elena Kagan. So I'm sure she listened with interest as well.

I agree, it's nice to see this kind of representation and I do think it matters to some extent. It's certainly in the preparation of the argument, because I think that whenever you have more diversity at the table, and no doubt as each of them were preparing their arguments, they sat down with a team of people.

And the more representation you can have in the team as you put together those arguments, I think the better the arguments will be, because you start to consider different perspectives. How will this impact, not just women, but low income women? How will this impact women in certain States? Will this affect adoption? Just thinking through all of those issues, the more perspectives you have at the table, the better.

But Kim, you raise an interesting point, which is, is it always better to have women arguing, "women's issues" like abortion? Which is not necessarily women's issue, it's an everyone issue. But sometimes I think having someone who's not in the group can also be a powerful advocate as an ally, because I think sometimes people dismiss people if they're part of that group that's saying, "Well, that's just her issue. That's her niche issue." And sometimes when you have someone who's an ally and is not a part of that group, sometimes their arguments are taken more seriously because they're seen as not having a dog in the fight, so to speak. I think in the end it would be great if we had lots of men and lots of women who were arguing this issues and it was no longer remarkable that we had women arguing in the Supreme Court.

Kimberly Atkins Stohr:

Yeah, I think you're absolutely right. In my practice, I think it was more in the subtle ways that I thought being a woman would help. For example, some of my clients, they would bring up issues that concerned them to me and maybe not to my male colleagues. I think that was in part because we were still such a rare breed at that time. And perhaps with greater numbers of women in these fields, that that is less so. It's less of an issue. So I'm happy to see that change.

Jill Wine-Banks:

Kim, let me just say, I think you're right on that, but I think it's because often time clients or witnesses will see you as, because you're a woman, they believe women are better listeners. They're more empathetic. And I have often found witnesses will tell me much more than they would my male colleagues. But as we talked about on a recent episode, I also have used men as the front for what I would consider to be otherwise viewed as a woman's issue, so that it was not viewed as a woman's issue, but as a personnel issue, as a human resource issue. Things like abolishing the Women's Army Corps or getting maternity uniforms for women soldiers. So I think it can work both ways.

Kimberly Atkins Stohr:

Yeah, I think you're absolutely right, Jill. But let's get into this argument. It was a doozy Jill, right?

Jill Wine-Banks:

Oh, it was. And I know that everyone listening to us now, knows the issue at the center of the Mississippi Abortion Case, Dobbs v. Jackson Women's Health, and the consequences of the anticipated outcome, which is widely believed to be that Roe v. Wade and Casey are going to be overruled. So I'm not going to summarize the arguments that were made. And I want to just go to some analysis from our very special point of view. These are questions that I haven't heard other media people talking about. And I want to first look at what we thought the best arguments were or the most memorable statements from the oral argument.

And my favorites, I had a lot of favorites, but I'm going to start with two. One was from the US Solicitor General Prelogar, who said, "If this Court renounces the liberty interests recognized in Roe and reaffirmed in Casey, it would be an unprecedented contraction of individual rights. The Court has never revoked a right that is so fundamental to so many Americans and so central to their ability to participate fully and equally in society." And that is true. The Court has never taken away, it has granted rights, it's never taken them away.

But maybe the best of all the lines was from Sonia Sotomayor, one of our favorite justices now, who said that tossing out the landmark rulings establishing abortion rights would tarnish the Court's reputation and open the floodgates to other challenges to well-settled law, and asked, "Will this institution survive the stench that this creates in the public perception that the Constitution and its reading are just political acts? I don't see how it's possible." She said. So those were my two favorites. What about you, Kim?

Kimberly Atkins Stohr:

There were a lot of things that I thought, I don't know if favorite is the right word for it, but that I thought were important in getting an idea of how this case can end up. And I think one of them was from Justice Brett Kavanaugh, right? So going into this, there was this question as to whether in particular Justice Roberts and Justice Kavanaugh would be willing to go there to overturn Roe and Casey in this case for different reasons, because the Chief Justice might be more concerned about the institution of the Court. And given the politicization of the Court in recent years, that this may not be a great look for the Roberts Court to be the one who immediately after this 6-3 majority, one of the first things that they did was overturn Roe. And for Kavanaugh, just because we didn't have as much of a record on him when it comes to this, he's conservative, but he doesn't want to seem like a conservative bad guy.

But when he said essentially, "Well, isn't this a State's Rights issue?" To me, I was like, "Uh-oh." He said, when you have those two interests at stake, both are important. Why should this court be in arbiter rather than Congress? The State legislatures, the State Supreme Courts, the people being able to resolve this. There'll be different answers in Mississippi than New York than in Alabama."

He embraced this straight up State's rights thing that said, okay, "Well, I think that's it." I think that tells us a lot. Roe is in danger. It's very likely that they will rule against it on this idea that states' rights equals neutrality, which of course is not the case.

You either have a constitutionally protected right, or you don't. And this is making that choice between those two things. And I think he's trying to make that choice without saying that he's making a choice and putting it as a neutral option when it really isn't.

Jill Wine-Banks:

And I'm old enough to remember when states' rights meant segregation and other horrible things that the Court has since recognized. And the quote that you had, I just want to point our audience to, we'll include it in our show notes, Trevor Noah's take on whether you go from, it being a federally recognized constitutional right, or whether it should be a state's right or a city right or a county right or a household right or an individual right?

Kimberly Atkins Stohr:

How about an individual right? You're talking about an individual right, Jill? That sounds even better.

Jill Wine-Banks:

I know. I was hoping that Barbara would do an imitation of Trevor Noah because she's the one who can do it, but if you don't want to do it, Barbara, we're just posting Trevor Noah on our show notes.

Barb McQuade:

I'll let Trevor Noah say it in his own words. But yeah, I thought the same thing, Kim. That we're in trouble when they start talking about that. I also thought we're in trouble when Amy Coney Barrett starts talking about safe havens. "Well, now what's changed since Roe versus Wade, is now we have these safe havens where women can drop off their unwanted babies at a fire station or something. So doesn't that solved the problem?" And it completely ignores an unwanted pregnancy and the risk to a woman's health that goes along with it. It isn't just about being a parent. It's about being pregnant and giving birth.

So the quote I like the best, of course I always come back to Justice Elena Kagan, she is my hero and she, I thought, said something that was very poignant. She said, "There's been 50 years of water under the bridge." Talking about precedent of Roe v. Wade. "50 years of decisions saying this is part of our law, that this is part of the fabric of women's existence in this country. And that places us in an entirely different situation, than if you had come in 50 years ago and made the same arguments."

So the idea of precedent here is so important because one of the basis for precedent is the extent to which people have relied on it to order their own affairs. And so for many women, anybody who's mid fifties or younger, they've never known a world without Roe v. Wade. And so the idea that suddenly a right has disappeared, and that quote that you raised Jill, about Elizabeth Prelogar, it'd be the first time in history that the Supreme Court has taken away a fundamental right like that. So I thought she really nailed it with that observation.

Jill Wine-Banks:

You took my answer to the next question. So since you've taken my answer, I'm going to go back and I don't want to leave Rikelman out of this because her argument was brilliant throughout. And I picked out of the many things in the transcript that could have qualified. I picked this comment from her. She was the lawyer representing the Jackson Women's Health.

And she said, "Mississippi's ban on abortion two months before viability is flatly unconstitutional under decades of precedent. Mississippi asked the court to dismantle this precedent and allow states to force women to remain pregnant and give birth against their will." That said it all for me. My next question was going to be, what are some of the worst misstatements of law or fact? And I certainly would've included Justice Barrett in that horrendous comment about, "Well, just give the baby away. The problem's being a parent. You don't have to worry about being a parent."

Barb McQuade:

Just, gestate against your will. It's fine.

Jill Wine-Banks:

Right. But I had a second backup one, which was from the Mississippi Solicitor General Stewart, who argued for the Mississippi Law. And he asserted that the Mississippi Law is good because it only applies once an unborn child is undeniably human and when the abortion procedure is brutal. And that nowhere else does the court recognize a right to end a human life.

Well, as Ruth Marcus pointed out in her opinion piece, of course, that ignores capital punishment, but it also ignores my religious views, for example. That an unborn child is not an unborn child. It is a fetus until it emerges from the womb. So I found that to be a misstatement of fact, a misstatement of law and just horrible. What about some of the others? I have plenty more in mind, but I'm sure you guys do too. So Barb, you want to start us on this one with a really bad one?

Barb McQuade:

I think this idea that life begins at conception is something that really needs to be addressed because it doesn't. That is a religious view that some people have, but not everybody has. And so when you elevate that above all other religions, what we are essentially doing is codifying religious doctrine as law. And this is a country that values freedom of religion. And so all of those arguments that talked about, "This is a human life. We're ending human life," is nonsense. As you said, it's a fetus, it's not a human being. And so I thought all those arguments were based on a false premise. I also thought, and this is a point that Senator Chris Murphy made on the Senate floor, what a bunch of hypocrisy, when we've got all of these conservative saying, "We care all about the sanctity of life. We're all about preservation of life."

At the same time, we've got high school kids being killed in Michigan by active shooters, and conservative politicians won't do anything about our nation's gun laws and the same people who advocate for capital punishment. It really isn't about the sanctity of life. It is about trying to shove your own religious views down somebody else's throat.

We have a real problem with, it's not just white supremacy, it's white Christian supremacy, in this country. We haven't quite gotten there yet, but it's the same way that ISIS wants to form an Islamic state. It is our religion or else get out of the way, or we will kill you. I hope we haven't gotten quite that far, but it seems like we're trending in that direction. If the rule of law means anything, it means that we decide our laws, we follow our Constitution regardless of the impact it has on people's religion.

Jill Wine-Banks:

Right. And Kim, what about you?

Kimberly Atkins Stohr:

It's hard to come in after that because Barb was delivering hot fire truth there. One thing that I'm thinking about, what was the worst misstatements of law or fact? One of the moments in this oral argument that completely floored me was literally the first words that came out of the mouth of Scott Stewart, the Solicitor General for Mississippi. Literally right after he said, Mr. Chief Justice, and may I please the court? So I'm going to go through what he said in that first statement. He started out by saying, "Roe versus Wade and Planned Parenthood versus Casey, haunt our country." Now, Jill, I'm one of the people who you talked about who have only been alive when Roe v. Wade is the law, and the

country doesn't seem haunted to me. I think it's okay. All right. The next statement, "They have no basis in the Constitution."

Well, I would direct General Stewart to the Ninth Amendment that explicitly states that there are unenumerated rights and that just the rights in the Constitution are not the only ones. And also, there is not only in the Constitution, but in other foundational documents, the liberty right. That's one of the most foundational principles of our nation's founding. So that's not true either.

He says, "They have no home in our history or our traditions." Again, five decades roughly, we have traditions where women have understood that the access to abortion is legal and that has made it safer. So there is certainly history and tradition there. He goes on, "They've damaged the democratic process." Honestly, when you have rights that have been deemed fundamental by the Supreme Court, based on the Constitution, it's the other way around. Those are not up for a vote.

Those are not up to popularity. They're either a right, or they're not. So it's actually the democratic process that could damage the fundamental right. And he said, "They've poisoned the law and they've choked off compromise." Well, of course, compromise is not what he's after. Right? And initially, when this case was filed, it seemed like perhaps Mississippi would try to seek this way to get this law across the line and say, "You don't really have to overturn Roe to do this." This is totally within Roe. They have completely changed. You see the way he came in hot here, they have completely changed and said, "There is no place for Roe here."

Barb McQuade:

And did you notice that Chief Justice Roberts was miffed about that? And he kept saying, "Hey, when we agreed to take the cert on this case, you said, we didn't have to overturn Roe versus Wade. And now you're saying something else."

Because I think Roberts has telegraphed where he wants to come out, which is this incremental, "We're going to say this 15 week law is constitutional. We're not going to overturn Roe versus Wade." But effectively they are, right? They're not going to say it overtly, but they're going to do it and be sneaky about it.

Kimberly Atkins Stohr:

But he needs at least one other Conservative to join him on that. And I didn't see one. I couldn't count one.

Jill Wine-Banks:

Yeah. And I don't see the logic of that because if it's not a viability standard, you are overruling Roe and it can't be viable at 15 weeks. Maybe at some future date in our medical history, it will be, but right now, 15 weeks is not viable. And before we leave this, I just want to briefly mention, maybe even worse than the one I mentioned already is, comparing overruling segregation, which is a law that violated the Constitution, with overruling a right recognized under the Constitution, which is the right to abortion. To me, that comparison was just revolting.

Kimberly Atkins Stohr:

Jill, I'm glad you said that. I was literally thinking if they talk about Plessy one more time.

Barb McQuade:

Let me drape myself in the flag of Plessy.

Jill Wine-Banks:

Exactly.

Barb McQuade:

And also what does this argument lead to?

Jill Wine-Banks:

It could lead to taking away a lot of other rights. It could take away the right to same sex marriage, the right to interracial marriage, the right to contraception. All of those things could be at risk if this logic holds up.

Barb McQuade:

Yes. They're all based on the same foundation of Substantive due process.

Jill Wine-Banks:

Exactly.

Kimberly Atkins Stohr:

Absolutely.

Jill Wine-Banks:

Let's quickly, maybe if we can, just cover some of the arguments that were omitted that you would've made. And I have a couple, but I'll mention just one for time's sake. And that is when the question was raised about, why isn't 15 weeks enough? And that never really got answered other than saying that it should stick to the viability standard, but there is a very good answer, which is, at 15 weeks, you can't do the same kind of testing that can after 20 weeks for fetal abnormalities.

And so I think 15 weeks is not enough just on that alone, but also, it takes people time to get the funds together and the emotional support they need to proceed with this. And just even the physical support so they can have someone take care of their existing families while they go to have an abortion. I would've answered that question. Is there something that you would've argued that was omitted Kim?

Kimberly Atkins Stohr:

Yeah. The one thing that comes to mind is when the Chief Justice asked, and he asked this a couple times, he said, "We're talking about viability here. That's the question presented. So what does viability have to do with choice? If the argument is that this should be a woman's choice, what does that have to do with viability?" And I thought that that was a very disingenuous question. In this case the attorneys very rightfully argued that in this case 15 weeks is a time that it may not even be viability. That it's a clear violation of Roe.

But what I would've said is, "No, no, nobody is saying that the question presented is not about choice. The question presented is about the liberty right. It's about the privacy right. So you don't have to make choice fit viability. I wouldn't have said to him that this is a disingenuous question, but I would've made clear exactly what the issue is before the Court has nothing to do with choice. That's

how it's framed colloquially, but that's not the legal issue here. Like I said, I thought that was a disingenuous thing for the Chief to do.

Jill Wine-Banks:

And Barb, what's your motion?

Barb McQuade:

I have a smart aleck answer and I have a genuine answer. So I'll start with the smart aleck answer. When they asked about viability as in viability arbitrary, why should viability be the line? I would've said two things. One is, "Viability is a good standard even if it changes. If it becomes 19 weeks, then 19 weeks would be the demarcation, right? So it may be a moving target. But if science agrees on what viability is, it's just like reasonableness, right? It can move and that's okay. As science evolves maybe the number evolves, but the question's still viability." But here's the snarky part. I would say "You're right Chief Justice. It is arbitrary to say viability is the place where the liberty interest ends and the State suddenly has an interest in protecting life. It should be birth that should be the demarcation. And so there should be no restrictions on abortion whatsoever."

Choosing this viability stage was very arbitrary. I think strategically they know better than to say that because it's a loser and they'll say, "Okay, then we'll just overturn Roe versus Wade." But the genuine one is, this is one you hear from conservatives all the time on a lot of things. And so it would've been nice to just [tee 00:25:58] this up to satisfy everybody. It's not in the text. And Kim talked about the language of the Ninth Amendment that preserves these unenumerated rights for the people. There are so many things not in the text of the Constitution that the court has long recognized. The right to vote, the right to travel, the right to be presumed innocent in a criminal case, none of them are written in the Constitution. These are all things that the Supreme Court over the years has found is unenumerated, but is essential to the structure of the document and the structure of our rights. You know what else is not written into the constitution? Executive privilege. How do you like them apples?

Jill Wine-Banks:

So last question, and maybe I'll start with you Kim, about the political consequences if the court does overrule Roe and Casey, what do you think the biggest consequences are going to be politically?

Kimberly Atkins Stohr:

I mean, it's bad. Not only does abortion access become less available, particularly to, not just particularly, only to poorer and less privileged women, let's be clear. Privileged and wealthier women will still be able to obtain safe abortions. It's the poorer, less privileged ones who will not be able to.

But it affects all women and childbearing Americans because of the erosion of the fundamental liberty right that undergirds this. And that's important. It's important to know that abortions won't stop. They'll just become less safe, particularly for people who are in rural areas. Like I said, with less privilege. Listen, the maternal mortality rate among Black women and Native American women is horrific, right? This is healthcare for them. And that will be inaccessible to them. There are really real consequences about this that aren't about the political arguments. Its actual impact on women and childbearing Americans that's at stake here.

Jill Wine-Banks:

And Barb?



Barb McQuade:

Yeah. I agree with all those things that Kim just said. And I think focusing on the people who will suffer as a result of this is really where our energy should be spent. But since you asked about politics, I do wonder if a decision could backfire on the Republican Party. For 50 years, they have been chasing this white whale of overturning Roe versus Wade. And if they finally catch it, it is a decision that will not be popular. I think abortion rights are approved by the vast majority of the population in this country. And so while there are certain people who would have gotten their wish, I think it could be very energizing to suburban women, college educated women, who have voted for Donald Trump and have voted historically for Republicans. I think it could swiftly throw them over into the other party. So I think there could be some real negative consequences for the Republican Party as a result of that.

Jill Wine-Banks:

I agree.

Kimberly Atkins Stohr:

Barb, I hope you're right. I just can't believe that, that's true. First of all, we already have a situation now. This isn't the beginning of the attack on abortion access in America. I think it's the end game. I've listened to the wise consult of my husband who follows these things carefully and says, he thinks it's in the middle. Because think, we already have six states where abortion is all but inaccessible. There are one or fewer places where abortion is accessible in those states. There has been attack on this for a while and we have not seen this army of suburban white women army go and hold lawmakers accountable for that. We expected that army to come after Sandy Hook on the issue of gun rights. We expected that army after Black Lives Matter just a couple of years ago, and that didn't happen either. I am less convinced.

Barb McQuade:

Superman's not coming? Superwoman's not coming?

Kimberly Atkins Stohr:

No. It's like Linus waiting for the great pumpkin. I just don't think that it's going to happen, but what do you think, Jill?

Jill Wine-Banks:

I'm more inclined to have the optimism that Barb is expressing and think that as this rolls out, and there are many states with trigger laws that as soon as the decision comes down, abortion will be unavailable. And I think that within six or nine months, as people are realizing they're having babies because they couldn't get an abortion and their lives are changed dramatically, that there will be a backlash. But I also think it could lead to a final change in the size of the Supreme Court. It could lead to a change in the filibuster laws. It could lead to passing the Women's Health Protection Act, which would codify the rights of Roe and allow abortion nationwide. So I'm hoping that there will be some good political outcomes from this. We won't know until after the decision and our listeners can stay tuned to find out what that decision will be, and then we'll know the consequences.

Kimberly Atkins Stohr:

So, you know what Jill, I, for Thanksgiving brought a lovely bottle of the Lodi Zinfandel from Cameron Hughes Wine. I usually like a Bordeaux, but that went really well with the turkey and all the other fixings. Have you been using Cameron Hughes?

Jill Wine-Banks:

I have. And since you mentioned Bordeaux, they have a wonderful, very elegant Bordeaux style, white wine blend. And it is really good. And at holiday time, it's always nice to bring a bottle of wine to wherever you're going. Of course, that's assuming we're going anywhere, otherwise you can just stay home and drink it, because it's really good. But if you are going to someone's house, Cameron Hughes makes a really nice gift to bring with.

Kimberly Atkins Stohr:

Agreed. That's what I brought with me. Cameron Hughes sources top rated luxury wines directly from the best wineries around the world. Cameron Hughes Wine is your personal sommelier, insider and wine buyer, all delivered directly to your door. You get the best wines at affordable prices.

Exclusive wineries over produce and keep official quantities low to keep their prices high. Cameron Hughes gets these wines and sells them under the Cameron Hughes label for a fraction of the price. These wines are an amazing value. And today you can get top rated award winning wines at incredible savings. They sell out quickly, so drink the best wine and save.

Jill Wine-Banks:

It is a great saving if you go to [chwine.com](http://chwine.com) today. You get 20% off the already great prices and you get free shipping when you buy three or more bottles. Just enter our code, sisters, at checkout. That's [chwine.com](http://chwine.com) with code sisters for 20% off three bottles or more plus free shipping. Great wine, great prices, delivered right to your door in the safety of your own home. And the link is also in the show notes. So go there and try it.

Barb McQuade:

Well, the January 6th Select Committee continues its work and members of Trump's former administration continue to stonewall. This week we saw some activity relating to Jeffrey Clark, where the Committee voted to hold him in contempt. He's a former DOJ official. We also saw Mark Meadows, the former Chief of Staff, who says he's cooperating with the Committee, but even he continues to assert executive privilege. And then we've also now got a development where John Eastman, who is the author of the Memo, providing the roadmap, for how to subvert the election, now says he'll be taking the Fifth. So let's talk about those. Kim, let me start with you asking about Clark and Eastman. Why is the Committee interested in talking with each of them?

Kimberly Atkins Stohr:

Yeah. So as you said, Jeffrey Clark is a former DOJ official and he was reportedly willing to go along with [efforts 00:34:19], not only to push former President Trump's false claims of election fraud, but to pressure others to do so as well. Trump also reportedly considered replacing, then acting Attorney General, Jeffrey Rosen with Clark in an effort for him to do his bidding. So clearly the Committee is going to want to know what he said and what he did leading up to January 6th, including his willingness to send a letter to State officials in Georgia and elsewhere.

A letter that I thought was threatening, essentially. Essentially directing them to question the legitimate results of the election even though they declared that there had been no evidence whatsoever of widespread fraud, including in Georgia, where the election officials were Republican. And as you said, you had John Eastman, who said he's also going to claim the Fifth Amendment. He is someone who worked closely with Trump also in an attempt to overturn the 2020 election results, as you said. With that memo, he also pushed state legislative leaders to reject Biden's victory. And so they're going to want to know exactly what they did, what they said. And we can talk a little bit later about exactly what the difference of the Fifth Amendment is to the executive privilege claims that others are making.

Barb McQuade:

So the Committee has held Clark in contempt and said they'll refer him for criminal prosecution, but they have allowed him a little wiggle room to show up on Saturday. And if he engages, maybe there can be some difference there. Do you think strategically they want to hold him in contempt, Kim?

Kimberly Atkins Stohr:

I'm not sure. So, as you said, you're absolutely right, he's expected to show up as ordered, but invoke his Fifth Amendment Right not to answer questions. Like I said, that's different than the Executive Privilege claim, right? Which we've all essentially thrown water on, whether it actually exists. Not only do former presidents not have this, but in many ways, even if it's existed, it's been waived, but we don't think it's actually existed.

Everyone has a Fifth Amendment Right. If they're under oath, they have a Fifth Amendment Right, not to incriminate themselves. And so essentially what Jeffrey Clark and Eastman as well are indicating, is that they will show up, they will do this dog and pony show and just say, "Hey, we've invoked our Fifth Amendment Right not to incriminate ourselves." What the Committee does after that, I'm not sure, Barb.

Barb McQuade:

Yeah, I know. I think it's tricky.

Kimberly Atkins Stohr:

I think it's too. In the case of Steve Bannon, right? They went for the criminal contempt charge. They referred it to the DOJ, to the federal prosecutor who is charging him now with criminal contempt. Criminal contempt comes with real consequences. You can be convicted of a crime. You can face jail time. You can face fines, but it does not force you to cooperate with the Committee. And I think in the case of Steve Bannon, I think it's highly unlikely.

They expected him to be helpful in the first place. So he could be most helpful serving as an example of what can happen to you when you don't participate. I think for these other witnesses, they actually want to get this information. They want to get the documents that they have. And you don't get that. That's not a remedy for criminal contempt.

So of course they have these other two options. One is civil contempt where the Committee can go. The House can vote to go to a civil court and order them to participate.

Well, I don't think that will necessarily work. They tried that with Donald Trump before. And that's what led to his impeachment. There's also this obscure right that they would have, which is called inherent contempt, where they would literally have the Sergeant at Arms go and arrest the person that

they want to hear from and bring them back to the court to compel them to testify. That's never been used in modern times. I'm not even sure how that would be used.

Barb McQuade:

Would that be something to see though? Driving in there and put them in the dungeon. There's a basement in the capital.

Jill Wine-Banks:

There used to be a jail in the Congress. It now doesn't exist. They'd have to use a hotel. But Kim, what could happen of course, is the person in civil contempt or in inherent contempt holds the key to the jail cell. They can testify to get out of jail. Once you're convicted of criminal contempt. You're convicted and you can come testify and then you could maybe ask for leniency to be released early, but it doesn't affect your criminal conviction and doesn't get you out of jail.

Kimberly Atkins Stohr:

Right. Going to court to get a Civil Contempt Order takes a lot of time. It takes a lot of red tape. The Committee wants to work swiftly. I'm not sure either of those would really be effective in compelling the testimony, which is what they really want.

Barb McQuade:

Yeah, I think for sure, with regard to Jeffrey Clark and John Eastman, he's in a little bit of a different camp than Bannon. Well, Jill, let me turn now to Mark Meadows, who's another person who potentially has a lot of information as the former Chief of Staff. What do you think the Committee wants to get out of him?

Jill Wine-Banks:

I think he's got a lot of information that the Committee wants. He spent the day and the days before with Donald Trump. So if I were the Committee, the thing I would focus on first and foremost is what did the President know and when did he know it? What did the President say? What did he direct? What did he do? Those are all the questions that he can answer. And so he becomes, to me, a real key witness that they want to persuade to testify as opposed to Bannon. Would anybody believe anything he said even if he said it. With Meadows, he's a former member of Congress, I think he could be believed and getting his testimony would be important, and that he has important facts to share.

Barb McQuade:

Yeah. And now he is one who has asserted executive privilege. That's something you know a thing or two about, right? And we're hearing citations to all the Nixon cases, right? There's the tapes case, US v. Nixon. And the Nixon v. GSA. We've been hearing about those Nixon era cases. His claim for executive privilege seems a little stronger than Bannon's because he was actually the Chief of Staff. He was a member of the executive branch inner circle during that time. What do you think of his assertion of executive privilege?

Jill Wine-Banks:

First of all, let's look at executive privilege. And the fact that the current President has said, I waive that they can all testify and they can give documents. I want those documents released because in this case,

the public interest outweighs the interest of confidentiality. So, that's number one. Number two is, does the former President have any right? Well, he has court recognized, some right to weigh in on this, but not to predominate. In other words, he can try to persuade the President. And we only have one at a time. The courts have been very clear. The President is not a king, and we only have one President. And the person who is appealing here, Donald Trump, is not even the president. His rights are severely limited. But there's a very big other limitation on executive privilege, which is number one, if the public interest outweighs the need for confidentiality.

And number two is if it's part of a crime. If you are claiming executive privilege, it only applies if the privilege relates to a conversation that related to policy or politics. Let's say to the job of the President. It doesn't apply if the conversation is about a crime. And that's basically what US v. Nixon said is that the public interest outweighs it. And you have to give testimony in a criminal case.

Now, I point out, it was in a criminal case, not in a congressional subpoena. Congress did not prevail in that case. We, the Watergate Prosecutors did. The case involving GSA, involves the Presidential Records Act, which subsequently was passed because of a deal that was struck originally between the archives and President Nixon, to have him have more control over his records. And in that case, again, it recognized there was some right for him to weigh in, but he doesn't have a complete right here.

So basically I'm going to say that even though Meadows was at the time of the conversations, an employee of the federal government, it doesn't mean that he is protected by executive privilege. And it doesn't mean that the former president could invoke it. And there's an additional thing in the case of Mark Meadows, which is he's written about it. His book comes out next Tuesday. And I believe that could be a waiver. Now, there are some arguments against it being a waiver, but I'm going to go with in this case, he's waived any privilege for any conversation that he relates in this. There's a third issue with him, which is how honest is he going to be? He's saying he's going to cooperate now, and he has given some documents. So hurray for that, because documents are an important part of proving a case, oftentimes more important than testimony, which can be colored.

This cannot. A document says what it says, but I'm suspicious. I'm skeptical. I don't believe that his cooperation will be forthcoming. So for example, he took on the President a little bit by saying the President tested positive for COVID before that debate. And when the President, the former President, our former guy, criticized him, he said, "Well, I meant it was false news because it was a false positive."

Okay, hope we're getting Kim's reaction to this. I love that I can make her laugh. It's absurd. So I'm not trusting that Mark Meadows is going to give us truth, even if he shows up to testify. He will show up, but will he give us the answers to the questions that I said in the beginning were the important things. What did the President know and when did he know it?

Kimberly Atkins Stohr:

And I just want to point out if this is so important for us to say, and I'm saying this as a member of the media, I think this is one place where a lot of media organizations failed. And I read a lot of headlines about Mark Meadows cooperating. I was like, "Wait, what? What?" And then I went and read what was going on. I'm like, "He's not cooperating." Why even tell people that?

Barb McQuade:

He's cooperafaking.

Kimberly Atkins Stohr:

Yes. He's playing this... That's nice.

Jill Wine-Banks:

That's a good one. Say that again, Barb.

Barb McQuade:

Cooperafaking.

Jill Wine-Banks:

Love it.

Barb McQuade:

Well, we'll leave, but I'm sure we'll be hearing more about this topic as the weeks ensue.

Kimberly Atkins Stohr:

You know, Jill, one thing that I've come to just accept is that I hate the grocery store. It stresses me out. I don't like how people act in it. My husband does the grocery shopping in the house.

But what I do like is HelloFresh. Because with that, you get all the ingredients you need to make really good meals. They're very fresh. And they come right to my door and keep me from having to go to the place that I hate. Are you using HelloFresh?

Jill Wine-Banks:

I love HelloFresh. And the meals are always so exciting. They come with a great recipe. They come with all the ingredients you could possibly need. If you need one clove of garlic, you get one clove. There's no waste. And you end up producing what looks like a fancy restaurant meal. Just like the picture on the recipe. It's quite amazing. It's fun to do. Barb, are you using it?

Barb McQuade:

I am. I've been using it for a long time. Like all of us, I often find myself very busy and don't have time to shop and plan for a meal to have all the stuff that you need. And so living in a University Town, it's really easy to get takeout a lot, but I found that with HelloFresh, I'm cooking a lot more and I'm eating a lot healthier things for my family.

We eat a lot of fish now. We have a lot of fresh vegetables and so on the whole, I think we're saving money. So all in all it's a real win. With HelloFresh You get fresh pre-measured ingredients and watering seasonal recipes delivered right to your door. So skip the grocery store, Kim Atkins Stohr, and sign up with HelloFresh, to make home cooking, easy, fun, and affordable.

HelloFresh features, recipes that cut back on meal prep and clean up. So you can spend less time in the kitchen and more quality time with friends and family during the holiday season. They offer 50 menu and market items to choose from every week, including vegetarian, calorie smart and gourmet options, providing plenty of variety.

Jill Wine-Banks:

So unlike Kim, I actually like going to the grocery store and picking out my own particular produce especially, but I like this even better because I don't have to pick out the menus and make a list of

ingredients. And I find it's very easy to customize your order on the app within minutes. And you can feel good knowing that you'll be getting fresh high quality ingredients from the farm to your table in less than a week. You just order it. And then it arrives with over \$65 per month average savings when you order HelloFresh instead of grocery shopping. You'll end up with more to spend on presents and activities.

Barb McQuade:

So don't wait to get started. Go to [hellofresh.com/sisters14](https://hellofresh.com/sisters14) and use code sisters14 for up to 14 free meals and three free gifts. That's [hellofresh.com/sisters14](https://hellofresh.com/sisters14) and use code sisters14 for up to 14 free meals and three free gifts or get the link to America's number one meal kit in our show notes.

Kimberly Atkins Stohr:

So sisters, there's this great essay out this week by Molly Roberts in the Washington Post, we'll link it in the show notes, that looks at the trials of both Elizabeth Holmes and Ghislaine Maxwell, both of which we've talked about, but looks at it from a specific lens, which is women criminal defendants blaming men. So Barb, I want to ask you about the Holmes case. So she was the creator, as we all know, the creator, the leader, the face of Theranos, this tech company that was supposed to revolutionize the world, but turns out was based on sham, science and a means to swindle investors out of millions. So tell us why her defense involves the claim that she herself is a victim?

Barb McQuade:

She has pointed the finger at her co-defendant, a man named Sunny Balwani, who was both her partner and her lover for many years. An older man. His case has been severed from hers. He is also a defendant in the case. He won't be tried until January. So it's always convenient when the defendants are severed for separate trials to point the finger at the co-defendant. In this case, her defense has been this, she was raped as a college student and she was in a relationship with Sunny Balwani, who was very manipulative of her and who was directing her to do these things. Telling her she had to be ruthless. "You have to kill the old Elizabeth to be this powerful business woman in this cutthroat.com, Silicon Valley world."

She is suggesting that she was unable to form the fraudulent intent necessary to commit the fraudulent claim she's charged with here, this investor fraud and fraud on consumers, because her will was so overborne.

Now, I think it's tricky because a prosecutor cross examining her doesn't want to revictimize her if she truly is a survivor of sexual assault and may very well have been in an abusive relationship. That being true, I don't think it exonerates someone for engaging in fraud. And so I think the strategy will continue to be, to show the false statements that she made and how she knew the truth.

She said things like these machines are being used on the battlefield in Afghanistan to lure in investors. And she did. "These machines are being used in Walgreens for their customers." And she knew those statements were false when she made them. And so I think it's going to be difficult for her to convince a jury that she should be exonerated because of this experience, but that is her defense.

I think it's strategic because it's impossible to deny the facts. So instead Mens Rea, the intent is always the hardest thing to prove in a white collar case. So by blaming someone else and pretending to be the victim here, I think she's trying to do that. We'll see whether the jury buys it.

Kimberly Atkins Stohr:

And she's also claiming that the investors who are mostly very wealthy men, should have known better.

Barb McQuade:

Yeah, that doesn't usually fly. That's more of a nullification. Anyway, shame on them for believing me.

Kimberly Atkins Stohr:

Exactly. So Jill, in the case of Maxwell, who's accused of really horrific crimes, essentially helping to groom minor young girls into sex trafficking for Jeffrey Epstein and his wealthy friends. She's claiming that she's being blamed for his bad deeds, that she's essentially a scapegoat. What do you think about that?

Jill Wine-Banks:

I think it's almost as revolting or maybe even more revolting than Holmes' defense. And before I describe why, I also want to say I'm going to put a link to my Pin for today. My #JillsPin is a vial of blood. It's my Theranos pin.

Kimberly Atkins Stohr:

Very good.

Barb McQuade:

Nice.

Jill Wine-Banks:

Going back to Maxwell, Maxwell is accused of her own crimes. She's not being blamed for the rape that occurred, or the sexual massages that occurred by Epstein. She's charged with being his pimp, basically. She lured these women in. She trained them. She groomed them. She stayed in the room while crimes were committed so that the girls and they were girls, these were mostly, totally underage young women, so that they would feel more comfortable in his presence and doing these terrible things.

I think in her case, it's really a big zip that her crimes are her crimes and she's not the scapegoat for the dead Jeffrey Epstein who didn't get to get convicted because he committed suicide allegedly before his trial. So I don't think it'll work.

Kimberly Atkins Stohr:

You both have experience as prosecutors. How do you think the prosecutors walk that line? We do have a justice system that often is discriminatory against women, for them to have to disprove that the defendants, in this case, are victims, but actually a villain. Are there risks here for the prosecution, Jill?

Jill Wine-Banks:

I don't think so. I think that both of these cases stand on the words and deeds of the defendants. They aren't taking the blame for someone else. They aren't co-conspirators. They are defendants in their own right. And so I don't think there is such a line. I think that in this case, they are defendants, they aren't women defendants. That's like calling me a woman lawyer.

Kimberly Atkins Stohr:



Yeah. You don't like that.

Jill Wine-Banks:

Talk about setting me on edge. They're just defendants. They did what they did and the evidence will show what they did. And I think that in both cases there should be convictions.

Kimberly Atkins Stohr:

What do you think, Barb?

Barb McQuade:

Yeah, I do think you have to be careful because you have to read the room a little bit when you cross examine somebody, or if they are to testify. Holmes did testify. And so, they had to make sure they're not revictimizing her, but I agree with Jill, I think at the end of the day, there is plenty of room to make arguments that these were their own crimes. They're not being blamed for the crimes of others. They're not the accomplices. They are actually the principles in what they did. With regard to Holmes, she's the one making these fraudulent assertions when she knows better. With regard to Maxwell, she is grooming. She is recruiting. She is normalizing sex with these girls.

And so I think it's a winnable case, but I do think you have to be careful and strategic and think through all these things, because you never know how you're coming across a jury. And I think sexism is very real in our courts, but I do think women benefit from sexism when it comes to trials and women is wrongdoers. I think that people see women as nurturers and give them a stronger benefit of the doubt, than they give to men.

Jill Wine-Banks:

I think that's probably true and incorrect in this case. And I think that the evidence will overshadow it. For those who've read my book, you know that I was in an emotionally abusive relationship, so I get that part of it.

But it didn't lead me to doing crimes and to lie. I don't forgive someone who is educated, who becomes a CEO, who's talking to people, and I believe she used some of her feminine charm, to accomplish her mission. So I'm just not sympathetic at all.

Kimberly Atkins Stohr:

So Jill, on that point, I think in both of these cases, right, if proven, the fact that both Holmes and Maxwell were women, made it easier for them to do what they're accused of doing. As you said, it was really clear. And certainly again, I cannot recommend the HBO documentary about Elizabeth Holmes enough.

The way that she beguiled these investors, people like Rupert Murdoch and General Mattis and all these people are just like, "Oh, you have this idea. Okay. Here's money." I don't think that a man would have been able to do that, right?

And certainly in the case of Maxwell as well, she befriended these girls, she made them feel like they had a relationship. And I don't think that would've been as easy had she not been a woman. Does this play into the case? The fact that they were women made it easier for them to do what they're accused of doing?

Jill Wine-Banks:

Yes, I think it does, but I would also point out that it seems like Jeffrey Epstein got a lot of money from a lot of people through the same personal charm, shall we call it? So it's not only unique to women, but I think in this case they both benefited and got into trouble doing what they did in part using their feminine charms.

Kimberly Atkins Stohr:

What do you think, Barb?

Barb McQuade:

Elizabeth Holmes, in particular, had this whole shtick where she would make her voice sound deeper when she wanted to sound authoritative. And then she puts on a different voice when she wants to garner sympathy. So I do think that they're trying to take advantage of the perception that they may have as being weaker, more vulnerable, more nurturing as women.

Kimberly Atkins Stohr:

Well, we will continue to watch these cases to see if their defense prove successful.

Jill Wine-Banks:

I know Barb, that you love pockets.

Barb McQuade:

True.

Jill Wine-Banks:

And there is a great answer for you. All you have to do is get your clothes from Girlfriend Collective. I know you've tried it, right?

Barb McQuade:

I have and I do love the pockets, Jill. I vow never to wear garments that lacks pockets because it is the single greatest invention that is often withheld from women in women's garments, but not Girlfriend Collective. They have pockets in many of their items. And I also really like it that their clothing items are sustainable. Kim, what about you? Are you enjoying Girlfriend Collective?

Kimberly Atkins Stohr:

Yeah. I really am. Over the holiday weekend, I actually aggravated an old hip injury and I was really happy that I had Girlfriend Collective clothes to wear because they're so comfortable. I could move. I didn't feel constricted. Before that I was changing clothes a lot just to find clothes that felt comfortable, whatever I was doing, sitting, walking, and Girlfriend Collective was it. And the fact that, yes, it did have pockets. My pants had pockets, and that it does good work too and is sustainable is really important.

Girlfriend Collective is ethically made. It offers inclusive sizing from extra, extra small to six XL. And they have a wonderful selection of bras, legging, shorts, tanks, tees, swimsuits, squirts. We are all fans of the squirts.

Barb McQuade:

Oh, the squirts.

Kimberly Atkins Stohr:

Whether you're working out, running errands, doing nothing at all, tending to your injured hip, Girlfriend Collective has functional fabrics, colors and styles for any activity. And all their clothes and packaging are recyclable and consciously crafted.

This season, we are in love with their best-selling squat-proof leggings. I wasn't squatting so I'm just going to take them at their word, that come from pockets that have different levels of support, so you can know you'll find the perfect fit.

Barb McQuade:

So join us in joining the collective today. For listeners of the show, Girlfriend Collective is offering \$25 off your purchase of \$100 or more, when you go to [girlfriend.com/sisters](http://girlfriend.com/sisters). That's \$25 off \$100 or more when you go to [girlfriend.com/sisters](http://girlfriend.com/sisters). [girlfriend.com/sisters](http://girlfriend.com/sisters) or look for the link in our show notes.

Kimberly Atkins Stohr:

You know, one of our favorite parts of each podcast is getting to answer listener questions. We really do love it. If you have a question for us, please email us at [sistersinlaw@politicon.com](mailto:sistersinlaw@politicon.com) or tweet using the #sistersinlaw. If we don't get to your question during the show, keep an eye on your Twitter feeds throughout the week. I know each of us tries as much as we can to interact with y'all and answer many of your questions there, if we can't get to them here.

So our first question comes from Jacqueline in Riverside, Illinois. "One thing I don't understand about these recent self-defense claims is, doesn't the gun wielder have an obligation to retreat?" I believe that Jacqueline's talking about the Rittenhouse and the case about those who were convicted of killing Ahmaud Arbery. "Rather than using deadly force. Is this true? Was this argument raised in the Rittenhouse or McMichael murder trials?"

Barb McQuade:

I'll take a stab at that one. So this varies by State. Common law, yes, there was a duty to retreat to the wall. That's changed a little bit in the era of guns, because if you run away, somebody with a gun might shoot you. And so it's become a little more complicated and many States have enacted what's known as, a stand your ground law, which says you don't have to retreat. So it's a case by case determination. And frankly, I think this could have been one explanation for the difference in the outcomes.

The law in Wisconsin was very favorable to the accused. It said something along the lines of, "A person has the right to use self-defense if they believe that their life is in danger. They lose that right if they are the initial aggressor." But then what it took away, it gave back because it said, "But if a person truly believes that their life is in danger and they have no other avenue of escape as a last resort, they can still use deadly force."

And so I think with that, it made it a harder case for the prosecution to convict. And the prosecution had the burden of proof in the Rittenhouse case of proving that Rittenhouse did not act in self defense. So it was a real uphill battle there.

Whereas in the McMichael trial with Arbery, they didn't have that extra language. They just said, "If you are the aggressor, you lose the right of self defense." And so I think for that reason, the jury

instructions were a little more favorable to the prosecution. So bottom line, State by State determination.

Jill Wine-Banks:

And it also shows the importance of jury instructions.

Barb McQuade:

Yes.

Jill Wine-Banks:

And specific rules within a State's jurisdiction.

Kimberly Atkins Stohr:

All right. Our next question is from Anne, be pissed off, "Can the Charlottesville trial plaintiff avoid paying the judgment against them by filing bankruptcy?"

Jill Wine-Banks:

I'll try my hand at that, which is, I don't think they can. And the plaintiff's lawyers in this case are actually quite optimistic that they will collect these very large damages. So it's not just chargeable and bankruptcy, a verdict against you. And so hopefully they will be bankrupted by having to pay this. And that I think is indeed one of the goals of the lawsuit, was to bankrupt these organizations that have done these terrible things.

Kimberly Atkins Stohr:

There has been a history of this going back to the KKK, and really important cases where the civil trials really were what actually brought these organizations down. I wrote a column about this and I'll link it in the show notes.

That's what we think about when we think about civil justice and one of the ways outside of the criminal court that justice can be brought in these cases.

All right, our final question is from Iris Henley. I hope I'm saying that correctly. "Do SCOTUS Justices discuss the cases after the arguments? Do they deliberate together and try to convince each other of the arguments or do they just go off with their own conscious before they vote?"

I think that's a great question. So what essentially happens? So after take, for example, this case in Dobbs, the Mississippi abortion rights case, on Fridays during oral argument weeks, the justices gather for a conference, and in that conference they each take a vote.

Now keep in mind. There's nobody in that room, except the justices. There is not an assistant. There is not a stenographer. There is nobody. There's just the nine of them. And they vote on these cases. The Chief Justice, if he is in the majority, assigns the case in terms of who will write the majority opinion.

If he is not in the majority, then the highest ranking person in the majority assigns the case to who will write it. And then they begin writing this case. And then there will be concurrences, dissents. They will pass it along with the each other. And when there is a very contentious case, like the Mississippi Abortion Case, it usually takes the rest of the term for them to get this job done. So I suspect

that this case will be one of the last decisions rendered in this term, coming out in the last week of June or in some cases the first week of July, even.

But that's how it happens. They all get together in a room. Nobody knows what happens in the room. They tend not to leak, so we never find out. And that's how they deliberate this and come down. Now, there are times in less contentious cases, I think where they try to persuade each other and move each other. You kind of saw that in the argument, in the Dobbs case, them speaking to each other, more so than they were asking questions of the Council and the questions that they asked. But I think in this case, it's probably pretty clear. They'll take their vote and then they'll assign who writes the opinion. And then the dissents and concurrences will come well.

Jill Wine-Banks:

Although we should point out that there have been cases where, in circulating the opinion, people change their votes.

Kimberly Atkins Stohr:

They have.

Jill Wine-Banks:

They read something and... Yeah.

Kimberly Atkins Stohr:

Yes, that's absolutely true. And that's certainly true, particularly when there are 5-4 votes. So that when the dissent of four is distributed, if one more person reads that and says, "You know what? I think that's a good argument." That could flip the decision of the vote. I think from just what I'm looking at in the Mississippi Abortion Case, it's probably a 6-3 decision. So that may be less likely, but we never know. You can't tell by arguments, but yes, that is a possibility.

So thank you all for listening to #SistersInLaw, with Jill Wine-Banks, Barb McQuade, and me, Kimberly Atkins Stohr. We will have Joyce Vance back next week.

You can send us your questions by email, to [sistersinlaw@politicon.com](mailto:sistersinlaw@politicon.com) or tweet them for next week's episode, using the #SistersInLaw. And don't forget to go to [politicon.com/merch](https://politicon.com/merch) to buy some of our fun swag.

This week's sponsors are Cameron Hughes Wines, HelloFresh and Girlfriend Collective. You can find their links in the show notes. Please support them as they really help make this show happen.

And to keep up with us every week, make sure you follow #SistersInLaw on Apple Podcasts or wherever you listen. And make sure you give us a five star review. We do love to read your comments and it also helps other people find the show. See you next week with another episode #SistersInLaw.

Barb McQuade:

So what do you guys think Joyce is doing right now?

Kimberly Atkins Stohr:

If you follow her on social media, she looks like she's living her best life in New York City while we are here doing our work.

This transcript was exported on Dec 04, 2021 - view latest version [here](#).

Jill Wine-Banks:

But I bet you don't see her hands and she's still knitting because we know she knits all the time.

Kimberly Atkins Stohr:

You're right.

Jill Wine-Banks:

It does look like she's having a great time on the streets of New York.

Barb McQuade:

I've never seen her smile that much. I think she's talking about underwear.

Kimberly Atkins Stohr:

With pockets.