

Jill: Welcome New York. We are thrilled to be at the 92nd Street Y. It's really an honor for all of us. And I want to start, of course, by introducing my sisters-in-law, Kimberly Atkins Stohr. In the middle Barb McQuade, who's curing favor with the audience and Joyce Vance. And I forgot to introduce myself. I'm Jill Wine-Banks.

We have a great show for you tonight. As Ellie said, "We are going to take your questions and they are to be questions." And Barb McQuade is very strict about this. Her law professor instincts say you have to ask a question and not give us a lecture. So we look forward to the questions though, and we have a great show for you tonight. Before we get to the show, we're going to do some chitchat, but first I want to tell you some of the subjects we're going to talk about.

We have first a rapper who has many AKAs. He's sometimes, his real name, I guess, is Sean Combs. You know him as Diddy or Puff Daddy, and he's now a resident of your prisons in New York now. So we'll talk a little bit about that.

Then we're going to talk about the most recent things, or at least this week's things in the Trump world of legal news. And then we're going to talk about some of the dangers facing us in the elections this year. But before we get to all those great topics, I want to talk about how we love New York.

I want to start by saying.

Audience: Welcome back.

Jill: Thank you. Yes, and it is welcome back. And I actually have at least a law school classmate of mine here from Columbia Law School. So I'm excited because I am-

Audience: Over here.

Jill: Over there. Let's wave. But I also have a relationship with the 92nd Street Y because used to live at Park West Village, which was 96th and Central Park West. And I came here for, one of my failures in life, guitar lessons. I became a lawyer instead of a guitar player for obvious reasons.

Joyce: Was it like folk singing Jill?

Jill: It was.

Joyce: Like Bob Dylan style, what was it?

Jill: Well, Bob Dylan not, but yeah, Peter, Paul and Mary maybe. So, yeah.

Joyce: Peter, Paul, Mary and Jill. Can you hum a few bars? Will you sing a little bit for us?

Jill: I don't even sing aloud at happy birthday. I was told when I graduated grade school to mouth the words to my school song so that I wouldn't throw everyone off-key. But I did get to meet Mary of Peter, Paul and Mary, and she-

Joyce: Of course she did.

Jill: Right. Well, she was dating Richard Ben-Veniste, one of my Watergate colleagues. So she told me that that was the meanest thing anybody could have ever done and that she could teach me how to sing. I noticed that she never did. But anyway, maybe if anybody in the audience wants to teach me, it's not too late. I still can learn. I'm sure. So what about you, Kim? What's your favorite thing?

Kim: I love New York. I've lived in New York on two different occasions. I too am a Columbian Lion alum. That's where I went to journalism school, the best journalism school in the world, by the way. And I also worked as a reporter, at the Gannett Newspaper in Westchester County.

Jill: Yeah, Westchester.

Kim: And I lived in Manhattan. I lived on the Upper West Side when I was working there. So I would... Yes, yes. I had a great little walk... We were on the fifth floor of a walk-up, but it was great, right at 93rd and West End.

So I reverse commuted to Westchester and back. So I had my car, and like a good New Yorker. I parked my car on the street because what else do you do? And I felt like I was really tough. I could parallel park in a space this big, and I knew where to circle, and I knew when the hospital shifts were changing and I could go over there. Y'all know what I'm talking about.

So one day I was off and I was going to the gym and I look and I see the window on my car that was parked, I think it was on 90th and it was broken. And I thought, oh man, that's a bummer. So I go to walk over to see the damage, and then as I get closer, I realize the whole back of my car is charred, like charred. And I vaguely remembered hearing sirens overnight.

I thought, oh no. So I reported and the fire marshal comes out and everyone comes and is talking to me and the fire marshal is asking me, "Do you have any enemies? Has anybody..." "No, I don't think so." "What do you do for a living." "I'm a reporter." "Anybody threaten you or anything?" "No." It's like, "Was there anything on your car that might've, you know?"

I lived a long time in Boston, and so I was a Red Sox fan and there was a bumper sticker. Keep in mind, this was circa 2003 right around the time that Pedro and Zim had a little kerfuffle. So the final report said that apparently trash caught fire on the street. And I thought, "Was you referring to my car?" But I do love New York despite that.

Jill: So Barb, tell us about your experience in New York.

Barb: Oh, well, I love New York. I haven't had an opportunity to live here, and I didn't take guitar lessons here, and my car hasn't caught on fire here. But whenever I come to New York, I do all the things. When I arrive in New York, I imagine myself as Marlo Thomas, as that girl, waving in all the windows and looking at the skyscrapers.

Joyce: I see the resemblance.

Barb: Yeah, we've been confused for each other. But I do love to do all the New York-y things. So I got here today, I went to the MLB Major League Baseball flagship store. That was great. I ran in Central Park. Tomorrow I'm going to go see a Broadway show, Stereophonic. Has anybody seen it? Good, good show.

I'm particularly excited to see Stereophonic because one of the actors in it is the daughter of a former colleague at the US Attorney's Office in Detroit. So part of the DOJ family, Sarah Pigeon, Tony Award nominated. You have all heard of the Tonys. I mean, it's not like a Webby or anything, right? But I guess there they're a big deal. I guess they're a big deal. So I'm going to do that.

But one thing I did not get a chance to do this trip last night was to go over to the Barclay Center and to see the WNBA leading New York Liberty. But I did get a chance to pick up. Much more comfortable.

Joyce: Well, golly, that's sort of tough to go after. I think my story is actually a sad one, unlike everybody else. A lot of my family is in New York. My granddad was the youngest of six brothers. He moved to Los Angeles and I, grew up out there, but New York was always a magical place to us as kids.

Then I got to come here for the first time when I was seven years old. And the big excitement in my family when you were here, especially on a weekend morning, was the same excitement that we had in Los Angeles, actually. It was to go out and get lox and bagels at Barney Greengrass or someplace like that. And I really, really loved doing that. Loved my cousins, loved spending time here.

Then by great happenstance, I married a law school classmate and ended up in Birmingham, Alabama. She's the Hillary Clinton of Alabama, close enough. So I am here to tell y'all you cannot get a decent bagel south of the Mason-Dixon line.

I have a really bad habit, which brings me back to my luck of New York. At some point I discovered that you could call the nice people at Zabar's and they would send you not only bagels, but hand-sliced lox, and maybe a few other things. And they would charge you exorbitant prices for doing that. I go as long as I can in between times, but every few months I have to make the phone call and have a little slice of New York delivered down to Alabama.

Jill: So you can see how we all love you and we are looking forward to this. I want to give you one last instruction. At the end of the show we're going to turn our backs on you to take a selfie of ourselves with you. So we want you all, the house lights are going to go up. We want you all to stay and stand up so you can be in our picture. So remember at the end of the show, we want you in our picture.

It's so great to be together in New York and before I walked over to this place where we're recording, I used the best thing possible, and I use it just about any time I go outdoors, even just for a quick walk meeting downtown on any sunny day, it's OneSkin's OS-1 face, SPF, Protect and Repair. It fights back against sun damage, whether at home

or traveling for vacation or to be with my sisters-in-law for the 92nd Street Y. I feel great knowing my skin will be ready for anything that the elements throw at me.

I'm especially prone to sun damage based on my youthful bad practices before we knew the danger of sun. So I love that OneSkin's regimen works fast and the formulas feel amazing when you apply them. When anyone asks if I really love OneSkin, as much as I've said on air, I say absolutely. And you don't have to rely just on my word because OneSkin has over 4,000 5 star reviews for their full line of face, body, sun, and travel sized products. I never go anywhere without OneSkin. And we know you'll love it too.

Joyce: I don't go anywhere without it either, Jill, I started using it. I took the full kit along with me on our hiking trip to Scotland where the weather was pretty vicious for your skin and it was great, and I really fell in love with it. I'd used a product here and there, but now I want all of the OneSkin products in my kit.

Something you might not know is that your body starts accumulating senescent cells as early as your twenties. They're also called zombie cells because they stop producing collagen and hyaluronic acid like they used to. Instead, they start secreting an inflammatory substance that makes nearby cells dysfunctional too. It all sounds sort of creepy, but luckily there's a solution for zombie cells and it comes from our friends at OneSkin. My skin really feels so much better after using it solidly for three weeks.

Kim: And mine certainly feels good here, under the bright lights of this big city. OneSkin was founded by an all-woman team of scientists. OneSkin is the first and only skin longevity company to target a key hallmark of aging called cellular senescence by using their proprietary OS-1 peptide. OS-1 is scientifically proven to decrease lines and wrinkles, boost hydration, and help with thinning skin that often comes with age.

Barb: For a limited time, you can try OneSkin for 15% off using the code Sisters, when you check out at Oneskin.co. Thanks to today's sponsor, OneSkin, your Skin can stay healthy, strong, and hydrated at every age.

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Jill: And with that, Kim, would you start the first segment?

Kim: Yes. So I will lead our discussion about the artist now known as defendant. I just want to start out, I mean for those of you, I'm sure most of you know that Diddy was indicted, finally, for really, really horrific crimes that seems to have gone on for a very, very long time. The dam sort of broke after one of the survivors of his abuse, Cassie, who is an artist too, came forward very bravely on her own before anyone else did. But she enabled other people to come forward too. And it's such bravery.

I want to start off this discussion by focusing on Cassie Ventura who is a hero because that's never easy to do, to go up against a powerful, rich, connected person, but it's even harder when you're a woman of color. So I take my hat off to her. But I want to just talk about this indictment. I just want to get your guys' view about it. I mean, what is alleged is, I mean, worse than Epstein, I would say in some ways it was really, really horrific, Joyce.

Joyce: Yeah, I mean I agree with that. There's the violence, the coercion and the inability of the victims to get away from it. Plus it's indicted as a RICO charge. I mean, do we have lawyers in the audience? I can't really see, but I bet we have a lot of lawyers, right? And do we have prosecutors? Westchester County DA, Mimi Rocah, I know that you are out there, I suspect.

I suspect we have other lawyers. These are serious cases. I mean, these are cases that are reserved for serious conduct. The fact that it was brought here in New York in federal court tells you a lot about the serious nature of the charges.

Kim: Yeah. Barb, what jumped out at you at this indictment?

Barb: Well, obviously sex trafficking is a really serious charge and the RICO, but if you look at the predicate acts in the RICO. RICO, it's racketeering and a racketeering conspiracy. And so what is racketeering? It's really just organized crime. And so it needs to allege specific crimes as part of that enterprise.

So some of the crimes in here arson, they set people's cars on fire and threw Molotov cocktails inside.

Joyce: Kim?

Barb: Yeah.

Kim: I have never met the defendant.

Barb: Kidnapping is in there, possession of assault weapons with obliterated serial numbers, assaults, incredibly violent case. And so you say it's worse than Epstein? I'm not sure. It's like comparing the apples and oranges that have gone rancid each.

Kim: It's like Epstein plus sheer brutality. I feel like it's the trafficking and the brutality together, it's just this noxious mix.

Barb: And I also, like you, my heart goes out to the victims in this case. And one question I heard Damian Williams, the US Attorney get asked was, "What took so long to charge a case like this?" And I don't know. But what I do know from my experience as a prosecutor is its one thing to look at a video and say something awful is going on here. And it's quite another to build a case evidence beyond a reasonable doubt that you can prove to a jury unanimously.

But this conduct goes back to 2008. And the other I think very good teachable lesson about this case is that sometimes we see things that we don't understand and people do

not stand up and question them. Victims can be hiding in plain sight from time to time. And so I think it's an educatable moment too, that people whether working in hotels or gas stations or for fancy caterers and airlines need to recognize what they're seeing and intervene or report it when they see it.

Kim: Jill, what jumped out at you about this? I mean, one thing that jumped out at me was the fact that throughout the indictment it was called the Combs Enterprise, this RICO charge. And before that, you would think of the Combs Enterprise as his television shows and his music and his labels. He has liquors and all kinds of other things that he merchandises, clothing. He had a whole clothing line throughout the nineties that people were using. That was no, the Enterprise was this horrific trafficking ring that was absolutely brutal.

Jill: Yeah, this was a businessman who used his legitimate business for criminal enterprise. And I was in the Department of Justice when Title 3 and RICO became laws and the Racketeer Influence Corrupt Organization was meant to be organized crime, the mafia. But it has been expanded to cover businesses like this one, which did horrible things.

If you read the indictment and you read... First of all, every time the defendant is mentioned, it takes three lines because his AKAs take so long and they don't just say hereafter called the defendant every time they go through every one of his names.

But I think it is the fact that he used his hired help, his business associates, his personal assistants to do it. And I think the other thing that stands out is how well laid out this indictment is. The difference from past indictments and why I think this will be a successful prosecution is because they have laid out the phone calls, the text messages, the videos. How many hundred bottles of baby oil were retrieved?

Joyce: 1,000s.

Jill: Cases of. I mean it's amazing the bribery that was attempted. And something Barb said was, "It's a teachable moment." And gas stations are now training employees to look for signs of victimization in people who pull into gas stations. Does the person have to ask permission to use the bathroom? Do they look frightened? So I think that this is a teachable moment.

It took a long time because there are a lot of victims and it's always hard to get people to cooperate. But once someone, as Kim said, as brave as Cassie came forward and made a public complaint and she filed a civil case which ended up being settled the next day, it opened the door for other people to come forward and say, "Me too."

So the Me Too movement has had some real impact that people are coming forward. It's horrible that it was this bad and Epstein was pedophilia. There were a lot of young people and that's horrible. These were people who were more adult. There were no children involved, but there were a lot of them and they were under his control. He drugged them. Of course, that sounds like Cosby.

He really abused people physically and mentally. And so there's just not enough you can say about how bad this is, how serious a crime it is and how it's time for the government to stand up and say, we are watching this and we aren't going to let it happen anymore.

Kim: And Joyce talk a little bit more about why it does take so long to prosecute cases like this. It did seem like this was such a long time in coming and not just since Cassie came forward, but it was an open secret that Diddy was not a good guy, right? It wasn't that super.

But also talk about prosecuting cases that involve high profile. We'll talk about the high profile of the perpetrator in a bit, but the survivors, a lot of them are artists. They were out, one of... Cassie was seen on the red carpet with the defendant very soon after that video that we all saw. So how is it difficult when the survivors themselves are out in public. You're talking about how it's not always people that are on an airplane and you're like, blink if you need help, right?

Joyce: I mean, everything about doing a case like this is difficult. No part of this is easy. And I think could it have happened more quickly? Perhaps. The important thing is that it happened now.

Kim, to the point that you're making in a sex trafficking case, it's very difficult to get a victim to talk to you for all of the obvious reasons. When those victims are high profile, it's that much more difficult. They're that much more hesitant to come forward, which is why what Cassie did when she came forward, when that videotape became public, that was a real watershed moment here. Something that's really interesting in this indictment is that there is only one defendant.

I don't want to read too much into that, but because of the specificity and the detail in the indictment, I suspect the government has a lot of cooperating witnesses. Maybe some people who could have been defendants but who have good deals. Maybe we'll see some of them plead guilty, but get a lesser sentence. Maybe some of them won't be prosecuted. Doing all of that, flipping those witnesses, testing their veracity, putting the evidence together, that takes a long time too.

Because the government has to be able to prove every element of the charge beyond a reasonable doubt. It's the highest burden in our legal system and it's not easy stuff to do. And then there's a practical consideration. Shortly after the government issues an indictment, it has to turn over discovery to the defendant, and federal discovery is governed by something called Rule 16 of the Federal Rules of criminal procedure. It sets out very specific categories of evidence that a defendant is entitled to.

In a RICO case that involves proving up all of the predicate acts that you challenge. It also includes any exculpatory evidence, anything that the defendant could use to establish that he's not guilty. So you get a sense, right?

Discovery imposes broad requirements. Government has to be ready to pony up pretty quickly. New York Southern District's a little bit slower than some districts. You still have to be ready to go. That means if you're the government, you have to have all of your ducks lined up before you go to the grand jury. It really looks like they lined them up here. This is a highly specific indictment.

Kim: And Bar, you talked a little bit about how often this is happening right in plain sight. Like I said, they're right there on the red carpet when this is going on and what that says about

how these cases are perceived. And I would also add that it says something different when the survivors are mostly women of color. Can you talk a little more that about that?

Barb: Yeah. When I was working in the US Attorney's Office, we brought a number of sex trafficking cases, certainly nothing that was as high profile as this, but one of the challenges of prosecuting a case like this is when you hear sex trafficking, the jury expects they're going to see evidence that the victims were bound and gagged, that they were chained and kept in a basement.

In fact, they're often walking side by side with their assailant. And that creates a disconnect for members of the jury. But the way these cases usually work is first the assailant will entice the victim to become close. How do they do that? Maybe with romantic overtures. Sometimes it's with promises of a modeling career. With young kids, teenagers. Sometimes it's a cell phone and clothing and money, other kinds of things. You're going to live a glamorous life baby, you and me.

And when it's somebody as famous as Sean Combs, you feel like you've just hit the lottery. Oh my gosh, this is so great. And then suddenly it turns some of the victims here were plied with illegal drugs like opioids and ketamine and become addicted and they need their assailant for that next hit. And so it's coercion, it's threats. They don't think they can get away.

Then there's also leverage. If you leave, I will tell everybody, I've been videotaping all of this, I will share this with the world or your loved ones. And so people feel trapped into this situation. I know sometimes when we talk to the survivors of this, they say, "I can't even tell you what has happened to me. I am complicit in this. I went along with it. I'm to blame, and I don't even know what this is called." We said, "No, you are a victim of sex trafficking." And people didn't even understand that.

So explaining that to the victims, explaining that to the jury can be difficult because of that expectation that they're going to be in chains or in handcuffs.

So as you say, the victims can feel concerned that if I come forward, they're not going to believe me. They're going to side with this rich, powerful person or this powerful person has the ability to hurt me, kill me, seek revenge against me. I don't have the resources to be able to do anything about this, so I don't have any recourse.

So those are some of the challenges that it's important to educate jurors about potential jurors, about the public, about and even would be victims so that you can build resilience and people can recognize these tactics when they're being used to manipulate women, women of color, young people, boys, all of the people who can be victims of sex trafficking crimes.

Kim: And Jill, speaking of people who have a lot of power and fame, we have seen very high profile defendants have their cases dismissed. You mentioned Bill Cosby-

Jill: Harvey Weinstein.

Kim: ... Harvey Weinstein. What would it take if this defendant is convicted to make that stick and do you think that can happen here?

Jill: This is a very different case, I think. Cosby got off because a prior prosecutor had made a promise to him and the court said the promise was binding, and so he couldn't be prosecuted after they promised they wouldn't prosecute him if he testified in a civil case brought by the first of his victims.

Weinstein, again, it's a technicality and he is going to be retried. So there is still the possibility. I think in this case they've learned from those experiences. There's, as far as we know, no prior promise and the technicalities have been taken care of. I think they have the witnesses, they don't have the statute of limitations, problems that occurred before. And so I think this one could stick.

He is in jail. That's something that's different where he's been-

Kim: Yeah, no bail.

Jill: No bail. And if we have time, we can talk about what that means and why he is.

Kim: Go ahead, talk a little bit about that.`

Jill: Because I think this is a really interesting issue that at least in the federal system, you don't have to stay in jail pending being convicted., You're presumed innocent. But the judge can say you're a real danger to the community or you're a flight risk. Now obviously someone with the money that Sean Combs has is a flight risk he can take up and go. And so they offered, well, we'll give you \$50 million bond, that'll keep him here.

And in fairness, he also came to New York voluntarily knowing, I think he had to know unless he was an idiot, that and maybe his actions show that he was, that he came here voluntarily knowing he'd be arrested so he's not a flight risk or he would've already left. He's turned in his passport, his children's passports. He's going to sell his plane. So they're saying he's not a flight risk.

But then they wrote a letter to the judge saying this is why he should be detained. See, I think the magistrate makes this decision. That showed why he was really a flight risk and why he's a danger. And a lot of it was because of interference with witnesses. He's tried bribery before. He's tried threats before. As Barb mentioned, he has videos of some of his victims that he could ruin their reputations and ruin their careers by going forward with them. Although if they testify, people will probably know about it anyway, but they've made that choice themselves by cooperating.

So I think that the no bail is going to stick. It's been denied several times now, and I know he'll keep trying. He says he's going to appeal to the Second Circuit or his lawyer said that they're appealing and I'm sure that they will. But I have a feeling that the evidence that's been put forward in the indictment and in the letter asking that he be detained, in prison, is going to stick and that it'll stick and that the issues...

The good thing about having prior cases that go bad, it's why at the Department of Justice all lawyers who come as trial lawyers start doing appeals first is because you learn what the mistakes of trial lawyers are so you don't make those mistakes. And I think they've learned and so that it's going to be a case that actually sticks.

Kim: Well. We will continue to follow it as it progresses in our future episodes. Thank you.

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Kim: I hate for my bathroom to be messy and cluttered, but their razor comes in so many stylish colors that you'll be able to match it to your scheme and the design is sleek and classy. I went with blue because I have a blue bathroom, but there are other great options for you to choose from too.

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Well, let's move on to our next topic. I wanted to tell you about something that maybe you haven't heard. There's going to be an election soon. There are two candidates for president. One goes by the name of Kamala Harris. Former prosecutor and all around boss, I must say.

The other candidate is a man who comes from New York by the name of Donald Trump. Oh. Donald Trump, now he has been the subject of some assassination attempts. All of us denounce that. All of us think that as abhorrent, all of us think that that is the antithesis of democracy.

But since then, Donald Trump has said that the reason for these attempts on his life is because of all of that rhetoric by the Democratic Party. Sure, I hate Taylor Swift, but it's the Democrats who are saying all of these things that are riling people up. They're eating the dogs. They're eating the cats. They're eating the pets of the people who live there. Kim told me that her shoes that she's wearing tonight are kitten heels.

Kim: If they try to eat my Gucci's, I swear.

Jill: I'm protecting the dogs of the world. Also wearing a gift from someone in the audience, a Madame Pres pin.

Barb: But I want to have a serious conversation about this because I do know from my experience as a terrorism prosecutor that violent rhetoric can radicalize some people to action. It certainly has happened with ISIS. There would be sermons by Anwar al-Awlaki. People would watch them and be radicalized to action.

I think that in some of the things we've seen, January 6th, right, was a radicalization to action when Donald Trump convinced people that the election had been stolen. And it creates a tension, doesn't it, in our system where we have a First Amendment to say most things. It's not absolute, but we do have a First Amendment right of freedom of expression. On the other hand, when there is violent rhetoric, it can lead to violence.

And so I wanted to talk with you all about your thoughts about that. Let me start with you, Jill. What are your thoughts about the violent rhetoric that we're hearing and whether the First Amendment has any protection on that?

Jill: So let me start first with the First Amendment does have limits, and it says, "When there is a clear and present danger of imminent violence that you can't say it." I mean, the typical thing is you can't yell fire in a theater. And I would say that January 6th falls in the category of, you can't tell a crowd that you know is armed and dangerous and who believes you when they say that the election was stolen. You can't tell them to go and march on the Capitol. That falls within, no, it's not within the First Amendment. That is absolutely an actionable call to action.

I am a strong First Amendment person. I've been on the board of the ACLU. I was on the board when the Nazis marched in Skokie and we supported that. So don't get me wrong, I'm all for it, but I think we've come to a point right now where democracy is at risk. Our whole country is at risk if we keep on this dangerous path.

And let me finish before you boo me. Both sides are saying things that, based on the audience reaction, I can say, we all here, have been saying that Donald Trump is a danger to democracy and that he must be... Okay. I knew you would agree with me, and it's true, of course, we always speak the truth. We don't go into this made-up fact stuff.

But when we say that, is it very different than when he says Kamala is a Marxist socialist fascist? Now I know you can't be all of those things, but okay, he does say all of those things about her and that she's a danger to democracy and that we can't let her win.

When he says the Haitian immigrants have to be taken care of because they're eating your cats and dogs, I think there's a difference between those.

Joyce: Yeah, a big difference.

Jill: But we have to keep in mind that we have to think about what are the Republican MAGA, not normal Republicans, but the MAGA cult, what do they think when we say Donald Trump is a risk?

Kim: I'm going to push back a little bit on that because it is not a reaction from the people who you're talking about. When someone like me goes on television and say what Donald Trump is doing threatens democracy, he has autocratic not just thoughts and beliefs but actions. We have seen what he has done and he's continuing to do that.

What [inaudible 00:40:54] and stirs up that violence is when Donald Trump turns around and says, "See, the press is the enemy of the people and they are out to destroy you," or that, "immigrants are going to destroy your, you have to stop immigrants because they're going to destroy your community."

Jill: They're going to take your jobs.

Kim: And they're going to take... but more than take your jobs. He has rhetoric that they're actually going to do harm to people in community. That is what makes people, stirs people up. I've been plenty on the receiving end of really nasty stuff, but it is always whenever I look to see, okay, what happened? It is usually something on a right-wing website or a tweet or something that someone, not on our side, said to sic that crowd on me. So that's the difference.

Jill: But you didn't let me finish.

Kim: Okay. Sorry, I butt in.

Jill: Don't misunderstand me. So violence is where it differs. Democrats do not respond with guns-

Kim: Correct.

Jill: ... and violence, and in fact, most of us aren't armed. Joyce and I are both Jewish and have experienced severe antisemitic reactions.

Joyce: But I was going to say Kamala and I both keep guns at home, so no one's breaking into our houses.

Jill: Kamala said that she would take care of anybody who broke into her house.

Kim: Kamala also has Secret Service. Of course, if you break into her house, you're going to get shot. `

Jill: Anyway.

Joyce: But if they get past the Secret Service, she is a former prosecutor. She's going to take care of it.

Kim: Oh, certainly.

Jill: She said she would, and I believe her. I mean, look what she did to Donald Trump in that debate. Some woman said to me, I can never vote for her because she's not a bully and she won't stand up to the bullies of the world. I can't wait to see that woman because that was before the debate.

Barb: Yeah. Well, let me turn to you Joyce and push back a little bit. I don't think we can group. There's a fallacy called the whole part fallacy, which is one person says something and it gets attributed to everyone in the group.

So one Democrat says something and it's those Democrats are all leftist radicals or one Republican says something and it's the whole group. So I think we want to be careful, but one of the things that JD Vance is saying is when people say Donald Trump should not engage in violent rhetoric, he accuses them of censorship. And so is it censorship to suggest that perhaps it's not such a great idea to tell people to come to DC January 6th, will be wild.

Joyce: With Donald Trump, he's always the victim, and if you're his vice presidential nominee, you have to say that he's always the victim. So it's predictable. We know what JD Vance will say in service of Donald Trump, but I think the reality, and it's something that we have to grapple with as a country. I suspect not very many people in this audience have ever voted for Donald Trump, but our fellow citizens elected him.

They elected him knowing who he was. From that first minute that he said that Mexicans were criminals and rapists made fun of a journalist with disabilities. We have always known that Donald Trump is a racist and a misogynist.

The problem is that Donald Trump lacked the good judgment we expect from our presidents, right? I mean, George Bush, Barack Obama, you may be a fan, you may not be, but you understood that whether you agreed with them or not, they were doing what they thought was best for country. That is not the baseline with Donald Trump, but he could not have become President without a certain number of votes from a certain number of Americans.

I think something we will have to do as we move forward from this, which I hope we will do after November and January, we will have to grapple with what it was that permitted so many of our fellow citizens to sign off on his brand of maliciousness. And we will have to find a way to, I think, come back together as a country, which is going to be difficult.

Barb: Well, Kim, I want to move on to another Trump item in the news, and that is this reporting that the intelligence community has determined that Iran has been involved in hacking and stealing emails from the Trump campaign. That sounds eerily familiar, doesn't it? I think I've heard that before. And that they offered them to the Biden campaign and to the media who didn't bite, they said, "No, thanks." We've kind of learned a lesson in 2016, and so, "No, thanks."

I am hearing from some people who say, well, fair is fair. In 2016, you'll recall Russia stole, hacked and leaked email messages that were harmful to the Democratic Party and to Hillary Clinton, ultimately. Why are journalists, you're a journalist, refraining from report, I mean, it's news, right? Some of the reporting suggests that maybe these are Roger Stone's emails, maybe they relate to JD Vance. What is sort of the legal and ethical calculation that reporters go through in deciding whether to report information like this?

Kim: Well, there's always been a balancing act, and we understand that from the Pentagon Papers or anything else. When national security is involved, when threats to our democracy and our government is involved, the First Amendment is not carte blanche. Just because you can do something doesn't always mean you should, and there are lots of circumstances. I think maybe people don't understand.

When journalists know something, and we don't report it for any number of reasons, whether it's security, we may know before you do that the President is going to make an appearance in Afghanistan. Or we may know before you do that there was some sort of strike that took place on a military target. The government asks us because of those national security implications, to wait to report it until a time that it is safe to do so.

So Things like that happen pretty regularly, fairly frequently. And so we have learned, thankfully, since 2016 that when another government tries to interfere with our election process, we should not let them. There is a very good reason to protect the democracy, to protect our Constitution, which protects us. We are the only profession that has expressed protection in the Bill of Rights to do that. So I think that's a no-brainer.

Barb: Yeah, it's interesting. You may recall in 2016 when WikiLeaks published all of this stuff, and what was Donald Trump's reaction? "I love WikiLeaks." A very different view. I think about loyalty to the country over-

Kim: He asked Russia to look at Hillary's emails, Russia.

Barb: Russia, if you're listening. And Joyce, let me ask you one other question about what's going on in news in the Trump campaign. One of the things that Donald Trump continues to claim, of course, is that the 2020 election was rigged. And he has been saying now that if he wins this election, when he wins this election, if he discovers that election workers

were engaging in any sort of fraud, he promises they will be prosecuted in his administration.

What's your reaction to that? What's the potential harm of that and what do you think? How does that land, do you think, in the ear of secretaries of state or county election workers or the people who work at a polling place on election day?

Joyce: So look, Donald Trump is not prosecuting any poll workers, right? He is not telling district attorneys across the country what to do. What he'll do with the Justice Department if he wins, I think is the stuff of nightmares and good reason for us to all make sure that every last person in our circle is registered and will vote to make sure that that never happens.

Donald Trump is a bully. He's always been a bully. He does this to try to deter Democrats from working in elections, from working as poll workers and as poll watchers. But I will tell you all a happy story tonight.

In my experience and I do a little bit of work in Alabama around elections, not only are poll workers not detoured by Donald Trump's nonsense, they understand the importance of signing up and working at the polls. And I literally had the experience two days ago of talking with a woman who works in one of the polls in a part of Birmingham that is not particularly friendly to Democrats. I don't know if y'all have heard this, but Alabama where I live is a little bit pro-Trump still, we haven't quite evolved. My neighborhood is a little bit easier to live in.

But my friend said... And I asked her, I said, "Are you worried about all this stuff you're hearing?" And she just sort of went, "Absolutely not. I can't wait to get to work." I think that's the attitude of Americans across the country. So we can thank Donald Trump for making sure that as a generation of poll workers ages out, they have replacements in the younger generation.

Barb: And I want to make a pitch. Anybody here work as a poll worker? Yeah, thank you. Thank you for your service.

Kim: That's amazing.

Barb: I have had friends, family members, acquaintances and others who do work at the polls and what they say about that experience is having worked at the polls, I have more confidence than ever that the vote is accurate and free and fair, and anybody who doubts that should go work at the polls and see for themselves. So I encourage everybody here to work at the polls and thank you to those who do.

Joyce: So I am mindful of the time, but may I sneak in just a few questions for my sisters about elections. Republicans seem to be insistent on making it more difficult for us to vote and to have our votes counted this year. Have y'all noticed? It really is a problem despite the claims that Democrats are engaging in lawfare since January of this year, Republicans have filed 82 lawsuits across the country aimed at making it more difficult for Americans to vote.

Kim, you wrote a great piece this week talking about the landscape in election litigation. Can you just set the table for us a little bit?

Kim: Yeah, I mean, we've been talking a lot about two sides, right? But when you look at the litigation that is going on right now surrounding elections, what you are seeing by and large is a lot of efforts by attorney generals and others who are working for Democrats, the Democratic National Committee and others, filing suit in order to protect access to the polls and make it easier to vote, ensuring that early voting is taking place where it's available.

And you see people who are from Republican-led states, Republican-led election boards, trying to make it as difficult as possible. A) To vote. 2) To delay or give them the power even to deny certification of voting and then try to foment as much fear and distrust in the system as absolutely possible. So it's taking place in every kind of form. It's trying to, like I said, give greater powers to states just to say, no, no, we're not going to certify the election because we think that there is some fraud.

Citizenship requirements, what you think? Well, citizens can't vote, so what's wrong with a law that stops citizens? A lot of people don't have that documentation to take to the election. Now, that cannot stop you from voting in federal elections like the president, but it can stop you in some states from voting in local and state elections and how many people are going to go and say, oh, I just want to vote for president. And how do you even count that?

It's meant to keep people, particularly people most likely to vote democratic. People who are lower income earners, newly naturalized citizens, brown people, people who live in rural areas. It's really terrible.

Joyce: So I think that takes us to Georgia. Georgia is going to be one of the states where the outcome of this election is determined, and Republicans saw what happened in 2020, and I'm telling you, Kamala Harris is going to run strong in Georgia.

This is right where the intersection of law and politics is happening because there is all sorts of shenanigans going on in Georgia every day it's something new. It seems like Republicans in Georgia are determined to find Donald Trump those extra votes he needs to win before the election happens and he can ask for them.

So Barb, can you tell us what's the latest in Georgia and what's really going on there? What's the end game?

Barb: Well, I have breaking news news-

Joyce: There is breaking news.

Barb: ... for Georgia. Today in Georgia the Georgia Election Commission voted to implement new rules for the upcoming election. This despite the fact that their Secretary of State, Brad Raffensperger, you may remember his name from the 2020 election, urged them to not change the election rules so close to an election. He said, "It's a terrible idea. We don't have time to train our election workers on new rules."

Nonetheless, the Georgia Election Commission went forward and passed a number of new rules, the most egregious of which is that in every county, they must hand count every ballot after they've tabulated them.

Joyce: But Barb, what's wrong with hand counting ballots? It's a paper trail. It has to be fair if you're counting the ballots right?

Barb: It is. But what it does is it's going to take weeks to actually hand count all of those ballots, and that's going to create delay. And in that period of time, you can imagine what's going to happen, right? There's going to be-

Joyce: There's fraud.

Barb: Have we heard that tune before, allegations of fraud. So it buys time. Why Georgia? Why is Georgia going through this? Well, their governor, Brian Kemp, a Republican, did deny that there was any fraud in 2020, and yet he signed into law a number of laws that made it more difficult to vote in Georgia. Requiring an ID for voting by mail, reducing the number of places where you could deposit a mail-in ballot or an absentee ballot. Even making it illegal to provide food or water to people waiting in line. Again, this idea who is going to be impacted by this, people of color, lower income voters, students, people who are transient, likely democratic voters?

What happened in Georgia in 2020? Well, ultimately Joe Biden won that state and they elected two Republicans to the Senate, right? Raphael Warnock and Jon, I'm sorry, dude, see, you're paying attention.

Kim: That was a test.

Barb: Well done, well done. You guys are sharp. Two Democrats, Jon Ossoff and Raphael Warnock. And so we now find ourselves with these more difficult rules. This comes on the heels of some other rules passed by this election commission, and this is a commission that is bipartisan, but it has a majority Republican members. And at a recent rally in Georgia, Donald Trump called them out by name and called them pit bulls for transparency and victory.

They have also passed a rule that allows any county commissioner of the election board to delay certification for a reasonable inquiry. It does not define what is reasonable, and it does not set any time limit for resolving that reasonable inquiry. So the worry is that this is going to create chaos and delay and lay the groundwork for stealing an election. That's the concern in Georgia.

So a lot of work, there are some lawsuits pending there. And one hopes that... Is that the theme song for lawsuit, I like it. Lawsuits will be filed in Georgia, and there's some great people working on that, but really paying attention to the infrastructure of elections is become a really important part of protecting democracy.

Joyce: Yeah, big part of the dispute is whether the people that certify vote counts in the counties, is that just ministerial? Is their job really just to pass it through or can they second guess the votes? And with these hand counts and the risk of delay, there's the possibility that

folks in Georgia who run elections who are documented election deniers might say, well, I'm concerned about these votes, so I'm going to throw them out, and they'll certify an election, but they'll certify a result that's contrary to the will of the voters.

That I think is the subtext that lies underneath a lot of this litigation. So I'll put sort of a pin down for that right now. I'm sure we'll discuss it in the weeks ahead.

Jill, last question about elections to you. I mean, maybe I'm naive, but I was pretty clear that the law United States was that only citizens could vote in presidential elections.

Jill: Anybody here doubt that?

Joyce: My senator, Katie Britt, back in December decided that we needed a federal law to that clear that maybe we didn't need to pass a budget, but we should make sure that we passed a redundant law. So look, this is pretty obvious. They're not pulling the wool over anybody's eyes with this. Why are they wasting so much time in so many states and in Congress on these alienage laws?

Jill: All of this is voter intimidation. They don't want people to vote. Of course, non-citizens cannot vote. And there is no history of non-citizens even trying to vote. There is not a huge problem. So there're solving something that is not a problem. And it's just one more of the efforts at voter suppression.

So not only have they made it more difficult drop boxes, you can't do it anymore, vote by mail, can't do it anymore. Early voting only on certain days and only for a short period and never on Sunday when most people are free and can do it. So this is just part of the strategy of the Republicans to make sure that most people cannot vote, which only makes it more incumbent. And I had the privilege of being in Ann Arbor with Barb just last week.

Barb: Ann Arbor, let's hear it. Ann Arbor. Go blue.

Jill: And they are [inaudible 01:00:35]. Hey, wait a second, Illinois, come on. But they're registering the students there. The students are registering other students. And the good news is that in Michigan, students from Illinois, where honestly our vote doesn't matter because Illinois is going to be a blue vote no matter what. So anybody who has students at the University of Michigan, their students can vote there where it makes a difference.

So if you have students at schools in one of the swing states, or if you have a second home and you want to vote in those other states because New York is pretty safe, Illinois is very safe, please make sure they vote somewhere else because.

Joyce: Vote once.

Jill: That's what we need.

Kim: Just vote once. But also-

Jill: We're solving once.

Kim: ... in a place where you reside and you're not dead. Check the voter rolls because I have someone in my family who was a student in Georgia and every single time the voting... before the election checks the voter rolls and he's been removed. Make sure that they don't want college students, they target college kids particularly. So tell your college kids to make sure that you are registered to vote. Check your registration before the deadline. That is purging as a big problem.

Joyce: Yeah, I mean, can we just maybe end on that note? I know we're running late. The National Motor Voter Registration Act says that you cannot be removed from the act of voter rolls once you've hit that 90 day mark below an election. So go on one of the online things vote.gov, vote.org, I will vote. Check your registration status, take a screenshot. If you're an active voter today, you're entitled to vote active in the election. If you're not, get it fixed now and get all of your friends and family to do it too. It's a big deal. We've got to make sure we can all vote this year.

Kim: We're here in New York and it's called the city that never sleeps, but sometimes I too find it hard to sleep even when I'm back home in DC. These times can be stressful and when things feel out of control, that's why you need Calm. We're such big believers in the power of meditation and Calm can help you restore your sense of balance and peace when you're surrounded by chaos. Since I've started using it, I have been finding my center, I have been getting Zen and all of that has become so much easier. Now challenges and stressors feel manageable instead of seeming like massive obstacles.

Jill: And I always thought it was just us talking that kept you off the ledge.

Kim: Well, that helps too.

Jill: It's probably Calm. Calm is the number one app for sleep and meditation. It empowers you to calm your mind and change your life. Calm knows everyone faces unique challenges in their daily lives, and mental health isn't about a one size fits all solution. That's why Calm offers a wide range of content to help you navigate life's ups and downs with programs like Meditations that are designed to help you work through anxiety and stress, boost your focus, build healthier habits, and take better care of your physical well-being and who doesn't need that.

Barb: There are also sleep stories, sleep meditations, and calming music that will help you drift off to a restful sleep quickly and naturally. It's so relaxing. It's the perfect end to a stressful day. But when you're feeling overwhelmed, we recommend you try their grounding exercises too. These short guided sessions, use sensation, movement and breath work to help you relax and reset. Calm even has powerful expert led talks designed to help you handle grief, improve self-esteem, care for relationships and more.

Joyce: Calm puts the tools you need right in your pocket and it can help you dedicate just a few minutes each day to live a happier, healthier life. Stress less, sleep more, and live better with calm. For listeners of our show, Calm is offering an exclusive offer of 40% off a Calm premium subscription at calm.com/sisters. Go to calm.com/sisters for 40% off unlimited access to calm's entire library. Again, that's calm.com/sisters. You can also find the link in our show notes.

Jill: Okay, so now it's time for your questions that we will answer. And remember, there's microphones on both sides of the stage. And also remember after the questions, we're going to do a photo shoot with you guys. So remember only questions and we're going to try to keep it short. Okay.

Kim: Here we go.

Jill: It's hard for me to see, so I'm just going to blindly point. Is there someone over there?

Kim: Yes.

Jill: Okay.

Joyce: Yes.

Jill: First question.

Audience: Howdy folks. So I'm feeling positive about election day, but like you just spoke about, I am terrified about the abyss that comes after. And so aside from donating funds to Marc Elias and Associates-

Jill: Good place.

Audience: ... to make sure that they have the legal team that they need to be fighting against the legal fights that are going to come, what can ordinary citizens do to support those efforts once we're at that point?

Joyce: Well, I'm a big fan of Marc Elias' work. That man is going to save democracy. For those of you who don't know Marc, he is the lawyer who is spearheading much of the pro-voting litigation that's going on, trying to make sure the good cases happen and the ones that are dangerous don't. So hats off to Marc.

I'm going to try to channel Marc who I actually interviewed from my newsletter a couple of weeks ago and spoke on his podcast. And I think he would tell you. Our most sacred obligation as citizens is to find a role to play. It might be a poll worker, it might be a poll watcher. You might write postcards to people in states that are in play really powerful, but whatever it is, even if it's just talking to your kids and making sure that they vote, it's a big deal. So go forth and help people vote.

Barb: Hey, Jill, it seems to me that in exchange for answering a question, we ought to get something out of it. A little something for us. I'm thinking maybe before someone asks their question, we ought to ask them for maybe, I don't know, a restaurant recommendation or their favorite site to see in New York. I don't know. I want a little something. I want information.

Kim: Let's go to the women in the-

Jill: Questioner over here-

Kim: ... excellent shirt.

Jill: ... to do that.

Joyce: Great shirt by the way.

Kim: A nice T-shirt.

Audience: I came from Philadelphia with a friend. I couldn't recommend anything. I'm so sorry.

Jill: But Philadelphia's really important in this election, so you have a big role.

Kim: All right, we'll give you a pass. What's your question?

Audience: Forgive me. Joyce Vance, you said a few podcasts several ago that Scott Pilgrim Against the World, was this key movie that explains a great many things. However, you didn't explain it as to why, and I'm embarrassed to ask because my husband said, "Oh my God, she's so right." Could you please explain it?

Joyce: Have you seen the movie?

Audience: Yes, and I've forgotten most of it. I'm so sorry.

Joyce: Well, so look, I mean, I'm a law school professor, so I'll assign homework. Scott Pilgrim is somebody who fights back against all the odds and beats the bully. And I think that's our roadmap with Donald Trump. Go watch the movie again.

Audience: Thank you. Right on.

Jill: And if you want to see a movie that is prescient, watch A Face In The Crowd. It is almost as if they knew there was going to be a Donald Trump. It's a movie from I think the fifties, but it's really good.

Joyce: What about the Manchurian candidate?

Jill: Yeah. Okay.

Kim: We could do this all night. We have a lot of-

Jill: President's Men.

Audience: Not the remake of Manchurian candidate, though. Hi, welcome back. I'm a poll worker in Queens, so-

Kim: Thank you.

Audience: ... I'm one of those new generation and I do have a restaurant shout out. It's also in Queens. It's called the Queens Room, so it's easy to remember. It's a queer round, it's a

great spot. Thank you Kim and Barb for laying out the national nightmare fuel that has all of us up at night with all of the states and the skullduggery and shenanigans going on.

One of the things that's keeping me up is Nebraska, right now, and the winner-take-all electoral shenanigans that are going on there with Lindsey Graham, everybody's favorite Senator. What do you know about what the legal process could be if they were to decide to make that a winner-take-all state for the Electoral College? Is there any sort of recourse that we would have?

Joyce: I mean the Purcell Principle, right, which usually says you can't make changes too close to an election and is always invoked by Republicans including Supreme Court, Justice Brett Kavanaugh would seem to come into play here. Am I wrong?

Jill: It's up to the courts is the bottom line. It's going to be Marc Elias or some other legal group that's going to challenge that change. I mean, this is one of those little teeny things that could be the one-vote difference. I hope that we're not at a one-vote difference. I hope we have a landslide. Can go back to the Nixon era where he won 49 out of 50 states. I could only hope that would happen here, but it's not realistic.

Barb: If I may just add the Purcell Principle, which is Bedrock Law and says that, "No changes may be made close to an election," why that is as solid as Roe versus Wade.

Joyce: But on a happier note, I think that if Nebraska does do that, the Maine legislature, Mighty Maine will find a way to go back into session. They have a similar rule that leads to a split in Maine's electoral college votes. I think Maine might be the deal-breaker there.

Audience: Okay, thank you.

Jill: Okay, question over here.

Audience: Yeah. Hi. The lady who just, I'm with her from Philly. Hi, Barb. We saw you at the book sign and you did.

Barb: Thank you.

Audience: Two things, one, Kim, this is for you as a journalist. The country went ballistic when Biden lost the debate because of his age, et cetera. But why is nobody doing the same thing now with him, with Trump?

Kim: I asked that same question.

Audience: Should be.

Kim: I honestly ask that same question all the time. I am actually really disappointed that there aren't newspapers across the board saying that Republicans should look at just the abject nonsense. Whether it's not completing full sentences, whether it's saying insightful things, whether it is attacking communities falsely and lying. A whole entire community upended by his rhetoric and why there is no call from an editorial board to say,

Republicans pull back your candidate like this nominee is not suitable to hold this office and they just won't.

I think what has happened, is that the media cannot break its... It forgets. It forgets, it gets normalized. It's blinded by Trump just being Trump. And Trump got a pass for so long that they fear looking as if they're being impartial, if they suddenly now are saying, this person is a real danger to the way that we do government and the basic principles of our democracy.

They don't want to say it full-throatedly out front. A few of us do all the time. But I think it's an institutional problem. As some people are saying, it's because people are motivated by clicks and they want to just get stuff.

I've just personally, I won't name names, but I've just personally been very disappointed in journalists that I have respected and looked up to and know and call friends about the way that they have been covering this election. They should know better. We saw what happened in 2020 and I really, I cannot answer your question because I share your quest.

Jill: And for all of you New Yorkers, you ought to be pressuring your own hometown paper. They haven't lived up to their reputation. Their headline writers do not reflect what the articles say and-

Kim: The articles aren't so great all the time either.

Jill: ... the articles also have sane-ized, I don't know what the word is. They've made sane-

Kim: Sane-washed.

Jill: ... sane-washed, the stupid things that Donald Trump is saying when his answer to the New York Economic Club about child care came out as if he had actually answered the question. It's ridiculous. If you listened to his answer, it was not responsive to the question and it made no sense. It was gibberish. And so you got to pressure the New York Times to start being better.

Audience: So if you ladies like Asian food, any cuisine, Thai, Vietnamese, you come out to Queens.

Jill: Okay. I'm hearing a lot of Queens.

Audience: The best, the absolute best.

Jill: It's true.

Audience: So Kim talks occasionally about being out on the ledge and I'm out on the ledge right now, particularly, and I know this is going to sound a little crazy, but God forbid Trump wins. I worry about this enemies list and I keep watching MSNBC and saying, what's going to happen to Nicole Wallace? What's going to happen to Pre Ferrara? What's going to happen to you? Is it just the Liz Cheney's he's going after or is this going to be some sort of Stalinist utopia?

I guess my question is can DOJ do anything to stop him or is he going to be...

Kim: Well, not if the DOJ is in the Trump administration.

Jill: Read Project 2025, that's the end of the Department of Justice.

Audience: So talk me off the ledge. Can you?

Jill: Vote Democratic?

Kim: I'm on the ledge so I can't talk to anybody out.

Joyce: A big topic of conversation has become, "Well what country are you going to go to?" And I get that and I'm Jewish and all Jewish people, I worry about those issues. We are going to have to fight for this country if democracy means something, we cannot let him know.

Audience: I'm going to canvassing tomorrow in Pennsylvania. But again, there were too many fellow Jews who I know who are just like, "You have to understand he's the only thing that's going to be good for us." And I sent them all, I sent them all the video clip of what he said yesterday.

Joyce: Can I just say every community has that, but we should talk to people in our circle, your trusted friends, they will listen to you.

Kim: That's true for all of us.

Barb: That's exactly right.

Kim: And that answers the other question to what you can do. People like me, I can talk to I'm blue in the face, and at this point nobody new was going to say, oh, well you know what? Kimberly Atkins Stohr had a point. You know who they're going to listen to. They're going to listen to their friends. They're going to listen to their neighbors. They're going to listen to the people and their churches and their synagogues. They're going to listen to the people who they trust. And that's how you break through.

I've seen it happen in families. That is what you can do, to tell people that this is different. This is different. You can be conservative, you can want those principles, but this is a fight for our country. Just vote that way. Just vote that way in November.

Jill: Okay, we've gotten out of hand because we're all talking, we're going to have to limit one person answers because we're going to run out of time. Question over here.

Erica: Hi, my name is Erica and I'm from 20 blocks south of here. I just want to thank you. I have a question, but I want to thank all of you for coming over to Threads because it's made such a huge difference there. I follow all of you and I think Kimberly, I think you follow me back now, which was a big day for me. And thank you for being the truth tellers because the media present company excluded are not. But my question is the-

Barb: The food recommendation food.

Erica: So my parents and I who are here, we were just talking about it today, there's a Spanish restaurant in the West Village called Sevilla.

Barb: Sevilla.

Erica: It's a mainstay of Manhattan.

Barb: Put that on the list. Sevilla.

Erica: Sevilla. It is the mainstay from decades.

Barb: Okay.

Erica: That's a good one.

Barb: Sounds good.

Erica: So I have a small question for you. Can Citizens United be torn down? Is there a path forward to do that? And what can we as... Because I know there's the ethics crew, I forget their name. There is an organization that's a working-

Barb: Crew.

Erica: ... Crew. What can we do as individuals or as small collectives because I'm part of Markers for Democracy. I think there's a few people here and we write postcards to voters. But what can we as individuals do to help tear this down? Because nothing is going to, not health insurance, not politicians, nothing is going to change as long as Citizens United-

Kim: I think Barb has the answer.

Barb: Well, I don't know if I have an answer. I have a response. First, thank you for the recommendation. We might go there. So Citizens United, as people probably know, is a 2010 Supreme Court decision that said corporations have the same First Amendment rights as individuals and that therefore there can be no limitation on the amount of money that they contribute to an election as long as it does not go to a specific candidate and they don't coordinate with the candidate.

So they can still do things like create these PACs and give millions of dollars. How is Elon Musk pledging \$45 million a month to Donald Trump? Because he's going to do it through a PACs and as long as it's done that way and he doesn't coordinate with Donald Trump, he just says Kamala Harris is a Marxist. Was it leftist?

Jill: Fascist, leftist, socialist?

Joyce: He doesn't coordinate.

Barb: Yeah, then it's okay. So it means that it's really unlimited spending and what's an individual to do? People can really buy the election with these huge numbers. So to change it I believe would take a constitutional amendment. I don't see that changing anytime soon.

Jill: Or a new Supreme Court.

Barb: But I don't see that happening anytime soon. But I do think there's some things we can do. It's not going to stop an Elon Musk from spending \$45 million if he wants to. But one of the real challenges, I think, is dark money. And that is we don't know who's behind some of these things. They create a PACs name called like the Red, White and Blue Grandmothers of America. Well, who could fault that, they sound lovely. When in fact it might just be gun manufacturers or some individual with a lot of money who wants to steer policy in a certain direction.

So what we don't currently allow is for these super PACs to disclose who are their members. And so I think transparency is something that we could legislate and that could at least lift up the curtain for this dark money so we know who is behind it. I think that's the least we can do. And so asking your member of Congress to do that I think is one way. And there are some, there's the Disclose Act. There are some pending bills out there that would achieve that.

Erica: Thank you.

Jill: Next question.

Diana: My name is Diana and my husband Peter and I just aided the reopened Hoexter's, H-O-E-X-T-E-R apostrophe S on East 82nd for a smash burger was great.

Barb: Sounds good.

Diana: My question, I would love to ask each of you, but I'm going to direct it at you Jill because I've watched you for many years. My son's close friend is the woman who was quoted in the Times as being prosecuting Diddy and going against him getting bail. So her name was there. What gave you the strength to be the person you are? You all have these amazing brains and strength and you did it and what gave you Jill-

Jill: Man.

Diana: What happened that made you become Jill?

Jill: Years of therapy, haven't helped me to answer that question. As I said, I have some law school classmates here and two of my female classmates and I had went to see Suff's, which I highly recommend, and Aid at the Algonquin, which I also highly recommend. It was lovely and so nostalgic and so like a living room for dinner.

We were oddballs and my parents raised me to think that I could do anything I wanted. I went to law school because I wanted to be a journalist like Kim, but when I was graduating girls, as we were known, were offered jobs on the woman's page and I wanted

to report on politics or law. So I went to law school thinking, well then an editor will think I'm good enough to hire for that.

Somehow I ended up practicing law and I just have this attitude of just do it. I just don't let the discrimination I faced ever stop me. I'm proud that while I may have been the first in most of my positions, I was not the last.

I've tried to open doors. And as I said in the beginning, who would've ever thought I'd be sitting on the stage of the 92nd Street Y, talking to a big audience.

Joyce: And not playing the guitar.

Jill: That I could have predicted, for sure.

Diana: Thank you, all four of you for keeping us from falling off the ledge.

Jill: Thank you for the question.

Diana: Me and my girlfriends from falling off the ledge.

Jill: Okay, last question. Well, let's see.

Barb: Yeah, it's got to be last. [inaudible 01:23:16].

Jill: We're out of time, so fight it out there. Go ahead.

Audience: My friend and I went to Serafina for lunch and that was very good.

Joyce: I love Serafina.

Audience: My question is, I guess for Barb, I am wondering whether in light of the really terrible, shockingly bad decisions that came out of the Supreme Court in the last term, if that's moved the needle for you at all on the issue of Supreme Court expansion. I know people like term limits, but even if this court didn't find them unconstitutional, it would take two decades for that to even have an impact.

Barb: Yeah, I have been a fan of the idea that the Supreme Court ought to expand to 13 justices.

Jill: Yes.

Barb: Nine is not a magic number. Schoolhouse Rock 3 is a magic number, I digress. Throughout history, it's actually been different numbers. It's been five, it's been seven, it's been nine and nine was set at a time when there were nine circuits around the country because each justice also serves as a circuit justice to handle their emergency petitions. We now have 13. 13 is the magic number, circuits.

So it does seem like 13 makes some sense. I do worry that if you keep expanding, it becomes an arms race and every time Congress can expand it it's 13, then it's 19, then it's

37, then it's 100, right? At some point I think it's too big to really be a body, a conference that can get together.

Audience: They can hear them in panels. I worked for an appellate court that had 22 judges.

Barb: So maybe, but I think that some point it could be too big. So I do think there is a magic number there. Maybe 13 is that magic number, for now. There is also President Biden put forth an idea that I really like, which is term limits of 18 years staggered. So that every two years you've got more justices coming on and every president gets an opportunity to appoint at least two. Now, it might take some time, but long term it would shake out so that there would be more representation that's directly accountable to the people. So I think those are some ideas worth considering. Thank you.

Jill: I'm so sorry that we are out of time and we thank you for having joined us at #Sistersinlaw. But remember, we're going to be doing a selfie and also I want to remind you that we are selling some merch outside. Barb and I are selling books and we will sign them, personalize them to you.

Joyce has a QR code for signing up for her excellent, excellent mandatory reading, Substack, Civil Disobedience and Kimberly has a new independent. Well, it's our same producers. Thank you. Politicon today and every day. Thank you very much. Please, let's hear it for Politicons.

Kimberly has some bookmarks, I think that show her new... So come out to the merch table.

Kim: My podcast-

Jill: But first-

Kim: ... Justice By Design. Everyone follow Justice By Design.

Jill: Yes, but for now, everybody stand up.

Kim: Don't leave. Don't leave. Stand up. Stand up.

Jill: Don't leave, and then we're going to do.

Joyce: We want you in our selfie.

Jill: We want you in our picture.

Barb: Hi, I'm Joyce Vance.

Joyce: And I'm Barb McQuade.

Barb: People confuse us all the time and I can see why.

This transcript was exported on Sep 21, 2024 - view latest version [here](#).

Joyce: But why? I mean we look nothing alike.

Barb: Which one am I?

Joyce: You're the tall one.

Barb: That's right. Now I remember.

Joyce: Joyce Vance the tall one.