

Kim: Welcome back to #SistersInLaw with Jill Wine-Banks, Joyce Vance, Barb McQuade, and me, Kimberly Atkins Stohr. You may also hear snickers in the background because I have some french fries here and she would like one. So, please forgive her.

Don't forget to check out our brand new T-shirts that celebrate the resistance. Get it? They're really cute. People really like them, and they help support us and make this podcast happen. So, go to politicon.com/merch and you can find them there.

We have so much to talk about on this show this week. The drama over the Thursday into Friday massacre over the prosecution, or ending thereof of New York City Mayor Eric Adams. We're also talking about the new attorney general, Pam Bondi, and a lot of her actions that are noteworthy. And we're asking if the First Amendment matters anymore now that The White House is attacking the Associated Press.

A lot to get through, but we are recording this on Valentine's Day. And I just want to ask you, I've never liked Valentine's Day, whether I was single or not. It's just never been my thing. We don't buy cards or anything, but yeah, sometimes we go to dinner or something. But it's not a big deal to me. Do you guys really get into Valentine's Day? Do you have plans? Or how do you feel about it? How about you, Jill?

Jill: My husband and I love Valentine's Day. This year, we gave each other cards, and they were the same exact cards. We both picked the same card.

Joyce: I love it. That's so great.

Jill: And of course, if you want to take a guess, what was on the cover of the card?

Kim: A Dalmatian.

Jill: Two of them cuddling up. Of course, it was two Dalmatians. We both picked the same card.

Kim: Oh, that's so funny.

Jill: And we're planning to go-

Barb: It's so mushy. I love it.

Jill: We're going to go dancing-

Barb: Oh, Jill.

Jill: ... but that's only on Friday and Saturday night. So, we're going to go on Saturday night, unless the predicted snowstorm prevents our getting there.

Joyce: What kind of dancing, Jill?

Jill: We like just plain, slow dancing-

Joyce: Slow dancing.

Jill: ... to a live band or to jazz singers. And it used to be that there were great places in Chicago for that. It's getting harder and harder. One of my dearest friends is in a wonderful new relationship. And she and her new boyfriend, I don't know what to call a person of our age-

Joyce: Her beau.

Jill: ... but her beau, have found a wonderful place, but that's not till March that we're going. And then I found a new place that replaces maybe the old pump room at the Ambassador Hotel. I hope it'll be wonderful. It's at the Drake Hotel.

Joyce: You are so cool, Jill Wine-Banks.

Kim: What about you, Barb?

Barb: I like Valentine's Day. In fact, it's funny you should ask because I was just walking home and thinking to myself, "I'm usually quite unsentimental and not terribly sappy, but darn it, I like Valentine's Day."

My sister and I always exchange greetings. I always send my mom a box of candy. It was something my dad did every year, was get her a box of candy, and he's no longer around. So, we send her a box of candy to tell her how much we love her.

And my husband and I, we'll go out to dinner and we'll exchange gifts. I don't want to blow the surprise, but it is a modest token of affection and care. But we'll go out to dinner and celebrate our Valentine's.

Kim: Aww. How about you, Joyce?

Joyce: Well, I let Bob weigh in on what he wanted to do this year. And maybe we're getting old, maybe it's just been a long January, but he said what he wanted to do was stay home, watch movies, and eat cake for dinner. So, I made a really good cake.

Jill: That sounds pretty great.

Joyce: I mean-

Kim: I like it.

Joyce: ... I'm excited. I made the chocolate, it's called Devil's Food Cake Cockaigne. It's in the old version of the Joy of Cooking cookbook. And it's sort of a pain in the neck to make if the truth must be told, but it's delicious. I haven't made it for a long time, so I guess we're just going to hang out and have fun tonight.

Kim: Oh, well, great. So, I have to be honest, I don't know what, if anything, we might be doing. I have to say, my husband tends to be a little more romantic than me. He has been

known to come home with a card or something. Of course, I feel terrible when I don't have one or something. So, I'll let you all know-

Jill: It's not too late, go out and get one.

Kim: It's been a busy day.

Joyce: God made Instacart for Kim.

Jill: Make one, make one. You're very creative. You can cut out a little Valentine heart. You can do it.

Kim: All right. I will get right on that.

Jill: Did you know we're eating and drinking roughly a credit card's worth of plastic every single week?

Joyce: Yeah.

Jill: It's crazy. Products we use every day go on to contaminate our water supply, which means we end up regularly ingesting a multitude of microplastics. Luckily, Blueland decided to step up by eliminating the need for single use plastic in the products we use the most. So don't wait. Start your journey to a cleaner, greener home with Blueland.

Joyce: I'm going to be thinking about that credit card's worth of plastic that's in my body for the whole rest of the day, but fortunately, Blueland is on a mission to eliminate single use plastic by reinventing cleaning essentials to be better for you and the planet while still delivering the same powerful clean you're used to. The idea is simple. Blueland offers refillable cleaning products with beautiful cohesive designs that look great on your counter. It's really easy. Just fill your reusable Blueland bottles with water, drop in the tablets, and wait for them to dissolve.

Kim: And I like watching them dissolve. That's kind of fun to me. If you ever liked watching them like the Alka-Seltzer when you were a kid, it's like that.

Barb: It's basically satisfying.

Kim: You'll never have to grab bulky supplies on your grocery run and refills start at just \$2 and 25 cents. You can even set up a subscription or buy in bulk for additional savings. And better yet, Blueland products are independently tested to perform alongside major brands and are free from dyes, bleach and harsh chemicals, from cleaning sprays to hand soap, toilet bowl cleaner, and laundry tablets. All Blueland products are made with clean ingredients you can feel good about.

Barb: There's a reason Blueland is trusted in more than 1 million homes, including ours. The fragrances add such a pleasant vibe to your home, and I can't begin to tell you how many times the subscription has saved me from running out of cleaning products. When you need them, you need them right away. It feels great knowing that I'm incorporating sustainable practices into essential everyday activities and we know you'll love it too.

That's why we're excited to share that Blueland has a special offer for listeners. Right now, get 15% off your first order by going to blueland.com/sisters. You won't want to miss this. [Blueland.com/sisters](https://blueland.com/sisters) for 15% off. Again, that's blueland.com/sisters to get 15% off. The link is in the show notes.

Well, it's been quite a week at the Department of Justice. First, we learned on Monday that the acting Deputy Attorney General Emil Bove. I'm told it's pronounced Bove, by the way. Did you guys know that?

Jill: Yes.

Barb: I've been saying Bove.

Jill: That seems to be what... No, Bove is what I'm hearing all the time.

Joyce: [inaudible 00:08:04] has always said Bove and he hired him, so I figured he knows.

Barb: Emil Bove had sent a letter to the acting US attorney for the Southern District of New York, Danielle Sassoon, directing her to dismiss the indictment against New York City Mayor Eric Adams. Adams, as you may recall, was indicted in September on charges of bribery, wire fraud, and campaign finance violations. And then this week it got really interesting. Kim, can you tell us about the series of letters that went back and forth this week between the interim US Attorney Daniel Sassoon and Emil Bove and Pam Bondi that led to what some are calling the Thursday afternoon massacre or maybe the Valentine's Day massacre?

Kim: Yes. It continued into Valentine's Day.

Barb: Yeah.

Kim: So essentially, and I sort of got tipped off when I saw a couple of legal watchers that I follow on social media. Note, after it was initially announced that the charges against Eric Adams would be dismissed, noted that, well, they said that, but I'm looking at the docket and it hasn't been movement in that direction. And then suddenly the news drops that Danielle Sassoon was like, "Yep, nope, not the one." There had been a superseding indictment in the works actually to add obstruction charge to the corruption charges that Adams is already facing. There was another grand jury that was convened and approved it ready to go, and Ms. Sassoon said, "No way. This is not what our job is to drop it." And she wrote a letter that said, "In part, I have always considered it my obligation to pursue justice impartially without favor to the wealthy or those who occupy important public office or harsher treatment for the less powerful."

And she was objecting to what was obviously an attempt by the Trump administration to drop these charges with prejudice, which is important in exchange for Mayor Adams capitulating to use the New York City government to help with immigration rates. And that was something that rightly so that Assistant US Attorney Sassoon wasn't down with. And it's really important just to underscore the White House or any political actor is supposed to have zero, no, no role at all in deciding prosecutorial decisions that is so far out of bounds and against the rule of law for reasons that we will discuss.

Bove shot back with a letter basically calling her insubordinate, which is not true, writing in part in no valid sense do you uphold the constitution by disobeying direct orders, implementing the policy of a duly elected president. Are you kidding me? That's exactly what you're not supposed to do. That's literally what you're... I was actually shocked that he put that in writing. That's crazy. But that's what kicked off. What ended up with, I think, at the time, we are recording up to eight resignations total within two different offices of the DOJ in protest of this decision by the DOJ to try to force this prosecution closed.

Jill: Yeah, can I just add, Kim? I so agree with you about his letter. It was so ham-handed and so blatant in its political nature. He put in writing things that you wouldn't even want to say in a face-to-face meeting that you were sure wasn't being recorded. It was his language was so awful about this is so that we can implement the president's agenda. That's the most political reason for doing anything, and so against DOJ policy and the righteousness of what DOJ does.

Barb: Well, Jill, let me ask you about Danielle Sassoon who stood up to Emil Bove here. What do we know about her?

Jill: It's so interesting. Of course, I never heard of her until now. Interims are just temporary placeholders, so I didn't think I needed to learn a lot about her until her permanent US attorney was put in place. But we know a lot about her. She is a lifelong conservative, a lifelong Federalist Society member. She has argued against affirmative action, so I know that Clarence Thomas will love her. She went to college at Harvard. She then went to Yale Law School. She took a very principled position and according to friends who've talked about her, she has always been a principled person. She did this because the law and the facts didn't coincide here and it was just political. She went to school and studied the Talmud at a modern Orthodox school and some people said that was great preparation for studying law. She had a quick rise at the Department of Justice where she was hired by Joyce's co-partner in a podcast Preet Bharara under Obama.

So even though she was a registered Republican and there was no question about that, the Democrats hired her and she had some great trials including, you all remember, Samuel Bankman-Fried a big fraudster and con artist and the Sarah Lawrence students sex assaulter and sex trafficker, Lawrence Ray, she clerked for a very conservative Fourth Circuit judge, Wilkinson, and then for Justice Scalia. And my favorite quote from her, and I'm going to just read this, was that, "He was her kind of feminist. He spared me no argumentative punches and demanded rigor for my work. He taught me how to fire a pistol and a rifle and made me feel like I had grit. He thickened my skin, which was the best preparation for a career in a male-dominated field." So I just love that. She had a quick rise, as I said, in the Southern District. By 2016, she had been elevated. And by 2023, she was named the co-chief of the Southern District's Criminal Appeals Unit, and she held that until her promotion to be the interim until her resignation this week.

Barb: Yeah. When we hear about what she's done, so often in these instances, it's a woman, isn't it?

Jill: Well, yeah, just like Sally Yates.

Barb: Cassidy Hutchinson and others. Yeah, and Sally Yates is the one that comes to my mind. Does it remind you of that situation, Jill?

Jill: It absolutely does because if we can just refresh our memories, Sally Yates was acting attorney general and refused to carry out in Trump one the Muslim ban because she said, "I can't go to court and say that it's anything other than a religiously oriented ban on people of the Muslim faith." And of course, that was the end of her career there. So it's very much a principled stand that Sally Yates took like the principled stand that Danielle Sassoon took in saying, "I cannot go into court and say these things because that's not what I'm supposed to do when I go into court and say for the people. That's what I'm doing and it's not for Donald Trump."

Barb: Well, we've had some breaking news today, Joyce. Can you bring us up to speed about what's happened on Friday as part of this massacre?

Joyce: Well, fast moving target, right? We're taping Friday afternoon. It's about 3:40 Eastern time just to date stamp it a little bit. The early news this morning was that a line prosecutor in the Southern District of New York, Hagan Scotten, had tendered his resignation as well, and Jill made a point of talking about Danielle's background that she's conservative. Not exactly Donald Trump's vision of the deep state liberals, right? Hagan is the same sort of a deal. This is a guy who served in the military for eight years, top of his class at Harvard Law School, clerked for Chief Justice John Roberts, and he wrote a resignation letter that I think is just an example of how it's done. I mean, he really exemplifies the best in us and it's a letter that makes you proud to have ever served in the Justice Department and sort of proud to be an American.

So let me just read a little bit from it. I think the letter's that good that we should read it. He's writing to Emil Bove, the deputy attorney general, and he says, "I have received correspondence indicating that I refused your order to move to dismiss the indictment against Eric Adams without prejudice, subject to certain conditions including the express possibility of reinstatement of the indictment. That is not exactly correct. The US attorney, Danielle Sassoon, never asked me to file such a motion and I therefore never had an opportunity to refuse, but I am entirely in agreement with her decision not to do so." He goes on to talk about it a little bit more, talking about how solid the indictment is that it's not tainted by the fact that Damian Williams, the Biden US attorney in the Southern District had worked on it since four different United States attorneys across both parties had worked on the case.

And he says these words, "There is a tradition in public service of resigning in a last ditch effort to head off a serious mistake. Some will view the mistake you are committing here in the light of their generally negative views of the new administration. I do not share those views. I can even understand how a chief executive whose background is in business and politics might see the contemplated dismissal with leverage as a good if distasteful deal. But any assistant United States attorney would know that our laws and traditions do not allow using the prosecutorial power to influence other citizens, much less elected officials in this way. If no lawyer within an earshot of the president is willing to give him that advice, then I expect you will eventually find someone who is enough of a fool or enough of a coward to file your motion, but it was never going to be me." He then says, "Consider this my resignation."

Kim: Mic drop.

Joyce: Yeah, right.

Jill: Yeah, that's pretty powerful.

Joyce: I mean, this is good stuff and I think it was important that somebody stood up and said it. It made me a little bit sad that it had to be a line prosecutor sacrificing his career to do it, seems to me that some senator should have said it back in 2016, but nobody had Hagan Scotten's courage in the Republican Party.

Kim: And I think it's important not to under... I don't think this can be underscored enough. Ordering members of career prosecutors to either drop a case or be fired is probably up to now the most authoritarian act that the Trump administration has done so far that is gobsmackingly corrupt, autocratic. It is all the bad things that lead to the kind of government that our founders never intended. This is not a drill. For anybody still saying that this is not a crisis in our nation, we are there. We are past there. So I too am grateful to the people who are standing up for this.

Joyce: It's just a hop, skip and a jump away from dismissing a case that should be maintained to bringing a case that shouldn't be brought, right?

Kim: Right.

Joyce: And I think you're right, Kim, to say this is the bad place.

Barb: I also want to point out to people who maybe are not familiar with the Department of Justice, like what's the big deal? They're just following orders by the president and isn't it their job to follow the orders of the president? And the answer is no. The Department of Justice is unique among all of the cabinet agencies in its independence from partisan politics. The principles of federal prosecution say that prosecutors are to follow the facts in the law and may not ever consider politics in making a charging decision. In fact, it is even prohibited for there to be communications between the White House and prosecutors, lest there even be the appearance of political direction in any particular case. And so this is-

Joyce: Well, wait, I think you meant to say it used to be prohibited, right? Because I guess Justice Department, it's okay.

Barb: Yeah. Well, let's bring back all those processes were imposed post-Watergate, those norms and principles, and we've got the Watergate girl right here to tell us what it was like when we have the original Saturday Night Massacre. How does this measure up, Jill?

Jill: I think we're worse off now than we were then, and it was pretty bad then. Just to take this particular case forward a little, there is reporting now that they have found, well, what did the other lawyer say?

Kim: A coward.

Jill: A coward or-

Kim: Or a fool.

Jill: A dupe. A fool, a dupe. They seem to have found someone who is willing to dismiss this case and that that action is underway, but it hasn't happened yet. So maybe that person will come to his senses and not do it, and I believe it is a man. So using his as the correct term. In Watergate, we had a direct order from the president to fire the special prosecutor, Archibald Cox. The attorney general said, "I will not do that because I was confirmed on the promise that I would only do it if there was cause and there is no cause."

He has a perfectly legitimate right to ask for these tapes and I will not do it. So he was fired and then the deputy became the acting, and the first one was Elliot Richardson, who by the way had also been Secretary of Defense and Secretary of Commerce before he became attorney general. This is like a really amazing human being, a man of great integrity obviously. And then William Ruckelshaus, who had been the head of the EPA before becoming deputy attorney general said, "I too cannot do it because there is no cause and so I won't do it." So he was let go. And then Bork, who was the solicitor general and therefore third in command at the Department of Justice at the time said, "Well, I'll do it."

And Richardson and Ruckelshaus have since said, "Well, he didn't promise Congress at his confirmation hearing that he wouldn't do this." And so, okay, he can get away with doing this. I think that's wrong because obviously it is wrong to fire someone without cause. Bork was then nominated for the Supreme Court in a subsequent administration and was almost summarily dismissed as a possible candidate because of his having done this terrible deed. And so whoever does this will live in infamy forever for having dismissed this case based on political requests, not based on anything in the law or the facts that should lead to a dismissal.

Joyce: So I just wanted to push back a little bit on that, Jill, not from a position of knowledge because I don't know the facts here, I don't think any of us know the facts here, there's some rumor about who the individual at DOJ is who's going to sign this. I have heard, and I wonder what your sense is, that Bork was asked by others to be the one who would go ahead and give the order essentially to stop the bleeding at the Justice Department. And I think that that's what's going to go on today. I suspect that someone who is far enough along in their career year that they can do it will go ahead and sign this motion to dismiss in order to protect all of the other much younger, earlier career stage people who would've been fired. And that person in some ways might be someone that I would consider very brave because they understand that they will be universally condemned and people may not see the nuances here, and they're going to go ahead and take the hit for the Justice Department.

Jill: You are exactly correct.

Kim: And it could be multiple reasons too. A, people have mortgages and they've been starting their career here. You don't want them harmed. B, you don't want the public integrity unit to suddenly be emptied and then-

Barb: Or replaced.

Kim: -replaced with goodness knows who.

Joyce: That's a real fear here, right? Yeah.

Kim: So to the extent that you want to keep those people in there, you will take one for the team in order to protect those people too.

Joyce: You bet.

Kim: It's complicated. It's complicated.

Jill: And that was the case in Watergate that was at least widely discussed, that he did it to protect the rest of the Department of Justice from being eviscerated. And that is a good and just thing. He did suffer the consequences. And no doubt this other person will, my advice to him would be, if you're near retirement or if you're eligible for retirement, you better retire immediately after doing this because if you get fired, you lose your retirement. Now, of course, Trump won't fire you because he thinks you're doing the right thing. So you're probably safe and can get to retirement, but it's a horrible thing that someone is asked to do this or that someone needs to stop the bleeding in order for this to happen. And that we've now had multiple people in the Southern District of New York US Attorney's Office and in the Public Integrity Section being forced out by their own convictions of morality and justice. So it's a bad, bad day for justice in America.

Barb: Yeah. Kim, I want to follow up on something you raised, which is Rule 48 of the Rules of Criminal Procedure, which require... Prosecutors can't just file this on their own. They have to file a motion and get leave of court to be able to dismiss an indictment. So how does that work and who's the judge in this case, and do we expect the judge to grant the motion?

Kim: Yeah, so this is a question that I was posing and I would love to hear what the prosecutors have to say. So the judge in the case is Judge Dale Ho. He's a Biden appointee and someone who I think could see very clearly what is going on here, and given that all of this is pretextual, right? Whatever reason that is going to be put forward in this agreement that's being negotiated in justice, we all know the reason why this dismissal is being sought, why it's being sought without prejudice, which means that the DOJ can dangle it over Eric Adam's head to make sure that he complies. So it's both a carrot and a stick. Can't the judge just say no? No. I mean, yes, that raises other issues. You can't force prosecutors to prosecute a case, but why can't he just say, "No, I'm not going to be a part of these prosecutors"? You tell me.

Jill: Okay. Yeah, I was just going to say that if everybody can remember back to Michael Flynn's case, there was a similar order and Judge Sullivan in a DC district court said, "I have a role in this. You can't just dismiss, just because you asked doesn't mean I rubber stamp it and I'm going to appoint a lawyer to represent the argument against the Department of Justice dismissal of this case." Now, it got short-circuited because Trump stepped in and pardoned Flynn, and so it never went to a full judgment, but the special counsel who was arguing was absolutely unrepentant in his criticism of this action. The

language of his report is really amazingly strong as to how wrong this was and why it should not be dismissed. And one of my Watergate colleagues just wrote an opinion piece in The New York Times just reminding us of this action and saying the judge has a role.

The rule says you have to go to court and get court permission. And that doesn't mean they just grant it. They have to have a reason to grant it. So at least theoretically it could be refused. Now the question is who then would prosecute it? I mean, under our system we have prosecutors who are assigned to prosecute cases and this Department of Justice will not prosecute it. So I'm not sure what happens if he refuses to get rid of it. I guess it stays in place and no one prosecutes it. And then if the statute of limitations hasn't run, it could be prosecuted at a subsequent time as it is they're asking for, and I think you've mentioned this, a dismissal without prejudice, which means that it is a sword of Damocles over his head, meaning they can control him if he doesn't do exactly what they want. If they think he's not helpful enough in carrying out the president's agenda, they can bring this case back and certainly so could a Democrat elected four years from now.

Barb: Yeah. Here's my take on Rule 48, and Joyce and I, when we were US attorneys, I don't know if the local rule is the same for you in Alabama, Joyce, but in the Eastern District of Michigan, the US attorney, him or herself, had to sign a motion to dismiss an indictment because an indictment has been returned by a grand jury.

Jill: Right.

Barb: It's a big deal. It's not nothing to dismiss an indictment. It's been on the docket as a very formal charge. And so in an effort both to prevent the prosecutor from jerking around the defendant, "You're charged. No, you're not. Now you're charged. No, you're not." Or to prevent the prosecutor from rewarding somebody, they're just dismissing a case improvidently, the court had to look at it and we had to state the reasons for the dismissal of the indictment. I can remember defendant has died. That was one. Defendant is being prosecuted by a different jurisdiction.

Like the state came in and said, "We'd really like to take this case. Do you mind standing down?" That might be one. A witness has died. That might be a reason. A motion to suppress all of the evidence in this case has been granted and we no longer have evidence sufficient to prove the case. That might be a reason, but the judge got to decide. Now, we never had anything controversy like this where the judge disagreed. It's Dale Ho is the judge here. I think the judge would be fully within his rights to have a hearing before deciding this motion.

Let's bring in Emil Bove and ask him what this is all about, why on earth they're dismissing this case and why he thinks it's okay to do this for political reasons outside the merits of the case. Let's get him under oath to answer some of those questions because I agree with you, Jill. At the end of the day, I don't think as a matter of separation of powers, the court can insist that the prosecutor prosecute this case. They have prosecutorial discretion, they have the ability to decide whether to go forward, but the judge can make sure there's no improper purpose here. So I'd like to see Judge Dale Ho, if you're listening, I'd really like to see a hearing take place in this case.

Jill: You said something really important, which is the grand jury has an official role and you can't just ignore their decision. They heard the evidence, they made a decision and you can't just ignore it.

Kim: And there were two in this case, there was going to be a superseding. There were two-

Jill: Exactly.

Kim: -separate grand juries.

Jill: Yeah. Yeah.

Joyce: Yeah. So can I just add one thing though? I think you guys are so dead on the money and so smart about what you say, and something I think we are going to have to get used to is that the cavalry isn't coming, right? I mean, Judge Ho is a super smart lawyer and an institutionalist and someone who I think will get whatever mileage is appropriate out of the rules, but he's not going to break the law to enforce the law. That's just not going to happen. And the real pushback against this administration's overreach is going to have to come from Congress if that sleeping giant can be awakened to their responsibility and in the event they can't be, it's going to be up to us, the voters, like it always is, right? The cavalry is not coming, folks.

Barb: Yeah, I think tell your friends what an outrage this is. I mean, if public sentiment is what matters, although, again, if the Senate judiciary or House Judiciary Committee are listening, you should be conducting hearings as well about this because this is highly irregular. Let me ask you guys just one last question. Kim, we'll start with you. And Eric Adams, obedient servant that he is, has wasted no time. Yesterday, he allowed ICE into the Rikers Island jail. So what used to be off limits, now he's opened the doors. What is that all about? Is this just what he was going to do anyway? Is this a business transaction? Is he obeying his commanders now? Is he just a pawn of President Trump?

Kim: He is proving himself to be a liar when he says there is no quid pro quo. He's dancing with the one who brung him. This is what he went down to Mar-a-Lago to talk to Trump about. And now we're seeing this.

Jill: Yeah. Let me just point out, it is a violation of New York City law. He's doing this in complete disregard for the law of sanctuary city. So it seems to me that your phrase, is he just the puppet of Donald Trump? The answer is yes. He's just doing this as payback for being free.

Joyce: I mean, he has an argument, right? There's an argument that there's an exception to the city council, sanctuary city enactment that he can use an executive order to get around. It's not a great argument, but it's an argument he can stand on. And I think what's really so troubling here, it's like the Trump administration has put a choke collar on the mayor of New York City, and he's now like a little yappy dog who only has a free-range of motion for as long as they're willing to let him have it. I mean, Donald Trump is effectively the mayor of New York City.

Jill: Got to wonder what's going to happen if Adams isn't reelected, they won't care about him because he can't do anything good for them.

Joyce: I used to get so frustrated with my skincare routine. I bet a lot of you know that feeling, right? Products that kept promising to fix lines, wrinkles and crepey skin, but rarely delivered any and certainly not lasting results. Luckily, today's sponsor, OneSkin, has changed everything. OneSkin's founding team of female scientists developed a whole new approach to skincare by starting at the cellular level. Their proprietary OS-01 peptide is the first peptide scientifically proven to reverse skin aging by switching off the dysfunctional senescent cells that cause lines, wrinkles, and crepey skin. It's the perfect way to celebrate National Women Inventors Month this February,

Kim: A National Women Inventors Month. I didn't even know that. That's good to know. That's good to know.

Joyce: Is the government still letting us celebrate that one or is that one banned too?

Jill: It would be discriminatory, so I don't think so.

Joyce: Well, I'm glad we can.

Barb: Yeah. That's right. DEI.

Kim: You all are so woke. Anyway, you can try OS-01 in all of OneSkin's topical supplements from their flagship facial moisturizers and their award-winning eye cream to sunscreens that protect skin from UV damage and cellular aging. I really love that sunscreen. I know I say that every time, but it's really delightful. I use it every single day. Your skin is your body's biggest organ and it has the strongest link to visible signs of aging. With OneSkin, you'll help your skin look, feel, and act like its younger self every time you use it. See for yourself with 15% off using code, sisters, at oneskin.co.

Jill: Kim, I never thought of my skin as an organ until there was an exhibit at the Chicago Museum of Science and Industry, and it is the body's largest organ, so it deserves a lot of care. And I'm embarrassed to say this, but I love that I get compliments ever since I've started using OneSkin. It is such a confidence booster and OneSkin is why I keep getting those compliments, whether I'm in the wind or warming up next to the heater, which is ongoing full blast right now as we expect another winter storm, I use OneSkin's OS-01 face topical supplement to fight back against dryness. Now my skin is ready for anything the elements throw at me. I especially love that OneSkin's regimen works fast and the formulas feel amazing when you apply them. They're so refreshing. I know that everyone listening is going to be a big fan too.

Barb: Founded and led by an all-woman team of skin longevity scientists, OneSkin is redefining the aging process with their proprietary OS-01 peptide, the first ingredient proven to help skin look, feel, and behave like its younger self. Get 15% off with the code, sisters, at oneskin.co. That's 15% off oneskin.co with code, sisters. After you purchase, they'll ask you where you heard about them. Please support our show and tell them we sent you. Invest in the health and longevity of your skin with OneSkin your future self will thank you. The link is in our show notes.

Jill: Remember our segment last week on Bondi's first 15 minutes as attorney general when she issued 14 memos. If you don't, go back and listen to hear some of the ones we thought were the most damaging to justice, but pay attention right now because there's more bad news from what used to be the Department of Justice. I don't know about you all, but between Trump's executive orders and Bondi's moves, I am frightened about whether the rule of law in America will continue for very long. This makes Danielle Sassoon even more of a hero for standing up for the rules that should govern prosecutions.

So Barb, let's talk about this week, Attorney General Bondi did several noteworthy things. Let's start with the DOJ's filing charges against New York State Governor Hochul, Letitia James, and the Department of Motor Vehicles head, Mark Schroeder, for prioritizing illegal aliens over US citizens. She noted that they sued my state, Illinois, last week, which by the way, just didn't get much coverage because there was such a firehose of other bad things that nobody paid attention to Illinois getting sued. And she said, "Illinois was sued last week and you didn't listen, New York State, and warning all you other states, if you don't listen, you're going to get sued too." So the laws are slightly different that they're challenging, but New York is charging a 16-page indictment and what are the charges?

Barb: Yet charges is a funny term, isn't it, Jill?

Jill: It is.

Barb: Because it is charges, I think, connotes a criminal case and this is a civil matter as Pam Bondi well knows or should know. She was an attorney general of the state of Florida. She should know better. But by calling it charges, I suppose it gets people's attention and makes people think it's a crime when it's not.

Kim: She wants Trump to imagine Letitia James in handcuffs not happening.

Barb: So I found that misleading and therefore unprofessional. But if you look at this complaint, the only allegation is that it violates the supremacy clause, which is supremacy clause certainly says that the Constitution is the law of the land, but she's forgetting about the Tenth Amendment. I thought Republicans were supposed to be states rights advocates. The Tenth Amendment of course says powers not delegated to the United States by the Constitution nor prohibited to the States are reserved to the States or to the people. And so the idea that the supremacy clause means I win everything is such an inane, wrong, foolish concept. It's the kind of thing that probably sounds good to people who aren't lawyers. Well, we win because supremacy clause, I win. No, that's not what works. Now, immigration is a matter that is within the province of federal law. And so states cannot create their own immigration laws.

For example, as Joyce well knows from the great work she did in Alabama, when the state of Alabama tried to supersede federal law, you can't create your own law in this space. There's certain spaces that the federal law occupies like currency and immigration is one of those. But similarly, the federal government cannot commandeer state law enforcement to do its work. And so when people talk about sanctuary cities, it isn't like we're hiding all of the undocumented immigrants in the basement. It is we're not going to be your deputies. We're not going to go out and round up undocumented people because

we got our own stuff to do here. We're busy enforcing the laws and we don't have to be your servants in this. Now they can't obstruct those efforts. That's absolutely right. So once this case gets into court, I don't know if there are facts to suggest that the state of New York is somehow actively obstructing federal immigration efforts, but these allegations are just about the Supremacy Clause say we get to be the boss of you, and that's just not how the Constitution works.

Jill: So as important as what was in the complaint or charges as Pam Bondi calls them, noticeably absence are anything against Mayor Adams and New York City. It's all New York state. So any chance, Joyce, that it's related to the deal that we just discussed about Mayor Adams indictment being dismissed in exchange for letting the Feds into Rikers? And also how does this fit into the conflict with the Feds pulling \$80 million out of New York's account without prior warning money that was appropriated by Congress to house migrants? So is that part legal and is this all part of this corruption at the Department of Justice?

Joyce: Yeah, I was listening to the first part of the question, Jill, where you were saying, "Do you think this has anything to do with Adams?" Yeah, I'm thinking, gee, what do you think? Because it seems-

Jill: A leading question, I would say.

Joyce: Right? It's disgustingly transparent. And what that says to me is that they know that no one can miss what's happening here. This is a classic carrot and a stick, right? If you are a good boy, if you line up and go on Fox News and act all smiley face when Tom Homan Trump's borders are tries to make it clear that you are dancing to his tune, then you don't get named in the civil suit alongside your governor. But if you're bad, if you don't do what you're supposed to do, we're going to take your money away and make the city suffer. I mean, this is just so autocratic. This is, I think, one of the signs, and that's really dangerous here. This is a week where I think we have to be frank and candid. I mean, we used to joke about being out on the ledge. I'm not on the ledge here. I'm on firm ground and the firm ground says that we are in a very, very dangerous place. And this is a great example of it.

Jill: You had one of your Substacks said, "Let's call it what it is. It's a coup." And I agree with you. We have to start using words that really reflect what's going on. This is a takedown of all of our rules of government, and it's disgusting. Okay, so Kim, in announcing this case against New York state, Bondi said, "This is a new Department of Justice." And she said it in a way, do you think she meant it as a dig at Garland? And we've all been critical of Garland, but do you think DOJ under Bondi is dangerously political and responsive to the president?

Kim: Yeah. I don't know if she was trolling Garland specifically, but I do know that she was messaging to the president. All this was a message to the president saying that she filed charges and it is an indictment. I think she means it in the textbook definition, is that she's inviting the... Yeah, it's a lawsuit, girl, like calm down. But I think all of it is a message to Donald Trump who believes that the DOJ in the charges that were brought against him and January 6 rioters and everybody else who supports him was politicized, that it was deep state, that it was political then. And also everything he does is a projection. Everything he does is an intent of what he's going to do in the future. And now he's

politicizing the DOJ and that is Pam Bondi standing up and saying, "Yes, sir, right away, sir." So I think that was what she was messaging. I don't even think you needed Garland to be trolled in a sense. She too is dancing with the one who brought her.

Jill: It also struck me that that press conference was, I would say, unusually political. And she had someone else testifying, basically an angel mom, which honestly was not a phrase I had ever heard before, but apparently means the mother of a child killed by, I guess in this case, by a person who was undocumented and here. But do you think this was unusually political? It's not what we expect from the attorney general.

Kim: Yeah, absolutely. And look, I'm not going to say anything about this poor mother and a grief that she has been put through at all. But what I will say about Pam Bondi is using people as props, especially in this political way, is just gobsmackingly wrong. It's just wrong.

Jill: Joyce, I want to move to another prosecution change, one that is pretty dramatic because it basically takes away the enforcement of a law passed by Congress, the Foreign Corrupt Practices Act. So I want to ask you a series of questions, but first, can you tell us what the FCPA is?

Joyce: Yeah, sure. The Foreign Corrupt Practices Act is of longstanding vintage. It's a 1977 act. It prohibits bribing foreign officials to gain business advantages. And that can be everything from businesses going overseas, academics going overseas, people trying to live overseas. You don't get to bribe foreign officials in order to gain a business advantage. And DOJ has routinely prosecuted American citizens and American businesses for violating the act.

Jill: And so, okay, on day one of the 14 memos that Bondi issued was about the FCPA, but this week Trump issued an executive order amplifying Bondi's memo. What did her memo say? And what does the executive order say so that we understand what's at risk here?

Joyce: So what they add up to taken together is that we shouldn't expect any prosecutions in this area. This is a low priority. I mean, Jill, this administration has low hanging fruit, misdemeanor immigration violations to prosecute, and why should they waste time on stuff like foreign corruption and bribery? But I think very much when you read what's going on here, what it adds up to is just sort of this green light to go ahead and engage in bribery, which I think we're in the process of watching bribery sort of transform from being a crime to being a legitimate business practice. We see what's going on with Eric Adams, who is accused of accepting bribes from Turkish officials. Rod Blagojevich, the Illinois governor who tried to sell Barack Obama-

Jill: He's going to be ambassador to Serbia.

Joyce: I mean, it's like bribery is the new normal. That's Donald Trump's message to America and also in foreign countries for Americans doing business there.

Jill: Kim, I want to ask you, because this is one of those laws that's really important that people don't really understand what the arguments for having it are or what the arguments

being made against it are. And I just want to say that I am very proud to have worked for Motorola, one of the most ethical companies you could ever imagine. They really followed the letter of the law, and I was doing business in Russia and Ukraine where bribery was expected and Motorola was absolutely clear that we won the business based on our skills and our product. We would not in any way compromise, but so what are the arguments for why we have an FCPA and what are the arguments against it?

Kim: Well, that is exactly why. We don't want to encourage any country to believe, "Okay, you want us to do business with you American company? What's in it for us? What can we expect and what can we give you in order to grease those wheels?" That is disallowed. And that for all the reasons that we've been saying, not having bribery as a part of American foreign contracting is super important. Remember, there was a time that we had a federal government that understood the danger of emoluments, and that also applies in the private sector too, that you don't want that. And it's not just holding American companies accountable and making sure that they act fairly, especially as American companies and protecting our reputation. If we have strong anti-corruption and anti-bribery rules governing foreign transactions, that also encourages other democratic countries to do the same because they are not at a disadvantage of doing that knowing that America has set that standard.

Once America erodes that standard, it makes it harder for these other companies to keep competing with Americans when they know that they can have bribery greasing the wheels for their contracts and might edge them out. And so that erodes the rule of law worldwide that encourages bribery and corruption all over the globe. It's a domino effect. So it's incredibly important to have this law in place. Yes, businesses are like, "Oh, it's unfair. We can't compete with the corrupt countries," for which bribery is fine. I say too bad. So sad. America has been doing just fine with these protections in place.

Jill: And doesn't it also mean that it discourages other countries trying to bribe us to get our contracts where you might end up with some corrupt country paying us to produce planes that crash?

Kim: It's terrible.

Jill: And nuclear energy that is going to get-

Kim: Cutting corners.

Jill: -contaminated. Cutting corners.

Kim: Doing all kinds of things that-

Jill: Exactly.

Kim: -can put safety and quality in peril. It's really an important law.

Jill: It really does protect us. But okay, so Barb, there are still two other Bondi actions this week that we have to cover, and they fall into your area of expertise, which is of course national security misinformation. But this one's national security. One prohibits foreign

contributions to elections, and the other one is known as FARA, which requires registration of foreign agents or agents of foreign governments. We've had some prosecutions of Trump people, Manafort and Thomas Barrack and Elliott Broidy. And so what is going on here? Why does he want prosecution limited for these kinds of cases and what should we do about it?

Barb: Yeah. Well, I can only speculate as to the motives, but the Foreign Agent Registrations Act is a statute that just says if you are acting at the direction and control of some foreign government or some foreign person, you have to disclose that with the attorney general. So you may recall that before the Michael Flynn case fell apart, we were talking about that earlier. He was actually prepared to plead guilty to false statements, but in his factual basis, he was going to admit that he had written an op-ed on behalf of the government of Turkey and got paid to do it, but didn't disclose that. And so he made it look like, yeah, I'm a former or US general, and here's what I think. And in fact, he was writing because he got paid by the government of Turkey to do that. So it doesn't even say you can't act as an agent of a foreign government.

It just says if you do, you have to disclose it by registering with the Department of Justice so that people realize what you're all about. Paul Manafort made a lot of money working for Russian-backed politicians before he came to work for the Trump campaign, and he made a lot of money doing that. And so if you want to do those things, it's fine, but we just want to know who's paying your bills so that we know where your loyalties lie and we understand what might be motivating you.

And then the other thing is this disbanding of the foreign influence task force. This was an effort to understand whether there is foreign influence, foreign money coming into our elections. Because again, Rod Rosenstein, who was certainly no deep state liberal, he was an appointee of George W. Bush and he was the deputy attorney general during the first Trump administration, and it was he who appointed the special counsel to investigate connections between the Trump campaign and Russia. And what he often said is, remember, Russia's goal is not to help Donald Trump or a political opponent. Russia's goal is to help Russia. And so if there is money coming into our political campaigns or into the political process, that is suspect and is likely to be against the national security interests of the United States. And so both of these things I think are very troubling changes.

Jill: This is a sad state of affairs where bribery is okay, foreign contributions. I mean, if they're not going to be prosecuted, this is a message saying, "Whatever country you're from, come on, pay me, pay me, I'll take it." And then we don't know what the actions of our government officials are based on. Is it based on bribery? Is it based on foreign contributions or is it based on their real beliefs? We're in a bad way.

Kim: Guys, I am notorious for taking tons of photos whether I'm on vacation, whether they're pictures of Snickers, and then just not organizing them or just leaving them on my phone. I forget about them. You know what has helped me stop doing that and really enjoy the photos that I've taken? Aura Frames, they are so great. I not only love mine, but I've been buying them as gifts to other family members to preload.

I think most recently, my father-in-law, we gave one to him that he can enjoy and we filled them with all kinds of pictures of everyone for the family. It is such a great product.

Aura makes unique and stylish digital picture frames that make displaying and sharing your favorite memories, easy and fun. They've been named the number one digital frame by Wirecutter for a reason. Their frame options look fantastic, and the setup is quick and simple.

Barb: I have an Aura Frame and it's now my go-to gift for people, but we have one in our living room and I change it every month with old photos of our kids from whatever month it is. So right now we've got a lot of old photos from February over the years, and my husband, who is the least sentimental person in the world, says, "I can't tell you how it warms my heart every time I walk into the room and I see a new picture of our kids from many years ago, and I remember that moment and it makes me so happy."

So everybody can find some joy in Aura Frames most gifts, get a look at it again, but that's not the case with Aura Frames. When you gift someone an Aura Frame, you are giving the recipient an amazing way to feel connected to the people they care about and remind them of the great times that mean the most. When I have children off to college and out in the world, giving them an Aura Frame has been the perfect way to keep them connected to the incredible times we shared while they were growing up. Plus, you can always add more photos even remotely because there will be many more memories to come.

Joyce: Yeah. So I think your kids are more sentimental than mine are. Mine would start cracking up if I tried to send everybody an Aura Frame with family members, but my mom had one that she loved and I adore mine. I'm like your husband, Barb. I love seeing pictures of the kids from all across the times, and Bob and I, love our dogs and our cats and our chickens a lot. So in some months, we have more pictures of our pets than our kids. I hope my kids aren't listening right now and hearing that, but everything about it just makes me super happy. I mean, the truth is, no matter what role someone or some animal has in your life, everyone loves an Aura Frame. Don't let your favorite shared moments get forgotten. Every time the photos in the frame catch your eye, it really is a warm and a wonderful moment to remember. It's just that moment of happiness. When you walk into the kitchen, you see the frame and you go, "I remember when that happened."

Jill: Boy, I really want to get organized and get my pictures in a frame like this. The best part is that it comes with unlimited storage. All you need is the free Aura app and a Wi-Fi connection for you to upload as many photos and videos as you want all year round. Right now, you can save on the perfect gift that keeps on giving by visiting auraframes.com. For a limited time, listeners can get \$20 off their best-selling Carver Mat frame with code, sisters. That's A-U-R-A frames.com, promo code, sisters. Please support the show by mentioning us at checkout. Terms and conditions apply and you can of course find the link in our show notes.

Joyce: Well, I was prepared to do a topic with you all today about what's going on with the Associated Press, but I'm not sure if we need to do it because as we started to tee it up, Jill says, "Oh, the topic is, do we still have a free press?" The answer is no. And not to be glib or unserious about it, but things are happening so quickly, bad things on so many different fronts that I think the temptation is to sort of be like that. But instead you all we're going to be measured and we're going to talk about this. The lawyers that we are. I think the First Amendment in free press is a really important topic to all of us, and so let's see if we can figure out what's going on. I'll start with a question for our listeners, and I

know my neighbor, Mary, if you're listening, I know you know the answer, so don't tell anybody. But here's the question. Have you ever been to the Pink Pony Pub or to the Flora-Bama? Two of the greatest beach bars in Alabama? Have any of you all ever been?

Jill: No.

Barb: I'm sorry to say no.

Joyce: They're great bars. Bob and I almost got engaged in the Pink Pony, but we waited a little bit longer. But here's the deal. If you go to either one of those places, you're going to put the name into your navigation system and drive down there, and in your nav system there's going to be this big huge body of water that's going to emerge because they're both on the beach. They are on the Gulf of Mexico. But as of this week, Donald Trump changed that. And platforms like Google have caved into Donald Trump's toddler whims, and now they're labeling the Gulf of Mexico as the Gulf of America. And I'm sure you all have heard that by now. That's been one of the last couple of weeks bright shiny objects, but what you may not have heard about is how the Trump administration is using his weird whim to erode the freedom of the press. So Jill, why don't we start there? Why don't you tell us about the facts and what happened between the White House Press Office and the Associated Press this week?

Jill: So I'll make this as short an answer because it really doesn't deserve the attention it's getting. Donald Trump took his magic marker and changed the name of the Gulf of Mexico, which it has been called for over 400 years, and said it's now the Gulf of America, sort of like he changed the path of a hurricane because he didn't want consequences that were going to happen.

Joyce: Also on the Gulf of Mexico.

Jill: Also on the Gulf of Mexico.

Kim: He's obsessed with that region.

Joyce: I think he has issues.

Jill: We'll probably be barred because we're calling it the Gulf of Mexico.

Joyce: He has issues with the Gulf.

Jill: So here's the thing, the AP, which has, by the way, millions of listeners, it's quite amazing how they have a hundred million page views per month and 47 million unique views. And it's existed, by the way, it was founded in 1846. So it is really a mainstream source of news. And almost every single local newspaper relies on AP stories because they have reporters around the country and they said, "It doesn't seem to us that the president of the United States can just willy-nilly change the names of countries." He can't rename Canada as the state of whatever he wants to call it and make it part of the United States and redraw our boundaries. That's not how our geography works.

And so basically what's happened is Donald Trump is mad at them because they won't call it the Gulf of America. They keep referring to it in stories as the Gulf of Mexico. And so he has barred them from the White House Press Office, from the Oval Office events, and it started out with one event and then it was two, and now it's continuing and it's a warning to everybody else, "If you don't bend a knee to me and do what I say." And to me, this is a slippery slope.

Joyce: So I mean, like you say, it really is pretty remarkable. I mean, we've seen the AP, they've been barred from covering the president, barred from participating in the pool, barred from Oval Office events, barred from the press conference with Prime Minister Modi. I mean, this is what media organizations have to do in order to do their jobs. And that I think is sort of disturbing and clearly intersects with the First Amendment. So Barb, maybe you can talk about the First Amendment is complicated. There are four different guarantees. How does it intersect here? How should we understand what Trump is doing as violative of the First Amendment?

Barb: Although the First Amendment can be complicated, it is not here. It is pretty plain, right? Yeah. So the First Amendment prohibits the government from telling people what they can't say or forcing them to say other things that is a violation of the First Amendment. Sometimes people get confused that private actors, Twitter's violating my First Amendment rights by taking down my post. No, they're private actors. But when it's the government and here it is, it is the White House, it's the Oval Office, is excluding, taking retaliatory negative action against the Associated Press for what they are saying, Gulf of Mexico, and for what they're not saying, Gulf of America. So it is, in my view, and also in the view of noted First Amendment lawyer, Floyd Abrams, who I read also shared this view. It's a blatant violation of the First Amendment.

Joyce: But maybe it is in theory, but we're just talking about the Gulf of Mexico. I mean, is it really all that significant? It's not the end of democracy, or is it?

Kim: Yeah. It is. The press is the only industry that gets expressed protection in the Bill of Rights for a reason. You need a free press for a strong democracy to thrive. And we have heard Donald Trump tell them, the enemy of the people from jump because they are, we are, exposing and showing and telling the truth about what he's doing. And that's a threat to him. That's a threat to the authoritarian kind of government that he is trying to run. And so of course, he's going to suppress the press. So did Nazis. So did anybody, any leader that is not interested in democracy is doing. So we need to see what it is. This is. So anybody who was read in 1984, okay, could see everything that's happening, this purging of certain-

Joyce: Newspeak.

Kim: Yes, it is Newspeak. This purging of certain words from the government that you can't even say, which is making things not make any sense. The calling the press the enemy of the people as opposed to the fourth estate, which is meant to keep the government honest among other things. All of this, it's so patent and clear, the fact that news organizations have to worry so much about protecting themselves in this moment, that we are taking time to make sure that we are in a safe space as we do our job, clearly without fear or favor continuing to do that.

But there is also this element of fear of who knows if we'll be sued, who knows if we'll be prosecuted. I don't think since my 20 plus years in journalism, not since the anthrax attacks was there this sense of the need to protect oneself as a journalist in this way in America. And I think this is even, in a way, this is worse because at least with those you put on gloves before you opened a package or an envelope, you don't know where the attacks are coming from. So yeah, it's a really dire time for journalism in terms of how the government is treating it, but that's the point with Donald Trump.

Joyce: Is the free press going to survive Donald Trump? What do you all think?

Kim: I will die trying.

Joyce: Barb, what do you think?

Barb: Kim's going to die trying.

Joyce: Okay, Jill, are you going to make it three?

Jill: Absolutely.

Joyce: At least we still have our senses of humor. Thank God for that.

Kim: Hey there, I'm Kimberly Atkins Stohr. With the new administration, a lot will be changing and it's a lot for us to learn about. If you want to learn about the 14th Amendment and what that means for things like birthright, citizenship, please listen to my podcast, Justice by Design. The link is in the show notes. And this week and every week, we are breaking down solutions and answering questions that you may have about how the world works in 2025 and beyond. You can find it wherever you get your podcasts and it's link in the show notes.

And now is our favorite part of the show. Audience questions. Our listeners always give us the best questions. Keep them coming, you can email them to sisterinlaw@politicon.com or tag us on social media using #SistersInLaw or tagging us individually or collectively. Keep an eye on our feeds. We answer as many as we can. I have to be honest, it's been such a busy week. I haven't answered as many on socials as I usually do, but I'll try to get better at that. So our first question is from Dorian who asks, "Can judges decide on their own to block an executive order or do they have to wait for someone to bring a suit against the executive order?" Barb, what do you think?

Barb: Oh, Dorian, I'm so glad you asked this question. It reminds me a lot of a question I was asked on my very first day of law school. I came in knowing nothing about the law and the professor, it was constitutional law, asked me, "Mrs. McQuade. Now how is it that a case gets before the Supreme Court?" I'm like, "I don't know, that's what I'm here for, to learn from you. I don't know." But alas, I did learn, Dorian. And the answer to your question is no. Courts really have to wait for people to come to them. They don't get to initiate lawsuits.

The Constitution says they can only decide cases and controversies, and so that means some other party has to challenge an executive order through a lawsuit to be able to tee it

up for the court. Now, we have seen that by a lot of different interested parties. And of course, a party has to have standing, meaning skin in the game that I could be harmed by this executive order. So in some of these instances, we've got the Association of FBI Agents has brought a lawsuit. The attorneys general of states on behalf of their state governments or their citizens have brought some of these lawsuits. But there has to be an actual case and or controversy. The courts have to wait for those lawsuits to be filed.

Kim: That is a great question. Our next question comes from Tony in San Jose, California who asks, "Are illegal and unconstitutional the same thing? And if not, might the Supreme Court's grant of presidential immunity apply to the former but not the latter?" Jill, what do you think?

Jill: I love this question, Tony in San Jose. It made me do the same thing you did, which is, "Huh. That's a good question." And of course, illegal means that it violates a statute, a law that's been passed by some legislative body, your state legislature, or by the US Congress. And unconstitutional means that it violates something in the Constitution. So if it does that, you could break a law, but it wouldn't be violating the Constitution. I mean, if you're speeding, you're violating the law, but has nothing to do with the Constitution. On the other hand, you could break a law that is unconstitutional, and if that happened, then your act would no longer be illegal. But let's look at what's unconstitutional.

And I want to also relate it to impeachment because something that's illegal is not always unconstitutional, but unconstitutional would be, for example, if you violate the Fourth Amendment, if government goes ahead and does a warrantless search, or if they pass a law, if Congress passes a law that's beyond the authority that they have or violate any other right, the First Amendment, we've been talking about the First Amendment rights, and the government can't do that.

One of the interesting things is when you mention this about the immunity decision, the immunity decision applies to the duties of the president as enumerated in the Constitution. So it would have to be for immunity, something that violates his responsibilities, his core responsibilities under the Constitution. And it also seemed to me that it relates a little to impeachment, not just to immunity, because you impeach for a high crime or misdemeanor, which is very undefined, but certainly anything that violated the Constitution would be an impeachable offense. So we have illegal, unconstitutional, and impeachable. And I thought it was a really good question. So thank you.

Kim: And our final question comes from Tasia, I hope I'm saying that correctly, apologies if I'm not, who asks, "I'm seeing a narrative on Twitter that DOGE is the same as the Office of Digital Services, which was put in place by the Obama administration and that Trump simply renamed it. Is there anything to this?" Joyce, before you answered to that, I use a lot of read aloud apps to read news stories to me if I'm multitasking or if I'm on a walk with Snickers. And one of them that I listened to always calls it DOGE. And I imagine, do you remember back in the day when we had PCs on our desks and there was this screensaver that was like this dog eating up the screen. So every time it's like, "And the DOGE actions," I'm like, "That dog is in the Treasury Department just eating stuff up." Anyway, every time I see it now, I see doggie. But please answer Tasia's very good question.

Joyce: Well, look, Tasia, I think this is a great question. This was something that I had noticed on Inauguration Day because Trump issued an executive order that day, one of the many. And it was called Establishing and implementing the president's Department of Government Efficiency or DOGE. So as you point out, it's a reorganization of an entity in the executive office of the president, the US Digital Service. And I suppose Elon Musk thinks it's clever to use DOGE, the name that comes from cryptocurrency, and to use that here. The interesting part of your question that intrigues me is that it's not clear that all of DOGE's activity is contained within this legitimate government agency. They seem to be doing a lot of stuff that goes beyond the scope of that office. And that's what all of the litigation that we're seeing over whether DOGE is exceeding the power that the executive, the president can legitimately wield. Whether they're exceeding that, I think that litigation will end up answering your question, is this just an innocuous agency that's within the White House structure or is it something else?

Kim: Thank you for listening to #SistersInLaw with Joyce Vance, Barb McQuade, Jill Wine-Banks, and me, Kimberly Atkins Stohr. Don't forget to check out our merch at politicon.com/merch and also do us a favor and show some love to our sponsors, BlueLand, OneSkin, and Aura Frames. It's because of them that we are able to bring this podcast to you. So that would mean a lot to us if you support them. Join us next week for another episode of #SistersInLaw.

You all now I'm scared. I'm trying to see if there's a gift I can hurry up and make for Greg before he gets home. I have an hour and 20 minutes.

Joyce: Well, what do you think? What do you think he wants?

Kim: He has everything. He's terrible to shop for. That's part of the... He's going to come home with flowers too. You know what? It's going to make me mad. I'm going to be mad.

Jill: Go and bake one of Joyce's recipes for cake.

Joyce: Do you want me to send you the recipe?

Kim: I can't bake. I'm going to run out to the store, you all, I got to go. All right. I'll see you all next weekend.

Jill: Okay.

Joyce: We'll see you next week. Bye.