

[Boom! Lawyered: This New Challenge to 'Roe' Might Be the Most Dangerous Yet](#)

Imani Gandy: Hello fellow law nerds, welcome to another episode of Boom! Lawyered, a Rewire.News podcast hosted by the legal journalism team that just wants serenity now. I'm Imani Gandy.

Jess Pieklo: And I'm Jess Pieklo. Rewire.News is dedicated to bringing you the best reproductive rights and social justice news, commentary, and analysis on the web, and the team legal podcast is part of that mission. So a big thank you to our subscribers and a welcome to our new listeners.

Imani Gandy: Jess, I'm tired.

Jess Pieklo: Imani, why? Everything's exhausting, but why now? What's going on?

Imani Gandy: I'm so tired. I'm like Leslie Mann in 40-Year-Old Virgin, "So tired." I'm tired of talking about these "heartbeat" bans.

Jess Pieklo: Oh God.

Imani Gandy: I'm tired of explaining that they're bullshit. I'm tired of using the term "heartbeat" because these bans aren't actually heartbeat bans, because six week embryos don't have heartbeats, they have what's called electrical activity in the fetal pole. And so if we say heartbeat ban in this episode, listeners, just know that we are adding wildly sarcastic air quotes.

Jess Pieklo: Here's me gesticulating wildly with air quotes every time "heartbeat ban" comes up.

Imani Gandy: I'm just tired of explaining that these six week bans are essentially near total abortion bans, because most people don't know that they're pregnant at six weeks.

Jess Pieklo: Yeah, Imani, I'm pretty tired of all of this too. So many States have introduced these wildly unconstitutional heartbeat bans over the last several months, we've got six of them to be exact. Let's count them. We've got Arkansas, Georgia, Kentucky, Louisiana, Mississippi, and Ohio.

Imani Gandy: Ohio.

Jess Pieklo: And this week, Tennessee, man, what are you doing? Tennessee, became the seventh state to try one of these garbage bills, but lawmakers there have taken their shameless effort to try and ban legal abortion to a whole new level.

Imani Gandy: They really have.

Jess Pieklo: All of our size already, we're like completely and entirely over it, and it's like a minute into the episode.

Imani Gandy: Oh, okay. Tennessee has introduced a heartbeat bill, wild, sarcastic quotes, and Tennessee's version has no exception for rape or incest. Now that bill stalled in the Senate when conservatives began to question the efficacy of the bill. State Senator Katrina Roberts told CBS News, "The pro-life people all agreed that they want to see restrictions on abortion, but they started disagreeing on how to do it." And so rather than pass another doomed-to-fail heartbeat bill, Tennessee went all out and decided to attack one of the primary principles of Roe V. Wade, and that is fetal viability.

Tennessee amended its heartbeat ban bill in a way that is going to melt your goddamn mind.

Jess Pieklo: It really is, and that's what we're going to talk about this week, something that Imani and I have been concerned about for years and that's the state's attempt to roll back and redefine fetal viability. In this episode, we're going to explain how Tennessee is trying to redefine fetal viability in a way that not only makes no medical sense but is designed to directly attack Roe versus Wade, and we're going to explain what makes Tennessee's attempt, especially dangerous.

Imani Gandy: We're also going to silence scream for five minutes at the end of this episode, so please won't you join us? Now, you won't be able to hear it since it's a silent scream, but know that we're doing it and you should too.

Jess Pieklo: All right, Imani, let's dig into this. What's this spill all about?

Imani Gandy: Tennessee Republicans are advancing a total abortion ban in the state.

Jess Pieklo: Oh, super.

Imani Gandy: Yeah, it's fantastic. This week, the state's judiciary committee, heard testimony and debated an 11 page amendment to its fetal heartbeat bill that is currently stalled in the legislature.

Jess Pieklo: As Imani mentioned, Tennessee has been trying to pass a heartbeat bill, but that's been floundering a bit. The original bill is HB 77, and is a relatively standard heartbeat bill as far as they go. It would ban abortion as soon as a "fetal heartbeat" is detected, which listeners you should know by now is around six weeks pregnancy before most people even know that they are pregnant.

Imani Gandy: Courts across the country have been striking down these laws and so Tennessee apparently decided to take a different tack. Lawmakers in the Senate amended HB 77, and actually converted that ban to a near total abortion ban, and even more near total abortion ban than the heartbeat bans already are, right?

Jess Pieklo: Mm-hmm (affirmative).

Imani Gandy: So the amended version provides exceptions to allow an abortion only to save the pregnant person's life or to avert "Serious risk" of substantial and irreversible impairment of a major bodily function. The bill has no exception for rape and it has no exception for incest.

Jess Pieklo: All right, so get this Imani. The bill also redefines fetal viability as beginning, effectively when you register as pregnant on a pregnancy test to conclusively, conclusively existing when there is a heartbeat. So when is that? Around six weeks.

Imani Gandy: Six weeks. God damn it.

Jess Pieklo: HB 77 would now make it a felony to perform an abortion if a pregnancy is viable, which the bill defines as the presence of an intrauterine fetus with a heartbeat.

Imani Gandy: I already can't. Can we just stop to have a beer? Can we just not?

Jess Pieklo: I mean...

Imani Gandy: This bill is weird, folks. It's bizarre. This bill has some really bizarre language about how it is that abortion providers are supposed to determine when a pregnancy is viable. I'm not going to bore you with all of the language because it's an 11 page amendment, chock-full of horseshit, but essentially... Am I right or am I right? But essentially the legislature's factual findings contain a load of nonsense about using HCG determinations.

HCG is a hormone that is used as a marker in home pregnancy tests. Like, you pee on a stick and then the thing turns blue or pink or whatever color you have. I've never been pregnant, so I don't know, but the stick turns a color and then it's like, oh, you're pregnant, and you're either very happy or like, "Holy shit, it's wrong."

Jess Pieklo: I did the one that you got the two lines.

Imani Gandy: Ah, yes.

Jess Pieklo: And then I put that fucker down and then I went for a run and processed, but that's a different story.

Imani Gandy: We'll tell Jessica's pregnancy stories on another episode of Boom! Lawyered.

Jess Pieklo: Nobody needs this.

Imani Gandy: But so here's the thing. The bill says that the use of HCG to document the presence or absence of cardiac activity is standard medical practice outlined in standard medical tests. Let me repeat that. The bill is saying, that the use of this hormone to document the presence or absence of cardiac activity is what doctors always do. It's standard medical practice.

Jess Pieklo: I'm making a face.

Imani Gandy: Yeah, she's making a face.

The bill also says that, "When a pregnancy is evaluated before the heartbeat is detectable, the accepted medical science within obstetrics presumes that the pregnancy is viable when there is an increase in the HCG of at least 66% in a 48 hour period."

Jess Pieklo: Hold up, what the hell does that mean though?

Imani Gandy: I don't know. That was my question too, and so I asked Dr. Jen Gunter, some of you may follow her on Twitter as @DrJenGunter. She's been my go-to for about seven years now when it comes to the science and medicine of pregnancy that I don't understand. And she was kind enough to answer some questions and she had this to say, and I'm going to quote her in full here. "No one uses serum beta-HCG to determine if a pregnancy is viable. The standard of care is ultrasound. Occasionally, when ultrasounds are not definitive, we use an HCG value to help. However, normal pregnancies can have a less than 66% rise in beta-HCG, and abnormal pregnancies can have a greater rise, for example, ectopic pregnancies. Using beta-HCG to determine viability of pregnancy is medically incorrect and only an idiot or someone using a textbook from the 1990s would reach that conclusion. Women deserve better than that."

Jess Pieklo: So there you have it, hallelujah!

Imani Gandy: Hallelujah! Dr. Jen Gunter knows of what she speaks and I really want to thank her for taking the time to answer my extremely shouty questions on such short notice. I literally was like, "This bill is making me lose my mind. Jen, help!" And she's a gem and you should buy her book, The Vagina Bible, because I'm quoted on the hard back and that's very exciting.

But Jess, what the entire, and I cannot stress this enough, fuck is going on?

Jess Pieklo: Yeah, I'm going to stammer here for a second because... First of all, thank you Dr. Jen for bringing actual science into this conversation. Because clearly, it is already veered into the level of science fiction, right?

Imani Gandy: Yeah.

Jess Pieklo: Basically, Tennessee policymakers have proposed that viability is when a pregnancy can be detected, when you take that pregnancy test is when it's viable, and that's just... that's fucking nuts.

Imani Gandy: Yeah.

Jess Pieklo: It's nuts from a medical standard, it's nuts from Federal Supreme Court standards, which we've talked about. Viability means a fetus can survive on its own, meaning flee outside the womb. That doesn't happen when you pee on a stick.

Imani Gandy: Think about it this way. When you pee on a stick, that's when the pregnancy is detected and that's when this bill says abortion is banned. So on regular "heartbeat" ban bill, you don't know you're pregnant at six weeks, because that's about two weeks after a missed period. So if you don't know that you're pregnant at six weeks, then you definitely don't know that you're pregnant before you know you're pregnant, which is what a pee stick is supposed to tell you. Like, you pee on a stick and you say, "Oh, I'm pregnant," but this bill is saying, "As soon as you pee on the stick, the pregnancy's already viable." So essentially, you'd have to get an abortion just to determine whether or not you're pregnant.

Jess Pieklo: Which you can't do because... Let's break this down. Because, what are the earliest types of abortion that one could access? Medical abortion. How do you make an appointment to have a medical abortion? You have to have a confirmed pregnancy test.

Imani Gandy: I mean it's common fucking sense.

Jess Pieklo: Imani and I just both threw our hands up and walked away from the mic, basically. We were like, "And so there you have it, you can't get an abortion if you've confirmed a pregnancy test, because at that point, under this law, it's banned."

Imani Gandy: And the thing is, it's so absurd about it is "pro-life" people are always talking about these predatory abortionists and what they're doing now is setting up a situation whereby you have to just go get a Hail Mary abortion if you think you might be pregnant, which is preposterous.

Jess Pieklo: And something that they... That's another example of conservatives sort of telling on themselves, right?

Imani Gandy: Yeah.

Jess Pieklo: Of like, you hear those stories where they say, "They gave her an abortion and she wasn't even pregnant."

Imani Gandy: Right, and that's what they want people to do. They want people to just get like, "Well, I guess maybe abortion." You know what I mean?

Jess Pieklo: All right, we're getting diverted, we're getting diverted. We got to talk about the debate because...

Imani Gandy: Yeah, let's talk about the debate. Good God almighty.

Jess Pieklo: Tennessee had two days of debate, and it started out with five white cis men who testified in support of the bill. I'm sure you're shocked by that, right?

Imani Gandy: I cannot believe that they would have only a bunch of white dudes to come and talk about the pregnancy and reproductive rights of...

Jess Pieklo: I know. It really is that bad. However, the second day reproductive rights and justice advocates did get to have a say a little bit. Cherisse Scott, who is the CEO and founder of SisterReach, a fantastic reproductive justice organization in Tennessee, got up to testify, and she was there to speak on the impact that bill would have on Tennesseans and specifically on black women.

Imani Gandy: Which is fantastic. There're so frequently just a bunch of white dudes talking about abortion and talking about, "Oh, abortion is black genocide," and, "Oh my God, there's so many black babies being aborted," and they just never really talk to black women about our experiences with abortion, about the ways that abortion affects the black community. So hooray! Cherisse Scott is out there, she's testifying. Fantastic, right?

Jess Pieklo: They caught her mic, and escorted her out.

Imani Gandy: Oh my fucking God.

Jess Pieklo: They really did that. They really did that. They had Cherisse Scott up there testifying about the impact this bill would have and they got so mad at what she had to say. They cut her mic and escorted her out.

Imani Gandy: Here's what she had to say. "You manipulated scripture to align with your colonial and supremacist ideology instead of showing mercy and using the political power of your party to liberate each of us." Boom! Kablam! Kerpow! Thing! Like that is exactly it and that's what I've been saying for so long. White folks are using black bodies to promote these anti-abortion restrictions, and they don't care about black people, they don't care about black women, they're just using us as weapons and I find it personally offensive and it really just makes me want to just jump out of closed window sometimes, I'm not going to lie, but I'm not going to do that because I need to be here to yell at all the white people who are telling black women what to do with their bodies. Let's just move on.

Jess Pieklo: Yes.

Imani Gandy: The judiciary committee has seven Republicans and two Democrats, so the amendment is expected to pass, but it's not going to happen anytime soon. So this testimony was for a "summer study." So the Tennessee legislature isn't even in session right now.

Jess Pieklo: What?

Imani Gandy: They're not in session, and states do this all the time. They call these special legislative sessions in order to ram through anti-abortion restriction. Texas, that's how HB too got started because they kept doing session after session after session because all they care about is controlling the bodies of pregnant people. But that aside, the Tennessee legislature is going to vote on the measure in January, 2020 which is when the legislature reconvenes.

Jess Pieklo: Okay, so if we're not talking about a vote until 2020, why does this bill matter? Why are we talking about it now?

Imani Gandy: Because junk science is going to ruin the day, it really is. We've been talking about junk science for years on Rewire.News, a couple of our investigative reporters at an entire series on False Witnesses, you should go check that out. Just Google, False Witnesses, site: Rewire.News, legislators incorporate junk science into their legislative findings all the time. And then courts adopt that junk science into their rulings without questioning the basis of the science or the credentials of the people offering up the junk science.

It's just mind boggling and frustrating, these junk scientists have spent decades creating their own junk science institutes, we're talking like the Charlotte Lozier Institute, which is the "research arm of the Susan B. Anthony list." We're talking about Elliott Institute, which I believe is in Chicago, and essentially these institutes, they create studies and then they peer review one another studies in order to give the veneer of credibility. Because in order to... That's what scientists do, they create studies and then they review each other's studies, but usually there are actual scientists, not like random sociologists who've decided to create an institute and then make up a bunch of science in order to foment more anti-abortion restrictions.

Jess Pieklo: Could we just talk about how ridiculous and bad faith it is to invoke a summer study on this garbage right now because... Look, they are trying to save a bill that is otherwise dead in the water. Tennessee Republicans wanted to pass an extreme abortion ban and they, for whatever reason, were split within their own party and couldn't get their act together to do it. And so now they're trying to save their hides electorally and this is what they're doing, they're sort of gumming up the base and getting people all whipped up. It's cynical and I'm just... It makes me sick.

And it's the middle of the summer, who wants to be doing this in the middle of the summer? Don't pretend like you're interested in really studying the issue, you just want to get people whipped up and that's it.

Imani Gandy: Absolutely. Absolutely. What's really going on here? What's actually the impetus behind all of this nonsense?

Jess Pieklo: In the study, right? They're trying to roll back fetal viability in order to undercut Roe, that's it in a nutshell.

Imani Gandy: Yeah, you're absolutely right. It's part of a two pronged attack on Roe, right?

Jess Pieklo: Mm-hmm (affirmative).

Imani Gandy: They're going to attack the decision itself, that's what a lot of the cases that have been percolating in the lower courts and have been sort of bubbling up to the Supreme Court, are about. They want to just reverse Roe. The second prong of this idea of this attack is to undercut the principle holding of Roe which is that, there is a constitutional right to abortion up until viability. And the way that they can undercut that principle is by declaring a pregnancy viable immediately.

So as soon as you know you're pregnant, that pregnancy is viable, which is lunacy.

Jess Pieklo: It is. I consider it their reverse or rewrite strategy, right?

Imani Gandy: Yeah.

Jess Pieklo: Reverse Roe or rewrite the meaning of it all together. We've seen lawmakers pass these kinds of bills and even in places like Alabama and even in Tennessee say that they know that they are unconstitutional and that they are intentionally trying to attack Roe. But here's why Tennessee's bill is different and why this could be a more stealth attack.

The bill redefines fetal viability up to this point when a pregnancy is detected, and as we said definitively when a fetal heartbeat shows up, and it does so in these lengthy findings of fact. Six pages of the total amendment, which itself is 11 pages, that's almost half.

Imani Gandy: So why does this matter though?

Jess Pieklo: Okay, this is important and it's nerdy. I'm going to put up my glasses for this, yes.

Imani Gandy: Sit up straight.

Jess Pieklo: According to *Gonzales v. Carhart*, that's the Supreme Court case that upheld the Federal Partial-Birth Abortion Act, a restriction that... I'm just going to do my little sidebar here, should have been considered an unconstitutional pre-viability abortion ban. Sidebar done. The Supreme Court said that legislative findings of facts. So what Tennessee is doing here, like those six pages in this Tennessee bill are to be given considerable deference by the courts.

Imani Gandy: So that basically means that courts are to take lawmakers findings of fact on their face and not second guess them, correct?

Jess Pieklo: Right, exactly. That's true. Even if those findings of fact are about matters of scientific uncertainty or matters of great public debate, like let's say when a fetus is viable, for instance. These findings of fact could be one way to insulate the Tennessee bill from a court declaring it unconstitutional. Now I think that's unlikely to happen because... I'm going to assume the courts are going to continue to do their job, but the strategy is clear and I think we need to call it out.

Imani Gandy: That's pretty optimistic of you to assume that the courts are going to do their job given the makeup of the courts right now, but that's an aside.

Jess Pieklo: I know. No fair... Hold on. That moment of optimism may also be fleeting because Imani, it does actually get worse.

Imani Gandy: How the fuck could it get worse?

Jess Pieklo: Seriously.

Imani Gandy: So bad.

Jess Pieklo: I know. I'm just going to preemptively apologize for how bad it's about to get, even though I have nothing to do with it. It's just a white girl thing. It's not your fault.

Imani Gandy: I'm just going to go all goodwill hunting on you, it's not your fault, Jess. It's not your fault. It's not your fault.

Jess Pieklo: Okay, so listen to this. Adam MacLeod, who's a law professor at Faulkner University in Alabama, he was one of those five men who I mentioned who testified in support of the bill. He said that the law was written specifically to attack row's constitutional framework. So he wasn't even shy about it. He said, "Nope. Yep. This is exactly what we plan to do." So do you remember the episode we did on this podcast of what a challenge to Roe would actually look like?

Imani Gandy: I actually do. You know why? Because I literally re-read the transcript about 20 minutes before we started this, because I was like, "Yeah, we did." We did that

episode and I was like, "Hey, that's pretty good." We knew that episode, good job. So if you haven't listened to it, it was just... I think it was August 12th?

Jess Pieklo: Yeah.

Imani Gandy: That was yesterday. I'll guess [crosstalk 00:22:03] -

Jess Pieklo: We did it yesterday? No.

Imani Gandy: We did it like [crosstalk 00:22:12] -

Jess Pieklo: We did it a while ago.

Imani Gandy: A while ago, yeah.

Jess Pieklo: It's a great episode. If you haven't listened to it, please go listen to it. If it's been awhile, maybe go back and listen to it again because listeners, that's exactly what is happening here, exactly.

Imani Gandy: Yeah.

Jess Pieklo: And you don't have to take my word for it, listen to Adam MacLeod.

Adam MacLeod: The constitution of United States, specifically the ninth amendment protects rights that are ancient that have existed in our legal traditions from time immemorial known as common law rights. These include the right to life which is known in the common law tradition as an absolute right. The precedent, the most direct precedent for this argument is the court's decision in Gonzales versus Carhart, where the court affirmed the power of governments, the rights of governments to protect what it calls the interests of unborn children.

Of course those interests are grounded in rights, natural rights, which children enjoy by virtue of being human.

Interviewer: So would it be fair to say that this bill is trying to present a different kind of case or controversy as we talk in the constitution, from the kind of case or controversy we've heard before?

Adam MacLeod: Yeah, it's presenting to the court, presenting to... Some court they might hear this argument in the future a different set of claimants, and the claimant here of course, who's been invisible up to now except in Gonzales versus Carhart and a couple of other cases, is the unborn human being.

Imani Gandy: This guy is a jackass who is completely ignorant about the history of abortion in this country. And I want to tell you a little bit about the history of abortion in this country, so you will know just exactly how much of a jackass this guy is.

From about the 1600s up until the 1800s, abortion was legal in the United States. It was so legal and so widely practiced that there were advertisements in papers that advertised where you could go to get abortion, from pharmacists, homeopaths, midwives, they were even sending shit through the mail, and in the US abortion was legal before quickening. This is something we talked about in the, what a challenge to Roe would look like. So I'm just going to reiterate a little bit.

Quickening is the point at which you can actually feel the fetus moving in your womb. And even the Catholic church, the Catholic church, which is beating its chest about, "Oh my God, abortion is so bad, yada, yada, yada," the Catholic church was absolutely unopposed to abortion at this point. They believed that abortion was acceptable until this concept of ensoulment. And they also believed that abortion was perfectly fine up until the point of quickening.

So he's a jackass in that respect. He doesn't understand the history of abortion in this country, but he's talking about common law, right? And common law usually refers to sort of old timey law in ancient Merry old England. And he's a jackass when it comes to that as well. So under English common law, abortion was a crime after quickening, after the point at which you can feel the fetus moving in the womb, but the seriousness of that crime was vastly different at different times in history. For example, in 1803 there was an English statute that made abortion after quickening a crime that earned the death penalty, but a less serious crime before that. And then in 1837, there was an English law that abolished the significance of quickening and also abandoned the death penalty for abortion, which is interesting considering now that we're in this period of time when legislatures, conservatives, evangelicals, are considering death penalty for people who get abortion.

So this idea that common law -

Jess Pieklo: We've come all the way back.

Imani Gandy: Exactly. The idea that common law is driving this current conversation on abortion is nonsense. In addition, in the 1920s, English law added a "get out" clause that stopped abortion from being a crime if it was "done in good faith for the purpose only of preserving the life of the mother." So this change in common law actually recognizes one of the features that is really not stressed enough and that is, anti-abortion laws were often intended to protect women from dangerous medical procedures, they were not intended to protect the life of the fetus. Let me repeat that. Anti-abortion laws were intended to protect women, they were not intended to protect the life of the fetus.

So this idea that fetuses are unborn children and that they're natural persons and that there are enumerated rights in the ninth amendment that protect these "unborn children" that's nonsense. Common law does not protect "unborn children," Common law actually protected women, protected pregnant people.

Jess Pieklo: I know it's bonkers. And anyways, MacLeod told lawmakers basically that all of Supreme Court abortion rights jurisprudence can be ignored because he thinks it's wrong. So that's awesome.

Imani Gandy: And you know what? There are people on the Supreme Court who agree with him, right?

Jess Pieklo: Mm-hmm (affirmative).

Imani Gandy: Clarence Thomas, he's champing at the bit to undo all abortion jurisprudence because he think it's just made up judicial activism.

Jess Pieklo: And MacLeod is speaking directly to him.

Imani Gandy: He really is. He absolutely is. And considering that this case is aimed at the Supreme Court, the intent is to get it before the Supreme Court.

Jess Pieklo: Yup.

Imani Gandy: Clarence Thomas may just be that guy who's like, "Okay, I get to write the opinion undercutting Roe, hip hip hooray, whoa, hey, whoa!" Okay, that's enough. Suggest, now what? Like what's going to happen next?

Jess Pieklo: Okay, let's reiterate and reinforce a couple of things. We've got six states this year that have passed these extreme bans, Arkansas, Georgia, Kentucky, Louisiana, Mississippi and Ohio. They are all blocked. That's one of the first things that I think we need to remind everybody, these are all blocked.

Imani Gandy: They're all blocked.

Jess Pieklo: If Tennessee gets around to passing this one too, it should also be blocked. Why? Because they're all unconstitutional.

Imani Gandy: Super hella unconstitutional.

Jess Pieklo: All unconstitutional, you're unconstitutional, you're unconstitutional.

Imani Gandy: Look under your seat, it's unconstitutional under there, whoa!

Missouri is passing the eight week ban that's set to take effect at the end of the month, unless blocked by a court. And remember Missouri is that state that has this cascading legislation. So if the eight week ban is too severe, they're going to go to the 14 week ban. If that's too severe, they're going to the 18 week ban. If that's too severe, they're going to the 20 week ban.

Jess Pieklo: It's like a Russian nesting doll of abortion bans.

Imani Gandy: It is. It's a nesting doll of abortion bans. I love that. And also we have to remember that Alabama's total abortion ban is still out there. It's currently blocked, but it's out there, and these bills are all slated to take effect in 2020 and thankfully thus far, the courts have done their jobs and blocked them all. But with about a quarter of the federal appeals court bench now chock-full of Trump appointees, it feels like we're headed closer to the point at which one of these courts is going to go rogue and uphold one of these bans.

Jess Pieklo: People are going to want to know what they can do because this feels kind of hopeless, but it's not entirely hopeless. So let's tell people what they can do to chime in and help.

Imani Gandy: All right. The first thing you can do, is donate to SisterReach. SisterReach is that repro advocacy organization that Cherisse Scott is a part of and she's the one black woman who tried to testify for black women, who was escorted out of the goddamn proceedings. They support repro autonomy for women and teens of color, including non-binary folks, great organization, donate to them, call them up, see if you can help in some way.

Also, there's an organization called Health and Free Tennessee. They're an RJ organization as well and you should support them.

Jess Pieklo: You can donate to Abortion Funds in the South, help Abortion Funds help pregnant people. Yellow Hammer in Alabama, the Mississippi Reproductive Freedom Fund, the Carolina Abortion Fund and the Carolina's ARC, which is Access Reproductive Care, in Georgia. There are also funds in Louisiana and Florida, they need your help too.

Imani Gandy: Yeah, just go to abortionfunds.org. It literally it says, there's a map. It'll say, you can enter in your zip code, and then it'll tell you what funds are near you that may need help. And you should also remember this is critical, abortion is still legal in every state right now. I'm going to say that again. Abortion is still in every state.

So that means if you know people who are trying to access abortion care, make sure you know that they can still get it. It also means if you are tweeting or talking on social media about any of these bans, make sure to reiterate that these bans have either been blocked or are not in effect, because if you tweet stuff like, Alabama just banned abortion, then people are going to think that they can't get abortions in Alabama and it's bad for pregnant people.

Jess Pieklo: It's already hard; people are scared.

Imani Gandy: It's hard enough, people are scared. And frankly this episode, damn sure is not going to help you feel any less scared.

Jess Pieklo: And so you're welcome.

Imani Gandy: So, thank you, you're welcome I guess, go have a glass of breakfast wine, I'm not sure what to do, but we're going to close this episode now.

Jess Pieklo: It's still a rose day.

Imani Gandy: It is absolutely a rose day. If you want to continue this conversation, you want to ask Jess or me any questions, you can follow me on Twitter, I'm @angryblacklady. You can follow Jess on Twitter, she's @hegemommy, H-E-G-E-M-O-M-M-Y.

Jess Pieklo: I like how you mixed that one up.

Imani Gandy: And you should join our Facebook group, it's popping, we've got over a 1000 members, you got to answer the questions, Brad McBeer, Justice Beer Funnel, Brett McRapey Guy, there are all kinds of nicknames that you can use for Brett Kavanaugh, that will help you answer the questions. And this next statement will also help you answer the question. Where are we going to see you, Jess? What's happening next?

Jess Pieklo: We'll see you on the tubes, folks.

Imani Gandy: We will see you on the tubes.

Boom! Lawyered, is created and hosted by Jessica Mason Pieklo and Imani Gandy. This episode was produced by Marc Faletti, who is also our executive producer, and the Rewire.News editor-in-chief is Jodi Jacobson.