

Boom! Lawyered: Our Wildest Memories of the Trump Era

Imani Gandy: Hello, fellow law nerds. Welcome to another episode of Boom! Lawyered, a Rewire News Group podcast hosted by the legal journalism team that would like to wish you a Merry Christmas, a happy Hanukkah, a happy Kwanzaa, and a happy non-denominational holiday season day. I'm Imani Gandy.

Jessica Pieklo: And I'm Jess Pieklo. Rewire News Group is dedicated to empowering you to own your relationship to sex, abortion, parenthood, and power. And the Team Legal podcast is part of that mission! So a big thanks to our subscribers and a welcome to our new listeners.

Imani Gandy: Jess.

Jessica Pieklo: Imani.

Imani Gandy: We made it through 2020.

Jessica Pieklo: Aaah! We're not done yet. Put those words back in your mouth.

Imani Gandy: Okay. Yeah, yeah. Right. We didn't make it through 2020. And then I was going to also say we made it through the Trump years, but I have to put those words back in my mouth, too. I've got to put them all back? Okay. Jess.

Jessica Pieklo: Imani.

Imani Gandy: We're here today.

Jessica Pieklo: We are. Here we are today.

Imani Gandy: We are here today, and rather than throw a bunch of legal news in your face, we thought we would lighten it up for our last episode of this year and talk about what some of the worst and best and most surprising things that happened while we were covering the Supreme Court during the age of Trump. I mean four years of this shit.

Jessica Pieklo: Or 840, depending on how you count them.

Imani Gandy: That's true. I don't understand all the new math. But frankly, all I know is that on that first inauguration day in January, 2017, I really didn't think we were going to make it. I was just like, "Oh, my God, this is going to be awful," and it was. So we're going to talk about it being awful, but it also wasn't awful in a lot of ways, because you and I forged a deeper friendship, a deeper working relationship. We brought the law to the people, which I think is awesome.

Jessica Pieklo: Seriously.

Imani Gandy: And people seem to be enjoying that, which I also think is awesome. So mixed bag for the last four years, but let's talk about it. I'm going to start with something that sort of is in this middle-space of what I've been saying in terms of best and worst, because you know what was the best and the worst simultaneously?

Jessica Pieklo: What was that?

Imani Gandy: Our trip to Harvard Law during the Kavanaugh hearings.

Jessica Pieklo: Oh, my God.

Imani Gandy: Do you remember that?

Jessica Pieklo: Yes. I do. That feels like 40 lifetimes ago ...

Imani Gandy: It really does.

Jessica Pieklo: ... but that was really not that long.

Imani Gandy: It was. I think it was 2018.

Jessica Pieklo: Oh, my God.

Imani Gandy: I think it was fall 2018. We went to Harvard. We were going to go and do like this live Boom! Lawyered. And then it just so happened that the Kavanaugh hearings were happening at the same time, and Christine Blasey Ford was testifying. So we basically rolled up to Harvard and hung out with these amazing law students, ate pizza, and watched the hearings on TV.

Jessica Pieklo: I mean, let's talk about that moment for a second. Right? Because it was. It was great. So in the before times when you could travel, Imani and I were going to go do a live podcast at the law school, and then things happened, including the Kavanaugh hearings and the Christine Blasey Ford allegations. And here we are at Harvard where Brett Kavanaugh was at the time still an adjunct professor, and the Harvard law students were saying, "Yo, that's not that great. We have an issue with that."

Imani Gandy: Not cool. Yep.

Jessica Pieklo: And his whole like red-faced screaming about the Clintons was on a screen projected behind Imani and I and a room full of Harvard faculty and law students and just folks who were sharing this moment. And I love that that's what you started out with, because as you said, it's been a wild ride. But one of the things that for me is I was like, wow, getting through this that has been just so like I don't even have the words is the community and the family around this podcast that has come up. And that moment was just crystallized. Oh, my gosh.

Imani Gandy: It was great. They were happy to have us. We were happy to be there. It was just we'll have to post the photo that we took, where we literally look like we're married because we're mirroring each other in our poses. But we'll post that to the Facebook group so you can take a look, and I'll also tweet it out.

Jessica Pieklo: I think I have a sad piece of pizza in that. We both have sad pieces of pizza. But it continued this tradition of Imani taking weird food photos.

Imani Gandy: Yes, yes. Oversized pot pies, oversized pizzas, all of that. So but let me ask you. What was one of the worst, best, or most surprising things about the past four years?

Jessica Pieklo: Okay. This is a hard one, because I'm going to get emotional, but Justice Ginsburg's death was another moment that was like, "Damn. We have to do this in the Trump years?"

Imani Gandy: Yeah.

Jessica Pieklo: None of it was good. I mean, obviously, she was frail. Everybody's going to die. That is not a surprise. But I mean, just even as I reflect on it, we had the Amy Coney Barrett nomination within a week. As a country, we have not done any sort of public mourning or reflection of her legacy. Like she's just been erased.

Imani Gandy: She's been erased. I'm really, really bothered by that. I'm going to tear up. I'm really bothered by that, because she was such a giant on the court. And with the nomination happening within a week, with Amy Coney Barrett being confirmed within, what, six weeks and with the conversation going on among the left around RBGs death about, oh, how she should have retired when Obama asked her to and oh, it was selfishness that she didn't retire. And I'm just going to reiterate again that that's nonsense. And that there was a New York Times article that talked about how Obama took her out to lunch and was like, "Hey, Ruth." This was right after Shelby V Holder. "Hey, Ruth, why don't you retire?" And she was like, "Nah, bitch. I'm not going to retire."

And I'm like and at the end of that article, I remember. I can't remember who wrote that piece, but they said Obama thought, "Well, maybe we should have asked Breyer." And I'm like, "Yeah, homie, you should have asked Breyer because he's about the same age if you account for life expectancy." Why do we want the, what, second woman on the court to retire, to be replaced by a Merrick Garland type? Because that's what it would have been. So not to rehash that, but also to rehash it a little. That makes me angry. And then just generally the whole this feeling of betrayal, that she betrayed people by dying. And I hate that.

Jessica Pieklo: And that was a hard moment personally as a journalist to cover, because I had so many feelings, right? Justice Ginsburg was a personal giant to me and really informed so much of the way that I saw my own path in the law. And to get that

text from Marc, our producer, that was like, "Oh, my God, this has happened," I literally had just opened up a can of wine and was like, "Woo hoo, Friday night. I'm going to chill. Oh, fuck, I'm not." And then tears -- and to be able to pull it together because we know that folks are in that same space. And just like threading the needle as a person and a journalist when Justice Ginsburg died was dicey. But I appreciate it again. Having you, having Marc, having the Boom! Lawyered family just to create a space for that grief.

Imani Gandy: Yeah. And I just recall when we talked about it, the possibility of it happening in August, and I remember our producer Marc was like, "Well, we're going to have to cover it," and I got salty. I got legitimately salty.

Jessica Pieklo: You were. You were like you were grumpy.

Imani Gandy: I was like, "No. I'm not going to do it. You can't ask me to," and I threw my computer into the toilet and ran screaming out of my apartment into the night. Because I was just like I'm not going to be able to. I have a thing. I have a personal thing that I need to work out with a therapist, where I grieve people before they're gone. So I have this whole issue with grief. I've been fine since her death. I handled it well, and every other person who's died I've handled it well. But I fear the moment so deeply that it's crippling, in a way.

So I'm probably sharing this with you guys for the first time. That's where that reaction came from. It came from my own abandonment issues, my own issues with loss and grief. And so I was actually really proud of myself that when it happened, I cried, yes. I immediately said, "Marc, can I go get a bottle of vodka?" He said, "Yes." I went and got a bottle of vodka. I had maybe four or five shots of that bottle of vodka and then screamed fuck a lot. And then we hopped on the pod and we cried and we shared a moment. And I think it was one of our better pods this year, because it was real. It was raw, and it was in the moment.

Jessica Pieklo: Journalists are people, too, man.

Imani Gandy: We are people, too. And I appreciate all of the people who said that they came to us first because they wanted to share that moment with us. And I kind of felt a little bit like this is kind of embarrassing. I'm crying on a podcast, but it was the emotion I was feeling. And I wasn't going to hide that-

Jessica Pieklo: Or worry if that's professional or not.

Imani Gandy: Right, exactly.

Jessica Pieklo: That was just like the realness of that moment.

Imani Gandy: It was real. It was real.

Jessica Pieklo: Fucking Tony Kennedy, though. I'm going to have to talk about Tony.

Imani Gandy: Do you remember Tony Kennedy? I think that was the first time we actually recorded a podcast in the same place.

Jessica Pieklo: I think it was. We were in an in-person retreat for work, and all of a sudden we're like, "Oh, my God, a thing happened. Thank God we brought the mic."

Imani Gandy: Yeah, yeah. Marc being the smart guy he is was like, "We should bring the mics," and that was when we had little, tiny Blue Yeti mics, not this big setup we have now. So it was like, yeah, just shove the mic in the suitcase. And I remember just crowding around this little table in my weird civil war era room.

Jessica Pieklo: Cabin retreat in the woods.

Imani Gandy: In the woods. It was like a whole strange experience. And I just remember drinking and covering it and just being like, "Tony, why?" And really not knowing at the time how bad it was really going to get, because I feel like that was a ... We hated Gorsuch, but I feel like the Kennedy retirement was a pivotal moment in terms of, "Oh, shit, this is going to get terrible."

Jessica Pieklo: Yeah. I mean, remember, it's kind of adorable to look back at the Neil Gorsuch nomination and be like, "Remember when we called him Gorsuck?"

Imani Gandy: I know.

Jessica Pieklo: That was really cute. We thought that was. And then Kennedy retired and it was like, "Oh, no." Shit just got real real, like really real. And we didn't even know at the time that it was going to be Brad McBeer. Like all of the looking back. Do, do, do, do, do, do, do, do, do.

Imani Gandy: Who would've think we would've gotten this rapey, red-faced, beer enthusiast who clearly has it in for Democrats, because he screamed about it in his hearing. And somehow that was okay, because we just let white men get in public and act the fool. And then they can just basically take a year and be real quiet, which is what he did during his first term. He just kind of was quiet, hiding under the table, and then came out this year guns blazing with a bunch of nonsense related to the election, which he's proving himself to be a real jackass on the court. And Neil Gorsuch isn't as much of a jackass as I thought he was going to be, given his Title VII ruling that you can't discriminate against gay, lesbian, and transgender people in the workplace. So maybe we owe him just like a half an apology.

Jessica Pieklo: His pandemic beard is nice.

Imani Gandy: The pandemic beard. You're rocking that pandemic beard, Neil. Way to go. And I guess we should just wrap up with the last trip that we took ...

Jessica Pieklo: Oh, yeah.

Imani Gandy: ... before the end times. Right?

Jessica Pieklo: Yes. Because it's also good. It was so good for so many reasons.

Imani Gandy: It was fun. It was.

Jessica Pieklo: June Medical Services.

Imani Gandy: Yeah.

Jessica Pieklo: Who would have thought that the last time you and I saw each other in person was at the Supreme Court before oral arguments in what was an abortion rights win?

Imani Gandy: Right?

Jessica Pieklo: What?

Imani Gandy: I know.

Jessica Pieklo: What?

Imani Gandy: I know. It's completely bonkers.

Jessica Pieklo: And we met members of the Boom! Lawyered family.

Imani Gandy: We did.

Jessica Pieklo: This is what is so great about doing this podcast and about this job. It's such a privilege, because this community that we've built, it's real. Imani said bringing law to the people, but here we are and we met you. And there were hugs.

Imani Gandy: There were hugs.

Jessica Pieklo: It was wonderful.

Imani Gandy: Yeah. There were hugs. There were pictures. There were people who were telling us, "Oh, I went to law school because of you guys." And there was someone who recently tweeted that they listen to every episode of our podcast and was able to pass their con law final or something because of it. I mean, I just I love hearing that stuff, because it means that in some cases we're breaking down concepts better than their professors are. And that's kind of cool.

But just generally, I really do. I appreciate that in this moment where reproductive justice is becoming the dominant framework in this movement,

and there are people who are going to school for that. There are people who are going to law school to read like Melissa Murray's RJ textbook, which I want a copy of. Melissa, if you're listening to this, please send us a copy of your textbook, because I want it. But they're learning abortion rights law in law school. So they're learning how to critical think around these issues in an environment where they can bounce ideas off of each other. And I didn't have that. I mean, I decided this is what I'm going to do and you were already doing it. So I was like tugging on your pant leg, like, "Hey, Jess. Hey, Jess, did you hear about this? Did you hear about this?" And you're like, "Yes, yes. I've been doing this longer than you. I've heard about all of these things."

But you were very patient with me and let me be all eager beaver. And now we're partners. And the last time I saw you was at June Medical. We took all those amazing photos where I really think and I love the fact that people think we actually got married. We do look like we actually got married in some of those photos. In others, we look like-

Jessica Pieklo: Best engagement pictures I've ever taken.

Imani Gandy: I'm sorry to your husband, Kelly, but you know, things are the way they are between Jess and me. You're going to have to get used to it.

Jessica Pieklo: It's fine. He's accepted it. We've had lots of conversations.

Imani Gandy: Fantastic. But yeah, I just want to say as we wrap this up that it has been a privilege to host this podcast with you for the last three years now.

Jessica Pieklo: Imani. I'm hugging you.

Imani Gandy: And it's also been a privilege to get to know some of the Boom! Lawyered family to interact with y'all on Facebook, even though I don't interact as much on Facebook as I should, because I hate Mark Zuckerberg. But I love you guys. So anytime you feel like, "Hey, I want to talk to Imani," hit me up on Twitter. I'm always on Twitter. I like live inside of Twitter, like I'm a code in the matrix. But it's just been, I don't know, Jess. I'm at a loss for words.

Jessica Pieklo: It really has been quite a ride. And the unexpected high points, Supreme Court wins during the Trump years on abortion and LGBTQ rights. I never would have seen that coming. Low points, like just dealing with Justice Ginsburg's death and at least having this community around it. And just the weirdness that was everything coming out of the Department of Justice over the last four years. Like, oh, my gosh. I'm hoping that in the Biden/Harris administration, we can get back to talking about the really boring, but sexy things like how the Administrative Procedures Act works.

Imani Gandy: I knew you were going to say that. She's about to bring up APA. I can feel it. But it's going to be fun for us, because we get to talk about what you can do with

executive orders, what you can't do with executive orders. What can Biden do if fricking McConnell ends up winning. If they keep the Senate and McConnell blocks all of his cabinet positions. Are we going acting Secretary of Defense, acting Secretary of ... All of these things are going to be issues that we talk about.

Jessica Pieklo: Unpacking the courts.

Imani Gandy: Unpacking the courts, which is I'm going to say sexier than the APA. I don't mean to offend you.

Jessica Pieklo: Oh, we're going to arm wrestle over this.

Imani Gandy: We'll arm wrestle later.

Jessica Pieklo: I love this.

Imani Gandy: But yeah, we're going to wrap it up. We are going to wrap it up with a donation ask, however. We are in the middle of our end of year fundraising campaign, and we desperately need your help to raise \$15,000 by December 31st. Now, I imagine there's one of you out there who's like a venture capitalist, working at big tech in San Francisco, and you have \$15,000 literally in your pocket right now! Just give it to me. Give it to me. If you love this podcast and you want to support Team Legal, please head over to rewirenewsgroup.com/give2020. That's rewirenewsgroup.com/give2020, and give a gift of any size today, including the \$15,000 that you literally have in your pocket right now. I'm just saying.

Jessica Pieklo: We know some VC folks listen. They got it.

Imani Gandy: I'm just saying. And to the rest of you, if you can't at this time, we understand. It's rough.

Jessica Pieklo: Totally.

Imani Gandy: When you're at home for Christmas or if you're doing Christmas via Zoom, just tell a family member about us, and that can be your Christmas gift to us. Jess, anything else?

Jessica Pieklo: Just thanks, Imani. I love doing this work with you. I love our Boom! Lawyered family.

Imani Gandy: I do.

Jessica Pieklo: And it's just it's the end of the year, so I'm all in my feelings.

Imani Gandy: Me, too.

Jessica Pieklo: Just maybe a little hormonal. It's great.

Imani Gandy: (singing) Okay. That's good.

Jessica Pieklo: We ought to wrap it up. Love you all, and we will see you on the tube.

Imani Gandy: See you on the tube. Happy holidays.

Boom! Lawyered is created and hosted by Jessica Mason Pieklo and Imani Gandy. Marc Faletti produces the show.