

## Boom! Lawyered: Hunting Nazis with the New Department of Justice

Imani Gandy: Hello, fellow law nerds! Welcome to the first episode for 2021 of Boom! Lawyered, a Rewire News Group podcast hosted by the legal journalism team ... That ran out of breath. Jesus Christ. Okay.

Jessica Pieklo: It's the altitude. It's that mountain air, Imani.

Imani Gandy: I'm not even in the mountains, although I am in the vortex now so maybe that's why? I'm literally in the desert. I should be able to breathe. Whatever! 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 #TeamLegal podcast is part of that mission. So a big thanks to our subscribers and a welcome to our new listeners.

Imani Gandy: So Jess, I know it's 2021, but I'm pretty sure we're still living in an extension of 2020. Because what the hell? I mean, we've got insurrections. We've got Donald Trump deciding he was going to try to be a dictator. We've got a Supreme Court decision that all of a sudden, "Oh, remember how we said if you get a medication abortion, you don't have to go and see the doctor in person? JK. We really meant that you do." And you wrote a really great Twitter thread about this, and I just wanted to give you a shout out for that because we're bringing law to the people, and right now the law is just slapping us upside the head. There's too much going on.

Jessica Pieklo: I mean, I, for one did not have the Supreme Court immediately crapping the bed on abortion rights in the first week or two of January '21. But here we are. And yeah, news happens fast so we covered that on social. You had that excellent piece that you published also about President Trump getting banned from Twitter, which first of all, what?

Imani Gandy: The man got banned from Twitter. And then everyone clutch their pearls in unison and said, "My God, the first amendment. Twitter, free speech," and Jesus Christ can I ... First Amendment applies to the government, Twitter's not the government. So if you want to read more about that, you can go to [rewirenewsgroup.com](http://rewirenewsgroup.com). If you want to read Jess's Twitter thread, you can go to... [Jess'sTwitterthread.com](http://Jess'sTwitterthread.com).

[laughter]

Jessica Pieklo: Go over and follow Rewire News Group on Twitter, because that's where we're doing the news thing these days. But seriously, we had all geared up from a break to kind of ease into 2021, a new administration. It's going to be a brand new, and then, what the fuck, Imani?

Imani Gandy: Exactly. It's really been ... We've had something 3,947 news cycles all in the first week.

Jessica Pieklo: Sincerely.

Imani Gandy: Like, remember how we found out that Donald Trump basically put the screws to the Georgia Secretary of State.

Jessica Pieklo: Oh my gosh.

Imani Gandy: That was 10 ago. That was only 10 days ago.

Jessica Pieklo: What? Get out of here.

Imani Gandy: We're not even talking about that anymore. It's just too much. And in the middle of all of this, in the middle of Trump supporters deciding to go ham and invade the Capitol like it was one of those Gerard Butler movies like Olympus Has Fallen or Angel Has Fallen or London Has Fallen, or Somebody Has Fallen, in between all of that we had President Elect Biden unveil his new Department of Justice. And woo child, as they say in the Black South, it is a doozy. So Jess, are you ready to hear who's going to be the next Attorney General following Jeff Sessions? Remember Jeff Sessions? And then following Bill Barr? Do you want to know-

Jessica Pieklo: Honestly Imani, I don't know that I am ready.

Imani Gandy: Merrick Garland.

Jessica Pieklo: What? I'm sorry.

Imani Gandy: Merrick Thee Garland. Exactly.

[laughter]

Jessica Pieklo: Okay.

Imani Gandy: That Merrick Garland. The Merrick Garland who President Obama nominated to the Supreme Court way back in 2016, after Antonin Scalia decided to take his permanent dirt nap. Obama nominated Merrick Garland and Republicans, led by Mitch McConnell, were like, "No. We really don't ... No."

Jessica Pieklo: No. That's nice guys, but no.

Imani Gandy: "We're going to go ahead and hold this seat for like 10 months and then we're going to let the next guy ... " Or the next gal. We thought it was going to be a gal at the time. "We'll let the next person choose the next Supreme Court Justice."

Jessica Pieklo: Remember all our white pantsuits? Oh my God.

Imani Gandy: Pantsuits.

Jessica Pieklo: No, we're not going to do that.

Imani Gandy: We're not going there. We're not going there.

Jessica Pieklo: We're not going to go there.

Imani Gandy: So, Merrick Garland-

Jessica Pieklo: So Justice Dad, right? Barack Obama nominated, who I called Merrick Garland at the time, Justice Dad because he is basically ... I don't know, he could be my dad.

Imani Gandy: He's like the Tim Kaine of judges, basically.

Jessica Pieklo: Oh my God.

Imani Gandy: Right?

Jessica Pieklo: He is absolutely the Tim Kaine of Supreme Court nominees. But here's the thing, he might not be that bad of an Attorney General pick. Okay?

Imani Gandy: Yeah, yeah.

Jessica Pieklo: Hear me out. Hear me out. I know this might be a controversial take, but-

Imani Gandy: Yep, let's hear it.

Jessica Pieklo: So he's got this long history with the Department of Justice. This is where he sort of cut his teeth as an attorney. He started there during the Carter Administration, back when Democrats gave a shit about the courts, Merrick Garland was in the Department of Justice. So, that's amazing. And then he went back to the Department of Justice during the Clinton Administration. And this is a really important time for DOJ in particular. This is when they were implementing the FACE Act for the first time ever.

Imani Gandy: Yep. Yep. And you should definitely explain to our listeners what the FACE Act is.

Jessica Pieklo: Oh fair. Okay. It's a new year and I'm all in my acronyms already. So that's the federal statute that makes it a crime to threaten abortion clinic providers and staff, or to block clinic entrances. And that was passed in response to a whole bunch of deadly anti-abortion terrorism of the late 1980s and early 1990s. So Garland's at DOJ there, which is, hell, a good signal for abortion rights. Okay? So, that's good.

Imani Gandy: Yeah. Yeah. And I wasn't particularly jazzed when it was announced, but then, after doing a little research, talking to some people, and given the fact that we've now got Trump numpties running around trying to overthrow the goddamn government, it seems Garland is a good pick. Because while he was at the DOJ during the Clinton years, he oversaw the investigation and prosecution of the Oklahoma City bombing.

Jessica Pieklo: That's a big deal.

Imani Gandy: So Merrick Garland kind of knows his way around a white domestic terrorist, and considering white domestic terrorists are just going ham in this country right now, having someone like Garland be able to focus on getting these clowns out of the paint instead of pretending like, I don't know, Antifa is the greatest threat to the Republic. Garland's going to be good for that.

Jessica Pieklo: He is.

Imani Gandy: So I'm not ... Garland's all right. You're all right, dude. You're all right.

Jessica Pieklo: Yeah.

Imani Gandy: But let's talk about who else Biden picked. For example, who's Garland's deputy attorney general going to be?

Jessica Pieklo: Okay. So this gets really exciting for big nerds me because, the Justice Department is getting an entire makeover. And you and I, for the last four years, like you said, have been dealing with, first it was the Keebler elf, Jeff Sessions.

Imani Gandy: Bilbo Bigot.

Jessica Pieklo: Still one of the best nicknames you've ever come up with for anybody ever, is Bilbo Bigot. And then Bill Barr, who was this institutionalist, who was supposed to bring respect back after Jeff Sessions and then turned out just literally to be one of Trump's biggest enablers. Now we have, as deputy attorney general, Lisa Monaco, who's a former prosecutor from the Enron days.

Imani Gandy: Oh my God, Enron.

Jessica Pieklo: So I feel this is like a hearkening back to all of the like cleaning ... Democrats come in and they have to clean house after Republican administrations. That's a story as old as the age of time. And Enron, for our listeners who maybe are young and don't remember, God bless you-

Imani Gandy: We're old.

Jessica Pieklo: ... I love you all. But Enron was this huge, massive corporate scandal where, effectively, people were self-dealing in the energy markets and some Republican players were involved, and Monaco helped break that up.

Imani Gandy: Enron is one of those scandals that's close to my heart because that was the summer I was studying for the bar. I was studying for the bar when they were doing all those rolling blackouts in order to jack up energy prices so that was real fun for me. But that's another discussion. That's another podcast for another time, called Imani Delves Into Her Legal Past And It's Very Scary.

Jessica Pieklo: Yeah. So Enron is like this sexy merge of government services and corporate self-dealing. And so that's a strong signal to appoint somebody like Monaco to be number two in charge. And then she was also in the Department of Homeland Security during the Obama Administration, and also served as a special advisor to Robert Mueller. So lots of big anti-corruption bat signals coming from the Biden-Harris Administration with this pick, I think.

Imani Gandy: Yes. And that's a good thing because, my God, the corruption over the past four years has really just been mind boggling. And I said before, I wasn't jazzed about Garland. I should probably explain a little bit why. And it's basically because his criminal justice record is kind of terrible. He tends to side with cops over defendants. And honestly, given the police brutality right now and given the fact that police at the Capitol were checking other police who were rioting, it just seems to me that what we need right now is not someone who's going to side with cops over defendants.

Jessica Pieklo: Yeah.

Imani Gandy: But then I find out about the next two people we're going to talk about. And I should rightfully say, squeal about like squee, squee, squee. Because I actually stopped being mad about the Garland pick, Jess. I stopped being angry. Why? Because Vanita Gupta going to be associate attorney general! She's desi, she's a woman, she's a civil rights activist. She's been running the civil rights org ...Right? Civilrights.org is the website, and that's all I really know it as, because that's ... I'm a nerd. I'm an extremely online nerd.

But she basically has her fingers in all of the civil rights pies that we need to be concerned about. So that signals that this DOJ is going to go hard in the paint for civil rights, and I love that. She's just, she's a bad-ass. But I have a question for you.

Jessica Pieklo: Okay.

Imani Gandy: So Lisa Monaco is deputy attorney general and Vanita Gupta is associate attorney general.

Jessica Pieklo: Yep.

Imani Gandy: What the hell is the difference between an associate attorney general and deputy attorney general? Because I legitimately don't know. This isn't one of those, let me set up a question for Jess so that the listeners feel like ... I absolutely do not know, so please inform me and the listeners.

Jessica Pieklo: Oh no, this is excellent. So Vanita Gupta is amazing and she will be the third in charge at the Department of Justice. The big difference between her and Lisa Monaco is setting priorities. So Merrick Garland as the attorney general is the figurehead, and that's important and that's the face of the department and he's talking to the folks and doing the glad handing. That's what the figurehead does. And then we've got Lisa Monaco and Vanita Gupta and they are effectively numbers one and two in setting priorities. So if we've got Monaco here who is big in anti-corporate corruption and fraud and self-dealing within the government, that signals where that priority is. And then we have the civil rights priority, which we see in the Gupta pick.

Oh, I have to collect myself because reporting on all of the terrible people in the administration and then to have this, it wasn't just a breath of fresh air, it was like a fire hose of awesome hitting me in the face all at once. So she is going to work directly with the office of civil rights, as well as other agencies like health and human services and the Department of Education to help set enforcement priorities for the department of justice.

Imani Gandy: So does that mean black people might matter again at the Department of Justice?

Jessica Pieklo: Entirely. Trans students might not be a target of the federal government. In fact, they may find themselves protected, once again, by the full force of the federal government.

Imani Gandy: Imagine.

Jessica Pieklo: This is the kind of sea change we're talking. All right?

Imani Gandy: I love it.

Jessica Pieklo: But let's get back to how much of a badass Gupta is, because really, she's one of those figures who has flown under the radar for folks who are not law nerds. And y'all need to know just how amazing this woman is. So you mentioned her current role. She is currently the president and CEO of the Leadership Conference on Civil and Human Rights. That's a mouthful.

Imani Gandy: That's the name of it. I couldn't remember the name so I was like, she's the president of [civilrights.org](http://civilrights.org).

[laughter]

Jessica Pieklo: Yes.

Imani Gandy: She's the president of a domain name. But okay, perfect.

Jessica Pieklo: And she ran the Department of Civil Rights in the Department of Justice during the Obama Administration. And that's when the Department of Civil Rights was doing amazing things proactively recognizing and fighting for the rights of trans students.

Imani Gandy: Yes. She was at the forefront in challenging North Carolina's HB2. Remember that fight over HB2, the bathroom bill?

Jessica Pieklo: Yep.

Imani Gandy: Where people were panicking about trans people being allowed to use the bathroom that they need to fricking use. And the NCAA was like, "No, you can't do that." And all these corporations pulled out and they were like, "Okay, fine. We won't do that." And they reversed. I mean, this is the kind of thing that should be really, really heartening for trans people. I've had trans people in my mentions before the election, worried about whether or not Trump was going to win and worried about whether or not they should make plans to maybe leave the states that they lived in and find places that are more protective of trans people. Now, like you said, we have the full force of the federal government that is going to be all in on protecting trans people and that's fucking genius. That's amazing. I love it.

Jessica Pieklo: And she was leading this charge when the law in this area was unsettled. So she was really using the department to help shape policy, which is so exciting. She was also doing things like investigating racist police forces and entering into oversight and consent decrees, which-

Imani Gandy: Yes. Which we need. I mean, look, there's this whole discussion about defund the police, but the reality is, until we can actually get to a point where that doesn't scare 80% of the people, we need to rely on things like consent decrees. And these are essentially legal agreements that are made with police departments that say, "Hey, you guys are racist. You keep beating up on black people. Maybe you should stop doing that. And we're going to this person to oversee some changes that you need to make in your department." So we're talking about the Baltimore Police Department, we're talking about the, would it be the St. Louis PD in Ferguson, or the Ferguson PD in Ferguson? Some PD in Ferguson. We're talking about Chicago, the Chicago PD. I mean, it's just, it's really important, that focus on the police departments that are acting badly, which frankly is all of them, but the ones that are acting really badly are going to be challenged and are going to have to do something to make themselves even slightly better, which whether or not that's possible is another discussion for the time. Yes. Okay..

Jessica Pieklo: Yep. So that's what she was doing at DOJ in terms of police consent decrees. She was also busy vigorously enforcing voting rights.

Imani Gandy: Voting rights. You remember voting rights? Remember?

Jessica Pieklo: I do.

Imani Gandy: Remember how, pre 2013, states like Texas would have to go to the Department of Justice and say, "Hey, we really don't want black people to vote anymore." And the Department of Justice would say, "Well, they kind of have to, because voting is a right." And Texas would be like, "Fine, we'll let black people vote." And then all that went out the window in 2013 in Shelby v. Holder. And we've seen what's happened since then. I mean, the fact that Democrats won the 2020 election and the fact that, for example, Democrats won in Georgia, it means that all of the people organizing in these areas have to organize and build voter suppression into their organizing plan.

Jessica Pieklo: Totally.

Imani Gandy: And it shouldn't be that way. So we can get back to maybe we can get Congress to pass a new pre-clearance formula. Wouldn't that be nice?

Jessica Pieklo: This is so exciting, and that was just at the Department of Justice. She had a whole career before that too. She was at the ACLU where she was a staff attorney representing immigrant kids detained at privately run prisons in Texas, that ultimately led to the end of that facility's family detention policy. So she knows her way around an immigration issue, too.

Imani Gandy: And we need that considering there are how many hundreds of children that are still missing, having been separated from their families by this monstrous administration? She checks all of the boxes. All of the things we care about.

Jessica Pieklo: If she's confirmed, she is going to be the third most powerful attorney at the Department of Justice. And Imani, I am literally, and figuratively, but literally beside myself about it. I cannot manage my emotions. They are all caps. It is very good.

Imani Gandy: My emotions are all caps. I love that. That's amazing. I'm beside myself about Gupta too. I'm practically on top of myself over the person that Biden picked a head of the Department of Civil Rights.

Jessica Pieklo: I'm hot flashing, maybe, over this it's so exciting. But the Department of Civil Rights is going to be led by Kristin Clarke.

Imani Gandy: Kristen motherfucking Clarke, ladies and gentlemen.

Jessica Pieklo: I mean, my face is in frozen joy.

Imani Gandy: She's amazing.

Jessica Pieklo: Tell us. Tell us about how great-

Imani Gandy: So let me go into her resume. She's currently the president and executive director of the National Lawyers Committee on Civil Rights under law.

Jessica Pieklo: So much civil rights. So much civil rights.

Imani Gandy: All of the civil rights. The lawsuits that they filed protecting civil rights. I get the press releases. She follows me on Twitter. If I could, I would probably just jump into her pocket and let her carry me around while she goes about doing bad ass things, protecting the civil rights of people who need protecting. Before that however, she served as a prosecutor in the Department of Justice, the Civil Rights Department, during the Obama Administration. And there she oversaw prosecution of police misconduct, kind of relevant right now. And hate crimes, also kind of relevant right now, seeing as we've got a bunch of Nazis running around being dickheads. She also served as the head of the Civil Rights Bureau for the New York Attorney General's office prior to her time in the Obama Administration.

And she served as the NAACP legal defense and educational fund. She served as an attorney there where she focused on voting rights and election law. So it's like if you were to say, "Hey, Imani, who do you want to be heading up the Department of Civil Rights division? Who do you want to be in charge of civil rights?" I would be like, "Kristen Clarke and Vanita motherfucking Gupta." Honestly, this is just the best possible combination of huge wins for progressives. And I know there are some progressives who think that Merrick Garland is shit a choice and therefore Biden doesn't care about civil rights. You cannot look at the records of Gupta and Clarke and come to that conclusion. You simply, you objectively cannot. So-

Jessica Pieklo: Kristin Clarke, one of her last lawsuits, presumably, that she filed in this role at the civil rights organization, was to sue The Proud Boys in connection with the Black Lives Matter defacement in D.C. as a hate crime. And then those jackasses stormed the Capitol. So this is exactly who we need in charge in this moment. It was as though, and I watched the acceptance speeches, which was completely surreal to have happening the day after the Capitol siege. And as folks are completely really just figuring out what is going on and what you felt was that everybody understood the moment that we were in. From Merrick Garland on down. He got choked up. He was talking about the history of the Department of Justice and how it was formed to basically root out the segregationists that were left over from the civil war. Mentioning the reconstruction amendments, the 13th, 14th, and 15th amendments. You know that I think that is sexy as hell.

And then to have these just two amazingly accomplished women up there, just black and brown women to be like, "Yeah, this is a new day for the Department

of Justice." It feels good to feel that way even with the weight of this particular political moment that we're all in right now.

Imani Gandy: Absolutely. I just can't fathom if Trump had actually won, what it would feel right now. Do you know what I mean? This is a level of hope that I haven't felt in four years. My chest is a little bit lighter. Yes the shit that's going on in the Capitol is alarming, and yes it's fucking terrifying being a person of color in this country right now. But knowing that, in a week, we're going to have a changeover, and that in a week there are going to be people in the Department of Justice who actually care about civil rights that care about black and brown people, indigenous people, LGBTQ people. It's a real relief. And certainly things are not going to change overnight, we've got a hard slog ahead of us and it's going to be rough because Trump did a lot of damage to this country.

Jessica Pieklo: It is.

Imani Gandy: But the people that are going to start lifting us out of this shit hole that we're in, Vanita Gupta, Kristen Clarke. All right, let's do it.

Jessica Pieklo: They're battle tested.

Imani Gandy: Absolutely.

Jessica Pieklo: They're battle tested for this moment. And going back to their nomination, Vice President-Elect Kamala Harris was in the room too, and she's masked up but you could see her beaming with pride. This is a pipeline moment. And you've talked about this a little bit as a black woman in the law, there aren't a lot of you in the upper echelons of power, and here is Kamala Harris pipelining, and it is excellent to see. Democrats need to scaffold leadership, and we're seeing it modeled in these Department of Justice appointments and it gives me goosebumps.

Imani Gandy: It's going to be great.

Jessica Pieklo: Fucking love it.

Imani Gandy: It's going to be fucking great. So that's going to wrap it up for us today. Thanks for joining us in our first podcast episode-

Jessica Pieklo: of 2021.

Imani Gandy: Is it? I don't know if it's 2021. I think it's still 2020, quite frankly.

Jessica Pieklo: March 457th?

Imani Gandy: Exactly. March 457th. You know we're always going to ask you for money because it's the money keeps us going. So if you want to donate to us, please do. We would love it. Just whatever you've got in your pockets or your couch.

Or if you want to give us a check for a million dollars, I'm not going to turn that down. [Rewirenewsgroup.com/Boomgive](http://Rewirenewsgroup.com/Boomgive). That's [Rewirenewsgroup.com/Boomgive](http://Rewirenewsgroup.com/Boomgive). If you want to follow me on Twitter, follow me @AngryBlackLady. If you want to follow Jess, you should follow her @Hegemommy. H-E-G-E-M-O-M-M-Y. If you want to follow Rewire News Group, you should follow @rewirenewsgroup. It's very simple really. Follow us on Instagram. Join our Boom! Lawyered Facebook group. Just do a little dance, make a little noise, get down tonight, is what I'm saying to people.

And so what are we going to do, Jess?

Jessica Pieklo: We are going to see you on the tubes, folks.

Imani Gandy: See you on the tubes, folks.

Speaker 1: Boom!, Lawyered is created and hosted by Jessica Mason Pieklo and Imani Gandy. Marc Faletti produces the show.