

BOOM! LAWYERED: HOW TO BANKRUPT THE PROUD BOYS

- 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 hopes everyone in Texas is hanging in there. Because it's cold and your leaders kind of suck! And I'm sorry about that. I'm Imani Gandy.
- Jessica Pieklo: And I'm Jess Pieklo. Rewire News Group is dedicated to inspiring 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: All right. We got to talk about the impeachment. That's the first thing that we have to talk about.
- Jessica Pieklo: Do we? I don't think we do.
- Imani Gandy: Impeachment 2: Electric Boogaloo, because I have questions. I have concerns. I have something that's more of a comment than a question.
- Jessica Pieklo: Yeah, I think that's the right approach to impeachment part deux.
- Imani Gandy: Because it was all going so well. I mean, Joaquin Castro just sidled up there looking all Castro-ey and Joaquin-ey in his beard. And I was like, "Hey boo, how you doing?" And then he started talking. I was like, "Okay, you're talking and saying smart stuff, but hey, call me."
- Jessica Pieklo: Oh boy.
- Imani Gandy: And so he did a great job. And then Joe Neguse got up there.
- Jessica Pieklo: Hey, Boulder represent. Colorado in the house.
- Imani Gandy: Black people represent. You know how I am about Boulder and Black people considering I'm thinking about moving to Boulder. So I need to find this man.
- Jessica Pieklo: And there's like four.
- Imani Gandy: I got to join the Black people in Boulder club. I think it's six people and they meet at the local Applebee's or whatever.
- Jessica Pieklo: We don't have an Applebee's.
- Imani Gandy: Okay. Your local craft brewery.
- Jessica Pieklo: Definitely.

Imani Gandy: Okay. So he was great. I mean he laid out the impeachment case beautifully and then Stacey Plaskett, who is the representative from the US Virgin Islands, who like literally was wearing a cape. She came in.

Jessica Pieklo: She might be Superwoman.

Imani Gandy: She literally might be Superwoman, and she just walked through everything so calmly, so slowly. At first, I was like, why is she talking so slow? And I'm like, Oh yeah, because she's Black. And people are like when Black women talk, they get a little bit anxious. "Oh, it's so loud. So angry. Oh my God, you're making me nervous." You got to placate the white folks when you're a black woman. So she did just that. I mean, walked through every bit of it, drew connections between Trump's rhetoric and the insurrection, had this beautiful model where she was explaining what was going on in the chambers as the insurrectionists were pushing their way through the Capitol. And then Jim Raskin, who like turned out to be one of my favorite white people of the week. Can we do a segment called the Imani Gandy's favorite white people in the week?

Jessica Pieklo: Yes. I'm going to green light this. It's done. Pitch accepted.

Imani Gandy: Because he was fantastic. He did such a great job. And after four days of this, five days of this, we were ready to go into a week of ... Look, Democrats made their case for impeaching Trump a second time and Republicans won't protect democracy. We were ready for that news cycle. And then on Saturday, oy vey.

So on Saturday, Democrats decided that they were going to call a vote to call more witnesses after this Kevin McCarthy call. You heard about this?

Jessica Pieklo: Yes, this was super exciting.

Imani Gandy: Okay. Can you explain to the listeners what this Kevin McCarthy call was just a little background?

Jessica Pieklo: He gave the dime, he turned on Trump. He said, basically all of this is happening and I'm telling him, "Hey, call off your goons." And Trump is like, "I am not calling off my goons, man. This is what we were meant for. This is what we are doing." McCarthy was like, "Okay, fine. I'll go ahead and talk about that." And the Democrats were like, yes. So we got witnesses. And then I guess Senator Coons wanted to go home. What happened?

Imani Gandy: Senator Coons wanted to go home for Valentine's Day. Just to really hammer this point home, Kevin McCarthy called Trump and was like, "Hey, dillweed. Can you call off your goons?" And Trump was like, "I don't know. It looks like my dillweeds care more about the election results than you do." Apparently Kevin McCarthy literally said, "Who the fuck do you think you're talking to?"

Jessica Pieklo: I mean, that's awesome.

Imani Gandy: That made me a little bit sweaty. And Trump was like "Wah wah wah wah." So the Democrats were going to call McCarthy and that was going to really make the case that Trump knew what the insurrectionists were there for, knew that he was top dog when it came to this goon squad and was like, "I don't give a crap. I don't care." So everyone was woo hoo. Democrats are calling witnesses. I was doing the thing. Hercules, Hercules!

Then, an hour later, Democrats were like, "JK, we're not going to call witnesses. We're just going to submit a statement." If you were going to accept the statement, you should have done that from the beginning, because what happened was is you turned a news cycle about how Republicans won't protect democracy into a news cycle about how Democrats are nutsacks.

Jessica Pieklo: Yeah. How they went home for the weekend.

Imani Gandy: They went home for the weekend. They went on reset vacation, got to spend time with their loved ones for Valentine's Day, leaving the American people hosed. It was really disappointing. So I don't know. What happens next? What happens now with this insurrection business?

Jessica Pieklo: So it's not all over. All right. This week House Speaker Nancy Pelosi announced the creation of an outside, independent, 9/11 style commission to investigate the January insurrection, which is good, but-

Imani Gandy: That is good.

Jessica Pieklo: But it gets better. It gets so much better.

Imani Gandy: It gets so much better. I just felt a little tingle, just start from my toes and rise to the tippy top of my head. One Donald J. Trump, and one Rudy sweaty-hair Giuliani got sued by the NAACP and representative Bennie Thompson, who's a representative from Mississippi, for violating the ... just get this ... the Ku Klux Klan Act. I know. It's the best thing. This lawsuit, if I may coin a term that the millennials use, this lawsuit slaps, it really slaps. Bennie Thompson is suing Trump, he's suing Giuliani, he's suing the Proud Boys, he's suing the Oath Keepers, all under the Ku Klux Klan Act. That is just ... woo child.

So the KKK Act is a federal law that was passed in 1871 in response to Klan violence targeting lawmakers in the South during reconstruction. The KKK was a very powerful political group. They were domestic terrorists, yes. But they were also a political group.

Jessica Pieklo: Completely.

Imani Gandy: They wielded a lot of power in DC. So the KKK Act was enacted to basically respond to all of this violence that was being meted out against lawmakers who were like, "Hey man, maybe we shouldn't treat Black people like crap."

Jessica Pieklo: Completely.

Imani Gandy: Yeah. I'm going to just fan myself a bit and let you talk about this lawsuit because I'm hot under the collar.

Jessica Pieklo: It's so great. That scream was authentic. Like Imani said, it targets Trump, Giuliani, who in my circles we call him a pisan of shame, we don't claim him, the Oath Keepers and the Proud Boys and said that they incited a riot designed to prevent Representative Thompson and others from carrying out their constitutional duty in certifying the election. So this is a really super targeted lawsuit. And it's so sexy.

Imani Gandy: It's so sexy, and it's literally the reason that the KKK Act was passed. Because white folks, listen, you all tend to get a little bit buckwild sometimes. Not all of you, hashtag not all white people, but you all have been pulling a lot of nonsense related to elections since slavery and the reconstruction, including violence and intimidation, straight up. "Oh, Black guy, you want to vote? How about I hang you from a tree instead and send that as a message to your family?" This is serious, serious stuff, while white folks have picnics under the hanging bodies of Black folks.

Jessica Pieklo: "Let's play some badminton while that's going on."

Imani Gandy: Right, exactly. "A little croquet never hurt anyone."

So this is a bear. I'm very excited about this lawsuit. I'm particularly excited about the fact that it's a civil lawsuit and not a criminal lawsuit. So that means the burden of proof for the claims is lower.

In the criminal lawsuit, you've got go beyond a reasonable doubt. In a civil lawsuit, it's just preponderance of the evidence, which just basically means a little bit more than a majority.

Jessica Pieklo: More likely than not.

Imani Gandy: More likely than not. Where beyond a reasonable doubt is like: you got to be like 99.9% sure. Preponderance of the evidence, 51% is fine. Oh, and it gets even better than that. Plaintiff's lawyers have all of the benefit of the evidence from the second impeachment trial. So we just talked about, Neguse and Plaskett and Raskin and Joaquin Castro. ... Hey girl. Hey baby, what's going on? ... We talked about them laying out this case. ... Why did I just hey girl Joaquin Castro? I don't know. Hey girl, Hey boo. Whatever.

Jessica Pieklo: It's a year into quarantine, we're all hitting walls, Imani. It's okay.

Imani Gandy: It's fluid, man. You know what I mean? I'm not going to box him in. Everybody just live their lives, bro.

So the fact that they laid out this huge case now means that people, Bennie Thompson and anyone else who may decide to file a lawsuit, can use all of that evidence in their lawsuits. So for example, McConnell gave this huge speech after Trump was acquitted for the second time, talking about ... it was basically shrug emoji. Yeah, Trump did this shit. He might as well just gotten up on the floor. Yep. Trump did this shit, but we're not going to impeach him. We're not going to convict him because reasons.

He basically said that Trump was morally responsible and culpable and he did it and it was wrong. But, ack. So that means that Bennie Thompson and the NAACP and the lawyers can use his speech against Trump. Even Mitch McConnell said that Donald Trump was culpable for this insurrection. I mean, that's powerful stuff.

Jessica Pieklo: The complaint also seeks punitive damages from Trump, Giuliani and the rest of those goons. This is great because it hits them in the pocket book. Want to bankrupt the Proud Boys and the Oath Keepers? The NAACP might just do that, Imani.

Imani Gandy: Do we want to know how much of a broke ass Trump really is? The NAACP might uncover that because I guarantee that he does not have money to cover a punitive damages award.

Jessica Pieklo: Nope.

Imani Gandy: Black people represent. Let me just say it. It's Black history month. We Black, that's all I'm saying.

We did an episode a few weeks ago about the DOJ and the new lawyers that are going to be just bursting into the DOJ, like some sort of legal Kool-Aid man. Remember how we talked about Kristin Clarke, who Biden nominated to head the civil rights department in the DOJ?

Jessica Pieklo: Yes.

Imani Gandy: Remember how she sued the Proud Boys?

Jessica Pieklo: She did.

Imani Gandy: So now she's going to be in the DOJ suing the Proud Boys.

Jessica Pieklo: This just gets good. This is great. So we've got a Department of Justice that's focused on racial justice finally. Okay. We've got an individual lawsuit coming up from an individual member of Congress that said, "Hey, Donald Trump, you violated the Klan Act, like the Klan Act.

Imani Gandy: The Klan Act.

Jessica Pieklo: That's just amazing. But there are some issues here. This is exciting, but lawyers like to make things muddy so it's not like this is a slam dunk. There are some issues that we're watching in this lawsuit.

Imani Gandy: There are. I asked you one of them. I asked you one of these questions the other day and it came out in a hilarious fashion. I was like, "Hey Jess, do you think Trump can claim qualified immunity here?" And you were like, "I don't think so. He was sued personally." And I was like, "But what do you think about maybe him saying that inciting the erection was part of his presidential duties?" And you were like "Inciting an erection?" And I was like, "Yeah, I didn't mean that. I meant inciting an insurrection." But seriously, can Trump claim some sort of qualified immunity?

Jessica Pieklo: Yeah. That's an open question that this lawsuit is going to mat out. Then also, will this actually bankrupt the Proud Boys and or the Oath Keepers? How successful are those claims really tying them to the organization?

Imani Gandy: Also, the Proud Boys are an LLC. Did you know? I was three days ago years old when I found out that the Proud Boys were a fricking limited liability company, which says to me that they are afraid of having some personal liability. The reason you form an LLC is so you're not personally liable for some bullshit that happens.

Jessica Pieklo: Yeah, so maybe we have to do an episode on piercing the corporate veil at some point. That's sexy. I love that.

Imani Gandy: Oh, I love piercing the corporate veil. I love the way it sounds. I'm going to pierce your corporate veil, baby. That's what I'm going to do. I'm going to pierce it. How do you feel about that?

Jessica Pieklo: Positive consent, everyone.

Imani Gandy: Positive consent. Make sure you ask the corporation before you pierce their veil.
All right. So here's another question.

Jessica Pieklo: Okay.

Imani Gandy: Are there going to be more lawsuits to come? Is Bennie Thompson just the first of a cavalcade of lawsuits that are going to come pouring out of DC?

Jessica Pieklo: I hope so.

Imani Gandy: I mean, are there going to be class action lawsuits? Are we going to get just every fricking Democrat in Congress just file a massive class action against Giuliani and Trump and the Proud Boys and the Oath Keepers? I would be fine

that just all the people of color in Congress just filed a lawsuit that was like, "Hey man, quit trying to kill us, please. We're just trying to do our jobs."

Jessica Pieklo: Put that in the reparations conversation. That seems frankly like ... I don't know.

Imani Gandy: It's exciting.

Jessica Pieklo: So, it was a big face plant from the elected officials but there's reason to hope. I don't think this is going away. And I think that lawyers are stubborn and relentless and I think there's some folks who are going to stay on Trump and Giuliani and these guys. So watch this lawsuit. We certainly will be.

Imani Gandy: Indeed, indeed. We're going to pivot a little bit.

Jessica Pieklo: Okay.

Imani Gandy: We're going to talk about the ACA. The second thing we're going to talk about is the Biden administration is defending the Affordable Care Act.

Jessica Pieklo: Get out.

Imani Gandy: I will not. You can't make me get out. I live here.

Jessica Pieklo: The federal government does not do this. The federal government does not defend healthcare. It doesn't. Sorry.

Imani Gandy: I'm just reading what you wrote on the script. I don't even know what's going on here. Who even is Joe Biden? I don't know. I'm just a simple caveman. I don't understand your ways. Okay?

Jessica Pieklo: This is also so exciting. Okay. So in a letter to the Supreme Court, the Biden administration told the justices that it totally disagrees with its predecessors in the Trump administration. Good news.

Imani Gandy: Like totes.

Jessica Pieklo: Like totes.

Imani Gandy: Like totes magotes disagrees.

Jessica Pieklo: They think the Affordable Care Act is constitutional. That's a breath of fresh air.

Imani Gandy: Yes, it is.

Jessica Pieklo: The administration asked the court to uphold the law, which the Trump administration had been arguing was unconstitutional. We covered those arguments and the Trump administration was like, "No, look, I know that

Congress said that the ACA is a law built on all sorts of parts, but we zeroed out one part so the whole thing falls." What? Go back and listen to that episode. Imani did a great job really breaking down those arguments and covered that case for us.

Imani Gandy: Thank you.

Jessica Pieklo: You did. You really hit it out of the park on that one. We won't go through all the arguments here because they are ridiculous frankly, but go listen to that episode because it was good and Imani was covering the arguments for us live. Those folks are jokers.

Imani Gandy: They are jokers. The Trump DOJ was essentially trying to take healthcare away from everyone they could during a pandemic, which is just outrageous. When you think about the fact that people were going to be stripped of their preexisting condition coverage, and considering I don't know how many millions of people have COVID, which means that it's a preexisting condition, which means if they're thrust onto the open market, there not going to be able to get insurance coverage because-

Jessica Pieklo: What a mess.

Imani Gandy: It's a fricking mess. So the Supreme Court heard oral arguments in this case in the fall, but they haven't ruled yet. That very fact means that it could help save the ACA from disaster at the court because now the Biden administration is popping in and being like, "Hey, hey, hey, we're going to switch sides now. We actually like the ACA. So can we get a little bit of time so that we can go back and revamp the arguments?"

You can throw those Trump arguments out the window and get some new arguments that actually are going to try to give people healthcare instead of trying to strip it away. So this also means that Congress has a little bit of time to deal with the issue. It buys time for Congress to deal with it.

Just briefly, if you recall, the fight in this case is about whether or not these numpties, these GOP numpties, can void the entire ACA, make the entire ACA unconstitutional, simply because they decided that that tax penalty ... remember, if you didn't buy insurance, you had to pay this penalty. So they said, you don't have to pay this penalty anymore. We zeroed out the tax. So the ding-dong judge Reed O'Connor in Texas was like, "Well, if you're going to zero out the tax, well, then that means you have to kill the entire ACA," when that's asinine, because there's this principle called severability.

If you have a massive law and one tiny part of it is unconstitutional, you just excise that part and you leave the rest. You don't kill the entire law. But that's what the Trump administration wanted to do. That's what this rogue jackass in Texas wanted to do. Now we have Biden and we have a DOJ that is not actually

trying to just stick it to people, to stick it to sick people, to stick it to people with COVID. That's just, as you said, it's a breath of fresh air.

I don't know what else to say. I really do just love this idea that administrations can change and just flip sides on lawsuits. We see that all the time, right? It's kind of a weird thing and I imagine people who aren't lawyers, who don't follow this stuff, are like, "Wait, so for four years we were anti ACA and now we're pro ACA?" That's just how the sausage is made. It's weird. It's weird. It's wild. It's weird, wild stuff, as Johnny Carson used to say. I don't know where that came from or why. Oy vey, why don't we move on to the next thing that we're going to talk about.

Jessica Pieklo: While the Biden and Harris administration is out there cleaning up the Trump messes, which is so fun to talk about and literally it's a joy to do this show and talk about conservatives in state legislatures are going, to use a Imani's phrase, ham on abortion rates and attacking trans kids. That's the third thing that we're going to talk about right now. What is going on, Imani, with these anti-abortion and anti-trans bills happening in the states?

Imani Gandy: We have 30 states right now that have at least one abortion ban pending. 30 states. That's a three followed by a zero.

Jessica Pieklo: Jesus.

Imani Gandy: We go through this every spring for the past, however long we've been working together, six, seven, eight years, decades, 20 years. I don't know. Every spring you get these states that are just passing restriction after restriction trying to squeeze access. What even left is there to restrict?

Well, apparently there are 200 anti-abortion bills that are circulating in the states right now. I need it to stop. Can you please make it stop, Jess?

Jessica Pieklo: I wish I could. We've been doing this for a while now. So we're used to seeing themes and favorites. The anti-choice lawmakers latch on to things. So we're seeing these unconstitutional, pre -viability heartbeat bans that would ban abortion as early as six weeks. You don't even know you're pregnant then. I can speak on authority from that. Or those that require doctors to lie to patients and tell them that their abortion can be reversed.

Imani Gandy: Which it absolutely cannot be. But let's just get into some specifics. Let's call some of these states out. Shall we?

Jessica Pieklo: Ooh, yeah. Who's on the bad list?

Imani Gandy: Indiana, which is Mike Pence's Indiana, ugh, they have an abortion reversal bill that is making its way through the legislature right now. In case I didn't say it

loud enough and in case you didn't really hear Jess, abortion reversal is not a thing.

Jessica Pieklo: Nope. It's not.

Imani Gandy: It's not a thing. We did an entire episode on how much of a thing abortion reversal is not. Why I'm talking like Yoda, I don't know. But it's because I'm verklempt.

So we got Indiana. We also have Tennessee. Tennessee is now trying to get a bill through that would permit the father to stop the abortion. Even though there's already Supreme Court cases, well-settled precedent, that says, "Hey dude, you can't do that." Hello? Planned Parenthood versus Casey, Planned Parenthood versus Danforth.

Jessica Pieklo: I love you just dropping cites.

Imani Gandy: Just dropping case names. Look them up. Head to Pacer. Head to Lexis, whatever. You can't force a pregnant person to tell their partner that they want an abortion and you can't force them to get consent from that partner. That's not how it works. It's just not how it works.

Then we've got South Carolina. Heartbeat ban. As you said, you don't know that you're pregnant at six weeks. In fact, Dems in South Carolina we're so not having it, that they walked out of the hearing this week. They were just like, nah, dude, I'm out. Threw up their hands and walked out.

Arkansas is calling for an all-out ban on abortion except to save the life of the mother or the pregnant person with no exceptions for rape or incest. So that's fun.

Jessica Pieklo: Arizona, we have to talk because-

Imani Gandy: Oh, dear God.

Jessica Pieklo: ... what are you doing with this thing called homicide by abortion? I have some questions.

Imani Gandy: So many questions.

Jessica Pieklo: Walter Blackman held a rally in Arizona and described his perfect legislative proposal, which would be to prosecute patients who have abortion for homicide, along with the doctors who provide them.

Imani Gandy: Okay. First of all, this isn't new.

Jessica Pieklo: No.

Imani Gandy: You may recall longtime listeners ... long time listener, first time caller ... long time listeners may recall that we talked about a similar bill last year. Remember the felony abortion murder.

Jessica Pieklo: Oh my God, I do.

Imani Gandy: Remember how if you're committing another felony and you happen to perform an abortion at the same time, ... "Oh, I burned down your house, and before I did it, I performed an abortion on your wife." Like what?

Jessica Pieklo: Here's someone, "Let me torch your place."

Imani Gandy: A felony abortion murder is not a thing, but Ohio tried to make it a thing.

Jessica Pieklo: My God.

Imani Gandy: Now that we have this 6-3 Federalist society Supreme Court, states are getting bolder and bolder when it comes to abjectly ridiculous abortion restrictions. Obviously the reason that they're doing this, the reason that they're trying to prosecute pregnant patients, is because that's the way to get to personhood.

Jessica Pieklo: Yep.

Imani Gandy: For those of you who listened to our very special series, We'll Hear Arguments, we talked about this. We talked about the ways in which the court gave Texas the side-eye about the fact that Texas wanted the court to declare fetuses to be persons or people. And the court was like, "Well, if you want us to say a fetus is a person, then why aren't you prosecuting pregnant people? Why are you only prosecuting doctors? And states we're like, "Yeah, good point. We should prosecute pregnant people."

Jessica Pieklo: Right. That didn't work out the way that they wanted.

Imani Gandy: Right. In order to make our personhood claim a little bit stronger. So I encourage you to go and listen to, I think it's our second episode of We'll Hear Arguments where we talk about personhood, but listen to the whole thing. It's fabulous. It's a really great series.

Just really sit with the fact that the tactic, which used to be, "Oh, these poor, poor ladies with their little lady brains, they don't know what they're doing when they get abortions and we have to protect them from these mean mad abortionists," now it's turned into, "I cannot believe these women are killing their babies and they need to go to jail and possibly be executed." How did we get from point a to point B? It's bananas.

Jessica Pieklo: It's bananas. And you know what? It's not just the abortion bills,

Imani Gandy: The abobo bills.

Jessica Pieklo: The abobo bills. Bigots are doubling down on laws attacking trans people. The issue dejour is trans girls in sports and this really frankly, creepy desire that conservatives have to evaluate teenagers genitalia. I'm not making that up. This is real.

Imani Gandy: I just want to know why it is that cisgender people are so obsessed with trans people's genitalia.

Jessica Pieklo: Yeah. That's a whole other conversation.

Imani Gandy: These people spend way too much time thinking about other people's body parts.

Jessica Pieklo: Sincerely.

Imani Gandy: I don't think about your genitalia. Just why?

Jessica Pieklo: I don't think about yours as well. I'm glad we got that out.

Imani Gandy: Why not? It's a weird thing to do. It's an especially weird thing to do when we're talking about teenagers. We're talking about elementary school, high school students who just want to play sports. Now there are states that are trying to ban trans girls from sports and it gets even creepier. Republicans in Georgia, for example, are considering having a panel of three physicians who will evaluate girl's genitalia in order to determine whether or not they can play on a particular school sports team.

Jessica Pieklo: I don't want the panty police in school.

Imani Gandy: The panty police.

Jessica Pieklo: What the fuck? Death panels were all the things that Republicans were screaming about with the Affordable Care Act. There's going to be a panel of bureaucrats that decides whether grandma lives or dies. Remember that?

Imani Gandy: Right. I do.

Jessica Pieklo: This is now like what, a panel of administrators that is going to determine where on the spectrum your child falls. No. I would absolutely lose my m- I would be arrested for acts of violence against anybody who si- I need to go collect myself. I'm sorry.

Imani Gandy: You have a daughter. That's just gross and creepy. Why? It's not acceptable.

Jessica Pieklo: No. No.

Imani Gandy: It's not acceptable to have random doctors examining the genitalia of young girls. It's not acceptable.

Jessica Pieklo: Arizona, though. I got to talk to you.

Imani Gandy: Yeah, let's talk about Arizona, please. I'm in Arizona, and now I'm very, very, just dialed into Arizona. This place is wild, man. It is wild.

Jessica Pieklo: Republicans in Arizona right now are trying to pass a bill which would require state identification documents to contain only a male or a female gender marker, so that's your only choice. The bill preemptively bans non-binary people who are neither exclusively male or female from using a gender neutral marker X, which is really ... I mean, what's the big fucking deal there ... on their IDs, even though Arizona law doesn't currently permit that. What? Explain this to me, Imani. They're just creating a problem?

Imani Gandy: I can't. Right, they're creating a problem out of thin air to stick it to trans people, to stick it to non-binary people. Whatever your biological sex is that's what follows you forever even if that's not who you are, even if that's not your gender identity, they don't care. I don't even understand why Arizona cares so much what gender marker is on someone's ID. Who gives a crap, honestly?

But it's not just Arizona. There are eight other states that are trying to pass similar legislation. This whole trans panic has gotten way out of hand. It's just so out of hand and the way that these legislators talk about trans people is so dehumanizing and so offensive. So in Arizona, again, there's this one legislator who's facing an ethics complaint because he compared trans kids to farm animals. He said something like, "Well, what's next? Are we going to be able to identify as a chicken?" I mean, this is just the corollary to the, "Oh, if we let gays and lesbians marry, then it means we're going to be marrying our cats and our dogs."

Jessica Pieklo: Yeah. It is. Remember that lawsuit that Matt Staver filed because he wanted to marry ... or maybe even not Matt Staver, that dude who wanted to marry his laptop? That kind of stuff. Also, he might've been from Arizona. It's just a response to electoral panic. They have lost on issues and so they're just attacking people. That is what the conservative movement has pivoted to.

But, okay, I feel like this is my fault. We were having this really fun, rollicking episode talking about good things and positive things, and I was like, "Well, actually it's still kind of shitty." And so I don't want to leave folks on a negative note. What can we do to support trans folks right now, because that is where we should be putting our energy?

Imani Gandy: So Chase Strangio, who's a lawyer at the ACLU who is just basically a fricking bad-ass when it comes to the law, when it comes to trans rights, he was at the Supreme Court for the big Amy Stevens case. Remember when the court, when

Neil Gorsuch decided like, "Hey yeah, actually Title VII does protect trans people and gays and lesbians." And we were like, "What? Neil, my God." At any rate, Chase has been ... you should follow him on Twitter. You really ought to. And he's just been screaming about the fact that trans people are under siege. There are a lot of cis people who just aren't stepping up in the way that trans people need us to.

He suggests the following in order to support trans people: one, stay informed. The ACLU has a tracker of anti-trans bills. You can go and check it out. Just Google it, ACLU tracker, and just know what's happening in your state. Because if you know what's happening in your state, then you can inform other people. You can talk to your family and your friends about these issues and talk to them about how trans people are people, trans girls are girls, trans women are women, trans men are men, non-binary People are non-binary. This is the way it. Either get on board or get out. You have to talk to people. You have to make people understand that this is not an acceptable way to treat trans people. Also, you need to engage your lawmakers. If you have lawmakers that are trying to start genitalia panels in high schools, that's something you should probably write your representative about and say, "This is not acceptable."

And then finally you should donate resources. If you have money, I know times are tough, but you can donate resources. There's an organization called The Trans Justice Funding Project. You can just Google that. It's an incredible resource for finding local organizations that provide mutual aid to trans people. It's just really important to do that if you have the ability to do that. And if you don't, then just put Trans Justice Funding Project out there on your social media. Maybe you have followers who can help out.

And then finally you got to affirm those around you. You got to affirm trans people in your life. If you don't even know any trans people, I'm sure you know trans people on social media. They need cis people to mount up for them. They really do.

Jessica Pieklo: One thing that I hear a lot is "How?" One way that you can do that, and it seems insignificant but it's really not, is adding your pronouns to your social media bio, your email signature, those kinds of things. That's just a recognition that this matters, that people's identity and who they are matters and that we're not just willy nilly deciding for them. So that is one thing that maybe doesn't feel like a big thing, but it really truly is.

Imani Gandy: Absolutely. Just one final thing that I was taught just a couple of weeks ago, if you're going to troll terfs on Twitter ... terfs are trans, exclusionary, radical feminists. These are people who call themselves feminists, who don't believe that trans women are women and are just truly some of the most horrible people just on earth. They attack trans people. They deadname trans people. Part of the way that I like to mount up for trans people is to troll terfs and to tell them they're terrible people and to call attention to people who you should no longer be paying attention to. When I do that, I tend to quote tweet them. One

of my followers, a trans follower said, "Can you not quote tweet them? Because if you quote, tweet them, then you're putting the terf trash onto my timeline, because I follow you and then I see it. And then it sucks because I have to watch these jackasses attacking my identity and it ruins my day."

I thought, you know what?

Jessica Pieklo: Yeah, fair.

Imani Gandy: Absolutely, spot on. So if you're going to troll terfs, just reply to them. Don't amplify their nonsense because it's hurtful. I don't need people to amplify other folks on Twitter saying the N word. That makes me feel bad. So why would I want to amplify people attacking trans people? There's just so much hateful crap on social media. Let's try to protect vulnerable people from having to see that hateful crap.

Jessica Pieklo: That's good advice.

Imani Gandy: So I think that's really all we have for today. I think we managed to pull it back from the darkness into the light. You know what I mean?

Jessica Pieklo: That's our goal for 2021.

Imani Gandy: You get to keep it a little positive. It's been a tough four years and.

Jessica Pieklo: It is.

Imani Gandy: I think now's the time for a little bit of positivity. Positive Black lady. That's going to be my new thing.

Jessica Pieklo: I love it.

Imani Gandy: That's not going to be my new thing. Who am I kidding?

Jessica Pieklo: It's not.

Imani Gandy: But if you would like to talk to us about any of these things, you should follow us on Twitter. I'm @AngryBlackLady. Jess is @Hegemommy, H-E-G-E-M-O-M-M-Y. You should follow Rewire News Group @RewireNewsGroup, both on Twitter and on Instagram and Jess, why don't you tell us about how they can donate and give us money?

Jessica Pieklo: If you would like to help the show continue, you can donate and give us money at rewirenewsgroup.com/boomgive. We appreciate all of the support so much. That's rewirenewsgroup.com/boomgive.

Imani Gandy: Fantastic. Join our Facebook group.

Jessica Pieklo: Ooh, yeah.

Imani Gandy: The Facebook group is popping. They got like 1400 members in there and everyone just helping each other out and asking legal questions and answering questions.

Jessica Pieklo: Yeah, it's solid.

Imani Gandy: It's totally solid.

Jessica Pieklo: It's a good crew.

Imani Gandy: It's really, really great crew. And aside from that, what are we going to do, Jess?

Jessica Pieklo: I'm going to see you on the tubes, folks.

Imani Gandy: We're going to see you on the tubes, folks.

Speaker 3: Boom! Lawyered is created and hosted by Jessica Mason Pieklo and Imani Gandy. Marc Faletti produces the show.