

## Boom! Lawyered: Supreme Court Protects the ACA but Not Same-Sex Couples

- Imani Gandy: Hello, fellow law nerds. Welcome to an emergency episode of Boom! Lawyered, a Rewire News Group podcast, hosted by the legal journalism team that took time yesterday to go to a smash room and smash the hell out of anti-choice lies, anti-choice legislation and other anti-choice nonsense. I'm Rewire News Group's senior editor of law and policy Imani Gandy, and...
- Jessica Pieklo: And I'm Jess Pieklo, Rewire News Group's executive editor. Rewire News Group is the one and only home for expert repro journalism that inspires you to smash the hell out of the Supreme Court this week for dropping two decisions at once on a Thursday. 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: So Jess, we've been talking about smashing a lot so far.
- Jessica Pieklo: So much smashing.
- Imani Gandy: So why are we talking so much about smashing? What have we been up to lately?
- Jessica Pieklo: So for those of you who may not know, we are in the middle of a huge fundraising event here at Rewire News Group. And we are literally smashing anti-choice lies, anti-choice legislation, and Imani and I yesterday had the... I don't know, benefit of a group therapy session I guess I'd call it.
- Imani Gandy: Yeah. Pretty much.
- Jessica Pieklo: You folks submitted what you thought were the most outrageous lies and just nonsense from the anti-choice world and ranked it and then gave us the opportunity to smash it live in a broadcast. This was maybe the most fun I've had in years. I mean, sincerely. We recorded it, people donated, you can still donate. We've got it up. You can watch it. What's going on? This is amazing.
- Imani Gandy: Yeah, it was so much fun. It was so cathartic. And if you go to Rewire News Group's YouTube, [youtube.com/rewirenewsgroup](https://www.youtube.com/rewirenewsgroup). It's the first video. You could watch us just smashing the hell out of all kinds of stuff. And there's literally a point at which I think Jess tried to kill me with a hammer. I'm not sure. But we—
- Jessica Pieklo: I did not, but still it was amazing though.
- Imani Gandy: We will post those photos on Twitter and in our Facebook group.

Jessica Pieklo: Yes. And there's this amazing swag too. Law nerds, you can get a mug if you donate. So go to [rewirenewsgroup.com/donate](http://rewirenewsgroup.com/donate) and get a mug, get some tattoos. The top dollar prize to donate \$200, Imani and I'll give you a video of "thank you." I don't know, we'll sing?

Imani Gandy: Yeah. We'll sing. If you want us to sing something.

Jessica Pieklo: It's amazing.

Imani Gandy: We'll sing the "pre-viability abortion ban is unconstitutional" song. We'll sing "Carry on My Wayward Son" by Kansas if you want. Because that's how we roll. If you want to sing "Regulators" by Warren G, we got you there too.

Jessica Pieklo: Mount up Imani, mount up.

Imani Gandy: Mount up. So now that we're mounting up, let's mount up to talk about the two decisions that the Supreme Court decided to drop on our hapless heads today, just a mere few hours after we spent an hour smashing crap at a smash room. So the ACA case—California vs. Texas—and Fulton, which was about whether or not government agencies can be forced to fund other social services that refuse to place foster kids with same-sex couples. It's all terrible. So we're going to talk about those two cases today. Let's get it out.

Jessica Pieklo: I liked the let's get it out. That was kind of amazing. Okay. So Imani, let's get into this Fulton decision first, because this is really I think the one that folks are going to have the most questions about. So in this case, the Supreme Court ruled unanimously, and we're going to have to talk about what a unanimous ruling means here, that the city of Philadelphia violated the First Amendment, when it yanked a contract from Catholic Social Services to provide foster care and adoption services, after city officials learned that CSS was refusing to place kids in LGBTQ homes.

So a couple things here. This is bad but it's narrow. The decision applies only to this contract. So this decision today is limited to the city of Philadelphia and its contract with Catholic Social Services. But there are big, big warning signs in this, and that's what we're going to talk about.

So the decision applies, like I said, only to this contract and has these big warning signs, and that's because the contract provided this broad discretion to grant individual exemptions within it for city officials. So there was a way for the liberals on the court to really hem in the conservatives here.

Imani Gandy: Yeah. I mean, that's really the big question. Why did the liberals sign on to this? I mean, that's a really critical question that a lot of people are going to be asking, especially in light of the fact that over the past year we've been beating the drum about how important the Supreme Court is. And then when we get a decision that seems to really hit really heavily into civil rights of LGBTQ people,

and we've got Breyer, and Kagan, and Sotomayor signing on with the conservatives. Yikes. Right?

So let's talk about that. What the court could have done here is the court could have issued a really broad ruling that said, effectively, religious institutions that contract with state, local, government federal agencies can get taxpayer dollars and also ignore civil rights laws. So the court could have said that agencies like Catholic Social Services generally across the country, everywhere, can both get taxpayer dollars and do things like refuse to place kids in same-sex coupled homes because of a religious objection to those homes. They didn't do that. So why is really the question. And I think the answer to that is because Breyer and the liberals were able to work some kind of arrangement here.

So they kept that narrow ruling. And the signal to me here is Alito's concurrence. So Alito... A concurring opinion is when the justices say yes and me too. They just want to add their two cents in. Alito has this huge concurring opinion that really digs into the meat of this case, which you talked a little bit on Twitter, which is Smith, or Employment Division vs. Smith, the Smith case. And this is one of those seminal First Amendment cases that really sort of lays the landscape. And for folks who aren't lawyers it is one of those cases that is like the Roe vs. Wade of First Amendment law. It's really that foundational.

Jessica Pieklo: So let's talk a little bit about what the case was about. So in Employment Division vs. Smith, there were two Native American drug rehabilitation counselors who claimed that the First Amendment protected their use of peyote during a religious ceremony at their Native American church. The Supreme Court took a look at that and said, "No, no, actually this rule is valid and neutral and generally applicable. And that means people must comply with valid, neutral laws of general applicability regardless of their religious beliefs."

Imani Gandy: And so this has been the law forever.

Jessica Pieklo: Since 1990.

Imani Gandy: Since 1990. And conservatives have been coming for this increasingly as evangelicals have been trying to weaponize the First Amendment. And so we see this in today's decision. Alito, Thomas and Gorsuch want to overturn Employment Division vs. Smith. They want a more strict analysis to replace it so that any law must be narrowly tailored to advance a compelling interest. And some of that language might sound familiar to our listeners because that's effectively a strict scrutiny analysis, and one way we use for determining, for example, whether race-based classifications violate the equal protection clause or the constitution. They have to be that, if the government is going to pass a law dealing with race, it has to be very narrowly tailored because of this country's history of racial discrimination. The conservatives want to effectively do the same thing for evangelicals right?

Jessica Pieklo: Yeah. Just basically feeding into their incessant persecution complex. The idea that evangelicals are oppressed in the same way that Black people, people of color, indigenous people have been oppressed in this country is palpably ludicrous. So Alito, Thomas and Gorsuch want to overrule this seminal case, the seminal free exercise First Amendment case.

Kavanaugh, Barrett, and Breyer also kind of want to overturn Smith, but they don't quite know what to replace it with. So Amy Coney Barrett writes this concurrence, which Kavanaugh and Breyer joined in on. And in her concurrence she expresses these reservations about replacing this neutral and generally applicable Smith test with a strict scrutiny test. With this heightened scrutiny analysis that you just talked about. And she has these reservations because she thinks both of these tests aren't sufficiently nuanced, which that's kind of funny listening to Amy Coney Barrett talk about nuance.

Imani Gandy: Yeah. So I have a couple of points. There are a couple of things here, because I know folks are going to be saying: Breyer, Steve man, what are you doing?

Jessica Pieklo: Steve won't retire, Breyer, what's going on my brother?

Imani Gandy: Won't retire. Oh, God. So we're going to talk about the ACA case in a little bit where Amy Coney Barrett actually joined the liberal justices to uphold or to turn away—I'm not going to say she upheld the law—to turn away the challenge to the ACA. So I think there's a little conversation between Breyer and Amy Coney Barrett happening here with these two cases. Breyer only signed on to the bottom part of Amy Coney Barrett's concurrence. He ignored the whole first paragraph, which was basically like, "I have a lot of religious feelings and I would like to enshrine them in law."

Jessica Pieklo: That's basically what it was.

Imani Gandy: He was like, "Hmm, no"

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

Imani Gandy: No. But the rest of what she said, he signed onto. So, I mean, if we're considering the politics of the court that may have been Breyer getting Barrett to not go as far as Alito perhaps wanted to take the court and where Amy Coney Barrett maybe even would like the court to go herself. So this may be a little bit of that politicking there. Because the other thing is, I just don't trust that woman. I'm sorry. But I do not believe that she actually has reservations about overturning Smith here.

Jessica Pieklo: Oh, absolutely not.

Imani Gandy: There is nothing that indicates in her record that she would not go whole hog with the conservatives here. So I just think there's something at play. I don't know.

Jessica Pieklo: I mean, given you're the SCOTUS whisperer I often defer to you on these things, and I have to agree because I can envision a world in which Breyer doesn't do whatever he did, whatever politicking he did to get Amy Coney Barrett to sort of back off of wanting to overturn Smith. If Breyer wasn't there, I wholeheartedly believe that she would have signed onto Alito's nonsense. I feel like there's sort of a battle for Amy Coney Barrett's soul right now. And maybe that's one of the reasons why Breyer isn't going to retire because maybe he thinks that he can influence her to be less of a... I don't want to say anything mean, a numpty. I'm just going to go with numpty.

Imani Gandy: Yeah. We're working on a kinder, gentler...

Jessica Pieklo: Kinder, gentler Gandy. But so let's talk about the Smith case. Let's talk about why it's important. Why is it important that the liberal signed on to this crappy opinion in order to stave off an even crappier opinion that would have overruled Smith? Well, Smith is an easy workable rule, right?

Imani Gandy: That's it?

Jessica Pieklo: I mean, if a law is valid, generally applicable and neutral, then everyone has to follow it. And if you've been following us for a while, we can liken this to birth control. This idea that if you offer insurance policies to your employers, then you have to include birth control. It's a generally applicable neutral law, but of course the religious right found ways to blow holes through it and complain about how they were being persecuted. And that's essentially what this is. This is just about people who insist on being persecuted. People who want to bring these free exercise claims in order to be able to discriminate against gay couples when it comes to baking cakes, when it comes to placing foster kids with foster families.

And so having an easy workable rule like Smith sort of hems in those instincts of these people who want to claim they're being persecuted. Because they don't really have a leg to stand on if the law applies to everyone. The law's not singling anyone out. If Smith falls, we're going to see free exercise claims from all manner of jackasses arguing that they have a right to not bake cakes, and not place kids with gay couples. Maybe there is a domestic terrorist who bombs an abortion clinic. And a firefighter who is paid by the city, so who is a public employee, goes to the abortion clinic and then stands there with his hose refusing to put out the fire because abortion goes against his religion. And we're marching to a place where a court would say, "It's okay for the firefighter to just let the abortion clinic burn. Because they don't like abortion."

Imani Gandy: Yeah. Right. So I think that's why the libs signed on. They wanted to save Smith. And the best way to do that was to sign onto Robert's fairly narrow ruling that

Philadelphia's non-discrimination policy was not generally applicable. And Jess, can you explain why they said it wasn't generally applicable because it seems to me that if their policy is, you can't discriminate, how was that not generally applicable? How was that not neutral?

Jessica Pieklo: Because the policy also allowed for exceptions at the sole discretion of the commissioner. And so this starts to sound a lot like the Masterpiece Cakeshop case for our listeners, if you remember that case. And that was the case out of Colorado, where the baker refused to bake a cake for a same-sex couple and the Colorado civil rights commission went and held the hearing and investigated and found that the baker violated Colorado civil rights laws. And then when the Supreme Court took a look at it, they said, "Mmm, yeah, you know what? They were actually... That civil rights commissioner was mean." And that opened up the door for the Masterpiece Cakeshop ruling. And so that is the narrowly applicable part of it.

So had the city of Philadelphia not had that discretionary provision in there, I think this case would have gone a different way. And that's really... Again, to compare it to Masterpiece Cakeshop, because as this case was sort of working its way through the system and similar to Masterpiece Cakeshop, one of the arguments that you would hear is, "Well, so what's the big deal? Is there really a harm?" Folks can go contract with other agencies if they want, they don't have to go use a religious social service agency. And that's kind of not the point.

Imani Gandy: No, it's not.

Jessica Pieklo: Right?

Imani Gandy: It's not the point at all. Just because there are 20 other agencies in the Philadelphia area where gay couples can go to apply to have foster kids placed in their home. Where's the dignity in that? Reading this case, I was reminded so much of what we've talked about when it comes to Anthony Kennedy and his dignity jurisprudence with respect to the LGBTQ community. In Obergefell, he talked about how it's undignified for same-sex couple's marriages to be treated differently than opposite-sex couple's marriages. And he went on and on and on about all the rights and the dignity that these LGBTQ people should have, but stopped short of saying LGBTQ people are a suspect class, a protected class in the same way that Black people are, people of color are, women are in certain respects.

He stopped short of saying that all laws that target LGBTQ people should be subject to some sort of heightened scrutiny. And so it's very frustrating. It's very frustrating. I mean, imagine a same-sex couple going to this agency and then being turned away. Sure, they can go somewhere else. But A, what the fuck and how dare you? And B, this is terrible for kids. This is absolutely harming kids. And that's really I think the crux of it, and that's something that we really, really need to focus on. Do we really want to just be harming kids?

Jessica Pieklo: Yeah. Well, and there's a very practical part of it too. Sure, in Philadelphia there are other places to go, but there may not be other places to go in Lexington, Kentucky. There may not be other places to go in Baton Rouge, Louisiana. I mean, there is a huge pipeline for the evangelical community in terms of social services. Nursing homes, adoption care, foster care agencies—this is what they do. And they want the ability to get taxpayer funding to operate in a discriminatory fashion. And what we know is that this is not going to be limited to LGBTQ couples.

These arguments... I mean, there's an entire conversation about critical race theory happening right now. Do we not think that there would not be a religious objection to critical race theory at some point? And we have seen it before. There is a history of First Amendment objections to racial integration in this country.

Imani Gandy: Absolutely.

Jessica Pieklo: So this is just... Everything old is new again. Right Imani?

Imani Gandy: Absolutely. I saw on Twitter, someone was tweeting about a school board meeting they went to in... out in the suburbs of Philadelphia, where they were handing out flyers talking about CRT and 1619. So they're conflating critical race theory with the 1619 project, which is literally just history. And then saying that critical race theory is dismantling the nuclear family. That's the same argument that was made in the same-sex marriage cases.

Jessica Pieklo: Exactly.

Imani Gandy: If this gay couple gets married, then that's going to ruin my heterosexual marriage. If my kids have to learn about the history of this country and the founding fathers and the first Supreme Court justices in an article in the Atlantic about how John Marshall, who is lauded as like the most notable, noteworthy Supreme Court justice, was an unabashed slaveholder. So we have to reconfigure the way we think about everything and the way that evangelicals are pushing back on that forward progressive—progressive progress is sort of circular—against that forward progress, is by couching everything in religious terms, by saying everything is against my religion. And it cannot be that learning US history is anathema to your religion. I'm sorry.

Jessica Pieklo: Precisely.

Imani Gandy: That's nonsense.

Jessica Pieklo: Precisely. So this decision, while it could have been so much worse and is so narrow, is just a clear sign of why we need to get the Equality Act passed, right?

Imani Gandy: Yes.

Jessica Pieklo: We need some legislative fixes to what's going on because the court is just going to be railroading rights. I mean, ad infinitum. It's not going to stop. And so Congress is going to need to step in and address this in some way. And the Equality Act is one way that they could start to do so because man, while we kind of got lucky on this case, I see real big warning signs ahead.

Imani Gandy: Real big warning signs and also a real big attempt to sort of make liberals and leftists less ... I don't know, I don't want to say appreciative, but to sort of devalue the court. Because they see liberals signing on to these really bad conservative opinions. And if you're not a law nerd, if you're not paying attention to this stuff, all you hear is Sonia Sotomayor actually said that this agency has to contract with bigots, and you don't get it. It's just... It's de-legitimizing the court in a way that I find really, really frightening.

Jessica Pieklo: And I mean, that's a perfect segue for us to talk about for the Affordable Care Act decision, because we're going to hear about how all of the liberals were so mean to Amy Coney Barrett, saying that she was going to kill the ACA and look, she signed on to save the ACA, but that's not totally what happened. Is it?

Imani Gandy: No, it isn't. So let's talk about that next. The ACA. California vs. Texas. This is the case that was brought by conservative state attorneys general. Do you know how I love to say attorneys general? Attorneys general. So these attorneys general argued that the individual mandate was unconstitutional after Republicans zeroed out the tax penalty associated with it. This was the individual mandate. Everyone was freaking out about how if you didn't buy insurance, you had to pay taxes. Was it a tax? Was it not a tax? Roberts said back in the day "Yay, it's a tax." And then Republicans went and zeroed out the tax penalty. And so then they filed a lawsuit saying, "Well, we got to kill the whole ACA." Which makes absolutely no sense. But because they said the mandate was unconstitutional, they argued the entire law had to fall and the Supreme Court didn't buy that. So that's good news, right Jess?

Jessica Pieklo: Well, I'm not going to say that they didn't buy that Imani because what they did was give us a procedural ruling.

Imani Gandy: One of those old, sick pro-rulings.

Jessica Pieklo: I mean, this is, sincerely, I'm taking this personally. This is two weeks in a row. We've had to talk about civil procedure at length on this podcast. I feel attacked.

Imani Gandy: Should we talk to the manager?

Jessica Pieklo: I would like to file a memo.

Imani Gandy: Strongly worded letter.

Jessica Pieklo: To the editor. No, I'm still a senior editor.

Imani Gandy: You are the editor.

Jessica Pieklo: Dear Jessica Mason Pieklo. I have some thoughts. What the actual fuck man? Let's get back to the decision. So the good news is that the ACA lives to fight another day, okay?

Imani Gandy: Yes.

Jessica Pieklo: Today the Supreme Court ruled that the conservative states don't have standing to bring this lawsuit because they can't show that they have any injury by it. So real basic, like, "Dudes, what are you doing in court, man?"

Imani Gandy: Right, right, exactly. Like get out of here, get out of here Ken Paxton you jackass.

Jessica Pieklo: Seriously.

Imani Gandy: And before we move on to talk about how we shouldn't be overly celebratory about this case, I do think it is important to recognize that the ACA does still stand, and had the case come out another way, it would have been disastrous for so many people in this country. We would have seen medical bankruptcies out the wazoo. I don't even know where the wazoo is, but that's where the medical bankruptcies would have been coming from.

Jessica Pieklo: I guarantee you Ken Paxton can't find the wazoo.

Imani Gandy: He can find wazoo with a fucking flashlight.

Jessica Pieklo: We digress.

Imani Gandy: Yes.

Jessica Pieklo: We digress. So good news, the ACA lives. Your insurance, it continues on, you don't have to worry about that for a little while. The bad news with this decision though, is that the court didn't actually get to the merits of what the conservatives were arguing. They didn't get to answer the question of whether or not, when Republicans zeroed out the tax penalty with the individual mandate that the entire ACA unwinds from that, they punted on that issue. So that means you and I are likely going to be talking about the Affordable Care Act for the next four or five—I really enjoyed Elie Mistal's reaction on Twitter. He was like, "Wait, they kicked it on standing. I'm gonna always have a job."

Imani Gandy: I have literally been writing and talking about Affordable Care Act lawsuits for a decade.

Jessica Pieklo: A decade.

Imani Gandy: And listeners, Jessica Mason Pieklo is probably one of the only people in the country who read literally the entire bill. The bill's like a stack of paper, like a foot high. This lady read the whole thing. So, any ACA questions you have, just like hit up @hegemommy on Twitter because she knows her shit. But moving on.

Jessica Pieklo: So, this is like... Everybody's like, hurry, hurry. This is all really good. But do you want to nerd out on this for a little bit? Because yeah, I have been writing about this for 10 years and this was a Breyer decision.

Imani Gandy: Yeah. Let's just talk about that for a minute. Because Breyer wrote the opinion, but it was Roberts who pissed all the conservatives off back in, what was it 20—

Jessica Pieklo: Forever. Roberts—

Imani Gandy: Twenty whatever. He was the one who wrote that opinion and pissed everybody off. So why is it that he wouldn't feel like it was incumbent upon him to take this opinion as well? Why did he punt it to Breyer? Because he could have written it if he wanted to. He has that power.

Jessica Pieklo: That is the big question because yes, he... I mean he assigns it. Every single big case that's meaty on the ACA, Roberts has handled those decisions. He handled *NFI v. Sebelius*. He handled the *King vs. Burwell* lawsuits. The only ones he hasn't messed around with in terms of majority opinion are the birth control lawsuits. He's given those to Alito and those guys because he's like "Whatever birth control." That's really about RFRA. It's not about the ACA in Robert's mind, I think in those cases.

Imani Gandy: And for listeners just real quick, RFRA is the Religious Freedom Restoration Act. It's a First Amendment analysis that is very similar to what we've been talking about with respect to the free exercise clause, but carry on Jess.

Jessica Pieklo: So, Breyer apparently helped save the ACA I guess. This is not the kind of case that we are used to seeing Justice Breyer weigh in on in a majority opinion, even standing. And so there are a couple of different things. So yes, the court kicked it out on standing. Breyer had the opinion. To me as a court watcher that signals that the substantive question about the individual mandate, whether it can be unwound, is at least in Robert's mind still open. If he wanted to answer that question...

Imani Gandy: He could have, yeah.

Jessica Pieklo: He could have. The court had the opportunity to dismiss this fight entirely outright. They could have ended it. Roberts could have ended it, but he didn't. He kicked the can. So that to me is an important flag. I mean, they're going to keep fighting about this. This keeps the ACA as a political fight in the midterms as well. All right. So that's... There's a flag there.

Then standing, our listeners have been hearing about standing for a long time on this podcast, except they are used to hearing about it in the context of abortion fights. And in this case, in the ACA lawsuit, Amy Coney Barrett wrote a concurring opinion and it was all about standing. And to me that signals bad news for abortion rights.

Imani Gandy:

Yeah, me too. Because pretty much all of the abortion rights litigation in the pipeline right now are challenging the standing of abortion providers to sue on behalf of their patients. We've talked about this a lot. Third-party standing is this idea that... Standing generally means you have to have a dog in the fight. You can't just go into court and be like, "I'm mad about this other stuff over here that has nothing to do with me."

Third-party standing says, "You can represent other people who have a dog in this fight who for some reason can't represent themselves." And when it comes to abortion rights, you're not going to find a pregnant person who's going to want to put themselves in the middle of a lawsuit. So it just makes good common sense for an abortion provider to challenge a crap law as soon as that crap law is enacted, go into court, get that preliminary injunction. And then you're off to the abortion litigation races.

If the court should decide at some point, maybe with the Mississippi case JWHO or some other case following that, that abortion providers do not have standing to sue on behalf of their clients, that means that attorneys are going to have to spend time finding patient plaintiffs to sue on their own behalf. That means it takes weeks, months longer to find a plaintiff to sue. That means that the law that they would be challenging remains in place. You don't get that abortion restriction lawsuit preliminary injunction 1, 2, 3 punch that we've gotten for the past decade or so. It's problematic.

Jessica Pieklo:

It's super problematic. It's really bad news. And everything about Amy Coney Barrett's record indicated that she hates the ACA. That if given the opportunity, she'd gut it, she'd strike it. And so the idea that she went along in this capacity to me is bad news for standing and abortion rights. Because as far as I'm concerned, every decision that we read from Amy Coney Barrett has to be read through the lens of what can she do to advance her own interests in these spaces. Because that's just the person that I believe her to be. And also with the Fulton decision coming down at the same exact day, the ACA case was an easy one for the court to decide on standing apparently. Right?

Imani Gandy:

Yeah. Yeah.

Jessica Pieklo:

They heard this case in November.

Imani Gandy:

Why would they wait?

Jessica Pieklo: What took so long? This is not the kind of opinion... Let me say it this way, the opinion that the court released today on, what, June 17th is not the kind of opinion that we would expect the court to release in a case that would be easy to decide. Which the way this is set up it seems like it was easy to decide. So something was going on.

Imani Gandy: Because they usually release really important cases at the very end of the term. So what the hell? Why did they wait so long? Because they want these case... the case to be tied with Fulton because of the standing issues. It's all connected man.

Jessica Pieklo: All connected man. So anyway, to the extent that there may... the justices are working things out in the background, there's some things to think about there. This is all we're speculating.

Imani Gandy: We're speculating. And I have to say again, I mentioned this on the livestream yesterday, the scariest speculation, the scariest sort of fortunetelling that you've done so far is that Amy Coney Barrett is going to write the majority opinion in JWHO and somehow couch decimating abortion rights as feminist. And that's going to make me walk... I'm going to tie some sandbags to my legs and just walk into the sea.

Jessica Pieklo: Well, you're in Colorado. We don't have any sea here so that's good.

Imani Gandy: Damn it.

Jessica Pieklo: So I got you. I got you.

Imani Gandy: I'm walking into the mountains with no water supply.

Jessica Pieklo: If you're out there and you're hearing media reports about how Amy Coney Barrett helped save the ACA, I'm just going to caution you listeners to do a, "Hmm. Did she really though, on that?" That's all.

Imani Gandy: Yeah. And so that's going to wrap it up for us today for this emergency episode on SCOTUS, deciding to dump two opinions on our hapless heads. If you want to talk about any of this stuff, you can hit us up on Twitter. I'm @angryblacklady. Jess is at @hegemommy, H-E-G-E M-O-M-M-Y. You should follow Rewire News Group on all of the things. On Twitter, on Instagram, on Facebook, you should join our Boom! Lawyered Facebook group, just get in down there and just say something that lets us know that you're down for repro. You down for repro? Just say I'm down for repro. We'll let you right in.

Jessica Pieklo: If you haven't checked out the livestream from yesterday, please do so. I mean, honestly... I don't know that anybody should have Imani and I live and unchecked for much longer than we were. But we didn't go completely off the

rails. It's kind of amazing. But it was so much fun, and yeah. So please, if you get the opportunity, check it out. It was great.

Imani Gandy: I got to beat the shit out of a printer Office Space style. It was amazing. So yeah, go check that out.

Jessica Pieklo: There is a point at the livestream where Imani is off camera yelling, "Murder it Jess, murder it."

Imani Gandy: I was like, "Kill it, kill it dead." So yeah. Check that out on our YouTube channel, Rewire News Group, and aside from that... Oh, we're still raising money until June 22nd. So please go to [rewirenewsgroup.com/donate](https://rewirenewsgroup.com/donate). Dig deep. We'll give you some good swag.

Jessica Pieklo: You got to help us... We'll give you some good swag. You got to help us keep the SCOTUS news coming to you fast and furious right into your face. And aside from—

Imani Gandy: And your ear holes.

Jessica Pieklo: And your ear holes. Your eye holes and your ear holes. Maybe your nose holes. Maybe you like to sniff Boom! Lawyered. I don't know what—

Imani Gandy: Smell-o-vision

Jessica Pieklo: Smell-o-podcast? All right. That's enough for us. We are going to see you on the tubes, folks. We'll see you on the tubes. Folks.

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