

## Boom! Lawyered: The Supreme Court Could Annihilate 'Roe v. Wade' Next Week

- Imani Gandy: Hello fellow law nerds. Welcome to another episode of Boom! Lawyered, a Rewire News Group podcast hosted by the legal journalism team, half of which is pretty sure she's mastered the art of Bolognese sauce but needs the other Italian half to make sure that it's up to snuff. I'm Rewire News Group's senior editor of law and policy, Imani Gandy.
- Jess 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 catch some fall vibes. And the Boom! Lawyered podcast is part of that mission. So a big thanks to our subscribers, and a welcome to our new listeners.
- Imani Gandy: So we have got some really exciting stuff going on over [rewirenewsgroup.com](http://rewirenewsgroup.com) and you should check it out. First of all, we've got this really, really great piece from Julia Métraux and Katherine Li about Greek life and the pandemic and the ways in which there are still frat parties going on, and there are people who are immunocompromised, students with disabilities, who are going to be harmed by the fact that schools aren't taking the necessary precautions to, I don't know, make sure that the jello shots people are doing at Sigma Chi Beta Phi Pao are hygienic.
- Jess Pieklo: I mean, we live in a college town. Maybe we could just like, I don't know, take a peek-
- Imani Gandy: Let's go crash some college frat parties, Jess.
- Jess Pieklo: Oh, this is amazing. That was not the direction I anticipated this to go, but-
- Imani Gandy: It'll be like Old School. Remember that movie Old School?
- Jess Pieklo: You got a really nice weekend lined up, a little Bed Bath & Beyond.
- Imani Gandy: I don't know if I'll have time.
- Jess Pieklo: Oh boy.
- Imani Gandy: So that piece is amazing. And we also have a really powerful piece from our legal fellow Caroline Reilly, about the Brittney Poolaw case, this is the Native American woman who was sentenced to jail for having a miscarriage. And during her trial, there was no evidence that the fact that she was using narcotics—she was using crystal methamphetamines, I believe, and marijuana—there was no

evidence that her drug usage contributed to the miscarriage. So we are very quickly sliding into a world where every miscarriage is going to warrant a police investigation, and that's something we should all be very, very concerned about.

And finally, I want to point out that things are moving so quickly when it comes to the Texas lawsuit, SB8. And so we at Rewire News Group had the genius idea to make a special report page for all things Texas SB8. So you can go to [rewirenewsgroup.com/texasabortionban](https://rewirenewsgroup.com/texasabortionban), and all of our coverage is there. If you want to get into it, we will help you get there.

Imani Gandy: Whew, it's exciting stuff. It's exciting stuff. But Jess, can I ask you a question?

Jess Pieklo: Sure. Go ahead.

Imani Gandy: Have you seen our Twitter feed lately?

Jess Pieklo: Oh my God. Oh my God.

Imani Gandy: I mean, we've got a new social media manager named Anagha Srikanth, and she is amazing. Anagha is amazing. Like there's really no, no... The other day she tweeted something in the morning about whether or not this was going to be a bones or no bones day for abortion-

Jess Pieklo: I spit my coffee.

Imani Gandy: I snored so loud. First of all, because I'm 47 years old and I'm very excited I understood the reference, but second of all-

Jess Pieklo: Okay. I had to look it up, not going to lie.

Imani Gandy: Okay, so did I. But, I love that we've got this amazing, spicy, new social media manager who's connecting with the youth.

Jess Pieklo: Yeah.

Imani Gandy: Because you and I, we're not the youths anymore.

Jess Pieklo: No.

Imani Gandy: So we got to rely on cool cats like Anagha to connect us to the youth.

Imani Gandy: And also I would like to shout out another person, one of our followers, one of our Boom! Lawyered listeners, a bonafide law nerd, Asha Diya, she tweeted, "Okay, just caught up on the latest Boom! Lawyered episode. And course the fucking Federalist Society held a fucking event about SB8, which included some of the various judges who have ruled in its favor the past month or so, angry face."

Jess Pieklo: Angry face is the best

Imani Gandy: Angry face is the best. And they're absolutely correct. You know what I mean?

Jess Pieklo: Yeah.

Imani Gandy: It is unconscionable that judges Clarence Thomas, Sam Alito, they're having these events at the Federalist Society where they're complaining about the fact that the American people aren't too keen on what they're doing in the courts, and the fact that the court is super partisan. So shout out to Asha for shouting us out and for making that connection, because it's absolutely messed up.

Jess Pieklo: So Imani-

Imani Gandy: Yes?

Jess Pieklo: I got to talk to you about something.

Imani Gandy: Oh, what did I do?

Jess Pieklo: So we're friends, we've been through this for a while. And so I understand that look, rolling into the end of the year is going to be kind of a sprint, and so we all need to do what we can to take care of ourselves. But you took last week off.

Imani Gandy: I did, my parents were in town.

Jess Pieklo: Your parents were in town, and that was really good. And I wanted you to have that time. It's so important.

Imani Gandy: Yeah.

Jess Pieklo: But...

Imani Gandy: No, what did I do?

Jess Pieklo: I got to talk about this court energy that you and I are bringing when we take some time off. First of all, maybe I owe you an apology. Maybe I should say, "I'm sorry for transferring my bad court luck to you."

Imani Gandy: Yeah.

Jess Pieklo: So that when you try to take time off, shit goes sideways because-

Imani Gandy: It really does. It's not usually me. It's usually you; it's usually you on a plane or you picking up your daughter from school or something always, you're on a trail,

something always happens when you're not extremely online. Last week, I wasn't extremely online and-

Jess Pieklo: Imani wasn't extremely online, and what happened? We got a Department of Justice petition to the Supreme Court. And in order to expedite consideration of abortion providers' challenges to SB8, they got *granted*. It could put the court on a course to basically end legal abortion in like a hot minute.

Imani Gandy: And a hot minute being like a week from now.

Jess Pieklo: I mean-

Imani Gandy: Oh God. I mean, it's just so much worse than you and I ever expected really. It's just so much worse because the challenge is teed up in a way that it's going to get misconstrued as some kind of *sarcastic quotes*, "compromise," or *dramatically sarcastic quotes*, "moderation on abortion rights."

Imani Gandy: And that's what we're going to dive into in this episode. It's just going to be the one topic. And that one topic is going to be how the conservatives on the court could use Dobbs, the Mississippi case, and the Texas case on SB8 to deliver a one, two knockout punch to Roe. That's it, just the one topic, because it's a doozy. So put on your protective eyewear, strap in.

Jess Pieklo: I got to go get a coffee.

Imani Gandy: I got to go get a drink.

Jess Pieklo: All right Imani. So here's a fun thing that wasn't on my bingo card for 2021. Multiple abortion rights challenges at the Supreme Court all at once. Like, "What?"

Imani Gandy: What is happening?

Jess Pieklo: What's the center here?

Imani Gandy: I need an adult. I need help. Can you help me?

Jess Pieklo: That's what just happened thanks to Texas. All right? Let's walk through this because literally it's a ride. All right, so last episode you and I explained how basically the Fifth Circuit Court of Appeals is the reason we can't ever have nice things when it comes to abortion.

Imani Gandy: That's right. And I'm not going to rehash it all because it's complicated, and confusing, and Jess nearly stroked out because of all the civil procedure. And I don't want her brain to explode because I need her brain over the next several years, actually for the rest of my life, because she's like my favorite.

Imani Gandy: But that aside, so the Fifth Circuit blocked this amazing order that Judge Pitman wrote, this 113 page just work of art, right?

Jess Pieklo: His opus.

Imani Gandy: It was an opus.

Jess Pieklo: I mean we praised it ad infinitum last episode.

Imani Gandy: I hailed it as my God king.

Jess Pieklo: You did.

Imani Gandy: Like, this 113 page order is now my religion, I have an altar, and I pray to it in the morning.

Jess Pieklo: Do you remember how excited I got about findings of fact?

Imani Gandy: Yes, you did-

Jess Pieklo: Oh my God.

Imani Gandy: ... you went off about findings of fact.

Jess Pieklo: I like strapped in for that.

Imani Gandy: But it was important because even though the Fifth Circuit just shanked Pitman's order, the fact that it held so many key findings of fact matters as this case winds its way to the Supreme Court, like tomorrow.

Jess Pieklo: The gender-neutral language.

Imani Gandy: Oh, I love that. I've been yelling so much about using gender-inclusive language, and to see this judge say, "Yeah, you know what? I get it. It's not just women who get pregnant. It's not just women who need abortion." Bing bang, boom, it's not a big deal. It was so nice to see that, it was so nice to see that.

Jess Pieklo: I like this like reminiscing because it was fun to talk about-

Imani Gandy: It was a week-and-a-half ago.

Jess Pieklo: So much has happened, so much. That was last episode, and oh my God, so much has happened in this case. To begin with, as Imani has alluded to, it's now scheduled for oral arguments *next week* people, next week at the Supreme Court.

Imani Gandy: We're not saying next week as in a like, "Oh yeah, time's a flat circle, next week, next year." No-

Jess Pieklo: Literally.

Imani Gandy: ... literally seven days from today.

Jess Pieklo: Tick tock motherfucker, tick tock.

Imani Gandy: And so I just need to point out that it remains an absolute stain on the Supreme Court that SB8 is in effect and that just can't be said enough. But the good news is that the Biden administration is all over it like, I don't know, brown on rice, white on rice, basmati on rice, whatever kind of rice you eat.

Jess Pieklo: Basmati on rice.

Imani Gandy: The DOJ was basically like, "Screw this. We're skipping the Fifth Circuit and going straight to the Supreme Court. Because the Fifth Circuit is full of BS." Like they're just, I don't know who's, what's going on over there. I don't know, I can't explain it. Maybe they're all high. Maybe they're all smoking something we all should be smoking and they're not sharing, but there's something going on with the Fifth Circuit, and the Biden DOJ was like, "Nah, nah son, we're going straight to the Supreme Court," which frankly isn't much better, is it?

Jess Pieklo: I mean, no. But thank you because I totally buried the lead there when I was talking about what happened. Not only did the court take these cases, they were like, "Yeah, we're going to take the cases. Not going to block SB8 while we think about it though." So yeah, SB8 remains in effect. So since our last episode, the Biden administration filed this request to the Supreme Court to step into the fight over SB8. And last Friday, they did, granting two different petitions related to SB8, but refusing to block the law in the meantime. What the everloving hell is going on? It's your own precedent, man!

Imani Gandy: Can I put that on t-shirt?

Jess Pieklo: It's your own precedent man.

Imani Gandy: That's just what I don't understand. Like I understand that they don't like abortion.

Jess Pieklo: Yeah.

Imani Gandy: I understand that they're champing at the bit to just kill abortion, but just at a fundamental level, like how the court works, it's your precedent, you have to uphold it until you overturn it.

Jess Pieklo: Good grief.

Imani Gandy: You can't just like sneaky sideways overturn it in a shadow docket. It's just such a disaster.

Imani Gandy: But can we just talk about Sonia Sotomayor?

Jess Pieklo: Yeah, absolutely, let's.

Imani Gandy: Okay. Because Sonia Sotomayor is yet again one of the only, the only justice actually who is-

Jess Pieklo: Truly the only one.

Imani Gandy: The only one who is connecting the court's rulings to real-world results.

Jess Pieklo: Mm-hmm (affirmative).

Imani Gandy: Like she wrote this dissent that was basically like, "I cannot even express to you how fucked up it is that this law is still in effect." She didn't use those words.

Imani Gandy: But I mean, that was the undercurrent because there was just this sort of simmering rage about, "Yeah, this is great. I'm glad we took this case, but seriously, why are we not blocking this law? Why are we not maintaining the status quo?" The status quo is 50 years of fricking precedent.

Jess Pieklo: Right.

Imani Gandy: But she does this. This is what she does. She did it in that Fourth Amendment case. You remember *Utah v. Strieff*?

Jess Pieklo: *Strieff*, yep.

Imani Gandy: Which was called the Black Lives Matter manifesto, where she quoted Ta-Nehisi Coates, and Michelle Alexander, and really talked about the indignity that people of color face at the hands of police. Right? I mean, it's a really critical connection to draw. She did the same thing on the Ohio voting rights case, right?

Jess Pieklo: Yep.

Imani Gandy: When she explained what it meant that Ohio was just dumping voters off the voter rolls willy-nilly.

Imani Gandy: I mean, these are academic conversations that a lot of justices like to have in these sort of silos without connecting them to real-world results, real-world

consequences. And not to put too fine a point on it: preggos in Texas need abobos right now.

Jess Pieklo: They do, right now.

Imani Gandy: Can we put that on the shirt? Preggos in Texas need abobos. They need them right now, and they're not able to get them right now, and they're being turned away. So every day that the Supreme Court lets this law remain in effect, and to be clear, they are letting it remain in effect because it is within their power to stop this.

Jess Pieklo: Yep.

Imani Gandy: Every day they don't, they are spitting in the face of their own precedent. And quite frankly, they're disrespecting my girl Sonia.

Jess Pieklo: Right.

Imani Gandy: And I don't like it.

Jess Pieklo: And I think in this case in particular, not that it's different in the others, but this case especially, connecting the real-world dots is so important I think because it was a bunch of like white cis dudes in bowties coming up with like, "Let's be super clever on civil procedure as a way to try and trick the courts out of allowing people to exercise fundamental human and constitutional rights." So absolutely connecting the real-world consequences is so important.

Jess Pieklo: All right, listeners, here's what's happening with this case on this timeline. It is quick. So hold onto your butts.

Imani Gandy: Truly.

Jess Pieklo: On November 1st, seven days— a week—from today, my daughter's birthday, so much is happening.

Imani Gandy: Happy birthday.

Jess Pieklo: Happy birthday Olive! Might gut Roe! The Supreme Court-

Imani Gandy: Oh no.

Jess Pieklo: It's so grim.

Imani Gandy: That would be terrible if your daughter's birthday is also known as the day that the court like—no, no it's just arguments, it's just arguments, it won't happen.

Jess Pieklo: It's just arguments. So okay, so November 1st, the Supreme Court is hearing oral arguments in two cases, a pair of challenges, the provider's challenges and the Biden administration's challenges. Two cases in one day back-to-back.

Jess Pieklo: The arguments are going to be livestreamed, Imani and I are going to be doing, I'm already finger guns. I'm this excited for the arguments, I'm already finger guns. Imani and I will be covering them live. We'll have a reaction podcast for you all afterwards because you know we're going to have thoughts. All right?

Imani Gandy: Mm-hmm (affirmative).

Jess Pieklo: So that's what's happening a week from today. Let's talk about what the court is going to actually consider. Both challenges are what we in the biz like to call-

Imani Gandy: In the biz.

Jess Pieklo: ... threshold challenges, right? Threshold challenges are sort of preliminary questions. In the case brought by the Biden administration the court's going to consider whether the federal government has standing. We talk about standing in this podcast all the time, whether they have standing, or the right to sue even, in federal court to block enforcement.

Imani Gandy: And then in the case brought by the abortion providers, the court is going to take a look at SB8's private enforcement structure. This is that weird enforcement mechanism that Texas Republicans crafted in order to essentially evade judicial review and evade an injunction; this enforcement mechanism deputizes private individuals to bring lawsuits against doctors, clinics, healthcare providers, anyone else who aids or abets an abortion.

Jess Pieklo: Yep. So that's what the court's going to look at. And I know I just said that these are threshold questions, but that did not stop the state of Texas, in its briefs in both of these cases, from arguing that the court could just go ahead and use these cases now to overturn Roe and Casey instead of waiting a month or so to do it in Dobbs. So even though it's a threshold challenge, the State of Texas is absolutely treating this as a direct challenge to Roe and Casey.

Imani Gandy: And frankly, who's going to stop them? The Supreme Court?

Jess Pieklo: Truly who's going to stop them?

Imani Gandy: Who's going to stop them from making these arguments? Who's going to stop the Supreme Court from being like, "Yeah, I know we're only supposed to look at these two issues, but let's just go ahead and just rip all the intestines out of Roe v. Wade right now." Why wait until next June? Why even wait until the Mississippi case? We'll go ahead, we'll gut Roe and Casey, and then in Dobbs, we'll come up with some other reason, maybe we'll come up with a new

standard or maybe we'll say, 'Oh, we'll go back to the quickening standard of yesteryear, the days of yore.'"

The point is that this has accelerated so quickly, it's just shocking. Right? A direct challenge to Roe and Casey being heard seven days from now.

Jess Pieklo: I mean, and again, it's all teed up as a procedural fight over whether this law can be challenged, and if so, how? Not even the meat and potatoes of like a six week ban, and Texas is like-

Imani Gandy: You know what this is?

Jess Pieklo: Yeah?

Imani Gandy: This is like those people, when you do panels and they stand up and they're like, "This is more of a comment than a question."

Jess Pieklo: Texas has more of a comment than a question when it comes to abortion.

Imani Gandy: Honestly, it's like, "Okay, yeah I know you want us to talk about civil procedure, but can we just really talk? I would like to make some statements about how I don't like Roe and Casey."

Jess Pieklo: I feel like I went to law school with a lot of these folks.

Imani Gandy: Yeah, yeah. Mm-hmm (affirmative).

Jess Pieklo: I mean, look, not going to lie, I was a little bit of a gunner in law school. I can drag myself for that. But however, I at least stayed on topic. I wasn't filing briefs about a private enforcement mechanism that was like, "Yeah, yeah, yeah, but what if we just went for it, guys? What if we just went for it?"

Imani Gandy: Just do it.

Jess Pieklo: Let's do it, let's go.

Imani Gandy: Leeroy Jenkins.

Jess Pieklo: Yeah. So it's unprecedented times, folks. Like, what if Sam Alito just takes them up on their offer? Who knows?

Imani Gandy: What are the options here? Jess, what do we do?

Jess Pieklo: Go hide out in Rocky Mountain National Park.

Imani Gandy: Yeah. We can do that. I went there a bunch last week on the vacation that I took that apparently prompted this whole fucking mess. It's gorgeous up there. Let's go, I'm ready. I'm ready.

Jess Pieklo: So let's go to Rocky Mountain National Park.

Imani Gandy: Seriously. Like what's going to happen?

Jess Pieklo: Okay, so everything about SB8, this situation, is unusual and stressful. I think this is my third shirt of the morning I've sweat through just trying to get it. Like, let's talk about the refusal to block the law while the challenges go on. That's unusual, right?

Imani Gandy: It is, yeah.

Jess Pieklo: Granting an order to hear the cases, literally a few hot minutes after the Department of Justice filed its reply brief in one of the cases, with the Sotomayor dissent teed up. I don't even know what that's about.

Imani Gandy: Maybe she's prewriting dissents.

Jess Pieklo: I mean, smart, if so. Good use of your time.

Imani Gandy: She should take every single case that's on the docket, and just start being like, "What are these jackasses going to say? All right." I mean, I bet she could easily prewrite her dissents and barely have to change anything.

Jess Pieklo: They're functionally Mad Libs at this point.

Imani Gandy: They're functionally Mad Libs that are being filled out by functional ding dongs.

Jess Pieklo: Rage libs. All right. So yeah, all of that. And to make matters even more bonkers, the court could rule real soon on these requests. So according to advocates in the case, a decision in these cases could come within days or even weeks of arguments. Like, what? I don't know, I just like, I can't, I'm stammering here. We're going to have arguments on a Monday and an opinion on a Friday? I don't know what this world is Imani, it doesn't make any sense to me.

Imani Gandy: If it doesn't make any sense to you, it sure as shit doesn't make any sense to me. I mean, are you telling me that literally they could hear arguments on Monday and by Friday Roe and Casey could be gutted?

Jess Pieklo: Advocates said that that is a possibility, like we are so far off the tracks here. There's no requirement that the court rule quickly. So they could also hear arguments, continue to let SB8 take effect, and think about it for a long time.

Imani Gandy: Which is also terrible because then in a year from now anti-abortion advocates will say, "SB8's been in effect for a year and look, it's not that big of a deal." And they'll find some way to make it seem like the fact that scores of pregnant people in Texas are going all over the country and out of the country in order to get abortion care-

Jess Pieklo: Yeah.

Imani Gandy: ... they'll spin that as NBD.

Jess Pieklo: "Yeah, no big deal. Hey it's not that bad guys." So literally after November 1st, we just wait. And I think it's a good opportunity for us to reflect that while we are going to be anxious waiting for an outcome, imagine if you are a pregnant person in the state of Texas trying to access abortion care, what your wait feels like at that time; we're waiting for the court's conservatives to show their asses here. We're not actually trying to access healthcare.

Jess Pieklo: So that's something that really, just like every time we get in this moment, settles in. But what are the actual possible outcomes? Like legally what could happen here?

Jess Pieklo: Well, they could strike Roe and Casey, and then Dobbs in some ways becomes moot functionally. Like just, you know, "Let's talk about 15 weeks."

Imani Gandy: Oh my God. And so what happens then is that whatever states have trigger bans go into effect. So that's what 11 states-

Jess Pieklo: Yeah.

Imani Gandy: ... with trigger bans. And then there are other states, well, I guess the same states that have trigger bans also have "personhood," because Alabama's got a personhood amendment that's just ready to kick in.

Jess Pieklo: Yep. We're looking at 20-plus states where abortion, if Roe and Casey were to be overturned outright, it would be either immediately re-criminalized at the state level, or zombie, what we call sort of zombie statutes that get reanimated and enforced.

Imani Gandy: So we're looking at half the states having no abortion access, throwing the entire country into chaos, creating a healthcare crisis that's even more grave than the one that exists right now.

Jess Pieklo: Yeah.

Imani Gandy: That means people that are in states that are hostile to abortion will have to start traveling to states that are not so hostile to abortion. And you can bet your

bottom dollar that Republicans and conservatives have their eyes on the states that are not hostile to abortion, to make them hostile to abortion.

Jess Pieklo: Yeah. So that's a nightmare scenario. That's the like end-of-days scenario in this case. So here's something that sounds awful also, not that that was not awful, but here's a slightly, an order of awfulness of a different magnitude.

Jess Pieklo: The court could split the differences in these cases. The court could, for example, find that the Biden administration, the federal government can't sue. Like that is a longterm strategy to say that the federal government can't proactively come in and defend the constitutional rights of state citizens.

Imani Gandy: With what?

Jess Pieklo: Right? So they could in one breath say that, and then say, "But you know what? The enforcement provision that's causing chaos for providers, that's just a bridge too far. So we're going to strike that." Individual lawsuits for everyone; Oprah for abobo. This is so bad. I don't... Like, okay, we've established that I do not like civil procedure, but I don't even know how to make these points in my head make sense.

Imani Gandy: Well, here's what I think's going to happen.

Jess Pieklo: Uh oh.

Imani Gandy: I think that we're going to get a situation, assuming that the court doesn't kill Roe at the end of the week, and that we actually do have until next June, I think the court is going to say, "Okay, the six week bans are a bit much because most people don't know they're pregnant."

Imani Gandy: And once more people realize how absurd those six week bans are, they're going to become more disfavored. Right?

Jess Pieklo: Mm-hmm (affirmative).

Imani Gandy: So the court can say, "Six week bans are a bridge too far, 15 week bans, that's not so bad. You can still get an abortion in your first trimester."

Imani Gandy: So let's say six week, bad, 15 week, okay. And this enforcement mechanism, you guys, it's bonkers. Right? We can't do that. Because the court knows that there are other states waiting in the wings to try the same with more favored constitutional rights, like gun rights and whatnot.

Jess Pieklo: Mm-hmm (affirmative). Yeah.

Imani Gandy: So they're going to want to nip that in the bud. And I also don't think the court is going to want to sign into some twisted version of federalism where the federal

government doesn't have the capacity to defend the constitution. That seems real weird.

Imani Gandy: So they can say, "We're going to nix the enforcement mechanism. We're going to nix the six week ban, but we're going to say the 15 week ban is okay." And isn't that wonderful. And do you know it's going to happen? Every cis white dude who writes for New York Times is going to publish something that says, "Liberals were so stressed out about how this was going to be the end of Roe, and really it wasn't the end of Roe, because you could still get an abortion in your first trimester. So, checkmate, snowflake libs," or what have you, and I'm going to lose my mind. I'm going to lose my mind.

Jess Pieklo: I'm already preemptively calling this the great abortion compromise of 2021, right? Like I'm imagining in the historical artifacts, it's like, "No, the Supreme Court conservatives crafted a compromise on abortion rights." And then there's going to be a lot of legal commentators who are going to say that because everybody is unhappy, that's how we know it's a good compromise.

Imani Gandy: Oh my God.

Jess Pieklo: And I'm going to say, "You need to take a seat, because we don't compromise on fundamental human rights, and a compromise in this case is fundamentally a reversal of Roe and Casey, which is why it's a coward's compromise." And that's what I'm calling. And that's what we need to call it. We cannot let the court reverse Roe and Casey and then say that they didn't do it.

Imani Gandy: Right, thank you.

Jess Pieklo: Letting Mississippi's 15 week ban take effect, letting Texas's six week ban take effect, that is spitting in the face of abortion rights precedent. That is a reversal. And they can run away from it. They can say, "No, it's a compromise. It's not that bad." But we have to call it for what it is. If you can't get an abortion before viability, because the Supreme Court has let SB8 take effect, then they effectively reversed Roe and Casey. And they're just kind of getting around to doing it later. In fact, they're hoping you don't notice, is what's going on.

Imani Gandy: They're hoping you don't notice, exactly. They're chicken shit is what they are. They're being chicken shit. If you want to reverse Roe, then come out and reverse Roe. You've been trying for 50 years to reverse Roe.

Jess Pieklo: Yep.

Imani Gandy: Fricking do it, and then say it with your goddamn chest.

Jess Pieklo: Yep.

Imani Gandy: But do not try and gaslight me into thinking that, "Oh a 15 week ban isn't really that bad." No, I'm not taking it. I'm not going to hear it.

Imani Gandy: Roe v. Wade won't even make it till it's 50th birthday, it's cut down in the prime of its life. You are not going to convince me that there's a compromise.

Imani Gandy: And I do want to repeat what you said, you do not compromise on fundamental human rights. That's something we don't do. I will not even entertain it. If I see anyone talking about a compromise, I swear to God I'm coming over there.

Jess Pieklo: Yep.

Imani Gandy: I'm coming to your house and I'm knocking on your door.

Jess Pieklo: Have the courage of your convictions Justice Sam Alito, do it in the daylight.

Imani Gandy: That's right. Do it in the daylight, Sam. And even though that sounds kind of porny, we're going to end the show. We're going to end the show on that note. It's not going to get any better from there.

Imani Gandy: If you'd like to talk to us about the coward's compromise or the great abortion compromise of 2021, you can find me on Twitter @angryblacklady. You can find Jess on Twitter @hegemommy, H-E-G-E-M-O-M-M-Y. You can follow us on Facebook, our Facebook group, Instagram, Twitter @RewireNewsGroup. Please follow us. We are bringing you all of the hits. You can and should subscribe to Jess's newsletter, The Fallout. It is amazing. It's Jess's brain in your inbox every week. [rewirenewsgroup.com/thefallout](http://rewirenewsgroup.com/thefallout). It's very exciting stuff, right?

Jess Pieklo: So exciting.

Imani Gandy: What are we going to do Jess?

Jess Pieklo: We're going to see you on the tubes folks.

Imani Gandy: See you on the tubes. See you next Monday for live tweeting these arguments.

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