

Imani Gandy: Hello, fellow law nerds. Welcome to a special reaction episode of Boom! Lawyered, a Rewire News Group podcast hosted by the legal journalism team, one of whom accidentally punched herself in the face and has a fat lip. And that person is me. I'm Imani Gandy, Rewire News Group's editor-at-large.

Jess Pieklo: And I'm Jess Pieklo, Rewire News Group's executive editor. Rewire News Group is the home for repro journalism that inspires you to just phone it in for the rest of the year, folks. 'Cause we're all just holdin' on by a thread. Truly! The Boom! Lawyered podcast is part of that mission. So a big thanks to our subscribers, a welcome to our new listeners, and hey, viewers, how are you?

Imani Gandy: Hey, look at my fat lips. So, we are gearing up for our end-of-year campaign to celebrate ten years of expert repro journalism.

Jess Pieklo: That's just wild. Look, we count on our end-of-year supporters to help us stay on top of critical news moments and cover super important repro stories, even after the national publications have lost interest.

Imani Gandy: And to celebrate our anniversary, we're thanking our supporters—that's you!—with a special Rewire News Group messenger bag when you give \$100 or more. Jess is holding one up right now, and they are dope. They're really, really nice.

Jess Pieklo: Truly, I was a little skeptical. These are really, really nice. And, do it. Like, I'm using mine all the time now. And really, we are so excited about what we can accomplish in the next 10 years, thanks to generous support from listeners and viewers like you. So really, guys, thanks.

Imani Gandy: And if you would like to donate, please head to rewirenewsgroup.com/donate, that's rewirenewsgroup.com/donate, and give whatever you can today.

Jess Pieklo: We appreciate it so much. So Imani.

Imani Gandy: Oy vey.

Jess Pieklo: So the Supreme Court is at it again, this time hearing oral arguments in a case that honestly could weaponize the First Amendment and allow people to claim a religious exemption to just treating folks fairly. The case is called 303 Creatives v. Elenis, and that's what we're here to talk about today.

Imani Gandy: Yeah. So 303 Creative, honestly, why are we even here?

Jess Pieklo: I love how we just start everything at this point with like, ugh.

Imani Gandy: Just such a sigh of just disdain and disgust, right? So let's talk about the facts of this case. There's a Colorado graphic designer named Lorie Smith, who owns a company called 303 Creative. She refuses, at some point in the future, to create websites for same-sex couples, and wants to announce right now that her company, quote "Will not be able to create websites for same-sex marriages, or any other marriage that is not between one man and one woman."

Now, this is a woman who is claiming a religious exemption from complying with the Colorado Anti-Discrimination Act. And that's a statute, a law, which prohibits discrimination on the basis of sexual orientation among other characteristics like race, creed, et cetera. So this is a law, the Colorado Anti-Discrimination Act, that prohibits businesses from quote, "Directly or indirectly refusing to an individual or a group, because of sexual orientation, the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations." It's what's more commonly known as a public accommodations law, which means you can't refuse to serve people if you have a public business that's supposed to serve everyone, right?

Jess Pieklo: Yeah, yeah. Very anodyne stuff. And this is a case that squarely puts the First Amendment against civil rights claims, generally. And at the core is a simple question that's actually not so simple. Imani, what is speech? What is speech? Can it be weaponized to avoid laws that say things that you don't like, for example? And can you claim that anything that you do is speech, so that you don't have to sell goods or serve someone because they happen to be LGBTQ, or because they happen to be Black? These are the kinds of questions that this case really gets into.

But you raised a couple really important factual points about this case that I think we need to remind listeners and viewers of, because, you know, all term Imani and I have been talking about the cases that shouldn't be here, and 303 Creatives is another one of the cases that shouldn't be here. So for example, no one's asked this lady to make a custom wedding website. She's not even in the business of doing these yet. This is all hyperbole, just a, it's a baked-up challenge, right?

Imani Gandy: Yeah.

Jess Pieklo: So functionally, in the law, we call those advisory opinions, right? She's just asking the Supreme Court, the highest court of the land, for a little guidance here. All right, we're joking. But the reality is that a decision in her favor, in favor of the designer in this case, would not just invalidate the Colorado law here that prohibits discrimination in public accommodations, but it would open the doors to businesses, to just openly refuse service. So this is a religious refusal case that's actually much broader than that, and other states will follow suit. Five years ago to the day, Imani, we were talking about a very similar case. Remember that?

Imani Gandy: I do, I do.

Jess Pieklo: Masterpiece Cakeshop. This is Masterpiece Cakeshop 2.0. That's another case out of Colorado that involved cakes as speech claims. Except this time, we've got the designer

claiming her free speech rights extends to website design that's she's not doing yet. She might do sometime in the future.

Imani Gandy: Hypothetical website design.

Jess Pieklo: It is also the same exact law that was at issue in Masterpiece Cakeshop, the case where Anthony Kennedy basically just crapped the bed and borked his entire legacy on gay rights by refusing to do something like recognize, a second time, LGBTQ folks as a protected class, for example.

Imani Gandy: Yeah, he didn't do that, and we're still mad Tony. We're still mad, Tony. So I just, I really cannot stress enough that there is no justiciable controversy here, right?

Jess Pieklo: What does that mean?

Imani Gandy: Justiciable controversy means, like, in order to file a lawsuit, in order to get a federal court to review your suit, you have to have a controversy. You have to have an actionable controversy, you have to have a claim, a grievance, that the court can remedy in some way. There is none of that here, right? Lorie Smith has filed a pre-enforcement action. An action before the law has been enforced against her, asking for determination that the law violates her right to discriminate against LGBTQ people on the basis of her religion, right?

Jess Pieklo: Yeah.

Imani Gandy: Now, pre-enforcement actions are sometimes allowed.

Jess Pieklo: Yep.

Imani Gandy: Right, like if the complainant is basically on the verge of potentially violating a law that will have some sort of repercussions on her, right?

Jess Pieklo: Mm-hmm. For example, there was a case out of Arizona a couple of years ago about people who were making wedding designs, invitations.

Imani Gandy: Yeah. And the Arizona Supreme Court actually ruled in favor of the designers. But that was because in the Arizona law, there was criminal liability attached to violating the law. So as soon as someone violates the law, there's a criminal, there's a criminal process that attaches to her. But in Colorado, that's not the way it works, right? This law requires someone to file a complaint with the Colorado Civil Rights Commission, and then the Colorado Civil Rights Commission will launch an investigation, and then the result of that investigation may or may not have some activity or something that Lorie Smith would have to do.

Jess Pieklo: Right.

Imani Gandy: But she filed this lawsuit before anyone had any beef at all with her, right? No customers complained about her. The state of Colorado didn't complain about her. No one filed a complaint under the law against her. And if they had, Colorado would've launched an investigation. But none of that happened. So there's no enforcement mechanism in this law that would render Lorie Smith in danger of any sort of liability whatsoever, right?

Jess Pieklo: Right.

Imani Gandy: Even if at some point in the future she decides to start discriminating, it would still require a gay couple walking into her store or, you know, calling her up on the phone and saying, I need a website, can you make this website? She says, "No." They say, "Why not?" She says, "I don't like gay people." And then that starts the process rolling. She doesn't make wedding websites. No one asked her to do anything.

So really, so alarming that the Supreme Court took this case, and it should tell you what direction they're heading in, that they're taking a case that they don't need to take.

Jess Pieklo: Yeah, it really is. It really is. So I had mentioned Masterpiece Cakeshop, and that five years ago, the Supreme Court was hearing oral arguments on exactly the same issue. And it really is what constitutes speech, what type of creative expression is speech, and is the speaker endorsing the message? So we heard, by the way, the Court once again went completely off the rails on their schedule for oral arguments. Love planning a livestream show when they're like, 75 minutes, no two hours really, keep going, two and a half hours, it's fine, it's totally great. Lawless court. It's a lawless court.

But, so, you know, the, we have what is effectively a test case by Alliance Defending Freedom to try and get a second bite at the apple, which they didn't get in Masterpiece Cakeshop. In Masterpiece Cakeshop they were looking for a broad license to discriminate. And what they were trying to do was build on the objections and the dissents in Obergefell to say, hey, look, reasonable people can disagree on marriage equality, and you can't call us a bigot if we do, right? That's what is happening here. It's a full on legal campaign. And the reason we are here is, once again, a change in the Court's personnel.

So this is the third, fourth, fifth case we've talked about this time where we are witnessing the Court's conservatives acting as operatives for the conservative legal movement's policy goals. They want to rewrite the First Amendment to import some kind of, like, Christian nationalism. It is all over the oral arguments today, with Sam Alito in particular.

Imani Gandy: Can we talk about Sam Alito for a minute? You know, the funny thing is, is when I was writing this script, I added a little note that just said, "Ridiculous comparisons to Black people in the KKK."

Jess Pieklo: It's right there.

Imani Gandy: Right there. Because in Masterpiece Cakeshop, we had this whole line of questioning about, well, what would happen if you were to go into a Black cake designer shop and say, I want you to make a cake for the KKK. Would that Black cake designer be forced to make a cake for the KKK? Here we heard—and the answer to that question, by the way, is no. And the reason the answer to that question is no is because the KKK is not a protected class, right?

It doesn't say that you can't discriminate against people on the basis of race, creed, origin, sexual orientation, and membership in the goddamn KKK! It doesn't say that, right? So can we knock it off with the dumb KKK comparison? But no, apparently we cannot, because, and here's Justice Jackson again, for, I don't know, her fifth, sixth argument that we've covered, maybe fourth, that we have covered for issues relating to our, our issue space, where she just drills down to the nub of the point just straight outta the gate.

Jess Pieklo: Yep.

Imani Gandy: So Waggoner, who is Kristen Waggoner, who's the attorney for ADF, who also argued Masterpiece Cakeshop five years ago to the day. Kristen Waggoner essentially, was asked by Sotomayor and by Kagan and by other people, you know, for comparisons to other situations, right? If a Black couple walked into this person's wedding website design shop and said, "We want a a wedding website," would Lorie Smith be able to deny that because she doesn't believe in interracial marriage? And what Waggoner just kept saying is, the government can't force someone to speak on either side.

Jess Pieklo: Yeah. And so, Sotomayor is saying, so essentially you're saying there's no line, there's no line when it comes to ignoring public accommodations law. And then Justice Jackson came in with this amazing hypothetical, where she was talking about what if there is, you know, you go to the mall and there's one of those Christmas installations where you can take pictures with Santa Claus, And Santa's sitting there, white Santa's sitting there in his little red hat, and there's a sign that says, the way that we are trying to portray this Christmas scene is indicative of our religious beliefs, and our religious beliefs, which are dated back to the 1950s. Black kids can't sit on Santa's lap.

Imani Gandy: Right. We will take pictures of Black kids doing other stuff. Throwing snowballs, making snowmen, whatever, maybe playing with elves. But Black kids cannot sit on white Santa's lap. Can they do that, Justice Jackson asked Waggoner, and Waggoner dissembled. She was just like, uh, uh, well, the thing is, is the, the, the photograph isn't speech, but the website design is speech because when you're asking someone to make an invitation, you're speaking, you're lending your voice to approval of that wedding, which doesn't make any sense.

Sotomayor kept saying, it's not 303 Creative's wedding, it's the customer that commissioned 303 Creative's website. So when you're saying, "it's our wedding day," you're not saying it's 303 Creative's wedding day. You're saying it's the customer's wedding day, right? And so then here comes in. So essentially Waggoner dissembled and Jackson, everyone listening to Jackson

would've said, no, of course you can't say, Black kids can't sit on white Santa's lap. So Sam Alito comes in with a hypothetical, what if there's a Black Santa? And immediately, like as soon as the words Black Santa comes out of Sam Alito's mouth, like, shut it the fuck down.

Jess Pieklo: Abort mission.

Imani Gandy: Shut it down, right? So let's say there's a Black Santa, and it gets work—

Jess Pieklo: It gets work!

Imani Gandy: And there are Black children dressed in KKK robes. What! What are you talking about? So if there are Black kids dressed in KKK robes, and they wanna go sit on Black Santa's lap, is that OK? What are you—Sam, what in the ever loving shit are you talking about, right?

Jess Pieklo: I cannot even hold myself still. This is too much.

Imani Gandy: It's too much. It's absolutely ridiculous. There are no Black kids running around in KKK robes, A. And there are no black kids running around in KKK robes at the local mall trying to sit on a Black Santa's lap, and the Black Santa's going, "Oh God, you know, I don't wanna be, I don't wanna have to interface with the KKK." Lift up the robe, oh, look, it's a Black face. Well maybe that makes it different. I don't even know what he was trying to do with that hypothetical, besides express the same old racial animus that he always expresses, right? And just try and sort of take the, the wind out of Justice Jackson's sails, which, nice try, Sam, but ain't nobody taking the wind outta her sails. What is going on with Sam Alito, Jess? What's going on?

Jess Pieklo: He's high in his own supply because he did that with Justice Kagan, too. Like it was wildly inappropriate, in my opinion, to make a joke that about the website Ashley Madison to Justice Kagan, right? So like, you know, there's some amicus briefs that gets filed in this case, Justice Alito is just, you know, I mean look, the TL;DR on Justice Alito today is that both he and Justice Gorsuch

Imani Gandy: Terrible.

Jess Pieklo: were just straight up trolling. All they wanted to do was troll. Like, Justice Alito is doing the like, Black Santa bit for laughs in the courtroom, but it's actually not funny.

Imani Gandy: No. Right, 'cause the principle that they're asking for is a blanket ability to refuse service for anybody.

Jess Pieklo: Right.

Imani Gandy: This is a religious refusal case, but ADF's own attorney said, there's actually no limiting principle here. We wanna just be able to serve people or not serve people, depending on how we feel.

Jess Pieklo: Right. That's what folks need to know. So Sam Alito's up there yukking it up like, "Black Santa, Black Klan kids uh uh uh." And then it's like, oh hey, Justice Kagan, you know anything about Ashley Madison? Like, if we have a case, we have a case that should not be before the case. Because as Imani has said, there's no actual live controversy here, that was cooked up to basically try to rewrite the entirety of the First Amendment here. And the Court didn't bite on that.

There were two main questions that ADF wanted the court to take. One was, you know, is this a speech issue? And the second is, is this an exercise of my religion issue? The court didn't take the exercise of religion issue. They only took the speech question. So then, ADF had to after the fact, kind of reconfigure its argument for the case that was before the Court now. And all that is is policy making at the Court.

Imani Gandy: Yeah, yeah. And I do wanna talk about a little bit more about how this is not going to be cabined just to LGBTQ issues, right? And Justice Jackson just kept coming back to that, to that Black San-to that, not the Black Santa- the Black kids, God, Black Santa, like I can't even deal.

Jess Pieklo: Alito launched the war on Christmas this year.

Imani Gandy: Yeah, he did, but she kept coming back to, it would be OK for a Santa Claus to say, I'm not, or for a photographer to say, I'm not taking pictures of Black kids on white Santa's lap. And she likened it to the Newman v. Piggie Park Enterprises case, which is that old case about the white luncheonette owner who didn't want Black customers coming into his restaurant and eating there. But he would allow them to go through the takeout window essentially. And Justice Jackson said, isn't that a similar thing? Like, the luncheonette owner was offering a separate menu to the Black people that he didn't feel like he should have to serve, because he believed, whether it's a matter of religion or not, because as you said, they didn't take the religion question.

Jess Pieklo: Yeah.

Imani Gandy: But he believed as a matter of morality. He was against integration as a matter of morality. So are you saying that going forward, that that's something that people can argue when they're talking to—Sotomayor kept talking about disabled couples. If a disabled couple walks into this website, wedding design shop and the website designer says, I don't think that disabled people should be getting married at all, for whatever ableist reasons that they concoct, is that OK?

Again, the attorney for 303 Creative, this woman from ADF, Kristen Waggoner, fumbled and floundered, and she just kept saying, well, no one on either side should be able to compel speech. She kept talking about how it wouldn't be compelled speech if a Democrat were forced to write a press release for a Republican. Again, Justice Jackson chimed in. That's not a public

accommodations issue, number one, and I'm chiming in with, neither being a Democrat or a Republican is a protected class. Just as the KKK isn't a protected class. They can't make this argument

Jess Pieklo: Mm-hmm.

Imani Gandy: that they should be able to refuse to serve LGBTQ people based on morality or personal feeling, without having to acknowledge that that argument will extend to race. Because in this country, and you'll, and you'll remember, and maybe our listeners will too, in Masterpiece Cakeshop in the under, in the lower court case, the Colorado District Court, or the Colorado Civil Rights Commission, actually talked about how religion had been used historically to discriminate against different groups of people.

That is a fact. But the very fact that the Civil Rights Commission made that argument, was somehow seen as being mean to religious people. That's what Anthony Kennedy said. It was being mean. The Colorado Civil Rights Commission showed animus towards religion.

Jess Pieklo: Yep.

Imani Gandy: By telling the truth. And we're seeing, and it's sort of, it's an attack on truth that we're seeing just broadly, right? I mean, you can talk about critical race theory, and what does critical race theory mean? What does history mean? We're attacking truths, we're attacking history because maybe white folks are embarrassed about their history. Maybe not. Or maybe they just want to be able to hide what their actual goal is in a sort of wrapping of something that people can maybe understand. And one thing that you brought up that I thought was really important with respect to there being no live controversy here, is that there was no gay couple that got turned away,

Jess Pieklo: Yeah.

Imani Gandy: So we don't have, what was it, the Mullinses? Craig and somebody Mullins in Masterpiece Cakeshop.

Jess Pieklo: Yeah.

Imani Gandy: They were a gay couple that walked into the store, and Jack Phillips looked at them and said, "No, I'm not baking you a cake." Here we don't have anybody going to Lorie Smith asking for anybody. This is just a test case with glossy photos that have been, you know, that's been written about in the New York Times and all these papers. There's no opposing side. So all we have here is just a general question about whether or not someone who thinks being gay is icky can, through their own religious belief, claim an exemption from anti-discrimination laws.

Jess Pieklo: It's unmoored from reality, and the conservative justices are playing right along with it, right? You and I were talking about this case and I brought up the 'Let Coach Pray' case that's the, you know, public-or, prayer in public schools. And that case was a farce.

There were lies before the Supreme Court on the record about what the football coach in that case was doing, the manner in which he was praying, the events that was going on. And the conservative justices did not care. They went with the fiction. And that was the same thing that was going on here. Justice Gorsuch going on about the fiction of Colorado law that requires a business go through and learn what it did wrong when it's found in violation of civil rights laws. He called that re-education.

Imani Gandy: Which is wild. I mean the Colorado Solicitor General basically was like, I'm gonna disagree with your, with that characterization. And it was essentially like, here's what the law is, and here's what you need to do to comply with it. That's not re-education, that's just complying with the generally applicable neutral law that says you cannot discriminate against LGBTQ people if you're offering services to everybody.

Jess Pieklo: Right.

Imani Gandy: And that's another issue that came up about, you know, whether or not the website is speech, is determined by who is asking for the product, right? Like who are you asking for a specific custom website? In which case maybe that's not speech, because you're offering it to gay couples and hetero couples, or are you offering just sort of plug and play. I'm sorry, if you're offering custom websites that may be speech, because you're, you know, you're infusing your message into it. But if you're offering just plug and play websites, is that speech?

If anybody, a gay couple or a same-sex or an opposite sex couple, could come in and, and ask for this website. You know, Justice Jackson kept trying to get down to that point about, you know, what is speech? All of the liberals were, all three of them were, we're trying to get to that. What is it about this website design that's speech? Sotomayor kept flipping through the appendix, right? Well, here, I'm looking at your webpage. What on your webpage is speech? And Waggoner kept going, well it says here, funny dating stories, or RSVP, or our photos. And she kept saying each of those bullet points is an invitation to the marriage. It's not the designer's invitation though. It's not. And it's absurd to claim that it is.

Jess Pieklo: I mean, I'm gonna stake out a really radical position here.

Imani Gandy: Uh-oh.

Jess Pieklo: It's because the Alliance Defending Freedom is full of shit.

Imani Gandy: Oh my God! You nailed it though. You nailed it.

Jess Pieklo: Like, one of the most frustrating things about today's arguments was listening to the justices try to actually wrestle with the position that Alliance Defending Freedom was putting forward in this case, because this isn't about speech, it's not. They want it to be about speech because that's their Trojan Horse to do other things. This is about just straight up wanting to refuse service on the basis of personal belief. That's all that it is.

So to that extent, it's a conduct case. Can I refuse to treat you, or can I treat you differently because I don't like who you are? Well the law says, not always. Conservatives hate that. They've hated that from the beginning. And to Imani's point that this is, you know, not a limiting principle, Kristen Waggoner acknowledged that time and time again, and there are actually live controversies in federal courts right now about whether or not Catholic schools, for example, can refuse admissions for students with disabilities on the basis of a faith-based refusal. So this is not just about evangelicals' ishiness about marriage equality. It is about their ishiness with social progress generally.

Imani Gandy: And it's also about their just incessant need to be a victim of some sort of grand persecution that is being implemented by, I don't, by like the Biden administration,

Jess Pieklo: It's the Clintons.

Imani Gandy: And the Rothschilds, and the Gettys and Colonel Sanders with his wee beady eyes. I mean, it's like, Sorry, that's a "So I Married an Axe Murderer" reference, you know, "The Pentaverate"

Jess Pieklo: Oh, that's right. Oh my God.

Imani Gandy: They feel as if that they are being persecuted by godless liberals who want them to accept things like, you should treat people fairly, if there's one thing that you remember, I really want it to be that they are looking for an excuse to treat people unfairly. And even if you are not, you know, pro-LGBTQ, if you've got some issues with it, particularly if you are a Black person, or if you are a disabled person, or if you are a marginalized or minoritized person of any stripe, it's not gonna stop here.

It's not, they're coming for your rights. And that, as we've said, you know, our whole season has been about the ways in which the Christian evangelical project is marching forward when it comes to white supremacy, and using the Supreme Court as an arm. The Supreme Court has become an arm of this white supremacist project and they are more than happy to play this role. And evangelicals, they're just being so persecuted, they're being like, you know, I mean, get off the goddamn cross. We need the wood.

Jess Pieklo: I'm just thinking about the opening of Justice Kavanaugh's confirmation hearings when he was like frothing at the mouth about the big controversy with, involving the Clintons to take him down. And the fact that in today's arguments he's like, well, could someone be forced to write a speech for a Republican or a Democrat? Like, it is so unserious, and it's offensive.

Like, you and I went into the law because we actually believed in this stuff, because we thought broadly, the principles mattered. Today, we heard Justice Alito making jokes about Black kids dressing up in Klan costumes.

Imani Gandy: Yeah, it's severely unserious, and it's also offensive.

Jess Pieklo: Yeah.

Imani Gandy: And you know, I just, I just think that we need to focus on the fact that the Supreme Court is on board for treating people unfairly. They're on board for erasing people from civic life. Just today, for example, at Rewire News Group, we dropped this huge content, we dropped this special edition called One Nation Under God. We've got amazing pieces from all manner of people. Jess wrote a great executive editor's note. I wrote my first thing six months, cause of my silly COVID brain. But really this is, it's all connected, it's all part of this effort to move this country more towards theocracy, and away from democracy.

Jess Pieklo: Yep.

Imani Gandy: And you know what's the antidote to anti-democracy? Fairness. And if we can eliminate fairness as a principle of American democracy, then we're already 75 percent of the way towards theocracy. And that's what this court is doing.

Jess Pieklo: Yeah, that's an entire word, people.

Imani Gandy: Yeah. Well, that was fun.

Jess Pieklo: Fun's doing a little bit of work there, but sure.

Imani Gandy: Hey, Black Santa baby, Black Santa all the way.

Jess Pieklo: I just. And like, he went back to it. I know we're wrapping up, but Sam Alito was like, OK, can we talk about Black Santa some more, though?

Imani Gandy: And we all know Santa's white, Megyn Kelly told us that Santa was white on Fox News like four or five years ago, so why we even talk about Black Santa, Sam?

Jess Pieklo: It's too much.

Imani Gandy: It's too much. If you wanna talk to us on Twitter , or on anywhere about Black Santa, or Sam Alito, or just the general project to erase Black people, people of color, Indigenous people, LGBTQ people, from civic life, you should follow. Come and check us out on Twitter. Check us out on Twitter. Why did I say that like we just joined? Check us out on this new platform, Twitter. But you can follow me on Twitter @AngryBlackLady You can follow Jess on Twitter @hegemommy. You can and should follow Rewire News Group, even though it's Elon

Musk's Twitter. And, but specifically, you should go to Rewire News Group on YouTube because that's where this is going to air, that's where our livestreams are gonna air, that's where we post our video podcast. And if you subscribe there, you're gonna get a notification when we're, when we're, we're either live or when we have a new podcast that showed up. And in the in case that you don't wanna, I don't know, look at my fat lip as I'm talking to you about Sam Alito and Black Santa. You can always get our podcast at places where you normally get your podcasts. Apple, Google, sporting goods stores, Dollar Store, I don't know, wherever you get your podcast, go there. But generally, just don't, don't with the Black Santa, just don't, let's not talk about black Santa.

Jess Pieklo: We're gonna be, we're gonna be back on Wednesday though. We should let folks know about that.

Imani Gandy: Yeah, so Wednesday the Court is hearing is not case that literally could just crack democracy wide open, Moore v. Harper. That's the case involving this independent state legislature's theory that where, where apparently, you know, North Carolina thinks that they, that their state constitution and their state courts have nothing to say about the way that they run federal elections and that the legislature is just, can just go rogue and do whatever it wants when it comes to elections, which is not the case. But that's Moore v. Harper that's happening Wednesday. We will be back here livestreaming, hopefully without the fat lip.

Jess Pieklo: You look gorgeous. Imani.

Imani Gandy: Oh, thank you. So yeah, that's gonna end our live stream for today. Thank you so much for joining us. And what are we gonna do, Jess?

Jess Pieklo: We are gonna see you on The Tubes, folks. And on Wednesday.

Imani Gandy: We'll see you on the Tubes and on Wednesday.