

Jess Pieklo: Hello fellow law nerds, and welcome to a very special episode of "Boom! Lawyered," a Rewire News Group podcast hosted by the legal journalism team that is so excited to have this guest with us today. I am 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 mark the Dobbs anniversary with, huh, I don't know, a grimace or something, 'cause it's not great. And the "Boom! Lawyered" podcast is part of that mission. So big thanks to our subscribers, and welcome to our new listeners and viewers.

So I am so excited to introduce my guest and co-host today, journalist and author Jessica Valenti, who is an absolute powerhouse in this moment, in keeping track of our abortion access landscape after Dobbs. If you do not already subscribe to her newsletter, "Abortion, Every Day," you must do so. It is critical reading in this time. So this episode is part of a larger editorial package we've put together over at Rewire News Group to commemorate the one-year anniversary of the Dobbs decision, and the access of legal abortion as many of us knew it. Welcome, Jessica. Thank you for joining. I wish the circumstances were cheerier, but I'm thrilled to have you, anyway.

Jess Valenti: I'm glad to be here, yeah. Wish it was different, but we're in it together.

Jess Pieklo: We are, we truly are. And you know, Imani's not here with us today because she is currently in Paris living her best life.

Jess Valenti: Oh!

Jess Pieklo: I know, right?

Jess Valenti: That's nice.

Jess Pieklo: Going to see Beyonce in Paris as only Imani can do. But before she left-

Jess Valenti: What?

Jess Pieklo: I know, right, like truly, earned it. She made a joke that this was going to be the, like, "Italian Matriarchs of Abortion Access" episode, and I kind of love that.

Jess Valenti: Love it!

Jess Pieklo: Right, right. But I mean, fuck, what a year, right? Like truly, what a year. And you know, I kind of cued this up when we were getting ready for the show by saying I wanted to talk a little bit about the Alito leak, because the Dobbs decision was bad for all of the obvious reasons that it was bad, but we also had the Alito leak a couple months before, and like, nothing in between then really seemed to change. And looking back on that now, like, I was angry then, but I'm really angry about that fact now, and I'm just curious, how about you, how is that hitting?

Jess Valenti: I mean, I'm angry all the time. I have a hard time distinguishing, like, what those levels of anger are at any given point, to be honest. I'm like, I'm in this place where I think I was numb at that point, you know, numb and so sad. And then when the decision came down, that's when it really just switched over for me to anger, and let's get some shit done, like, okay. And I think a lot of people who work in this space, you know, it was like, that was the moment where you're like, alright, like, gotta dig in. I mean, all of us were always digging in, obviously, but yeah, something just like, switched for me at that moment, where I sort of put that sadness aside and put that like, numbness aside and was like, okay, let's go, time to do it.

Jess Pieklo: Gotta get to work. I mean, because you're right. You know, I mean, you have been writing about attacks on bodily autonomy, on our rights, on all of these things, for well over a decade now, and we're definitely part of the chorus of people that were saying, "We saw this coming. This wasn't a surprise," but it really was incumbent in that moment to be like, all right, whatever is the past is the past, we have work to do right now.

And part of that work for you has been launching this, you know, wildly important and critical newsletter in this time right now, where you are doing the work of keeping track of all of the attacks at the state level since Justice Alito and the conservatives said that this is now even more of a political issue. How is that going, just generally, first of all, like, how are you doing?

Jess Valenti: You know, I'm really tired. You know, it's awful. Anyone who does this work, it's so difficult, it's so difficult to do it day in and day out, but it makes me feel like I am accomplishing something, and it makes me feel like some semblance of control. And I honestly, I think that's part of the reason that people like the newsletter, there is so much going on.

We are being attacked from all angles, at every level. And for me, I was like, I can't feel overwhelmed, I can't feel inundated, because that's the point, they want us to feel, like, frozen into inaction because of that overwhelm. And so, at first doing the newsletter was just a way for me to feel like I know the landscape, I know what's going on, they're not getting anything by me, I know exactly what's happening every day. And so I think that that is why it's been useful. And like, honestly, it feels like, if I'm gonna be obsessive about this, let's like, share the obsession with everyone else, like, let's put that mental health disorder to good use.

Jess Pieklo: Totally.

Jess Valenti: You know. Yes. But there is so much, like, honestly, like I was joking with someone the other day, like, it could be abortion every hour. Like, it really, there is something new that is happening, like, every single day, multiple times a day. It's unbelievable the speed at which this is happening, and how quickly it's all snowballing.

Jess Pieklo: And in some ways, everything old is new again in the states, as a result of the Dobbs decision. I mean, Imani and I did an episode recently on the North Carolina bill that was recently passed, and I know this was something that you covered in your newsletter pretty extensively, too. And we talked about the fact that that was this really anti-democratic push, and

they tacked on all of this unnecessary bullshit to it, and Imani reminded us of the motorcycle helmet bill that North Carolina did, like, way back in 2010, 2011, 2012, like, early years of all of that model legislation, where, you know, conservative lawmakers were just starting to like, stitch together various parts of abortion restrictions and under the cover of darkness, or like, without any debate, and we're really starting to see that again, but as somebody who, over the course of the last year, has literally been tracking the movements on the states, and is also accustomed to some really bonkers stuff coming out of conservative lawmakers, I have to ask you, what has surprised you the most in terms of the legislation that we've seen, both good and bad? Because there's been some, you know, I mean some states are doing some good stuff, too.

Jess Valenti: That's a great question. I am pretty hard to shock these days, I think. But one of the things I've been thinking about a lot, I'm actually in the middle of writing a column about this, is the way that they're sort of giving up the game in a lot of these bills, where they're admitting, really, like what the consequences of this will be, like, in so many of the medical emergency exceptions, right? They have that language, and it's almost identical across these bills, about mental health is not considered a medical emergency. Down to them specifying, even if a doctor diagnoses you as suicidal as a result of being forced into pregnancy, forced to carry a pregnancy, that's not a medical emergency.

And I'm just like, they're saying it out loud. They are anticipating that people are going to become suicidal as a result of these bills, and they're preempting that. And it's really stuff like that, it's the cruelty that's written into these bills that I find shocking. Maybe not surprising, but shocking. And the way that a lot of the mainstream media responds to that, and sort of buys into their framing. I think that's been, like, the other really frustrating piece of this for me. I sort of thought that we would be better at this, at at this point.

You know, with mainstream media outlets, like, calling the North Carolina bill, calling like, 12- and 15-week bans compromise bills, acting as if Republicans are conceding something. As if, you know, they're giving something up, like, oh wow, they really wanted a total abortion ban, but they're putting in exceptions that no one can use, as if that is some sort of concession on their part. That has been really shocking in a difficult way. Like I sort of maybe, naively thought that we would be better at that.

Jess Pieklo: And I gotta say, I mean, I agree with all of that. It's consistently buying into these false framings that the anti-choice movement puts out there very uncritically. You know, we don't do, the media sort of learned its lesson with election denialism, and calls that out very clearly, and it just has not done so to the same extent with the kind of, you know, well, I mean where, let's talk about the messaging some more, because this is something that you, in your newsletter, really do a great job of. It's not just tracking the legislation, it's really sort of tracking the bullshit, right, that is coming from these conservative spaces, and we are, functionally, already in an election cycle, right?

Here we are, we're in an election cycle, it's gonna be the first election cycle since Roe versus Wade was overturned. We know abortion is at the center of it. We know that the messaging is

already starting, and it's just kind of a hot gaslighting mess, right? Like, this is what they do, right.

Jess Valenti: Yeah, I may have to, I may have to steal that and call a new section, a bullshit tracker. I feel like that's the most accurate description of what I'm trying to do, because there is so much bullshit, right? It's the compromise, reasonable comment. Like if I see the words reasonable, common sense, middle-of-the-road one more time, I'm really gonna lose my shit. And, you know, watching Nancy Mace from South Carolina go out in the media and talk about, oh, we really need to like, hear each other out, we really need to be more in the middle. Like, everyone can agree on birth control. Like, that's not the middle.

Agreeing on birth control access is not the middle. Like, I can't believe that we're in this place where they are trying to redefine what the center is to such an amazing degree. But of course, like, they have to, abortion bans are so unpopular. Voters want nothing to do with this. They hate them. And so it really is in their interest to try to make it seem as if they're giving something up, as if they're listening to voters, when of course, you know, like, the opposite is true, they're doing everything that they can to, you know, take voters' choice and and voice away from them. And the other thing I wrote about in terms of messaging, this week, last week, everything is blending into one.

Jess Pieklo: That's a flat circle, it's fine.

Jess Valenti: It's like, who knows, what day is it? The federal ban stuff, you know, they're all talking about a federal ban. They won't use the word ban anymore. Susan B. Anthony, Pro-life America, who else? Nikki Haley, like Kellyanne Conway, who now is advising, they're all calling it a national consensus, a national compromise, a national agreement.

Jess Pieklo: I can't believe, I mean, I can believe it, but I can't believe it.

Jess Valenti: I know, and they won't use the word ban because they know, and this is weird, like, the media piece gets really frustrating to me. They wanna make it seem as if Americans are evenly split on this issue, as if we're like, totally polarized, and like, both sides need to give something up. That's not the case at all. Americans overwhelmingly support abortion rights, right? Like, why are we, I don't know, and that's when I get really frustrated about, like, accepting the framing, and being so, you know, Democrats being so defensive, it's, yeah.

Jess Pieklo: Well, so I have a couple questions and thoughts in follow up to that. It is so frustrating, particularly to your point of abortion being so popular, because, you know, aside from like just screaming into the void on Twitter, one of the things I'm trying to do is consistently point to the electoral results in these spaces. I'm like, when you look at the state of Michigan, for example, that came back from a Tea Party hellscape in so many ways, and how so? By largely and unapologetically running on a restoration of rights in a way that we haven't seen in a lot of state houses.

What's going on in Ohio? Republicans are actually trying to change the process so people can't vote on abortion in Ohio, because they know that they will lose. And yet, the media is still here, like I'm imagining the sort of top lines on whatever piece of national legislation would get introduced, and it being called the national consensus on abortion at six weeks, rather than in the legislative title, actually using the word ban, like, I think that's true.

So as members of the media, aside from just screaming at people on Twitter, how can we get our people to do better to start to understand that, you know, they're suckers if they take these talking points the way they are, the same way that they are suckers if they take the police union talking points as the way they are whenever there's a moment of police violence.

Jess Valenti: It's so hard, because such a big part of it, like, is this big overarching problem of like, both sides journalism, right? where they feel like the only way to be objective is to give equal column inches to both sides, no matter how false, wrong, untrue, the other side is, and it's more important than ever, not just because of how popular abortion rights are, but, you know, like one of the anti-choice movement's biggest strategies right now is using all of this fake science and this fake data.

And, you know, we've seen in the mifepristone lawsuit, that needs to be called out every single time, that can't be included as a real thing, you know, and it's so frustrating, and so I think that we can call them to account, but it's also a matter of like, staffing, like, do you have people writing about this issue who know what they're doing, who have been on this issue for a long time? Do you have people writing and editing these stories who have some sort of history with reproductive rights? And you know this, like, if you don't have a history with this, if you don't have a certain level of expertise in the issue, there are so many things that you can miss, right? And there's a lot of stuff that they're missing that they shouldn't miss. That even if you don't have a history with reproductive rights, you should get. Like, one of the things I've been complaining about constantly at the newsletter, is Students for Life being constantly quoted uncritically, you know, "The Atlantic" did this big, flashy like, profile of them, didn't mention once that they wanna make birth control illegal, didn't ask them a single question about this. And it's stuff like that where I'm like, you don't need to be an abortion rights expert to know that this is, you know, something you should be asking.

Jess Pieklo: Right, and it is such a disservice, because, as you all know from existing in this space for so long, one of the things that the anti-choice and anti-abortion movement has done so well is really field test and market it's terminology. So folks who are not in it in the day-to-day hear something like, Students for Life seems like a reasonable group, the same way the Federalist Society seems very reasonable, without understanding that there's actually a very autocratic agenda going on behind there. And I mean, you know, we talk about Students for Life and how extreme their positions are, but their positions are extreme to the rest of folks, they're not extreme within the anti-choice movement at all, and they are such an important messaging arm. And I think folks don't understand that part, too, you know, I mean.

One of the things that I have been both sort of, like, wildly disappointed, and also kind of not surprised, is the fact that all of these stories that we are seeing of medical crises, that we know are existing, you know, daily, if not hourly, in some states, that we're seeing kind of just a collective shrug, right? Like, folks are reporting that, and not by, you know, in our spaces, but really like, oh, here's another really scary thing that happened because abortion bans are bad. And I want to say, "And so then what are we doing about it?" Like this is, we're in a human rights crisis. Like, that's the part where I feel like the media is also losing a little bit of the narrative, is asking that follow up in terms of, okay, well if we are requiring people to, you know, develop sepsis in a parking lot, what are we gonna do about it?

Jess Valenti: Yeah, it's so true, and that has always been the fear for me, right, is that as these stories come out, because there's so many of them, and because we're only going to see more of them, that it's just going to become normalized, that it's going to, you know, that it's like, "Oh, that's really sad, that's, that's so upsetting, next." Right? Which is a horrific idea. Like, we live in an era of modern medicine, and yet we're treating it as if this is, like, completely normal to let someone develop sepsis in a parking lot, to let someone develop sepsis at all, right? Like, it's so insane to me, it's so bizarre to me.

I mean, listen, this is part of the reason I'm doing the newsletter, is in the hopes that we can talk about this in a way that humanizes these stories. And of course, a lot of these articles that are coming out are so great, and so wonderful in terms of the journalism that's being done. But we have to figure out a way to keep humanizing these stories. And then the other piece of it is, and this is another thing I'm writing about, is the most extreme stories are so important, and obviously this stuff is happening, and the suffering is happening, but anyone who is forced into pregnancy, that is a tragedy, right? Like, all of this is a tragedy. And my concern is that if we are overly focused on the most extreme, the most tragic, the most newsworthy stories, that it becomes easier for Republicans to say, "Oh yeah, you know what? That is really sad. Like, here's an exception, here's another exception for you, and so now everything's fine, right?" And we're sort of setting up, setting ourselves up a little bit to give them that opportunity, when the truth is no one should be forced to be pregnant, whether they get sick or they don't get sick, right? So that's the other piece that I've been thinking about a lot.

Jess Pieklo: That's a real callback to being sort of grateful for the scraps of abortion access in the Roe era, right? And I think, you know, quite fairly a result of the safe, legal, and rare rhetoric, you know, that we had seen before all of that. So, well that's all very grim. Imani and I like to do try and keep some of it kind of-

Jess Valenti: It is,

Jess Pieklo: It is, I mean look, it's the reality and we can't avoid it, but we do try to, you know, not keep it light for the sake of just like, hey, it's, you know, all yucks in abortion landscape. But really because part of, I think, the strategy is to have folks be discouraged, have folks feel disempowered, particularly in areas that already maybe feel sort of complex, or they have their own sorts of, you know, just like, their own relationship with, because everybody has a

relationship to abortion, whether they realize it or not, is another thing. So let's talk about some of the things that are helping you get through. How are you finding joy right now, Jessica, because this is an important part of resistance.

Jess Valenti: How am I finding joy? I have a backyard, which in Brooklyn is very rare.

Jess Pieklo: Congratulations. That's amazing.

Jess Valenti: Thank you, thank you. That is like, the one place I'm finding a lot of joy, I'm trying to, like, work outside as much as I can, like, do a little, I'm terrible at gardening, but I'm trying, I'm doing it, I have a great raspberry bush that has like, grown tremendously, you know, may have some squirrel poop on it, but that's okay, we'll wash them.

Trying to do a lot of outside stuff, but honestly the reproductive rights and justice community, I think, has been so helpful. And having people to talk about this with, and having people to like, bounce ideas off of, and being able to have conversations with people who know what's going on, I think is also really helpful. And I'm so grateful for that, and I wish more people had that. Like, that's one of the things, and I'm sure you get this, too, with your audience, like, I hear a lot from people at the newsletter who like, don't necessarily have that community elsewhere, but online, right. And that's, so they come to, you know, podcasts like yours and newsletters like mine, to find that commiseration because it's so important, because you're really made to feel like you're crazy.

Jess Pieklo: Exactly.

Jess Valenti: You know, it's so gaslighty, and so just the ability to have conversations with people where it's like, okay, yes, this is exactly as bad as it feels, and we can, you know, acknowledge that and talk about that, that's been great.

Jess Pieklo: I have one final question for you, but before I ask it, anything that you want the "Boom! Lawyered" audience, listeners, viewers to hear and know about that we haven't had a chance yet to cover? There's so much going on.

Jess Valenti: Oh, my gosh, there's so much stuff, I'm trying to think. No, I mean, you mentioned it, Ohio, I think the attacks on democracy is something that we need to be talking about a lot. And again, it relates to something we were talking about with, like, the idea that Americans are evenly split on abortion, and of course, you know, they're not, and the way that those attacks on democracy are so clued into that and, and so much about, you know, an extreme minority imposing their will on the majority of voters.

And I know your audience knows that, but I feel like we can't mention that enough. And even when you're talking to, you know, people in your life, or family members, or friends who aren't necessarily pro-choice, I think most people can agree that we don't really want voters to be able

to make their voices heard. So for me, like, that is just a great thing to drive home with as many people as possible.

Jess Pieklo: Oh, I couldn't agree more. I mean, we're always talking about how the attacks on our bodies and the attacks on our ballots are intricately connected. And that's just really, I mean, that is sort of the theme here at Rewire News Group. Okay, I would be remiss if I did not ask, what was the last great meal that you've had recently?

Jess Valenti: Oh man. What was the last great meal?

Jess Pieklo: I'm an Italian. I'm gonna ask you about your food.

Jess Valenti: Well, actually, was it last night? Again, days blending into each other. I got my husband, this was more a gift for me than for him, I got him one of those pizza ovens. You know what I mean, like-

Jess Pieklo: Yes, yes, I'm lobbying for one of these. Are they worth it?

Jess Valenti: It's so good, it's so good. And so, Andrew the other night, made like, a bunch of pizzas, and you know, he's Polish, but he's come around and he's-

Jess Pieklo: Kelly's Polish!

Jess Valenti: Oh, there you go!

Jess Pieklo: This is amazing.

Jess Valenti: Perfect! He's like, managed to like, really, he knows his pizza dough now. He, like can really make a, yeah, so it was fantastic.

Jess Pieklo: Oh, I love that, good job Andrew. That's not easy. Jessica, thank you so much for joining us.

Jess Valenti: Of course.

Jess Pieklo: Where can folks find you, if for some reason, they've been living under a rock and don't already know about your newsletter and amazing work?

Jess Valenti: Yeah, abortioneveryday.com, that's the place to go to sign up. And I'm on Twitter less and less these days, honestly, it's a little bit too much of a shit show for me, but I'm also on Instagram, and to my great embarrassment, I'm also on TikTok at [@auntiekilljoy](https://www.tiktok.com/@auntiekilljoy).

Jess Pieklo: I keep threatening to make a TikTok appearance.

Jess Valenti: You know, it's fun.

Jess Pieklo: One of these days, it's gonna happen.

Jess Valenti: Do it.

Jess Pieklo: Thank you so much for having us, and that is gonna close the episode, folks. I managed to get through it without Imani. Please let her know that, although she was greatly missed. This has been the "Boom! Lawyered" podcast, you can find us wherever you find your podcasts. That is on Apple, that is on Stitcher, that is on Spotify. Basically, literally anywhere that you find us, you can follow us on our social platforms, that is Instagram, and Twitter, and YouTube. You can follow Imani personally @AngryBlackLady, You can follow me @Hegemommy, H-E-G-E-M-O-M-M-Y. And I will send myself out, and say that we will see you on the tubes, folks.