

The Breach 202: Will the Government Protect Abortion Clinic Access In the Era of Trump?

Lindsay: Welcome to The Breach, your deep dive into authoritarianism and corruption in the era of Trump. If you're enjoying the show, please rate and review us on iTunes. I'm your host, Lindsay Beyerstein and my guest today is Jess Mason Pieklo, Rewire's Vice President, Law and the Courts. She's here today to talk about abortion access. This is a special episode of The Bridge that follows the release of Rewire's first original documentary Care In Chaos, which was directed by yours truly and Martyna Starosta.

Care In Chaos is a tale of two abortion clinics, one where the rule of law prevails and one where chaos reigns. We follow Calla Hales, a 27-year-old clinic administrator as she battles anti-choice harassment and police indifference to keep her doors open. You can watch the movie in full on Rewire's website. I'll include a link in the show notes.

We're looking ahead to a long hot summer for anti-choice protests. We've got Trump in the White House, Jeff Sessions at the head of the Justice Department and an anti-choice movement that's dying to test if the DOJ will enforce laws like the Freedom of Access to Clinic Entrances act.

Jessica, welcome to the program.

Jessica: Thank you so much for having me.

Lindsay: Can you give a recap of the history that led up to the FACE Act being passed?

Jessica: Sure. So, let's see. One of the things that I think when we talk about the FACE Act that's important to remember is that we had a big wave of anti-abortion protests that took place in the late 80's and 90's so, there was a real and immediate threat of violence that patients and providers faced every day. And so, just a couple of examples; in 1993, we had former Klu Klux Klan member, Michael Griffith, shoot and kill Dr. David Gunn outside of his abortion clinic, and this is happening right around the same time as the Summer of Mercy where Operation Rescue and about 25,000 protestors descended on Wichita and so, there's this overall climate of chaos.

In August of 1993, there was an attempted murder on Dr. George Tiller, those folks would ultimately succeed in 2009. Ramping up to that comes the FACE Act and that is passed in 1994 and the FACE Act is the Freedom of Access to Clinic Entrances and it is a federal law that protects providers and patients who are seeking reproductive health care and is designed to keep access opened. It hasn't always done so.

Lindsay: And what kind of behaviors specifically does the FACE Act cover?

Jessica: The FACE Act is designed to prevent anything from actual physical barriers to the clinic. During the Summer of Mercy we would have an ... And the protests leading up to the FACE Act, we would have protestors actually busting into abortion clinics and patient rooms, locking themselves to gurneys, locking themselves together and laying down in mass waves of thousands in front of clinics. And so, the real obvious forms of

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obstruction. But then, threats and intimidation too.

Sending letters, threatening to put a bomb under someone's car, for example, as was the case with Dr. Mila Means and Angel Dillard who did this in 2011. She was tried under a FACE Act charge -- not ultimately convicted, that's really interesting case we could talk about if you want.

Intimidations can be calls, letters -- that gets more difficult because then there are some burdens in terms of free speech rights that are different in threats and intimidation cases, but those are the general areas.

Lindsay: It's interesting because you don't see that kind of actual physical interference. You don't see the stink bomb, butyric acid attacks like you used to have or any of the people chaining themselves or crazy gluing doors shut or anything like that. Do you think it's fair to attribute that decline in those kind of tactics to the FACE Act or do you think it was something else?

Jessica: I do think in part the FACE Act is a good metric to use to measure the most egregious and violent attacks. We have seen a return, though, of the kind of really amplified attacks that you just described and what the anti-choice movement calls the 'rescue movement' within clinics. And this summer in Louisville, already, we've had Operation Save America activists physically block entrance to the Louisville clinic there. It should be noted that Kentucky only has one clinic.

And they did it as a specific trial balloon to see how willing the Trump administration is to take enforcement of the FACE Act seriously, because this is a federal law so, that means that it is up to the Trump administration to enforce it.

Lindsay: That's fascinating because for so many years there was this decline in those tactics and now they're coming back.

Jessica: Yeah and I think that we will see that really amplified because the anti-choice community feels that they have a friend in Jeff Sessions.

Lindsay: I've talked to some people who say that there isn't enough education and training at the local level for law enforcement to enforce the law properly and in a lot of cases, even if their heart were in the right place and they wanted to do so.

Jessica: Yeah, the dynamic between federal enforcement of the FACE Act and then the role that local law enforcement plays and can play in terms of either protecting access or impeding access is really an interesting one. At the state and local level, clinics and patients are often left to rely on law enforcement that, as you mentioned, either hasn't been particularly well trained or if it's a small community may even have personal ties with some of the protestors and not feel comfortable getting in the mix, so to speak. So, that's really leaving the right to access abortions safely and securely in a tenuous position because we already have a whole series of restrictions that legislatures have put on, right?

We have waiting periods, in Louisiana they're trying to bump that up to 72 hours, requiring multiple trips between doctors. So, you have this entire legal morass that then patients and providers must navigate this physical one as well that is increasingly becoming more and more targeted and returning to the violent and really amplified rhetoric that we saw in the 90's that gave us the FACE Act ultimately.

Lindsay: And what happened to those protestors in Louisville who've already tried physical obstruction again in the Trump era?

Jessica: Their cases are ongoing so we will hear about that. Some of them were charged with obstruction, as far as I know there is not a federal FACE Act investigation opened yet. If there is, nobody's talking about that. I would be, frankly, surprised given the Sessions administration to see one. But, it should be a no brainer here. That case will continue on and it will continue on and sort of, while Operation Save America has its big annual meeting in Louisville in July at the end of this month. And thousands are expected to attend that meeting and Operation Save America has been very upfront about the fact that it plans to revive old tactics and that it thinks that now is the time to do so.

Lindsay: It's interesting that they are so eager to do it because there have been so many think pieces in the liberal press about having to analyze the anti-choice movement and saying, "Well, they were really smart to get away from these super confrontational illegal tactics. It's so much more effective what they're doing in terms of just general obstruction and psychological warfare." What do you think? Do you think it is a smart play if you were an anti-choicer to be getting back into the more 'in your face' stuff or is that a dead end for them?

Jessica: Oh, that's a fascinating question. I think it depends on ultimately where within the anti-choice movement I fell. There is, sort of, the modern or I would say, sort of, the more traditional, conservative anti-choice movement that aligns with what used to be conservative GOP politics and that has been completely blown up since the big tea party wave. And so, now the most radical wing of the anti-abortion movement has taken front and center -- and so even if what would be considered the more moderates within that group, the National Right to Life Counsel, for example, if even they do disagree with them, they are simply shut out right now.

So, I think if I was within the anti-choice movement and my deep-seated personal belief is that abortion is murder and should be outlawed in every case, I think I would probably be aligning myself with those folks who are seizing the moment right now because ultimately, even if there is an attempt by some within the movement to create that kind of division I talked about between the more moderate -- or self-described moderate I guess is a better way to say it. Ultimately, they're still going for the same goal, which is the end of legal abortion and a restriction and a rollback of a fundamental constitutional right. And so, I don't know that it does a lot of good to continue that distinction. I think we have to hang them on the same hook in that sense.

Lindsay: Fair enough. Does it then become a question of coalition management for the anti-choicers, that you've got this spectrum of people, including some people who are really in favor of very violent tactics, and then you've got the GOP adjacent coalition that's

become disempowered with the fragmenting of the tea party. Are there issues therefore that arise within the movement as to what to do that's empowering the more radical versions?

Jessica: That's a great question and I think in terms of movement management, absolutely. And I think there's movement strategy here too, and this is something that we've seen from the anti-choice movement before. I'll use Ohio as an example. Several years ago before it was fashionable, Ohio floated and tried to pass the first, what was called 'Heartbeat Bill', which would ban abortion as early as a fetal, as soon as a fetal heartbeat was detected, which can be as early as six weeks.

And that is a bill that is very popular among the far or what used to be the far extreme wing within the anti-abortion, anti-choice movement. And during the Ohio testimony, the legislative testimony, James Bach Jr., who was then counsel for the National Right to Life Council, testified against it and testified internally within the movement against these measure saying that it would make the anti-choice movement look out of touch, look too extreme.

He is a powerful figure. He's the legal brains behind Citizens United and his voice has been drowned out. Or he's using the radical wing and his end of the movement is using the more radical wing to bring everybody further to the right. And I think both of those possibilities are out there.

Lindsay: Is there any movement to challenge the Justice Department? From what you've described, it sounds like they have an incredibly strong *prima facie* case to open against the people who were blockading abortion clinics. Is there any movement to try and force the Justice Department to act on something that seems like such a clear violation of the law in its face?

Jessica: In terms of organized pressure, I haven't seen any, and a lot of that is going to also have to come internally from law enforcement on the ground in Kentucky. Because even when you have a friendly administration that is more willing to enforce the FACE Act, such as the Obama administration and the Clinton administrations were, you still ... Federal law enforcement officers still require cooperation from local law enforcement. It's a function of human resources, right? Nobody has the human capital to do all the things all the time and so ultimately, that pressure is gonna have to start from the bottom up and the Justice Department isn't going to listen to abortion rights advocates putting the pressure on, it's gonna have to listen to local law enforcement that says, "This situation is unmanageable and it's a risk to public health and safety writ large."

Which, again, was part of the inspiration for the FACE Act originally. Local law enforcement could not simply manage 10,000 protestors descending on one abortion clinic.

Lindsay: And is there anyone in law enforcement right now who is taking that leadership role and laying it out for the Justice Department?

Jessica: Not on a national level. I know that there, in terms of within law enforcement itself. I

think one of the things that we see in the film Care In Chaos is that there are a lot of, or at least we see one example of a really good law enforcement officer trying to find a way to truly balance the rights of patients and providers and the people who are there to support them and the protest rights of those who oppose abortion.

I think the film does a really good job of capturing when that relationship can work that it actually is one that can diffuse those situations. If law enforcement is hostile, then those situations aren't gonna diffuse themselves and it's interesting that you brought up training because the inverse has happened in one case. The city of Illinois has a buffer zone still in place and it was intentionally broken and then challenged by members of the pro-life action league, a group of national anti-abortion activists and Ann Scheidler, in particular who, the Scheidler have a long history of anti-choice activism.

As part of their lawsuit challenging the buffer zone, they also challenged the enforcement of it against them, specifically by the Chicago police department and alleged that it was a violation of their civil rights the ways in which the Chicago police department was enforcing the protest ordinance. The Chicago police department settled with the Pro Life Action League and part of the terms of that settlement include the officers going through training on how to approach protestors.

So, clearly one side of the equation is absolutely interested in talking to law enforcement directly. And I'm not saying abortion rights advocates aren't, I'm just using that as an example to say that in terms of putting all of the pieces together in the squeeze and the vice grip that is closing off clinic access, the right has done a very good job of weaving those threads together, of attacking it at the federal level, at the state level, at the municipal level and then at the physical level with their protests and ongoing harassment.

Lindsay: Can we talk a little bit about the Angel Dillard case you were mentioning earlier?

Jessica: Absolutely. Angel Dillard is, this is a really fascinating case. So as I mentioned earlier, in 2009 Dr. George Tiller was murdered in Wichita, Kansas. He was an abortion provider, the only one in Wichita at the time he was murdered; he was serving as an usher in his church. His murderer, Scott Roeder, was sentenced to life, admitted doing it, was pulled over in his truck with Operation Rescue contact information in it.

So, it was pretty clear that there were ties there. Almost immediately after he is arrested and charged, Angel Dillard, who lives in Wichita and is a visible member of the anti-choice community there, started contacting Roeder and she set up a prison ministry so that she could minister to Roeder in prison. Roeder was her only member of the ministry, it's a little detail that I always find interesting.

And they start communicating. And as they are communicating, Dr. Mila Means, who is an OB GYN in the area, realizes, "Oh my goodness. There are no providers here. People are in need of comprehensive reproductive health care services. I will take up Dr. Tiller's old practice." And after Dillard's trial, I had the opportunity to interview Meme's and she even admits that she was very naïve in thinking that she could slide into this and continue life as normal.

So, once word gets out that Dr. Means intends on taking over Tiller's clinic, Angel Dillard starts contacting Dr. Means and she sends her a series of letters. At first, they are, "We're praying for you. Don't do this. This is a bad decision. We want God to have mercy on your soul" kind of things. And then they become increasingly violent and threatening to the point where the final letter that ultimately led to a FACE Act charge against Angel Dillard warned Dr. Means that if she continued on trying to take over Dr. Tiller's practice, she should be looking under her car for bombs.

Lindsay: And she was not convicted -- why was she not convicted?

Jessica: She was not convicted because a jury in Wichita, Kansas believed her defense that those statements that she made to Dr. Means that Dr. Means would find a bomb under her car, that she'd be looking over her shoulder constantly, that the anti-choice movement knew where she lived. That those weren't really threats, that they were more aspirational.

Lindsay: More suggestions, you know?

Jessica: Yeah. Yeah, so it's that line of-

Lindsay: Someone out there might want to put a bomb under your car, not saying that it's actually I, the sender of the letter, type deal.

Jessica: Exactly. And that worked and the jury bought it. And also woven in with that, bought the claim that Dillard was making that this was not just protected speech because it wasn't a true threat, it wasn't specific enough to say, "I'm gonna put a bomb under your car Tuesday at 4:00 PM" for example, but that it was part and parcel of her sincerely and strongly held religious beliefs. So, that what we have there is a jury eliding free speech and religious belief in a way that endorses and condones violent rhetoric and as we've seen before enactment of the FACE Act, violent action.

Lindsay: So, does that give, in a sense, religious people special rights? Or anybody who can claim that their religious belief requires them to say really dire and scary and violent things to others?

Jessica: Well, it would certainly suggest that. And again, I think abortion rights context and protests is really valuable here because we have this issue come up with buffer zones. And so, the Supreme Court a couple years ago in the McCullen V Coakley case that challenged the Massachusetts buffer zone law, struck that law, but didn't go far as to say that buffer zones were unconstitutional entirely and left in place an earlier case called Hill V. Colorado.

In that case, the majority that supported the Colorado buffer zone law and kept it in place, created a balancing test and this was a decision written by John Paul Stevens that looked at the rights of the patients and providers, the First Amendment rights of the patient and providers to be left alone. This idea that part of our speech right means the ability to not be forced to listen to speech, that's the idea of compelled speech. We

should not be compelled by the government to speak nor should we be compelled and forced to listen to speech that we don't want to. We should have the ability to have consent in that exchange.

And balanced that with the rights of the protestors to protest. In the following decision in McCullen V. Coakley, the rights of the patients and providers to be left alone is nowhere to be found. And in between that we have the Westboro protests and a whole line of cases that where there's really virulent speech and the court is really tiptoeing around it. And I am by no means suggesting that we need to be trampling all over everybody's First Amendment rights by any stretch of the imagination but I do think we have enough solid evidence, not just historical but contemporary, to say that there are certain pockets of speech that are just historically linked to actual violence and we've struggled with that racially and we are struggling with that in the context of abortion rights. And sadly, during that struggle, real actual threats happen, and real actual violence.

Lindsay: Fascinating. This is totally eye opening for me, I had no idea that there was any First Amendment jurisprudence about the right to be shielded from compelled speech. Can you say a bit more about that concept and the history of it in US law?

Jessica: It's the idea that Stevens fleshes out and it's one of those, sort of, implied but also 'ah-ha' moments in the law is that speech happens in two forms. We right communicate to each other and we are communicated at in that sense. And this is actually relevant because it's gonna come up in the Colorado cake case that's a religious speech case as well.

So, in there is the balance between, and the court has recognized it to say, the government can't force me to listen to its messages and drown out all of the others. It can't force me to sit and listen to pro Vietnam commercials and then censor out any competitive views. That was an important and critical component in how Stevens and liberal majority understood the nature of abortion clinic protests, was that it was actually an exchange of communication that was a divisive and threatening in a lot of ways.

When the court takes the issue back up in McCullen V. Coakley they just side step it, they just don't talk about it. And in terms of how they got there, there's a series of mental gymnastics but yeah, we have the First Amendment right to be left alone. We do not have to listen and be subjected to speech that is threatening, that is harassing, I mean, this is how we get temporary restraining orders, for example.

Lindsay: Isn't the threatening and harassing thing separate from the right to be left alone? That you're not allowed to be threatened and harassed in and of itself, that's its own restriction, right?

Jessica: Sure. But, if you think of it more in a continuum then you have the right to not be threatened and harassed, absolutely. And there are, for example, criminal laws against that but then what do you do when you are in this nebulous public space? Which, is where the First Amendment comes in. How does the government look at the rights of all

of those different people with all of those different viewpoints and how does it find a way to have that be one that those can all be heard and not make it look like the government is endorsing one over the other.

And so, when we are in these public sphere spaces, that gets dicier because it would be very easy if -- and those cases exist and have been prosecuted where a protestor has physically come up and laid their hands on someone. That is legally an assault, you can have that person charged. But, it is less clear when a person feels intimidated, for example, which the FACE Act protects, when that intimidation is coming from four feet away and through an amplified recording device. In Wichita, sometimes they'll play a ministry all day everyday while people are, you know-

Lindsay: It's crazy. This is something we show in Care and Chaos and it really does change the power dynamic when somebody has a microphone and a giant PA system. And they would just be out there all day to the point where they would get bored and start taking requests.

Jessica: Exactly and so, the difference in the two buffer zone decisions from the Supreme Court, I think, really highlights that context is everything that matters. Because in the Massachusetts case, we had justices who were very sympathetic to plump grandmas who were "sidewalk counseling" and I think as Care In Chaos shows, the idea of a very soft spoken grandmother trying to just hand somebody very gently a pamphlet that says, "Please second-guess and think about your decision" is not a reflection of the day to day reality of clinic protests in this country.

Lindsay: No, there are a lot of men, there are a lot of large, imposing guys, people who look like they might be from groups like Abolish Human Abortions. They're not all hearts and flowers and little grandmas. Although, some of the little grandmas that we observed were some of the creepiest people. We didn't actually see this woman in North Dakota do it, but there was this one woman who was notorious for getting into people's cars.

Jessica: Oh my goodness.

Lindsay: Or leaning through windows in the parking lot. Which, plays a little better in North Dakota than it would in a major city because it's very safe there but it's still incredibly creepy and invasive.

Jessica: Yeah, and there's a lot ... The gender dynamics within the extreme anti-choice movement are really fascinating in and of themselves. But because there is a lot of play by play, like you said, that you have these huge hulking forces but it's not like it's only men hulking around who are out there. There are certainly a lot of really aggressive women and they play off that. Or they will play good cop, bad cop as I'm sure you saw too.

So, the psychological warfare that the anti-choice movement is enacting on patients and providers is really, it's destructive and it's terrifying.

Lindsay: There was this one really scary guy who was having a moral dialogue with one of the

pro-choice counter protestors and they were talking, somehow he decided we should do some meta ethics now and he's like, "Well, so who decides for you what's right and wrong? Your conscience, right?" And then the pro-choice protestor is like, "I didn't say that, but okay." "Well, if your conscience tells you what to do, why don't you just kill everybody when you get road rage." And everyone's just like, "Uh."

Jessica: Well, this is really an interesting point too. There within the anti-choice movement and in particular, the Abolish Human Abortion and Operation Save America, those organized groups is what is called the Doctrine of the Lesser Magistrate and this is amazing. So, what the Doctrine of the Lesser Magistrate is, is an appeal to law enforcement to follow their conscience and enforce the laws that are morally just and that says that they do not have an obligation to enforce the laws that they view as morally unjust.

We saw in Louisville as protestors were being arrested for blockading the clinic entrance, pleas to law enforcement to use the Lesser Magistrate Doctrine. And it is a variation of a defense that's Scott Roeder attempted to make in his murder case for shooting Dr. Tiller and that is the Doctrine of Justifiable Homicide, which is, as Scott Roeder argued it, "If my act of murdering Dr. Tiller saved tens of thousands of babies from being aborted, then my act was moral and just."

Lindsay: And Operation Save America has this really creepy document on its website where sort of its manifesto to police officers where they're calling on all police officers to just ignore what the law actually is and go and petition the state legislatures to outlaw abortions.

Jessica: Absolutely, and it's coordinated and I think that we spend a lot of time, and rightly so, focused on the state-level legislative attacks. But one of the things that particularly the film does very well is show that the legislation and those statutory impediments are one thing. What is a totally different thing is the day that a patient needs to get there to their appointment and what they actually have to go through to get there physically after they've had ultrasounds, after they've had waiting periods, after they've been told that, incorrectly, that they will suffer from depression and have an increased risk of breast cancer, which some states make doctors tell people even though there is no scientific basis and fact for those claims.

Then they still have to go through, as the documentary showed, the walk of shame. A tunnel of protestors praying and shouting at them first.

Lindsay: What do you think needs to happen to really put the Right to Be Left Alone with an equal footing with the Right for Free Speech?

Jessica: Well, I think, sadly, one of the reasons that we are going to have a difficult time advancing that in the immediate is that within the context of abortion patients and providers, the federal courts are very reluctant to recognize their First Amendment Rights at all. The federal courts have upheld laws that force doctors, for example, to make the kind of disclosures that I was talking about. That having an abortion increases your risk of having breast cancer, for example.

Lindsay: And that's really compelled speech like, that's so... the government is making you say

something that you don't even believe and you know isn't true and against your Hippocratic Oath to tell people false stuff.

Jessica: And they've lost. And so, I think that that shows you how contextualized and how politicized, even within the federal courts, the framing of the Right to Be Left Alone becomes. The court was more willing to recognize it in the case of the Westboro Baptist protestors and military funerals, for example. Again, and here we can take a page out of the anti-choice movement because in challenging the Massachusetts buffer law they were very specific and intentional about who they chose as their plaintiffs. They wanted to be able to say, "This is the government imposing its will on poor little grandma Sue who just simply wants to, you know, when she's done with the church bake sale, go and help these poor misguided women."

Just the same way that when they were challenging the birth control benefit in the Affordable Care Act they chose the little sister of the poor. That was "the big bad Obama administration forcing nuns to give everybody birth control for free." It's very much the same framing and what we're seeing is that political rhetorical framing having great success in the federal courts. And I don't have a good answer how to push back against that because it's really just the fact that there are a lot of conservative federal judges on the bench who don't like abortion rights, and will be happy to find a way to curb them, and use whatever legal justification they can.

Again, that's another part of the long-term strategy of the anti-choice movement. They have done a phenomenal job of packing the federal courts with their allies.

Lindsay: And it's such an interesting moment right now because protest of all kinds is resurgent and increasingly relevant all across the political spectrum. Everything from Black Lives Matter to Occupy Wall Street and the tea party and everything and I feel like all the different decisions are so difficult because whatever you do on one side can have reverberations way beyond the particular group that you're looking at.

Jessica: Absolutely. And this is just the frustrations of constitutional law in general, in that the courts give us these broad nebulous tests and then each case from there on is very fact specific in terms of whether it meets that test. And so, with regard to protest protections, for example, and efforts to try and manage protests by the government, the court's going to be looking to see, are those attempts narrowly tailored and do they limit the speech as much as possible?

We have seen the courts come out on very different ends of that equation depending on not just the objective facts but the subjective realities of who are bringing the claims and where they are bringing them. For example, I think it's no surprise that some of the first challenges that abortion providers brought and lost, came in Texas. Texas was one of the first states to have these mandatory disclosure laws and they're challenged and the conservative courts in Texas and the very conservative Fifth Circuit Court of Appeals upheld them. Same with the Sixth Circuit and so on.

What we see is really the effect of the court stacking and then also, just legal cover. It's the ability to say that the anti-choice movement is effectively ending and overruling,

overturning Roe V. Wade and Planned Parenthood V. Casey and all of the long line of precedents but just by regulating access and by threatening access in these various pressure points.

You don't need to undue Roe if a woman and a patient can't get an abortion to begin with.

Lindsay: How much credence do you give to all these bursts of rumors that keep coming out that Anthony Kennedy is thinking about retiring from the Supreme Court, and if he does, what would that mean for abortion rights?

Jessica: I give it a lot of credence. I will say that the last several cases that I have covered and have been at the Court for oral arguments, Justice Kennedy looks like a man who is nearly done with his job. He is exasperated and I think that that is a real issue. I hope that he stays on the court for as much time as possible. I think that there is every reason to hope that he stays on at least one more term, given a couple of the cases that are lined up.

But in terms of the overall impact, his replacement will cement the incredible lurch to the right that the Supreme Court took once Justice Gorsuch was confirmed. The court was already conservative and had been sliding to the right. We like to think of the glory days of a liberal Supreme Court but really, that was a blip in the radar. The court has almost historically been one of our most conservative institutions and when the republicans successfully blocked the nomination of Merrick Garland and were able to get Neil Gorsuch on the bench, who has proven to be, by far, the most conservative justice that is currently seated.

Should Kennedy retire and whoever his replacement is, presuming it's a Trump replacement, we have every ... or Pence replacement, we have every reason to believe that they will be as conservative and what that does is it makes Chief Justice John Roberts the swing vote.

Lindsay: That's a scary possibility. Jessica, that's all the time we have for today. Thank you so much for coming on the program.

Jessica: Thank you so much for having me.

Lindsay: And now, it's time for recommended reading. This week's handpicked selection to deepen your understanding of the current political moment comes from Matea Gold and her colleagues at the Washington Post who dug deep to expose Ivanka Trump's clothing line. It's called, "Ivanka Trump's Clothing Practices Are Out of Step With Industry Trends" and it exposes the exploitative working conditions of the women who make Ivanka's trinkets as far away as China, Indonesia and Ethiopia.

Ivanka claims to be a champion of working women in her father's America First administration but, her treatment of outsourced female garment workers shows she's anything but. That's it for recommended reading.

"The Breach" is produced by Rewire Radio. Our executive producer is Marc Faletti. Our theme music is "Dark Alliance", performed by Darcy James Argue's Secret Society. I'm your host Lindsay Beyerstein. Tweet your suggestions, comments and questions to @Beyerstein, B-E-Y-E-R-S-T-E-I-N, on Twitter. See you next week.