

Imani Gandy: Hello, fellow law nerds. Welcome to another episode of Boom! Lawyered, a Rewire.News Podcast hosted by the legal journalism team that is really going to try to make sure you don't jump out of a window today. I'm Imani Gandy.

Jessica Pieklo: I'm Jess Pieklo. Rewire.News is dedicated to bringing you the best reproductive rights and social justice news, commentary and analysis on the web, and the Team Legal podcast is part of that mission. A big thank you to our subscribers and a welcome to our new listeners.

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Jessica Pieklo: You can support us at rewire.news/donation.

Imani Gandy: That's rewire.news/donation.

Jessica Pieklo: Okay, Imani, I woke up this morning to my phone basically exploding with news that Trump is going to use an executive order to end birthright citizenship. Basically, I don't know, unilaterally rewrite the 14th Amendment on a whim. What the hell is happening?

Imani Gandy: I don't know, but I'm just going to say this to all of you listeners out there, if you happen to wake up in the middle of the night to go use the bathroom, whatever you do, do not check Twitter "real quick" before you try to fall back to sleep because that's what I did. I woke up to pee at 4:30, checked Twitter and then never went back to sleep. My God, it's stunning. It seems like every day there's something new, but this is really important. I mean, the notion that Trump is going to try to rewrite the 14th Amendment via an executive order is preposterous.

Jessica Pieklo: It's completely preposterous and so we're going to break it all down for you. This episode, we're going to talk about the 14th Amendment and birthright citizenship, just what that is, what Trump can and can't do to revoke it, and how this latest idea fits into conservatives efforts overall to try and redefine just who people are under the law.

Imani Gandy: This morning, Axios and the New York Times reported that Trump's team believes, "An executive order could specify to federal agencies that the children of noncitizens are not citizens." The 14th Amendment, that's one of my favorite amendments.

Jessica Pieklo: The Equal Protection is a really good amendment.

Imani Gandy: As a black woman, I really appreciate the Equal Protection Clause, let me tell you, but the 14th Amendment says, "All persons born or naturalized in the

United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

Jessica Pieklo: Imani, I'm just going to pause right here and say that that sounds like this report that, what? They're going to do this executive order specifying to federal agencies that children of noncitizens are no longer citizens. That sounds like it goes exactly against the language that you just read there in the 14th Amendment.

Imani Gandy: Yeah, it absolutely does. All persons born in the United States. If you are someone who is born in the United States, then you are a citizen of the United States. It doesn't matter whether or not your parents were undocumented. It doesn't matter, but Trump is trying to make it matter and it actually has some pretty interesting, if not, severe consequences for, as you said, how this government intends to define what constitutes a person under the law of the United States.

Jessica Pieklo: Right. The language of the 14th Amendment should just full stop put an end to this nonsense but it hasn't and it looks like we're going to be talking about it for a while. Conservatives have argued for some time now that the citizenship clause, that's the part that Imani just read, applies only to children of legal permanent residents.

Imani Gandy: But it doesn't say that.

Jessica Pieklo: I know.

Imani Gandy: Did you hear what I said? I said all persons born or naturalized in the United States. It doesn't say all persons born or naturalized to legal permanent residents. What's the deal?

Jessica Pieklo: Well, no, you're totally right and it's based off this willful misreading of case law in legislative history and specifically the, "subject to the jurisdiction," part of that clause. Let's talk about that a little bit.

Imani Gandy: All right, back in 1898, there was a supreme court decision in a case called US v. Wong Kim Ark. Wong Kim Ark was born in the United States to Chinese parents who had been living and working in this country for some time. He left the United States and then was denied re-entry under the Chinese Exclusion Act, which was a real shitty law that was real racist against Chinese people. They denied him re-entry under a rather strict reading of the Chinese Exclusion Act and that law basically restricted Chinese immigration and prohibited immigrants from China from becoming naturalized citizens. He challenged the U.S. government's refusal to recognize his citizenship and he won, right? The court ended up holding in a six two decision that Wong Kim Ark was a citizen of the United States because he was born on American soil.

Jessica Pieklo: Right? When they made that decision, they specifically talked about this phrase subject to the jurisdiction and what that meant. The majority in Wong Kim Ark said that basically the phrase meant that it required folks to obey U.S. law, which then would mean of course that some children of foreign born noncitizens like Wong Kim Ark would be considered citizens if they were born here. I mean, we see that. It makes sense even in the way that the government deals with folks in this country now, like even if you're here unlawfully, we still expect you to abide by the laws. Right? If you don't, you get arrested.

Imani Gandy: Right. Exactly. I mean it's just common sense, right? You come here, you can't come here and murder people and get away with it unless you're a diplomat, which we'll talk about in a minute, but generally if you are in this country on American soil, you are subject to the jurisdiction of American law. Right?

Jessica Pieklo: Right. We should point out though that this wasn't a unanimous decision, right? We had a couple of dissenters. That dissenting opinion is going to be important because it frames the conversation that we're having today. Those folks argued that being subject to the jurisdiction of the United States meant just not being subject to any foreign power, that is, you can't be claimed as a citizen by another country. Another way to say that is that your citizenship flows through your parentage and who your parents are. Birthright citizenship says that your birthright is of the soil. That's the legal framing of it. Conservatives are saying, no, it's not being born here. It's based on who your parents are.

Imani Gandy: It's a difference between of the soil and of the blood, right? I mean, that's really what it is. It's blood versus soil and we're on the soil side and conservative seem to be on the blood side. Go ahead.

Jessica Pieklo: No, no, no. You go.

Imani Gandy: After you, no, after you. We're too polite to do a podcast. The dissenters in that case, that view is basically what Trump is arguing right now and that has become mainstream in the Republican party. Your citizenship flows by blood and not by virtue of being born here. This isn't new by the way, I mean this is something that has been sort of bandied about among conservative circles and some democratic circles actually. I mean, back in the '90s, Harry Reid was sort of on the Birthright Citizenship train. This is not something that's new, but given this particular administration and its seeming willingness to ignore Constitutional norms, it's something that is a little bit more serious now than it has been before.

Jessica Pieklo: That's the big picture of the case law and there hasn't been a lot of other case law around this because this has been pretty much a settled principle. The 14th Amendment says if you're born here and you know, you're subject to the jurisdiction, well then, hey, you are a citizen and we've mostly agreed with that but we're getting Republicans reviving this really tortured reading, not just of the case law, but of the 14th Amendment and its legislative history when it was enacted. Right, Imani?

Imani Gandy: Right, but I just want to circle back for a minute and just make this point, which I think is an important one. There's a judge who sits on the Fifth Circuit Court of Appeals now. He was appointed by Donald Trump. His name is Jim Ho. He said in an article that he wrote about, I think 12 years ago in 2006, "To be subject to the jurisdiction of the United States is simply to be subject to the authority of the United States government. The phrase thus covers the vast majority of persons within our borders who are required to obey U.S. laws and obedience of course, does not turn on immigration status, national allegiance or past compliance. All must obey." Now, but it's not exactly all must obey, right? Because there are some categories of people that I alluded to who don't necessarily have to obey, right, Jess?

Jessica Pieklo: Right and that's basically and this came up when we were debating the 14th Amendment and its passage, right? Who would be not bound by those laws, mostly diplomats. Right? I mean folks who live here and work here, but are bound by foreign jurisdictions. Diplomats and their children for example. At the time, and in some cases tribal folks because of the treaty status and relationships that we have with them. Those are two concrete examples of what folks were talking about.

Imani Gandy: Right. You've probably seen the movies where the cops stop a car and the car has been going 50 miles an hour in 25 zone and the person driving is like, "Can't get me a ticket, I'm a diplomat." That's actually a thing that happens. They're just sort of norms of international law and the ways in which different foreign governments deal with one another. Let's pivot and talk about the legislative history of the 14th Amendment because this is actually really important. When the House of Representatives first approved what would become the 14th Amendment, it did not contain a citizenship clause at all. Senator Jacob Howard, he was a Republican from Michigan, added the citizenship language. This is what he said, and bear with me, it's a long quote, but it's important. He said, "This amendment which I have offered, is simply declaratory of what I regard as the law of the land already, that every person born within the limits of the United States, and subject to their jurisdiction, is by virtue of natural law and national law a citizen of the United States." He went on to say, "This will not, of course, include persons born in the United States who are foreigners, aliens, who belong to the families of ambassadors or foreign ministers accredited to the Government of the United States, but will include every other class of persons."

Jessica Pieklo: Geez, that's pretty big.

Imani Gandy: It's pretty big. This is literally the dude who introduced the citizenship language. If this is the guy who was saying, I'm introducing this language, but I think it says, well, I already believed the law of the land to be, which is if you're fucking born here, you're a citizen.

Jessica Pieklo: In this other historical context of what was happening at this time, these are the reconstruction amendments. The 13th, 14th and 15th amendments all come up post civil war and they are designed to how are we going to unify and move

forward as a country and that includes bringing into the legal fold formerly enslaved people who were born on U.S. soil but who had not had any legal status before. This idea that it is supposed to be very broad, sweeping, exists in a whole bunch of other ways. Can I just say, when we're talking about the foundations of does your citizenship come from the blood or from the soil. This idea that it's passed through lineage. I mean that's futile, right?

Imani Gandy: Right, yes.

Jessica Pieklo: That literally the idea that only white men who own property have rights and status and citizenships and so it's not just like we talk about, "Oh the Trump administration is going to roll us back into the ..." No, this is like the 16th century they're proposing here in terms of the ways in which we identify people and grant them benefits and privileges via the government is really that seems one of those fundamental points that I'm like, wow, that's really that fucked up.

Imani Gandy: Yeah. It's super medieval. It's super medieval and it's important to also recognize that there were people who oppose Senator Howard, Senator Howard and his citizenship clause for very similar reasons that Trump is trying to end birthright citizenship. Right? They were afraid of being overrun by foreigners. They are white dudes who are afraid of being overrun by foreigners. There was a Republican senator by the name of Edgar Cowan back when this was being debated in 18, what did I say? 1866 or something, and he said, if a state were overrun by another and a different race, it would have the right to absolutely expel them. What he's saying is that if too many people that weren't white people invade this country then this country or the state of Pennsylvania, which is where he was from, has the right to expel them and he at the time was concerned with, "Gypsies." That's an offensive term and I believe Romani is the more appropriate term now, but back in the day they weren't really that concerned about using offensive terms or not. They were just offensive across the board most of the time, but he was concerned about Romani people and he was concerned about Chinese people. He wanted to be able to expel those people if it turned out that there were too many of them.

Jessica Pieklo: Absolutely. The idea that all of these arguments that we're hearing now are really rooted in our reconstructive history and have been pretty much uniformly rejected by all of the legal mainstream since then is important, but yet here we are. Right?

Imani Gandy: Yup, yup. Here we are.

Jessica Pieklo: Who is pushing this nonsense? Who do we have to blame?

Imani Gandy: Well, we have a man by the name of Michael Anton to blame. He's a Trump advisor. He is pushing this idea. He's a former spokesman for Trump's National Security Council and he's a professor at Hillsdale College. Jess, I'm going to let you explain what the Hillsdale College is because I know you're going to enjoy it.

Jessica Pieklo: Hillsdale College. Gather around listeners. Hillsdale is a conservative private school in Michigan that has a long and storied history in opposing the civil rights movement and civil rights generally. They just really don't like it. They were among one of the colleges who withdrew from federal funding rather than accept being bound by anti-discrimination laws, like Bob Jones University for example. They didn't really want to have to deal with admitting folks of all backgrounds and all races and all nationalities. They liked their little white Christian college up in Michigan just fine, thank you. They are only privately funded now.

Imani Gandy: You got to be really, really committed to racism to not take federal money.

Jessica Pieklo: Seriously.

Imani Gandy: So you can continue to be racist as fuck. You mentioned Bob Jones and I just want to let our listeners know that Bob Jones is a university that declined accepting federal dollars because they didn't want interracial relationships on campus. This was like 10, 15, 20 years ago. I mean, we're not talking like '40s and '50s. We're talking like-

Jessica Pieklo: '70s and '80s. During the Reagan administration.

Imani Gandy: Real, real recent.

Jessica Pieklo: Hillsdale actually has a statue to Reagan on campus, like that gives you a sense of where they're at, but they also had this thing called the Allan P. Kirby Center for Constitutional Studies and Citizenship and Michael Anton is a professor and lecturer with the Kirby Center. They cosponsor this James Madison Fellows Program with the Heritage Foundation and the Federalist Society and basically it's all coming together of really conservative white, mostly evangelical interests. I think that those pieces are important to put together here because it support within the religious community and also with the Heritage Foundation. I mean, they're not schlubs in the conservative movement. Those are the really moneyed folks.

Imani Gandy: They're the heavy hitters. I mean the Federalist Society is why we have Brad McBeer on the bench basically.

Jessica Pieklo: Exactly, exactly. They are really working with getting these, what used to be radical ideas mainstreamed in conservative legal thinking circles. This report suggests that they're having some success for that.

Imani Gandy: Yeah, they really are. It's scary, but there are also those of us who are pushing back, those of us who recognize this nonsense for what it is, one such person is Garrett Epps. He has a really good piece in the Atlantic that was published a couple of years ago about why all of this is just horseshit and essentially goes

against the legislative history of the 14th Amendment. He basically calls this the Constitutional equivalent of flat eartherism, which I think is hilarious.

Jessica Pieklo: I need to give professor Epps some snaps for that term there because Constitutional equivalent of flat eartherism is perfect because that's exactly what they're doing. They're making up their own facts and creating an alternative universe that suits them. But it's not even just like Epps. Some folks would write off as like another liberal professor. Right? We've got conservatives. We've got the vocal conspiracy going. This is a terrible idea.

Imani Gandy: Yeah, yeah. Jonathan Adler who writes Volokh Conspiracy basically went through the legislative history of the 14th Amendment, talked about the 14th Amendment, basically said Michael Anton is a jackass and should not be listened to. When you have conservatives saying that about what's going on here, then I think you can rest a little bit more assured that it's actual nonsense and not just as they said "liberal people who are making a big stink about stuff they don't like in the Constitution. "

Jessica Pieklo: Yeah, I mean, Adler, for some context for our listeners who may not know is for example, one of the legal architects in the attacks on the Affordable Care Act. He's not by any means like a fringe conservative either.

Imani Gandy: Right? No, he's pretty mainstream. The fact that he essentially says this is nonsense I think holds a lot of weight and should hold a lot of weight among conservatives, but now that we've talked about the legislative history and how you have to go back to 1866 and basically throw a middle finger up at the people who introduced the citizenship clause in order to read the citizenship clause in the way that Trump wants to, but let's talk about some of the good news. Let's try to make our listeners feel like maybe they don't have to jump out that window.

Jessica Pieklo: Sure. First and foremost, you just simply can't change the Constitution by an executive order.

Imani Gandy: You can't change the Constitution by executive order. You cannot change the Constitution by executive order. I mean, for fuck's sake, could you imagine if you could? It would just basically every four years the Constitution would mean something different. By the way, if it turns out that you can change the Constitution by executive order, by some, I don't know, complete fire hose of fuckery then the first thing that Democrats need to do is go after the 2nd Amendment. Executive order saying you don't have a right to have individual firearm because it's not a well-regulated militia. I mean, let's talk about that. Conservatives don't want to go down this road and the fact that they are going down this road actually to me send some very alarming signals about what they think and who they think is going to be in power for the foreseeable future.

Jessica Pieklo: Right, because the only way you can change the Constitution is via congressional act that has two thirds the majority from both the house and the senate, or by a Constitutional convention which requires two thirds of the state legislatures signing on to call for one.

Imani Gandy: Essentially, changing the Constitution is super hard. It's so hard that we've been trying for I think for what, 40 years now to get an Equal Rights Amendment passed and it hasn't happened yet. It's a tough road to hoe, road to hoe, road to hoe. I always get that phrasing that little ...

Jessica Pieklo: I always assumed it was row, you know, like you're planting crops.

Imani Gandy: Yeah. You hoe a row. Yeah, I'm not a farmer. What do I know about planting? I'm not a fucking farmer, man.

Jessica Pieklo: The good news is that it's hard to change the Constitution and there is a good chance that this executive order business is Trump just bloviating before the election and trying to rile people up. The bad news is, is that this is an idea with legs and an idea with legs with folks in Congress. Right, Imani?

Imani Gandy: Yeah. I mean Steve King who is just wildly racist.

Jessica Pieklo: This is like his fever dream right here.

Imani Gandy: It really is. It's like, you know, God, his Twinkie is really creamed right now. I'm sorry for that really unfortunate visual but Steve King already has a bill with 48 cosponsors in competitive house races by the way, to limit birthright citizenship to children of citizens and nationals. Legal permanent residents who live here and members of the armed forces. Then there's Lindsey Graham, who I swear, a friend of mine used to always say that Lindsey Graham's voice sounds like a whites only drinking fountain, which I think is fucking funny. He says that he's going to sponsor a bill in the Senate. You've got Steve King with a bill in the house and Lindsey Graham with a bill in the Senate. One way or another this is a fight that conservative seem intent on having. Depending on how the issues are framed, both in the media and in what will inevitably be tons and tons of litigation, it depends. I mean we could see the Roberts Court basically making some really, really, really bad 14th Amendment law, some really, really bad law that's going to have really, really bad repercussions. Isn't that right, Jess?

Jessica Pieklo: It is. I mean, one of the reasons why I think it's important to connect this news that just came out with the upcoming election is because of this idea that if the election were to go really well for conservatives, they may in theory have the numbers to push and pass and have Trump sign some kind of statutory limitation on citizenship here. Now that would be subject to challenge, right? Like immediately the Washington's attorney general has already said, screw you I'm suing if any of this stuff happens. We know that will happen and I would expect California to follow and New York and other places.

Imani Gandy: All of the Ninth Circuit states are going to because it's the Ninth Circuit that struck down the travel ban. Right. The Ninth Circuit right now is still the most liberal circuit in the country and so essentially if this goes down, someone's going to sue, a federal district court is either going to say yay or nay, but once it gets to the ninth circuit, the ninth circuit is going to be like, get the fuck out of here. Then it'll go to supreme court and that's where we'll see where the rubber hits the road. Do we see John Roberts with all of his proclaimed concern about the legacy of the court, do we see him basically take a hammer to the 14th Amendment so much so that he's going to have to go back and undo the actual legislative history from the people who actually wrote the citizenship clause saying, "We don't have to pay attention to that. We're going to go another way."

Jessica Pieklo: Yeah and that's because no matter how this comes up, if it's the ultimate question of can citizenship be restricted based on birth effectively is one way to think of the legal framing. On that then they would have to write a decision that very specifically distinguishes from the Wong Kim Ark case that we talked about and explain just how it's different for unlawful residents as it is for lawful residents. If you go back through and read that decision and even the two dissents, the outcome does not at all depend in that case on whether or not Wong Kim Ark's parents were they lawfully or not. That wasn't the turning point. That wasn't the pivot point in the analysis. They will really have to write a tortured decision to that. Are they capable of doing that? Are the five conservatives on the court capable of doing that? I think they are. We are a ways from there yet though, so no jumping out of the first four story window just yet.

Imani Gandy: Please, no. I know Jessica thinks that they are, I'm still of the mind that they're not. Maybe it's just me being naive and trying to hold onto some semblance of sanity or some semblance of "are you really going to take a hammer to the 14th Amendment and ignore the words of senators from 1866 so that you can propose this new and radical vision and interpretation of the 14th Amendment?" I have to believe that even with this court, they're not going to do that. Like I have to believe that if Scalia were alive, he would probably crap a brick. Now, it has been pointed out to me on Twitter by you and some other people that when it comes to shit that Scalia specifically didn't like or any of these conservatives don't like, they're not really shying away from taking a hammer to precedent, taking a hammer to obvious legislative history and ignoring it, but I don't know. Maybe I'm just silly.

I'm still holding onto hope that there's going to be some sort of sense making at the supreme court if this should reach the supreme court. But irrespective of whether you're cynical or optimistic about this particular issue, what is actually a real problem and what should concern people are the attempts that people, that conservatives are making to rewrite the 14th Amendment so that it applies to certain people and not others. It wants to favor certain people in this country over other people in this country and that has some real implications when it comes to fetal personhood.

Jessica Pieklo: Absolutely, and you know the court has wrestled with the idea of who people are under the law in a variety of contexts and abortion rights is just one of them. The decision itself said that fetuses were not people under the law for purposes of the 14th Amendment and that is a thorn in the side of conservatives in the anti-abortion movement. But if citizenship is tied to your parents rather than your place of birth for example, it's that much easier to redefine life starting at conception because it's not about being born per se, but about where you're from.

Imani Gandy: Right. If you're in the womb. You're from the womb.

Jessica Pieklo: Exactly.

Imani Gandy: Precisely, and that's actually a really frightening concept because once we start talking about fetuses being people, then we start having situations where fetuses and pregnant people have competing rights. We start to prioritize the rights of fetuses, unborn people, if you want to call them people, versus already born people. In my view, I feel like if you're already born you should get a leg up. You know what I mean? You're already out, you're already breathing. Let's give the already out, already breathing people a chance.

Jessica Pieklo: I know it doesn't seem like a direct line, but I do also think it fits in with these attempts by the administration to roll back the legal protections and status of transgender folks. Right? Because by insisting that gender is a fixed and biological condition that can't be changed they are forcing and doing this via regulatory action and deciding benefits and rights based on that. They're effectively redefining somebody's status under the law. Right? They are saying that you are not X, you are Y by virtue of government decree.

Imani Gandy: That's correct.

Jessica Pieklo: I think it's crap. What are the courts going to do? I don't know. I mean, I'm a little cynical on the Roberts Court. I think though, it's helpful to think like Jim Ho, you read that great quote. He's a Trump appointee and he thinks this is bullshit. I think it's worth holding out hope that the more rational minds will prevail but like you said, I mean, you know, is this originalism when they like it, which maybe that is. Going all the way back to originalism, meaning the law only benefits white dudes with property.

Imani Gandy: Also, originalism to the extent that we're going to go back and look at what the founders thought of something or even what the founders, the proponents of a specific piece of legislation thought. I mean that's sort of the point, right? You go back to what the text says and the text says specifically that it doesn't matter. If you're born here, you're a citizen here. To go against that would require, like I said, taking a real hammer to the 14th Amendment and also flipping a middle finger at originalism. Originalism for me and not for thee, I don't know, it's originalism when you like it, you don't use originalism when you

do. I don't know what's going on. I feel like a lot of times conservatives talk about judicial activism. This seems to me like this would be a clear case of judicial activism should this reach the supreme court and should the supreme court decide to back the Trump administration.

It also goes against a lot of case law that has developed since 1866 that has said that has related to or defined what it means to be subject to the jurisdiction of this country. The courts have said time and again, that undocumented people, the children of undocumented people, are protected by the 14th Amendment. There was a case called Plyler v. Doe where children of undocumented people were battling to be able to go to public school in Texas. The court said, these people are subject to the jurisdiction of the United States even though they are descended from undocumented people. There's a lot of law around rights and privileges of citizenship that would just immediately unravel should A, Trump issue this executive order and B, should it make it to the supreme court and somehow the supreme court upholds this executive order. This hypothetical executive order.

Jessica Pieklo: I guess to close it out and summarize for the listeners, the proposal is really bad. It's bad for a lot of reasons. It's bad because I mean, you know, it's bad legal precedent, it's bad legal reasoning and it's bad because it is somehow suggesting that birthright citizenship is a matter that's open for legal debate when it's not. It's very clearly not, but they are trying to force it. Media who suggests that this is an open question is following in line with that. But we do know that just because it shouldn't be up for debate, they are still making it up for debate and we've got some legislation that we're going to have to watch and particularly depending on how the election does. Right?

Imani Gandy: Yeah, yup, yup. Hopefully, hopefully this is, as Jessica said, just election bloviating, along with him sending 14,000 troops to the border. Trump is clearly fearmongering about immigration. There's clearly a panic about demographic shifts in this country. White folks are about to be a minority in the country in about 20 or 30 years and it seems like a lot of these policies are intended to keep that from happening, to keep white supremacy in place, to keep the white majority in power and to ensure that undocumented people and people who are seeking asylum fleeing violence in their own home countries who are coming here hoping for, I don't know what they're hoping for because this place is a shithole right now as well.

There's just something really insidious and pernicious about the way Republicans and conservatives have been talking about migrants, talking about immigration, holding them in detention, ad infinitum, putting babies in cages. I mean, this country's immigration policy right now is abhorrent and maybe come November that will change if Democrats can pull off wins. Maybe it won't change. I guess we'll have to wait and see, but in the meantime, try not to jump out a window. Maybe instead have a drink. Have a nice seltzer water. Maybe go for a walk.

Jessica Pieklo: Take a walk around the block. We need you, this is going to be a big fight and it's one that I think we have to be ready to hunker down for because it's clear that there's a lot happening here between the messaging and the actions.

Imani Gandy: Importantly, it's a big fight that's going to require a lot of people who are not in the immigrant community to step up, right? Because there are a lot of people who are in the immigrant community whether or not they are naturalized or citizens, they are being challenged. Their right to be here is being challenged and so they are in danger every time they try to protest this stuff. It is incumbent upon the rest of us to make sure that we show up for the immigrant community.

Jessica Pieklo: White people put your bodies on the line.

Imani Gandy: Put your bodies on the line. That's all for us I think. You can follow me on Twitter @AngryBlackLady. You can follow Jessica @Hegemommy H-E-G-E-M-O-M-M-Y. You can follow Rewire.News @Rewire_News. You should join our Facebook group -- for the love of God, people, if you please answer the question, we'll let you in but there's so many of you who haven't answered the question. I feel bad just staring at your little names. Answer the question. We'll see you on the tubes.

Jessica Pieklo: See you on the tubes.

Imani Gandy: Boom! Lawyered is created and hosted by Jessica Mason Pieklo and Imani Gandy. Our producer is Nora Hurley. This episode was produced by Marc Faletti, who is also our executive producer. The Rewire.News editor in chief is Jodi Jacobson.