

[Boom! Lawyered: Rapid Reaction — A Great Decision \(Plus a Roberts Time Bomb\) on Abortion Access](#)

Imani Gandy: Hello, fellow law nerds! Welcome to a special reaction episode of Boom! Lawyered, a Rewire.News podcast, hosted by the legal journalism team that really just can't believe it. I'm Imani Gandy.

Jessica Pieklo: And 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. So a big thanks to our subscribers and a welcome to our new listeners!

Imani Gandy: So Jess, another good morning at the Supreme Court for our issues, eh?

Jessica Pieklo: What just happened?

Imani Gandy: I don't know. I think it's because I'm wearing the same dress that I was wearing the day that we got the good DACA decision and the good Title VII decision. So now I feel like I have to wear this dress for every opinion day that we care about.

Jessica Pieklo: So I woke up thinking that the court was going to crap the bed this morning on abortion rights, and it didn't.

Imani Gandy: And then it didn't. End of podcast! See you on the tubes.

Jessica Pieklo: See you on the tubes! [laughter]

Imani Gandy: I know. So essentially, I remember last week, when we were waiting for the June Medical Services versus Russo decision, which is what we are talking about today. That is the case involving Louisiana Act 620, which is an admitting privileges law, that requires abortion providers to maintain admitting privileges at a hospital within 30 miles of the location that the abortion was performed. And we've been waiting for this case and talking about this case for seemingly forever.

Jessica Pieklo: And I mean, the last time we were out in public, in before times, was at the court for arguments for June Medical Services.

Imani Gandy: That is right. You're like the last person I saw that wasn't someone who lived within 20 feet of me. So that was fun. And last week I remember thinking, okay, we got this good Title VII decision, we got the good DACA decision. Is it possible that we're going to win June Medical Services? And I think you might've been like slap, slap, slap. Snap out of it. Moonstruck, Cher, Nicholas Cage, that whole thing. And I was like, you're right, listen, let me not get ahead of myself. And then what happened?

Jessica Pieklo: Oh, my God. I love that Moonstruck reference.

Imani Gandy: Right? It's always a good thing.

Jessica Pieklo: We got a good decision.

Imani Gandy: We did.

Jessica Pieklo: We woke up today with Justice Stephen Breyer writing a majority opinion upholding abortion access.

Imani Gandy: And not only writing a majority opinion, basically saying in that majority opinion, "I said what I said, motherfuckers," which he probably wouldn't have said motherfuckers, although I like to think in my head that he's kind of spicy that way.

Jessica Pieklo: He's a little spicy.

Imani Gandy: This is a man who literally four years ago wrote an extensive opinion in a case called Whole Woman's Health versus Hellerstedt, which involved literally the same exact law, except in Texas, rather than Louisiana. And he went through and talked about the standards and the facts and how we got to do, yah yah yah, and we got to do blah, blah, blah, and this thing and the other thing, and data, data, data, 'cause he's a data nerd. And we love our data nerd guy.

And then four years later, he's probably sitting in his office like, "You fucking people. I said what I said four years ago, and now I got to sit here. I got to sit up in here." That's how he said it. "I got to sit up in here and write an opinion that is basically the same as what I wrote four years ago. So here's what I'm going to do. I'm going to tell you bitches, I said what I said, and then I'm going to just kind of stick a couple of fingers in the ribs of Sam Alito, because whew, there's a salty dude."

Jessica Pieklo: Seriously.

Imani Gandy: And so now we have this great ruling that says, "I said what I said. You cannot come into court four years later with a law that is exactly the same as what I struck down four years ago, and try and finagle your way around severe procedural issues that this case had," which we'll get into in a minute. And I don't know. I'm sort of verklempt here. Like I might just ... you might have to just do this show by yourself, Jess, 'cause I am straight up verklempt.

Jessica Pieklo: No. I'll give you a second.

Imani Gandy: All right.

Jessica Pieklo: Pull it together.

Imani Gandy: While I pull it together, why don't you talk? You say some things.

Jessica Pieklo: So some context. I mean, we're going to talk about the decision, but let's hold onto the fact that Sunday was the four year anniversary of Whole Woman's Health versus Hellerstedt, so four years ago, almost to the day-

Imani Gandy: Almost to the day.

Jessica Pieklo: That Breyer said, "No. You can't just make up reasons to try and close abortion clinics," which is what that decision was basically about. And today is the 30th anniversary of Planned Parenthood versus Casey, the court decision that brought us the undue burden standard, and that apparently Chief Justice John Roberts, when he voted with the liberals today, in June Medical Services, decided he is going to throw a little time bomb in too. So lots going on.

Imani Gandy: Lots going on.

Jessica Pieklo: But let's get into it.

Imani Gandy: Let's talk about, what did the court actually say? Let's talk about that, right?

Jessica Pieklo: Yes. So it said to start, that the rule of law matters, right? This is a decision that Justice Breyer wrote, that's basically about the role of the courts and the role of prior decisions.

Imani Gandy: And that's really, really key, because a lot of what we've been talking about over the year has been whether or not John Roberts actually cares about the courts, or whether or not he cares more about Trump and wants to be that guy who continues to uphold what the Trump administration wants to do, continue to uphold what conservative lawmakers want to do, irrespective of how the rule of law works, and irrespective of how procedure works.

And what the court said today, what Breyer said today, is that Louisiana's Act 620 is unconstitutional, just like HB2 in Texas was unconstitutional. And you can't come up with these crackpot reasons for regulating abortion out of existence that aren't based on reality, that aren't based on facts. And so what we have here is the court looking at the Fifth Circuit, and saying, "You can't just take the findings of facts, everything that the district court did, look at it and say, "No, we disagree. We don't think that that's right. And instead we're going to substitute our own judgment and our own finding of fact for the trial courts."

And that's simply not how courts work. How courts work is you file a lawsuit, the trial court either holds a bench trial or a jury trial, they do all of the fact-finding, because they are the finders of fact. And then one side or the other can appeal to a higher court. And then that court's role is to look at what the court did and determine whether or not the law is correct. And then in very, very, very slim circumstances, if the district court just went entirely rogue, and found things in the findings of fact that just weren't there, that were so not there, that an appellate court can look at that district court's ruling and say, "This is clearly

erroneous." Not, "We would have come out a different way," or, "We think the district court could have done better." That's not what an appellate court is supposed to do. The Fifth Circuit was supposed to say, "The district court's ruling was clearly erroneous. And Breyer said, "You can't do that. You can't possibly look at everything the district court did and say, "Oh no, the district court was clearly wrong." You just can't do that.

Jessica Pieklo:

Right. So that is such an important point. This is a decision about the rule of law and the role of the courts. The court, the majority here also said that abortion providers have the ability to sue on behalf of their patients, which is huge. Because Louisiana had tried to argue that abortion providers can't, they don't have standing, that they can't challenge these kinds of restrictions. And that was a challenge to almost 40 years of legal precedent, that they basically just pulled out of their ass midway through the proceedings. And the court said, "No, you can't do that. We have a long line of case law that says that there is enough of a shared interest here to let abortion providers bring these kinds of challenges." And it's a really big deal, because had Louisiana been successful here, it would have been so much harder to challenge abortion restrictions in the future. And so the court for now really cut that attack off at the pass, and that's a really important point.

Imani Gandy:

And it's really important also because of the way in which that issue, the standing issue, which we've called time and again, the sleeper issue, because frankly we couldn't fathom a world where a court could look at the Louisiana law and the Texas law and find some difference between the two, such that it could uphold the Louisiana law, while looking at the Texas law and being like, "Yeah, I know we didn't uphold you, but you know, Louisiana's is different." It wasn't different. It was the same. But Louisiana, in this Hail Mary attempt, tried to say, "Okay, fine, whatever. All of that is great. But can we talk about this initial issue, this issue of standing, this third party standing issue?" And what was really frustrating about Louisiana's attempt to inject that issue so late into the proceedings, is that for the five years that Louisiana litigated this case, it conceded that abortion providers had standing, that this particular abortion provider had standing to sue in this particular case.

But I think because, and I don't know, maybe we've been incorrect in being so, I don't know, just disheartened by what the court has been doing, and disheartened by the direction that the court has been going in. And I assumed that a lot of people feel the same way, and the people on the other side of the issues that we care about, were like, "Yeah, this is fantastic, because we think that this court doesn't really give a shit about the rule of law, and doesn't really give a shit about precedent and stare decisis. So we're going to try and come in with this Hail Mary claim on standing, even though we've already conceded standing, but we think this court might bite because, I mean, they took the petition. So that means they might be considering it."

And so I was really, really concerned that we were going to be in a place where abortion providers would be cast as being inherently in conflict with their

patients, because here they are, trying to undo a law that Louisiana, in its good sense, in its caring, this emotion that they have for pregnant people in Louisiana, they just want pregnant people to be safe. And so we are passing this law for pregnant people to be safe.

And these providers, these horrible people, are acting in bad faith in order to undo all of this work that we're putting in to protect pregnant people, Louisiana. And doesn't that necessarily mean that they have a conflict? Doesn't that mean that they can't possibly be standing up for their clients, because they don't want to follow these rules that we have put in place for health and safety purposes? And the idea of that is absurd, because you can't just say, "Hey, yeah, we want to pass this law in order to protect the health and safety of pregnant people, when the actual issue at hand is whether or not this law that you enacted actually protects the health and safety of pregnant people." Am I making any sense? Does this make sense? Because I'm so verklempt and excited that I feel like I might be babbling and I don't want to, people will be like, "God, that Imani, she lost it. She just went around the bend."

Jessica Pieklo: I think we have to talk about Chief Justice John Roberts in all of this here, because he is the fulcrum. He's the reason why abortion providers won this case. He voted with the liberals. And that is a change of his position from Whole Woman's Health. And he wrote about it in his concurring opinion. And so we are going to hear a lot about how Chief Justice John Roberts is a good guy on abortion rights, but I am here to tell you that he is not a good guy on abortion rights.

Imani Gandy: No.

Jessica Pieklo: So we're going to celebrate today's win, but also we've got ... there's a lot in there. So, on the standing issue, I think you're totally right, that the attorneys for the state of Louisiana saw an opening and tried to take it. And they saw an opening because Justice Thomas gave them one. He teed up this idea of standing in a dissenting opinion and said, "We think abortion providers are really inherently pretty terrible people, and so they are in conflict with their patients, and shouldn't be allowed to bring these claims." And the anti-choice community, doing what the anti-choice community does, it was like, "Aha, that sounds like a good idea." And they were off to the races with it. Did it work this time? No, thank God. Will it work again in the future? It might.

Imani Gandy: It might, right.

Jessica Pieklo: This wasn't a strong enough opinion that completely foreclosed it. If and we're seeing states continue to challenge the standing of abortion providers, so this is a good decision for the moment. I don't think this issue is put to bed entirely though. But Chief Justice's John Roberts' concurrence here. So he voted with the liberals. That's why we won today. But then he wrote this concurrence that was like, "Gee whiz, y'all, I voted. And I still don't think that Whole Woman's Health was rightly decided, but I just got to stand up and be the adult in the room and

do the right thing, and go with stare decisis." And so he's going to get a lot of applause for that. But then, if you read the rest of his opinion, it's a whole lot of, "And anti-choice community, here's what you can do next time to win."

Imani Gandy: I think that's what's really striking to me about Roberts, because I'm getting, and I don't really have anything to base this on, except for his opinions, and just the Supreme Court zeitgeist that's going on right now.

Jessica Pieklo: Totally.

Imani Gandy: But I get the sense that he is trying to, as you say, be the adult in the room, by standing up for precedent, by saying, "You can't just go back and relitigate the same damn cases we litigated last four years ago, but I'm still with you, anti-choicers. And here's the thing that you could do that will make it easier for me to rule in your favor, without having to take a crap on the Constitution, or to take a crap on the legacy of the court."

And we've talked about, for years, about Chief Justice Roberts' legacy, and whether or not he actually cares about the court as an institution, or whether or not he's beholden to this new Trump era of, "Anything goes, we don't give a shit. The rule of law means nothing, outcome determinative decisions." And I don't think he wants his legacy to be that of the outcome determinative judge. He wants to be able to say, "I stood up for the rule of law and for the institution. And then I also made these rulings in such a way that allows me to continue to live in that space," without being an entire whole-ass hypocrite, which I don't think he wants to be. Alito, on the other hand-

Jessica Pieklo: I mean, that's one salty little man.

Imani Gandy: He is a very salty little guy. I feel like maybe we should just ask him out for drinks, have him on the podcast, maybe drink some mojitos and be like, "Sam, let's talk about you. How are you feeling?" Because he's angry.

Jessica Pieklo: We really got to crack that. So angry.

Imani Gandy: Things aren't going his way, but he's angry in a way that doesn't make sense. I mean, as Breyer pointed out in the majority opinion, Alito wants to change the clearly erroneous standard, and make it into a clearly erroneous lite standard. So something that would allow him to agree with the Fifth Circuit, that the district court, in this massive trial that it held, somehow managed to screw up every single thing. When it came to every single abortion provider who tried to get privileges, he wanted to say that they were all acting in bad faith, that they have an inherent conflict with their patients, that they're essentially bad people who are trying to get out of complying with the law that Louisiana really wanted to enact, in order to protect pregnant people. And none of those things are true. None of those things are even close to true. And you can't just make up

rules, procedural rules, to dovetail with the outcome that you want. And I really feel like that that's what Alito tried to do, or wanted to happen, in this case.

Jessica Pieklo: I completely agree. And I think if we take Alito's logic, and put it in the context of the reality that Trump just had his 200th judge confirmed last week, and that now one in four appellate court judges is a Trump appointee, the idea of the proper role of the courts is going to become increasingly important as these issues come before it. Because if Sam Alito got his way, then all of those Trump judges would effectively have the power to just cast aside district court findings they disagree with. And when we have cases on abortion rights, on police violence, on voting rights coming up, and the Trump judges have been more successful at the appellate level than at the trial court level, that is going to have a long-term arch with consequences. So Sam Alito's complaints are not only unhinged, they're really dangerous, when we think about what conservatives have done with the judiciary.

Imani Gandy: It is. It's frightening. And I feel like, I mean, Scalia, I rarely agreed with Scalia, but at least his opinion seemed to be grounded in something that he believed in, in the Constitution, and then his interpretation of the Constitution through an Originalist lens. I don't know what Alito believes in, in terms of the Constitution, in terms of the rule of law. I wish I did. You know what I mean? He makes it very difficult, besides coming up with some really just negative, nasty conclusion that he really doesn't give a shit, and all he is is a partisan. And I don't want to be one of those people that automatically view someone who disagrees with me as being partisan. But I can't think of any other explanation for Alito's behavior.

Jessica Pieklo: So I have a question for you, Imani.

Imani Gandy: Oh, boy.

Jessica Pieklo: Do you think Susan Collins is having a good morning? [laughter]

Imani Gandy: Susan Collins is probably going to write a strongly worded letter to someone.

Jessica Pieklo: She's clutching her pearls right now, I think.

Imani Gandy: She's probably just passed dead away on a fainting couch somewhere. Can't believe it. [laughter]

Jessica Pieklo: Someone grab the smelling salts.

Imani Gandy: Someone grab the smelling salt! But you mentioned Robert's concurrence. And can you talk a little bit more about that? Because his concurrence made me nervous, in the way that he talked about Planned Parenthood versus Casey. And so can you just, can you soothe my fears at all, or no? You probably can't, can you?

Jessica Pieklo: Do you have a whiskey?

Imani Gandy: I have a bottle of vodka.

Jessica Pieklo: Okay. So I'll give you a second.

Imani Gandy: Okay. All right.

Jessica Pieklo: Pour a triple.

Imani Gandy: I'm ready. I'm ready.

Jessica Pieklo: It's a triple kind of morning, with this news. So first of all, happy anniversary Planned Parenthood versus Casey. We love that you affirmed the right to an abortion. Roe versus Wade is very important to us. We appreciate you greatly. Chief Justice John Roberts would like to have a word with you though. That is basically his concurring opinion.

So, without getting into the weeds, 'cause we will be talking about the impact, and unpacking Robert's concurring opinion here, I think, for quite some time. But a couple immediate takeaways. One is that he remained entirely consistent throughout the course of this litigation in his position. And so I got to give the bitch credit for that. He actually is the one person who didn't change any votes ever in that sense. So good job there.

But in his concurring opinion, as I said, he wrote this, his introduction is like, "Look, four years ago. I said that Whole Woman's Health was wrongly decided. And I still think it was wrongly decided, but my hands are effectively tied. That's how the court came out in that case. And this is basically the same law. And so we're required to come out the same way. However, I'd like to take this opportunity and say a few words about our friend, Planned Parenthood versus Casey," and then does this entire exposition on the undue burden standard, and says a couple really interesting slash terrifying things. One, he says that the test was never designed to be a balancing test, which, okay-

Imani Gandy: That's interesting.

Jessica Pieklo: Someone tell the courts that for the last 30 fucking years. But he makes this big point about how courts aren't actually in the position to balance the interest of a pregnant person against potential life. That's a fool's errand. And I mean, philosophically, I guess I agree with that. But also, courts have jobs to do, and sometimes those jobs are hard, and sometimes they include balancing interests. So I don't know, put on the big boy pants. So there's that.

But then he really focuses in on the substantial obstacle part. And so that's a legal standard that says basically, under Planned Parenthood versus Casey, abortion restrictions can't place a substantial obstacle to a patient getting an

abortion. And in this case, he says, "Look, it's clear that these admitting privileges laws provide substantial obstacles. They close clinics. That is an obstacle." If a clinic isn't there, that's a fucking obstacle. That's pretty clear. But we don't know what a substantial obstacle looks like in other types of abortion restrictions, the way that Roberts has constructed his understanding of Casey.

So for example, we don't know how the substantial obstacle test, as Roberts envisions it, applies to other types of abortion restrictions, like later term abortion restrictions for example. There are cases in Alabama that are looking at D&E bans, so dilation and evacuation bans. And in those cases, the states have said, "Well look. We are not really placing a substantial obstacle 'cause there's another procedure a patient can get." That seems to really open the doors for the courts being able to uphold all kinds of what should be unconstitutional pre-viability abortion bans. And so Robert's concurrence to me really is starting to light the path on what is the next wave of fights in the abortion wars.

Imani Gandy: And I think that's a really critical point to make, right? Because if you ban a specific type of abortion, but there are still other types of abortion available, then can you really say it's a substantial obstacle, because it's not-

Jessica Pieklo: Exactly.

Imani Gandy: And then it becomes an issue of what does substantial mean, right? It can't just be any obstacle. It has to be a substantial obstacle. So is it a substantial obstacle to ban the most common form of second trimester abortion, or is it not? That's an open question. Is it a substantial obstacle to say that an abortion ban on the basis of a genetic anomaly or race selection or sex selection, which is these reason bans that we've been talking about forever? Mississippi is about to enact such a ban, which bans abortion on the basis of sex, on the basis of race, and on the basis of, for example, a down's syndrome analysis.

That ability to regulate abortion out of existence, by chipping away at gestational markers, by chipping away at reasons, is an open question now, when really it shouldn't be, because if you're engaging in that kind of balancing test, it seems to me that balance always tips in favor of the pregnant person. And I think what Roberts wants to do is to get that calculus out of the courts. So you either look at something and say, "It's substantial? It's not. It's an obstacle? It's not."

And in his concurrence, he likens it to the Hobby Lobby decision, which was the birth control benefit decision that permits some for-profit corporations to deny health insurance that includes birth control coverage. He says, "It's kind of like an analysis under RFRA, whether or not you're looking at a burden, RFRA being the Religious Freedom Restoration Act, whether you're looking at a burden on religion, and inquiring as to the substantiality of that burden." And that makes me nervous.

Whenever you start, because RFRA as a calculus, doesn't make sense to me, this idea that the government can't substantially burden religious rights, or can't burden religious rights that are sincerely held, that are sincerely believed. And so you start adding all of these extra words that can just chip away at what should be a rather set precedent, a rather set rule.

What does sincerely held mean? What does substantial obstacle mean? These are all words that permit interpretation, that permit wiggle, that offer wiggle room to judges and justices who want to be able to strike stuff down, but don't feel like they can under existing standards. If you don't like the standard, change the standard. And that's what it seems that Roberts wants to do. He wants to change a standard that has existed for decades. And that makes me uncomfortable, because I don't think he's necessarily a good faith actor. I think, and again, I don't really have much to base this on, but I think he's really concerned about appearances.

Jessica Pieklo: Yeah.

Imani Gandy: Right?

Jessica Pieklo: I think that's fair.

Imani Gandy: And whether or not those appearances actually jive with what the rule of law should be, I don't think makes as much of a difference. If he can get away with something, if he can finagle something that most people will look at and be like, "Okay, I guess," when people like us know better, I think that that makes him look better in the eyes of most people, and that's what he's concerned about.

Jessica Pieklo: Yeah. I don't think we're quite to the level of Shelby County versus Holder, the decision that Robert's authored, that he gutted the voting rights act with his concurring opinion here. But I think he's close.

Imani Gandy: He is close.

Jessica Pieklo: I think we're opening the door in that direction. So I mean, the good news is, we put to bed the question of whether or not admitting privileges laws are unconstitutional. They are unconstitutional. We now have two decisions that says they are. So when anti-choice lawmakers are trying to close clinics, they are going to have to come up with a different tactic now. The court has cut them off here. That issue is done. Hooray! Congratulations to the providers in Louisiana, especially I know, who have been really under the gun with this. I mean, they're getting patients from all over the place, not just Louisiana. So the impact immediate, in terms of access, had the potential to be devastating. And I know we say that a lot in abortion rights cases, but this is really true.

The geographic swath of access that would have been wiped out immediately in a bad decision on this was huge. And so the fact that that didn't happen is all of the jazz hands for that right away, however-

Imani Gandy: I was like, wait, she's going to see something else, isn't she? There's going to be a big but coming up.

Jessica Pieklo: We're not going to call John Roberts a friend of abortion rights anytime soon.

Imani Gandy: No.

Jessica Pieklo: Not with today's decision.

Imani Gandy: Absolutely not. But I think we could call him a friend of appearances, and a friend of keeping up appearances, a friend of, I think I feel more comfortable that he will uphold precedent, to the extent that he has to, if that makes sense. If he can't really find a way to ignore precedent, then he's not going to do it. But he will reframe the question, so that for the next two years, now all the anti-choice lawyers and people like ADF and Thomas More, whoever the fuck is litigating these cases, now they have a different legal strategy. He's handed them a new legal strategy on a platter, and that concerns me.

But aside from, you know what, let's take the win for today. I think we should take the win for today. On our issues, it was a great day. Not so much on all the issues, right? I mean, we're still, the court gutted this consumer finance protection bureau. The court is now going to fast track deportations. And the fact that Ginsburg and Kagan signed onto that shitty ruling just makes me love Sotomayor even more. She's just my number-

Jessica Pieklo: Yeah. I listened to the Sotomayor episode-

Imani Gandy: Go back and listen to that.

Jessica Pieklo: To cleanse that palette.

Imani Gandy: And really, let's just lift her up in prayer, as Black people like to say. But aside from that, I really think it's a good day. It's been a pretty decent term for our issues. And I wasn't expecting this. I'm just going to enjoy this day. I'm going to enjoy the win, and-

Jessica Pieklo: We've got more decisions coming. So you take the good while you can. We're still waiting to see if the court is going to gut the birth control benefit in the Affordable Care Act. We could find that out as soon as tomorrow.

In theory, the court is supposed to be done finishing its business this week, but there are 10 decisions left for the court to drop. So that'll be a very busy day

tomorrow, if that all happens in one day. And I don't know that I have enough shirts to sweat through all of them.

Imani Gandy: So buy more shirts. Everyone sent Jess shirts.

Jessica Pieklo: No, that's okay. I don't need shirts.

Imani Gandy: Okay, don't send her shirts. But if you want to talk to us about June Medical Services or anything, you can find me on Twitter at @AngryBlackLady. You can find Jess on Twitter at @Hegemommy. And you should please follow us at @Rewire\_News, because that's the place that we both work for.

We really think that you should follow that account, because it's ... I don't know. It's just something that you should do. Our social media manager's amazing. So you should follow it for that reason alone. And if you want to join our Facebook group, you should do that. Boom! Lawyered, look it up. Answer the questions. Just let us know. You're not some sort of anti-choice numpty. We'll let you write in.

Jessica Pieklo: No numpties allowed.

Imani Gandy: No numpties allowed. We have a hard and fast rule against that. And aside from that, what are we going to do, Jess?

Jessica Pieklo: We'll see you on the tubes, folks.

Imani Gandy: We'll see you on the tubes. Woo, abortion!

podcast announc...: Boom! Lawyered is created and hosted by Jessica Mason Pieklo and Imani Gandy. Marc Faletti produces the show.