

Gaslit Nation Transcript

27 April 2022

The Assault on Reproductive Rights: An Interview with Imani Gandy and Jessica Mason Pieklo

<https://www.patreon.com/posts/assault-on-with-63966474>

[intro theme music]

Sarah Kendzior:

I'm Sarah Kendzior, the author of the bestsellers, *The View From Flyover Country* and *Hiding in Plain Sight*, and of the upcoming book, *They Knew: How a Culture of Conspiracy Keeps America Complacent*, available for pre-order now.

Andrea Chalupa:

I am Andrea Chalupa, a journalist and filmmaker and the writer and producer of the journalistic thriller, *Mr. Jones*, about Stalin's genocide famine in Ukraine, a film the Kremlin doesn't want you to see so be sure to see it.

Sarah Kendzior:

And this is *Gaslit Nation*, a podcast covering corruption in the United States and rising autocracy around the world.

Andrea Chalupa (00:00:48):

Welcome to our special spring series, *Gaslit Nation Presents... Rising up from the Ashes: Cassandras and Other Experts on Rebuilding Democracy* [howling wolf SFX]. Our bonus episodes available to Patreon subscribers at the Truth-teller level and higher feature our esteemed guests taking the *Gaslit Nation Self Care Q&A*, so for fun ideas, sign up to hear that.

Sarah Kendzior:

Joining at this level also gives you access to hundreds of bonus episodes on topics in the news today. We'll be back with our regular episodes in July. If you're signed up any time between now and then at the Democracy Defender level or higher on Patreon—

Andrea Chalupa:

You'll get special access to watch a live taping of *Gaslit Nation* over the summer. More details to come. This interview was recorded December 7th, 2021.

Sarah Kendzior:

This interview is recorded at the end of December, 2021.

Andrea Chalupa (01:40):

We are joined by two very exciting guests, Jessica and Imani, from the *Boom! Lawyered* podcast, so this is a podcast off <laugh>, kinda like a dance off for your ears. We're going to introduce them even though they don't need any introduction. Jessica Mason Pieklo is a Senior Vice President and Executive Editor of Rewired News. Jessica has over a decade of experience as a former litigator and taught law for four years before transitioning to journalism. She was part of the SCOTUS blog symposium on abortion rights,

following *Whole Woman's Health v. Hellerstedt*, and won the Excellence in Online Journalism Award in 2018 from the Association of LGBTQ Journalists. She has participated in numerous panels, including at NYU Law School, University of Arkansas, University of Colorado, University of Utah, among others. *Boom! Lawyered* won Podcast of the Year in 2017 from the Population Institute. Wow, we're jealous now.  
<laughs>

Andrea Chalupa (02:39):

Imani Gandy is Senior Editor of Law and Policy for Rewired News Group where she covers law and courts, and co-hosts the RNG podcast, *Boom! Lawyered*. Imani also began and continues to write the [Angry Black Lady Chronicles](#). Imani is a recovering attorney turned award-winning journalist and political blogger. Previously, Imani founded Angry Black Lady Chronicles, winner of the 2010 Black Weblog Award for Blog to Watch and the 2012 Black Weblog Award for Best Political Blog. She received her JD from the University of Virginia School of Law in 2001, where she was a Hardy Cross Dillard Scholar and an editorial board member of the *University of Virginia Law Review*. She has presented at several conferences and panels, including the 2013 Abortion Care Network as a keynote speaker, the 2014 Baffler Conference, the 2016 YBCA 100 summit. Okay, Imani, there's too many honors here, okay?

Imani Gandy (03:35):

<laughs> You don't have to read 'em all.

Sarah Kendzior (03:36):

Wait, I want to get one in there: the 2018 South by Southwest panel, "If Roe Were to Go", because I need to point out that both of the guests we have today have been warning of this crisis of the repeal of *Roe v. Wade* for as long as I have followed them on Twitter. So I'm going to be stressing that point because I'm angry myself that people didn't listen. But Andrea, go on.

Andrea Chalupa (03:58):

Okay, so we're gonna just get to it. You two are known as Cassandras who kept warning everybody, pointing out the obvious that the mainstream media and too many on the left and the right and the middle refused to see that obviously the human rights of abortion were at stake and that we were headed towards rising autocracy. You have been very clear about that and yet people didn't listen. So we wanted to ask you, how did you two come together to start your podcast, get your story out, and what sustains you both in the work that you do?

Imani Gandy (04:33):

We met on Twitter about a decade ago, actually. I was still doing private practice. I was working at a private firm doing corporate nonsense work and Jess was a professor at the time in healthcare. And then we were both sort of just on Twitter, lamenting our misfortune and our careers and wondering why we were doing what we were doing and what we could do that would be better. At the time, she was in the middle of writing a book and I remember being like, "Wow, she's writing a book about abortion rights. That's super cool." And at the time I was doing this sort of crowdsourced database of anti-choice legislation just in my apartment, because I felt like that was lacking in the media landscape. We came together on Twitter and complained and commiserated, ended up getting hired at the place we work at now, which was then called RH Reality Check. We didn't work together at first. That took a few years. We started working together right around, I'd say, 2015/2016, podcast started 2017, and here we are four years later looking down the barrel of no *Roe v. Wade* and we told everybody so long ago!

Andrea Chalupa (05:39):

Mmmhmm (affirmative)

Jessica Mason Pieklo (05:40):

It's amazing because in so many ways Imani and my origin story is really tied up into this whole fight. She said that we met on Twitter about 10 years ago, which is true. Imani and I met in the wake of the Tea Party Revolution, which is really what precipitated the onslaught of anti-abortion regulations at the state [level] coinciding with electoral and political gerrymandering that just snowballed to the moment that we find ourselves in here. And Imani and I were really, at that moment, sort of looking at the political fallout from the 2010 midterm election, seeing what was on the legislative landscape as a result of it and using our sort of combined legal skills to say, "Whoa, this looks bad, folks. Real bad."

Andrea Chalupa (06:27):

Yikes. Okay, so I just want to ask you, we're hearing a lot about the possibility of losing Roe. We've essentially... Where are we with that currently and why is it such a big deal to lose abortion rights in America?

Imani Gandy (06:41):

I'm just gonna come out and say one thing real quick and then I'm gonna throw this to Jess. <laugh> Part of the problem is, I think, is that people don't know what Roe says. They don't understand what the case says. And so because that is true, Jess and I did this amazing podcast called [We'll Hear Arguments](#) where we went through the oral arguments in *Roe v. Wade*. It's a five-episode series, I think, with a six wrap up episode, where we go through the arguments and we explain what the case is about, what the attorneys on either side were arguing and what the critical issues are, because what we're hearing now is people saying things like, "Well, you know, yeah... the Supreme court might uphold this Mississippi 15-week ban, but I don't think they're gonna overturn *Roe v. Wade*."

Imani Gandy (07:25):

And if there's one thing your listeners take away from this conversation, it is this: It is absolutely impossible for the Supreme Court to uphold Mississippi's 15-week ban *without* overturning *Roe v. Wade* because Roe says that pregnant people have the absolute right to get an abortion up to the point of fetal viability, up to the point where the fetus is able to survive outside the womb. Medical consensus says that's about 23 to 24 weeks. 15 weeks is not 23 to 24 weeks. Everyone in this case, the Mississippi case, agreed that this was a pre-viability ban. So Mississippi is asking for this law to be upheld and people are saying, "Well, we can uphold it without overturning Roe!"—No, you can't, because the Mississippi law is a pre-viability ban. Roe says you can't ban abortion pre-viability. If you're gonna uphold the ban, you're gonna have to reverse Roe.

Jessica Mason Pieklo (08:20):

To really put a finer point on that, I wanna talk about who the *you* is in what she's saying, so that "you can't ban abortion." Roe is a limitation on state power and it's really important that people understand that. The *Constitution* sets up the relationship between the government and individuals and the government and the government, right? How the federal government behaves with the states and how the government, states and federal behave with individuals. And so *Roe v. Wade* says, Governments—state governments, federal governments—you cannot go and do something like ban abortion outright before certain points. So it is a limitation on what government actors can do. It is

absolutely a recognition of individual autonomy, but it is also a limitation on state power. And I feel like that's something that gets missed in the conversation around *Roe v. Wade* is that it's really a block on what the state can impose on people. Because state mandated pregnancy and birth is violent.

Jessica Mason Pieklo:

That's a human rights violation, and if we don't talk about that in the same breath, then it's possible for people to have the misunderstanding that Imani just described of like, "15 weeks might not be that bad and it might not be that destructive to the rule of law and democracy" when actually it is very bad and super destructive to the rule of law and democracy.

Andrea Chalupa:

How so?

Jessica Mason Pieklo:

Well, in order to uphold any kind of abortion restriction in the universe that we are in, the court would absolutely *necessarily* have to expand the power of governments to reach into individual lives. In order to do that, they have to very explicitly say that they're doing that. And if they don't, then we know that the fix is in. And I would just look to Texas, right? So one of your first questions here was, you know, what does this mean? What does a post-Roe world mean?

Jessica Mason Pieklo (10:11):

In Texas right now, as of the time that we are having this conversation, we are 100 days into SB8 being in effect. That is a bill that bans nearly all abortion in the state and empowers private citizens to act as bounty hunters to enforce this mechanism. It took it out of the hands of the state and empowered private citizens. This doesn't stop with abortion. This will go to voting rights. This will go to trans rights. This will go to marriage equality. The Texas lawmakers have—Republicans—have already said, "Do we really have to recognize marriage equality?" So it's anti-democratic in that if you can make the argument that you can roll back rights in one area, the government can make that in others. And we're seeing that and we know that because it's all tied up in the same line of case law.

Imani Gandy (11:01):

And part of the real issue is, you know, there are certain justices who want to say things like, "Well, shouldn't we permit the states to have an interest in what these rights are?" but we don't allow states to outline the boundaries of fundamental rights.

Jessica Mason Pieklo (11:17):

Right.

Imani Gandy (11:18):

The whole point of James Madison and the *Federalist Papers*. That's why this country was founded, right? We don't allow for majority rule in that way because there are certain minority groups—these discrete and insular minorities—that don't have the political power, they're not able to sort of grow the political power in order to speak for themselves in the political marketplace. So what we're starting to see and what you'll hear people like Amy Coney Barrett and other sort of "pro-life feminists" say is,

“Well, look at how many women there are in the workplace. Look at how many women there are in schools. Obviously, we've got equality now so there's no reason why a woman can't take a break from her career for 10 months and gestate a baby and then just give it up for adoption. This isn't a problem.”

Imani Gandy (12:05):

We're starting to see these claims that we are in a different place now, there's no equality now, women have more choices now, and therefore we should be able to take away this main choice, this main process, this main piece of healthcare that has allowed women to flourish, that has allowed pregnant people to decide when to have families, whether to have families and to essentially live their economic lives the way they want to. It's gonna be very, very, very irritating to hear people try to couch the banning of abortion as a feminist issue, as a social good, as a socially justice-forward issue. I mean, Jess the other day was pointing out to me that she saw someone use the term “prenatal justice”. We're gonna start hearing anti-choicers talking about “prenatal justice” as a way to push back on reproductive justice as a framework because when you're talking about prenatal justice, that necessarily takes the pregnant person out of the equation and focuses solely on the rights of this “unborn child”.

Imani Gandy (13:01):

And make no mistake, the rights that they—the big they. anti-choicers, anti-choice lawmakers, Republicans, conservative Christian evangelicals—they want fertilized eggs to have ostensibly the same rights that you and I are supposed to have, but we don't even have all of the Constitutional rights that we're supposed to have. So what's going to happen is fertilized eggs are going to have more Constitutional rights that particularly Black and Brown women and low income women.

Sarah Kendzior (13:37):

I live in Missouri where this battle has been ongoing and we've had things happen like one of our state officials was tracking the menstrual cycles of women who'd been to Planned Parenthood to figure out their fertile time, to figure out if maybe they'd had abortion. We're seeing obviously even more extreme laws in places like Texas where there's bounty hunters, but there's a surveillance state apparatus.

Jessica Mason Pieklo:

Yeah.

Sarah Kendzior:

You know, the Republicans will go on and on about, “We need the federal government out of our lives. We need the rights to our autonomy and freedom.” How is that working out for women? Because I see this as, you know, one, a reproductive rights issue, but it's a broader just invasion of privacy and just a dominance, a need for us to submit to them. That's what it feels like anyway living here.

Jessica Mason Pieklo (14:27):

Absolutely. I think it's exactly on the money. And in fact, over at Rewire News Group, we published recently published an editorial package called “The Gathering Storm” that really looks at the impact on all of the other ways that abortion bans impact people who can become pregnant, because when we ban abortion, it's not just limited to that particular medical decision. It puts our entire civil liberties up for debate. And I would just point people to the case of Marlise Muñoz in Texas, about five or six years ago. This was a woman who was pregnant with a wanted pregnancy and suffered a pulmonary embolism

in her kitchen at about 14 weeks pregnancy, so before the pregnancy was viable. She suffered brain death. She was functionally dead and the Fort Worth hospital kept her alive against a Do Not Resuscitate order, against the wishes of her family, to gestate the pregnancy because it was potentially viable. We covered this case over at Rewire News Group and I recently brought it back up in some recent coverage because these are stories that are happening now. So Sarah, your point is exactly right. The surveillance state aspect is 100% correct. You cannot enforce an abortion ban unless you are surveilling people who can become pregnant from the moment they are “reproductive-capable”. Those are actual phrases, and they sound so dystopian, but that's where we are.

Andrea Chalupa (15:54):

Whew. Wow. Okay. Sarah and I focus on kleptocracy generally, but then to hear how authoritarianism wreaks havoc on the body, this is just a whole other layer of it that we haven't been in the weeds on in some time, so we really appreciate all these stories and details. But, so, what can we do? *Roe v. Wade* was passed 50 years ago. Are we looking at a 50-year battle ahead just to get it back, given that we have these young people on the Supreme Court, put on by Trump? The three that he added are fairly young. We have what could possibly be a Republican victory in the midterms in 2022 and if they come into power, we all know that if their gerrymandering and their voter suppression laws stay in place, they'll probably stay in power for some time. So, what are you seeing in terms of what America will look like over the next 50 years? I mean, you tried to warn us all. Tell us what's coming next.

Imani Gandy (16:58):

I'll just say real quickly and then I'm gonna throw this to Jess: What's been so frustrating is that it doesn't necessarily have to take 50 years. It doesn't necessarily have to take a generation, but we are stuck with a group of Democrats who refuse to nuke this filibuster. Democrats have a year before midterms. If they pass voting rights legislation—if they nuke the filibuster and pass voting rights legislation—that frees up Democratic voters to actually just go and vote, just to do the thing that we are Constitutionally allowed, permitted, authorized to do, which is go and vote. The reason why we're not able to do that is, as you said, because of the gerrymandering, the voter suppression, and fact that Republicans know that their policies aren't widely popular.

Jessica Mason Pieklo:

Mmmhmm <affirmative>

Imani Gandy:

And that includes abortion. I mean, the majority of people do not want to see *Roe v. Wade* overturned, so they're ruling from the minority. Even now with Democrats holding the Senate and the White House and the House of Representatives, are Democrats in control? No, they're not. And so what's frustrating is that if Democrats—and I understand anyone who's listening to this, a lot of people are gonna say, “but Manchin and Sinema, Manchin and Sinema”—the problem is people who aren't dialed into politics the way we are, the people who aren't extremely online are not going to want to hear “Well, Manchin and Sinema are the reason why Democrats couldn't get X, Y, and Z done.” All they're going to see is Democrats held all three—they held the House, they held the Senate, and they held the White House—and they didn't get shit done. If Democrats could get things done and they could not only save democracy, but to the extent that so many of them are self-interested, they can have their own jobs.

Sarah Kendzior:

Yes.

Imani Gandy:

And that's part of what I don't understand. The corruption must—and this is your y'all's specialty—the corruption must run irrevocably deep if we cannot get someone like Kirsten Sinema to want to get reelected, right?

Jessica Mason Pieklo:

Who is paying her that much money that she doesn't even give a shit if she's primaried?

Andrea Chalupa:

Or that she lives in a democracy anymore.

Sarah Kendzior (18:51):

Yeah. I'm absolutely with you. I don't understand it. We've been talking about it all year. Obviously, we've been talking about it on Twitter and elsewhere, too. Why not get rid of the filibuster not just for the moral integrity of the country, not just for the legal integrity of the country, but for the pure self-interest of the party. And this is a party that is very self-interested most of the time, but they are gonna get themselves knocked right out of a job and in the process take down our court system, our freedom of speech, our reproductive rights, laws that have been on the books for decades that were considered settled law—in a similar way to *Roe v. Wade*—that people kept saying, “Oh, it's impossible for them to get it done.” It's all on the verge and abolishing the filibuster would go such a long way to enshrining those legal dictates. I mean, obviously the Republicans will keep pushing and pushing and pushing anyway, but still it's like they're not even trying. Do you get the impression they're trying or is it just me that's reached this level of deep frustration?

Imani Gandy (19:53):

It's so frustrating because I don't understand it. If I understood it, that would be one thing, but I cannot understand it. Unless it's just really as *House of Cards* basic bitch as everyone's getting paid off and they don't care, you know what I mean? If we're living in *House of Cards* then fine, but I wish someone would tell me because I'm very confused.

Sarah Kendzior (20:11):

Or like, is there someone who will pay more? Because this is gonna wreak havoc on so many people's lives. For example, overturning *Roe v. Wade*, that's not gonna make anyone's life easier.

Jessica Mason Pieklo:

Yeah.

Sarah Kendzior:

I mean, obviously the main person for whom it's not gonna make their life easier is the pregnant person, but like generally for society, it's going to be chaos, vigilante violence, endless court cases, the declining popularity and incredible frustration with both parties. And this is why Andrea and I are often warning of autocracy because we see both parties behaving as if they're not trying to win people over, as if they're not worried about winning elections. It's much more about the mechanisms of who gets to vote and who counts the votes and what happens with the votes when they reach the legislature. But it all adds up to a pretty grim picture. Sorry, I like interrupted your own answers, but feel free to weigh in.

Jessica Pieklo (21:05):

No, I think that's all true. And I also think that with that frustration of folks being like, "Oh my God, how did we get here? This came out of nowhere" and I remember Josh Hawley as Missouri's Attorney General and being like, No, this didn't come out of nowhere. You do not get Josh Hawley at the Becket Fund pressing challenges to the birth control benefit in the Affordable Care Act—which he did—and then get elected to the US Senate, and also supporting an insurrection, and not think that those things aren't all tied up in the same breath. One of the things that I have been talking about a lot is that we are in a massive backlash cycle and y'all are very familiar with backlash cycles in terms of dealing with autocracy and all of that stuff.

Jessica Mason Pieklo (21:49):

But we are in a backlash cycle because people can become pregnant, minority populations, marginalized folks have finally started to reach some economic power in this country and the demographics are not on the side of white Evangelicals and they know it, so this is their power grab and we are absolutely seeing it. Mark Elias is out there saying we've got one or two elections, maybe, at the most and I think that some of this "how did we get here?" comes from the fact that there were a lot of Democrats in power who looked at the Josh Hawleys when they were coming up in their careers and said, "We don't need to take that guy seriously because he's part of the fringe," not understanding that the fringe was always the mainstream. It really always was. I grew up with Birchers in my family. If we don't think that the John Birch society isn't still around doing this crap today, I don't know.

Sarah Kendzior:

Yeah and on that note, I mean, it's one thing to be in denial in 2016, thinking, "Oh, Trump can't win" or in denial about what the Tea Party was really going for, even after Citizens United. I mean, I personally don't understand the denial, but I sort of see it. At this point, 5 years later, we've had a plague, a coup, two impeachments, a multitude of criminal offenses, half of Trump's campaign arrested, all these rights rescinded, incredible violations of human rights, it's all in our faces and yet, Imani, you in particular, I've seen you just looking at, you know, the Josh Marshalls of the world that are like, "Oh my God, *Roe v. Wade* may be overturned!" like they're hearing it for the first time. And it's like, what is wrong with these men? But more importantly, what is the effect on our society and our politics that all these men are wrong just so consistently? Or clueless?

Jessica Mason Pieklo:

I love this question.

Imani Gandy (23:35):

Yeah. I mean, I'm actually writing a piece about this because, you know, the one thing we don't have time for is to just get everyone up to speed. I don't have time to hold people like Chris Hayes' hand as he



talks about, “Well, I think in the post-Roe world, more state legislatures are gonna introduce abortion bans.” Jesus Christ, are you kidding me? Your wife wrote a book on abortion politics. It is inexcusable and it's partly this sort of sleepy eyed, “What? What's happening? I don't know what's happening” and at the same time an unwillingness to recognize that there are women who have more expertise than they do and an unwillingness to cede the mic, to hand the mic. Chris, have Renee Bracey Sherman, have Lori Bertram Roberts, have Marsha Jones of the Afiya Center in Texas... These people are all showing up on Black Channel Tonight, right?

Imani Gandy (24:26):

They're all on BCN. They're all being interviewed by Black journalists, but these white dudes are just... I don't know what they're doing. I mean, Elie Mystal is holding it down but he's literally the only person that they call. And God bless him. I mean, he always cites women, but there are women who have been—Jess and I have been—doing this for a decade. And this is not some sort of, “Oh, put me in Jess on TV.” it's a whole swath of people, of grassroots activists. It's not even Jess and I that people need to hear from, they need to hear from Black organizers in the south, the people who 10 years ago, when the Personhood movement was trying to pass a ballot initiative in Mississippi saying, “Hey, life begins a conception and fertilized eggs are people,” Black women were like, “No, we're not gonna do this” and stopped it.

Imani Gandy (25:14):

They stopped it. What they weren't able to stop was the voter ID law. Why? Because mainstream Repro Rights organizers swooped in down south and didn't listen to them when these Black women were saying, “The voter voting rights ballot initiative is tied up to the Personhood ballot initiative. We need to address them together.” This was a decade ago and here we are still now a decade later saying we need to address voting rights before we can even protect abortion rights. How can we protect abortion rights if we're not allowed to vote? How are we still having this conversation a decade later?

Sarah Kendzior (25:46):

Yeah, no, it's incredibly frustrating and I think there's obviously racial bias. There's geographic bias, which is one of the most frustrating things about this because so much of the voting rights activism, of reproductive rights activism, comes out of the south out of necessity because you're stuck with these gerrymandered legislatures. But then there are these pundits—almost always white men from very expensive coastal cities—who think this is like the will of the people, like this is what people in Missouri want, this is what people in Georgia or Louisiana or whatever want. And of course there are people who want that. Of course there are people who want *Roe v. Wade* rescinded and so forth. But I agree with you. It is absolutely remarkable that they leave these voices out. And I think they do it—I've said this about kleptocracy and corruption—they feign shock to dodge accountability. If they're able to say, “Oh, no one could see this coming” then there's no responsibility for failing to stand up to these vigilante movements and these right-wing extremist movements. It's absolutely maddening.

Sarah Kendzior:

On that note, I'm seeing some of these pundits and politician types being like, “Oh, this will actually be good for the Democrats if *Roe v. Wade* gets overturned in June, 2022, right before the midterms, because the backlash will help.” Now, what do you think of this argument? <laugh>

Imani Gandy:

What backlash?! What, like the 55% of white women that vote for GOP? I mean, exactly. I'm gonna let the resident white lady, because Jess is always leveraging her white ladyness to call bullshit on white ladies because that is a nonsense argument.

Jessica Mason Pieklo (27:20):

I mean, yeah. I don't don't know what to say to people who think that taking away fundamental rights is a political win in any fucking universe. In any universe. Truly. And there's no backlash. There is no backlash. We do not live in cancel culture. We do not live in accountability on these things. If we did, we would not be having this conversation now. If there was real accountability, if there was real concern about the lives of people who can become pregnant, we would understand that this is not political football, right? One of the things that will happen if (and when) the publics take hold of the executive and legislative branches of government is they will pass a nationwide abortion ban. That will be a priority. They don't have any real agenda, but they know they can do that. So it doesn't matter if you live in New York or California right now. Reversing Roe doesn't mean you're safe in a Blue state, you know? So the idea that there's political backlash... No, there's not. There has yet to be accountability on any of that. People who think that it's gonna create mass mobilization, and do what? Nobody can vote in the places where they need to vote! So they're gonna, what? Go on the street? Like, if people organized in a general strike and really shut this country down... Wow, that would be amazing. Do I see a political will to do that for people who can become pregnant? I don't. I wish I did, but I don't.

Sarah Kendzior (28:58):

Yeah, no, it's, it's very frustrating because so much of the leverage has been taken away from the people, whether in terms of mass protests and the then just apathy shown towards it by elected officials, but obviously in terms of voter suppression laws and these new laws in Georgia and Texas, so much falls in the hands of legislatures and during Biden's campaign, one of the big things they were floating was expanding this Supreme Court to make it not this politicized, extremist, right-wing court. What happened to that plan and do you think it's possible in this environment for that to go forward?

Jessica Mason Pieklo (29:35):

I mean, the Biden Court Commission basically just submitted a book report that was like, "We think it would be nice to have some reforms, doopy doopy doop!"

Imani Gandy (29:42):

"What are we gonna do?!" I mean, that's sort of what I was touching on earlier when I said it doesn't have to take 50 years for the backlash to the backlash, but it's going to because Democrats don't have the stomach to do what needs to be done. And what's bizarre about it is that Republicans would do it in a heartbeat and they would do it for terrible reasons. They would do it to line their own pockets. They would do it to be more corrupt and to be less accountable. What we, as abortion rights enthusiasts, are saying is sack up and do something for the good of the people.

Jessica Mason Pieklo (30:17):

Yeah.

Imani Gandy (30:18):

It's like they're like, "Oh, well, if we do the filibuster now then what if Republicans blah, blah, blah." Stop living your life by saying, "Well, what if Republicans, blah, blah, blah." Live your life as if you know

Republicans are gonna do the absolute worst thing that you can think of and do what you need to do to protect people, to protect the rights of people. If that's what you say you want to do, if that's what you say you are the party of, then you need to show that, and in a more holistic way than four weeks parental leave here and, you know, a bill here and a bill there. I mean, yeah, sure, Kamala Harris is doing a great thing on Black maternal mortality. So is Underwood. The Momnibus bill is fantastic. But that's one thing. We need broad change. And an infrastructure bill is not gonna cut it, an infrastructure bill where the stuff goes into effect when Trump is elected again in '24 is not gonna cut it. <laugh>

Andrea Chalupa (31:07):

Yeah. So Madison Cawthorn recently on the House floor referred to women as "earthen vessels sanctified by almighty God."

Sarah Kendzior (31:18):

All right! You go girls!

Imani Gandy:

<laughs>

Andrea Chalupa (31:21):

What, what really creeps me out is Madison Cawthorn and this whole religious cage. I mean, Aaron Sorkin, I have to give it to him. He called it correctly when he said this is American Taliban. What is this whole religious... I don't even wanna call it religion because it's just power, right? What is this? <laugh> What is this?

Jessica Mason Pieklo (31:47):

Christian nationalism. It's Christian nationalism.

Andrea Chalupa (31:50):

Right. When they had Amy Coney Barrett going up, being shoved through in the Supreme Court as reportedly the least qualified person to ever go up for that lifetime position, they kept praising her across far-right media saying, "Look how many children she has. She's a mother. She's this earthen vessel of God." You know what I mean? It's just like the way they just pigeonhole women to be baby machines, baby makers. It's the creepiest thing. And that's why you see so many of these men on the front lines just screaming about abortions. Please, just let loose on this for a while.

Jessica Mason Pieklo (32:25):

Oh, can I? I've been gearing up for this. I've been riding this happy horse all week. So, there is a very real pro-natalist movement afoot right now to soften what will be the political shock for when *Roe v. Wade* is reversed. What do I mean by that? Madison Cawthorn is a perfect example of that and it goes from him to Elon Musk talking about the need for everybody to be having babies right now, to Instagram influencers being like, "I don't know about birth control. Those chemicals make me feel kind of weird." It's all tied up in the same vision of this country as a white Christian nation and folks like Madison Cawthorn are worried that they are losing the demography fight and the ideas fight because as they are. Nobody wants to be them. And so everything that is happening right now is absolutely a messaging battle while the legislative and political battle is happening at the same time. So you're gonna hear a lot

of this. You're not even gonna only hear it in conservative spaces. You're gonna hear it in nominally progressive spaces as well. There's all of this like, it's hip to be like the tradwife in certain spaces now.

Andrea Chalupa (33:50):

What's the tradwife?

Jessica Mason Pieklo (33:51):

The traditional wife, that idea of feminine domesticity, which came as a result of a backlash cycle to economic gains post World War II, right? That's where the current sort of Amy Coney Barrett visions of American whiteness and femininity comes down from. So we're seeing that and that is all rhetoric, that is all propaganda designed to get to folks who are white women and don't think about these things on the regular and are persuadable.

Andrea Chalupa (34:25):

I have a friend who thinks it's hot that he works and his wife stays home and takes care of the kids.

Jessica Mason Pieklo (34:30):

Ding, ding, ding, ding.

Andrea Chalupa (34:32):

He's like turned on by that. Meanwhile, my husband who's a blazing feminist is like, "Get a job. Bring in money." <laughs>

Jessica Mason Pieklo (34:41):

You know? Those are such great flags for people to see because it's like, you would not at all think that like, you know, popping on Instagram and seeing a lot of posts about like, "What's this?"—you know, and I'm not saying hormonal birth controls is the bees knees, there's obviously a long history and problems with that—but the attacks on the efficacy of birth control happening, at the same time we're rolling back abortion rights, at the same time women are kicked out of the economy, thanks to COVID... I'm just saying these things aren't coincidences, folks

Imani Gandy (35:14):

To, you know, really scare the crap out of you, you have to remember that there has been rhetoric about how women shouldn't even be voting.

Jessica Mason Pieklo:

Yeah.

Imani Gandy:

I mean, there's been a lot of rhetoric around that.

Jessica Mason Pieklo (35:25):

And specifically in white spaces too, definitely in white spaces.

Imani Gandy (35:29):

Right. So if you take the tradwife regime to its natural conclusion, we're talking about the rolling back of voting rights for women, period. And part of the problem is, you know, Jess and I have been beating this drum for a decade and people kept saying, "Oh, Roe is safe. Oh, don't be ridiculous. Oh, blah, blah, blah" and now it's not safe. Now, we've been proven right. So now what I need people to do is to not pat us on the head as we go through the next several months, the next year, while Jess and I are explaining to you what the fuck it is is coming down the pike, right? Because we know what it is, we've been proven right. And I don't wanna have to handhold the Josh Marshalls and the Chris Hayes and the well-meaning white dudes—the well-meaning left-of-center white dudes who have a lot of Republican friends who "don't seem that bad"—I just, I don't have time for it. Women and pregnant people don't have time for it. And it's long past time that men stopped with this sort of sleepy eyed, "Hey bro, what's going on?" sort of outlook and get it the fuck together.

Andrea Chalupa (36:28):

One thing that we've seen over and over again is a lot of the sex scandals—including the really horrific ones—keep popping up again and again on the Republic party side. There was even a study that came out a couple years ago saying how people in so-called "red states" are the largest consumers of porn. There's nothing wrong with consuming porn, of course, but I'm just saying, there's this weird...If you look at the Trump women that surround Trump, all Barbies making him look like he's so virile and like he's such a god among women, that's all done intentionally. Mussolini had that to show "I'm so masculine, I'm a man among men." What really freaks me out about this earthen vessel thing, this bringing back the traditional housewife—"how hot is that, to have women subservient to men?"—it's all kink. It's all kink. Yes, it has a power play dynamic, as you mentioned, like pushing back against declining power and demographics. But at the end of the day, the Republican party is the party, in my opinion, of pedophiles—because a lot of these cases are coming up on their side, of horrific sex scandals—and just dehumanizing women as objects, objectifying women. I mean, look at Roger Ailes and Fox news. So I just hate this idea that they're forcing their kink on us when it's repulsive.

Imani Gandy (37:48):

And what's also worrisome for me as a Black woman is that once you start making white women feel like they need to be subservient to white men, they're gonna feel the need to lord their power over other people and then we are going to lose whatever minimal gains we've made when it comes to intersectional feminism, right? Because white women are gonna feel the need to lord their power over someone, so that means they're gonna lord their power over Black and Brown women. When we talk about earth and vessels from God, Madison Cawthorn is not talking about me. He's not talking about, you know, Latinx immigrants or indigenous women. He's talking about white women. And he's not even really talking about low income white women, but they'll do right. Lori Bertram Roberts who's a smart statistic on Twitter who everyone should follow.

Imani Gandy (38:33):

She always says stuff like, "Oh, they just want Becky in the trailer park to keep having babies" because not only do they want these earthen godly vessels, they just want more white people, just generally. This replacement theory they're talking about, they're serious about that. And they are concerned. So, you know, to the extent that I see white women being sort of taken in by this white supremacy, by this idea that if the white dudes just let them in the room, then it'll be fine. We just have to get in the room and then it'll be fine.

Jessica Mason Pieklo (39:02):

Yeah, and we don't even have to hypothesize around that. I mean, some of the most violent and awful enforcers in the Jim Crow time of this country particular were white women in their own households, and especially during periods of chattel slavery. So, Imani's point is absolutely true. The earthen vessel conversation is absolutely about white women having more babies as ordained by God, in their natural role role. And look, I'm 47. It was not that long ago that I would not have been able to open a credit card in my own name. And I guarantee you that Madison Cawthorn is fine with that. It's not just trying to get back to like, "Oh, women can't control their bodies", it's undoing New Deal gains that literally allowed women and people who are marginalized in this society to just exist free from random violence, if possible even. The bounty provision of the Texas abortion isn't even new. We're really going back to treating everybody as property if they're not white dudes.

Imani Gandy (40:24):

It's the Fugitive Slave Act for pregnant people.

Andrea Chalupa (40:27):

Exactly right.

Sarah Kendzior (40:30):

The only thing I could think that sort of did change—and much more for the worse—from, say, the '70s when *Roe v. Wade* passed and Phyllis Schlafly was, you know, raging her campaign (because she's very much in the tradition you're describing) is that it is incredibly expensive now to have kids. I have two kids. I have a 14 year old and an 11 year old. And having them just at that time when they were born was very expensive, but that looks cheap now compared to what women and people who are pregnant now are going through, what families are going through trying to raise their babies. So part of my question is like, okay, so you want to ban abortion, you very likely want to ban birth control-

Jessica Mason Pieklo:

Mmmhmm <affirmative>

Sarah Kendzior:

You wanna monitor what women and girls are doing, you wanna monitor their sex lives and make it so it's harder for them to prevent becoming pregnant if they don't want to, and then what? And then you deliver this baby into a world where you go into debt just for having the child itself, the hospital bills and then of course the cost of raising it, the lack of daycare, you know, because you're gonna have to go back to work. The tradwife dream is not really affordable for the vast majority of America. How do they think this is gonna play out?

Jessica Mason Pieklo (41:41):

The Church is gonna do all that, Sarah. The Church is gonna do all that. The Supreme Court this week heard a case that isn't even about abortion. It's about school funding and it is all about out the pipeline of getting taxpayer dollars into the Church. This is the grift. This is the grift, because it's not like they're interested in Medicaid for all, right? It's not like anybody's interested in expanding the social safety net. As Imani said, we can't even get anybody on board for four weeks of paid leave in this fucking country.

You think we're gonna get any kind of robust social services for folks who are forced to gestate and deliver care? Folks think that this is the role for the Church. That's the end game for them.

Sarah Kendzior (42:21):

Is it a particular church or just general Christian churches?

Andrea Chalupa (42:25):

They're all united now—the Catholics and the evangelicals—right? It's like this whole cross Christian coalition.

Sarah Kendzior (42:32):

Just an extremist strain of every faith?

Jessica Mason Pieklo (42:35):

Yeah, I was raised Catholic. It used to be that the Catholics and the Evangelical Lutherans didn't talk to each other and they're all at the same party now, same with the Baptists. So truly it is sort of like mostly white evangelical religious spaces. The denomination matters less as much as you're rallying for the Jesus.

Sarah Kendzior:

Yeah.

Andrea Chalupa (42:54):

Obviously the Nazis promoted all of this as well. They said, Go have a bunch of Arian babies, everyone. And there's even an idea that came up under Nazis of Nazi officers I believe being able to take more than one wife so they can procreate even more. So we've seen this before and they're trying to drag us back. What hope do you see? If you were in charge of the simulation we're all stuck in, how would you program it? What are the avenues of leverage we have? Where can we apply pressure?

Imani Gandy (43:26):

In any situation, it seems like the darker you are, the more answers you have. Having talked to so many of the organizers in Mississippi who ignored a decade ago, who had ideas and plans, looking at what Stacey Abrams was able to do in Georgia, put money where Black women are asking for it and who need it. You know what I mean? That's just... It's gonna be hard. You know what I mean? Anti-choicers, they played a very long game. They played a very good long game. And quite frankly, our side was mired down in bullshit second wave feminism. Now I think that the majority of people on the repro side are in for repro justice. Certainly there are people who are still hanging on to that rights framework and who are trying to frame repro justice as just another repro rights issue and ignoring all of the... It's an umbrella, right?

Imani Gandy (44:14):

A lot of people still don't want to focus on that umbrella because they're still real focused on white ladies—middle class white ladies—but the bottom line is, the more that we focus on the most vulnerable people, the better off we're all gonna be. And these Black women in the south, they *are* poor. They *are*

non-binary. They *are* socialists. They're everything that we want leaders to be, it's just that no one is listening to them because they don't look the way that they're supposed to look. They don't look the way that someone at MSNBC thinks that a guest should look. And it's frustrating. I'm going through this odd period of optimism where I'm kind of like, Yeah, we're kind of fucked, but I'm energized by all of the new people who are being activated on this issue. I'm energized by the number of people who are interested in learning about it. So I don't know, maybe this kumbaya stuff isn't gonna last, I'm not sure. Maybe Jess has another answer, but I feel like it is a backlash. Shit like this is cyclical. Whether or not I see any change in my lifetime, I certainly think that there is going to be change. And if we can get Democrats to actually do something in the next year, maybe the change will be sooner than we think. Who knows?

Jessica Mason Pieklo (45:16):

And another difference too is we have the advances in medication abortion and the ability to self-manage abortion now. So that genie is not going back in the bottle. And that is powerful and radical in ways that is new. And not without risk, right? In self-managed abortion, the risk there is largely legal versus medical and all very real. So those are spaces where it's not like, "Oh yay, the silver lining is we all get to be abortion outlaws managing our own care." That's not great, but the reality is the care isn't going away and we have a lot of knowledgeable people who are determined and inventive and will be able to get care. It's just gonna be rough. I think folks need to understand also how empowered the anti-choice movement feels right now. So not only will we see lots of really rough laws, but folks feel entitled to people's space and their bodies and their attention in ways that can be scary.

Andrea Chalupa (46:24):

One thing about authoritarians and wannabe authoritarians is that they're intrusive. They're intrusive. They come after you wherever you are. With the current landscape of the courts, let's say things don't go our way in the next two elections and they are in charge and they're growing their numbers on the courts, and they ban abortion in their states that they control. Then they can come after the blue states because, you know, they will, because they're not gonna stop. They're voracious. And so should that happen—and in general, too, just where we're headed with this far-right activist Supreme Court—do you see this increasingly far-right judiciary that we're stuck under, do you see it leading to a balkanization of the United States, almost like a reverse war in a sense, where it's the blue states now that are like, "All right, we've had enough, we've got great quality of life here because we tend to be the ones taking care of the most vulnerable." So, do you see the court system potentially heading us on a path of the state splitting up in some sense or form, or weakening federalism generally? Or how could that potentially play out?

Jessica Mason Pieklo (47:32):

I think that is a possibility. I hesitate to that as a possibility because after 10 years plus of paying attention to the anti-choice movement, the one thing I know is that they're just not satisfied with anything other than complete victory and the idea of having blue state oases where people have more rights or access to more care than elsewhere, I just don't see them going for it, frankly. I mean, Imani was right when she said that fetal personhood is their ultimate goal. We have examples right now in effect. Look at what's going on in Poland right now—total abortion bans, pregnant people have died—and the response hasn't been to then take a second and say, "Maybe we should look at liberalizing our abortion laws." No, the response in Poland has been, "Well, what we need is a registry of people as soon as they know that they're pregnant so we can track those pregnancies to determine if a crime has occurred if there's a pregnancy loss."



Sarah Kendzior (48:29):

Yeah. I think you're absolutely right and I also think that the environment of COVID and the normalization of mass death through a plague is contributing to this. I'm leading everyone down a dark road, but I worry about that. I worry about this general loss of empathy, especially for vulnerable people and their health, and that if a pregnant woman is in distress or fighting for basic rights, that kind of baseline empathy that maybe would've been there four years ago, 10 years ago, what have you, it's eroding over time. The GOP is very savvy about this and is positioning themselves as protectors of what they see as the ultimate vulnerable person, the unborn person, with no regard, no respect, for the bodily autonomy, the actual personhood of a pregnant individual. It's a frightening thing. Sorry. That was more of a comment than a question as we used to say in the hell hole of academia.

Jessica Mason Pieklo (49:30):

No, but you're right! I mean, that was Imani's prenatal justice point, right? They're doing that. "Prenatal justice"—I guarantee you—is field tested. They spent time thinking of that phrase.

Imani Gandy (49:40):

Yeah, because "justice", right? It's the same thing that they did in the, I guess the late '90s/early 2000s with this post-abortive syndrome, all of these women who were getting abortions and they were so traumatized. They were busting them into, like, South Dakota to give testimony in legislative hearings about whether or not women should be forced to hear things like "You are terminating a whole person, blah, blah, blah." They couch themselves in the cloak of social justice, in the cloak of empathy, but really what it is they want power. They don't care about the pregnant person. They will lie to the pregnant person to scare the shit out of them because they want to control them.

Andrea Chalupa (50:21):

Yeah. So I have a big reveal for this show and our listeners <laugh>. I happen to be in my fifth month of pregnancy. Surprise! Let's talk about that! No, but we're gonna be airing this show over maternity leave and I don't even know what that's gonna be like for me because I was recently told I have a high risk pregnancy. The doctor in New York City where I live was very matter of fact. He was like "The situation..."—very matter of fact—he's like, "Oh no, if it comes between saving you and the baby, obviously we're gonna save you." It was like one of the things he was rattling off in terms of explaining things to me and there was no question about it. I communicated all that to my husband and my husband was like, "Yeah, of course. Of course we're saving you." And that's nothing against my unborn child who I feel a spiritual connection with, because I'm carrying her around, having a great time. But that was just like, a given for everybody involved, you know? Everyone's like, yeah.

Imani Gandy (51:20):

And it's not anymore, necessarily.

Andrea Chalupa (51:22):

Exactly. And I keep thinking, when I'm listening to your conversation, I keep thinking if I were stuck in any of these states 10 years from now and I was in this situation, and especially if I'm a young woman who hasn't had enough experience in my life to know how to protect myself and assert myself and they were like...You know what I mean? Just, my life would be in danger.

Jessica Mason Pieklo (51:44):

If you were in Texas right now, your life would be in danger. SB8 on the books means that folks who are in high risk pregnancies don't have the benefit of the full panoply of information because providers are scared to provide that information to them. I've spoken to doctors who are maternal fetal health specialists and they don't know how to advise high risk pregnancies in Texas right now.

Andrea Chalupa (52:08):

Dear God. My heart just goes out to these women because it's scary enough to hear that you have a high risk pregnancy and you just have to take every day as it comes. And then to be in a dystopian environment where you, as a living, fully fledged human being who has all these dependents in your life, that you might get taken out for the sake of some power struggle, essentially.

Imani Gandy (52:31):

And that's such a key point that you said, you know, the people that already depend on you, because most people who get abortions already have children. So we're talking about politicians and lawmakers who claim to value life and to value family talking about stripping parents away from their existing children, jailing them for however long. Brittney Poolaw, I mean, she doesn't have any kids already, but people are being thrown in jail and they have children. Amanda Kimber was thrown into jail. She has children. This is a woman out of Alabama. Alabama already has a personhood law. In Alabama, fertilized eggs are people. So I mean, we're just, we're already in such a bad place and I'm finding really difficult watching people....I understand the impetus to not want to admit that we're in that bad place, but we are there and we need to figure out a way to all get on board, to all get on the same page, and to all start talking about these things in the proper way, even including something as what people see as trivial as talking about pregnant people and not pregnant women. I get still so much pushback when I say, "It's not just women who need abortions." That's just a fact. It's a scientific fact. So when you're talking about this stuff in an inappropriate way or an un-inclusive way, that matters. Our language matters.

Andrea Chalupa (53:43):

Mmhmm <affirmative> Absolutely. Okay, so you guys have been fabulous <laugh> and you are welcome back anytime. I know you've shared a lot already, but do you wanna leave our listeners with any resources they can check out in order to learn how to stay engaged on this issue, stay informed on this issue, stand up for this issue, especially heading into the midterms?

Imani Gandy (54:07):

Well, I will say that Jess writes an amazing newsletter, an amazing weekly newsletter called *The Fallout*. If you go to [rewirenewsgroup.com.com/fallout](http://rewirenewsgroup.com.com/fallout), you can sign up for the newsletter and it's just every week, you're gonna want her thoughts in your inbox.

Jessica Mason Pieklo (54:23):

Aww, thank you, Imani. I was gonna say, absolutely make sure everybody's following Imani over on Twitter because there's really nobody who I see or in this space at all who connects the dots on all of these issues, who is so consistently just in the mix. And so honestly, Imani's the national expert on these issues here, you know,? So definitely make sure and follow that. We are doing our best over at the *Boom! Lawyered* podcast to really make these issues understandable for folks, explaining that, look, an abortion ban affects more than just abortion, for example. Over at Rewire News Group, we're trying to do that. And then, you know, lots of just other good folks in the space right now at the state level. Now is the time to be dialed into what is happening in your own backyard.

[outro theme music]

Andrea Chalupa:

Our discussion continues and you can get access to that by signing up on our Patreon at the Truth Teller level or higher.

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