

What Trump Can Teach Us About Con Law Shadow Docket

Roman Mars [00:00:00] Okay, so we're recording this on Monday at 11:45 a.m. We're meeting as a sort of special session. So, what do you want to talk about today?

Elizabeth Joh [00:00:09] We're going to talk about legal procedure. I know that sounds really boring.

Roman Mars [00:00:14] But I've learned. Not from you--won't be boring from you.

Elizabeth Joh [00:00:19] But I promise I'm going to show you why it's actually pretty interesting and maybe sometimes just as important or even more important than the right stuff that we talk about, okay?

Roman Mars [00:00:29] Cool.

Elizabeth Joh [00:00:30] So when we think about the U.S. Supreme Court and when it decides important and particularly controversial issues, what we're talking about is what's called its merits docket. "Docket" just means its list of legal proceedings. So, every year, literally thousands of people who have lost their legal case asked the Supreme Court to hear their case. You know, what's happened here is that somebody has lost a case--could be civil or criminal--the case started at state court or federal court, and then went up to an appeals court and sometimes even to a state supreme court. And so, by the time a losing party says, "Hey, Supreme Court, please hear my case," a lot of courts have already weighed in. They've already said, "You know, we've decided against you." Or maybe at some level they've said they've decided for you. But at any point, by the time you get to the Supreme Court, you're usually a loser. You want someone to hear your case one last time. Of those thousands of cases, the Supreme Court decides to hear about 60 to 70 a year. So not that many. And when it comes to those kinds of cases, whether we're talking about individual rights or the power of the federal government to make laws, the Supreme Court has the two sides submit usually two rounds of legal briefs. These are written arguments about why they should win. And then there's an oral argument that's scheduled months in advance. When it comes to really high-profile cases--the ones that we all read about in the newspapers--you might also get several amicus or friend-of-the-court briefs. These are legal briefs that are written by the parties who aren't part of the case, but they're telling the Supreme Court, "Hey, this is such an important issue. Please let us weigh in, too." Now, before the pandemic, if you were lucky, you could actually wait in line, get a seat, and watch what the Justices were going to be asking of the lawyers for both sides. Now, during the pandemic--we're actually kind of lucky in this regard--they went online or sort of online. They went telephonically online. And so, we could hear what the Justices were asking the different parties during this last term. Eventually, the Supreme Court decides how the case is supposed to come out, and there's usually a lengthy written opinion signed by the Justice who actually authored the opinion. And we can tell which Justices agreed with the majority opinion. And if there are those who didn't agree, well, then you have these dissents, right? Dissenting Justices say, "Well, this is why I think the majority is wrong and we should have done something different." So that's the Supreme Court we all know and love--the one that I have just called the "merits docket." That's the one where we hear about the big blockbuster cases. So, this whole process--like, waiting, usually waiting until the end of the summer to see what the Supreme Court's going to say in a particularly important case--the reason why we have all of this incredible procedure, people weighing in, and all this pomp and circumstance is kind of the Court's legitimacy. They don't just

decide. They don't flip a coin. They don't say, "Hey, we were, you know, voted in by this president. So that's how we're going to decide." They're supposed to say, "Here is the lengthy legal reasoning behind why we're going to go ahead and say the case should come out in a particular way." And the idea here is that because we've handed over to the Supreme Court so much power to decide sometimes really life-altering decisions in the lives of ordinary people, they owe it to us, as the public, to explain why they're doing what they're doing. But that's not everything the Supreme Court does. It also has what's referred to as a "non-merits" or "emotions docket." So, Roman, have you ever heard of that term?

Roman Mars [00:04:07] No, not at all.

Elizabeth Joh [00:04:09] Never, right? And really, nobody ever has. Unless you practice regularly before the Supreme Court, you've never heard of this term. And you know, the reason why is it's usually pretty boring. Now, the reason why there's a non-merits or emotions docket is that the Supreme Court, like any other court, has to issue a lot of orders. Sometimes the parties in the case want to do something kind of boring, like, "Hey, can we have more time to file a brief?" Or sometimes the Supreme Court says, "Hey, you folks--you wanted an emergency order. There's no emergency here," or "You want us to hear your case? It's just not that important." So, for all these kinds of reasons, this non-motions or orders docket never gets any attention. I shouldn't say never. Very occasionally you might hear of a death penalty case, where there has been a death row inmate facing execution. And the Supreme Court in that case might be asked to issue a stay--that's really, like, a pause of the execution--because that person argues that there's some constitutional problem in their case. But again, most of the time, the non-merits docket of the Supreme Court is pretty unexciting, and really no one's ever heard of it. But in recent years, that boring part of the Supreme Court's work has gotten a lot more interesting--and in ways that a lot of people find alarming. So, let's talk about the shadow docket, abortion in Texas, and maybe the state of abortion rights everywhere.

Roman Mars [00:05:33] Let's do it. This is What Trump Can Teach Us About Con Law--an ongoing series of indefinite length, where we take the horrible current events and the ripple effects of the Trump presidency and use them to examine our Constitution like we never had before. Our music is from Doomtree Records. Our professor and neighbor is Elizabeth Joh. And I'm your fellow perpetual student and host, Roman Mars. So, I've heard this term on Twitter a little bit. And I'm here to ask: What is a shadow docket?

Elizabeth Joh [00:06:31] Okay. So, the actual term is something, coined by a law professor named Will Baude in 2015, to describe what we've just talked about--this idea of an orders docket of the Supreme Court. Even though the term was coined pretty recently, the Supreme Court's always had this thing where they just have to issue orders that are related to cases before them. Again, historically, pretty boring; no one usually cares about it. But if you're a watcher of the Supreme Court, you've probably noticed that in recent years, the Supreme Court seems to be relying more on the so-called shadow docket to make decisions in high profile cases. So, you ask, "Why is it a shadow docket? What is it?" So, these are not the ordinary way that the Supreme Court decides cases. There's no extensive rounds of legal briefing. There's no oral arguments by the lawyers. There's no oral argument decided in advance, months ahead of time, for all of us to try and figure out if we can attend in person or maybe listen to online. The Supreme Court might just issue an order. Sometimes there's no legal opinion, or there's just a very brief opinion. It might be one paragraph long. And the Court's usually on a really rushed timeline. And sometimes we don't really know which Justice wrote the opinion. And sometimes we don't really know which Justices totally agreed with that unsigned opinion. And they can decide

these orders at any time they wish--could be in the middle of the night. So, you can see that this is really different than the way that the Court normally decides its cases. And that's kind of the problem. It's less transparent. It's less predictable. The parties themselves aren't that much involved in these cases. So, the whole idea is that they're just kind of less open overall when it comes to the shadow docket. And when you have something as important as the Supreme Court--remember, practically speaking, they have the final say on what the Constitution means. That raises issues about their trustworthiness and their legitimacy if they're issuing really big decisions in the middle of the night and we're not even sure who wrote the thing that makes such a big impression.

Roman Mars [00:08:34] Yeah.

Elizabeth Joh [00:08:35] So you and I just talked about a shadow docket case pretty recently, and that was one of the COVID cases. Remember, there was a challenge to the COVID restrictions in New York State. And just as a recap, remember, some religious groups said that the state of New York was treating them more harshly than if you were a non-religious entity, when it came to allowing people for indoor gatherings. So, the Supreme Court decided in that case, remember, that on the midnight before Thanksgiving of last year that, "Yep, this was an unconstitutional restriction on their religious freedom. That COVID restriction--even though, of course, there was a public health reason behind it--violated their First Amendment religious freedom rights." This is an example of a shadow docket decision. This wasn't an ordinary case with the oral arguments and the briefing. In fact, it was an emergency request by the religious groups, and the Supreme Court intervened and said, "Oh, you can't do this, New York." That was a 5-4 opinion. It was unsigned. We know the vote in this particular case because there were four Justices who dissented, including the Chief Justice, John Roberts. There are plenty of other examples, too. So, do remember the eviction moratorium that Congress imposed at the early part of the pandemic?

Roman Mars [00:09:50] Yeah.

Elizabeth Joh [00:09:51] So you have this idea where Congress stopped evictions as part of the second COVID Relief Act. And the idea here is, of course, if you have mass unemployment because of COVID, that leads to people being homeless, and maybe that would make the pandemic even worse. When Congress decides to impose this moratorium, it was supposed to last just 120 days. And Congress decides not to renew it. But the Centers for Disease Control--CDC--was concerned that, "Well, maybe there still should be an eviction moratorium." So, they decide on their own to extend the moratorium a couple of times. So that CDC moratorium was challenged in federal court. A federal judge agreed that "Well, maybe the CDC doesn't have the authority to do this. But, you know, we'll put a pause on this decision while the parties appeal." So eventually this goes up as kind of another emergency decision to the Supreme Court. So, Roman, when you think about the importance of an eviction moratorium, what's the public interest here, do you think?

Roman Mars [00:10:51] I'd say the public interest is really high because it's a matter of life and death--if you have a home or not.

Elizabeth Joh [00:10:58] Exactly. And it's something that potentially affects hundreds of thousands of people, right? People who are just on the brink of eviction. So, when you think about it, just in terms of like ordinary folks--ordinary Americans--being affected by this, this kind of feels like a case that normally shouldn't be part of the Court's normal

caseload. We have briefs. You have an oral argument. Maybe you accept the dozen friend-of-the-court briefs. Maybe there should be a really lengthy opinion about a really big question. Can a federal agency that's responsible for stopping communicable diseases--can they have an eviction moratorium as one of those measures during a global unprecedented pandemic? But instead, this is a shadow docket case. So, on August 26, the Court issued an opinion--a short one--eight pages. It's unsigned. They say, "No. The CDC can't do this. And so no more eviction moratorium." Justice Breyer wrote a dissenting opinion--not just about the substance of the decision but the procedure. He says, "These questions call for a considered decision making informed by full briefing and argument. Their answers impact the health of millions. We should not set aside the CDC's eviction moratorium in this summary proceeding." So, Breyer is really saying, "I don't like this, and I also don't like the way we're doing this. We need to have this in a regular, transparent, open way that we do with our other really big cases." So, this is a roundabout way of getting to the more recent news, and that is the Texas law, right? SB 8. So, let's talk about that. In May, the governor of Texas, Greg Abbott, signs SB 8 into law. The law is actually pretty similar to a number of other state abortion laws that are called "heartbeat laws." So basically, this new law says that women in Texas can obtain a legal abortion when you can detect a fetal heartbeat, which is around six weeks of pregnancy. But six weeks just means that almost all abortions are banned because at six weeks, many women have no idea that they're pregnant. So, if I say, "Look, other states have done this before." Well, it also means that other states--when they've had such laws, they've been challenged in court, and they've generally been struck down because these laws violate a woman's constitutional rights. You and I have talked a couple of times about Roe versus Wade and how the Supreme Court has interpreted what the states can do. But just as a refresher, remember, states are not allowed to completely ban abortion before what's called "fetal viability"--that means the stage when a fetus can live outside of the womb. That's why previous six-week bans are easily struck down. Six weeks is way, way, way before the point of viability. Okay, so SB 8. The Texas law, though, is different in kind of a devious and dastardly way. We've talked about Roe v Wade before and the story behind Jane Roe, who was later identified as Norma McCorvey. Now, let's look at it in a different way. The case is called Roe v Wade. We spent a lot of time talking about Jane Roe. Well, who's Wade? Part of thinking about this is thinking about the law challenged in Roe--what it was, and how it was challenged. So, in Roe itself, one of the laws that was challenged made it a crime to procure an abortion. So, Roman, if something's a crime, who enforces the law?

Roman Mars [00:14:35] The district attorney?

Elizabeth Joh [00:14:37] That's right. So, at the time of the law of the challenge, Jane Roe was living in Dallas County, Texas. And Wade is Henry Wade. He was the district attorney of Dallas County. So, in other words, the person who in theory would be responsible for prosecuting violations of a criminal abortion statute. So that's Wade. That's the other party in the case who normally doesn't get any attention at all. But this way, this procedure, the way the law was challenged, is pretty typical of a lot of lawsuits when it comes to constitutional rights. Someone sues because they argue that a law violates their rights under the Constitution. And in order to do that, they often sue the person who's responsible for enforcing the law. So, if a court agrees that the law is unconstitutional, they're also deciding that that government official--Henry Wade and Roe v. Wade--who's standing in for all the other government officials, can't enforce an unconstitutional law. Okay. So, Texas. The Texas law is different. The Texas law actually forbids the state's government officials from enforcing the law. And instead, the law gives everybody else--any private person--the ability to sue.

Roman Mars [00:15:57] But what can they sue for in this case?

Elizabeth Joh [00:16:01] Okay, so the first part maybe makes sense. They can sue anybody who performs an abortion. But there's more. You can also sue, as a private individual, anyone who aids or abets an abortion. "Aids or abets" is just a legal term for helping. So, anybody who helps. But there's also more. You can also sue anybody who intends to aid or abet an abortion or intends to perform an abortion. So that really means that because of SB 8, which is structured in this really different way, you can sue an abortion provider, but you can also sue a friend or a family member maybe who helped pay for your abortion, maybe the uber driver who drove you to the abortion services provider, maybe your friend or family member who decided to drive you there on their own--provided some sort of support. So, this is how this particular law, SB 8, makes it really different in terms of raising a constitutional challenge.

Roman Mars [00:17:06] So my question is: Who would be the hypothetical person suing here, and why would they have standing to sue in this case--in any case?

Elizabeth Joh [00:17:15] Right. So, standing in terms of what the federal courts do comes from restrictions in the Constitution. But this is a state law. And states can define standing in different and sometimes wider ways. So, it's a little bit unclear right now, but it looks like, you know, Texas can allow citizens to have this kind of broad standing in ways that federal courts can't. But to get to your more specific question--who can sue? Pretty much anybody. You don't have to be a person in Texas. You can be presumably anybody on the planet. You just have to sue in a Texas court.

Roman Mars [00:17:52] Yeah. But then sue for what? For the existence of abortion services? Or sue whom? Like, I get that it can be anybody--you mentioned anybody in the process. So, I could just randomly pick out a person who got an abortion and then sue all the people that were involved in it--like, just me as a person?

Elizabeth Joh [00:18:13] That seems to be the way it works. So basically, the state of Texas has shifted enforcement. Normally, you know, the way a crime works--you'd have, again, the district attorney is involved in prosecution. This isn't a crime. This is basically handing over enforcement civilly to everybody else except people who normally enforce criminal laws. And it does so by incentivizing these civil suits. If you sue and win--let's say you sue an abortion services provider, you sue someone who helped a woman obtain an abortion--you get to collect a minimum of \$10,000 in attorney's fees for each abortion.

Roman Mars [00:18:54] Wow.

Elizabeth Joh [00:18:55] And bizarrely, under the law, if you bring that lawsuit and lose, nothing happens to you.

Roman Mars [00:19:03] Oh my God. So presumably the result of this is every anti-abortion organization in the world could just begin suing. As long as they have, like, the facts of an abortion that has happened, they could just begin suing every part of the chain of provider--including the Lyft driver--out of existence.

Elizabeth Joh [00:19:27] That's what it sounds like. I mean, the law has just gone into effect as of September 1st, so we don't really know how it's going to work out. But the financial incentive does feel like bounty hunting. The whole scheme feels kind of like legal trolling; you can just harass nearly anybody who is somehow connected with an abortion.

If you're an abortion services provider, you either close down or you face a flood of civil lawsuits. And if you're an ordinary person, who might formerly in Texas have been happy to help a friend or family member, I think you're certainly deterred from doing so. I mean, \$10,000 is a lot of money, right? \$10,000 is a lot to be liable for. So, after the law is enacted, a group of abortion services providers in Texas then filed a lawsuit. But that's not surprising. They filed a lawsuit in federal court in July to try and stop the law from taking effect; it was designed to go into effect on September 1st. So, Roman, we did talk about how SB 8 is different than, say, the law that was challenged in *Roe v. Wade*. So, can you see the problem here with the lawsuit?

Roman Mars [00:20:35] Well, there's no *Wade*.

Elizabeth Joh [00:20:37] Right. There's no *Wade*. Who do you sue? So that's a bit of a problem. So, in this particular lawsuit, they sue the state judge, a clerk on behalf of a whole class of state judges and clerks, and a private individual who is presumably anti-abortion. Now, remember, you just said there's no *Wade* because they can't sue a *Wade*. They can't sue a district attorney or any other state executive official in Texas because the law actually says, "You know, these government officials aren't responsible for enforcing this law. Everybody else is." So usually when you have a state law where the state's officials are responsible for enforcing it, it's normal to have a lawsuit filed against them, even before it takes effect. But this law is really strange and intentionally so. So, in any event, because of this weird aspect of SB 8, there's a lot of procedural back and forth in this case, which gets pretty complicated. But what's important here is that eventually the abortion services providers end up at the Supreme Court. They ask for an emergency order to stop the law from taking effect. So, in other words, it's not a normal so-called "merits case." The Supreme Court has not granted full review of this case. Of course, that means there's no oral argument, there aren't any multiple rounds of briefing, there's no dozens of friend-of-the-court briefs, there's just no regular procedure for reviewing what happens to be a pretty complicated law, raising complicated issues. So, what happens next is exactly what people are increasingly worried about with the so-called "shadow docket." On September 1st, just before midnight, the Supreme Court, in a 5-4 ruling, refuses to step in in the case of *Whole Woman's Health versus Jackson*. There is basically one unsigned paragraph. They say, "You know, we're not saying whether the law's constitutional or not. But there's just too many procedural issues right now for us to want to step in and do anything." But remember how I told you that procedure sometimes can be pretty exciting? Well, this is an example. So, this procedural decision actually has a practical effect. The Supreme Court isn't saying here that we're overturning *Roe versus Wade* throughout the country or in Texas, if that were a thing. But the effect of their decision means that in Texas, abortion is pretty much *de facto* illegal. You can't get an abortion because now SB 8 is the law, at least in Texas. So, until and unless there's a challenge that successfully makes its way up to the Supreme Court, that's what the law is in Texas itself. Chief Justice Roberts, along with the three liberal Justices, dissent in this case. And I'll just focus on one of the dissents---Justice Sotomayor's--because the opening of her dissent is worth quoting. She says, "The Court's order is stunning. Presented with an application to enjoin a flagrantly unconstitutional law engineered to prohibit women from exercising their constitutional rights and evade judicial scrutiny, a majority of Justices have opted to bury their heads in the sand." And Justice Sotomayor calls the law out for what it is. She says that "Texas legislature has deputized the state's citizens as bounty hunters." She's mad. She ends her dissent by saying, "I dissent." I note that because normally the Justices say, "I respectfully dissent." No such thing from Justice Sotomayor at this time. So just like that, with the so-called "shadow docket" case, SB 8 is allowed to stay in effect.

Roman Mars [00:24:23] And so why is it a shadow docket case? Can the Justices require it become a sort of merit case?

Elizabeth Joh [00:24:31] Well, in this particular case, you know, because of the procedural issues, it hadn't actually been litigated all the way through. You know, it was at a kind of preliminary stage. You know, the Fifth Circuit just kind of stepped in to stop the district court from putting a pause on things. So, this is a short way of saying it actually didn't sort of fully mature into the kind of case that the Supreme Court usually votes on to decide whether they're going to take it or not. So, you could say, "Well, this is kind of all they could do anyway." But maybe one way of thinking about this shadow docket issue is, "Well, what is the Supreme Court supposed to do in a situation like this?" Well, maybe they should stop things from going south when there are rights involved and there are potential infringements of rights. Or they don't get involved ever because they just should keep the status quo in all kinds of cases when they appear on the shadow docket. But the problem is the Court's completely inconsistent, right? So, you could say that "Well, in this case, they didn't do anything." And maybe that's a good thing. They're not supposed to do anything in these shadow docket cases. But it kind of turns out that it depends on the subject matter because when it comes to religious freedom rights and COVID restrictions, they were all too happy to step in. And when it came to the scope of federal power and whether or not you can have an eviction moratorium in a pandemic, they were all too happy to step in. So, this starts to strike people as being more motivated by the topic and what five Justices feel about it than any consistency in "Well, we don't step in when we have these kinds of emergency procedures."

Roman Mars [00:26:14] Oh, it's grim.

Elizabeth Joh [00:26:16] It is grim. And in fact, you know, one of the things that people are worried about now is that the Supreme Court has already agreed to hear a case in the fall on its normal merits docket that actually is a challenge to a Mississippi law that bans most abortions after 15 weeks of pregnancy. Of course, that's later than the Texas law. The case is called Dobbs, and it's a law that's pretty clearly intended to be a challenge to Roe v. Wade. Now, you might say that, well, in the Texas case, the Supreme Court refused to step in, but they did technically say, "We're not ruling on the constitutionality of the Texas law." That's technically true. But it's hard not to interpret what they did as bad news for further cutting back on the rights of women when it comes to abortion and the Constitution.

Roman Mars [00:27:10] I mean, this tactic of creating a law, in which there is no Wade, and passing it through with some knuckleheads in the state legislature, who are not thoughtful about the law at all--is this now a thing? Did they just pioneer something horrible that's going to happen in all kinds of states?

Elizabeth Joh [00:27:30] It seems to be right. I mean, it does seem to be a novel way of trying to attack our constitutionally established right in a way that's really hard to challenge. As you can see from this particular case--the one that we just talked about--these abortion services providers had an argument about the constitutionality of SB 8, but it wasn't really clear who they could sue because no one had actually sued them yet. And it does create an incentive for other states to craft the same kind of version of SB 8 for their own states. You know, leave it to ordinary private citizens to try and enforce really restrictive right on abortions. And it also creates incentives, I think, for states to pass basically vigilante bounty laws for any kind of subject. So, it doesn't have to be just abortion, right? You could imagine a state offering a, you know, \$10,000 cash prize to allow people to sue others when there's some perceived violation of religious rights, free speech rights, you name it.

So, if we let this go on, there's potentially a snowball effect of, you know, really encouraging this sort of structure to pop up elsewhere throughout the United States.

Roman Mars [00:28:47] Yeah. And this seems like it's perfectly the purview of the Supreme Court to recognize these as being unconstitutional or constitutional--whatever their, you know, decision should be. So, what is the process for it to sort of... Would it take this case to sort of, like, make its way up to the Supreme Court for them to be able to make that type of decision or to voice that type of opinion?

Elizabeth Joh [00:29:09] Yeah, I mean, that's a good question. I think that's less clear. I mean, I think if there is a case that sort of presents squarely whether or not Texas's abortion law violates the Constitution--it pretty clearly does, just on the substance of it--you know, the Court's ready to address that. I think whether or not the mechanism poses a separate constitutional problem would be something else that a court would have to review as an argument distinct from *Roe versus Wade*. And whether or not that's a good one is something we've yet to see. I mean, we didn't see this in the original case that the Court reviewed in its shadow docket. But it's a good question. And it's a troubling one because if we let it go unchecked or if we encourage other state legislatures to do the same thing, we are incentivizing state legislatures to kind of encourage people to harass others with respect to their constitutional rights.

Roman Mars [00:30:02] So in the shadow docket opinion, they mention that it isn't a ruling on the constitutionality of the law itself. When will they rule on the constitutionality of the law itself?

Elizabeth Joh [00:30:15] They're going to have to wait for that right case--that right opportunity--to come up. So right now, because of what the Court did on September 1st and midnight, the case just goes back to its process at the federal district court. That particular case may go up to the Supreme Court. It may take a different case in Texas that comes to the Supreme Court. And then there's the issue of in the meantime, the Supreme Court's already decided that they're going to consider an abortion case for its term; that's the Mississippi law. So, a lot of people are just worried anyway, that maybe there are already five votes on the Court to either radically restrict abortion rights or maybe even go as far as overturn *Roe versus Wade*.

Roman Mars [00:31:00] Yeah. And in the meantime, it's illegal to get an abortion in Texas.

Elizabeth Joh [00:31:04] That's right. And, you know, don't forget that--just as with Norma McCorvey herself--it's really uneven that when it comes to abortion rights, if you're a wealthy person in Texas, you're going to have access to abortion services providers. But just like Norma McCorvey herself, who was unemployed at the time--her case went up to the Court, she was a low-income person who wanted an abortion but really had no easy way to get one. Abortion rights, frankly, are always about the rights of poor women, who really do not have the means to travel to another state to access an abortion services provider.

Roman Mars [00:31:44] And presumably the person that gave them a ride outside of the state could be sued.

Elizabeth Joh [00:31:49] Exactly. That's exactly right. That's exactly right. I told you procedure was interesting.

Roman Mars [00:31:54] Procedure is definitely interesting. Well, thank you so much for this sort of emergency session. I appreciate it.

Elizabeth Joh [00:32:00] Thanks, Roman.

Roman Mars [00:32:08] The show is produced by Elizabeth Joh, Chris Berube, and me, Roman Mars. You can find us online at trumpconlaw.com. The music in Trump Con Law is provided by Doomtree Records, the Midwest Hip Hop Collective. You can find out more about Doomtree Records, get merch, and learn about their monthly membership exclusives at doomtree.net. We are part of the Stitcher and SiriusXM Podcast Family.