

All Ears with Abigail Disney
Season 2 Episode 13: Heidi Schreck
What the Constitution Means to Us
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Abby Disney: Heidi, how are you sleeping?

Heidi Schreck: I'm not sleeping so well. My, my twins are going through one of those sleep regressions. So, you know, there's a lot of reasons not to be sleeping well right now, but that is, that is mine.

Abby Disney: Yeah.

Heidi Schreck: It's really crazy.

Abby Disney: I'm Abigail Disney, welcome to All Ears, my Podcast, where I get to go deep with some super smart people. This season I'm talking to good trouble makers. Artists, activists, politicians and others who aren't afraid to shake up the status quo. We'll talk about their work, how they came to do what they do, and why it's so important in hard times to think big. You can't think about solutions without being a little optimistic, and man oh man I think we need some optimism right now.

Well, we've been through some pretty challenging political times of late, and it has a lot of us thinking about and talking about the constitution. This week, most of us--well, more than 50% of us, actually--sighed a welcome sigh of relief as Joe Biden and Kamala Harris swore their oath of office. Locked down, but peaceful.

The chaos of the last four years has left many of us feeling battered and in need of a reckoning with our founding principles. Is the constitution really enough to protect this country in troubling times? And is it really capable of protecting the rights of all Americans?

Well, my guest today has thought long and hard about this very thing.

HEIDI SCHRECK in What The Constitution Means To Me : *Uh, when I was 15 years old, I would travel the country giving speeches about the United States constitution for prize money. This, uh, this was a scheme invented by my mom, a debate coach to help me pay for college. I would travel to big cities like Denver, Fresno...*

Abby Disney: Heidi Schreck is an award-winning playwright and actress, who has written and performed a sensational, gut-wrenching, thought-provoking, and very funny play called *What The Constitution Means To Me*,

HEIDI SCHRECK in What The Constitution Means To Me : *And I thought it would be interesting to go back and see what my 15 year old self loved so much about this document because I loved it. I was a zealot.*

It had a smash hit run, first off Broadway, and then on Broadway, and picked up two Tony Award nominations. Heidi weaves the wrenching story of four previous generations of women in her family terrorized by domestic and sexual violence in their own homes. Searching for answers about how exactly the constitution has both succeeded and failed to protect her and her ancestors' most fundamental rights

HEIDI SCHRECK in *What The Constitution Means To Me* *Because the truth is: nobody understands the ninth amendment. Nobody except me at 15*

Abby Disney: I was gobsmacked by *What The Constitution Means To Me*. I'd spent my life fighting for women's rights, but honestly it never occurred to me that the constitution might be the problem. In spite of its greatness. In spite of all the reverence, it deservedly invokes, the constitution was written to protect the rights of white landowning men in the 18th century. And while we've been patching it up ever since, there are some rather critical omissions with real world consequences.

The show is available on Amazon prime right now. And I strongly recommend you go and watch it. It's riveting. And on top of being an accomplished and award-winning playwright and actress, Heidi is also a pandemic, mommy having given birth to twin girls just last year. So in the moment of high stakes political turmoil, I can't think of anybody I'd rather be sitting down with than you, Heidi Schreck. Thank you so much for joining me.

Heidi Schreck: Thank you for having me, Abby.

Abby Disney: You know, I just love this play so much, I'm so curious how on earth you ever pitched it to producers.

Heidi Schreck: Well, luckily I didn't have to pitch it to producers. I had this great company called True Love Productions offered me a commission and said, we want to give you a commission to write just the thing you think you can't get done at any theater basically, or the thing you're really passionate about that you're not sure anyone will ever do.

And so it was quite a luxury I have to say. So I thought, well, I have this strange constitution piece that I've been kicking around for a few years. I don't know what it is. I know I want it to be about this contest I did when I was 15. So the contest is the American Legion Oratory Contest. So I said, I'll take this opportunity to make something that I don't know what theater would want to do it, or even what it is like, what form it ought to take.

I thought I'll actually write about being in high school, I'll write a sort of conventional play that stars a teenage girl and is about her doing this contest. And maybe it will be about her family life and it seemed like a very rich setting.

I was a teenager in the 1980s. It was a very specific kind of time politically. And I was a very patriotic, young American girl traveling around talking about how beautiful

the constitution is, what a work of genius. And so that seemed promising to me and I started to write it like a normal play and then very quickly realized I wasn't interested in that.

And then, at some point I thought well, what if I played myself as a 15 year old now that--I was in my thirties at the time, I thought that might be interesting. And then kind of very slowly, it developed into this idea where I was a 30 year old woman looking back at my 15 year old self and kind of doing this little act of magic where I put myself back in the shoes of my teenage self and did the contest again.

And so it became this play, which the 15 year old, and by the time I performed, I was in my forties, and the 40 something year old exists at the same time and are grappling with their feelings about being an American and about this document. And, really investigating how this, the constitution shapes their lives.

And, I really was struck by the prompt of the contest, which, you know, had to do with really trying to make it personal. Like, can you go in and talk about how the constitution has personally affected your life? Which I couldn't do at 15. And it seemed to me a very fertile territory as an adult to say like, well, what does that even mean?

Has it affected me personally? And what does that look like? And once I started to do that, the play sort of just opened itself up to me and I realized I was going to be kind of delving into, to a family history that is complicated and also into the lives of, of all the women in my family.

Abby Disney: Yeah our second wave feminist friends used to say the personal is political, but the political is really, really personal too. And that's what I love about this play for all the constitutional analysis, which is very sophisticated. It's also intimate and human and, you know, you wouldn't have been able to say it then, but the constitution at the end of the play, I feel like was affecting your life, and it's also affecting my life by omission.

Yeah. so you started this play during the Obama administration.

Heidi Schreck: I did.

Abby Disney: During the Kavanaugh hearings off-Broadway. How did the outside world affect your thinking about this play? And did it influence the shaping of it along the way?

Heidi Schreck: Strangely enough, it didn't influence the shaping of it as much as you might think. I mean, and I think that's sort of what's proved to be fascinating about the play for me is that I wrote almost the entirety of my monologue. The play is sort

of in two parts. There's my monologue as the 15 year old girl sort of growing up into an adult woman.

And then in the second part of the play, I bring in an actual teenager to debate.

Abby Disney: Is that the sound of a human baby?

Heidi Schreck: That's my baby, sorry about that. It's hard to find a place that's entirely quiet.

Abby Disney: Babies welcome, babies always welcome.

Heidi Schreck: Thank you she'll be okay. I mean, she's probably just getting changed. So I bring out a real teenage girl and debate her about, you know, whether to keep her abolish this constitution. And that part came later. But, everything that's written about my story in my family and about the 14th amendment as it relates to women, that I wrote all during the Obama administration and then did not expect to be performing it in such a volatile, extreme, time.

HEIDI SCHRECK in What The Constitution Means To Me : *A few years ago, I was thinking about the constitution for various reasons.*

Abby Disney: You know, you make a little joke early on about how I've been thinking about the constitution a lot lately, and everybody sort of, there's a little chuckle in the audience, and I know that every single performance they're probably thinking of something different.

Heidi Schreck: Exactly. That's exactly right. Yes. There's really, that joke is evergreen and there's always some reason to be thinking about the constitution.

Abby Disney: So the outside world affected your audience in a lot of ways.

Heidi Schreck: It did. It affected my audience and I think it affected my performance more than it did the actual text. You know, I brought a different kind of energy and every night, depending on what was going on and the few performances I did during the Obama administration, I think the play had more of a feeling of like, I know it seems like everything is going sort of okay.

But I've resurrected my teenage self and I'm discovering these like, glaring problems with the document as it relates to the history of my life and to yours. And then of course, by the time I was performing it during the Trump administration, it seemed like we're all looking at these, these problems together, you know? So yeah, that was very interesting. The way it became much more of a communal experience. I think.

Abby Disney: I think being a 15 year old and thinking everything is okay, and then becoming a woman in her forties, and seeing that it's not is more of an awakening.

It's not like things got hard. It's just that when we're young, I think we're willing to accept a lot of things that aren't okay. You introduced this idea of, negative rights and positive rights.

HEIDI SCHRECK in What The Constitution Means To Me : *Amendment nine says the enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people. Do you know what that means? It means just because a certain right is not listed in the constitution, it doesn't mean you don't have that right. The fact is there was no way for the framers to put down every single, right we have, I mean, the, the right to brush your teeth. Yes, you've got it, but how long do we want this document to be?*

Heidi Schreck: I did learn a great deal about positive rights while making the play. So, you know, to put it succinctly, a negative, right which is what our constitution is sort of shaped around, are the things you have a right to be free from. So you have a right to be free from tyranny, right? The government is not supposed to intrude upon your life. They're not supposed to seize your property or interfere with your life or kill you for example, this document is supposed to protect you from that.

A positive right is a right that sort of guarantees you something, which our constitution is really not. I think the only thing you're guaranteed maybe is the right to trial by jury. But most other countries and most other countries have constitutions that were written in the 20th century or later, most other countries have positive rights.

So they include like, in some of them a guaranteed right to say education or healthcare, gender equality. Now, how that gets enforced of course, is a whole other issue, you know there are positive guarantees for racial equality. In reality, that's not how it was done, but the document says it's the obligation of the government to do that.

That was fascinating to me. I didn't realize, first of all, I hadn't read other country's constitutions. I didn't realize how much they sort of like offered to their citizens that our constitution doesn't. Now of course, ours is the oldest living constitution, which is one of the reasons it doesn't offer some of these protections.

Abby Disney: It's cracking a little under the pressure.

Heidi Schreck: A little --it's maybe cracking under the pressure and, you know, look there are plenty of people who argue that ours actually is better because in its simplicity, right? It protects us from certain government infringements and then allows us essentially to govern ourselves.

There's many smarter people than I am can argue all of this, but I just found, especially when it came to the idea of discrimination on the basis of sex, that it was just fascinating that we could never get the Equal Rights Amendment passed and the fact that our, The 14th amendment doesn't in fact adequately prohibit discrimination on the basis of sex.

And then I really started to think about the ways that positive rights might be really helpful in our document.

Abby Disney: Yeah. Well, and you talk about Castle Rock versus Gonzales. And, can you tell me about that case? Cause that feels like the place where the notion that the constitution guarantees that nobody should ever be guaranteed anything.

Heidi Schreck: Right. It does feel like that.

Abby Disney: Yes, it does. So tell us about that case.

Heidi Schreck: First of all, it's a heartbreaking case. I didn't know about it until I started researching the play. So one of the things I realized is you know, if I wanted to talk about how the constitution has personally affected my life, that I should look at Supreme Court cases that had to do with, for example, birth control, abortion, because I had an abortion when I was younger.

And then I have a history, a long history of domestic violence in my family which has, you know, very much shaped my mom's life and that in turn deeply affected me. And I thought, well, I wonder what the constitution has to say about that. Meaning what kinds of Supreme Court cases have there been in relationship to domestic violence?

And what I found was really upsetting, all of them actually, but the one that struck me the most, because it was so much like my grandma's situation, is there's a woman, Jessica Lenahan, her name at the time was Jessica Gonzalez. She was married to an abusive man, much like my grandma was.

And, she was divorcing him. They had three daughters together. She got a permanent restraining order against him because he had been violent and threatening violence and threatening suicide. And he came to basically pick up her daughters when she wasn't there and disappeared with them. And so she called the police to enforce her restraining order.

And the police kept saying, well, he's her father. I'm sure it's fine. She knew it wasn't fine. She kept calling back many, many times she called back all throughout the day throughout the night, she went to the police station at one point, they--the account is rather harrowing, because they basically mocked her, refused to go look for her husband.

And, in this time period, this 24 hour time period, he killed their daughters and himself. So she sued the police department of Castle Rock. This is in Colorado. She won saying that they had not adequately enforced the restraining order that they have not done their duty to protect her.

But then the police department escalated, appealed, it ended up going to the Supreme Court. In 2005 and the Supreme Court ruled in a seven to two decision actually, which is still shocking to me, that she was not in fact entitled to police protection, that she couldn't sue the police department.

Abby Disney: And was that on the basis of no one is entitled to police protection or what exactly?

Heidi Schreck: That's the precedent that was set. I mean, it gets very complicated and one of the things I found most upsetting when I listened to the cases is that it all hinged on the word "shall", so there's a law that Colorado had just actually passed to help escalate domestic violence laws. Like they had said that the police "shall respond" to a restraining order.

HEIDI SCHRECK in What The Constitution Means To Me : *At one point Justice Scalia and Justice Breyer got in some argument about whether either of them even understood what the word shall meant. Uh, Terri, can you...*

ANTONIN SCALIA in What The Constitution Means To Me : *Wait, wait, I thought we were just talking here about state law as to whether shall means, shall. Do you think that it's a matter of state law? Whether, whether, if it does mean shall, it creates a property interest for purposes of the federal constitution.*

JOHN C. EASTMAN in What The Constitution Means To Me : *No, Justice Scalia, I don't.*

STEPHEN BREYER in What The Constitution Means To Me : *Suppose shall does mean shall, fine. You might have a statute that says the fire department shall respond to fire. The police department shall respond to crime. The army shall respond to, uh, attacks. Even the word shall doesn't necessarily mean...*

HEIDI SCHRECK in What The Constitution Means To Me : *Scalia ultimately decided that shall did not mean must, which I actually find very confusing because Scalia was a devout Catholic.*

Heidi Schreck: The thing they came to was like, what does it mean to say the police department didn't do their duty? That creates such a slippery slope, I think was their argument. That like people could be suing them sort of left and right. And then that would be problematic.

I mean, that was Scalia's approach he could, he called himself an originalist, a textualist and that was his approach to the constitution was that basically what she was arguing for was a positive right to police protection. And his view of the constitution is that it's a negative rights document.

It's been only very recently that it was even considered a crime to beat your wife, you know? So it was just like a long history of things that sort of lead to the idea that there needs to be positive protection of people in these situations. And I feel like that's one of the things that play sort of gets to, is that like, yeah, if everything were fair, if ever if people were actually treated equally and we were on some kind of level playing field, then it would be fine, I think to have a negative rights document.

Right? It would be fine, but because things aren't fair, I think there have to be some positive rights. There have to be rights that attempt to come in and rectify that attempt to create racial justice or create gender justice because there's just no such thing as neutral. And therefore, if we go by this negative rights philosophy, nothing will ever change in terms of creating true equality and or justice in this country.

Abby Disney: Right. So tell me about the young women who join you at the end of the play.

Heidi Schreck: At the end of the play, I debate a teenage debater or a teenage girl and on Broadway and in the film, we had two incredible, New York City debaters Rosdely Ciprian and Thursday Williams. At the time, Rosdely was 15, Thursday was 18.

They're a little older now and they're just some of the smartest, most amazing young women I've ever met and brought with them very, very different and specific debate skills.

HEIDI SCHRECK in What The Constitution Means To Me : *Our document was designed to make the changes that you want to make. So why are you willing to put our entire democracy at risk instead of just passing an amendment?*

ROSELY CIPRIAN in What The Constitution Means To Me :: *Well, we haven't passed an amendment in my lifetime. We've been trying to pass the equal rights amendment for the past hundred years. What makes you think we're going to pass it now?*

HEIDI SCHRECK in What The Constitution Means To Me : *Fair enough, we're actually one state away from ratification, so you want to give up now?*

ROSELY CIPRIAN in What The Constitution Means To Me :: *It's not giving up if we're being set up to fail!*

HEIDI SCHRECK in What The Constitution Means To Me : *Let me ask you this. Let's say we give you this new constitution.*

ROSDELY CIPRIAN in What The Constitution Means To Me : *Okay.*

HEIDI SCHRECK in What The Constitution Means To Me : *What is to stop private lobbying organizations, corporations, like say the NRA from influencing the making of this new document with their money?*

ROSDELY CIPRIAN in What The Constitution Means To Me : *Well this is why we need a new constitution to stop these big lobbying corporations from using their money to tilt the boat that is our laws.*

HEIDI SCHRECK in What The Constitution Means To Me : *How, how are you going to make that happen?*

ROSDELY CIPRIAN in What The Constitution Means To Me : *By making a new constitution.*

Abby Disney: I mean, what was, what was the thought process? Why did you bring them on? Because it really is just like plopped in the middle of --it's fabulous, but it's so unexpected.

Heidi Schreck: I'm glad it's so unexpected. Yeah, I actually, I knew long ago, maybe a decade ago that I wanted--well, first I wanted a real teenager in the play and then when I decided that I was going to be the teenager, I thought it would be really a wonderful sort of magic trick to have an actual 15 year old appear at the end of the play.

But I had no idea what I wanted her to do. What, what that even was. I told Oliver Butler my incredible director that I was like, you know, I really want a teenager to show up at the end of this play, but I have no idea what they should do. And we went back and forth and I was like, she should be a debater, obviously since I'm a debater in the show. So we actually hired Rosdely before we knew what she was going to do.

She was 12 at the time. We saw so many 15 year olds and they were all incredible, but Rosdely came in and just gave this brilliant speech. And I was like, she's the person clearly, she's so smart and funny. So she and I, we just had this workshop and at first I thought she was going to give her own speech much like I give mine. And then we did a thing where we drew amendments from the hat like I do in the play. And we would give little extemporaneous speeches on our feet. So it was going to be that. And then at some point, and honestly, I don't remember but I want to give Oliver credit because it was definitely through our discussions.

We were like, well, the play begins with this kind of worship of the constitution. And then I go on this whole journey to really break that all down and look at what's actually there and how it's actually affected my life. Maybe it should end with the ultimate question, which is, is this document even serving us anymore.

And that seemed like a great thing to debate with a young person, mostly because I felt like, well, I want to have that conversation with the young people now also in terms of the kind of poetic shape of the play, it's like my 40 year old self, arguing with my 15 year old self. And it just, that felt really right.

Abby Disney: There's something magic about a girl. I don't know why, but there's something about a girl that makes you feel hope. Especially a girl like a Rosdely or Thursday, they were amazing. But, you know, you use Ruth Bader Ginsburg's voice at some point and,

HEIDI SCHRECK in What The Constitution Means To Me : *Of course the problem with making an all new positive rights constitution with human rights enshrined from the beginning is uh, we would still have to trust the people interpreting that document right? We still have to trust the people who are in charge.*

RUTH BADER GINSBURG in What The Constitution Means To Me : *And the excuse for not hiring women in the criminal division was they have to deal with all these tough times. And women aren't up to that. And I was amazed. I said, have you seen the lawyers at legal aid who are representing these tough times? They're all women. People ask me sometimes, when do you think it will be enough?*

When will there be enough women on the court? And my answer is: when there are nine.

Abby Disney: I mean, she came and sat in the audience one night, right?

Heidi Schreck: She did. Yeah.

Abby Disney: Was that pressure? Did that feel like a lot of pressure?

Heidi Schreck: Oh, it was such tremendous pressure. I found out only I found out about an hour before I went on stage that she was there. And I quickly went back and fact checked everything in my script. There are points in the script that I'm always fact-checking 10 or 20 times, and I like re-checked those spots to make sure I knew what I was talking about.

I mean, it was thrilling and such an incredible honor. And, you know, I had spent hours and hours listening to her voice, and never imagined that I would get to perform for her. But it was a little scary.

Abby Disney: Do you think even though she got replaced with someone so brutally the opposite of her, do you think some of her legacy will still affect the court?

Heidi Schreck: Oh, yes. I mean her legacy, obviously her legacy as a justice, but her legacy as a lawyer who argued cases in front of the Supreme Court has created so much precedent in terms of, I mean, the case that she took, that helped further equality on the basis of sex are landmark cases.

And, even though we have this very conservative court, those are precedents, she helped create that are not likely to be rolled back. I mean, there's lots of things that are likely to be rolled back, but so much of the work she did has created this kind of a framework that I think would be hard to undo. Unfortunately we just need so much more.

Abby Disney: Yes. And we're looking at a period of getting so much less which is the real fear. You know, one of the more funny moments I mentioned before is when you say that you were psychotically polite, but I also know you wanted us thinking of that later when you're in the car with the guy in college. And I was sexually assaulted at 15 because I was too polite.

I think you do such a good job of covering that sort of foggy was it consent wasn't it consent thing that, certainly I didn't understand it as sexual assault till I was much, much older. I totally get that. I mean, do you think that psychotic politeness is like one of these manifestations of inherited trauma centuries of it and fear?

Heidi Schreck: I mean, I do think so. First of all, I'm, I'm sorry. And I, yeah, I just want to say that.

Abby Disney: Thank you.

Heidi Schreck: I do feel like that I, I think going back to sort of investigating that moment and kind of investigating what was going on in my body while it was happening I certainly felt like there's a kind of fear I'm experiencing that I don't know where it comes from. It feels very preverbal, it feels like something that's hard. Yeah. I guess if I could understand it and name it, I probably would have acted differently. So, yeah, centuries of also just cultural conditioning. I guess I've been thinking a lot too about the idea of being psychotically polite especially as a white woman, I've been thinking about it's more insidious forms of not standing up for the vulnerable, because I think it also that's the flip side of it, right, is that you're too afraid to assert yourself in a situation, but you're also like too afraid to defend people of other races or to call out racism when you see it or to not go along with a situation that is harmful. And I do feel like that's the one way that white women in particular uphold white supremacy is by being polite.

And I feel like that's just for me, that kind of politeness is so inbred. Like all of it, not to question anybody or call anybody out or make anyone uncomfortable. It's something I have to work on every single day.

Abby Disney: Yeah. Yeah. As I get older, I have less of this problem, so it does with age, it comes, but I mean, the point is that they want to wire that into us when we're young and sexually viable. And you know, likely to carry children. And that's when we're at our most valuable to them. And that's when they want us not to be in control of ourselves. And I don't know how we change that for 15 year olds, because I don't see it all that different now.

Heidi Schreck: Yeah. Yeah. I was going to say, though, I think you just said like "they" that's when they want us to be, you know, and I think one of the, one of the reasons it's so hard to change is, I don't know. I mean, obviously there are some, there are predators and they're awful people and there are manipulators and people who are using this kind of stuff consciously, but the truth is like, most of it is unconscious, right. Like, I don't know that there is some person out there or a group out there, like doing it to us. Right. But it's like, it's an inherited cultural dynamic that

Abby Disney: Well, and most of it we do to ourselves and to each

Heidi Schreck: We do to each other. Yes, it can happen in situations with fathers and mothers and whatever. But I do think that why it's so hard to shake or move through is that it's like, it's just so deeply baked into everything.

Abby Disney: It's so deep. Yeah, yeah, no question. No question. So, so you also talk about how you say one thing at 15 about abortion. And on one of those debate stages, and then six years later you get pregnant.

So yes, it was complicated. I totally relate to that because I was very indoctrinated in a Catholic house and then had an abortion years later and had to think through all by myself. I mean, how did you manage the thinking process about it? Was it a challenge and was it hard in the play to be that vulnerable?

Heidi Schreck: It was first of all, I, you know, I grew up, I didn't grow up pro-life. My dad is very conservative, Republican. My mom is a liberal feminist Democrat. So, which is a whole, you know, I, I love them both. I don't quite understand how that works.

Abby Disney: Yeah, I'm trying to figure it out too.

Heidi Schreck: I don't know if I could do it. But my, so I grew up pro-choice my mom kind of taught me about like I kind of grew up with the idea and I'm sure I got this from my mom, which is like, it's every person's right to decide, you know, what to do with their own body when it comes to reproduction.

But an abortion was something that, personally, like it was still like a bad thing. I like being the good girl I wanted to be would never do it. And so I think the thing that I had to come to terms with was when I decided to make that choice, like what it meant about who I was and my sort of own self-conception and that was like a real struggle for me. I did have a lot of guilt about it and, and a lot of shame.

By the time I performed the play, I had definitely worked through the guilt and, and didn't think I felt shame except for, and I talked about this in the play a little bit. That was not the hard part of the show for me talking about my family history of abuse was the scariest part. But when I would talk about my abortion and then meet people after the play, I realized that I hadn't really told anybody. I realized I had lots of close friends that I'd never told I had an abortion and I wasn't sure why.

And then I sort of realized that because some of them came and told me that they had had abortions. And I wondered what it was that kept us from talking to each other. All those years were all, you know, this is for the most part, like people, you know, women living in New York City who are artists who are very liberal and very actually forthcoming who hadn't talked about it with each other.

And I thought that that really pointed to a kind of lingering sense of shame.

Abby Disney: Yeah. I think we've internalized the shame and, you know, I mean, I think that like the pro-choice side, there's a lot of talk about eliminating stigma, but I also think that is not nothing, you know, it's not true that nothing is happening that day. It's not just like having a mole removed and we have to admit that.

Heidi Schreck: I agree with you. I mean, it certainly, for me it was, you know, it was a big, hard decision and something did happen. You know, I, I was, it was a painful decision. I don't regret it, but it was painful, And I think this happens in politics a lot when things get simplified, because you're afraid to ruin the message or something that every person who's had an abortion has a specific personal relationship to it. You know, I imagine there are some people for whom it's nothing, and there are probably the majority of people for whom it's a painful decision.

And then of course there's really the heartbreaking aspect of it for people who desperately want children. Having just given birth myself, and I gave birth to twins in a very high risk pregnancy, and so this is very much on my mind lately. Just people who want the child and have for extreme health reasons have to have an abortion later in their pregnancy is one of the most traumatic and excruciating things a person can go through. And the fact that that has gotten politicized by the pro-life movement is so upsetting and disturbing.

Abby Disney: Yeah. But I do want to talk about men for a minute.

Heidi Schreck: Sure absolutely.

Abby Disney: I mean, you love them. I love them. We love them!

But on January the sixth, it was man-palooza up there in the Capitol. And there were women there, but once they do all the counting or whatever, it'll come to about 15%. And you know that the military is 15% women and police departments are 15% women. It's an interesting--

Heidi Schreck: I didn't know that statistic, huh.

Abby Disney: And so, and this is after the police departments and the military, everybody's been trying to get more women. And that just kind of usually plateaus at about somewhere between 15% and 20%. So that's an interesting thing. But what was happening in terms of masculinity on the sixth? That I mean, it certainly was driven by race, but I keep thinking we're not noticing the masculinity piece the way we should. I mean, did you feel that when you were watching on Wednesday?

Heidi Schreck: That's a great question because I feel first of all, I get a little hesitant talking about masculinity because I also feel like it's a, first of all, I feel so glad that we're in this moment. And it seems to be a moment that will continue where the definition of gender is a fluid one. And so ultimately a concept like masculinity doesn't necessarily have to be affixed to a CIS male, you know, like, I, I feel like we're in this moment when we're like questioning all of these terms--

Abby Disney: But that's true for you and me. But I don't think the guys in the Capitol were subscribing to a fluid idea of gender.

Heidi Schreck: Right. No, no, absolutely not. No, no, no.

Abby Disney: In fact that's one of the things they were rebelling against.

Heidi Schreck: Yes. I don't know, honestly, I, I feel confused about all of it. I will say, I guess if I had to describe the thing I saw, it was, yes. It seemed to be primarily men. It seemed to be, although I'm sure there were exceptions primarily CIS men, I'm going to guess a lot of them were straight.

And it seemed to me, they, again, with exceptions were men who felt their identity as the men in power threatened. And I do think that comes down to an identity as a white man.

Abby Disney: I do think they're, they're feeling in a pincer and they don't know where to go, except just explode outwards.

Heidi Schreck: Yes.

Abby Disney: You know? Let me ask you one last question, so the right wing in the most hideous manner trampled all over RBGs legacy and they now have a six to three majority, but it's not just any six to three majority. It's an extreme 6 to 3 majority. So what do you think the effect is going to be on the, on the credibility of the court, which until recently was fairly widely respected.

Heidi Schreck: That's a great question. Let me say one thing, first of all, I think it's okay for the court to lose a bit of credibility because I feel like maybe we've given it too much credibility for a long time. Maybe we'd given it too much respect. And there's a way in which like it forces us to do the work ourselves in a way.

You know what I mean? I have so many activist friends who are like working hard on a local level, on a state level, to get laws passed that protect bodily autonomy, that protect women, that protect Black people that protect trans lives. So I feel like in one sense, it forces us into action.

And then I will also say, look, this is a very Pollyanna view of it. I realized I wish we had a court I could respect, I want that. But I also think that this whole idea of having a court of nine unelected people make these very life and death decisions about people's lives, I don't think it is a great idea in the first place personally, I'm for court packing.

Or let me say, I'm for expanding the court. I'm for attempting to change that structure if possible. And then secondly, I'll say like I'm not a historian, but like from the just kind of reading about this court and doing a little deep dive and reading Jill Lepore's book on the history of our country, I just realized, like, there've been plenty of times that the court was not respected, nor should it have been, you know?

And there's just been like atrocious decisions, you know? Dread Scott versus Sanford, you know, there's like so I think it's, it's fine. Let's, let's not respect the court and let's figure out how to create something that we can respect.

Abby Disney: Well, that's the best answer I could imagine.

Heidi Schreck: I guess. So. Again, let me just say, I wish this president had not been the person to appoint so many justices it's scary and heartbreaking.

Abby Disney: Yeah. You've been so nice to give us so much time and I just, I can't wait to see you know what you got planned next, which is a horrible thing to say to somebody who just came off a year maternity leave.

Heidi Schreck: No, no, no. I have some ideas brewing. It's actually a good thing to say. It was eight months, maybe at one month. No, but at eight months. It's great.

Abby Disney: Enjoy those babies at eight months.

Heidi Schreck: Thank you.

Abby Disney: The film adaptation of Heidi Schreck's award-winning play *What The Constitution Means To Me* is currently streaming on Amazon Prime. You can also follow her on Twitter at @HeidiBSchreck and keep an eye out for her when the theater returns.

All Ears is a production of Fork Films. The show was produced by Alexis Pancrazi and Christine Schomer. Lauren Wimbush is our Associate Producer. Sabrina Yates is our Production Coordinator. Our engineer is Veronica Rodriguez, Bob Golden composed our theme music. Audio from *What the Constitution Means to Me* provided by Amazon Content Services, LLC. The podcast team also includes the VP of production Aideen Kane. Our executive producer is Kathleen Hughes. Learn more about the podcast on our website. forkfilms.com. And don't forget to subscribe, rate, and review *All Ears* wherever you get your podcasts.