Short Circuit | Episode 147

Premises signs and an on-premises subpoena

ANTHONY: Hello, and welcome to *Short Circuit*. Your podcast on the Federal Courts of Appeals. I'm Anthony Sanders, director of the Center for Judicial Engagement at the Institute for justice. Today, we are very lucky to have a special guest, Steve Vladeck. Steve is the A. Dalton Professor of Law at the University of Texas at Austin School of law. This is actually his third time on *Short Circuit* going back to his first appearance in 2015. Yes. We had a show back then. And as you may know, he is very much on Twitter and the official Twitter Laureate of Federal Jurisdiction.

Steve, welcome back to *Short Circuit.*

STEVE: Thanks for having me, great to be back.

ANTHONY: And you may hear some thunder at times in the background. That is not actually the House Judiciary Committee. That is the thunder over Steve's house.

STEVE: Yeah, it's a, it's a nice weather day here in Austin.

ANTHONY: Someone who is wisely not on Twitter is Robert McNamara, a senior attorney at the Institute for Justice. This is his 572nd time on *Short Circuit*, give or take a few. Bob, welcome back.

BOB: I'm glad to be here. Glad to be a non-special guest.

ANTHONY: Today, Steve and Bob will be talking about cases, emanating from Washington, DC and Austin, Texas, and as luck would have it, Bob lives in the DC area and Steve lives in the Austin area. So of course, Bob is going to do the Austin Case and Steve will set his sights on the Metropol.

We'll start off with Bob who will talk about digital signs and then the Steve who will talk about what you're all waiting for: the, the Declaratory Judgment Act. Well, whether the Declaratory Judgment Act will put for a Trump white house counsel, Don McGahn in the witness chair.

And Bob, I believe you first have an offer for law students. So, take it away, but to tell you the truth, this offer sounds too good to be true. So, convince me.

BOB: It is too good to be true. And so, before I launch into the Fifth Circuit's doings-- a quick pitch because it's our podcast and we get to sell you things.

IJ is hosting a legal intensive, a one-day version of our training program for public interest lawyers and would be public interest lawyers. And one of the few good things to come out of the pandemic because we cannot hold in, person events are holding it remotely, which means it's open to law students from all around the country for the first time in human history. It is free of charge and it is a one-day intense session training you in the ins and outs of impact public interest litigation, the way IJ does it. Applications are up on our website right now Ij.org. The application deadline is October 3rd, so there are still spots available and you could be one of the lucky ones to, to learn at the feet of the masters.

And that's not bragging because I have not been in invited to speak at the legal intensive. So, it's people who actually know what they're doing, but applications that are open. Now it will be a tremendous event featuring tremendous speakers, panels, professors, and actual practitioners. And I urge it all law students who are listening, it is only open to law students so those of you who wish you were law students sadly will be excluded. Have I sold you, Anthony?

ANTHONY: Yeah, I think I'll sign up.

BOB: You can't.

ANTHONY: Yeah, I'm not in law school.

BOB: I don't know why I come on this podcast.

Turning to the substance of why I actually come on this podcast: out of the Fifth Circuit, we have *Reagan National Advertising of Austin v. City of Austin.* A case about billboards as so many First Amendment cases are. When, when you studied the First Amendment, you start to realize that most of what moves the law in the area of the First Amendment is that regulators really, really, really hate billboards and try to do their best to get rid of them.

And this case is yet another instantiation of that universal principle. And what happened is a couple of advertising companies filed applications with the City of Austin. They had existing billboards and they wanted to upgrade them to digital billboards, and they were denied because those billboards were grandfathered in. And under city of Austin code at the time, they could have had digital billboards advertising what are called on-premise uses, but they couldn't have off-premises signs.

And this is a longstanding distinction that a lot of stuff have made. Fueled by the fact that cities hate billboards. They want to have a law that prevents you from having a billboard, but doesn't prevent, Joe's restaurant from having a sign that says, come eat at Joe's. And so, cities try to make this distinction between on-premises and off-premises signs.

If your sign is advertising, the thing you're doing at the site, it's fine. If it's advertising anything else in the world, it is not fine. And a couple of interesting things happened in this case. One is that the city of Austin as cities so often do when they're sued, amended its signed code in the midst of litigation.

As often happens, cities that are informed that, an Article III judge is going to be checking their homework are suddenly seized with the desire to redo their homework and present a new ordinance that they think the courts would like better. And the, the Fifth Circuit said, no, no, no. These guys applied under your old ordinance; they're entitled to be considered under your old ordinance.

And that means that we have to decide whether your old ordinance was constitutional. And in deciding whether the ordinance is constitutional, that the Fifth Circuit really has to grapple with a question that often stymies those of us in the law business, what in the world does the Supreme Court mean when it says things?

Because for, for many years, the Supreme Court has held consistently that laws burdening speech get strict scrutiny if they are what's called content based. And there were years of fights in the lower courts about what it means to be content-based--whether the government has to have a bad motive for a law to be content-based. And in a case called *Reed v. Town of Gilbert*, the Supreme Court purported to clear all that up. They said, look, what content-based means is a regulation hinges on the content of a sign. If a sign saying X is legal and a sign saying y is illegal, that is content-based and you don't need any further inquiry. It's a simple test, and that's the only thing we're looking at. But the difficulty is Justice Alito who joined the opinion in Reed, filed a concurring opinion saying that's, that's absolutely true, that's what content-based means. But there are also a bunch of regulations that aren't content based, like distinctions between on-premises and off-premises signs isn't content based. And, that, that's just kind of a baffling thing to say, right? The only way you can tell whether a sign is advertising something on-premises or off-premises is by reading the content of the sign. You can have a sign that says eat at Joe's, you can't have a sign that says go across the street and eat Dan's--that's a content-based distinction. And so, the city of Austin, you know, understandably goes to the Fifth Circuit and says, we're doing exactly what Justice Alito said we could do. He explicitly said we could do this and the Fifth Circuit says, Justice Alito absolutely seems to have said, you can do this, but the majority said you can't. The majority adopted a simple, straight-forward rule in Reed, and we're just going to apply that simple, straightforward rule. And you, can't kind of trump what the majority opinion says by having a concurring opinion that, that says the opposite. And it is, I remained mystified by what Justice Alito's concurrence means, the, the Sixth Circuit has hypothesized, and the Fifth Circuit also kind of adopts this view that what, what Justice Alito means is you can have a distinction between on-premise signs and off-premises signs if you just regulate how close the sign has to be to the building. That a sign that's five feet from the building is allowed and a sign that's 50 feet from the building is not. And that must be what his concurrence means, because otherwise it can't be squared with the majority. The, the alternative view, which I guess you can't say if you're writing for the court, but which still seems true to me, it seemed true the day I read that concurrence, is that Justice Alito just doesn't really agree with what the majority opinion says and *Reed v. Town of Gilbert*, notwithstanding the fact that he joined the opinion. So, grappling with the ineffable mystery of whether the Supreme Court means what it says, the Fifth Circuit concludes that it does mean what it says, applies strict scrutiny, strikes down the law, and sends the poor benighted friendless billboard companies back to the district court, where they are likely to prevail in their efforts to communicate digital messages to the good people of Austin.

ANTHONY: And Steve, your thoughts?

STEVE [8:51] Well, I mean, I think that this is yet another example of, of a phenomenon we've seen elsewhere where, you know, where lower courts are left to try to figure out what to do when the Supreme Court hands down, something called the majority opinion and something called a concurrence--where the concurrence comes from justices who are necessarily the majority, but seems to contemplate something radically different from what the majority has said.

And so, you know, when I'm looking at *Reed v. Town of Gilbert*, do we look to the majority opinion or do we look to Justice Alito's opinion. If Alito had called his opinion of concurrence in the judgment, that would be easy, right? Because we'd apply the so-called Marks Rule, we'd say, oh, well, Alito's opinion is the narrowest opinion command in the majority for the rationale; therefore, it controls. But he didn't call it that.

So, you know, Bob, I think this is a phenomenon we've seen before, right? That, you know, I'm, I'm reminded of, of the Supreme Court, 1990 decision *in Verdugo-Urquidez* where there's this majority opinion by Chief Justice Rehnquist, purporting to hold that the Fourth Amendment categorically doesn't apply to non-citizens outside the United States. And then Justice Kennedy whose vote was necessary to the majority, writes, what he calls a concurrent opinion that reaches the same result, but totally different, much less formalistic rationale and lower courts will have to figure out well. But Kennedy says he joined the majority. So, what do we do in those cases?

One possibility, right, is for the Supreme Court to just tell us right--to articulate a sort of Marks analog for opinion label. And also, just saving my, my gut in these contexts is to analogize to how the court interprets statutes, right? Where if the title of the statute says one thing, but the text of the statute has something else go with the text. And so I think, you know, a lower court ought to be following the text of the opinions, even if they're not labeled correctly, but it's understandable why lower courts might be confused over this.

BOB: Yeah. I mean, the difficulty is that there are the opinions that are written, but also behind the opinions are the actual votes cast by the justices. And the three justices who joined the Alito concurrence in Reed did formally vote and sign on to the majority opinion, which in a technical sense does make that opinion the law. But it's especially kind of ironic and troubling in this area because Justice Thomas' majority opinion in Reed very much takes this tone of solving a problem: Oh, you know, look, you guys have been really confused about what content-based means for years, and here we are to fix it for you. We've got a clean rule: content-based means it's based on content. It's the simplest rule in the world. You can't have any difficulty applying this. And immediately you see these concurring opinions saying, yes, we absolutely agree with the simple, clear rule. Except we do not agree with the simple, clear rule, and here are a bunch of caveats.

STEVE [11:38] Are you saying Justice Thomas tried to try to draw something in, in very crystal-clear formalistic ways that, that he couldn't necessarily command for additional votes four additional votes for? I can't believe that that's never happens.

BOB [11:50]: Except he commanded to the votes. They just kind of took them back even as they were talking.

STEVE: And so, this is why, I mean, this is one of the reasons other than the fact that I live in Austin, right? This is one of the reasons why I find this case interesting, because it's a, it's a really nice illustration in, you know, if I can say this without going into too much trouble, not the highest profile case in the world of, well, indeed of the trouble the justices can get into just by how they caption their opinions, right. And how, you know, the, I mean, this is also, this came up last term where there was some question because a justice said they were joining particular parts of an opinion and it wasn't clear if they were actually joining like the decreed old language. So, you know, I think this is just sort of a plea to the justices to actually understand that it's not just what they write in their opinions that matter, but what they call their opinions actually could be dispositive in lower court. Simply the difference between calling it a concurrence versus a concurrence in the judgment, right. Actually, matters a heck of a lot.

Not just, not to them in future cases cause they'll do what they want to do, But to us and to litigants and to judges in the lower pores, trying to figure out, you know, are we now living in a content in a nicely defined content-based world? Or are we living in justice Alito's "it's complicated scenario"?

ANTHONY [13:00]: My favorite part about this case is the hypothetical that I hope First Amendment scholars, professors who are listening will use and for future exams, which is a sign that says, God loves you. Is that an on-premises sign or an off-premises sign? I think you could argue pro probably yeah, either way.

Well, we'll turn now to something about being on the premises and that is the House Judiciary Committee would like Don McGahn to be on its premises, but Mr. McGann very much does not. So Steve, tell us what the latest is from the DC circuit.

STEVE: Well, the latest is that there's cases going, that there's now a petition to take his case back to the, en banc DC circuit for the second time, I think.

ANTHONY: What a surprise.

STEVE: I know, I'm shocked, everyone's shocked. So I think this is a case where the underlying question is probably much more important than the specific dispute, because the reality is that I think it's very unlikely, no matter how the litigation winds up that the house is actually ever going to get Don McGahn to testify to the things the house wants to get him to testify to.

Because even if we surmount all of these procedural obstacles, which we're going to talk about in a minute, he still has all of these privileges he can assert, right? I mean, he was the president personal lawyer, well, not personal, who's the previous, the white house counsel. And so therefore he's going to be able to invoke executive privilege, presidential communications, privilege, attorney work product. And so I think what this case is really about is not, you know, can the House Judiciary Committee compelled Don McGahn specifically to answer particular questions, but the more general principle that has obviously become so much more important in recent years, about the extent to which the House is allowed to go to court to enforce it subpoenas when, as we've seen, they get defied and neglected and, and not, not complied with.

ANTHONY: So, one, one thing I wanted to, to probe into here, and I'm sure Bob will have similar questions is part of the opinion is whether or not the Declaratory Judgment Act gives a cause of action to the House Judiciary Committee. So before, right, this case was before the same panel and they said that there was no standing that went to the full DC circuit that said, yes, there is standing. Now in my book, you, you need standing, by my account, having litigated cases, similar to this, you need standing, you need jurisdiction, you need a remedy. And by my account, they have all of those. The Declaratory Judgment Act even says it creates a remedy. It's, it's absolutely explicit on that. And yet, the panel is saying, there's this other third? That the two and the majority are saying, there's this, this other thing, a cause of action, which is distinct from the remedy that the Declaratory Judgment Act creates. Which I have stared at the Declaratory Judgment Act for quite some time and I don't see daylight there. Could you explain what it is?

STEVE [15:57]: I could try. So I think we have to, we have to take a step back, which is to say, you know, in context, I mean, when the Declaratory Judgment Act was written, The very careful way, Anthony, that you just walked through all of the dots, the, the, the, the boxes to tick, was not necessarily ingrained into, into federal jurisprudence, right?

The Supreme Court really had not done what it's done to modern standing doctrine. The Supreme Court was much more flexible, casual, whatever word you want to use when it comes to causes of action and remedies, right. That this was, this was sort of before the rise of the formalists and the legal process school. And the idea behind the Declaratory Judgment Act was to basically give the courts a way of resolving disputes a step before, right, the existing wall would allow their resolution in a way that would hopefully be far less coercive.

So, imagine I'm a business owner and I, and I am in, I own a bookstore, right. And I'm worried about a new ordinance in my town that prohibits me from selling particular books. It's a no brainer to us that we're going to bring a First Amendment challenge against that ordinance before I am prosecuted for violating it. But the Declaratory Judgment Act is part of why that it's now a no brainer to us, right. That it's, we now understand that obtaining a declaratory judgment before the putative, injured party has to violate the law and then invoke his rights as a defense, right? It’s the signal achievement of the Declaratory Judgment Act.

As the Supreme Court in the last 30, 40 years has become much more tight-fisted when it comes to standing and justiciability causes of action, et cetera. It has not abandoned this view of the declaratory judgment, but it has read the declaratory judgment act to require some enforceable, underlying federal, right?

So it's not, I mean, it is, it is it's true, but not necessarily relevant that the Declaratory Judgment Act doesn't create its own freestanding cause of action. The question is: can a party invoking the Declaratory Judgment Act, identify the source of a judicially enforceable obligation for which they can obtain a declaratory judgment?

And so in the, the what, what Judge Griffith relies upon in his panel opinion, and I guess what we can call McGahn to, if McGahn won the justiciability case, is he relies upon the fact that in 1978, Congress went out of its way to expressly authorize the Senate to repair to court that Congress basically passed a jurisdictional statute, codified a 28 USC section 1365 that says the Senate can go to court. You know, the federal courts have jurisdiction when the Senate wants to enforce the subpoena. Griffith reads that as expressio unius that it's there for excluding the house and that there's insufficient basis elsewhere from which we can imply a basis for enforcing a subpoena through the Declaratory Judgment Act. Now that's, that's basically the gist of the panel opinion. And, and, and by the way, and it's wrong, but that's, that's a separate matter.

ANTHONY [18:58]: Bob wrestled with the Declaratory Judgment Act in the past, your thoughts?

BOB: I have had many sleepless nights about the Declaratory Judgment Act and the fact that it is not a cause of action that nonetheless allows you to be in federal court. And I've been in federal court many times with the Declaratory Judgment Act, act date, asking for the remedy that the courts are expressly empowered me. But it seems very much, like double counting in a way. I can see where, if there's a statute that says the Senate has the capacity to bring these actions, th- that's maybe an argument for saying perhaps the house doesn't have the capacity to sue or be sued in this context, perhaps the house doesn't have standing, perhaps the courts don't have jurisdiction over the house's claims. All of the things that were resolved by the previous en bbanc decision in this case. And so, it seems to say, to look at that and say, ah but what that means is there is no cause of action, is it? I have to say I keep going back through this opinion because I can, I can't tell whether I disagree with it or whether I'm just fundamentally missing something. Like sometimes you disagree with something in a way that just makes you feel not smart enough to grasp the opinion. And Steve, am I smart enough to grasp the opinion or am I missing something?

STEVE [20:14]: You're not, you are smart enough and you're not missing something. Here's where I think the confusion lies. And I think the confusion lies mostly with Judge Griffith, who we should say, you know, has strongly held, I mean, he was the Senate's legal counsel before he was a DC circuit judge. So, if anyone's going to have strong views about the relative roles and responsibilities of house and Senate, it'll be him.

So, here's the problem. And this is a problem I have whenever I teach federal courts, we all think about these issues through a post-1980 lens. And I say 1980, because 1980 is when Congress removes the amount in controversy requirement from the federal questions from 28 USC 1331. And so, it just in an Anthony's recitation of all the boxes we tick, right, jurisdiction just gets the briefest tip because we just assume before 1980 jurisdiction in these cases was a huge issue.

And so 1365, the statute Griffith relies upon as proof that Congress meant for the Senator that's, but not the house was actually nothing other than a jurisdictional statute to create jurisdiction for the Senate in a context in which maybe the house could have had it, maybe not. Judge Rogers quotes from the, the authoritative Senate report in her dissent. And what she says is exactly right. She says, the 1365 quote is not intended to be a congressional finding. That the federal courts do not now have the authority to hear a civil action to enforce a subpoena against an officer or employee of the federal government. Congress literally said that and Griffith ignoring that legislative history, set reads 1365 to do exactly what the Senate report says it was not meant to do. So, you know, it's, it is messy to actually go back through the history, which I did like 15 years ago, were up for a paper I wrote, and look at sort of whether or when it was clear that Congress can use a declaratory judgment action to enforce its subpoenas. The one thing that I think is clear is that 1365 doesn't answer that question one way or the other. And so for Griffith to sort of hold that out as the, the, you know, the sine qua non of this case against recognizing a declaratory judgment for the house, I really think misses the richness and the nuance undergirding, undergirding that history. I don't think it's an open and shut question, but I think it, it's, you know, I think Rogers is probably right, but that neither opinion does justice to the sort of complex history that I think we have to unpack to explain why the house does indeed have the kind of legally enforceable claim to let it go into court.

And if I may. What's the alternative, right? I mean, in a world in which the house can't enforce it subpoenas judicially, and this is the same reaction I had to judge descent in *Mazars*, right. In a world in which these subpoenas just can't you can't repair to court, the alternative self-help, right. And the alternative is to go back to the battle days in which the house actually exercises its inherent contempt power and sent the Sergeant at arms to arrest recalcitrant witnesses and locked him up in the old Capitol jail. And I just, you know, I, I don't know if this is just cause I'm a federal courts nerd, but it just seems to me that allowing this kind of ex-ante judicial resolution of these disputes before we get that far is preferable to the potential of armed confrontations between two branches of government. Like, it seems like that's part of why we have the third branch of government.

[ANTHONY] [23:37] To to raise another issue that, that wasn't in the case, and, and I don't think really would help the majority, but it, it did raise an eyebrow for me is: I am more familiar with the uniform, declaratory, Declaratory Judgements Act in the state courts. And for the first time in reviewing this case, I, I looked at the UDJA, as we call it, and also the Federal Declaratory Judgment Act, at least as it's codified. And I realized the federal act is much shorter than the UDJA--it's really just two sections. Most of it is in the, is in the one section that, that, that gives you remedy that the UDJA, which most States have is, is, has a, has something like 13 sections. And it has this one section that, that I have always used in, in state court about whether, yeah, you can have a statute or an ordinance ruled, constitutional or not. Which says that you have, any person interested in a, in a contract or other various documents, including a statute, may have determined any question of construction or validity arising under that,

which, which sounds like a cause of action. Whereas the federal law is a little bit more hazy in that regard. Do you, do you know, I mean, maybe this is just going beyond the case--do you know why though they are different? Which they, they, they seem like Congress took a lot less than most state legislatures have, and does that mean anything?

STEVE [25:11]: So, if my memory serves Anthony, the UDJA postdates I think the federal statute does that sound right?

ANTHONY: Well, I think it's from the UDJA is that was actually first drawn up at the twenties. Oh, the maybe was codified in the thirties in most places

STEVE: I mean, I think so again, I mean, I think what Congress is trying to do in the federal statute was, you know, I think Congress was focused on a narrower class of claims to some degree then States are partly just because the federal courts are here in a smaller class of claims and a narrow class of claims. And again, I mean, I think Congress was just focused on the problem before it, which was in the world of ex parte young, right, where, you know, the, the courts were still grappling with what to do when you had sort of where you wanted to bring a pre-enforcement challenge to an offensive, you know, government regulation or statute, and when maybe you didn't want an injunction, cause it wasn't actually enforced yet, right. Or when there are other reasons when equity wasn't going to actually help you, right. That Thomas was thinking about ways to sort of take pressure off of the situation before the Supreme Court had ever said anything about Congress needing to be remotely explicit about a cause of action, right? I mean the, the first time the Supreme Court starts making noise about express causes of action are in some of the dissenting opinions in the sixties. And so, you know, again, I think the Declaratory Judgment Act has to be put in the context of the same way that 1365 has to be put in the context, which is that, you know, we're reacting one sort of fell swoop at a time. And if we believe that congressional subpoenas are legally enforceable, which I think is actually one of the, the most important to me, implicit holdings of the Supreme Court's decision lasts, you know, in July in *Mazars*. Then it seems like that presupposes judicial enforcement by the party, sending them.

To be fair, I think there's a better solution here. I think it would behoove everybody for Congress to actually codify an express procedure for subpoena recipients to actually be the relevant litigants, right. For, instead of having the house go into court to enforce the subpoena offensively, have someone who receives a subpoena who doesn't want to comply with it, have the burden of going into court and asserting a claim defensively. Of course, that too might be a declaratory judgment. And so then the question becomes, you know, if McGahn could have brought the exact same suit as a declaratory judgment action, why couldn't the house, right, which is something that Judge Griffith doesn't talk about at all. I think we'd all be better off if Congress just solves all of this by statute and says, we're going to have an express cause of action for subpoena recipients to assert privileges or any other legal right that allows them to not comply with the subpoena. And then Congress can also speed up this process. So we don't have this phenomenon that we've seen drones the administration of subpoenas that get unenforced by default, just because of delay and the sort of the, the amount of time this litigation takes.

BOB [28:01]: I mean, Congress could pass a more specific law, but as you say there, the law is already there, and this is exactly what the Declaratory Judgments Act is for. You know, you get a subpoena from Congress and you say, Oh man, I think this subpoena is illegitimate, but I'm also worried they're going to send the Sergeant at Arms to my house and I'm going to end up, locked up in the basement of the Capitol somewhere. And I want to go to a court and say, if I get locked up in the basement of the Capitol, will you let me out? I just want to know in advance and that's what the Declaratory Judgments Act is supposed to do is let me do that rather than I guess, file a habeas petition after the Sergeant at Arms has seized me at my home. And I, I, it's just not clear to me why in this context, either party to that future dispute, isn't able to get it resolved now.

STEVE: And Bob, if I may, I mean, I think, you know, when I teach federal courts, one thing that I teach is it's really, you know, the Supreme Court changes the rules all the time, that's fine. What's really weird is when the Supreme Court applies its changed rules retroactively. And so, you know, to apply the modern conception of an express cause of action, right. And the modern conception of, you know, every, the text is conclusive to pre, to, to statutes that were written long before Congress could reasonably have known it was going to be held to those standards, causes these kinds of difficulties. I mean, I think, you know, there's a point in which Judge Griffith actually expressly cites *Hernandez v Mesa*, the court's most recent *Bivens* decision, for the proposition that, you know, this is not the kind of thing courts do anymore, right? Yeah, implying causes of action. Leaving aside my biases about *Hernandez*, I mean, I just think that the, the broader point here is that yes, this is exactly why the DJA exists. Yes, it exists highly to prevent a scenario that if judge Griffith's opinion held today would be much more likely, which is violence. And I think, you know, that's, it's betraying the principles of the Declaratory Judgment Act to apply this kind of formalistic reasoning to it, to deny the opportunity to have this dispute, which everyone agrees is a joint dispute between adverse parties resolved by the only actor that is in any position to resolve it neutrally, right--which is the courts.

ANTHONY: And if you'd like to hear more about that history that, Steve just gave us a very short summary of, you can hear about it in our sister podcast *Bound by Oath*, season two, coming to you later this fall, which we'll talk about the history of remedies and section 1983 and Bivens and all that good stuff with a healthy dose from professor Vladeck along the way.

So, stay tuned for that. Check out our, our legal intensive that Bob spoke about earlier on this podcast, you can find it again at IJ.org. And for everyone else, I will remind you to please get engaged.