SUPREME COURT OF THE UNITED STATES

IN THE SUPREME COURT OF THE UNITED STATES
THE OHIO ADJUTANT GENERAL'S
DEPARTMENT, ET AL.,
Petitioners,
V.
No. 21-1454
FEDERAL LABOR RELATIONS AUTHORITY,
ET AL.,
Respondents.
)

Pages: 1 through 108 Place: Washington, D.C. Date: January 9, 2023

HERITAGE REPORTING CORPORATION

Official Reporters 1220 L Street, N.W., Suite 206 Washington, D.C. 20005 (202) 628-4888 www.hrccourtreporters.com

1 IN THE SUPREME COURT OF THE UNITED STATES 2 _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ 3 THE OHIO ADJUTANT GENERAL'S)) 4 DEPARTMENT, ET AL., 5 Petitioners,)) No. 21-1454 6 v. 7 FEDERAL LABOR RELATIONS AUTHORITY,) 8 ET AL.,) 9 Respondents.) 10 _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ 11 12 Washington, D.C. 13 Monday, January 9, 2023 14 15 The above-entitled matter came on for 16 oral argument before the Supreme Court of the 17 United States at 11:13 a.m. 18 19 20 21 22 23 24 25

APPEARANCES: BENJAMIN M. FLOWERS, Solicitor General, Columbus, Ohio; on behalf of the Petitioners. NICOLE F. REAVES, Assistant to the Solicitor General, Department of Justice, Washington, D.C.; б on behalf of the Federal Respondent. ANDRES M. GRAJALES, ESQUIRE, Washington, D.C.; on behalf of the Union Respondent.

1	CONTENTS	
2	ORAL ARGUMENT OF:	PAGE:
3	BENJAMIN M. FLOWERS, ESQ.	
4	On behalf of the Petitioners	4
5	ORAL ARGUMENT OF:	
6	NICOLE F. REAVES, ESQ.	
7	On behalf of the Federal Respondent	56
8	ORAL ARGUMENT OF:	
9	ANDRES M. GRAJALES, ESQ.	
10	On behalf of the Union Respondent	92
11	REBUTTAL ARGUMENT OF:	
12	BENJAMIN M. FLOWERS, ESQ.	
13	On behalf of the Petitioners	104
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

4

1 PROCEEDINGS 2 (11:13 a.m.) 3 CHIEF JUSTICE ROBERTS: We'll hear argument next in Case 21-1454, the Ohio 4 Adjutant General's Department versus the 5 Federal Labor Relations Authority. 6 7 Mr. Flowers. ORAL ARGUMENT OF BENJAMIN M. FLOWERS 8 ON BEHALF OF THE PETITIONERS 9 10 MR. FLOWERS: Thank you, Mr. Chief 11 Justice, and may it please the Court: 12 The Sixth Circuit and the Federal 13 Labor Relations Authority held that adjutants 14 general and state guards, when they employ 15 technicians, are federal agencies to which the 16 Authority may issue orders. 17 That is wrong. The Reform Act defines 18 agencies to include executive departments, government corporations, and independent 19 20 establishments. Adjutants general and state 21 guards are none of these things. They're 2.2 neither among nor part of the 15 Cabinet-level 23 agencies that qualify as executive departments. 24 They're not government corporations because 25 they're not corporations. And they're not

independent establishments because they're not
 part of the executive branch.

The Authority concedes all of that, but it claims it can regulate adjutants general and state guards anyway because they represent or act on behalf of the Defense Department, which is a Reform Act agency, when they employ technicians.

9 But the Reform Act says the Authority 10 can issue orders to agencies. It gives it no 11 power to issue orders to non-agencies simply 12 because they serve as the representatives or 13 agents or designees of an agency.

14 Indeed, a serious sign of the problem 15 with the Authority's position is that even now, 16 40 years after the Reform Act was enacted, no 17 one can quite give a consensus justification 18 for the Authority -- for the power the 19 Authority wields. The Authority's arguments have continued to evolve while the union and 20 amici advance novel arguments of their own. 21 2.2 If Congress had really given the Authority this power, if it had really wanted a 23 24 federal independent agency with jurisdiction 25 over federal labor relations to issue orders to

5

6

1 state guards, it would not have made the grant 2 of that power so hard to find. 3 Ultimately, here, there's no reason to 4 resist the statute's plain meaning. Dual-status technicians are employees of the 5 Defense Department, and they should enforce 6 7 their labor rights through and against that 8 department. 9 I welcome your questions. 10 JUSTICE THOMAS: Mr. Flowers, who 11 hires these technicians? 12 MR. FLOWERS: They are hired by the 13 Adjutant General. They become employees of the Defense Department under 32 U.S.C. 709. 14 15 JUSTICE THOMAS: So under what 16 authority does the Adjutant General hire the 17 technicians? 18 MR. FLOWERS: Federal law empowers us 19 to hire technicians that are then --20 JUSTICE THOMAS: So it's done through 21 delegation? 2.2 MR. FLOWERS: Yes. 23 JUSTICE THOMAS: So they are federal 24 employees? 25 MR. FLOWERS: They are federal

7

1 employees, and let me try -- explain why, because of that, it makes the most practical 2 3 sense to route these disputes through the Defense Department. So --4 JUSTICE THOMAS: But isn't the 5 6 complaint the -- you have the -- the style of 7 the -- at least in the petition, it says that before the Federal Labor Relations Authority, 8 U.S. Department of Defense, Ohio National Guard 9 10 is -- is the style. 11 MR. FLOWERS: That is how the case was 12 captioned, but it was at least treated as a 13 suit against the state guard, not as against 14 the Department of Defense. 15 JUSTICE THOMAS: But I thought the 16 Adjutant General was an -- was an intervenor 17 respondent. 18 MR. FLOWERS: The Adjutant General 19 intervened to defend the interests of the state National Guard, which was the initial party. 20 21 JUSTICE THOMAS: So this would make --2.2 your argument would make much more sense if we 23 were talking about the state highway patrol. Could you explain on exactly when a technician 24 25 is a federal employee and for what purposes and

8

when a technician is a state employee? 1 2 MR. FLOWERS: So they are always a 3 federal employee under 32 U.S.C. 709(e). And we're not disputing that they have collective 4 5 bargaining rights or that we are using these 6 federal employees. The question here is 7 whether we are ourselves a federal agency 8 because they can issue an order to us only if 9 we are, in fact, an agency. That's what the 10 statute says. 11 And we are not a federal agency, even 12 if we are an agent or a designee of the federal 13 government, because being someone's agent does 14 not turn you into the principal. It just means 15 you're acting on behalf of the principal. 16 I do want to, if I can, briefly 17 address --18 JUSTICE KAGAN: Could -- could I just 19 _ _ 20 MR. FLOWERS: Sure. 21 JUSTICE KAGAN: -- a -- point of 22 clarification? You -- you just said something 23 that also appears in your briefs that I was 24 confused by. 25 MR. FLOWERS: Sure.

1 JUSTICE KAGAN: You -- you said that 2 you're not disputing that these employees have 3 collective bargaining rights. What does that mean to you? Because the idea of collective 4 bargaining rights is that there's somebody else 5 on the other side that has to sit down and 6 7 collectively bargain with you. So are -- are you saying that, in 8 9 fact, there is an obligation on the -- on -- on -- on the part of the state guard to sit down 10 11 at a collective bargaining table? 12 MR. FLOWERS: It should be their 13 employer, which is the Department of Defense, 14 who could ask us to serve as the 15 representative, might be bound by what we enter 16 into, but it would be forced through and 17 against them. 18 Let me explain how that makes sense. 19 If you step back and you ask who's best positioned to handle all this, the Authority in 20 21 the first instance or the Department, the 2.2 Department on the front end is the only entity 23 that can bring all the interests to the table. 24 So, when they're negotiating or trying to 25 amicably work out a dispute, they, unlike the

10

1 Authority, are subject to presidential control, and so they can ensure that the President's 2 3 commander-in-chief powers aren't frustrated. They have immense influence over the guards and 4 the adjutants general. 5 6 But most important of all, the 7 technicians are Defense Department employees. 8 The Defense Department signs their checks. The 9 Defense Department withholds their dues. The 10 Defense Department issues myriad regulations 11 that govern the sort of conduct technicians can 12 engage in. That's all stuff with respect to which they may wish to collectively bargain but 13 14 the Defense Department's in charge of. 15 JUSTICE KAVANAUGH: But the --16 MR. FLOWERS: On the back end -- I'm 17 When -- yeah. sorry. 18 JUSTICE KAVANAUGH: Keep going. I'm 19 sorry. 20 MR. FLOWERS: I was just going to say, 21 on the back end, when the Authority actually 2.2 issues the order, generally speaking, it's not 23 possible to -- or I should say, in some cases, 24 it won't be possible to redress their injuries 25 without the Department's cooperation. In this

11

1 very case, we were ordered to restore the union 2 to dues withholding status. 3 JUSTICE KAVANAUGH: I think you said 4 that the Department should be involved rather than the -- but hasn't Congress, in essence, 5 6 resolved this by saying that the Secretary 7 shall designate the adjutant general referred to -- to employ and administer the technicians? 8 9 In other words, that's Congress 10 speaking to resolve the issue and say they're 11 the ones who are going to act on behalf of the 12 Department. We are federal -- they're federal 13 employees, you acknowledge, in a federal 14 agency, you acknowledge, and --15 MR. FLOWERS: The Defense Department 16 is, yes. 17 JUSTICE KAVANAUGH: -- and the 18 Department of Air Force --19 JUSTICE KAGAN: Which has collective 20 bargaining rights --21 MR. FLOWERS: Sure. 2.2 JUSTICE KAGAN: -- you acknowledge? 23 JUSTICE KAVANAUGH: And they have 24 collective bargaining rights. And you said DOD 25 should be handling this, but Congress has

spoken to this and said DOD handles this through this process which is set out in statute and which, by the way, has been used since 19 -- from 1971 to 2016 uninterrupted without any -- any objection, I guess, by -- by Ohio.

7 MR. FLOWERS: So -- so let me take 8 that in a few steps. The Defense Department 9 has certainly said that we employ them, though 10 they're also employed by the Department of 11 Defense at the same time. If the idea is that 12 we're acting on behalf of the Defense 13 Department, that would mean that we 14 collectively bargain on behalf of the Defense 15 Department, and the Defense Department should 16 be standing here rather than the Ohio Adjutant 17 General, that that's who their dispute should 18 be against. And, again, on the back --19 JUSTICE JACKSON: But you hire and fire and supervise them. I mean, I -- I guess 20 what -- what concerns me a little bit is the 21 2.2 suggestion that, you know, while there might be 23 practical reasons why the statute could have

25 us, right? We're not just in the first

24

12

DOD be the operable agent here, it's not up to

13

1 instance making policy determinations about how 2 this thing should be structured. 3 And as Judge -- Justice Kavanaugh just pointed out, we have a statute that gives these 4 people, the dual-service technicians, 5 6 collective bargaining rights that in the 7 collective bargaining world, as Justice Kagan 8 points out, it means the right to sit across 9 the table from the people who hire and fire you 10 and bargain over the terms and conditions of 11 your employment. 12 So I -- I guess your task in my view is to establish why it is that Congress would 13 14 have intended to carve you out in this 15 situation. 16 MR. FLOWERS: So let me first back up for a second and explain -- it -- it's 17 18 important to emphasize the law we're 19 interpreting here, the Reform Act, is not about National Guards and technicians. It's a 20 21 generally applicable law for the federal 2.2 government. And the word --23 JUSTICE JACKSON: Well, the law we're 24 interpreting is the FL -- or FSLMRS, right? 25 MR. FLOWERS: That's the Reform Act.

14

1 JUSTICE JACKSON: Okay. 2 MR. FLOWERS: They're the same thing, 3 so --4 JUSTICE JACKSON: All right. Sorry. MR. FLOWERS: Those statutes are 5 6 generally applicable. They apply to the whole 7 federal government. And the word in question is "agency." So the federal -- the -- the --8 9 the Authority has jurisdiction over us only if 10 we are an agency. And if -- to be an --11 JUSTICE JACKSON: But DOD is an 12 agency, correct? 13 MR. FLOWERS: DOD is an agency --14 JUSTICE JACKSON: All right. 15 MR. FLOWERS: -- so it can issue orders through the Department of Defense. 16 17 JUSTICE JACKSON: And DOD, per the 18 statute that Justice Kavanaugh points out, has 19 delegated to your entities the authority to 20 hire, fire, and act in that capacity over this group of people who have federal collective 21 bargaining rights, correct? 22 23 MR. FLOWERS: Congress has given us 24 that power, though the Defense Department, we 25 shouldn't minimize, has immense control over

1 that. 2 JUSTICE JACKSON: Understood. But why 3 isn't that answering the question? JUSTICE KAGAN: It -- it's not even a 4 I mean, it's a -- it's an 5 DOD choice. 6 obligation on DOD to authorize you to be the 7 supervisor of these employees. This is not a choice on DOD's part. DOD had to give this 8 9 authority to you. 10 MR. FLOWERS: That's certainly true, 11 but it doesn't mean that we are the Department 12 of Defense. It means we're acting on their 13 behalf. So the Department of Defense may well 14 be bound by the contracts we enter into. We 15 don't take issue with that. 16 The Authority can issue orders to --17 to the Department of Defense and, in fact, it needs to for some of these things to bear out. 18 19 In the --20 JUSTICE BARRETT: So this is a 21 technicality then, kind of, you know, to 22 Justice Kagan's point. You're just saying, you 23 know, they sued the wrong person, it should be 24 DOD here, and you -- you concede that DOD could 25 order you to go to the collective bargaining

16

1 table or order you to comply with an order 2 issued by the Authority? MR. FLOWERS: I don't think they could 3 order us to. They could wield their influence 4 over us to strongly --5 6 JUSTICE BARRETT: Why can't they order 7 you to if -- if you're their agent or 8 representative? 9 MR. FLOWERS: So -- so they could take away the technicians, they could reduce our 10 11 funding, but they couldn't, for example, 12 replace the adjutant general. They couldn't 13 strip -- they -- they -- they couldn't create a 14 new state National Guard. Those --15 JUSTICE BARRETT: So you're not really 16 their agent or representative in the way that 17 we might otherwise understand principal agency 18 relationships? 19 MR. FLOWERS: It's not set up by a 20 contract with those sorts of relationships. 21 The Department of Defense is also an agency 2.2 with limited power granted by Congress, and 23 they have to act using the power they have, which is influence rather than control. 24 25 And the reason that matters if we're

17

1 getting, why is it not a technicality, first, 2 the federal government would be handling these 3 things rather than us and they're better positioned to do so. So I -- I don't know if I 4 mentioned this, but the -- for --5 6 JUSTICE SOTOMAYOR: Oh, I'm sorry, 7 you're saying you want to change the law so that you don't collectively bargain, DOD 8 9 collectively bargains? 10 MR. FLOWERS: Well, DOD may be able to 11 through regulation say, if you want the 12 technicians, you have to collectively bargain with them for us. But what they can't do is 13 14 change the meaning of "agency" for the Reform 15 Act, the generally applicable statute, to make 16 a state entity into a federal agency. 17 JUSTICE SOTOMAYOR: So what do we do 18 with the savings clause? The savings clause 19 says that they don't want to save anything that 20 happened under the executive orders -- it says you can't change -- we're not changing any 21 2.2 policies, regulations, or practices or 23 decisions that were issued under those executive orders. And one of those decisions 24 25 very explicitly was the Thompson Field decision

18

1 involving the Minnesota -- Mississippi National 2 Guard. 3 And, there, the Court said -- not the 4 Court -- the -- the agency said very clearly rejected these very same arguments you're 5 6 making and said you can go into the 7 administrative process with the National Guard 8 and they're bound by those decisions. 9 MR. FLOWERS: So two answers. 10 JUSTICE SOTOMAYOR: So how do -- how 11 doesn't the savings clause just defeat all your 12 arguments? 13 MR. FLOWERS: Because it doesn't do 14 the work they would like it to do. What it 15 says -- it -- it -- what that statute did and 16 what courts have recognized for decades is it 17 kept the slate from being wiped clean while the 18 Authority and the courts interpreted the Reform 19 Act. So, if something that those regulations 20 _ _ 21 JUSTICE SOTOMAYOR: No, that was 22 interpreting what agency and what was a component of DOD was --23 24 MR. FLOWERS: I disagree. 25 JUSTICE SOTOMAYOR: -- and you're

1 saying that -- I -- I don't see how you could 2 read it otherwise -- that you are acting as a -- as an agent of DOD, and so you are a 3 component of DOD. That's what one of the amici 4 5 arques --MR. FLOWERS: Well --6 7 JUSTICE SOTOMAYOR: -- and I want to find out from the Solicitor General's Office 8 9 why they don't think that argument is 10 compelling. 11 MR. FLOWERS: So I -- I don't think 12 that argument works. Being an agent does not 13 make one a component of the principal. It 14 makes them an agent of the principal. Usually, 15 it is a non-component that serves as the agent 16 in all sorts of other contexts. 17 But back to 7135, what it says is that 18 those regulations, decisions, et cetera, 19 continue to apply unless they're superseded by the Reform Act itself, which, here, this is 20 21 because we --2.2 JUSTICE SOTOMAYOR: But the Reform Act 23 had the same definition of -- of an agency and 24 executive department as it did then, so it 25 wasn't changing anything.

1 MR. FLOWERS: That no -- that none of 2 those decisions ever interpreted. But, beyond 3 that, or a decision issued under the Reform Act, which could be a decision from the 4 Authority or the courts. 5 So the courts are not bound to 6 7 continue to adhere to those regulations. If you look at INS v. FLRA, that's 855 F.2d 1454, 8 it's a Ninth Circuit case from three decades 9 ago recognizing that. So 7135 does not do the 10 11 work they would like it to do. 12 Ultimately, what they -- I understand 13 this is a strange arrangement, but what they 14 have to show is that the state entity is a 15 federal agency for purposes of the Reform --16 JUSTICE JACKSON: But why do they have 17 to show that? I mean, do you -- do you concede 18 that our task is to ascertain the will of 19 Congress with respect to what entities it 20 intended to be covered by the Reform Act? 21 MR. FLOWERS: No, I would not concede 2.2 that. I would say the task is to determine 23 what the word "agency" means in the Reform Act. 24 JUSTICE JACKSON: Only insofar as 25 Congress used that term, and so we're trying to

21

1 figure out what Congress meant when it said "agencies" in the context of this. 2 3 MR. FLOWERS: I think we're not asking 4 about their subjective intents. We're asking 5 about the objective meaning --6 JUSTICE JACKSON: No, I'm asking 7 objective. I'm saying surely -- surely you're not saying that we can just decide whatever we 8 9 want about this policy without reference to what Congress intended. 10 11 MR. FLOWERS: As long as congressional 12 intent is interpreted with respect to the statute, the statute define --13 14 JUSTICE JACKSON: All right. Let 15 me -- let me give you the statute. 16 MR. FLOWERS: Sure. 17 JUSTICE JACKSON: The statute uses 18 "agency." 19 MR. FLOWERS: Mm-hmm. 20 JUSTICE JACKSON: And that does 21 reference or refer to the generic term of 22 "agency" in, you know, the listed enumerated 23 departments. 24 But I quess what I don't understand is 25 why we have to automatically believe that when

22

1 Congress included "agency" in the Reform Act, 2 they were necessarily only incorporating those 3 listed entities, as opposed to talking about an agency insofar as it employs, hires, fires, and 4 supervises federal employees. 5 6 So it uses the term "agency" and I get 7 that. And we have another section that says these are the agencies. DOD is on that list. 8 9 MR. FLOWERS: Mm-hmm. 10 JUSTICE JACKSON: And to the extent 11 that any of those agencies are entities that 12 are hiring, firing, and employing federal employees, we think that that's really what 13 14 Congress was caring about for the Reform Act 15 purpose, for the collective bargaining purpose. 16 So I guess my question is, why 17 wouldn't any entity that is under the purview 18 of a listed agency that hires, fires, and 19 employs, it functions like the agency for the purpose of employment, be covered by the Act? 20 21 And, alternatively, why would Congress intend 2.2 to carve you out when you are functioning in 23 that world? MR. FLOWERS: So I'll take them in 24 25 reverse order. Why would they want to function

1 as a -- carve us out, I think, is because it 2 does make more practical sense to route these things through the Defense department. 3 4 JUSTICE JACKSON: But they don't say 5 that. 6 MR. FLOWERS: But what they --7 JUSTICE JACKSON: Wouldn't we expect 8 to see that in the statute? They've excluded 9 other things specifically as agencies. So, if 10 you're right and that was their intent, we 11 would see the words "but not Adjutant General 12 or it's," you know, "National Guard" in this 13 statute, especially in light of the history 14 that Justice Sotomayor points out. 15 MR. FLOWERS: No. So I think they -an agency has to justify its power. They have 16 17 to point to the statutory clause that gives them power. Otherwise, they don't have any. 18 19 So the presumption starts they don't have it 20 until they identify it. 21 JUSTICE JACKSON: Right. 2.2 MR. FLOWERS: They point to the --JUSTICE JACKSON: And the agency is 23 24 DOD, and everybody agrees they have this power over -- over you all in the sense that you are 25

24

1 organizing and hiring and firing.

2 MR. FLOWERS: And there is no other 3 context that we have found in which the FLRA 4 interprets entities that act as the agent or 5 designee for any of those departments to be 6 agencies themselves.

7 If they hire a private contractor and
8 task them with doing something that they
9 otherwise would have exclusive power to do,
10 they don't count. This Court in Maryland v.
11 United States held that state militias are not
12 --

JUSTICE JACKSON: Well, we're not 13 14 looking for agencies in general. We don't care 15 if you're an agency for other purposes. The 16 only thing it seems as though the statute cares 17 about is whether there's an entity that is 18 hiring, firing, and supervising these employees 19 because the statute is about their collective 20 bargaining rights.

21 MR. FLOWERS: Well, respectfully, I 22 don't know how we get to that interpretation. 23 The -- the definitions we point to are for 24 purposes of Title V. The Reform Act is in 25 Title V. And we don't come within any of those

25

1 definitions. And that's why you see the amici 2 and the Authority insisting that there must be 3 some way to get there. It must be justified somehow, but no can settle on --4 JUSTICE JACKSON: That it's not 5 6 agency? 7 JUSTICE KAGAN: Well, we try to make sense of statutes as a whole. 8 9 MR. FLOWERS: Mm-hmm. 10 JUSTICE KAGAN: And this statute gives 11 collective bargaining rights to these 12 employees, and you acknowledge that. 13 And this statute also says that with 14 respect to these employees, and this is a kind 15 of sui generis situation, the federal 16 government is not acting as their employer. 17 Instead, the federal government per the statute 18 has the individual state guards acting super --19 acting as their employer, supervising them, hiring, firing them, and so forth. 20 21 So then the question becomes, so who's 2.2 supposed to be sitting across the collective 23 bargaining table with them? Because we know 24 that there's supposed to be a collective 25 bargaining table, and we know that somebody has

1 to be sitting on the other end, and we know 2 that it -- that this statute doesn't really make sense for DOD to be sitting on the other 3 end because -- because Congress has told DOD 4 you can't be the employer. You have to make 5 6 the state guard the employer. 7 So you put that all together, it should be the state quard that's sitting across 8 9 the table per what Congress said. MR. FLOWERS: So let me -- let me try 10 11 to push back on that. It does make more sense 12 for the Defense Department to be there. For 13 one thing, they control many issues --14 JUSTICE KAGAN: I'm not talking 15 about -- it's does not make sense. It's like, you know, Congress has told you who it wants to 16 17 be sitting across the collective bargaining 18 table, and the way Congress has said that is 19 Congress has said to DOD: You have to give 20 over your supervisory and employment authority 21 to the state guards. 2.2 MR. FLOWERS: I think that -- I think the premise is wrong. They do -- we -- we 23 24 manage their day-to-day activities, yes, but 25 the Department of Defense issues regulations

26

27

1 that control most aspects of their work, even 2 the hours. So the Department of Defense is in 3 charge of many of the things they do. 4 I don't want to sit down before I say this: The Department of Defense is the one 5 6 that withholds the dues. So, for example, 7 here, we were ordered to withhold dues. We cannot do that. We don't --8 9 JUSTICE KAGAN: But what you're 10 basically saying to us, your position when you 11 get right down to it, is the suit was against 12 the wrong people because -- because everybody 13 has always understood who the collective 14 bargaining agent is in the wrong way, and from 15 now on, collective bargaining as to these 16 employees has to be done on a nationwide basis 17 by the Department of Defense, as opposed to 18 state by state by the individual guards and 19 adjutants general. 20 MR. FLOWERS: I -- I don't believe that's --21 2.2 JUSTICE KAGAN: That's the -- isn't 23 that? 24 MR. FLOWERS: No. 25 JUSTICE KAGAN: You -- you -- you --

28

1 you said yourself you need a collective 2 bargaining partner. You're saying that partner 3 needs to be DOD. So DOD does that on a nationwide basis, as opposed to the state 4 guards doing it state by state --5 6 MR. FLOWERS: So it's --7 JUSTICE KAGAN: -- as it's been done for decades. 8 9 MR. FLOWERS: Respectfully, it's the last part I disagree with. Even if the Defense 10 11 Department is the -- the relevant entity, the 12 FLRA can still certify regional units to do the 13 negotiation on a region-by-region basis. 14 And -- and, I -- again, they control 15 many of the aspects over which disputes might 16 arise and which they may well wish to 17 collectively bargain. So it does make more 18 sense that they -- they collectively bargain 19 with the entities that the law says are their 20 employers. 21 But that has --JUSTICE JACKSON: 2.2 CHIEF JUSTICE ROBERTS: It does seem 23 to me odd -- and I understand that this is -the state National Guards are unusual entities 24 25 in that they have, you know, status under the

state authority and, of course, under some 1 2 circumstances, under -- under federal, but how 3 does it actually work? In other words, do you recognize that 4 you're bound by the results of the collective 5 6 bargaining between the -- that -- that the dual 7 technicians are permitted to engage in, right? 8 And you -- I mean, who negotiates that? It's 9 the -- you want it to be the Department of Defense, right? 10 11 MR. FLOWERS: And I think they would 12 involve all the relevant actors. But, yes, 13 ultimately. 14 CHIEF JUSTICE ROBERTS: Yeah. But 15 they're not the ones that do the supervising or 16 day-to-day management of the dual technicians' 17 responsibilities, right? 18 MR. FLOWERS: They do set regulations that basically control the way we can supervise 19 20 them on a day-to-day basis. So we do it, but 21 subject to myriad regulations that govern all 2.2 sorts of aspects of their work, including their 23 hours, I should -- I should note. CHIEF JUSTICE ROBERTS: Well, but it 24 25 -- it does seem odd to have one entity doing

30

1	the negotiation and another entity doing the
2	supervision.
3	MR. FLOWERS: But, respectfully, I
4	think it it it's not as odd as reading
5	"agency," the word "agency," in a generally
6	applicable federal law that's about the federal
7	government to include entities that exist
8	solely as a matter of state law.
9	JUSTICE KAVANAUGH: But it
10	MR. FLOWERS: The states
11	CHIEF JUSTICE ROBERTS: No, I
12	understand
13	JUSTICE KAVANAUGH: Keep going.
14	CHIEF JUSTICE ROBERTS: I was just
15	going to say I understand your your your
16	legal argument, but I'm trying to see whether
17	or not it makes sense may have a lot to do
18	about how it operates on the ground.
19	MR. FLOWERS: And and it I think
20	it does make sense because the Department of
21	Defense, once they're there, can, A, bring that
22	military expertise to bear. So, frankly, in
23	terms of why we care about this, why it's not a
24	mere practicality, we have much greater trust
25	in the Department of Defense to work these

31

1	disputes out before they even become disputes,	
2	without compromising our military interests,	
3	far more than an independent federal federal	
4	agency that's concerned with labor law. But	
5	they and they have the tools to do all that	
6	because they have immense control over the	
7	technicians, they have immense influence over	
8	us, and, unlike the Authority, they're	
9	subordinate to the President. So	
10	JUSTICE KAVANAUGH: But you hire	
11	you hire the technicians, correct?	
12	MR. FLOWERS: We do.	
13	JUSTICE KAVANAUGH: Right. And you	
14	do, I think you said, day-to-day supervision of	
15	them, correct?	
16	MR. FLOWERS: That's true.	
17	JUSTICE KAVANAUGH: And the oddity of	
18	of the case is that you're not a federal	
19	officer, yet federal law requires you to do	
20	that, and you do it.	
21	MR. FLOWERS: And I think that's	
22	dispositive. Yes.	
23	JUSTICE KAVANAUGH: And you're not	
24	challenging the constitutionality of that, just	
25	correct?	

1 MR. FLOWERS: Well, we -- we -- no, 2 not --3 JUSTICE KAVANAUGH: Of that specific 4 MR. FLOWERS: Yes. Yes, that's right. 5 JUSTICE KAVANAUGH: -- role? 6 7 MR. FLOWERS: But -- but I think that 8 _ _ 9 JUSTICE KAVANAUGH: But the -- then, 10 to go back to the point about the word 11 "agency," you agree that DOD, as well as the 12 Department of Air Force and Army, are agencies, 13 correct? 14 MR. FLOWERS: Correct. 15 JUSTICE KAVANAUGH: Okay. And then 16 the statute says in this unusual context DOD is 17 acting through the state guard to, as you just 18 said, hire, supervise the people, and that's 19 the natural -- if we have to make sense of 20 this, that's the natural person then who would 21 be sitting across from you at the collective 22 bargaining table in the first --23 MR. FLOWERS: That -- that might have 24 been a better way to write the statute, but I 25 see no way to get from the fact that we're

1 their agent to the -- to the conclusion that we 2 are the Department of Defense. That's not 3 usually how I prove --4 JUSTICE KAVANAUGH: Acting on behalf of the Department of Defense as assigned by 5 6 Congress. 7 MR. FLOWERS: Which -- which would 8 mean that they are bound by the agreement, not 9 us. 10 Right. JUSTICE KAVANAUGH: And then 11 one other kind of different angle on the -- on 12 the history of this, this -- am I -- correct me 13 if I'm wrong, and this is -- ultimately, you're 14 going to say the text controls, and I agree, 15 but I just still want to know the history, 16 which was, in the '70s, this was an -- an 17 issue, and state guards were objecting to their 18 role on this and tried to get a carve-out in 19 Congress, and that was -- came up in the 20 context of the military union and the separate 21 legislation, and it was in the Senate bill but 2.2 failed in the House bill and it never made it. 23 The carve-out that would have changed the 24 statute and solved your concern never made it. 25 MR. FLOWERS: Well, that -- that

34

1 solution would have been to a slightly 2 different problem, which is they wouldn't have 3 bargaining rights at all. 4 JUSTICE KAVANAUGH: Mm-hmm. 5 MR. FLOWERS: So we'd -- we're --6 again, we're not disputing that they have 7 rights. 8 JUSTICE KAVANAUGH: Right. But that 9 would have solved your problem. 10 MR. FLOWERS: I -- I -- it would --11 yes, if we -- if they didn't have rights at 12 all, then they could not go to the Authority to enforce those rights. 13 14 JUSTICE KAVANAUGH: Right. 15 MR. FLOWERS: That's true. But, 16 ultimately --17 JUSTICE KAVANAUGH: I -- I agree the 18 text controls, but that history illuminates this is not some isolated thing that was 19 inadvertent, I don't think --20 21 MR. FLOWERS: No. I -- no, I --2.2 JUSTICE KAVANAUGH: -- or at least 23 that Congress didn't pay attention to at some 24 point. 25 MR. FLOWERS: -- I fully grant that,

35

1 but when we're talking about an agency's 2 exercise of power, they've got to ground it in the text, as you recognized, and I think, here, 3 we're talking about penumbras, not the text. 4 JUSTICE SOTOMAYOR: So what instead 5 6 you're arguing now is it's a pyrrhic victory, 7 because they kept collective bargaining rights, 8 they could have it against DO -- the Department 9 of the Army, but they can't enforce it against 10 anybody. 11 MR. FLOWERS: Not -- not pyrrhic in 12 any way. They can enforce it against the Department of Defense. 13 14 JUSTICE SOTOMAYOR: Well, but you're 15 telling me the Department of Defense can't sue 16 you for it. That's how you answered Justice 17 Barrett. 18 MR. FLOWERS: They cannot sue us. 19 JUSTICE SOTOMAYOR: They can just use 20 other pressures, but they can't have any 21 enforceable right against you in court? 2.2 MR. FLOWERS: Right. So, of course, 23 my first answer is we're stuck with the law 24 Congress passed, whether or not it makes sense, 25 but I think that does make sense --

36

1	JUSTICE SOTOMAYOR: Oh, I agree with
2	you.
3	MR. FLOWERS: but the
4	JUSTICE SOTOMAYOR: We're stuck you
5	and we are stuck.
б	MR. FLOWERS: Yeah. Yeah.
7	(Laughter.)
8	MR. FLOWERS: But the the
9	JUSTICE SOTOMAYOR: And so I go back
10	to my original question for however they
11	else they view the word "agency" or
12	"department" anywhere else in any other part of
13	the law, at least with respect to this issue,
14	they had the Mississippi decision?
15	MR. FLOWERS: So the Mississippi
16	JUSTICE SOTOMAYOR: And that decision,
17	basically, the Thompson decision, basically
18	said you negotiate the collective bargaining
19	unit, you're acting on behalf of the Department
20	when you do it, the terms are approved by the
21	Department, so the Department has said to you
22	these are terms are okay, and if you breach
23	the agreement, then you have to suffer the
24	decision of the agency in charge of deciding
25	whether there was a breach or not. That's as

37

1 simple as I see this case. 2 MR. FLOWERS: Sure, but then 7135 3 says, if that ruling is superseded by the Act, 4 which this is because it defines --JUSTICE SOTOMAYOR: But the Act didn't 5 6 change the definitions. MR. FLOWERS: It does -- it doesn't --7 it didn't change the definitions, but that 8 decision didn't consider the definitions I --9 10 JUSTICE SOTOMAYOR: So -- and it -- so 11 it didn't change the interpretation of those 12 definitions. 13 MR. FLOWERS: That I disagree with. 14 The relevant definitions predate that order. 15 The order never considered the definitions. 16 And, in any event, whatever that Assistant 17 Secretary of Labor thought he was doing, the 18 statute here plainly says "agency." And even 19 _ _ JUSTICE SOTOMAYOR: So, if we --20 21 MR. FLOWERS: -- even the government 22 doesn't argue they're bringing --23 JUSTICE SOTOMAYOR: -- and -- and 24 you're willing to say there's no legal remedy? 25 MR. FLOWERS: So I --

1	JUSTICE SOTOMAYOR: Political pressure
2	remedy, but there's no legal remedy for rights
3	that were clearly granted by Congress and
4	intended by Congress?
5	MR. FLOWERS: I'd I would I
6	really dispute that there's no legal remedy
7	because a remedy against the Department is
8	going to be effective. They have immense
9	influence over us.
10	JUSTICE JACKSON: Yes, but it's going
11	to be different. I mean
12	MR. FLOWERS: But it
13	JUSTICE JACKSON: I I you
14	I I appreciate I appreciate that you keep
15	coming back to the textual it says "agency,"
16	but I I would posit that the real question
17	is, what did Congress intend when it used
18	"agency" in the statute in that way?
19	MR. FLOWERS: Well, we know what they
20	intend
21	JUSTICE JACKSON: And to follow your
22	line of reasoning, we would have to believe
23	that Congress intended for dual-status service
24	workers in this nature to have a different,
25	weaker form of collective bargaining rights

39

1 because, unlike other federal civilian 2 employees who could sue the people who -- or, 3 excuse me, who could bargain with the people who supervise them, they couldn't directly. 4 They would have to go through -- I understand 5 it's possible to -- to figure out a way for 6 7 them to enforce their rights, but why would Congress -- given all this history, the 8 9 background of the statute, the fact that they 10 considered it, why would they have wanted 11 dual-service status workers to have a different 12 kind of collective bargaining right than other 13 similarly situated employees? 14 MR. FLOWERS: Absolutely. Is it okay 15 if I answer? 16 CHIEF JUSTICE ROBERTS: You may answer 17 briefly, yes. 18 MR. FLOWERS: So two -- two quick 19 answers. First, again, they have to say we're 20 the agency, and I want to emphasize even the 21 Authority does not claim that we are an agency. 2.2 They are not making that argument. They say we're the representative of, not that we are. 23 24 Second, why would they want to do it? 25 I think it's important to realize that these

40

1 technicians serve, even in their civilian 2 capacities, very important military tasks. And 3 it's perfectly reasonable for Congress to say, in that context, we want the Defense Department 4 involved because they answer to the President 5 and they have to make sure that whatever is 6 7 being done doesn't frustrate his commander-in-chief powers. 8 9 And think, in this case, the general 10 counsel wanted us to go base to base and engage 11 in basically a speaking tour where we would 12 apologize to the technicians and tell them we 13 had violated our rights. 14 JUSTICE JACKSON: But haven't you --15 CHIEF JUSTICE ROBERTS: Thank you. 16 Thank you, counsel. 17 Justice Thomas? 18 JUSTICE THOMAS: Just briefly, could 19 -- in your delegation of authority, could it 20 explicitly authorize you to not only administer but also to serve as the -- well, it would be 21 2.2 more of an imposition that -- that you are also 23 the defendant in these cases or respondent in these cases? 24 25 MR. FLOWERS: Congress could do that,

1 and it's actually done it in other contexts, 2 not with respect to the Reform Act. And I do 3 want to note that --JUSTICE THOMAS: No, no, I'm talking 4 about the Defense Department in its delegation 5 6 to you. 7 MR. FLOWERS: So the statute delegates to us the power to hire them. I do believe the 8 9 Defense Department through regulations could 10 say, if you want technicians, you have to agree 11 to collectively bargain on our behalf. I don't 12 think they could give the authority and the power to issue orders to us, but they could 13 14 make us bargain for them. 15 And I -- I do want to briefly 16 emphasize 709(e), the designation statute, is 17 not about the Reform Act. That is a general 18 statute that says we have power over 19 technicians. So it -- that -- that's not 20 unique to the Reform Act in any way. 21 CHIEF JUSTICE ROBERTS: Justice Alito? 2.2 Justice Sotomayor? 23 JUSTICE SOTOMAYOR: I'm going back to 24 Justice Kagan's venerable rule, if it ain't 25 broke, don't fix it. And we know that it

42

1 hasn't been broken because either under the 2 executive orders for decades, National Guards did go through the administrative processes as 3 the named responding party. They've been doing 4 so in this context. But I think, most 5 importantly, under Article I, military matters 6 7 are left to the executive, and we should be doing very little to interfere in that process. 8 And this is a major interference in 9 you saying to us we are not -- we can be 10 11 designated as the employer, we can have adjunct 12 generals foisted on us, we can be given 13 permission, as we have been, to bargain, but we 14 can't be forced to honor our bargains. That's 15 basically what you're saying. We can't be 16 legally forced. That's what you're saying to 17 us. 18 MR. FLOWERS: We're not -- it's not 19 that we can't be. It's that Congress hasn't done it. And so, if it ain't broke, don't fix 20 21 it, coming back to --2.2 JUSTICE SOTOMAYOR: Yeah, but Congress 23 hasn't fixed it. Congress has looked at the 24 state of affairs for I don't know how long, and 25 even when the National Guards ask Congress not

43

1 to let the technicians collectively bargain, 2 Congress rejected that request. 3 And now you're asking us to permit labor bargains to threaten national security 4 because there's no peaceful way to adjudicate 5 6 this before an agency. 7 MR. FLOWERS: I think the principle that Congress is in charge is absolutely right. 8 9 But, here, there is no way, I think even the Authority would concede, to read "agency" to 10 11 mean us. They have to have this round-about 12 that's good for one ride and one ride only with -- when we get to adjutants general. 13 14 In terms of that longstanding practice 15 and if -- why is it -- is it broken or not, it 16 is broken. Anytime you have an agency --17 JUSTICE SOTOMAYOR: It's only broken 18 because you're the first National Guard to say 19 we won't honor our commitments. 20 MR. FLOWERS: Anytime you have an 21 agency exercising authority that's that 22 Congress hasn't given it, there is a serious 23 problem. Agencies do not acquire power by 24 adverse possession. It would be highly 25 dangerous to say that as long as an agency

1 keeps violating the law, we'll let it slide. 2 If they do it once or twice, that's not okay. 3 Here, we're in the position where they've been violating it repeatedly, and this 4 Court has not been shy in other cases, whether 5 6 it's McGirt or Janice, to correct past 7 practices that have been going on a long time but that are contrary to law. 8 9 CHIEF JUSTICE ROBERTS: Justice Kagan? JUSTICE KAGAN: It's, of course, true 10 11 that many, many times in the law we ascribe the 12 actions of principals to agents, and, 13 conversely, we require the same things of 14 agents that we do of principals. So that's 15 true in many contexts where we essentially say 16 we're going to treat the agent and the 17 principal as one because the agent is just 18 exercising the authority of and acting on 19 behalf of the principal. 20 And the way I see this case is, is 21 this one of those contexts? And can we 2.2 understand the reference to "agency" with 23 respect to this issue as also a reference to 24 the agency's agents, who in this case are you 25 and your fellow adjutant generals?

1 And -- and -- and, there, I do -- you 2 know, trying to make sense of an entire 3 statute, I think about the -- the fact that 4 there is an explicit delegation from the -from -- from D -- an explicit delegation that 5 6 Congress wrote requiring DOD to give its power 7 to you with respect to these employees, and there is also an explicit provision which you 8 9 acknowledge saying that these employees have 10 employment rights, including the right to sit 11 down and collectively bargain with their 12 employer. 13 And the question is, who is that 14 employer? And you say they have to sit down 15 with DOD. The consequence of your position is 16 that the employee -- is that the adjutant generals are out of the picture and DOD takes 17 18 over. 19 But I quess I'm wondering why, given 20 that there's been this explicit delegation for you to supervise and hire and so forth these 21 2.2 employees, why anybody would read the statute 23 to do that rather than simply to read the 24 statute as putting you in the shoes of DOD when 25 it comes to this activity?

1 MR. FLOWERS: So there -- there are 2 certainly instances an -- where an agent's 3 bound by whatever order is issued to the 4 principal, but that's expressly. So, for 5 example, Rule 65 expressly says agents are 6 bound.

7 I am not aware of any area in the law 8 where agents by serving as agents become 9 principals, and that's what they would need to 10 show, the Authority has to show that to win 11 this case, because unless we are the Department 12 of Defense, they can't issue the order against 13 us.

14 They do not even argue that we're the 15 Department of Defense. And if the argument 16 here is that we become agencies by serving as 17 representatives, that is yet a new version of 18 the argument, it -- which just shows I think 19 that we're looking for some way to say it must 20 be in there somewhere when it's not naturally 21 there.

22 So then I get to, why does it make 23 sense to do it this way? I -- I do want to 24 emphasize this. Many of the things that the 25 technicians will want to bargain over are

47

1 wholly within the Department of Defense's 2 control. They withhold the dues. So the order here said we have to 3 withhold dues. We cannot do that. We don't 4 issue the checks. We can ask them to do it, 5 but we can't do it ourselves. 6 They issue 7 regulations that control all aspects of their work. They want to bargain over that, nothing 8 the State Guard can do. 9 10 And, finally, I think it's really 11 critical to emphasize the importance of the 12 President's control over the Department of 13 Defense. The general counsel of the FLRA in 14 this case, as I started to mention, wanted us 15 to go base to base and do -- and -- and get up 16 and explain that we erred, we misinterpreted 17 the Act, and apologize. 18 I think the Department of Defense 19 would have been far more likely to say: 20 Absolutely no way. That would be detrimental to the chain of command. Here, thankfully, the 21 2.2 ALJ didn't impose that, but the general counsel 23 asked for it. And I think that shows the -- that 24 25 that -- the failure to appreciate the sort of

48

1 military-specific concerns there shows why it 2 does make practical sense to channel these 3 things before the Defense Department. 4 CHIEF JUSTICE ROBERTS: Justice 5 Gorsuch? 6 Justice Kavanaugh? 7 JUSTICE KAVANAUGH: Two quick things. MR. FLOWERS: Sure. 8 9 JUSTICE KAVANAUGH: One, the 10 collective bargaining agreement here is 11 approved by DOD, correct? 12 MR. FLOWERS: Right. We -- and, again, we don't dispute that they could be held 13 14 bound by it. 15 JUSTICE KAVANAUGH: Right. And the 16 statute requires that these collective 17 bargaining agreements be approved by DOD, is 18 that correct? 19 MR. FLOWERS: I think that's actually 20 some -- somewhat ambiguous. The head of the 21 agency has to approve it, so they consider 22 themselves the head of the agency, which I 23 assume to be the Department of Sec -- of the 24 Army or Air Force, which is yet another reason 25 why I think it's --

1	JUSTICE KAVANAUGH: But DOD in this
2	case did approve the
3	MR. FLOWERS: It approved, yes.
4	JUSTICE KAVANAUGH: the relevant
5	collective bargaining agreement and there is a
6	statute. I take your point on that.
7	MR. FLOWERS: And
8	JUSTICE KAVANAUGH: And then second
9	question was, on your point about agencies
10	can't acquire authority by adverse possession,
11	if you go back to the '70s I mean, I agree
12	with that point, obviously, but if you go back
13	to the '70s in the Thompson Field decision,
14	even if you think that's wrong, what do you do
15	with the unusual savings clause?
16	I know you've referenced it before,
17	but that itself is an unusual provision to say,
18	well, to the extent agencies have done
19	something, we, Congress, are preserving that
20	unless superseded by a further regulation or by
21	the President, et cetera, or by provisions of
22	this chapter?
23	In other words
24	MR. FLOWERS: Or a decision issued
25	under this chapter, which it would include a

50

judicial decision. So, if this Court 1 2 interprets the Reform Act in a way that is 3 inconsistent with the regulations, the law 4 Congress passed wins. And that's what the -again, I pointed to that INS v. FLRA case. 5 6 That's how Judge Wallace in a very thorough 7 opinion --JUSTICE KAVANAUGH: Yeah, I'm not --8 9 okay. That's an interesting point. I'm not 10 sure I'm fully sure of that, but I'll let it go 11 for now, okay? 12 (Laughter.) 13 CHIEF JUSTICE ROBERTS: Justice 14 Barrett? 15 JUSTICE BARRETT: On page 28 of your 16 opening brief and page 9 of your reply, you 17 point out there are other contexts in which 18 states designate officials to administer 19 federal law. You point to Medicaid. You point to elections officials. 20 21 And I want to know if you are just 22 invoking those as examples for why it would be 23 odd to consider the Adjutant General to be an 24 -- an agent or an -- you know, a federal 25 officer or subcomponent, or are you saying that

51

1 there would be implications of our decision 2 that might pull some of these people who Congress did not intend to be included in -- in 3 the Act? You know, are there -- are there 4 other provisions of federal law that ruling 5 against you might mess up? I just wasn't --6 7 MR. FLOWERS: Sure. 8 JUSTICE BARRETT: -- really clear 9 whether you were making an argument about this 10 could really have bad consequences or if you 11 were just saying this is an example for why the 12 government's position doesn't make sense. 13 MR. FLOWERS: It -- more why it doesn't make sense. The -- it -- what we use 14 15 those statutes for is to show that even when 16 you're designated to fulfill a role for the 17 federal government that's completely within the 18 federal government's control and discretion, 19 you don't become the federal government itself. 20 As in those contexts, we do point to 21 the Intergovernmental Personnel Act, where the 2.2 federal government actually does have its 23 employees go work for tribes, local 24 governments, and so on, where, as far as we can 25 tell, they would never say the tribes become

1 entities of -- of the federal government. 2 CHIEF JUSTICE ROBERTS: Justice 3 Jackson? JUSTICE JACKSON: Yeah. 4 In response to Justice Kagan, you -- you -- and, again, in 5 response to Justice Barrett, you keep saying we 6 7 aren't DOD. And I guess I don't understand that. Why aren't you for the purpose of 8 9 employing -- for the purpose of this particular 10 statute? Isn't that the work of the agency 11 analysis such that the best reading of the statutory terms is that you are acting as DOD 12 13 for the purpose of the statute and are 14 therefore covered by the laws that govern labor 15 relations in regard to these employees, given 16 your role as their employer? 17 MR. FLOWERS: I'd -- I'd refer you to 18 the last couple paragraphs of Judge Tatel's 19 majority opinion in Sealed Case, and what he 20 explains there is that the question whether 21 someone is an entity, is an agency, isn't a 2.2 metaphysical inquiry. It depends on statutory 23 definitions. So they have to find a statute 24 that makes us part of the Department of 25 Defense. They can't -- they -- they don't --

JUSTICE JACKSON: Yeah, but what you're doing is you are -- are not taking into account the common law agency relationship. So, yes, if we didn't have any kind of relationship between you and DOD and we were just asking the question are you an agency, I agree with you.

But I quess Justice Kagan's point was 8 9 we have some entity that everybody agrees is an 10 agency under the statutes, and you are 11 designated by Congress, are required by 12 Congress to step into their shoes for the 13 purpose of administering this statute with 14 respect to labor relations. So, in that 15 context, why aren't you the agency for the 16 purpose of this?

17 MR. FLOWERS: So those common law 18 principles help us and not them, which is why 19 they don't cite them. Principal is bound by 20 the actions of its agent. Agent does not 21 become the principal by serving as the agent. 2.2 They need to show that we are part of the 23 Department of Defense. And acting as the agent 24 of the Department of Defense doesn't make you 25 the Department of Defense, just as a military

54

1 contractor who works for the Department of Defense is not part of the Department of 2 3 Defense. JUSTICE JACKSON: So -- so you're 4 5 saying that --6 MR. FLOWERS: Indeed, they're --7 JUSTICE JACKSON: -- so you're saying that -- I -- I understood that the principal as 8 9 you say is bound by the activity of the agent. 10 So, in this -- in this case, let's say you 11 agreed that you would collectively bargain on 12 behalf of DOD and you made certain concessions. 13 Are you saying that DOD would not be 14 bound by those in -- in terms of its 15 understanding of the labor relationship that 16 you created? 17 MR. FLOWERS: The Department of 18 Defense may be bound by what we do. 19 JUSTICE JACKSON: Okay. 20 MR. FLOWERS: But we -- but --21 JUSTICE JACKSON: What you did in --22 across the bargaining table, they would be 23 bound by it. Those employees couldn't say 24 there's some other labor thing happening. Ιf 25 you had made representations at the collective

55

1 bargaining table, you would bind DOD, is that 2 right? 3 MR. FLOWERS: As long as we were 4 acting as their agent, which they say we are, 5 yes. 6 JUSTICE JACKSON: Okay. So why -- I'm 7 sorry, why doesn't that make you then responsible for sitting across from these 8 employees in the context of the collective 9 10 bargaining relationship as Congress understood 11 it? 12 MR. FLOWERS: Because that's -- I -- I 13 quess it might, but the question that we're 14 asking is, are we an agency? That's the only 15 question in this case. We have to be an 16 agency, or the Authority does not have the 17 ability to issue orders to us. That's 18 conceded. I don't think anyone is disputing 19 that. And we don't become an agency by being 20 the agent. 21 And, in -- indeed, every federal 22 employee is an agent of the federal government. 23 We don't say they're all agencies. 24 CHIEF JUSTICE ROBERTS: Thank you, 25 counsel.

1 Ms. Reaves. 2 ORAL ARGUMENT OF NICOLE F. REAVES 3 ON BEHALF OF THE FEDERAL RESPONDENT MS. REAVES: Mr. Chief Justice, and 4 may it please the Court: 5 Petitioners are required to comply 6 7 with the Act and submit to the FLRA's orders in cases like this one because of the role they 8 9 play in the federal employment system. It is 10 uncontested that dual-status technicians have 11 collective bargaining rights because they are 12 federal civilian employees who are employed by parts of DOD, a covered agency. And under 13 Section 709(d) of Title 32, Petitioners employ 14 15 and administer technicians pursuant to a 16 designation of federal authority from DOD. 17 Other provisions confirm that role. 18 For example, Section 2105 of Title V provides 19 that an adjutant general appoints technicians into the federal civil service when he hires 20 21 Adjutants general thus only hire, fire, them. 2.2 and supervise employees of DOD because they are 23 acting as if they are part of and on behalf of 24 that agency. Similarly, as Petitioners seem to

25

57

1 concede in their reply and as multiple 2 provisions in the Act indicate, the Act 3 requires compliance by components and entities that are designated to act on an agency's 4 behalf. And that is exactly how Petitioners 5 6 behave when employing technicians. Petitioners 7 therefore must both bargain with technicians and comply with the FLRA's orders. 8 And if accepted, Petitioners' 9 10 arguments would upend 50 years of uninterrupted 11 collective bargaining between technicians and 12 state adjutants general. In a late-breaking 13 argument, Petitioners suggest that they may be 14 required to bargain under the Act so long as 15 DOD, instead of the FLRA, enforces any order 16 issued against them. 17 But that would not negate the right 18 that the Act actually gives to technicians, a 19 right to bargain with their direct supervisors subject to the FLRA's enforcement authority. 20 And it makes no sense to require DOD to 21 2.2 threaten the nuclear option of withholding 23 federal funding or recognition to state national guards to enforce routine FLRA orders. 24 25 Because Petitioners have decided to

58

1 accept the benefits that come with employing 2 technicians, they must also accept the limited bargaining obligations that come along with 3 4 those benefits. I welcome the Court's questions. 5 JUSTICE THOMAS: As I hear Petitioner, 6 7 the argument is that, of course, we are delegated this authority to hire the 8 technicians and to supervise them, but that 9 does not convert us into an agency for the 10 11 purposes of the relevant statute. 12 How do you respond to that? 13 MS. REAVES: The term "agency" in the 14 statute includes and requires compliance by 15 components and entities that are designated to 16 act on behalf of that agency, and that includes 17 subcomponents within a federal agency. And 18 that's a thing that Petitioners are most 19 analogous to in this -- in this system that Section 709(d) and Section 709(e) have set 20 21 forward. 2.2 It's hard to imagine how someone can 23 fully employ federal employees from the 24 perspective of their being able to hire, fire, 25 and supervise federal employees' day-to-day --

day-to-day employment activities, without
 holding that they are, in fact, acting as a
 component of an agency that's required to
 bargain.

JUSTICE THOMAS: Well, the -- the --5 6 there's always delegations from the head of 7 agencies to subparts, but those delegees are 8 not converted to agencies. They may be agents 9 for a limited purpose. They may have limited 10 authority that's delegated from the top. But 11 they're not converted to an agency. And I 12 think that's the leap that I'm having some difficulty with. 13

14 MS. REAVES: So I think it would be 15 helpful if I could maybe go through a few sets 16 of provisions in the Federal Service Labor 17 Management Relations Act that do indicate that 18 the actual bargaining requirement often lies 19 with a component of a federal agency, which I 20 think helps bridge that gap to then seeing that 21 Petitioners aren't like that component.

22 So the first set of provisions are the 23 definition of "collective bargaining" and the 24 definition of "appropriate unit." Those are on 25 page 3a and 5a of our statutory appendix. And

59

60

1 those indicate that bargaining is often done 2 not on a high-level agency basis but on an 3 agency, plant, installation, functional, or other basis. 4 Now the second set of statutory 5 6 provisions that I think is helpful are the 7 exclusions from the definition of "agency." Those are on page 3a of the statutory appendix. 8 And that excludes entities like the FBI and the 9 10 Secret Service. 11 And if we were to accept this 12 proposition that only the high-level agency is 13 required to comply with the Act and 14 collectively bargain, there would have been no 15 need for Congress to exclude the FBI and the 16 Secret Service because they aren't high-level 17 agencies. The FBI is part of DOJ. The Secret 18 Service is part of the Department of Homeland 19 Security. 20 JUSTICE KAGAN: I suppose what they 21 would say is, well, we get you as to the parts 2.2 of agencies, but the -- and the -- the parts of 23 agencies aren't listed either, but we just 24 assume that by saying the Department of 25 Justice, we naturally mean as well the FBI, but

61

1	but we don't usually mean Ohio, and so
2	that's the difference.
3	So what gets you to Ohio?
4	MS. REAVES: What gets us to Ohio is
5	Section 709(d) and (e) and the designation of
6	federal authority. And this isn't just a
7	partial designation. It is designation to
8	hire, fire, and control the day-to-day
9	employment obligations of dual-status
10	technicians.
11	JUSTICE GORSUCH: Well, that and I
12	that's where I want to pick up. So I'm just
13	curious about the federalism implications of
14	this case. Forget about the militia for the
15	moment, okay?
16	Under the Spending Clause today, the
17	federal government effectively employs or
18	provides the budgets for 30 to 40 percent of
19	state budgets today, and many, many, many of
20	their employees, are they now in other cases,
21	Medicare, Medicaid, the the examples that
22	Justice Barrett offered, are they now agents of
23	the federal government effectively? Are they
24	effectively federal agencies?
25	MS. REAVES: No, because, and that's

1 -- merely providing federal funding is not the 2 same as providing a designation of federal authority to hire, fire, and supervise 3 employment. 4 JUSTICE GORSUCH: Well, let -- let --5 6 let's -- let's say Congress provides those 7 similar kinds of provisions in those other areas. We -- we -- we allow the states to hire 8 9 and fire the employees that we are funding, but 10 it has to do whatever we say. You know, you're 11 now a federal agency. I -- I know you thought 12 you were a sovereign state, but it turns out you are, in fact, a federal agency. 13 14 MS. REAVES: So two responses to that. 15 First of all, I think the hypothetical you just 16 gave wouldn't convert them into federal 17 employees. If they were, in fact, federal 18 employees, not just federally funded, and then 19 the state was given the authority to hire, 20 fire, and supervise them in their day-to-day 21 federal roles, I think that would look a lot 2.2 like Petitioners here. 23 JUSTICE GORSUCH: Okay. So -- so the 24 25 MS. REAVES: My second response --

1 JUSTICE GORSUCH: -- so, in other 2 words, there is nothing in this case that's 3 particularly unique. Congress could replicate this -- this same structure with respect to 4 other Spending Clause programs? 5 6 MS. REAVES: It could replicate it, 7 but it is unique in that this is the only statute, 709(d) is the only one that either we 8 9 or Petitioners have been able to identify where a state employee supervises, hires, and fires 10 11 federal employees into a federal role. 12 JUSTICE GORSUCH: Now I know we don't have a constitutional commandeering-type claim 13 14 here, but is there some concern the government 15 has about converting state militia officers 16 into federal agencies? 17 MS. REAVES: So a -- a couple of 18 responses to that. First, I --19 JUSTICE GORSUCH: I'm sure -- I'm --20 I'm just sure this is something you all have thought about too, so I'm -- I'm curious. 21 2.2 MS. REAVES: Absolutely. So I don't 23 think this case in any way implicates militia concerns because, as this Court recognized in 24 25 Babcock, dual-status technicians really do have

1 three separate roles, and one of those roles is 2 a federal -- federal military role, one is a state military role, and one is a federal civil 3 service role. And that's the role that this 4 case is about. 5 And, in fact, dual-status technicians 6 7 are barred by federal statute from collectively bargaining over the conditions of their state 8 9 and federal military service or active-duty 10 training. 11 JUSTICE GORSUCH: And then, I'm sorry, 12 just to circle back to -- is there any limit 13 you see on -- on Congress's power to replicate 14 this scenario in other Spending Clause programs 15 at all or -- or none? I'm -- I'm -- I'm 16 just curious. 17 MS. REAVES: I don't think -- I -- I'm 18 not aware of any limit. I think, obviously, 19 this is a unique situation, and dual-status 20 technicians are, as this Court recognized in 21 Babcock, an extremely rare bird. And the --2.2 JUSTICE GORSUCH: Well, I understand 23 that. But the --24 MS. REAVES: -- role that adjutant 25 generals have is a rare --

1 JUSTICE GORSUCH: -- the government 2 doesn't see any inhibition to Congress's power to turn states into federal agencies for 3 purposes of whatever, you know, whether it's 4 collective bargaining or whatever other good 5 interest it has in mind? 6 7 MS. REAVES: Just two responses to that. First of all, I think there's an 8 9 important component of this, the state consent, 10 you know, Petitioners have agreed that they 11 have consented to this system. And I think, if 12 there wasn't that consent and, you know, if 13 they didn't have the ability to cease hiring 14 and firing dual-status technicians, that would 15 be a different situation. 16 But, to the extent that there was a 17 consensual role and that Congress actually wanted to make a bunch of state employees 18 19 federal employees and create state entities to 20 be federal employers of them, I think that 21 would look a lot like this. And I don't see 2.2 any distinct --23 JUSTICE GORSUCH: Beyond consent, do 24 you see any other limits? 25 MS. REAVES: No, not -- not -- not

66

1 that I'm aware of right now. 2 JUSTICE SOTOMAYOR: Ms. Reaves, why -why are you going so far? I -- I -- I'm just 3 curious. This is a unique situation in and of 4 itself because it's a military setting. 5 And 6 the militia, per the Constitution, is 7 intimately tied between Congress and the states, correct? 8 9 MS. REAVES: That's correct. 10 JUSTICE SOTOMAYOR: I might have a 11 problem if -- with the anti-commandeering if we 12 forced, even under the Spending Clause, states 13 to hire particular people, utilize them, or 14 collectively bargain on their behalf. That --15 that really is a different issue than what --16 involved in the military setting, isn't it? 17 MS. REAVES: Well, a couple of responses to that. I don't think the 18 19 distinguishing feature of this case is the 20 military setting. You know, the basis for 21 these provisions is not the militia clauses, 2.2 but it's the executive's ability to oversee executive branch employees. 23 24 And I think, to the extent we're --25 JUSTICE SOTOMAYOR: All right. That

1	fair enough.
2	Now the definition of "executive
3	department" and "agency" in Section 105 is used
4	throughout Title V. Going back to the question
5	that Justice Barrett asked, do we need to worry
6	if we adopt your broad definition of "agency"
7	or "unit" or "component" that we'll be causing
8	unforeseen issues for other provisions?
9	MS. REAVES: No, you do not, and
10	that's because our argument is heavily grounded
11	on Section 709(d) and Section 709(e). And
12	those are unique provisions that there's no
13	analog to anywhere else in the U.S. Code. And
14	to the extent that
15	JUSTICE SOTOMAYOR: So your component
16	argument seems to follow the arguments of
17	amici, American Federation of Labor and
18	Congress of Industrial Organizations, they were
19	talking about the National Guards being a unit
20	or a component of DOD.
21	And I guess the counter to that
22	argument is that Section 10105 refers to
23	federally recognized units and organizations of
24	the Army National Guard. How could the state
25	National Guards be federally recognized units

1 or components? 2 MS. REAVES: So we're not relying on the federal components or units argument 3 because, as we envision this case, Petitioners 4 are acting in a federal civilian employment 5 6 role when they're employing dual-status 7 technicians. They aren't acting in their 8 federal military role in any way. 9 So I don't think that the right way to analyze this case is the way that those amici 10 11 analyze it. I think the correct way to analyze 12 it is to recognize that dual-status technicians 13 have collective bargaining rights and then ask 14 who are those rights against and what do the 15 entities in this case look like as far as the 16 Act's provisions go. And Petitioners here look 17 the most like a component or representative of 18 an agency who's exercising that agency's 19 authority in hiring, firing, and supervising the day-to-day activities of federal --20 21 JUSTICE ALITO: Isn't it odd --2.2 MS. REAVES: -- civilian employees. 23 JUSTICE ALITO: -- to -- to say that 24 an entity is a component of the federal government for some purposes but not a 25

68

69

1 component of the federal government for other 2 purposes? 3 MS. REAVES: I don't think so, because I think that the Act itself is what provides 4 the definition of an indication of what is a 5 6 component. 7 Those two provisions I listed in response to Justice Thomas's question, and also 8 there's a third set of provisions, there's 9 10 exclusions that the President can make to 11 collective bargaining under the Act. That's in 12 Section 7103(b) of the Act. And the President can remove subcomponents of agency from the --13 14 agencies from the Act. 15 So I actually think that in the 16 context of the Act that's at issue here, it's 17 clear that components have to comply. And that 18 doesn't necessarily mean that's the case for, 19 you know, other provisions throughout the 20 federal code. 21 JUSTICE BARRETT: Ms. Reaves, is there a distinction between -- you -- you're moving 2.2 23 back and forth between kind of sub-agency, 24 component, and representative. Is there any 25 legal distinction between a sub-agency and a

70

1 component and a representative? 2 I guess I would have thought that 3 representative was a stronger argument for you than component or sub-agency for the reasons 4 that Justice Alito was saying. 5 MS. REAVES: So I think that there --6 representative can be a little bit of a broader 7 meaning in some places in the Act. Sometime a 8 9 representative can be just an individual who 10 for the purposes of bargaining is going to the 11 table for bargaining purposes, and when we're 12 using the term "representative" here, we mean 13 that a little bit more broadly. 14 JUSTICE BARRETT: But I thought 15 designate was a big part of your argument. And 16 if you think of the Adjutant General as a 17 designee, that seems to me more like a 18 representative than a component. 19 So I think it -- I really MS. REAVES: think it's both. You know, there is some --20 some component of that could be seen as 21 2.2 representative, but to the extent that 23 adjutants general with very limited review have final say on hiring and firing federal 24 25 employees, that really makes them look more

like a component, who similarly has kind of
 large discretion to hire and fire federal
 employees.

4 JUSTICE JACKSON: Does anything turn 5 on the distinction that Justice Barrett is 6 pointing out? I mean, I thought that your 7 argument was: Let's figure out who is 8 functioning as the employer for the purpose of 9 this statute.

10 And whether we, you know, call them, 11 you know, a component, the agency itself, a 12 representative or whatnot, nobody contests that 13 this particular entity is performing those functions and those are the kinds of things 14 15 that are at the heart of collective bargaining. 16 And, as Justice Kagan says, someone has to be 17 across the table if the rights that are being 18 conferred have any power.

MS. REAVES: I think that's right, Justice Jackson. And I think all of these things -- the component argument, the representative argument, the agency arguments -- all are trying to fit together the stat -these two statutory schemes and the clear right that technicians have in this clear designation

71

72

1 of federal authority. 2 JUSTICE KAGAN: So, Ms. Reaves, as --3 as I understand General Flowers' argument, and I'm not sure I -- I -- I did until this 4 argument, but he says he agrees that these 5 6 employees have collective bargaining rights, he 7 agrees that that means that somebody has to be across the table, but he says it's you that has 8 to be across the table, the DOD, and, you know, 9 by virtue of the definitional sections. 10 11 And he says, you know, there's --12 there's no requirement that you do this 13 nationwide, you can just do it for Ohio. 14 Now I'm not sure why Ohio would want 15 you to bargain for them, but, apparently, Ohio 16 does. 17 (Laughter.) 18 JUSTICE KAGAN: And I guess the 19 question is, what would that scheme look like? MS. REAVES: So I do think it's 20 21 important to think about what that scheme would 22 look like. And, first of all, you know, 23 historically, the FLRA has certified bargaining units not at the nationwide level when it comes 24 25 to the DOD.

1	And that comes from the definition of
2	"appropriate unit" in 7112(a) of the Act, which
3	is on page 5a of the statutory appendix, that
4	requires the agency to take into account a
5	clear and identifiable community of interest.
6	And, historically, that hasn't meant a
7	nationwide bargaining unit.
8	But setting that aside
9	JUSTICE KAGAN: Okay. So let's say
10	it's Ohio.
11	MS. REAVES: Yeah. So setting that
12	aside, I think we have to think about the
13	enforcement difficulties here. So what Ohio is
14	proposing is that DOD bargains with state
15	with state National Guard unit state
16	employees of state National Guard units and
17	then, when Ohio refuses to comply with that,
18	instead of the FLRA issuing them an order and
19	it being subject to contempt, as is the
20	ordinary case and has happened for the last
21	nearly 50 years, DOD has to threaten to
22	withhold federal funding or federal recognition
23	to the state National Guard and state adjutant
24	general.
25	And and, respectfully, to my friend

25 And -- and, respectfully, to my friend

74

1	on the other side, I don't think that's any way
2	to run a railroad. That has actual
3	implications for the relationship between state
4	National Guards and their federal components.
5	There could be real national security risks.
6	And if I can play this out just one
7	more way, I think you further have to imagine
8	how could the FLRA try to enforce that against
9	DOD. Could the FLRA hold DOD in contempt if it
10	doesn't threaten to withhold all of a state
11	National Guard's funding in order to enforce
12	some minor FLRA order involving a single
13	federal employee?
14	I think the system the Court should
15	stick with is the system that's worked for the
16	last 50 years.
17	CHIEF JUSTICE ROBERTS: Thank you,
18	counsel.
19	What entity in the federal I can't
20	say in the federal government, that's part of
21	the question. I mean, what what entity is
22	most like the Adjutant General here?
23	MS. REAVES: I think, for bargaining
24	purposes, what's most
25	CHIEF JUSTICE ROBERTS: No, just in

75

1 general. If you said this is the closest 2 analog to the Adjutant General. 3 MS. REAVES: It would probably be the 4 secretary -- whosever in charge of the Department of the Air Force or the Department 5 6 of the Army. 7 CHIEF JUSTICE ROBERTS: So full-time federal employee, officer of the United States, 8 9 head of an agency as defined under law? 10 MS. REAVES: Yes. That would be most 11 _ _ 12 CHIEF JUSTICE ROBERTS: Well, that's 13 nothing at all like what they are. MS. REAVES: Well, I think adjutant 14 15 generals are -- are very unique. They're the 16 number one military commander in their state, 17 and so -- and they primarily do act, you know, when they're not called into federal 18 19 active-duty service or when they're not 20 supervising federal civilian employees, they do 21 primarily act in a state role. But they have 2.2 these other hats. 23 CHIEF JUSTICE ROBERTS: No, no, I 24 know. That's why I'm trying to find if there's 25 anything remotely like them at all.

1 MS. REAVES: I mean, I -- I think the 2 closest thing, if you're talking about the 3 federal system, is the head of federal military 4 departments. That would be the most analogous 5 thing. 6 CHIEF JUSTICE ROBERTS: But how are 7 they remotely like it? I mean, nobody would say, well, let's try to figure out if you're a 8 federal officer or a federal agency. It's 9 10 pretty clear they are. So you've got nothing 11 that's remotely like them, I gather. 12 MS. REAVES: I -- I don't think so. 13 They are really unique. I mean, I guess 14 something that's analogous are individual 15 members of state National Guards. They also 16 have to wear three hats. 17 CHIEF JUSTICE ROBERTS: Yeah, but 18 you'd never call them an agency. 19 MS. REAVES: No, you wouldn't. 20 CHIEF JUSTICE ROBERTS: There's Agency 21 Fred. No. 2.2 MS. REAVES: Mm-hmm. No, you would 23 not. 24 CHIEF JUSTICE ROBERTS: Okay. Justice 25 Thomas, anything further?

1 JUSTICE THOMAS: No. 2 CHIEF JUSTICE ROBERTS: Justice Alito? 3 JUSTICE ALITO: Well, if the Adjutant General is like the Secretary of the Army, 4 let's say that there is -- there are certain 5 Army employees who have the right to bargain 6 7 collectively. Presumably, the Secretary of Defense 8 9 could order the Secretary of the Army to engage in that bargaining personally, couldn't --10 11 couldn't he? 12 MS. REAVES: So I think, in that 13 situation, and that was what I was trying to 14 get at for what purposes the Chief Justice's 15 question was asking for the comparison. 16 For the purposes of bargaining 17 comparison, you know, DOD civilian employees 18 have bargaining rights. Let's take -- set 19 aside these state -- state dual-status 20 technicians. So just normal federal civilian employees of DOD have bargaining rights. 21 2.2 But they usually bargain not with the 23 head of DOD, they bargain because their units 24 are set at lower levels with, like, the entity 25 that controls their base or something along

78

1 those lines. 2 JUSTICE ALITO: No, they don't 3 normally do it. But is there any reason why the Secretary of Defense couldn't say to the 4 Secretary of the Army, I -- I want you to do 5 it? Or couldn't the President order that? 6 7 MS. REAVES: So I -- I think two responses to that. First, yes, I think that 8 that could be ordered. But, second, I think, 9 10 if the bargaining unit is certified at a lower 11 level, which is what matters for the purposes 12 of bargaining before the FLRA, you know, that person wouldn't be the appropriate person to be 13 14 engaging in bargaining, but, of course, the 15 President could, you know, order that person to 16 actually go and engage. 17 JUSTICE ALITO: Well, what I'm getting 18 at is, if the Adjutant General is really a 19 component of the Department of Defense, are there any limits on what the -- what the 20 21 Secretary of Defense could order the Adjutant General to do in relation to collective 2.2 23 bargaining? 24 MS. REAVES: So I -- I -- I don't 25 think we've identified any limits. I think

79

1 there are enforcement limits. You know, if DOD 2 were to instruct the Adjutant General to do something, the enforcement options that DOD 3 would have would be pulling threat -- federal 4 funding or federal recognition. 5 They don't have the option to remove 6 7 the federal -- the Adjutant General from their state adjutant general role, although they 8 could remove him from his federal role. 9 10 JUSTICE ALITO: Yeah, they don't have 11 the -- the -- the authority to order the 12 removal of the Adjutant General. Could the Adjutant General be ordered to do what was 13 14 broached at one point in this case and that is 15 to apologize personally to these employees for 16 violating their rights? 17 MS. REAVES: So I -- I don't think 18 that an order along those lines would be 19 distinct from the other types of orders that we've suggested. You know, if there was a 20 valid basis for that order and that 21 2.2 instruction, you know, that instruction could 23 come from DOD, but it would be limited to these enforcement options that DOD has. 24 25 JUSTICE ALITO: This is a very unusual

80

1	scheme, and what you're asking for may have
2	implications. Why isn't the best solution to
3	this problem that for Congress to step in
4	and specify what is to be done in this
5	situation, this arguably sui generis situation?
6	MS. REAVES: I think Congress already
7	has said what it meant here, and I think the
8	savings clause is one indication of that.
9	Fifty years of uninterrupted collective
10	bargaining, I mean, seven circuits had come out
11	this way, and Congress has amended the
12	Technicians Act multiple times in those 50
13	years.
14	And I I think there's every reason
15	to believe that as long as Petitioners accept
16	the benefits of dual-status technicians, which
17	are free federal employees doing their
18	day-to-day work, they have to accept the
19	obligations that come along with that and have
20	come along with it for the last 50 years.
21	JUSTICE ALITO: Do you think that the
22	savings clause represents congressional
23	adoption of every administrative decision like
24	the Thompson Field decision that was issued
	-

1	MS. REAVES: I think it does indicate
2	adoption of a precedential decision
3	interpreting terms that are the same under the
4	executive orders and the same under the Act,
5	and that's what the Thompson Field decision is.
б	JUSTICE ALITO: How many such
7	executive decisions or regulations would be
8	covered by that?
9	MS. REAVES: I'm not sure, Justice
10	Alito. I'm not sure how many precedential
11	decisions there were.
12	JUSTICE ALITO: Well, would it be a
13	large number?
14	MS. REAVES: I think it would be at
15	least in the hundreds.
16	JUSTICE ALITO: And you think Congress
17	surveyed all of those and said we want to we
18	want to freeze all of those?
19	MS. REAVES: I don't know what
20	Congress was thinking, but I do know what
21	Congress said in the text, and it was that such
22	decisions would survive the Act's adoption.
23	CHIEF JUSTICE ROBERTS: Justice
24	Sotomayor?
25	JUSTICE SOTOMAYOR: Well, Congress did

82

1	have its attention drawn to the collective
2	bargaining aspects of this when they were
3	creating the carve-out for the correct?
4	MS. REAVES: That's correct, yes.
5	When Congress enacted Section 976, it was
6	explicitly thinking about technician service.
7	JUSTICE SOTOMAYOR: And it knew
8	because it was told by the National Guards that
9	they were required to collectively bargain and
10	also to submit to federal agency supervision of
11	that process, correct?
12	MS. REAVES: Yes, that's correct.
13	JUSTICE SOTOMAYOR: And they wanted
14	out of it and they didn't get it, correct?
15	MS. REAVES: That's correct, Justice
16	Sotomayor.
17	JUSTICE SOTOMAYOR: Thank you.
18	CHIEF JUSTICE ROBERTS: Justice Kagan?
19	Justice Gorsuch?
20	JUSTICE KAVANAUGH: Of what
21	significance is DOD's approval of the
22	collective bargaining agreement, if any?
23	MS. REAVES: DOD's approval does
24	indicate and confirm that DOD is the relevant
25	agency for these purposes. I think it's also

83

1 helpful because it does indicate that to the 2 extent there are some sort of concerns that bargaining might be touching on military 3 matters in violation of Section 976, DOD can 4 reject the bargaining agreement outright. 5 So some of the concerns that 6 7 Petitioners are raising about DOD being the right entity to deal with this can be done by 8 9 DOD's review process. 10 And I think the third relevance that 11 that provision has is that it's yet another 12 indication that it's often not the high-level 13 agency or the entity at the very top of the 14 agency who's responsible for the collective 15 bargaining relationship and complying with the 16 FLRA on a day-to-day basis. JUSTICE KAVANAUGH: On Justice 17 18 Gorsuch's questions about hypothetical schemes 19 that would be similar in some respects to this, and I think he asked about would there be any 20 21 constitutional limits, I guess I would have 2.2 thought there might be, but they're not at 23 issue here and we don't have any constitutional issues in this case. 24

25 MS. REAVES: I -- I certainly agree

84

1 with that, Justice Kavanaugh. And I took 2 Justice Gorsuch's question to be a hypothetical. It's obviously not at issue in 3 this case. And I think, you know, to the 4 extent that some of the amici have raised 5 commandeering problems, you know, Petitioners 6 7 have consented. That's very clear. And the second thing is Petitioners are not 8 9 administering a federal regulatory scheme. 10 Petitioners are just complying with the federal 11 law. 12 JUSTICE KAVANAUGH: Then two more. 13 Third, on the role of the states, once Congress 14 decides that these technicians are going to 15 have collective bargaining rights, seems to me 16 more friendly to the state at that juncture to 17 have them collectively bargain than to have the 18 Assistant Secretary of Defense for Collective 19 Bargaining, hypothetically, collectively 20 bargain and force the state to comply with 21 certain conditions without the state sitting 2.2 across the table. 23 MS. REAVES: I very much agree with 24 that, Justice Kavanaugh. I think that not only 25 is it no way to run a railroad to have DOD

85

1 threaten to pull federal funding or federal 2 recognition to enforce this, it's also not ---3 they're not -- also not the ideal party because 4 they don't supervise dual-status technicians on a day-to-day basis and they don't hire or fire 5 6 them on a --7 JUSTICE KAVANAUGH: Do you know --8 MS. REAVES: -- regular basis. 9 JUSTICE KAVANAUGH: -- if Congress was 10 -- anyone in Congress actually said anything 11 like that? 12 MS. REAVES: I -- I --13 JUSTICE KAVANAUGH: If you don't, 14 that's fine. Yeah, that's fine. 15 MS. REAVES: Yeah, I don't think 16 anything in Congress --17 JUSTICE KAVANAUGH: But they did --18 they did consider the collective bargaining 19 issue, though, because that was -- that was 20 raised as a concern by the state units of the 21 state guard units in the '70s, as I understand, 22 right? 23 MS. REAVES: That's correct. When 976 24 was adopted, which was about a year from when 25 the Reform Act itself was adopted, Congress

really focused in on the technician issue
 itself, and there was initially legislation
 proposed that would have said that technician
 service is like active-duty military service
 and you can't bargain over it.

And members of the military came 6 7 before Congress and raised concerns that that would hurt relations between technicians and 8 9 their immediate supervisors and also raised concerns that that would hurt military 10 11 preparedness. And Congress just explicitly 12 rejected that with the text of Section 976, which doesn't carve -- doesn't include 13 technician service within the barred service. 14 15 JUSTICE KAVANAUGH: One -- last one. 16 I'm not aware of states coming to Congress to 17 seek a change to this scheme recently, but you 18 would know more than I about that. 19 MS. REAVES: That's correct. There 20 haven't -- hasn't been anything recent. There 21 was a cert petition, Lipscomb, that was filed,

I believe, about a decade ago, where a state raised this argument, and the Court denied that cert petition.

25 JUSTICE KAVANAUGH: I meant to

1 Congress. 2 MS. REAVES: Oh, to Congress, I'm 3 sorry. I'm not aware of states raising this 4 with Congress, no. 5 JUSTICE KAVANAUGH: Thank you. 6 CHIEF JUSTICE ROBERTS: Justice 7 Barrett? JUSTICE BARRETT: Ohio says that it 8 would be impractical and even unlawful for it 9 10 to comply with the collective bargaining order 11 issued in this case and presumably in others as 12 well, and you dispute that. 13 Would you characterize it as an open 14 question on which you have the better of the 15 argument, but there's a risk that Ohio would be 16 right, or do you think Ohio is just crazy to 17 say it? 18 MS. REAVES: I think the latter. 19 JUSTICE BARRETT: With all -- with all respect, of course, to General Flowers. 20 21 (Laughter.) 2.2 MS. REAVES: I think the latter, Justice Barrett. I think the Sixth Circuit was 23 correct. What I take Petitioners to be 24 25 complaining about is the portion of the order

88

1 requiring them to reinstate union dues

2 withholding.

3 And what happened is that, although DOD may be responsible for the withholding, the 4 Petitioners are responsible for having on hand 5 6 and filing the forms necessary for that. So 7 what Petitioners did in this case is they filed forms canceling dues withholding on behalf of 8 9 dual-status technicians. They signed those forms. And that was something that was not 10 11 permitted under the relevant statutes and regulatory provisions. 12

13 So I think it's fair that the Sixth 14 Circuit said, to the extent that Ohio took that 15 action, which may -- was outside the law, that 16 they can be required to correct that action.

And I think, in any event, though, that's really a side show in this case, because Petitioners haven't in any way suggested that they're unable to comply with the remainder of the FLRA's orders.

And so, to the extent there's some minor thing that on the facts of this case you might think problematic doesn't in any undermine -- any way undermine that generally

89

1 there aren't a problem with FLRA orders. 2 JUSTICE BARRETT: Well, I mean, I guess the reason why I ask is that you've 3 pointed out the real practical problems that 4 would arise if DOD was the one sitting on the 5 other side of the bargaining table. And Ohio 6 7 says: Well, wait, wait, wait, wait, there are real practical problems and legal problems that 8 arise if we're the ones sitting on the 9 10 bargaining table because then the FLRA issues 11 orders that we actually can't carry out. 12 And even if the Sixth Circuit was 13 right about the order in this case on that 14 particular issue, can you imagine other things? 15 I mean, is Ohio right that there would be a 16 practical problem whichever way you go because 17 there might be a number of things that are 18 controlled by DOD regulations that the Ohio 19 Adjutant General just can't control? 20 MS. REAVES: I'm not aware of 21 anything. And I actually think the onus is on 2.2 Ohio here because we've spent 50 years 23 collectively bargaining. And there are many 24 court of appeals and FLRA decisions about this. 25 Ohio hasn't been able to identify any

1 difficulties or any sorts of things that they 2 couldn't comply with in any of those other 3 orders. CHIEF JUSTICE ROBERTS: Justice 4 5 Jackson? JUSTICE JACKSON: So I just -- I think 6 7 I don't really see the federalism or commandeering concern, and I'm -- I'm worried 8 9 that it's because maybe I don't understand what 10 it is that adjutant generals do or what the 11 federal law is requiring. 12 I -- I thought that by virtue of this, 13 they weren't subjecting themselves to federal 14 authority for all purposes in that it wasn't 15 that they were converting themselves into an 16 agency sort of writ large in general, and so 17 all of the things that apply to agencies in the 18 federal law somehow attach. 19 I thought that the adjutant generals 20 are only subject to the FLRA's authority when they're acting on -- with that hat on, that is, 21 2.2 the capacity to be the employer of this group 23 of federal employees. Am I right? Isn't there 24 sort of like really a limited scope of FLRA 25 authority being exerted here?

1	If if they're hiring state people
2	or if they're supervising state people, the
3	FLRA is not involved. It's just when this
4	group of federal employees that everybody
5	concedes are there are being supervised by this
6	state officer, must the state officer comply
7	with the Federal Labor Relations Authority
8	about collective bargaining? Am I right about
9	that?
10	MS. REAVES: That's absolutely
11	correct, Justice Jackson. They state
12	adjutants generals don't have to collectively
13	bargain over their federal or state military
14	service of dual-status technicians. And they
15	also don't have to bargain over anything that
16	implicates or potentially implicates that from
17	dual-status technicians' civilian federal
18	service. That comes from Section 709(f). So
19	you're completely right.
20	JUSTICE JACKSON: Thank you.
21	CHIEF JUSTICE ROBERTS: Thank you,
22	counsel.
23	Mr. Grajales.
24	
25	

1	ORAL ARGUMENT OF ANDRES M. GRAJALES
2	ON BEHALF OF THE UNION RESPONDENT
3	MR. GRAJALES: Thank you, Mr. Chief
4	Justice, and may it please the Court:
5	A ruling in favor of the union here is
б	not going to affect any other aspect of the
7	Petitioners, nor is it going to affect any
8	other state entity. The scheme is completely
9	unique for both technicians but also for the
10	National Guard.
11	And the authority for that is set
12	forth in the militia clauses themselves and in
13	the Technicians Act, and those are where we
14	also find the limits on that authority.
15	Ultimately, this is a policy
16	disagreement that Ohio can take to Congress,
17	but Congress as it stands today understood the
18	matter to be settled. They understood
19	adjutants general and the state National Guards
20	to be covered. And that is the Thompson Field
21	decision, which was a definitive decision. The
22	very first question that was answered in that
23	case was whether the order in that case could
24	be applied to the Adjutant General and the
25	state National Guard.

1 And we then have to look at the 2 context, which is what 7135 requires, to see 3 that that carried forward to the FLRA. And I just want to get into one more thing, which is 4 Petitioners now concede, A, that the civilian 5 6 technicians are federal employees, B, that they 7 have bargaining rights, and, C, that the FLRA could certify units on a regional basis, which 8 9 is what the FLRA has done, in essence, using its authority under 7112 of the statute. 10 11 And they also fight against, they say 12 they can do that, but they can't redress bargaining obligations, that has to be DOD. 13 14 But, really, what they're saying is it's now 15 just a question of degree, and that bargaining 16 at DOD doesn't work for the reasons you've heard already, but it's inconsistent with the 17 statutory scheme. 18 19 And the one thing I want to point out 20 is, if bargaining were moved to DOD, it would 21 render parts of the statute inoperative. Under 2.2 709(d) and 709(e) and 709(f), the Technicians 23 Act gives day-to-day supervision over working conditions and conditions of employment to the 24

25 Ohio Adjutant General.

1	Under 7121 of the statute, a
2	negotiated grievance procedure must have
3	arbitration and that arbitration must be
4	binding. If we go to if the union goes to
5	arbitration with DOD, but DOD can't issue an
б	order to the Adjutant General, that arbitration
7	becomes advisory, and that is inconsistent with
8	the statute.
9	And I'd be happy to take any
10	questions.
11	CHIEF JUSTICE ROBERTS: Well, you
12	you say it becomes advisory, but as what is
13	the limit under your theory as to what the
14	Department of Defense can order the state
15	National Guard to do?
16	MR. GRAJALES: Well, the outer limit
17	is unclear, but what we can say is that if they
18	can't under 709(f) and 709(d), the Adjutant
19	General has authority to suspend, to discharge,
20	to do any number of things that directly affect
21	technicians' civilian aspects of employment.
22	If the statute leaves that to the Adjutant
23	General, then that poses a problem with the
24	authority of DOD to issue an order.
25	And if we go to arbitration with DOD,

1 we say we -- say the union gets a favorable 2 arbitration award on a suspension, and an 3 arbitrator says that five-day suspension that 4 was based on a civilian incident should be overturned and should be rescinded and taken 5 out of a technician's record. 6 7 CHIEF JUSTICE ROBERTS: Well, I guess 8 what concerns -- and maybe my perception of 9 it's wrong -- but my concern, the Adjutant 10 General is being treated as an agency, the idea 11 is you can't be treated as half an agency, and 12 if they're treated as all an agency, their character as a state entity is essentially 13 14 qone. 15 MR. GRAJALES: We would not agree with 16 that. This is a very unique and very limited 17 scenario where they're acting as a federal 18 actor. They're wielding federal power. 19 They're supervising federal employees. So they're not acting in -- with their state hat 20 21 on. 2.2 JUSTICE SOTOMAYOR: So --23 JUSTICE GORSUCH: If I -- oh, I'm 24 sorry. 25 JUSTICE SOTOMAYOR: Thank you. I --

96

1 I'm trying to look at what the -- the Board did 2 below and what the state agency -- Guard, was arguing. Below, I'm not sure why they're 3 collecting the forms that say deduct my union 4 dues, because I thought it was the federal 5 6 government who paid the dual citizens' salary. 7 MR. GRAJALES: So that just 8 strengthens our argument that the scheme as it 9 stands today, it ain't broke. What it 10 demonstrates is how the Technicians Act operates in conformity -- or how the statute 11 12 operates in conformity with the Technicians Act. And how it works in practice is those 13 14 forms are given to the Guard and then they are 15 processed, and then the dues are -- through DOD 16 and the dues are with -- with -- actually withheld in the salary --17 18 JUSTICE SOTOMAYOR: By DOD? 19 MR. GRAJALES: -- by DOD. 20 JUSTICE SOTOMAYOR: But the only thing is that the Guard collects the form for the 21 2.2 government? 23 MR. GRAJALES: That has always been 24 the case. And -- and to that point --25 JUSTICE SOTOMAYOR: All right. Now --

1 MR. GRAJALES: -- we don't agree with 2 their --3 JUSTICE SOTOMAYOR: -- they also tried 4 from what I understand -- they'll probably take umbrage at me calling this -- they tried to 5 6 union-bust because they said they were no 7 longer going to collectively bargain over certain terms of employment, correct? 8 9 MR. GRAJALES: That's correct. 10 JUSTICE SOTOMAYOR: And what the 11 agency then said is, uh-uh, that's part of 12 collective bargaining. Those are terms that have to be, were, and should continue to be 13 14 collectively bargained, correct? 15 MR. GRAJALES: That's -- yes. 16 JUSTICE SOTOMAYOR: Merit 17 promotions --18 MR. GRAJALES: As I understand the question is, what they repudiated the FLRA 19 20 found they were required to bargain over, and 21 they were required to abide by mandatory terms 2.2 of the collective bargaining agreement. 23 JUSTICE SOTOMAYOR: So they were 24 basically saying to the Department of the Army, 25 yes, we're giving you the opportunity to hire

98

1 our employees, but you have to collectively 2 bargain with them. And they were saying, eh, I 3 don't really want to, so I won't. 4 MR. GRAJALES: Well --JUSTICE SOTOMAYOR: I'm going to keep 5 6 I'm going to employ them. I'm not going them. 7 to pay them. But I'm not going to do what I promised to do when I took them. I'm not going 8 9 to collectively bargain with them. 10 MR. GRAJALES: Yes, and that's a 11 function of the designation, again, to go back 12 to that. That's the answer here, is the 13 Technicians Act. The Technicians Act creates a 14 split scheme, and it's part of the National 15 Guard. And that was the choice that Congress 16 made when it made these employees federal 17 civilian employees. And Congress certainly 18 knew that they were bargaining with adjutant 19 generals. It's in the record. I mean, that --Thompson Field is in and of itself unique in 20 21 that it was entered into the congressional 2.2 record. So we don't really need to look to other decisions or other terms to determine 23 24 what Congress intended here.

25 JUSTICE GORSUCH: Counsel, though --

1	JUSTICE SOTOMAYOR: Sorry. Entered
2	into the record I'm sorry.
3	JUSTICE GORSUCH: No, please.
4	JUSTICE SOTOMAYOR: Just entered into
5	the record when?
6	MR. GRAJALES: The congressional
7	the Thompson Field decision was entered into
8	the congressional record when Congress was
9	considering and debating the ban on military
10	unions in 976. It was deliberately put into
11	the record. And there's a great deal of
12	testimony, which we refer to in our brief,
13	where not only is the Guard or representatives
14	of the Guard complaining and asking to be
15	relieved of their bargaining obligations under
16	the executive order, union representatives are
17	also explaining to Congress how that bargaining
18	scheme works. And
19	JUSTICE GORSUCH: Counsel, I I'm
20	I'm sorry to interrupt, but I just want to make
21	sure I understand your your your your
22	argument both to to both of my colleagues
23	here.
24	So the Adjutant General of Ohio is a
25	federal agency to the extent sometimes, to

100

1 the extent that he's dealing with dual-status 2 technicians in their civilian capacity? 3 MR. GRAJALES: That is our argument. However, I would limit it even further, which 4 5 is --6 JUSTICE GORSUCH: But -- but he's not 7 -- he's not a federal agency for other purposes? 8 MR. GRAJALES: Right. Only for this 9 10 limited -- limited purpose of dealing with the 11 civilian aspects of technicians' employment. 12 JUSTICE GORSUCH: Okay. 13 MR. GRAJALES: And that is the --14 JUSTICE GORSUCH: Now, when I turn to 15 those definitions in -- in Section 105 -- 5 16 U.S.C. 105, I think, is what you've -- you've 17 -- you've pointed to, I -- I don't see that --18 that kind of distinction that -- that he's --19 that -- that there can be agent -- executive 20 agencies sometimes, that they're evanescent, 21 that they are -- they occasionally pop up and 2.2 then they disappear. And the other thing I don't see is --23 in the definition of 105, it -- it speaks of 24 25 the executive departments from 101, but it --

101

1 doesn't mention 102, which are the military 2 departments. What do we do about that? 3 MR. GRAJALES: Well, the military 4 departments, I don't -- we don't believe that's 5 a question here -- are by their own -- I think it's 10 U.S.C. 111 --6 7 JUSTICE GORSUCH: Yeah, 10 --MR. GRAJALES: -- think that they are 8 9 _ _ JUSTICE GORSUCH: -- 10 U.S.C. 10 11 suggests they are, but --12 MR. GRAJALES: They -- they says that 13 they are. 14 JUSTICE GORSUCH: Yeah. Right. And 15 105 says they are -- what a -- in 5 U.S.C. So 16 what do I do about that? 17 MR. GRAJALES: You have to read those 18 together. I don't -- we don't agree that 105 19 says they are not. They are --JUSTICE GORSUCH: No, it -- it -- it 20 21 -- it leaves that impression, though, because 22 it -- it -- it includes 101, 103, 104, but it 23 doesn't include 102, right? 24 MR. GRAJALES: But it includes the 25 Department of Defense --

102

1	JUSTICE GORSUCH: Right, but it
2	doesn't
3	MR. GRAJALES: which is an
4	executive department, and
5	JUSTICE GORSUCH: In 101. But the
6	military departments in 102 are not included.
7	I I I I see the tension. I do. And I
8	see your point that 10 U.S.C. should control
9	over 5 U.S.C. I'm just wondering why.
10	MR. GRAJALES: Because it's the only
11	way way that it makes sense, is if you read
12	those statutes together, Congress intended for
13	the Department of Defense to be composed of
14	Department of the Army and the Department of
15	the Air Force
16	JUSTICE GORSUCH: All right.
17	MR. GRAJALES: and which they
18	become agencies through that through that
19	mechanism.
20	CHIEF JUSTICE ROBERTS: Thank you,
21	counsel.
22	Justice Thomas?
23	Justice Alito?
24	Justice Gorsuch, anything further?
25	No?

103

1 Justice Barrett? 2 Justice Jackson? 3 JUSTICE JACKSON: Aren't -- just in response quickly to Justice Gorsuch's point 4 with respect to 101 and 102, I thought that 5 6 what was happening there was -- was the fact 7 that the Arm -- the Departments of Air Force 8 and Army used to be outside of DOD, Congress 9 brought them in, and then arrangements were 10 made to make clear that they were now inside 11 DOD, the military departments are a part of DOD 12 right now. 13 And there may be other statutes in 14 which they are referenced separately, which is 15 why you have 102, but --16 MR. GRAJALES: I confess and I 17 apologize that --18 JUSTICE JACKSON: Yes. 19 MR. GRAJALES: -- I don't know the 20 history --21 JUSTICE JACKSON: I see. 2.2 MR. GRAJALES: -- but I agree with the 23 conclusion that that is what they did. 24 JUSTICE JACKSON: Yes. Thank you. 25 CHIEF JUSTICE ROBERTS: Thank you,

104

1 counsel. 2 MR. GRAJALES: Thank you. 3 CHIEF JUSTICE ROBERTS: Rebuttal, 4 General Flowers? REBUTTAL ARGUMENT OF BENJAMIN M. FLOWERS 5 ON BEHALF OF THE PETITIONERS 6 7 MR. FLOWERS: Thank you, Mr. Chief Justice. I have just one quick point and then 8 9 two larger points. 10 The quick point responds to Justice 11 Alito's question about the single decision and 12 what do we make of that. This Court in Department of Interior v. FLRA looked at one of 13 14 those decisions by the Assistant Secretary, and 15 it said, basically, one decision is worth 16 virtually nothing. That's 526 U.S. at page 95. 17 Now for the two bigger points. The 18 first and the most fundamental is that I think 19 what this argument shows, what the briefing 20 shows, is that the only way you get the Petitioners into the definitions here is to 21 2.2 fight the text. There's just no way to get 23 there. 24 Now the Authority says you look to 25 709(d) and we're designees. That's true, but

1 why does it matter? Why is a designee become 2 an agency under Title V? And let's also keep in mind that the relevant definitions here, the 3 Title V definitions, are not part of the Reform 4 Act. The Reform Act incorporates them, but the 5 6 Title V definitions apply throughout Title V. 7 So there were questions about consequences. Think of the other entities that 8 9 might qualify as agencies under their theory. 10 This Court in Maryland v. United States said that state militias, even though they care for 11 12 equipment on behalf of the government, do not 13 thereby become the federal government. I think 14 that may go out the window. 15 What do we do with federal employees 16 who are all agents of the federal government? 17 Are they now federal agencies for purposes of 18 Title V? What about the state actors who run 19 our employment systems as agents of the federal 20 government? Are they now federal agencies for purposes of Title V? I can't see why the 21 2.2 answer would be no. 23 So, other than just an ad hoc -- a 24 decision that's good for this particular

25 context and this particular case, there's just

106

1 no way to read us into the Act. 2 And that brings me to my second good point. There's no reason to fight the text so 3 hard. The Defense Department can handle this, 4 and it's, in fact, better positioned to handle 5 6 this. First, they have control over many of 7 the issues with respect to which the 8 technicians may wish to bargain and with 9 respect to which the Authority may wish to -to -- to make orders. 10 11 I think there was a suggestion that we 12 might be crazy for saying that we would violate the law by -- by reinstating dues. I might be 13 14 crazy but not for that reason. We would have 15 to break into the federal computer system and 16 reinstate the dues ourselves because we do not 17 actually withhold the dues. The federal 18 government does. 19 In addition to the control they have, 20 there's no reason to think we're going to spar 21 with the Department of Defense. That's just 2.2 not the way it goes. We do follow National Bureau -- Bureau regulations, but then you 23 24 might ask -- I think Justice Kavanaugh asked

25 this -- well, why does Ohio care then, why are

2 Well, here's my answer, is that when 3 we work through the Department of Defense or 4 when the Authority has to go against the

you even here?

1

Department of Defense, we have the Defense 5 Department and the President as Commander in 6 7 Chief as a buffer, and if they see what's going on and say, no, if you order that, it's going 8 9 to interfere with the military interests of the 10 United States, A, the FLRA is probably going to 11 take that seriously when deciding what to --12 what to order or what to request, and, B, if 13 somehow the Authority does order the President 14 to do something that is contrary to military 15 interests, there may well be a situation where 16 the President's in court saying you cannot 17 command us to do that. You cannot make us 18 withhold all the federal recognition or funding 19 from the state quards.

So, if there are no further questions,
we simply ask that you reverse the Sixth
Circuit.
CHIEF JUSTICE ROBERTS: Thank you,
counsel. The case is submitted.

25

1			(Where	eupon,	at	12:42	p.m.,	the	case
2	was	submi	tted.)					
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									

J J	[-		Official		
10 10 1113 11113 1113 1113 11	1	9	adjunct [1] 42:11	17 36:1 41:10 49:11 53:7	appreciate [3] 38:14,14 47:
101 μ μ 92 m 3:10 97 m 104 m	101: 6,7,10 102: 8 9	[2] 1: 13 50: 16			appropriate [3] 59:24 73:2
5 103:5 10105 [107:22] 1015 [107:23] 1015 [107:22] 1015 [107:23] 1015 [107:2					
10105 (197-22 (1900) 976 (19.2): 8324 85:23 86: (1900) 73:23 74:22 75:22 477.33 (1900) 81:04.96: 82:22 88:35 97: (1900) approve II 49 (1900) approve II	3:5 9!	5 [1] 104: 16		-	
102 [#91011.22 102:6 103: 5.15 12 99:10 78:18.21 79:2.78.12.13 88: 22 22 approved 103	9 [1] 67 :22	76 [5] 82:5 83:4 85:23 86:		-	approve [2] 48:21 49:2
5.15 A arr A					approved [4] 36:20 48:11,
103 103 101 <td>-</td> <td></td> <td></td> <td></td> <td></td>	-				
104 μ μ 101 101	1] 101:22 -			•	arbitration [6] 94:3,3,5,6,
105 [#7:3 100:15,16,24 11:13 [#1:14 :22] abide [#197:12] adjutants [#1:43,20,5-4] 22] aint [#1:41:42,20,5:2] aint [#1:41:42,20,5:2] aint [#1:42,20,5:2] aint [#1:42,20,7:2] aint [#1:42,40,7:2]	- 3. 13 101.22			•	
101151/8 and y as the set of th				-	
11:13 11:13 11:13 12:02.39 12:02.39 12:02.39 12:02.39 11:02:03 arent 10:02:03 12:02 11:03:01 abbow -ontitled ID:11:5 administer iRI 11:8:02:0 Abbow -ontitled ID:11:5 administer iRI 11:8:02:0 Abbow -ontitled ID:11:5 11:03:30 arent 10:01:03:30 arent 10:01:03:30 arent 10:01:03:30 arguably ID:02:04:00 11:03:30 arguably ID:02:04:00 11:03:30 arguably ID:02:04:00 11:03:30 arguably ID:02:04:00:00 11:03:30 arguably ID:02:04:00:00:00:00:00:00:00:00:00:00:00:00:	13.10	-	-		
111 III 101016 abull 1/1 1/1 03:24 03:30 administer (H 118 40:20) AL (H 14.8) a aren't (m 10:3) 1454 (H 120:8) aboute 41:11 43:44:38 administer (H 118 40:20) AL (H 14.8) arguably (H 20:13) 15 (H 42:22) Absolutely (H 31:14:43:8) 47:20 63:22 91:10 administer (H 118 40:20) AL (H 14.8) arguably (H 20:13) 1971 (H 12:4) accopt (H 167:9) administer (H 118 40:20) AL (H 14.8) arguably (H 20:13) 2016 (H 12:4) accopt (H 167:9) adcopt (H 45:24 32:14) administer (H 118 40:20) AL (H 14.8) arguably (H 20:13) 2016 (H 12:4) accopt (H 167:9) accopt (H 167:9) addone (H 10:11) arguably (H 20:23) a	J [4] 1. 1 / 4.Z				
12:42 (1):00:1 13:00:2 13:00:2 13:00:2 14:00:2	· IVI. 0				aren't [10] 10:3 52:7,8 53:
1454 (1720:8) absolute [19] (19]:14 administering [2] 53:13 5 77:23 78:10.25 1103:3 19 II 12:4 accept [16] 51:2 administrative [2] 167:76 Allfo's [1] 104:11 argue [17:22] 2016 [11:13] accept [16] 51:2 accept [16] 51:2 accept [16] 51:2 allow [16] 57:6 Allfo's [1] 104:11 argue [17:22] 2016 [11:13] accept [16] 52:1 accept [16] 52:1 adopted [18] 58:22 80:10 adopted [18] 58:22 80:10 allow [16] 52:3 argue [18] 58:12 allow [16] 52:3 argue [18] 58:12 allow [16] 52:1 argue [18] 58:12 allow [16] 52:1 argue [18] 58:12 allow [16] 52:1 allow [16] 52:1 argue [18] 58:12 allow [16] 52:1 al	∠ []][00,]			,	
15 Inducting of users Public diagram Public diagram<					
19 19/12/24 19/12/24 21/12/24 2	7.22	•	-		
1971 1912:4 accupt P156.12 80:11 90: 5:18 3 80:23 acopt P167:6 adopt P170:8 already P180:6 93:17 Alto S = 1044:12 already P180:6 93:17 3 11.32 1	14.4				argue [2] 37:22 46:14
2 15,16 15,17 accepted 1957:9 accepted 1957:10 accepted 1957:10 accepted 1957:10 accepte	L'I I Z. H				
2016 [1] 12:4 account [2] 5:3: 73:4 adoption Biol 2:8 allow 10:2:8 argument 8:7 2023 [1] 4:4:4 22:2:1:14:54 10:5:3: 73:4 adoption Biol 2:3:6:1:2:2:3 alterady 12:0:6: 63:1:7 11:4:4:8:7:2:2:4 2105 10:6:1:8 account 13:3:1:8:2:2:2:6: advance 11:5:2:1 alterady 12:0:6: 63:1:7 13:3:2:5:2:5:8:7:1: atternatively 17:2:2:1:1:3:1:3:1: 13:3:2:1:5:2:5:8:7:1: 13:3:1:5:5:6:7:3:3:3:3:3:2:1:5:2:5:8:7:1: advance 11:5:2:1: atternatively 17:2:2:1:1: atternatively 17:2:2:1: 13:3:2:5:5:5:5:5:5:5:3:1: atternatively 17:2:1: 13:3:2:5:5:5:5:5:5:5:5:5:5:5:5:5:5:5:5:5:					arguing [2] 35:6 96:3
Action in 12:-4 atternatively 10:22:21 atternatively 10:22:21 <td> [""</td> <td>-</td> <td>-</td> <td></td> <td>argument [37] 1:16 3:2,5,8,</td>	[""	-	-		argument [37] 1:16 3:2,5,8,
212 51 atch with ge (n + 1, 5, n) atch with ge (n + 1, 1, 2, n) atch with ge (n + 1, 1, 2, n) atch with ge (n + 1, 1, 2, n) atch with ge (n + 1, 1, 1, 2, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1,			-		11 4 :4,8 7 :22 19 :9,12 30 :
21/14/34 22/12/34/04 22/12/34/04 22/12/34/04 25/12/34/04		•		-	16 39: 22 46: 15,18 51: 9 56:
2109 0106118 across 11138 25:22 26: 8,17 32:21 64:22 55:8 71: 30 (161:18 advisory (19.94.7, 12) affairs (19.22:6, 7.94:20) affairs (19.22:7, 19.42:14:14:14:14:14:14:14:14:14:14:14:14:14:					2 57 :13 58 :7 67 :10,16,22
20 100:10:10 100:10:10:10:10:10:10:10:10:10:10:10:10:				-	68 :3 70 :3,15 71 :7,21,22
3 0.17 32:21 984:22 984:21 affect 18 92:67. 94:20 American (167:17) 96:8 99:22 100 30 [10 61:16] 32 [10 61:16 8:13 92:25 60:8] 11 13:19.25 14:20 16:23 amicab [10 5:21 194 25:1 67; 157:10 67; 4 13:19 59:25 60:8 17:15 16:19 19:20; 22 20:4, 14 32:12 74:323 94:16 49:9, 17:22, 31 16:52 1194 25:1 67; 17 68:10 84:5 amicab [12 67:13 75:2 Arm (11 03;7 4 19:3:4 0 [21 5:16 61:18 15:21 70 61:7 analog [12 67:13 75:2 Arm (11 03;7 5 10 [21 5:16 61:18 59:3 10:7 60:13 99:17 100:20 102:18 105: analyse [18 51:19 76:4, 17 20; 14 12,20 89:22 75:17.21 80:12 81:48 85:25 75:17.21 80:12 81:48 85:25 17 11 71:14,16 18:42 21 91; ANDRES [18:17, 70:14 arrangement 12,20 89:22 75:17.21 80:12 81:48 82:25 75:17.21 80:12 81:48 82:12 73: 33:4 36:19 94:18 52:12 153; 33:4 36:19 94:18 52:12 153; 33:4 36:19 94:17 30:13 83:15,18 39; 33:4 36:19 94:18 52:12 153; 33:4 36:19 44:12 53:20 33:11 36:65:16 92:12 33:39:15,16 answerd [13 5:16 92:22 39:19 30; 3nswerd [13 5:16 92:22 39:19 30; 3nswerd [13 5:16 92:22 39:17 22 39:19 30; 3nswerd [13 5:16 92:22 39:10 40; 31:16 106; 31:16 106; 3nswerd [13 5:16 92:22 39:10 40;					72: 3,5 86: 23 87: 15 92: 1
30 [1] 61:18 32 [19:148:35:61:4] 33 [19:19:25] 3a [2] 59:25:60:8 17 (27):9:08:22 arc) 12 (22:22:11:23:23:45:16:48:9:9); 17 (85:10:84:5); 17 (10:20:10:21:80:12; 17 (10:20:10:21:80:12; 17 (10:20:10:21:80:12; 17 (10:20:10:21:80:12; 17 (10:20:10:21:80:12; 17 (10:20:10:13:10); 17 (10:20:10:21:80:12; 17 (10:20:10:13:10); 17 (10:20:10:13); 17 (10:20:10:13); 10 (10:19); 10 (10:19);	3				96:8 99: 22 100: 3 104: 5,19
32 [8] 6:14 8:3 56:14 3a [2 59:25 60:8 Anticle [10:4, 17 32; 14:20 24:20, 14:20 22:20:4, 14:20 224:22, 24:22 34:21 23:23 46:16 49:9, 17 26:10 67:24 75:6 77:22, 20:4, 12:25 25:73.6 16:11 4, 20:22 14:24 22:42:23 24:16 66:3 69:14 20:23 22:1, 14:20 24:4, 24 20:23 22:1, 14:20 24:4, 24 20:17 100:20 102:18 106: 10:15 101:15 102:9 50 (6:57:10 73:21 74:16 80: 15 90:17 00:20 102:18 105: 10:15 102:9 50 (6:57:10 73:21 74:16 80: 29:21:3 39:22 96:10, 13:8 52:21 75:2 11 11:11:14 14:8, 10, 12, 12:16 16:11 4, 22:20 11:12, 23:20 11:10:15 102:9 50 (6:57:10 73:21 74:16 80: 29:21:3 39:22 96:10, 13:8 52:21 136: 25 21:16; 18; 19 32:17 20:15 12:12 15: 12:12 15: 12:12 15: 12:12 15: 12:12 15: 12:12 15: 12:12 15: 12:12 15: 12:12 15: 12:12 15: 12:12 15: 12:12 15: 12:12 15: 12:12 15: 12:12 15: 12: 12: 12: 12: 12: 12: 12: 12: 12: 12	C4.10		,		arguments [7] 5:19,21 18:
3a 19:59:25 60:8 11:15:18:19 19:20:22:04, 22 14:32:12:43:23:46:16:49:9, 17:22, 30:05:36:17:22, 37:35 17:16:18:19 19:20:22:04, 24 18:55:23:57:8:60:17:22, 37:05:17:22, 40 17:16:18:19 18:20:22:04, 24 18:55:23:57:8:60:17:22, 37:05:17:22, 40 17:16:18:19 11:11:11:11:11:11:11:11:11:11:11:11:11:	A 0.14 0.0 F0.14			-	5,12 57 :10 67 :16 71 :22
4 11:10:10:10:10:10:10:10:10:10:10:10:10:1	E0.05 C0.0				arise [3] 28:16 89:5,9
4 10:3:4 37:3,5 41:2,17,20 47:17 25 61:24 63:16 65:16 96:13 69:14 analogou (9 56:13 75:2 Arm(9 (14 57:13 75:2) analogou (9 56:19 75:4) analogou (9 56:19 75:2) ascribe (10 42:6)	I '			among [1] 4:22	Arm [1] 103:7
4 (1) 3:4 4 (1) 23:16 61:18 5 (1) 25 (1:4, 21 56: 75; 22.4, 4 (1) 25 (1:4, 21 56: 75; 22.4, 5 (1) 100:15 101:15 102:9 5 (1) 20:17 23 (2) 23:23 96:10, 13 98: 12,20 98:22 5 (1) 104:16 5 (1) 22 (6) 10 41:2 5 (1) 21 (2) 28:55 106:1 12 (2) 28:55 73:3 5 (2) 100:17 20:10 37:2 7 (5) (1) 46:5 7 (7) (1) (2) (1) 24:18 5 (1) 22 (2) 101:12 7 (1) 104:16 5 (1) 46:5 7 (1) 104:16 7 (1) 104:17 3 (1) 104:14 7 (1) 105:17 3 (Army [12] 32:12 35:9 48:24
40 [2] 5:16 61:18 9:17 00: 717 00:13 9:17.20 14 97:24 102:14 1 5 9:100:15 101:15 102:9 9:17.20 analyze [8:6:10,11,11] analyze [8:6:10,11,11] 5 (9) 107:17 03:21 74:16 80: 9:17.21 80:10 312 81:48 85:20 11 11:14 14:8,10,12,13 16; analyze [8:6:10,11,11] ANDRES [9:27 3:9 92:1 Article [11 42:6 56 (1) 104:16 4.ct's [2:68:16 81:22 11 11:14 14:8,10,12,13 16; another [4:22:7 30:1 48; ascribe [11 42:6 56 (1) 37.7 56 (1) 104:16 52:6 (30:55 516:1 4.61,8,19 23:16,23 24:15 another [4:12:7 30:1 48; ascribe [11 42:6 56 (1) 37.7 52:6 10:15,23 51:16 81:22 33:4 36:19 44:18 52:12 53: 22.248:21,22 52:10,21 53:3 answer [7:35:23 39:15,16 ascribe [11 92:6 56 (1) 46:5 12:9:25:16,18,19 32:1 astion [2:8:15,16 answer [2:13:10 42:10 55:22 assigned [10 3:10 709 [11:6:14 active-duty [8:6:9:75:19 8:66:13 71:11,22 assigned [11 3:10 assigned [11 3:10 709 [11:6:14 activities [9:26:2 459:16 8: 10,217 43:13 49:10 49:11 astion [2:9:7:11 98:12 anybody [2:35:10 45:22 assigned [10 3:12 709 [19:16:14 activity [2:45:25 54:9 activity [2:45:25 54:9 activity [2:45:25 54:9 activit	0.4		90:17 100:20 102:18 105:		67 :24 75 :6 77 :4,6,9 78 :5
5 69:4,11,12,14,16 70:8 73:2 agency [#9] 57:10 324 87:9, analysis [1] 52:11 arrangement 5 [9] 100:15 101:15 102:9 50:957:10 73:21 74:16 80; 75:17,21 80:12 81:4 85:25 11 11:14 14:8,10,12,13 16; analysis [1] 52:11 arrangement 50:957:10 73:21 74:16 80; 92:13 39:23 96:10,13 98; 17,21 77:14,16 18:4,22 19; ANDRES [9] 27 39 92:1 Article [1] 42; 526 [1] 104:16 Act's [2] 68:16 81:22 23 20:15,23 21:18,22 22:1, another [4] 22: 73:14 88; asciribe [1] 44; 56 [1] 33:7 12 19:2 25:16,18,19 32:17 12,24 83:11 38; 15,18 39; answer [7] 35:23 39:15,16 aspect [1] 92: 65 [1] 46:5 90:21 95:17,20 23 55:4 56:23 59:2 68:5,7 90:21 95:17,20 answer [2] 45:16 09:12 assigned [1] 3: 709 [1] 6:14 action [2] 44:12 53:20 active-duty [9] 64:9 75:19 36 68:18 69:13 71:1,22 answers [2] 18:9 39:19 Assistant [4] 2 709 [1] 6:14 activities [9] 26:24 59:168; 10,25 83:13,14 90:16 95: Anytime [2] 48:10,41:4 assume [2] 48:10,41:4 709 [1] 6:14 activities [9] 26:24 59:168; 10,25 83:13,14 90:16 95: Anytime [2] 48:10,41:4 assume [2] 48:10,41:4 709 [1] 6:14 activities [9]			9,17,20	-	97:24 102:14 103:8
5/3/100:15 101:15 102:9 00:17,7/21 80:12 81:4 85:20 11 11:14 14:8:10,12,13 16: analyze 13 68:10,11,11 arrangement 50/67:77,21 80:12 81:4 85:25 13,13 105:55 106:1 17,21 71:14,16 18:4,22 19: angle 10:33:11 arrangement 526 101 104:16 56 10:3.7 13,13 105:55 106:1 23 20:15,23 21:18,22 22:1, another 14:22:7 30:14.8: ascribe 10:14: 5a 12 59:25 73:3 12 19:2 25:16,18,19 32:17 23 20:15,23 21:18 39: another 14:22:7 30:14.8: ascribe 10:14: 56 10:3.7 acting 12:18:15 12:12 15: 11,24 37:18 38:15,18 39: answer 17:35:23 39:15,16 aspect 10:19:26 6 33:4 36:19 44:18 52:12 53: 33:4 36:19 44:18 52:12 53: answer 17:35:3,14 answer 17:35:16 99:12 aspect 10:19:26 7 90:21 95:17,20 active-duty 16:49:75:19 6:10:15:56:14:16,17 99:3,11, answers 12:18:9 39:19 assigned 10:3 709 (10:16:14 active-duty 16:49:75:19 36:68:18 69:13:71:11,22 anybody 12:35:10 45:22 asyue 19:48: attach 10:90:14 709 (10:16:14 activities 19:26:24 59:16 68: 10,25 83:13;14:90:16:25 anybody 12:35:10 45:22 attach 10:90:14 asyue 19:55 attach 10:90:14 asyue 19:55 attach 10:90:14 asyue 19:55 attach 10:90	E		agency [98] 5:7,13,24 8:7,9,	analysis [1] 52:11	arrangement [1] 20:13
50 (#) 57:10 73:21 74:16 80: 12,20 89:22 92:13 93:23 96:10,13 98: 13,13 105:5,5 106:1 17,21 77:14,16 184;22 29: 13,13 105:5,5 106:1 ARURES (#) 27.3:9 92:1 angle (#) 33:11 ARURES (#) 27.3:9 92:1 angle (#) 33:14 ARURES (#) 27.3:9 92:1 angle (#) 15:3 ARURES			11 11: 14 14: 8,10,12,13 16:	analyze ^[3] 68:10,11,11	arrangements [1] 103:9
12,20 89:22 13,13 105:5,5 106:1 23 20:15,23 21:18,22 22:1, another (4) 22:7 30:1 48: acting [24] 8:15 12:12 15: acting [24] 8:15 16 action [24] 4:18 52:12 53: 90:21 95:17.20 action [24] 4:12 53:20 active-duty [36:49 75:19 active-duty [36:49 75:19 active-duty [36:49 75:19 active-duty [36:49 75:19 active-duty [36:49 75:19 active [24] 45:25 54:9 active [24] 45:25 54:9 active [24] 45:25 54:9 active [24] 25:18 68:12 active [24] 25:18 68:14 active [24] 25:18 68:14 active [24] 25:18 68:14 active [24] 25:25 42:9 active [24] 25:18 68:17 709(f [39] 11:18 93:22 94:18 actors [2] 29:12 105:18 actors [2] 29:12 100:19 actors [2] 29:12 105:		· ·	17,21 17: 14,16 18: 4,22 19:	ANDRES [3] 2:7 3:9 92:1	Article [1] 42:6
526 (1) 104:16 56 (1) 3:7 5a (2) 59:25 73:3 Act's (2) 68:16 81:22 acting (2) 8:15 12:12 15: 12 19:2 25:16,18,19 32:17 33:4 36:19 44:18 52:12 53: 23 55:4 56:23 59:2 68:57 90:21 95:17,20 action (2) 88:15,16 actions (2) 44:12 53:20 active-duty (3) 64:9 75:19 86:4 activity (2) 45:25 54:9 activity (2) 45:25 57:18 65:10 85:11 apparently (1) 72:15 apparently (1) 72:15 applica			23 20:15,23 21:18,22 22:1,	angle [1] 33:11	ascertain [1] 20:18
56 (1) 3:7 acting [21] 8:15 12:12 15: 12 19:2 25:16,18,19 32:17 25:6 30:5,5 31:4 32:11 36: 21 29:2 25:16,18,19 32:17 astder [373:8,1] 6 3:4 36:19 44:18 52:12 53: 23 35:4 56:23 59:2 68:5,7 90:21 95:17,20 asswer [7] 35:23 39:15,16 aspect [192:2] 7 3:4 36:19 44:18 52:12 53: 23 55:4 56:23 59:2 68:5,7 90:21 95:17,20 astorn [2] 88:15,16 answer [2] 35:16 92:22 22 47:7 82:			4,6,18,19 23: 16,23 24: 15	another [4] 22:7 30:1 48:	ascribe [1] 44:11
5a [2] 59:25 73:3 12 19:2 25:16,18,19 32:17 11,24 37:18 38:15,18 39:1 answer (1/35:23 39:15,16 aspect [1/92:6 6 33:4 36:19 44:18 52:12 53: 20,21 43:6,10,16,21,25 44: 40:5 98:12 105:22 107:2 aspect [1/92:6] 7 90:21 95:17,20 6,10,15 55:14,16,19 56:13, answered [2] 35:6 92:22 22 47:7 82:2 9 7 90:21 95:17,20 6,10,15 55:14,16,19 56:13, answered [2] 35:16 92:22 assigned [1] 3 709 [1/] 6:14 action [2] 88:15,16 active-duty [3] 64:9 75:19 86:4 activites [3] 26:24 59:1 68: answered [2] 35:10 45:22 assume [2] 48:10 49:119:12 709 [6] [8] 3:118 93:22 94:18 actors [2] 29:12 105:18 appendix [1] 89:24 77:8 9:20 10:1,2 7112 (11 93:12 7112 (11 93:10 148:19 51:22 57:18 65:17 69:15 78:16 85:10 89:11, 143:1 44:16,17 50:24 53: appeart [1] 8:23 appeart [1] 8:23 appeart [1] 8:22 10:21 44:18 42 7112 (11 93:10 19:19:12 27:11 43:14:16,17 50:24 53: appeart [1] 8:23 appeart [1] 8:23 appeart [1] 8:23 appeart [1] 8:22 20:22 22:22:22:20:29 21 103(b 11 69:12 148:19 51:22 57:18 65:17			25:6 30:5,5 31:4 32:11 36:	24 83: 11	aside [3] 73:8,12 77:19
6 33:4 36:19 44:18 52:12 53: 23 55:4 56:23 59:2 68:5.7 90:21 95:17.20 20.21 43:6,10,16,21,25 44: 22 48:21,22 52:10,21 53:3, 6,10,15 55:14,16,19 56:13, answerd [2] 35:16 92:22 answers [2] 18:9 39:19 aspects [7] 27: 22 47:7 82:2 9 7 90:21 95:17,20 action [2] 88:15,16 actions [2] 44:12 53:20 active-duty [3] 64:9 75:19 action [2] 88:15,16 active-duty [3] 64:9 75:19 answers [2] 18:9 39:19 answers [2] 18:9 39:19 assigned [1] 3 Assistant [4] 2 709 [1] 6:14 active-duty [3] 64:9 75:19 86:4 activities [3] 26:24 59:168: 20 19 60:2,3,7,12 62:11,13 67: 3,6 68:18 69:13 71:11,22 answers [2] 18:9 39:19 Assistant [4] 2 104:25 activities [3] 26:24 59:168: 20 activities [3] 26:24 59:168: 20 10,25 83:13,14 90:16 95: 10,25 83:13,14 90:16 95: 20 anybody [2] 35:10 45:22 attention [2] 33: 405:39,18 709(f [3] 91:18 93:22 94:18 actors [2] 29:12 105:18 actors [2] 29:12 105:18 agency's [4] 35:1 44:24 57: 30:17 12 [19 30:10 apparently [1] 72:15 appals [1] 89:24 AUTHORITY 7112 [19 32:10 148:19 51:22 57:18 65:17 69:15 78:16 85:10 89:11, 21 96:16 106:17 agent's [1] 44:16,17 50:24 53: 20,20,21,23 54:9 55:4,20, 22 100:19 appears [1] 8:23 appears [1] 8:23 10 61:6 62:3,1 7112 [19 94:11 attention [1] 106:19 adtilin (1] 106:19 age		-	11,24 37: 18 38: 15,18 39:	answer [7] 35:23 39:15,16	aspect [1] 92:6
0 22 48:21,22 52:10,21 53:3, 61,015 55:14,16,19 56:13, answered [2] 35:16 92:22 22 47:7 82:29 assigned [1] 3 7 90:21 95:17,20 action [2] 88:15,16 actions [2] 44:12 53:20 active-duty [3] 64:9 75:19 86:4 activities [3] 26:24 59:1 68: 104:25 22 48:21,22 52:10,21 53:3, answered [2] 35:16 92:22 22 47:7 82:29 answered [2] 35:16 92:22 22 47:7 82:29 assigned [1] 3 709 [1] 6:14 709 (1] 6:14 709 (1] 6:14 actions [2] 44:12 53:20 active-duty [3] 64:9 75:19 86:4 activities [3] 26:24 59:1 68: 104:25 22 48:21,22 52:10,21 53:3, answered [2] 35:10 45:22 assigned [1] 3 answered [2] 35:10 45:22 709 (1] 6:14 709 (1] 81:33:11 458:20 67:11 93:22 64:18 activities [3] 26:24 59:1 68: 20 20 activity [2] 45:25 54:9 actor [1] 95:18 actors [2] 29:12 105:18 actual [2] 59:18 74:2 actual [2] 59:18 74:2 adt[1] 105:23 add[1] 105:23 add[1] 105:23 add[1] 105:23 add[1] 105:23 address [1] 8:17 address [1] 8:			20,21 43: 6,10,16,21,25 44:	40:5 98:12 105:22 107:2	aspects [7] 27:1 28:15 29:
65 [1] 46:5 90:21 95:17,20 6,10,15 55:14,16,19 56:13, 24 58:0 30:19 answering [1] 15:3 assigned [1] 3 7 action [2] 88:15,16 actions [2] 44:12 53:20 active-duty [3] 64:9 75:19 36 68:18 69:13 71:11,22 answering [1] 15:3 Assistant [4] 2 709 (1] 6:14 actions [2] 44:12 53:20 active-duty [3] 64:9 75:19 36 68:18 69:13 71:11,22 answering [1] 15:3 Assistant [4] 2 709 (1] 85:3 41:16 58:20 activities [3] 26:24 59:1 68: 73:4 75:9 76:9,18,20 82: anybody [2] 35:10 45:22 attention [2] 34 709 (1] 91:18 33:22 94:18 activities [3] 26:24 59:1 68: 10,11,12 96:2 97:11 99:25 anyway [1] 5:5 AUTHORITY 709 (1] [3] 91:18 93:22 94:18 actory [1] 95:18 actory [2] 29:12 105:18 agency's [4] 35:1 44:24 57: apologize [4] 40:12 47:17 13,16 5:3,9,18 709 (1] [3] 91:18 93:22 94:18 actory [2] 29:12 105:18 actory [2] 29:12 105:18 agency's [4] 35:1 44:24 57: applaels [1] 89:24 25:2 26:20 29: 7103 (b [1] 69:12 attactory [2] 59:18 74:2 actual [2] 59:18 74:2 attactory [2] 29:12 105:18 agent [24] 8:12,13 12:24 16: appeals [1] 89:24 25:2 26:20 29: 7112 (1] 93:10 fig:15 78:16 85:10 89:11, 21 95:16 78:16 85:10 89:11, 20,20,21,21,23 54:9 55:4,	n 1		22 48 :21,22 52 :10,21 53 :3,		22 47:7 82:2 94:21 100:11
7 action [2] 88:15,16 action [2] 88:15,17 action [2] 88:15,16 action [2] 88:15,16 action [2] 88:15,16 action [2] 88:15,17 action [2] 48:12,13,12 anybody [2] 35:10 45:22 attention [2] 48:12 709(f [3] 91:18 93:22 94:18 actors [2] 29:12 105:18 agent [24] 81:12,13 12:24 16: appeals [1] 89:24 25:2 26:20 29: 15:16 16:2		-	6,10,15 55: 14,16,19 56: 13,	answering [1] 15:3	assigned [1] 33:5
709 [1] 6:14 actions [2] 44:12 53:20 19 60:2,3,7,12 62:11,13 67: anti-commandeering [11] 18 104:14 709 [1] 6:14 actions [2] 44:12 53:20 active-duty [3] 64:9 75:19 3,6 68:18 69:13 71:11,22 anybody [2] 35:10 45:22 attach [1] 90:12 63:8 67:11 93:22 94:18 activities [3] 26:24 59:1 68: 10,25 83:13,14 90:16 95: anybody [2] 35:10 45:22 AUTHORITY 709(e [5] 8:3 41:16 58:20 activity [2] 45:25 54:9 actors [2] 29:12 105:18 agency's [4] 35:1 44:24 57: apologize [4] 40:12 47:17 73:8 9:20 10:1,2 709(f [3] 91:18 93:22 94:18 actors [2] 29:12 105:18 actors [2] 29:12 105:18 agency's [4] 35:1 44:24 57: applogize [4] 40:12 47:17 73:8 9:20 10:1,2 7103(b [1] 69:12 actual [2] 59:18 74:2 actual [2] 59:18 74:2 actual [2] 59:18 74:2 actual [2] 59:18 74:2 appleats [1] 89:24 25:2 26:20 29: 7112 [1] 93:10 14 8:19 51:22 57:18 65:17 69:15 78:16 85:10 89:11, 20,20,21,23 54:9 55:4,20, appleats [1] 8:23 appleats [1] 8:23 10,21 44:18 46 7112 [1] 94:1 149:10 105:23 agent's [1] 46:2 applicable [4] 13:21 14:6 179:11 90:14, 93:2 93:2 addition [1] 106:19 addition [1] 106:19 applicable [4] 13:21 14:6 104:24	•	,			Assistant [4] 2:4 37:16 84:
709 [1] 6:14 active-duty [3] 64:9 75:19 3,6 68:18 69:13 71:11,22 66:11 assume [2] 48: 709 (d [8] 56:14 58:20 61:5 active-duty [3] 64:9 75:19 3,6 68:18 69:13 71:11,22 73:4 75:9 76:9,18,20 82: anybody [2] 35:10 45:22 attach (1) 90:14 104:25 activities [3] 26:24 59:1 68: 10,25 83:13,14 90:16 95: anyway [1] 5:5 attention [2] 32 67:11 93:22 activity [2] 45:25 54:9 actor [1] 95:18 actors [2] 29:12 105:18 agency's [4] 35:1 44:24 57: appleals [1] 89:24 7:8 9:20 10:1,2 709 (f [3] 91:18 93:22 94:18 actors [2] 29:12 105:18 actors [2] 29:12 105:18 agency's [4] 35:1 44:24 57: appleals [1] 89:24 25:2 26:20 29: 21 actual [2] 59:18 74:2 actual [2] 59:18 74:2 7,16 19:3,12,14,15 24:4 27: APPEARANCES [1] 2:1 12 39:21 40:16 7112 [1] 93:10 69:15 78:16 85:10 89:11, 20,20,2,1,23 54:9 55:4,20, appears [1] 8:23 10,21 44:18 46 7112 [1] 94:1 19:17 20:10 37:2 3d (11 105:23 agent's [1] 46:2 applicable [4] 13:21 14:6 1 79:11 90:14, 93:2 address [1] 8:17 address [1] 8:17 address [1] 8:17 athere [1] 20:7 applied [1] 92:24 applied [1] 92:24 20:11,14 93:10	a	,		-	
709(110) 56: 14 56: 20 61: 5 63:8 67: 11 93: 22 94: 18 104: 25 86: 4 activities [3] 26: 24 59: 168: 20 activity [2] 45: 25 54: 9 actor [1] 95: 18 actors [2] 29: 12 105: 18 actual [2] 59: 18 74: 2 21 73: 4 75: 9 76: 9, 18, 20 82: 10, 25 83: 13, 14 90: 16 95: 10, 11, 12 96: 297: 11 99: 25 apologize [4] 40: 12 47: 17 79: 15 103: 17 apparently [1] 72: 15 apparently [1] 72: 15 appeals [1] 89: 24 25: 2 26: 20 29: 100: 71 05: 2 appeals [1] 89: 24 25: 2 26: 20 29: 100: 71 05: 2 appeals [1] 89: 24 25: 2 26: 20 29: 100: 19 312 AUTHORITY 13, 16 5: 3, 9, 18 attention [2] 34 AUTHORITY 13, 16 5: 3, 9, 18 attention [2] 34 AUTHORITY 13, 16 5: 3, 9, 18 attention [2] 34 AUTHORITY 13, 16 5: 3, 9, 18 appeals [1] 89: 24 25: 2 26: 20 29: 100: 19 312 709(f [3] 91: 18 93: 22 94: 18 709(f [3] 91: 18 93: 22 94: 18 actors [2] 29: 12 105: 18 actors [2] 29: 12 105: 18 actual [2] 59: 18 74: 2 actually [14] 10: 21 29: 3 41: 1 48: 19 51: 22 57: 18 65: 17 69: 15 78: 16 85: 10 89: 11, 21 96: 16 106: 17 ad [1] 105: 23 addition [1] 106: 19 address [1] 8: 17 adhere [1] 20: 7 73: 4 75: 9 76: 9, 18, 20 82: 100: 7 105: 2 applicable [4] 13: 21 14: 6 applicable [4] 13: 21 14: 6 applied [1] 92: 24 applied [1] 92: 2	106:14				assume [2] 48:23 60:24
63:8 67:11 93:22 94:18 104:25 activities [3] 26:24 59:1 68: 20 10,25 83:13,14 90:16 95: 10,11,12 96:2 97:11 99:25 activity [2] 45:25 54:9 actor [1] 95:18 actors [2] 29:12 105:18 actors [2] 29:12 105:18 actors [2] 29:12 105:18 actual [2] 59:18 74:2 21 10,25 83:13,14 90:16 95: 10,11,12 96:2 97:11 99:25 apologize [4] 40:12 47:17 AUTHORITY apologize [4] 40:12 47:17 709(f [3] 91:18 93:22 94:18 705 [4] 33:16 49:11,13 85: 21 actors [2] 29:12 105:18 actors [2] 29:12 105:18 actors [2] 29:12 105:18 actual [2] 59:18 74:2 actually [14] 10:21 29:3 41: 1 48:19 51:22 57:18 65:17 69:15 78:16 85:10 89:11, 21 96:16 106:17 ad [1] 105:23 addition [1] 105:23 addition [1] 106:19 address [1] 8:17 adhere [1] 20:7 10,25 83:13,14 90:16 95: 10,11,12 96:2 97:11 99:25 100:7 105:2 agency's [4] 35:1 44:24 57: 4 68:18 agency's [4] 35:1 44:24 57: 79:15 103:17 apparently [1] 72:15 appeals [1] 89:24 25:2 26:20 29: 79:15 103:17 appeals [1] 89:24 25:2 26:20 29: 77:16 19:3,12,14,15 24:4 27: APPEARANCES [1] 2:1 12 39:21 40:15 20,20,21,23 54:9 55:4,20, 22 100:19 agent's [1] 46:2 agents [11] 5:13 44:12,14, 3pplicable [4] 13:21 14:6 17:15 30:6 3pplicable [4] 13:21 14:6 17:15 30:6 3pplicable [4] 13:21 14:6 17:15 30:6 3pplicable [4] 19:224 applicable [4] 19:224 104:24 106:9 10 3pplicable [4] 19:224 applicable [4] 19:224 applicable [4] 19:224 applicable [4] 19:224 applicable [4] 19:224 applied [1] 92:24 applied [1] 92:24 appli	u 10 56:14 56:20 61:5	-			attach [1] 90:18
104:25 20 10,11,12 96:2 97:11 99:25 anyway [1] 5:5 AUTHORITY 709(e [5] 8:3 41:16 58:20 activity [2] 45:25 54:9 activity [2] 45:25 54:9 agency's [4] 35:1 44:24 57: apologize [4] 40:12 47:17 13,16 5:3,9,18 709(f [3] 91:18 93:22 94:18 actors [2] 29:12 105:18 actors [2] 29:12 105:18 agency's [4] 35:1 44:24 57: apparently [1] 72:15 15:9,16 16:2 1 7013(b [1] 69:12 actual [2] 59:18 74:2 apparently [1] 72:15 15:9,16 16:2 1 7103(b [1] 69:12 14 8:19 51:22 57:18 65:17 69:15 78:16 85:10 89:11, 20,20,21,23 54:9 55:4,20, appears [1] 8:23 10,21 44:18 46 7112(a [1] 73:2 69:15 78:16 85:10 89:11, 21 96:16 106:17 agent's [1] 46:2 appendix [3] 59:25 60:8 55:16 56:16 57 7135 [4] 19:17 20:10 37:2 93:2 addition [1] 106:19 applicable [4] 13:21 14:6 179:11 90:14 applied [1] 92:24 applied [1] 92:24 <t< td=""><td>67:11 93:22 94:18</td><td></td><td></td><td>-</td><td>attention [2] 34:23 82:1</td></t<>	67:11 93:22 94:18			-	attention [2] 34:23 82:1
7/09(e [5] 8:3 41:16 58:20 67:11 93:22 activity [2] 45:25 54:9 actor [1] 95:18 actors [2] 29:12 105:18 actors [2] 29:12 105:18 actual [2] 59:18 74:2 actual [2] 59:18 74:2 addition [1] 106:19 address [1] 8:17 adhere [1] 20:7 adhere [1] 20:7 100:7 105:2 actual [2] 50:16 76:16 73:3 applicable [4] 13:21 14:6 applicable [4] 13:21 14:6 applied [1] 92:24 applied [1] 92:24 applied [1] 92:24 applied [1] 92:24 at 46:5,8,8 59:86 61:22 applied [1] 92:24 at 46:5,8,8 59:86 61:22 applied [1] 92:24 at 46:5,8,8 59:86 61:22 applied [1] 92:24 at 40:12 40:19 applied [1] 92:24 at 40:12 40:19 applied [1] 92:24 at 40:12 40:19 applied [1] 92:24 at 40:16 9:19 90:17 at 40;16 applied	²⁵ 2				AUTHORITY [58] 1:7 4:6,
67:11 93:22 actor [1] 95:18 actor [1] 95:18 agency's [4] 35:1 44:24 57: 79:15 103:17 7:8 9:20 10:1.3 709(f [3] 91:18 93:22 94:18 actors [2] 29:12 105:18 actors [2] 29:12 105:18 agency's [4] 35:1 44:24 57: 79:15 103:17 apparently [1] 72:15 15:9,16 16:2 1 21 actual [2] 59:18 74:2 actual [2] 59:18 74:2 agent [24] 8:12,13 12:24 16: appeals [1] 89:24 25:2 26:20 29: 7103(b [1] 69:12 1 48:19 51:22 57:18 65:17 69:15 78:16 85:10 89:11, 2 43:1 44:16,17 50:24 53: appears [1] 8:23 10,21 44:18 46 7112(a [1] 73:2 69:15 78:16 85:10 89:11, 21 96:16 106:17 agent's [1] 46:2 appendix [3] 59:25 60:8 55:16 56:16 57 7135 [4] 19:17 20:10 37:2 93:2 addition [1] 106:19 addition [1] 106:19 agent's [1] 46:2 applicable [4] 13:21 14:6 1 79:11 90:14, 93:2 address [1] 8:17 adhere [1] 20:7 20:4 46:5,8,8 59:8 61:22 applied [1] 92:24 applied [1] 92:24 authority's [2] 8 adhere [1] 20:7 105:16,19 applied [1] 92:24 authority's [2] authority's [2]	e 5 8:3 41:16 58:20				13,16 5: 3,9,18,19,23 6: 16
709(f [3] 91:18 93:22 94:18 70s [4] 33:16 49:11,13 85: 21 actors [2] 29:12 105:18 actual [2] 59:18 74:2 actually [14] 10:21 29:3 41: 1 48:19 51:22 57:18 65:17 7112(a [1] 73:2 7121 [1] 94:1 7135 [4] 19:17 20:10 37:2 93:2 actors [2] 29:12 105:18 actors [2] 29:12 105:18 actual [2] 59:18 74:2 actually [14] 10:21 29:3 41: 1 48:19 51:22 57:18 65:17 69:15 78:16 85:10 89:11, 21 96:16 106:17 ad [1] 105:23 addition [1] 106:19 address [1] 8:17 adhere [1] 20:7 4 68:18 agent [24] 8:12,13 12:24 16: agent [24] 8:12,13 12:24 16: appeals [1] 89:24 25:2 26:20 29: 25:2 26:20 29: APPEARANCES [1] 2:1 1 2 39:21 40:15 appeals [1] 89:24 7135 [4] 19:17 20:10 37:2 93:2 69:15 78:16 85:10 89:11, 21 96:16 106:17 ad [1] 105:23 addition [1] 106:19 address [1] 8:17 adhere [1] 20:7 agents [1] 46:2 agents [11] 5:13 44:12,14, 24 46:5,8,8 59:8 61:22 105:16,19 appearently [1] 72:15 appeals [1] 89:24 55:2 26:20 29: 25:2 26:20 29: APPEARANCES [1] 2:1 12 39:21 40:15 appeals [1] 89:24	193:22	-			7:8 9:20 10:1,21 14:9,19
705 (#) 33:16 49:11,13 85: actual [2] 59:18 74:2 agent [24] 8:12,13 12:24 16: appeals [1] 89:24 25:2 26:20 29: 21 actual [2] 59:18 74:2 agent [24] 8:12,13 12:24 16: appeals [1] 89:24 25:2 26:20 29: 7103(b [1] 69:12 actually [14] 10:21 29:3 41: 1 48:19 51:22 57:18 65:17 appeals [1] 89:24 25:2 26:20 29: 7112(a [1] 73:2 1 48:19 51:22 57:18 65:17 69:15 78:16 85:10 89:11, 20,20,21,23 54:9 55:4,20, appeals [1] 8:23 10,21 44:18 46 7121 [1] 94:1 9:15 78:16 85:10 89:11, 21 96:16 106:17 agent's [1] 46:2 applicable [4] 13:21 14:6 1 79:11 90:14, 7135 [4] 19:17 20:10 37:2 93:2 addition [1] 106:19 address [1] 8:17 address [1] 8:17 adhere [1] 20:7 24 46:5,8,8 59:8 61:22 applied [1] 92:24 applied [1] 92:24 authority's [2]	r 13 91:18 93:22 94:18				15:9,16 16:2 18:18 20:5
21 actually [14] 10:21 29:3 41: 7,16 19:3,12,14,15 24:4 27: APPEARANCES [1] 2:1 12 39:21 40:15 7103(b [1] 69:12 1 48:19 51:22 57:18 65:17 14 33:1 44:16,17 50:24 53: appears [1] 8:23 10,21 44:18 46 7112(a [1] 73:2 69:15 78:16 85:10 89:11, 21 96:16 106:17 agent's [1] 46:2 appendix [3] 59:25 60:8 55:16 56:16 57 7135 [4] 19:17 20:10 37:2 93:2 addition [1] 106:19 agents [11] 5:13 44:12,14, applicable [4] 13:21 14:6 1 79:11 90:14, 93:2 address [1] 8:17 adhere [1] 20:7 105:16,19 applied [1] 92:24 applied [1] 92:2	4 33 10 49 11 13 85 1		-		25 :2 26 :20 29 :1 31 :8 34 :
7103(b [1] 69:12 1 48:19 51:22 57:18 65:17 14 33:1 44:16,17 50:24 53: appears [1] 8:23 10,21 44:18 46 7112 [1] 93:10 69:15 78:16 85:10 89:11, 20,20,21,23 54:9 55:4,20, appendix [3] 59:25 60:8 55:16 56:16 57 7121 [1] 94:1 91:17 20:10 37:2 ad [1] 105:23 addition [1] 106:19 addition [1] 106:19 address [1] 8:17 address [1] 8:17 adhere [1] 20:7 24 46:5,8,8 59:8 61:22 applied [1] 92:24 applied [1] 92:24 authority's [2]	20				12 39 :21 40 :19 41 :12 43 :
7112 (1) 93:10 69:15 78:16 85:10 89:11, 21 96:16 106:17 20,20,21,23 54:9 55:4,20, 22 100:19 appendix [3] 59:25 60:8 55:16 56:16 57 7121 [1] 94:1 21 96:16 106:17 agent's [1] 46:2 applicable [4] 13:21 14:6 10 61:6 62:3,1 7135 [4] 19:17 20:10 37:2 93:2 ad [1] 105:23 agent's [1] 46:2 applicable [4] 13:21 14:6 1 79:11 90:14, 93:2 addition [1] 106:19 address [1] 8:17 24 46:5,8,8 59:8 61:22 applied [1] 92:24 104:24 106:9 1 adhere [1] 20:7 105:16,19 105:16,19 applied [1] 90:17 Authority's [2]	o(D [1] 69:12				10,21 44: 18 46: 10 49: 10
7112(a (i) 73:2 21 96:16 106:17 22 100:19 73:3 10 61:6 62:3,1 7121 (i) 94:1 ad (i) 105:23 agent's (i) 46:2 applicable (4) 13:21 14:6 1 79:11 90:14, 93:2 addition (i) 106:19 address (i) 8:17 adhere (i) 20:7 105:16,19 applied (i) 92:24 apply (4) 14:6 19:19 90:17 Authority's (2) 0 adhere (i) 20:7 105:16,19 105:10 90:17 authority's (2) authority's (2)	· [1] 93:10				55 :16 56 :16 57 :20 58 :8 59 :
7121 (1) 94:1 ad (1) 105:23 agent's (1) 46:2 applicable (4) 13:21 14:6 1 79:11 90:14, 93:2 addition (1) 106:19 addition (1) 106:19 agent's (1) 46:2 applicable (4) 13:21 14:6 92:11,14 93:10 93:2 addition (1) 106:19 address (1) 8:17 105:16,19 applied (1) 92:24 104:24 106:9 1 040:10:10:10:10:10:10:10:10:10:10:10:10:10	(a 11/3:2				10 61:6 62:3,19 68:19 72:
93:2 addition (1) 106:19 addition (24 46:5,8,8 59:8 61:22) applied (1) 92:24 104:24 106:9 (24 40:5) (24 4	10.94:1		-	• •	1 79 :11 90 :14,20,25 91 :7
93:2 address [1] 8:17 24 46:5,8,8 59:8 61:22 applied [1] 92:24 104:24 106:9 1 8 adhere [1] 20:7 105:16,19 apply [4] 14:6 19:19 90:17 Authority's [2]	1 20	ddition [1] 106:19	•		92:11,14 93:10 94:19,24
8 adhere [1] 20:7 105:16,19 apply [4] 14:6 19:19 90:17 Authority's [2]	a			••	104: 24 106: 9 107: 4,13
			-		Authority's [2] 5:15,19
			ago [2] 20:10 86:22	105:6	authorize [2] 15:6 40:20
agree [13] 32:11 33:14 34: appoints [1] 56:19 automatically			agree 113 32:11 33:14 34:	appoints m 56:19	automatically [1] 21:25

Heritage Reporting Corporation

aware (ii) 46:7 64:16 67:3			Official		
Bett 68 73 89:20 5 88:16 66:14 88:92:2 ctop Compliance // 57:35:14 Compliance // 57:35:14 Babcock // 16:32 67:36:14 5 86:16 66:14 88:92:2 100:2 care // 14:20 80:21 12:25:2 compliance // 17:35:54:14 10:26:37:27:20:07:17:20:07	award [1] 95:2	12,14 15 :13 33 :4 36 :19 41 :	107: 16,17	cite [1] 53:19	complaint [1] 7:6
away (194:10 104:61 (05:12 100:2 cpatronal (17:12) cpatronal (17:12) <thcpatronal (17:12)<="" th=""> cpatronal (17:1</thcpatronal>	aware [6] 46:7 64:18 66:1	11 44 :19 54 :12 56 :3,23 57 :	capacities [1] 40:2	citizens' [1] 96:6	completely [3] 51:17 91:
B behave (1) 57:8 Caren (1) 4:11 (1) 32:15 (3:1) Caren (1) 4:15 (3:2) (3:1) Caren (1) 4:15 (3:2) (3:1) Complying (1) (1:1) (1:8:0:97:17:8:2) Babcok (119:17 24:13 22: Danefits (1) 55:15 (4:1) Danefits (1) 55:15 (4:1) Caren (1) 4:13 (3:2) Caren (1) 4:13 (3:2) Caren (1) 4:14 (3:2) C	86:16 87:3 89:20	5 58 :16 66: 14 88 :8 92: 2	capacity [3] 14:20 90:22	civil [2] 56:20 64:3	19 92: 8
Beblock Risk25 64:21 Delive (n 21:25 27:03 8:) Care (n 24:14 30:23 105:11 91:17 93:3 94:21 94:94:85: Str. (n 24:14 30:22 105:11 91:17 93:3 94:21 94:94:85: Str. (n 24:14 30:22 105:11 91:17 93:3 94:21 94:94:85: Str. (n 24:14 30:22 105:11 Str. (n 24:14 30:22 10:11 Str. (n 24:14 30:12 10:11) Str. (n 24:14 30:11) Str. (n 24:14	away [1] 16: 10	104: 6 105: 12	100:2	civilian [15] 39:1 40:1 56:	compliance [2] 57:3 58:14
absock vr (4:3:25:44/2) beilde ver (7:14:22:27/20.35) care (9:14/14:30:22:106:11) 91:17:33:94:21:86:430 57:03:82:09:02:91:63 back r (9:14) beilde ver (7:14:12:27/20.35) care (9:12:14:16) claim (1:14:22:14:16) claim (1:14:22:14:16) complying (1:16:15:16:40:16) 10:31:61:917:73:17:14:20:12 beilde ver (7:12:22:17) cares (11:12:14:16) claim (1:14:32:16:13:16) complying (1:16:16:16) complying (1:		behave [1] 57:6	captioned [1] 7:12	12 68: 5,22 75: 20 77: 17,20	comply [11] 16:1 56:6 57:8
back (1991;19 (10:16;211 12) back (1991;19 (10:16;211 12) back (1991;19 (10:16;211 12) comport (1992;14 (10:16;15) comport (1992;14) comport (1992;14) <td></td> <td>believe [7] 21:25 27:20 38:</td> <td>care [4] 24:14 30:23 105:11</td> <td>91:17 93:5 94:21 95:4 98:</td> <td>60:13 69:17 73:17 84:20</td>		believe [7] 21:25 27:20 38:	care [4] 24:14 30:23 105:11	91 :17 93 :5 94 :21 95 :4 98 :	60:13 69:17 73:17 84:20
11 11:11:12:41:12 47:41:23 bondfits if Bari 4.80:16 caring (1722:14 claims (19.4) claims (19.4) <td></td> <td></td> <td>106:25</td> <td>17 100:2,11</td> <td>87:10 88:20 90:2 91:6</td>			106: 25	17 100: 2,11	87:10 88:20 90:2 91:6
10 36:36:15 41:12 12:67:16 12:16:16 14:16:16:16:16:16:16:16:16:16:16:16:16:16:		below [2] 96:2,3	cares [1] 24:16	claim [2] 39:21 63:13	complying [2] 83:15 84:10
49:11, 26:412:67:4.69:23 47:03:09:10, 20:10 47:03:09:17, 46:15:61:09:10:11 background (19:39) batter (47:3:32:24:87:14) 14:05:10:23:02:22 23:17:44:15:61:09:10:21 20:17:44:15:61:09:10:21 bar (19:91) 04:09:10:10:10:10:10:10:10:10:10:10:10:10:10:		benefits [3] 58:1,4 80:16	caring [1] 22:14		component [23] 18:23 19:
98:11 100,0000000000000000000000000000000000			carried [1] 93:3	clarification [1] 8:22	4,13 59: 3,19,21 65: 9 67: 7,
background (1) 39:9 background (1) 39:1		4:8 104: 5	carry [1] 89:11	clause [11] 17:18,18 18:11	
bad if 91:10 DATE DATE DATE DATE Date and 199:10 Date and 199:10 <thdate 199:10<="" and="" th=""></thdate>		best [3] 9:19 52:11 80:2	carve [4] 13:14 22:22 23:1		70:1,4,18,21 71:1,11,21 78
ban (1993) between (1923) between (1923) between (1923) clast (1943) clast (1943) <thclast (194<="" td=""><td>•</td><td></td><td></td><td></td><td>-</td></thclast>	•				-
bargain (19) bargain (19)<					
14 33:10 47:8 12 28:71.36 93:31:18 37:14 49:420.5 23:35 76:10 84:710 37:1 compromising 10:31:2 39:31:41:11 44:22 47:8 64:11 47:14 49:22 65:2 23:44:11 47:14 49:22 65:2 colsest 17:5:1 concedel missing 10:31:2 7.14:19 59:4 60:14 66:14 51:10 57:1 52:10 57:10 58:7:10 58:7 Concedel missing 10:31:2 concedel missing 10:31:2 7.14:19 59:4 60:14 66:14 51:10 51:10 51:10 51:10 52:19 32:23 24:14 57:11 85:7 colsest 17:17:16:2 concerded missing 10:31:2 concerded missing 10:31:12 concerded missing 10:31:14:32:14 concerded missing 10:31:14:32:14 concerded missing 10:31:12 concerded missing 10:31:14:31:14:14:14:14:14:14:14:14:14:14:14:14:14					
39:3 47:11 14:23 24:3 27:15 17:16:17 16:3:16 16:3:16 27:15 17:16:17 16:3:16 <td>-</td> <td></td> <td></td> <td>,</td> <td></td>	-			,	
44:11 46:25 47:8 64:11 57: 57:10 57:6 22.23 62:9 48:12 57:10 57:6 22.23 62:9 48:12 Code Pi 67:13 68:2.0 Concede Pi 15:24 20:17; Concered Pi 15:24 20:17;<					
7, 14, 19 89-4 60:14 66:14 big min 10, 15 22, 22, 23, 24, 25, 66:16, 66:16, 66:1, 16, 27, 13, 25, 22, 23, 24, 25, 66:16, 66:1, 16, 20, 20, 16, 25, 29, 15 Colde pig for 10, 10, 20 Colde pig for 10, 10, 10, 10, 10, 10, 10, 10, 10, 10,					
72:15 77:622.23 82:9 84: 72:05 87:622.33 82:9 84: 93:62 91:63 bigget 11 104:17 bigget 21 104:17 bigget 11 04:17 bigget 11 04:1					
17.20 86:5 91:13,16 97:7. Diff 0 15:21 12:2 Diff 0 15:21 12:2 Diff 0 15:21 13:23 22:3 29:24 Diff 0 15:21 13:23 22:3 29:24 Diff 0 15:21 13:23 22:3 29:24 Diff 0 15:21 13:22 43:11 13:21 13:21 13:22 43:13 Diff 0 15:21 13:22 43:13 13:22 43:11 13:21 13:22 43:12 14:11 13:22 13:21 13:21 12:21 10:21 13:22 22:21 14:12 Diff 0 15:21 12:22 14:21 13:22 43:13 13:22 43:12 14:11 13:21 13:21 12:21 10:21 10:21 13:22 14:21 13:22 43:12 14:11 14:12 14:15 15:14 18:15 0 0:22 0:22 15:22 15:22 14:21 24:10 16:47:5 0:32:13 23:22 43:35:7 36:13 32:22 43:35:7 36:13 32:22 43:35:7 36:13 32:21 44:10 16:47:5 64:13 32:14:21 14:11 14:31 16:41:14 14:11					
2) 92.0 90.68 binding (1194:4) 23 99:13 92:23 23 96:24 collective (109 64:9.3,411 collective (109 64:9.3,411 bargained (1197:14) binding (1194:4) 23 99:13 92:23 23 96:24 collective (109 64:9.3,411 size (119 62:11) 11 11:2024 136:7 14:21 Board (1196:1) 1105:25 02:15 24:10 25:11 concerns (113:14) concerns (113:14) 23:05 32:23 36:12 48:10.01 Board (1196:1) 44:5 66:8 61:20 24 26:17 27:13, 15 28:12 25: concerns (103:14) 23:05 32:23 39:12 48:10.11 Board (1196:1) concerns (113:14) concerns (113:14) concerns (113:14) 23:05 32:23 39:12 48:10.11 bind (119:1) file		-		-	
bargaining (m) 7:14 bird (m) 64:12 bi					
bargaining (@) 8: 93.5, 11 11:20.24 13:6,7 14:22 23.52 24:12 24:07 bit (@) 12:170:7,13 Board (1) 96:1 cases (@) 10:23 40:23,24 44:5 66:8 61:20 25 22:15 24:19 25:11,22, 24 43:5 70:20 92:99; 23:22 22; concermed (@) 13:4 43:5 12:22 13:57 36:11 28:12 29; 23:32:23 35:7 36; concermed (@) 13:4 43:5 12:22 13:57 36:11 28:12 29; 23:22 22; concermed (@) 13:4 43:5 12:22 13:57 36:11 28:12 29; 23:22 22; concermed (@) 13:4 43:5 11 28:22 39; 22:22 concermed (@) 13:4 43:5 12:22 13:57 36:11 28:22 39; 22:22 concermed (@) 13:4 43:5 11 28:23 39; 22:22 concermed (@) 13:4 43:5 11 28:11 11:5 28:12 29; 23:23 13:1 32:12 28:17, 10 5:6 59: 56:11 57:11 59:23 65; 76:22 80:9 82:1, 12 28:17, 10 51:6 59: 56:11 57:11 59:23 65; 76:22 80:9 82:1, 12 28:11, 12 77:12 40:10 10:11 71:15 72:6, 23 71:37 conclusion (@) 13:10 64:8 59: 56:11 57:11 59:23 65; 76:22 80:9 82:1, 12 87:10 59:15 17:11 59:14 (@) 10:11 71:15 72:6, 23 71:37 conduct (U) 10:11 11:15 72:6, 23 71:37 conduct (U) 10:11 12:14 77:14, 21 77; 14:21 77; 14:21 77; 14:21 77; 14:21 77; 14:21 77; 14:21 77; 14:21 77; 14:21 79; 23 80:10 80:20 confisse (U) 10:11 12:14 70; 14 80:10 confisse (U) 10:21 12:14 14:21 42:14 98:14 80:12 confisse (U) 10:11 12:14 14:21 82:14 14:1		-			
11 11 <td< td=""><td></td><td></td><td></td><td></td><td></td></td<>					
15:25 22:15 24:20 25:11, 23:25 26:17 27:14,15 28:22 23:63 32:22 34:3 367,36; 22:22 22 both [9:57,70:20 92:9 9: 22:22 22 causing [167:7 causing [167:7 causing [167:7] causing [167:7 causing [167:7] causing [167:7]					
23.25 28:17 27:14,15 28:12 22.22 20.00 (19.17) 10:20 22.22 22.22 20.00 (19.17) 10:20 22.22 22.22 20.00 (19.17) 10:20 22.22 22.22 20.00 (19.17) 11:20 22.22 20.6 29.5 33:24 66:3.6 48:1 23.22 28:17 20.00 (20.17) 11:20 22.23 23.25 28:17 23.25 28:17 23.25 28:17 20.00 (10.17) 11:20 23.22 28:17 20.00 (17.11) 19:120 41:12 23.85:17 20.00 (17.11) 19:120 41:12 23.85:17 20.00 (17.11) 19:120 41:12 23.85:17 20.00 (17.11) 19:120 41:14 23.45:17 80:11,12 20.00 (17.11) 19:120 41:14 23.45:17 80:11,12 20.00 (17.11) 19:120 41:14 23.45:17 80:11,12 20.00 (17.11) 19:120 41:14 23.45:17 80:11,12 25.17 80:11,12 25.17 80:11,12 25.17 80:11,12 25.17 80:11,12 25.17 80:11,12 25.17 80:11,12 25.17 80:11,12 25.17 80:11,12 25.17 80:12,112 25.17 80:12,112 25.17 80:12,112 25.17 80:12,112 25.17 80:12,112 25.17 80:12,112 2				,	
29:6 32:22 34:3 35; 7 36: 18 38:25 39:12 48:10,17 49:5 54:22 55:1,10 56:11 57:11 59:3 55:18,23 00:1 64:8 55: 65:13 09:11 77: 10,11 71:15 72:6,23 73:7 74:23 77:10,16,18,21 78: 10,12,14,23 80:10 88:22,25 brief (13 50:12 78: 10,12,14,23 80:10 88:22,25 brief (13 50:16 39:12 74:23 77:10,16,18,21 78: 10,12,14,23 80:10 88:22,25 brief (13 50:16 39:12 brief (13 50:17 40:14 brief (13 50:16 39:12 brief (13 10) brief (13 107:16 brief (13 107:16			-		
18 38:25 39:12 48:10,17 20:6 29:5 33:8 46:3,6 48: certain (#54:12 77:5 84: 28 28:09 82:1,22 83:14 conditions (= 13:10 64:8 49:5 54:22 55:11,056:11 56:13 69:11 70:15 72:6 28 28:25 98:17 certainly (= 12:23 78:10 certainly (= 12:28 3:18 s4:5,16 88:18 87:10 91:8 s4:22 83:14 conditions (= 13:10 64:8 47:32 77:10,16,18,21 78: bridge (= 19:2.22 28:325 98:17 certainly (= 12:12 97:8 conduct (= 10:11) conduct (= 10:11) 10,12,14,23 80:10 82:2.22 bridge (= 19:2.22 28:325 98:17 certainly (= 12:12 97:7 conduct (= 10:11) conformit (= 16:12 81:7 82:9 33:3,6,15 44:15,19 85:18 briefing (= 10:14:19 briefing (= 10:12:14 s4:17,18 89:12 80:7,78 22:9 conformit (= 18:17 82:24 conformit (= 18:17 82:24 87:10 89:6,10,23 91:8 93: friefing (= 10:12:22 briefing (= 10:12:22 conformit (= 18:18 81:9) conformit (= 18:1		,			
49:5 54:22 55:1,10 56:11 57:11 58:3 59:18,23 60:1 64:8 65:5 68:13 69:11 70:12 77:12 58:3 99:17,22 55:13 69:17 74:23 77:10,16,18,21 78: 10,12,14,23 80:10 582:2,9 74:23 77:10,16,18,21 78: 10,12,14,23 80:10 582:2,9 74:23 77:10,16,18,21 78: 10,12,14,23 80:10 582:2,9 50 reak [2] 68:12,22 53:17 74:23 77:10,16,18,21 78: 10,12,14,23 80:10 582:2,9 50 reak [2] 68:12,22 53:17 74:23 77:10,16,18,21 78: 10,12,14,23 80:10 582:2,9 50 reak [2] 69:12 50 reak [2]					
57:111 58:3 59:18,23 60:1 64:8 65:5 68:13 69:11 70: 10.11 71:5 72:6.23 73:1 bit of 10.10 20:12 00:					
64:8 65:5 68:13 69:11 70:1 break II 36:22.25 break II 106:15 certify E2:5 17.1017.0 97:12.22 collectively E9:7 10:13 conferred II 71:18 10,11 71:15 72:6,23 73:7 break II 106:15 break II 106:15 certify E2:23 58:17 collectively E9:7 10:13 conferred II 71:18 10,12,14,23 80:10 82:2,22 brief II 20:16 99:12 certify E2:23 58:17 certify E2:23 78:10 conferred II 71:18 conferred II 71:18 7.13,15,20 97:12,22 98:18 brief II 90:16 99:17 brief II 90:16 99:17 chain [II 47:21 th 46:7, 66:14 77:7, 82:9 conform IV 296:11 72: <					
10,11 71:15 72:6,23 73:7 break (0,106:15) certified (2,72:23 78:10) collectively (20,9:7,10:13) conferred (10,71:18) 74:23 77:10,16,18,21 78: bridge (10,59:20) bridge (10,59:20) certified (2,72:23 78:10) collectively (20,9:7,10:13) conferred (10,71:18) 83:3,5,15 84:15,19 85:18 briefig (10,10:12) briefig (10,10:12) certified (2,72:23 78:10) collectively (20,9:7,10:13) conferred (10,71:18) 87:10 89:6,10,23 91:893: briefig (10,10:14) briefig (10,10:14) chain (10,47:21) 14 64:7 66:14 77:7 82:9 conform (2) 66:17 82:24 co			_		
74:23 77:10.16,18,2178: 10,12,14,23 80:10 82:2,22 83:36,15 84:15,19 85:16 97:10 89:6,10,23 91:8 93: 7,13,15,20 97:12,22 98:18 99:15,17 bridge (11 59:20 brief (21 50:16 99:12 brief (21 81:6 39:17 40:18 brief (21 81:23 bring (21 71:22 bring (21 71:22 bring (21 71:21 11:25 brief (21 81:23 bring (21 71:10 71:15 brief (21 81:23 bring (21 71:10 71:15 brief (21 91:22 brief (21 91:22 11:25 brief (21 91:23 brief		-		,	
10,12,14,23 80:10 82:2.22 brieff [2] 50:16 99:12 cetera [2] 19:18 49:21 41:11 43:1 45:11 54:11 60: confirm [2] 56:17 82:24 83:3,5,15 84:15,19 85:18 brieff [2] 10:16 39:17 40:18 brieff [2] 10:16 39:17 40:18 the firm [1] 10:12: the firm [1] 10:12: chain [1] 47:21 the firm [2] 10:12: chain [1] 47:21 the firm [2] 10:22 conformity [2] 96:11,12 99:15,17 briefs [1] 8:23 briefs [1] 8:23 bring [2] 9:23 30:21 change [1] 17:7,14;21 37:6 change [1] 17:7,14;21 37:6 come [7] 24:25 58:1,3 79: 25 43:13 44:23 46:22 20: bring [2] 9:23 30:21 bring [2] 9:23 30:21 changed [1] 32:3 come [7] 24:25 58:1,3 79: 25 43:13 44:23 46:22 20: bring [2] 9:23 30:21 bring [2] 9:23 30:21 change [1] 17:21 19:25 come [7] 24:25 58:1,3 79: 28:44:26:22 01: bring [2] 9:23 30:21 bring [2] 9:23 30:21 character [2] 49:2,25 come [7] 24:25 58:1,3 79: 28:4:4:20:20 9:0 bring [2] 9:23 38:1 broached [1] 77:14 broade [1] 07:7 character [2] 49:2,25 command [2] 42:22 11:10 28:24 45:64:13 60:2 11:15 broade [1] 9:10 broade [1] 10:39 broade [1] 11:16 33:11:46	74:23 77:10,16,18,21 78:			-	
83:35,15 84:15,19 85:18 87:10 89:6,10,23 91:8 93: briefly (4) 8:16 39:17 40:18 briefly (4) 8:16 39:17 40:18 briefly (4) 8:16 39:17 40:18 chain (1) 47:21 chaine (1) 177,14,21 31:24 chaine (1) 172:1 10:21 chaine (1) 172:1 10:21 chaine (1) 172:1 10:21 chaine (1) 18:22 14 64:7 66:14 77:7 82:9 84:17,19 89:23 91:12 97:7, confued (1) 8:24 conformity (2) 96:11,12 confued (1) 8:24 99:15,17 41:15 51:15 briefly (1) 8:13 chaine (1) 172:1 brings (1) 106:2 chaine (1) 172:1 chaine (1) 48:2 25 13:13 14:23 16:22 20: confued (1) 93:23 9:16 10:12 bring (1) 106:2 chaine (1) 48:2 23 80:10, 19,20 23 85:24 38:3,4,17,23 39:8 conset (4) 45:25 72:24 73: 40:3,25 42:19,22,23,25 43: 20 40:12,41,55 116 26 49:19 50:4 51: conset (1) 45:25 72:24 73: 40:3,25 42:19,22,23,25 43: 23 80:10, 19,20 23 85:24 41:9,22,32,56 43: 23 80:10, 19,20 23 85:24 38:3,4,17,23 39:8 103:1 broader (1) 70:7 character (1) 87:13 broad (1) 170:13 charge (6) 10:14 27:3 36: conset (1) 45:12 42:20 96:9 19 4:18 3 83:11,425:10 60:15 62: 17 3 83:11,425:10 60:15 62: 17 86:67,11,16 87:1,22 49:10,16,25 103:1 broke (1) 42:14 31:5,16, 17 conset (1) 42:12 10:2: 10:10;16 10: 17 10:14 42:13 40:11,43:10 40: 17 10:14 42:14 43:14 43:15,16, 17 17 80:3,61 116:16,20,22,125 86:7,11,16 87:1,24 99:8,17	10,12,14,23 80: 10 82: 2,22		-		
87:10 89:6,10,23 91:8 93: 7,13,15,20 97:12,22 98:8 99:15,17 briefy [4] 8:16 39:17 40:18 41:15 challenging [1] 31:24 change [7] 17:7,14,21 37:6, briefs [1] 8:23 84:17,19 89:23 91:12 97:7, 14 98:1,9 confused [1] 8:24 change [7] 17:7,14,21 37:6, 14 98:1,9 bargains [4] 17:9 42:14 43: 4 73:14 briefs [1] 8:23 bring [2] 9:23 30:21 briefs [1] 8:23 bring [2] 9:23 30:21 stiff [4] 8:16 39:17 40:18 changed [1] 33:23 collects [1] 96:21 25 13:13 14:23 16:22 20: 25 13:13 14:23 16:22 20: changed [1] 33:23 barred [2] 64:7 86:14 bring [0] 10:62 bring [0] 10:62 changed [1] 48:22 changel [1] 48:22 comes [1] 24:25 58:1,3 79: 23 80:10,19,20 26:4,9,16,18,19 33:6,19 34 barred [2] 64:7 69:21 70:14 15 35:17 50:14,15 51:8 52: 6 61:22 67:5 69:21 70:14 broadt [1] 70:7 broadt [1] 79:14 broadt [1] 70:7 character [1] 97:13 broadt [1] 70:7 character [1] 97:13 broadt [1] 70:7 character [1] 87:13 charage [9] 10:14 27:3 6: thorage [9] 10:14 27:3 78: thorage [9] 10:14 27:3 98: thorage [9] 10:14 27:3 16: thorage	83:3,5,15 84:15,19 85:18				
7,13,15,20 97:12,22 98:18 99:15,17 bargains (417:9 42:14 43) 41:15 bring (2) 9:23 30:21 bring (2) 9:23 30:21 bring (2) 9:23 30:21 bring (2) 9:23 30:21 bring (2) 9:22 30:21 bring (2) 9:22 bring (2) 9:22 30:21 bring (2) 9:22 bring (2) 9:22 30:21 bring (2) 9:22 bring (2) 9:23 30:21 bring (2) 9:22 bring (2) 9:23 30:21 bring (2) 9:22 bring (2) 9:23 30:21 bring (2) 9:22 bring (2) 0:22 bring (2) 0:22 bring (2) 0:22 bring (2) 0:2	87:10 89:6,10,23 91:8 93:				-
99:15.17 briefs (*18:23 8,11 \$\vec{6}:17 collects (*196:21 25 \$\vec{1}:3:13 \$\vec{1}:22 \$\vec{1}:1,4:21\$ bargains (*) 17:9 42:14 43: bring (2) 9:23 30:21 changed (*) 33:23 collects (*196:21 25 \$\vec{1}:3:16 \$\vec{1}:19:25\$ bargains (*) 17:9 42:14 43: bring (1) 0:7:2 changed (*) 33:23 changed (*) 33:23 collects (*196:21 25 \$\vec{1}:1,10 \$\vec{2}:1,1,4,21\$ BARRETT (*9) 15:20 16:6. brings (*) 106:2 changed (*) 33:23 changed (*) 33:23 come (*) 24:25 \$\vec{5}:1,3 \$\vec{1}:2\$ 23 \$\vec{1}:4 \$\vec{1}:5 \$\vec{1}:1\$ 23 \$\vec{1}:4 \$\vec{1}:1 \$\vec{1}:1\$ 23 \$\vec{1}:4 \$\vec{1}:1\$ 23 \$\vec{1}:4 \$\vec{1}:1\$ 23 \$\vec{1}:1\$	7,13,15,20 97: 12,22 98: 18				
bargains [4] 17:9 42:14 43: bring [2] 9:23 30:21 changed [1] 33:23 Columbus [1] 2:2 19,25 21:1,10 22:1,14,21 4 73:14 bring [2] 9:23 30:21 changed [1] 33:23 changing [2] 17:21 19:25 come [7] 24:25 58:1,3 79: 26:4,9,16,18,19 33:6,19 34 BARRETT [19] 15:20 16:6, bring [2] 9:23 30:21 changed [1] 48:2 come [7] 24:25 58:1,3 79: 26:4,9,16,18,19 33:6,19 34 15 35:17 50:14,15 51:8 52: broad [1] 70:16 character [1] 95:13 191:18 2,8,22 45:6 49:19 50:4 51: 6 61:22 67:5 69:21 70:14 broader [1] 70:7 character [1] 95:13 191:18 2,8,22 45:6 49:19 50:4 51: 103:1 broke [3] 42:1 43:15,16, charge [9] 10:14 27:3 36: 16 6 63:3 65:17 66:7 67:18 77:25 broke [4] 42:1 43:15,16, checks [2] 10:8 47:5 17 80:3,6,11 81:60:21,25 77:25 broke [1] 103:9 budgets [2] 61:18,19 152:2 55:24 56:4 74:17,25 63:13 66:20 79:21 83: C commander [2] 75:16 107: commander [2] 75:16 107: commander [2] 75:16 107: budgets [2] 61:18,19 52:2 55:24 56:4 74:17,25 63:13 commander [2] 75:16 107: consensul [1] 65:17 columbus [1] 2.27:10 28:1,33 C columbus [1] 2.27:10 28:13 <td>99:15,17</td> <td></td> <td>-</td> <td></td> <td>-</td>	99: 15,17		-		-
4 73:14 barred [2] 64:7 86:14 BARRETT [19] 15:20 16:6, 15 35:17 50:14,15 51:8 52; 6 61:22 67:5 69:21 70:14 71:5 87:7,8,19,23 89:2 103:1 bringing [11] 37:22 broached [11] 79:14 broad [11] 67:6 broad [11] 70:7 changing [2] 17:21 19:25 channel [1] 48:2 character [1] 95:13 broad [11] 70:7 come [7] 24:25 58:1,3 79; 23 80:10,19,20 26:4,9,16,18,19 33:6,19 34 23 35:24 38:3,4,17,23 39:8 comes [4] 45:25 72:24 73; 40:3,25 42:19,22,23,25 43; 40:3,25 42:19,22,23,25 43; 10:11 45:25 72:24 73; 40:3,25 42:19,22,23,25 43; 10:11 45:16,20,21,25 broken [4] 42:1 43:15,16, 17 brought [1] 103:9 budgets [2] 61:18,19 budgets [2] 61:18 budgets [2] 61:18,19 budgets [2] 61:18 budgets [2] 61:18,19 budgets [2] 61:18 budgets [2] 61:18,19 budgets [2] 61:18 budgets [2] 61:18,19 budgets [2] 61:18,19 budgets [2] 61:10,13 behalf [28] 22:19 42:12 behalf [28] 23:19,83:1 becomes [3] 25:21 94:7,12 behalf [28] 23:21 94:7,12 behalf [28] 23:21 94:7,10 comparison [2] 77:15,17 comparison [2] 77:15,17 comparison [2] 77:15,7 comparis	bargains [4] 17:9 42:14 43:		- /		
barred [2] 64:7 86:14 brings [1] 106:2 channel [1] 48:2 23 80:10,19,20 23 35:24 38:3,4,17,23 39:8 6 31:25 67:5 69:21 70:14 broader [1] 79:14 broader [1] 70:7 character [1] 95:13 character [1] 95:13 comes [4] 45:25 72:24 73: 191:18 28,22 45:6 49:19 50:4 51: 71:5 87:7,8,19,23 89:2 broader [1] 70:7 broader [1] 70:7 broader [1] 70:13 character [1] 87:13 coming [3] 38:15 42:21 86: 3 53:11,12 55:10 60:15 62: 103:1 broke [3] 41:25 42:20 96:9 broke [3] 41:25 42:20 96:9 24 43:8 75:4 command [2] 47:21 107: 80:3,6,11 81:16,20,21,25 based [1] 95:4 brought [1] 103:9 budgets [2] 61:18,19 budgets [2] 61:18,19 14,24 30:11,14 39:16 40: 90:8 commandeering [2] 84:6 86:7,11,16 87:1,2,4 99:16,17 36:17,17 40:11 42:15 97: bunch [1] 66:18 Tr 52:2 55:24 56:4 74:17,25 63:13 commandeering-type [1] 102:12 103:8 20 60:2,4 66:20 79:21 83: C C command [2] 75:16 107: 80:29 88:15 commander [2] 75:16 107: 80:29 88:12 consensus [1] 65:17 cons		-	-		
BARRETT 1915:20 16:6, 15 35:17 50:14,15 51:8 52: 6 61:22 67:5 69:21 70:14 71:5 87:7,8 19,23 89:2 103:1 broached (11 79:14 broadler (11 70:7 broadly (11 67:6 broadler (11 70:7 broadly (11 70:7 broadly (11 70:7 broadly (11 70:7) broadly (11 70:7) broadly (11 70:7) broadly (11 70:7) broadly (11 70:7) broke 13 41:25 42:20 96:9 broken 14 42:1 43:15,16, 17 chapter [2] 49:22,25 character (11 95:13 character (11 95:14 character (11 95:13 character (11 95:14 character (11 95:13 character (11 95:13 character (11 95:13 character (11 95:14 character (11 95:13 character (11 95:13 character (11 95:14 character (11 95:13 character (11 95:13 character (11 95:13 character (11 95:14 character (11 95:13 character (11 95:18 character (11 95:12 character (11 95:18 character (11 95:12 character (11 95:18 character (
6 61:22 67:5 69:21 70:14 broader (1) 01:0 character (1) 93:1 coming (3) 38:15 42:21 86: 3 53:11,12 55:10 60:15 62: 103:1 broader (1) 70:13 broke (3) 41:25 42:20 96:9 24 43:8 75:4 command (2) 47:21 107: 3 53:11,12 55:10 60:15 62: 103:1 broke (3) 41:25 42:20 96:9 24 43:8 75:4 command (2) 47:21 107: 8 0:3,6,11 81:16,20,21,25 17 broke (4) 42:1 43:15,16, 17 checks (2) 10:8 47:5 17 8 0:3,6,11 81:16,20,21,25 18 brought (1) 103:9 budgets (2) 61:18,19 budgets (2) 61:18,19 90:8 8 0:3,6,11 81:16,20,21,25 17 budgets (2) 61:18,19 budgets (2) 61:18,19 15 41:21 44:9 48:4 50:13 commandeering-type (1) 10:11 27:16 28:4,13 29: buffer (1) 107:7 burch (1) 65:18 52:2 55:24 56:4 74:17,25 63:13 commandeering-type (1) 10:21 2 103:8 commander (2) 75:16 107: commander (2) 75:16 107: consensual (1) 65:17 consensual (1) 65:17 16 85:5,8 93:8 call (2) 71:10 76:18 call (2) 71:10 76:18 consentel (1) 64:12 common (2) 53:3,17 consentel (1) 65:17 10:218 105:1,13 call (2) 75:16 call (2) 75:16 consentel (2) 65:11 84:7 consentel (2) 65:11 84:7 <t< td=""><td></td><td>broached [1] 79:14</td><td>chapter [2] 49:22,25</td><td>comes [4] 45:25 72:24 73:</td><td>40:3,25 42:19,22,23,25 43:</td></t<>		broached [1] 79:14	chapter [2] 49:22,25	comes [4] 45:25 72:24 73:	40:3,25 42:19,22,23,25 43:
71:5 87:7,8,19,23 89:2 broader (970.7) charge [910:14 27:3 36: charge [910:14 27:3 36: charge [910:14 27:3 36: 6 63:3 65:17 66.7 67:18 103:1 broke [914:125 42:20 96:9 broke [914:125 42:20 96:9 broke [914:125 42:20 96:9 broke [910:14 27:3 36: 16 6 33:3 65:17 66.7 67:18 17:25 broke [914:125 42:20 96:9 broke [914:125 42:20 96:9 broke [910:14 27:3 36: 17 80:3,6,11 81:16,20,21,25 18:11 42:15 97: brought [91 103:9 budgets [2] 61:18,19 budgets [2] 61:18,19 15 41:21 44:9 48:4 50:13 commandeering [2] 84:6 86:7,11,16 87:1,2,4 92:16, 19:0 60:2,4 66:20 79:21 83: 10:10 107:7 burfer [11 107:7 burfer [11 107:7 burfer [11 107:7 52:2 55:24 56:4 74:17,25 63:13 Commandeering-type [1] 102:12 103:8 20:0 60:2,4 66:20 79:21 83: C C C 75:7,12,23 76:6,17,20,24 commander [2] 75:16 107: consensual [1] 65:17 10:8 40:22 98:21 99:6,8 C 10:12 20 103:25 104:3,7 10:3 40:8 consensual [1] 5:17 consensual [1] 5:17 10:3 40:8 call [2] 71:10 76:18 common [2] 53:3,17		broad [1] 67:6	character [1] 95:13	1 91: 18	2,8,22 45 :6 49 :19 50 :4 51 :
103:1 broke [3] 41:25 42:20 96:9 24 43:8 75:4 command [2] 47:21 107: 80:3,6,11 81:16,20,21,25 base [5] 40:10,10 47:15,15 broke [3] 41:25 42:20 96:9 24 43:8 75:4 command [2] 47:21 107: 80:3,6,11 81:16,20,21,25 base [1] 95:4 brought [1] 103:9 budgets [2] 61:18,19 24 43:4 30:11,14 39:16 40: 90:8 86:7,11,16 87:1,24 99:8,17 basically [8] 27:10 29:19 budgets [2] 61:18,19 budgets [2] 61:18,19 15 41:21 44:9 48:4 50:13 commandeering type [1] 63:13 commander [2] 75:16 107: 86:7,11,16 87:1,24 99:8,17 basis [12] 27:16 28:4,13 29: buffer [1] 107:7 butfer [1] 106:23,23 75:7,12,23 76:6,17,20,24 commander [2] 75:16 107: 6 consensual [1] 65:17 bear [2] 15:18 30:22 Cabinet-level [1] 4:22 call [2] 71:10 76:18 call [2] 71:10 76:18 call [2] 71:10 76:18 consensus [1] 5:7, 7,23 common [2] 53:3,17 consensus [1] 65:9, 12,23 becomes [3] 25:21 94:7,12 bear [3] 1:15 33:19 86:6 canceling [1] 88:8 88:14 89:12 107:22 commanity [1] 73:5 consequences [2] 51:10 becomes [3] 25:21 94:7,12 becomes [3] 25:21 94:7,12 canceling [1] 88:8 88:14 89:12 107:22 comparison [2] 77:15,17 consequences [2] 51:10 behalf [28] 23:6,8		broader [1] 70:7	characterize [1] 87:13	coming [3] 38:15 42:21 86:	3 53:11,12 55:10 60:15 62:
base [5] 40:10,10 47:15,15 broke [6] 41:25 42:20 96:3 24 43:8 75.4 command [2] 47.21 107.1 30:.5,61 1 31:16,20,21,23 77:25 broken [4] 42:1 43:15,16, 17 broken [4] 42:1 43:15,16, 17 82:5 84:13 85:9,10,16,25 basically [8] 27:10 29:19 brought [1] 103:9 budgets [2] 61:18,19 budgets [2] 61:18,19 90:8 17 98:15,17,24 99:8,17 basis [12] 27:16 28:4,13 29: budgets [2] 61:18,19 52:2 55:24 56:4 74:17,25 63:13 Congress's [2] 64:13 65:2 20 60:2,4 66:20 79:21 83: 16 85:5,8 93:8 Eacher [1] 62:3,23 75:7,12,23 76:6,17,20,24 commander [2] 75:16 107: congress's [2] 64:13 65:2 20 60:2,4 66:20 79:21 83: Cabinet-level [1] 4:22 77:2,14 81:23 82:18 87:6 6 80:22 98:21 99:6,8 consensual [1] 65:17 become [11] 6:13 31:1 46: R,16 51:19,25 53:21 55:19 Cabinet-level [1] 4:22 call [2] 71:10 76:18 called [1] 75:18 called [1] 75:14 consented [2] 65:11 84:7 consented [2] 65:11 84:7 102:18 105:1,13 canceling [1] 88:8 88:14 89:12 107:22 comparison [2] 77:15,17 consequence [1] 45:15 consequence [2] 55:110 102:18 105:1,13 ca		broadly [1] 70:13	charge [5] 10:14 27:3 36:	16	6 63 :3 65 :17 66 :7 67 :18
77:25 17 17 17 17 17 18 17 17 17 18 17 17 17 17 17 17 17 10:21:2 10:3:3 17 17 17 17 17 17 10:21:2 17 17 17 10:21:2 17 11:1 10:21:2 10:3:1:1 17 16:1:1:1:1:1:1:1:1:1:1:1:1:1:1:1:1:1:1:		broke [3] 41:25 42:20 96:9	24 43 :8 75 :4	command [2] 47:21 107:	80:3,6,11 81:16,20,21,25
based [1] 95:4 brought [1] 103:9 brought [1] 103:9 brought [1] 103:9 budgets [2] 61:18,19 90:8 17 98:15,17,24 99:8,17 36:17,17 40:11 42:15 97: budgets [2] 61:18,19 buffer [1] 107:7 buffer [1] 107:7 52:2 55:24 56:4 74:17,25 63:13 commandeering-type [1] 102:12 103:8 20 60:2,4 66:20 79:21 83: C C 75:7,12,23 76:6,17,20,24 commander [2] 75:16 107: comparison [2] 75:16 107: congress's [2] 64:13 65:2 20 60:2,4 66:20 79:21 83: C C 75:7,12,23 76:6,17,20,24 commander-in-chief [2] consensual [1] 65:17 16 85:5,8 93:8 C C C 107:7,23 commander-in-chief [2] consensus [1] 5:17 102:18 105:1,13 call [2] 71:10 76:18 call [2] 71:10 76:18 call [2] 71:10 76:18 call [2] 71:10 76:18 consent [3] 65:9,12,23 102:18 105:1,13 call [2] 71:10 76:18 call [2] 71:10 76:18 call [2] 107:22 commander [2] 77:15,17 consequence [1] 45:15 102:18 105:1,13 call [3] 1:15 33:19 86:6 canceling [1] 88:8 88:14 89:12 107:22 comparison [2] 77:15,17 consequences [2] 51:10 105:8 carceling [1] 88:8 carceling [1] 88:10 conseit [4] 37:9 48:21 50 c					
basically [8] 27:10 29:19 36:17,17 40:11 42:15 97: 24 104:15 budgets [2] 61:18,19 buffer [1] 107:7 bunch [1] 65:18 15 41:21 44:9 48:4 50:13 52:2 55:24 56:4 74:17,25 bunch [1] 65:18 so.3 17 98:13, 17,24 93:8,17 basis [12] 27:16 28:4,13 29: 20 60:2,4 66:20 79:21 83: 16 85:58 93:8 budgets [2] 61:18,19 buffer [1] 107:7 15 41:21 44:9 48:4 50:13 52:2 55:24 56:4 74:17,25 63:13 Congress's [2] 64:13 65:2 commander [2] 75:16 107: 16 85:58 93:8 burdent [1] 65:18 75:7,12,23 76:6,17,20,24 6 commander [2] 75:16 107: 6 80:22 98:21 99:6,8 bear [2] 15:18 30:22 Cabinet-level [1] 4:22 call [2] 71:10 76:18 90:4 91:21 92:3 94:11 95: 7 102:20 103:25 104:3,7 10:3 40:8 commander-in-chief [2] 10:3 40:8 consensus [1] 65:17 become [11] 6:13 31:1 46: 8,16 51:19,25 53:21 55:19 call [2] 71:10 76:18 call [2] 71:10 76:18 choice [3] 15:5,8 98:15 circle [1] 64:12 commanity [1] 73:5 consent [3] 65:9,12,23 behalf [28] 2:3,6,8 3:4,7,10, canceling [1] 88:8 88:14 89:12 107:22 compalining [2] 87:25 99: consequences [2] 51:10 behalf [28] 2:3,6,8 3:4,7,10, canceling [1] 88:8 canceling [1] 88:8 88:14 89:12 107:22 compalining [2] 87:25 99: consider [4] 37:9 48:21 50			CHIEF [41] 4:3,10 28:22 29:	•	86:7,11,16 87:1,2,4 92:16,
36:17,17 40:11 42:15 97: 10 41/2 44:0 40:4:0 63:13 Congressional 63:13 Congression 63					
24 104:15 bunch (1) 65:18 52:2 33:24 30:4 74:17,23 commander (2) 75:16 107: comgress s (4) 64:10 63:2 bunch (1) 65:18 bunch (1) 65:18 75:7,12,23 76:6,17,20,24 commander (2) 75:16 107: congressional (5) 21:11 20 60:2,4 66:20 79:21 83: C C 75:7,12,23 76:6,17,20,24 6 consensual (1) 65:17 16 85:5,8 93:8 C C 90:4 91:21 92:3 94:11 95: commander-in-chief (2) to:3 40:8 consensual (1) 65:17 bear (2) 15:18 30:22 Cabinet-level (1) 4:22 Call (2) 71:10 76:18 to:7,7,23 consensus (1) 5:17 consensus (1) 5:17 8,16 51:19,25 53:21 55:19 Called (1) 75:18 called (1) 75:18 circle (1) 64:12 community (1) 73:5 consequence (1) 45:15 102:18 105:1,13 calling (1) 97:5 canceling (1) 88:8 88:14 89:12 107:22 comparison (2) 77:15,17 consequences (2) 51:10 behalf [28] 2:3,6,8 3:4,7,10, canceling (1) 88:8 s8:14 89:12 107:22 complaining (2) 87:25 99: consider (4) 37:9 48:21 50:	-				
basis [12] 27:16 28:4,13 29: Duffer (1) 65:18 75:7,12,23 70:6,17,20,24 commander (2) 75:16 107: congressional (3) 21:11 20 60:2,4 66:20 79:21 83: Bureau [2] 106:23,23 77:2,14 81:23 82:18 87:6 6 80:22 98:21 99:6,8 20 60:2,4 66:20 79:21 83: C C 71:2,23 70:6,17,20,24 6 80:22 98:21 99:6,8 20 60:2,4 66:20 79:21 83: C C 71:2,14 81:23 82:18 87:6 6 80:22 98:21 99:6,8 bear [2] 15:18 30:22 Cabinet-level [1] 4:22 Call [2] 71:10 76:18 7 102:20 103:25 104:3,7 10:3 40:8 consensus [1] 5:17 6,15 51:19,25 53:21 55:19 Call [2] 71:10 76:18 Called [1] 75:18 circle [1] 64:12 community [1] 73:5 consequence [1] 45:15 102:18 105:1,13 Calling [1] 97:5 Came [3] 1:15 33:19 86:6 88:14 89:12 107:22 comparison [2] 77:15,17 consequences [2] 51:10 behalf [28] 2:3,6,8 3:4,7,10, canceling [1] 88:8 88:14 89:12 107:22 circuits [1] 80:10 complaining [2] 87:25 99: consider [4] 37:9 48:21 50:	-				-
20 60:2,4 66:20 79:21 83: 16 85:5,8 93:8 Detect (9 100:20,20 90:4 91:21 92:3 94:11 95: 7 102:20 103:25 104:3,7 commander-in-chief [2] consensual [1] 65:17 bear [2] 15:18 30:22 Cabinet-level [1] 4:22 7 102:20 103:25 104:3,7 10:3 40:8 consensus [1] 5:17 become [11] 6:13 31:1 46: 8,16 51:19,25 53:21 55:19 Called [1] 75:18 commander-in-chief [2] consensus [1] 65:9,12,23 becomes [3] 25:21 94:7,12 called [1] 75:18 called [1] 75:18 circle [1] 64:12 commander [2] 77:15,17 consequences [2] 51:10 behalf [28] 2:3,6,8 3:4,7,10, canceling [1] 88:8 canceling [1] 88:8 88:14 89:12 107:22 circuits [1] 80:10 complaining [2] 87:25 99: consider [4] 37:9 48:21 50:					•
16 85:5,8 93:8 C 30:4*31:21*32:3*4*1*35. commander file file consential (1) 6:17 bear [2] 15:18 30:22 Cabinet-level [1] 4:22 7 102:20 103:25 104:3,7 10:3 40:8 consential (1) 65:9,12,23 become [11] 6:13 31:1 46: call [2] 71:10 76:18 colled (1] 75:18 colled (1] 75:18 consent [3] 65:9,12,23 consent [3] 65:9,12,23 102:18 105:1,13 calling [1] 97:5 calling [1] 97:5 circle [1] 64:12 comparison [2] 77:15,17 consequences [2] 51:10 behalf [28] 2:3,6,8 3:4,7,10, canceling [1] 88:8 secons ent [1] 88:8 circuits [1] 80:10 comparison [2] 87:25 99: consider [4] 37:9 48:21 50:		Bureau [2] 106:23,23			
bear [2] 15:18 30:22 Cabinet-level [1] 4:22 107:7,23 commitments [1] 43:19 consent [3] 65:9,12,23 become [11] 6:13 31:1 46: call [2] 71:10 76:18 called [1] 75:18 called [1] 75:18 called [1] 75:18 calling [1] 97:5 circle [1] 64:12 community [1] 73:5 consequence [1] 45:15 becomes [3] 25:21 94:7,12 canceling [1] 88:8 s8:14 89:12 107:22 compalining [2] 87:25 99: consequences [2] 51:10		C			
become [11] 6:13 31:1 46: call [2] 71:10 76:18 choice [3] 15:5,8 98:15 common [2] 53:3,17 consented [2] 65:11 84:7 8,16 51:19,25 53:21 55:19 called [1] 75:18 circle [1] 64:12 community [1] 73:5 consequence [1] 45:15 102:18 105:1,13 calling [1] 97:5 circle [1] 64:12 comparison [2] 77:15,17 consequences [2] 51:10 becomes [3] 25:21 94:7,12 canceling [1] 88:8 88:14 89:12 107:22 compalining [2] 87:25 99: consider [4] 37:9 48:21 50:		Cabinet-level [1] 4.22			
8,16 51:19,25 53:21 55:19 called [1] 75:18 circle [1] 64:12 community [1] 73:5 consequence [1] 45:15 102:18 105:1,13 calling [1] 97:5 circle [1] 64:12 comparison [2] 77:15,17 consequences [2] 51:10 becomes [3] 25:21 94:7,12 canceling [1] 88:8 circuits [1] 80:10 compalining [2] 87:25 99: consider [4] 37:9 48:21 50:			,		
102:18 105:1,13 calling [1] 97:5 Circuit [6] 4:12 20:9 87:23 comparison [2] 77:15,17 consequences [2] 51:10 becomes [3] 25:21 94:7,12 came [3] 1:15 33:19 86:6 canceling [1] 88:8 88:14 89:12 107:22 compaling [1] 97:5 consequences [2] 51:10 behalf [28] 2:3,6,8 3:4,7,10, canceling [1] 88:8 circuits [1] 80:10 complaining [2] 87:25 99: consider [4] 37:9 48:21 50:					
becomes ^[3] 25:21 94:7,12 came ^[3] 1:15 33:19 86:6 88:14 89:12 107:22 compelling ^[1] 19:10 compelling ^[1] 19:10 complaining ^[2] 87:25 99: consider ^[4] 37:9 48:21 50: 0:16 10 105:8 consider ^[4] 37:9 48:21 50: 0:16 105:8 consider ^[4] 37:9 48:21 50: 0:					
behalf [28] 2:3,6,8 3:4,7,10, canceling [1] 88:8 circuits [1] 80:10 complaining [2] 87:25 99: consider [4] 37:9 48:21 50:		-			
12 4/0 5/0 9/45 44/44 42: compt [5] 7:0 25:40 47:4					
	· · · · · · · · · · · · · · · · · · ·			14	23 03.10

		Official		
considered [2] 37:15 39:	crazy [3] 87:16 106:12,14	59: 10	5 100 :18	employer [11] 9:13 25:16,
10	create [2] 16:13 65:19	delegates [1] 41:7	distinguishing [1] 66:19	19 26: 5,6 42: 11 45: 12,14
considering [1] 99:9	created [1] 54:16	delegation [6] 6:21 40:19	DOD [77] 11:24 12:1,24 14:	52:16 71:8 90:22
Constitution [1] 66:6	creates [1] 98:13	41: 5 45: 4,5,20	11,13,17 15: 5,6,8,24,24 17:	employers [2] 28:20 65:20
constitutional [3] 63:13	creating [1] 82:3	delegations [1] 59:6	8,10 18: 23 19: 3,4 22: 8 23:	employing [5] 22:12 52:9
83: 21,23	critical [1] 47:11	delegees [1] 59:7	24 26: 3,4,19 28: 3,3 32: 11,	57: 6 58: 1 68: 6
constitutionality [1] 31:	curious [4] 61:13 63:21 64:	deliberately [1] 99:10	16 45: 6,15,17,24 48: 11,17	employment [14] 13:11 22:
24	16 66: 4	demonstrates [1] 96:10	49: 1 52: 7,12 53: 5 54: 12,	20 26 :20 45 :10 56 :9 59 :1
contempt [2] 73:19 74:9	D	denied [1] 86:23	13 55 :1 56 :13,16,22 57 :15,	61 :9 62 :4 68 :5 93 :24 94 :
contests [1] 71:12	D.C [3] 1:12 2:5,7	DEPARTMENT [90] 1:4 2:	21 67:20 72:9,25 73:14,21	21 97:8 100:11 105:19
context [11] 21:2 24:3 32:	dangerous [1] 43:25	5 4: 5 5: 6 6: 6,8,14 7: 4,9,14	74: 9,9 77: 17,21,23 79: 1,3,	employs [3] 22:4,19 61:17
16 33:20 40:4 42:5 53:15 55:9 69:16 93:2 105:25	day-to-day [13] 26:24 29:	9 :13,21,22 10 :7,8,9,10 11 : 4,12,15,18 12 :8,10,13,15,	23,24 82 :24 83 :4,7 84 :25 88 :4 89 :5,18 93 :13,16,20	empowers [1] 6:18 enacted [2] 5:16 82:5
contexts [6] 19:16 41:1 44:	16,20 31 :14 58 :25 59 :1 61 :	15 14: 16,24 15: 11,13,17	94: 5,5,24,25 96: 15,18,19	end [5] 9:22 10:16,21 26:1,
15,21 50 :17 51 :20	8 62:20 68:20 80:18 83:16	16: 21 19: 24 23: 3 26: 12,25	103: 8,11,11	4
continue [3] 19:19 20:7 97:	85: 5 93: 23	27 :2,5,17 28 :11 29 :9 30 :	DOD's [4] 15:8 82:21,23 83:	
13	deal [2] 83:8 99:11	20,25 32: 12 33: 2,5 35: 8,13,		12 39 :7 57 :24 74 :8,11 85 :
continued [1] 5:20	dealing [2] 100:1,10	15 36:12,19,21,21 38:7 40:		2
contract [1] 16:20	debating [1] 99:9	4 41: 5,9 46: 11,15 47: 1,12,	30 :1 37 :17 42 :4,8 53 :2 80 :	enforceable [1] 35:21
contractor [2] 24:7 54:1	decade [1] 86:22	18 48: 3,23 52: 24 53: 23,24,	17	enforcement [5] 57:20 73:
contracts [1] 15:14	decades [4] 18:16 20:9 28:	25 54: 1,2,17 60: 18,24 67: 3	DOJ [1] 60:17	13 79: 1,3,24
contrary [2] 44:8 107:14	8 42 :2	75: 5,5 78: 19 94: 14 97: 24	done [11] 6:20 27:16 28:7	enforces [1] 57:15
control [17] 10:1 14:25 16:	decide [1] 21:8	101:25 102:4,13,14,14 104:	40 :7 41 :1 42 :20 49 :18 60 :	engage [5] 10:12 29:7 40:
24 26 :13 27 :1 28 :14 29 :19	decided [1] 57:25	13 106: 4,21 107: 3,5,6	1 80:4 83:8 93:9	10 77: 9 78: 16
31 :6 47 :2,7,12 51 :18 61 :8	decides [1] 84:14 deciding [2] 36:24 107:11	Department's [2] 10:14,25	down [6] 9:6,10 27:4,11 45:	engaging [1] 78:14
89:19 102:8 106:6,19	decision [22] 17:25 20:3,4	departments [11] 4:18,23	11,14	enough [1] 67:1
controlled [1] 89:18	36 :14,16,17,24 37 :9 49 :13,	21 :23 24 :5 76 :4 100 :25	drawn [1] 82:1	ensure [1] 10:2
controls [3] 33:14 34:18	24 50 :1 51 :1 80 :23,24 81 :	101: 2,4 102: 6 103: 7,11	dual [3] 29:6,16 96:6	enter [2] 9:15 15:14
77:25 conversely [1] 44:13	2,5 92: 21,21 99: 7 104: 11,	depends [1] 52:22 designate [3] 11:7 50:18	dual-service [2] 13:5 39:	entered ^[4] 98:21 99:1,4,7 entire ^[1] 45:2
convert [2] 58:10 62:16	15 105: 24	70: 15	Dual-status [17] 6:5 38:23	entities [15] 14:19 20:19
converted [2] 59:8,11	decisions [11] 17:23,24 18:	designated [5] 42:11 51:	56: 10 61: 9 63: 25 64: 6,19	22 :3,11 24 :4 28 :19,24 30 :
converting [2] 63:15 90:15	8 19:18 20:2 81:7,11,22	16 53 :11 57 :4 58 :15	65 :14 68 :6,12 77 :19 80 :16	7 52 :1 57 :3 58 :15 60 :9 65 :
cooperation [1] 10:25	89:24 98:23 104:14	designation [8] 41:16 56:	85:4 88:9 91:14,17 100:1	19 68 :15 105 :8
corporations [3] 4:19,24,	deduct [1] 96:4	16 61 :5,7,7 62 :2 71 :25 98 :	dues [14] 10:9 11:2 27:6,7	entity ^[19] 9:22 17:16 20:14
25	defeat [1] 18:11	11	47:2,4 88:1,8 96:5,15,16	22:17 24:17 28:11 29:25
correct [28] 14:12,22 31:11,	defend [1] 7:19	designee [4] 8:12 24:5 70:	106: 13,16,17	30 :1 52 :21 53 :9 68 :24 71 :
15,25 32: 13,14 33: 12 44: 6	defendant [1] 40:23	17 105: 1	E	13 74: 19,21 77: 24 83: 8,13
48: 11,18 66: 8,9 68: 11 82:	Defense [66] 5:6 6:6,14 7:4,	designees [2] 5:13 104:25		92: 8 95: 13
3,4,11,12,14,15 85: 23 86:	9,14 9: 13 10: 7,8,9,10,14	determinations [1] 13:1	effective [1] 38:8	enumerated [1] 21:22
19 87:24 88:16 91:11 97:8,	11: 15 12: 8,11,12,14,15 14:	determine [2] 20:22 98:23	effectively [3] 61:17,23,24	envision ^[1] 68:4
9,14	16,24 15: 12,13,17 16: 21	detrimental [1] 47:20	eh [1] 98:2 either [3] 42:1 60:23 63:8	equipment [1] 105:12
couldn't [10] 16:11,12,13	23:3 26:12,25 27:2,5,17 28:10 29:10 30:21,25 33:2,	difference [1] 61:2	elections [1] 50:20	erred [1] 47:16
39 :4 54 :23 77 :10,11 78 :4,	5 35: 13,15 40: 4 41: 5,9 46:	different [7] 33:11 34:2 38:	emphasize [5] 13:18 39:	especially [1] 23:13
6 90 :2	12,15 47: 13,18 48: 3 52: 25	11,24 39: 11 65: 15 66: 15	20 41 :16 46 :24 47 :11	ESQ [4] 3 :3,6,9,12
counsel [12] 40:10,16 47:	53 :23,24,25 54 :2,3,18 77 :8	difficulties [2] 73:13 90:1	employ [7] 4:14 5:7 11:8	ESQUIRE [1] 2:7
13,22 55 :25 74 :18 91 :22	78 :4,19,21 84 :18 94 :14	difficulty [1] 59:13	12 :9 56 :14 58 :23 98 :6	essence [2] 11:5 93:9
98:25 99:19 102:21 104:1 107:24	101: 25 102: 13 106: 4,21	direct [1] 57:19 directly [2] 39:4 94:20	employed [2] 12:10 56:12	essentially [2] 44:15 95:13 establish [1] 13:13
count [1] 24:10	107: 3,5,5	disagree [3] 18:24 28:10	employee [8] 7:25 8:1,3	establishments [2] 4:20 5:
counter [1] 67:21	Defense's [1] 47:1	37: 13	45:16 55:22 63:10 74:13	
couple [3] 52:18 63:17 66:	define [1] 21:13	disagreement [1] 92:16	75 :8	ET ^[4] 1:4,8 19:18 49:21
17	defined [1] 75:9	disappear [1] 100:22	employees [54] 6:5,13,24	evanescent [1] 100:20
course [6] 29:1 35:22 44:	defines [2] 4:17 37:4	discharge [1] 94:19	7:1 8:6 9:2 10:7 11:13 15:	even [21] 5:15 8:11 15:4 27:
10 58:7 78:14 87:20	definition [9] 19:23 59:23,	discretion [2] 51:18 71:2	7 22: 5,13 24: 18 25: 12,14	1 28 :10 31 :1 37 :18,21 39 :
COURT [19] 1:1,16 4:11 18:	24 60:7 67:2,6 69:5 73:1	dispositive [1] 31:22	27:16 39:2,13 45:7,9,22	20 40 :1 42 :25 43 :9 46 :14
3,4 24 :10 35 :21 44 :5 50 :1	100 :24	dispute [5] 9:25 12:17 38:6	51:23 52:15 54:23 55:9 56:	49 :14 51 :15 66 :12 87 :9 89 :
56 :5 63 :24 64 :20 74 :14 86 :	definitional [1] 72:10	48 :13 87 :12	12,22 58: 23 61: 20 62: 9,17,	12 100:4 105:11 107:1
23 89:24 92:4 104:12 105:	definitions [14] 24:23 25:1	disputes [4] 7:3 28:15 31:	18 63:11 65:18,19 66:23	event [2] 37:16 88:17
10 107: 16	37: 6,8,9,12,14,15 52: 23	1,1	68 :22 70 :25 71 :3 72 :6 73 :	everybody [4] 23:24 27:12
Court's [1] 58:5	100 :15 104 :21 105 :3,4,6	disputing [4] 8:4 9:2 34:6	16 75: 20 77: 6,17,21 79: 15	53 :9 91 :4
courts [4] 18:16,18 20:5,6	definitive [1] 92:21	55: 18	80:17 90:23 91:4 93:6 95:	evolve [1] 5:20
covered [6] 20:20 22:20	degree [1] 93:15 delegated [3] 14:19 58:8	distinct [2] 65:22 79:19	19 98:1,16,17 105:15	exactly [2] 7:24 57:5
52 :14 56 :13 81 :8 92 :20	ucieyaleu 14:19 30:0	distinction [4] 69:22,25 71:	employees' [1] 58:25	example [5] 16:11 27:6 46:
-		tage Reporting Corpor	· · · · · · · · · · · · · · · · · · ·	-

		Official		
5 51: 11 56: 18	20 79: 4,5,7,9 80: 17 82: 10	73:18 74:8,9,12 78:12 83:	generally [6] 10:22 13:21	guess [16] 12:5,20 13:12
examples [2] 50:22 61:21	84:9,10 85:1,1 90:11,13,18,	16 89:1,10,24 90:24 91:3	14:6 17: 15 30 :5 88 :25	21:24 22:16 45:19 52:7 53:
exclude [1] 60:15	23 91:4,7,13,17 93:6 95:17,	93:3,7,9 97:19 104:13 107:	generals [9] 42:12 44:25	8 55 :13 67 :21 70 :2 72 :18
excluded [1] 23:8	18,19 96:5 98:16 99:25	10	45 :17 64 :25 75 :15 90 :10,	76:13 83:21 89:3 95:7
excludes [1] 60:9	100: 7 105: 13,15,16,17,19,	FLRA's [5] 56:7 57:8,20 88:	19 91 :12 98 :19	Н
exclusions [2] 60:7 69:10	20 106: 15,17 107: 18	21 90 :20	generic [1] 21:21	
exclusive [1] 24:9	federalism [2] 61:13 90:7	focused [1] 86:1	generis [2] 25:15 80:5	half [1] 95:11
excuse [1] 39:3	federally [3] 62:18 67:23,	foisted [1] 42:12	gets [3] 61:3,4 95:1	hand [1] 88:5
executive [16] 4:18,23 5:2	25	follow [3] 38:21 67:16 106:	getting [2] 17:1 78:17	handle [3] 9:20 106:4,5
17: 20,24 19: 24 42: 2,7 66:	Federation [1] 67:17	22	give [6] 5:17 15:8 21:15 26:	handles [1] 12:1
23 67:2 81:4,7 99:16 100:	fellow [1] 44:25	Force [7] 11:18 32:12 48:	19 41 :12 45 :6	handling [2] 11:25 17:2
19,25 102: 4	few [2] 12:8 59:15	24 75:5 84:20 102:15 103:	given [9] 5:22 14:23 39:8	happened [3] 17:20 73:20
executive's [1] 66:22	Field [7] 17:25 49:13 80:24	7	42 :12 43 :22 45 :19 52 :15	88: 3
exercise [1] 35:2	81:5 92:20 98:20 99:7	forced [4] 9:16 42:14,16 66:	62: 19 96: 14	happening [2] 54:24 103:6
exercising [3] 43:21 44:18	Fifty [1] 80:9	12	gives [6] 5:10 13:4 23:17	happy [1] 94: 9
68: 18	fight [3] 93:11 104:22 106:	Forget [1] 61:14	25 :10 57 :18 93 :23	hard [3] 6:2 58:22 106:4
exerted [1] 90:25	3	form [2] 38:25 96:21	giving [1] 97:25	hat [2] 90:21 95:20
exist [1] 30:7	figure [4] 21:1 39:6 71:7	forms [5] 88:6,8,10 96:4,14	Gorsuch [27] 48:5 61:11	hats [2] 75:22 76:16
expect [1] 23:7	76 :8	forth [4] 25:20 45:21 69:23	62: 5,23 63: 1,12,19 64: 11,	head [6] 48:20,22 59:6 75:
expertise [1] 30:22	filed [2] 86:21 88:7	92:12	22 65 :1,23 82 :19 95 :23 98 :	9 76 :3 77 :23
explain [5] 7:1,24 9:18 13:	filing [1] 88:6	forward [2] 58:21 93:3	25 99: 3,19 100: 6,12,14	hear [2] 4:3 58:6
17 47 :16	final [1] 70:24	found [2] 24:3 97:20	101: 7,10,14,20 102: 1,5,16,	heard [1] 93:17
explaining [1] 99:17	finally [1] 47:10	frankly [1] 30:22	24	heart [1] 71:15
explains [1] 52:20	find [5] 6:2 19:8 52:23 75:	Fred [1] 76:21	Gorsuch's [3] 83:18 84:2	heavily [1] 67:10
explicit [4] 45:4,5,8,20	24 92 :14	free [1] 80:17	103:4	held [3] 4:13 24:11 48:13
explicitly [4] 17:25 40:20	fine [2] 85:14,14	freeze [1] 81:18	got [2] 35:2 76:10	help [1] 53:18
82:6 86:11	fire [11] 12:20 13:9 14:20	friend [1] 73:25	govern [3] 10:11 29:21 52:	helpful ଓ 59:15 60:6 83:1
expressly [2] 46:4,5			14	helps [1] 59:20
	56: 21 58: 24 61: 8 62: 3,9,	friendly [1] 84:16	government [29] 4:19,24 8:	high-level [4] 60:2,12,16
extent [12] 22:10 49:18 65:	20 71:2 85:5	front [1] 9:22		83: 12
16 66 :24 67 :14 70 :22 83 :2	fires [3] 22:4,18 63:10	frustrate [1] 40:7	13 13 :22 14 :7 17 :2 25 :16,	highly [1] 43:24
84:5 88:14,22 99:25 100:1	firing [7] 22:12 24:1,18 25:	frustrated [1] 10:3	17 30 :7 37 :21 51 :17,19,22	highway [1] 7:23
extremely [1] 64:21	20 65:14 68:19 70:24	FSLMRS [1] 13:24	52 :1 55 :22 61 :17,23 63 :14	hire [22] 6:16,19 12:19 13:9
F	first [17] 9:21 12:25 13:16	fulfill [1] 51:16	65 :1 68 :25 69 :1 74 :20 96 :	14:20 24:7 31:10,11 32:18
F.2d [1] 20:8	17 :1 32 :22 35 :23 39 :19 43 :	full-time [1] 75:7	6,22 105 :12,13,16,20 106 :	41:8 45: 21 56: 21 58: 8,24
fact [12] 8:9 9:9 15:17 32:	18 59 :22 62 :15 63 :18 65 :8	fully [3] 34:25 50:10 58:23	18	61 :8 62 :3,8,19 66 :13 71 :2
25 39 :9 45 :3 59 :2 62 :13,	72:22 78:8 92:22 104:18	function [2] 22:25 98:11	government's [2] 51:12,	85:5 97:25
17 64 :6 103 :6 106 :5	106 :6	functional [1] 60:3	18	hired [1] 6:12
facts [1] 88:23	fit [1] 71:23	functioning [2] 22:22 71:8	governments [1] 51:24	hires [5] 6:11 22:4,18 56:
failed [1] 33:22	five-day [1] 95:3	functions [2] 22:19 71:14	GRAJALES [32] 2:7 3:9 91:	20 63 :10
failure [1] 47:25	fix [2] 41:25 42:20	fundamental [1] 104:18	23 92: 1,3 94: 16 95: 15 96:	hiring [8] 22:12 24:1,18 25:
fair [2] 67:1 88:13	fixed [1] 42:23	funded [1] 62:18	7,19,23 97: 1,9,15,18 98: 4,	20 65:13 68:19 70:24 91:1
far [5] 31:3 47:19 51:24 66:	FL [1] 13:24	funding [9] 16:11 57:23 62:	10 99: 6 100: 3,9,13 101: 3,8,	historically [2] 72:23 73:6
3 68:15	FLOWERS [121] 2:2 3:3,12	1,9 73 :22 74 :11 79 :5 85 :1	12,17,24 102: 3,10,17 103:	history [6] 23:13 33:12,15
	4: 7,8,10 6: 10,12,18,22,25	107 :18	16,19,22 104: 2	34: 18 39: 8 103: 20
favor [1] 92:5 favorable [1] 95:1	7:11,18 8:2,20,25 9:12 10:	further [6] 49:20 74:7 76:	grant [2] 6:1 34:25	
	16,20 11: 15,21 12: 7 13: 16,	25 100:4 102:24 107:20	granted [2] 16:22 38:3	hoc [1] 105:23
FBI [4] 60: 9,15,17,25	25 14: 2,5,13,15,23 15: 10	G	great [1] 99:11	hold [1] 74:9
feature [1] 66:19	16: 3,9,19 17: 10 18: 9,13,24		greater [1] 30:24	holding [1] 59:2
FEDERAL [142] 1 :7 2 :6 3 :7	19: 6,11 20: 1,21 21: 3,11,16,	gap [1] 59:20	grievance [1] 94:2	Homeland [1] 60:18
4: 6,12,15 5: 24,25 6: 18,23,	19 22: 9,24 23: 6,15,22 24: 2,	gather [1] 76:11	ground [2] 30:18 35:2	honor [2] 42:14 43:19
25 7:8,25 8:3,6,7,11,12 11:	21 25: 9 26: 10,22 27: 20,24	gave [1] 62:16	grounded [1] 67:10	hours [2] 27:2 29:23
12,12,13 13: 21 14: 7,8,21	28:6,9 29:11,18 30:3,10,19	General [52] 2:2,5 4:14,20	group ^[3] 14:21 90:22 91:4	House [1] 33:22
17 :2,16 20 :15 22 :5,12 25 :	31: 12,16,21 32: 1,5,7,14,23	5:4 6:13,16 7:16,18 10:5	Guard [27] 7:9,13,20 9:10	however [2] 36:10 100:4
15,17 29: 2 30: 6,6 31: 3,3,	33: 7,25 34: 5,10,15,21,25	11 :7 12 :17 16 :12 23 :11 24 :	16: 14 18: 2,7 23: 12 26: 6,8	hundreds [1] 81:15
18,19 39: 1 50: 19,24 51: 5,	35:11,18,22 36:3,6,8,15 37:	14 27 :19 40 :9 41 :17 43 :13	32 :17 43 :18 47 :9 67 :24 73 :	hurt [2] 86:8,10
17,18,19,22 52 :1 55 :21,22	2,7,13,21,25 38: 5,12,19 39 :	47: 13,22 50: 23 56: 19,21	15,16,23 85: 21 92: 10,25	hypothetical [3] 62:15 83:
56 :3,9,12,16,20 57 :23 58 :	14,18 40: 25 41: 7 42: 18 43:	57 :12 70 :16,23 72 :3 73 :24	94 :15 96 :2,14,21 98 :15 99 :	18 84: 3
17,23,25 59: 16,19 61: 6,17,	7,20 46: 1 48: 8,12,19 49: 3,	74: 22 75: 1,2 77: 4 78: 18,	13,14	hypothetically [1] 84:19
23,24 62: 1,2,11,13,16,17,	7,24 51 :7,13 52 :17 53 :17	22 79: 2,7,8,12,13 87: 20 89:	Guard's [1] 74:11	
21 63: 11,11,16 64: 2,2,3,7,	54 :6,17,20 55 :3,12 87 :20	19 90: 16 92: 19,24 93: 25	guards [22] 4:14,21 5:5 6:1	ideo [3] 0:4 40:44 05:40
9 65: 3,19,20 68: 3,5,8,20,	104: 4,5,7	94: 6,19,23 95: 10 99: 24	10 :4 13 :20 25 :18 26 :21 27 :	idea [3] 9:4 12:11 95:10
	- ,-,	104 :4		ideal [1] 85:3
24 69 :1,20 70 :24 71 :2 72 :	Flowers' [1] 72:3		18 28:5.24 33:17 42:2.25	iste stiffe ble 197 EA E
24 69 :1,20 70 :24 71 :2 72 : 1 73 :22,22 74 :4,13,19,20	Flowers' [1] 72:3 FLRA [25] 20:8 24:3 28:12	GENERAL'S [3] 1:3 4:5 19:	18 28 :5,24 33 :17 42 :2,25 57 :24 67 :19.25 74 :4 76 :15	identifiable [1] 73:5
	Flowers' [1] 72:3 FLRA [25] 20:8 24:3 28:12 47:13 50:5 57:15,24 72:23		18 28: 5,24 33: 17 42: 2,25 57: 24 67: 19,25 74: 4 76: 15 82: 8 92: 19 107: 19	identifiable [1] 73:5 identified [1] 78:25

25 21:038.2398/24 (02) 21:038.2398/24 (02) 21:038.2398/24 (02) 21:038.2398/24 (02) 10:15/22/25 Keeps H 44:11 10:15/22/25 <			Official		
Illuminates im 34:16 12 10,15,20,237,5,15,21,8:18, kept IP 18:17.35.7 Iot IP 30:17 662:16 14 Intents IP 12:14, Interest IP 65:57,35 11,15,231,37,33,44.1 32:1534,692,37,11100 Iot IP 30:17 662:16 Iot IP 30:17	identify [3] 23:20 63:9 89:	intended [7] 13:14 20:20		52:6 98:5 105:2	looked [2] 42:23 104:13
Imagine PI68:22 747 89 Intent III 2112 22:10 21 9:1 10:15, 16 113, 17.10 Kind B 19:521 22:14 23:10 Image PI 12:22:14 23:13 Image PI 12:22:14 23:13 Image PI 12:23:14:13:14:37:14 Image PI 12:23:13:14:23:15:14:14:14:14:14:14:14:14:14:14:14:14:14:	25	21:10 38:4,23 98:24 102:	Justice [285] 2:5 4:3,11 6:	keeps [1] 44:1	looking [2] 24:14 46:19
14 Intents Interest (Pi65:9) Interest (Pi65:74:5) 22:22 12:19 (13:3,723 44:1,39:12 553: 69:23 74:11 (10:6) 13:67,738:8 Interest (Pi65:74:5) 41.114.17.17.8 (15:24,20:16) Iterest (Pi65:74:5) Iterest(Pi65:74:5) Iterest (Pi65:74:5) <t< td=""><td>illuminates [1] 34:18</td><td>12</td><td>10,15,20,23 7:5,15,21 8:18,</td><td>kept [2] 18:17 35:7</td><td>lot [3] 30:17 62:21 65:21</td></t<>	illuminates [1] 34:18	12	10,15,20,23 7: 5,15,21 8: 18,	kept [2] 18:17 35:7	lot [3] 30:17 62:21 65:21
Immediate (1) 86:9 Interest (1) 65:67 3:5 4, 11.41 71.81 65:24.20.22 18. Immediate (1) 86:37 3:5 Minist (1) 10.12 11.07 38:8 Interesting (1) 50:71 12.23 2:10.23.7, 71.02 13.47.33.82 Immediate (1) 86:32.32:1.22 12.25 9:87.10.28 12.25 9:87.10.28 12.25 9:87.10.28 12.25 9:87.10.28 12.25 9:77.11 Table (1) 10.12	imagine [3] 58:22 74:7 89:		21 9: 1 10: 15,18 11: 3,17,19,	kind [8] 15:21 25:14 33:11	lower [2] 77:24 78:10
immerse interest				39 :12 53 :4 69 :23 71 :1 100 :	M
31:67 39:8 101:67 39:8					
11.0) 40.0 10.1 (12.00.0) 40.1 (12.0) 10.1 (12.0.0) 40.1 (12.0.0) 10.1 (12.0.0) 40.1 (12.0.0) 10.1 (12.0.0) 40.1 (12.0.0) 10.1 (12.0.0) 40.1 (12.0.0) 10.1 (12.0.0) 40.1 (12.0.0) 10.1 (12.0.0) 40.1 (12.0.0) 10.1 (12.0.0) 40.1 (12.0.0) 10.1 (12.0.0) 40.1 (12.0.0) 10.1 (12.0.0) 40.1 (12.0.0) 10.1 (12.0.0) 40.1 (12.0.0) 10.1 (12.		•		kinds [2] 62:7 71:14	
Implicates Implicates Implicates Implications Implications <thimplications< th=""> Implications</thimplications<>	<i>,</i>			L	
interformed [147:1] interformed [147:6]	-	,			
Implementation Interference Interferenc					
10 10<	-				management [2] 29:16 59
Important (e) (147.1) 21 10 10.13 / 1.23 (2.3.0.6) 32.53 (2.6.0) 37 (2.7.0) 38 (2.7.0) 38 (2.7.0) 37 (2.7.0) 37 (2.7.0) 37 (2.7.0) 37 (2.7.0) 37 (2.7.0) 37 (2.7.0) 37 (2.7.0) 37 (2.7.0) 37 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) 38 (2.7.0) <		•			•
Interpretation 12.4:22 Interpretation 12.4:22 <thinterpretation 12.4:22<="" th=""> Interpretation 12.4:22<!--</td--><td></td><td></td><td></td><td></td><td></td></thinterpretation>					
bits bits bits bits bits bits bits bits	-			-	many [14] 26:13 27:3 28:15
Impose III 47:22 Interpreted [9] 18:18 20:: 16:40:14:15:7:14 84:14.21, 74:16 80:208:16 19:19 84:16:10 89:21 Impose III 40::21 21:12 21:11		-		-	44: 11,11,15 46: 24 61: 19,
Imposition 104:0::20 improsition 104:0::20 improsition 104:0::20 indextent 1034:20 include 104:120 include 104:120 include 104:120 include 104:120 include 104:120 include 104:120 include 105:44 Instruction 104:120 intervent 107:19 intervent 107:19 intervent 107:16 intervent 107:17 incorporatis 10105:17 intervent 105:17 intervent 105:17 in				74 :16 80 :20 86 :15	19,19 81:6,10 89:23 106:6
Impractical (197-9) Interpreting (413:19.24) 44:9.9.10.48:4.4.6.7.9.15 Inter (787:18.22) Inter (787:18.2) Inter (787:1				late-breaking [1] 57:12	Maryland [2] 24:10 105:10
impression (III 101:21) 18:22 81:3 49:14.8 50:8.13,13,15 51: Laughter [19:67: 70:12 72: 105:1 Instruction [19:57: 50:12 72: 105:1 incident [19:54] interrupt [19:20] interrupt [19:20] 17:7 28:19 30:68 30:14,91 Minters [14:16:25 42 included [9:21: 15:13 102: intervened [17:19 59:5 60:20,25 61:11,22 62 75:03.317 76: 55:11 27:23 55:23 36:13 44:18,114:16 max [16:13 102:15] 55:11 20:17 29:8 33: 94:11 22:17:16 77 including [12:22: 22:4] involving [16:02:2 66:12 36:22,17 05:14 17:7 28:17 28:17 28:17:18 17:7 28:17 28:17 28:17 18:17 38:17				latter [2] 87:18,22	matter [4] 1:15 30:8 92:18
Indverter Interprets Interpre				Laughter [4] 36:7 50:12 72:	105 :1
Incident (1):95:4 Intervened (1):719 7.19.21 55:6.24 564 564 56:6 Ilaw (2):77.23:19.30:6.314.19 11.83:4 Siti 101:23 Intervened (1):719 55:6.60:20.25 61:11.22 62: 7.72.31:9.30:6.314.19 Michael (1):77.23:19.30:6.314.19 Michael (2):77.16.73 Michael (2):77.16.73 Michael (2):77.16.73 Michael (2):77.16.73 Michael (2):77.17.17 Michael (-				matters [4] 16:25 42:6 78:
include (9,4:18 30:7 49:25) intervened (107:19) 59:5 60:20.26 61:11,22 61 17:7 22:18:13 00:6.8 31:4.19 McGirt (104:6) 36:13 101:23 initativeynor (107:16) 52:3 66:3 40:25 67:11,22 63:1,23 23 66:3 40:12,21 57:3 23 66:3 44:18.11 64: 57:3 23 66:3 44:18.11 64: 57:3 36:13 44:18:15 50:11,18 57:1 23:17 36:15 53:3,17 76: 57:1 23:17 36:15 53:3,17 76: 57:1 49:11 60:17 57:1 23:17 36:15 53:3,17 76: 57:1 49:11 60:17 57:1 49:11 60:17 106:13 106:13 106:13 106:13 100:17 29:12 71:6 7 77:1 72:5 75:7 71:2 23:7 6:6 106:13 100:17 29:12 71:6 7 77:1 45:10 20:27 71:6 7:2 33:61:3 44:19 76:3 70:17 29:17 6:0: 57:08 meaning (106:41) 114:51:1 49:11 60:12 17:09:12 11:10 14:15 16:10:11,26 11:10 14:15 16:10:11,26 86:15 29:75:6,6,8,19:23 86:15 29:75:6,6,8,19:23 86:15 29:75:6,6,8,19:23 86:15 29:75:6,6,8,19:23 86:25 meaning (106:13 100:13					
86:13 101:23 included [9:22:151:3 102: 6 Intervenor [17:16 inwoking [10:62: 22:24 52:23 63:1,12:19 64:11,22 65:1,23 66:2,10:25 67:5,15 66:1,23 66:2,10:25 67:5,15 66:1,23 66:2,10:25 67:5,15 66:2,123 66:2,17 05:14 35:23 36:3 44:1,8,11 46: 75:03,19 51:5 50:3,17 75: 9 84:11 88:15 90:11,18 Imean [19] 94:12:13 11 43:11 49:11 60: 69:18 70:12 71:67 11 20:17 29:8 33: 11 43:11 49:11 60: 69:18 70:12 71:67 11 43:11 49:11 60: 69:18 70:12 71:67 17 94:7 16 91:3 16 91:3 11 69:12 17.77:10,10,25 80:21 81:69 11 10:17:12 34:22 36:13 11 43:11 49:11 60: 69:18 70:12 71:67 10 00:10 10:15 10:21 61:6 66:16 68:21 80: 24 91:19 57:2 29:17 60: 10:10 10:17 36:13 41:13 44:13 12:14 65:10;11:25 88:12 90:44:6 51:17 66:15 10:10 10:17 36:13 41:13 44:23 88:12 90:44:6 91:11,20: 98:18,20 25 97:3,10;16:29 18:11 10:10 20: 10:10 10:11 10:12 11 89:18 80:16 90:10 98:12 29:24 94:11 89:72 23:23 11 80:16 90:10 80:22 89:24 94:11 80:72 23:12 10:10 10:12 72:22 80:11 10:10 10:12 72:22 80:11 10:10 10:12 72:22 80:11 10:10 10:24 107:22 41:11 85:12 80:12 10:10 10:12 11 10:11 10					
included [922:151:3102: 6 intimately (116:7) 6 66:12.132 66:2.10.25 67:5.16 75:112017 29:132 98:41188:15 90:11.18 5.112017 29:132 98:41188:15 90:11.18 includes [4]58:14,16 101: 10:00Ved [1]91:212 10:00Ved [1]43:11420:22 10:00Ved [1]43:11420:22 17:91:02580:2175: 12:002424771:12:23 76: 17:002424771:12:23 76: 17:002424771:12:23 76: 17:002424771:12:23 76: 17:002424771:12:23 76: 17:002424771:12:23 76: 10:0017:5153277:22 56: 10:0126145655:21 [1]63:1381274 [1]63:1381274 [1]63:1381277 17:94:7 isou [2]41:1651:01 [2]1:17:19:10:2580:21877:13:15 [1]63:1637:22438:12 [1]63:1637:22438:12 [1]63:1637:2438:22 [1]64:17:12 11 [1]1:10:11:17:16 [1]1:10:11:17:16 [1]1:11:16:15:16:16 [1]2:24:48:19:77:24 [1]1:11:11:17:16 [1]1:11:17:16 [1]1:11:17:16 [1]1:11:11:17:16 [1]1:11:11:17:16 [1]1:11:11:11:16:11:16:10:17:12 [1]1:11:11:11:16:11:16:10:17:12 [1]1:11:11:16:10:17:12 [1]1:11:11:11:16:10:17:12 [1]1:11:11:11:16:10:17:12 [1]1:11:11:16:10:17:12 [1]1:11:11:16:11:17:12 [1]1:11:11:16:11:17:12 [1]1:11:11:16:10:11:11:16:11:17:12 [1]1:11:11:16:11:16:11:17:12 [1]1:11:16:11:17:12 [1]1:11:11:16:11:16:11:11:16:11:17:12 [1]1:11:11:16:11:16:11:16:11:17:12 [1]1:11:11:16:11:16:11:17:12 [1]1:11:16:11:11:16:11:11:16:11:16:11:17:					mean [24] 9:4 12:13,20 15:
o includes (#) 58:14,16 101: 122,24 involve (1/29:12 10) involve (1/29:12 11) involve (1/29:1	included [3] 22:1 51:3 102:	intimately [1] 66:7			5,11 20: 17 29: 8 33: 8 38:
Includes (#32.14, 10.10.1) Incolve (1/2).12 Involve (1/2).12	6	invoking [1] 50:22	68:21,23 69:8,21 70:5,14		11 43 :11 49 :11 60 :25 61 :1
12221 Including I2 29:22 45:10 Incolving I2 18:17 40:3 40 16 9:13 Image I1 17:12:3 78: Image I1 18:17 42:12 Image I1 18:17 42	includes [4] 58:14,16 101:	involve [1] 29:12	71:4,5,16,20 72:2,18 73:9		69:18 70:12 71:6 74:21 76
Inconsistent ig 50:39:1 involving [2] 18:174:12 involving [2] 18:174:12 involving [2] 18:174:12 570:8 17 94:7 involving [2] 18:174:12 involving [2] 18:174:12 involving [2] 18:174:12 570:8 10 corporates [1] 105:5 involving [2] 18:174:12 involving [2] 18:174:14 11 11 11 11 12:16(23,23,25,82:7,13,17) 18:15 11 11 11 11 12:17:22:23,25 12:17 11:12 11 11:12 12:12:12:24 13:17:37:10:16;23 17:18 11:12 11:12:17:36 11:12:17:36 11:12:17:36 11:12:17:36 11 11 11 11 11:11:12:17:22:11 11:11:11:12:12:22:13 11:11:11:11:12:12:11:11 11:11:11:11:12:12:11:11 11:11:11:11:12:12:12:11:11 11:11:11:11:12:12:11:11 11:11:11:11:12:12:11:11 11:11:11:11:11:12:12:11:11 11:11:11:11:11:11:11:11:11:11:11:11:11:	22,24	involved [4] 11:4 40:5 66:	74:17,25 75:7,12,23 76:6,		1,7,13 80: 10 89: 2,15 98: 19
11 94:7 19:11 9:12 10:11 9:12 11:12 11:12 11:12 12:111 12:12:12 12:1	including [2] 29:22 45:10			•	-
10 947 12 10 21 22 2 29 0:23 10 21 61:6 66:1 6 82:2 42 12 10 21:6 23 21:7 17 16 10 42:11 20:23 72:7 Indeed [9] 5:14 54:6 55:21 15 solated [1] 34:19 13 1:14 11:10 14:15 15:15.16 13 2:24 85:7,9[13,17 19 2:19 (10 42:16 12 10 42:16 13 12 10 22:17 12 10 42:16 12 1	inconsistent [3] 50:3 93:	involving [2] 18:1 74:12	2,17 79: 10,25 80: 21 81: 6,9,		
Incorporates (i) 100.2 100		isn't [10] 7:5 15:3 27:22 52:	12,16,23,23,25 82: 7,13,15,		
Indeed IB 1:42:12 230:23 230:23 66:12,12:24:30:1,923 16:12,12:42:30:1,923 16:12,12:42:30:1,923 16:12:12:12:42:30:1,923 16:12:12:12:42:30:1,923 16:12:12:12:42:30:1,923 16:12:12:12:12:12:12:12:12:12:12:12:12:12:		10,21 61: 6 66: 16 68: 21 80:			
independent (#4:19.5):1 issue (#4:16.5:10,11,25) issue (#4:16.5:1					
Integratedite Instal average Instal					
Lindicate (i) 57:2 59:17 60:1 33:17 38:13 44:13 44:23 96:18,20:25 97:3,10,16,23 legistation (2) 33:21 86:2 Medicare (1) 61:21 1 81:1 82:24 83:1 46:12 47:5,6 55:17 66:15 96:18,20:25 97:3,10,16,23 legistation (2) 33:21 86:2 Iegistation (2) 33:21 86:2 Iegistation (2) 33:21 86:2 Medicare (1) 61:21 1 2 189:14 94:5,24 189:14 94:5,24 13,16,20,22,3,24 103:1,2 Iegistation (2) 33:21 86:2 Iegistation (2) 33:21 86:1 <					
Indicate is 1, 2011, 20					
1 1 1 1 2:24 83.1 46.12 41.3,0 83.17 66.13 46.12 41.4 11.4 46.12 41.3,0 83.17 66.13 46.12 41.3,0 83.17 66.13 46.12 41.2 41.2 41.2 41.3 41.13 46.12 41.3,0 83.17 66.13 46.12 41.2 41.2 41.2 41.3 41.13 46.12 41.2 41.2 41.2 41.2 41.13 46.12 41.2 41.2 41.2 41.2 41.13 46.12 41.2 41.2 41.2 41.2 41.13 46.12 41.2 41.2 41.2 41.2 41.13 46.12 41.2 41.2 41.2 41.2 41.13 46.12 41.2 41.2 41.2 41.11 46.12 41.2 41.2 41.2 41.2 41.2 41.11 46.12 41.2 41.2 41.2 41.2 41.2 41.2 41.2 4					
12 12 12 14 15 16 16 16 16 16 16 17 16 16 17 16 <td< td=""><td></td><td>-</td><td></td><td></td><td></td></td<>		-			
12 130:10,20,20,21,02,103:10,20 light (1) 23:13 mere (1) 30:24 1ndustrial (1) 67:18 issues (8) 16:10,22 26:13, Justice's (1) 77:14 likely (1) 47:19 mere (1) 30:24 1ndustrial (1) 67:18 11 issues (8) 10:10,22 26:13, Justice's (1) 77:14 limit (5) 64:12,18 94:13,16 Merit (1) 97:16 1ntial (1) 7:20 issuing (1) 73:18 justified (1) 25:3 justified (1) 23:16 limited (10) 16:22 58:2 59: mere) 130:24 1noperative (1) 93:21 issling (1) 73:18 justified (1) 25:3 justified (1) 25:3 justified (1) 25:3 minital (1) 7:20 17 28:15 32:23 51:2 1nguiries (1) 10:24 66:5 69:4 71:11 85:25 86: 2 98:20 Mine (1) 38:12,124 17 105:9 106:12,13 1noperative (1) 93:21 JACKSON (45) 12:19 13: 23 14:1,4,11,14,17 15:2 20: line (1) 38:22 military (27) 30:22 3 1nsiting (1) 25:2 16,24 21:6,14,17,20 22:10 2,18 73:9 2:13 8:10,13,21 40:14 56:6 71 4,22 09:5,6 91:11, 19,22 13:7 15:4 25:7,10 line (1) 38:22 military (27) 30:22 3 1nsiting (1) 25:2 12 3:24 22:4 22:4 23:45:3:1 54:4,7,19,21 58:8 list (1) 22:8 list (1) 22:14 22:8 38:3,8:46,0:0 99:9 101:1,3 102:6 1nsiting (1) 25:2 12 3:13					
Microlitation (1) 62:11/2) 20:3 Industrial (1) 67:18 Industrial (1) 67:18 <td></td> <td>,</td> <td></td> <td></td> <td></td>		,			
Industrial (I) 67:18 11 Justice's (I) 77:14 Justice's (I) 77:14 influence (5) 10:4 16:4,24 issues (B) 10:10,22 26:13, Justification (I) 5:17 Justified (I) 25:3 Justified (I) 25:3 Justified (I) 16:22 58:2 59: Merit (I) 97:16 inhibition (I) 65:2 issuing (I) 73:18 justified (I) 25:3 Justified (I) 25:2 Ja 66:10 88:3,22 88:10 Sisting (I) 79:16 Merit (I) 97:16 metaphysical (I) 5 inside (I) 103:10 JACKSON [45] 12:19 13: 28:12 3:17 12:19 13: Justified (I) 20:24 21:6; 14; 17; 20 22:10 Ja 66:10 82:12 19:11 Justified (I) 16:22 Ji 76:3 83:3 86:46; 10 insiting (I) 25:2 JACKSON [45] 12:19 13: 23 14:14,11,14,17 20 22:10 Ji 73:9 82:18 Lipscomb (II) 86:21 9 66:5,16; 20 68:87 instance [2] 9:21 13:1 52:3,4 53:1 54:4,7, 19,21 Si:3 154:4,7,19,21 Si:3 154:4,7,19,21 Si:3 154:4,7,19,21 Si:153:3 154:4,7,19,21 Si:16; 21:					
influence [5] 10:4 16:4,24 issues [8] 10:10,22 26:13, justification [1] 5:17 100:4 mess [1] 51:6 inhibition [1] 65:2 issuing [1] 73:18 justification [1] 5:17 justification [1] 5:17 imited [10] 16:22 58:2 59: mess [1] 51:6 initial [1] 7:20 issuing [1] 73:18 justification [1] 5:17 justification [1] 5:17 imited [10] 16:22 58:2 59: mess [1] 51:6 initial [1] 7:20 issuing [1] 73:18 justification [1] 5:17 justification [1] 5:17 imited [10] 16:22 58:2 59: mess [1] 51:6 initial [1] 7:20 issuing [1] 20:24 99:17 51:19 issuing [1] 23:16 imited [10] 16:22 58:2 59: mess [1] 51:6 indigation [1] 5:22 justification [1] 5:17 justification [1] 5:17 inist [1] 66:524 78:20,25 79:1 83:21 92:14 17 105:9 106:12,13 insisting [1] 25:2 jACKSON [45] 12:19 13: 23 14:1,4,11,14,17 15:2 20: 218 73:9 82:18 line [1] 38:22 101:14,31 72:3 32: military 56:3 25: 60:20 71:16 72: 218 73:9 82:18 list [1] 22:12 22:3,18 60: 99:9 101:1,3 102:6 instance [1] 9:21 13:1 52:3,4 7,21,23 24:13 25:5 53:6 71:4,20 90:5,6 91:11 30:9,13 31:10,13,17,23 32: long [1] 21:11 42:24 43:25 96:6,21 92:12 103:9,13 31:10,13,17,23 32: 0ng [1] 21:11 42:24 43:25					
Instance (2) 910.4 10.4,24 Issues (9) 10.10,22 20.13, justified (11 25:3 justified (11 25:4 justifie					
initial (1) 7:20 issuing (1) 73:18 justify (1) 23:16 9,9 70:23 79:23 90:24 95: might (1) 9:15 12:2 initial (1) 7:20 issuing (1) 73:18 itself (9) 19:20 49:17 51:19 justify (1) 23:16 16 100:10,10 17 28:15 32:23 51:2 initial (1) 7:20 issuing (1) 22:2 J KAGAN [23] 8:18,21 9:1 11: 19,22 13:7 15:4 25:7,10 13 66:10 83:3,22 86 inoperative (1) 93:21 J JACKSON [45] 12:19 13: 9,10 52:5 60:20 71:16 72: 79:1 83:21 92:14 17 105:9 106:12,13 insisting (1) 25:2 JACKSON [45] 12:19 13: 9,10 52:5 60:20 71:16 72: Lipscomb (1) 86:21 9 66:5,16,20 68:8 7 insisting (1) 25:2 16,24 21:6,14,17,20 22:10 23 4:1,4,11,4,17 15:2 20: 21 87:39 82:18 list (1) 22:8 9 66:5,16,20 68:8 7 installation (1) 60:3 16,24 21:6,14,17,20 22:10 23:4,7,21,23 24:13 25:5 53:8 Lipscomb (1) 86:21 99:9 101:1,3 10:26 instance (2) 9:21 13:1 55:6 71:4,20 90:5,6 91:11, 18 11:3,17,23 13:3 14:18 local (1) 51:23 107:9,14 instance (1) 46:2 Janice (1) 44:6 Janice (1) 44:6 Janice (1) 44:6 30:9,13 31:10,13,17,23 32: long (7) 21:11 42:24 43:25 66:6,21 92:12 instruct (1) 79:2 Judge [3] 13:3 50:6 52:18			-		metaphysical [1] 52:22
initial (1) 7:20 istelf [9] 19:20 49:17 51:19 istelf [9] 19:20 49:17 51:19 istelf [9] 19:20 49:17 51:19 initial (1) 7:20 istelf [9] 19:20 49:17 51:19 istelf [9] 19:20 49:17 51:19 istelf [9] 19:20 49:17 51:19 initial (1) 7:20 istelf [9] 19:20 49:17 51:19 istelf [9] 19:20 49:17 51:19 istelf [9] 19:20 49:17 51:19 inoperative (1) 93:21 j inoperative (1) 93:21 j istelf [9] 12:19 13: insisting (1) 25:2 jACKSON [45] 12:19 13: 23 14:1,4,11,14,17 15:2 20: 23 14:1,4,11,14,17 15:2 20: insisting (1) 25:2 installation (1) 60:3 installation (1) 60:3 istelf [9] 19:21 42:13 25:5 instances [1] 46:2 55:6 71:4,20 90:5,6 91:11, 20 103:2,3,18,21,24 36:13 33:4:10,13,17,23 32: instances [1] 46:2 january (1) 1:13 january (1) 1:13 january (1) 1:13 january (1) 1:13 january (1) 1:13 january (1) 1:13 january (1) 1:13 judge [8] 13:3 50:6 52:18 january (1) 1:13 january (1) 1:13 january (1) 1:13 judge [8] 13:3 50:6 52:18 january (1) 1:13 january (1) 1:13 january (1) 1:13 judge [8] 13:3 50:6 52:18 january (1) 1:13 january (1) 1:13 january (1) 1:13 judge [8] 13:3 50:6					might [17] 9:15 12:22 16:
Initially [1] 86:2 injuries [1] 10:24 inoperative [1] 93:21 inquiry [1] 52:22 INS [2] 20:8 50:5 inside [1] 103:10 insisting [1] 25:2 installation [1] 60:3 instance [2] 9:21 13:1 instances [1] 46:2 Instead [4] 25:17 35:5 57: 15 73:18 instruct [1] 79:2 instruct [1] 79:22,22 66:5 69:4 71:11 85:25 86: 2 98:20 Image of the form of t		-	·	16 100: 10,10	17 28:15 32:23 51:2,6 55:
injuries (1) 10:24 2 98:20 KAGAN [23] 8:18,21 9:111: 79:1 83:21 92:14 17 105:9 106:12,13 inoperative (1) 93:21 J J 19,22 13:7 15:4 25:7,10 lines [2] 78:1 79:18 20 40:2 42:6 53:25 INS [2] 20:8 50:5 JACKSON [45] 12:19 13: 9,10 52:5 60:20 71:16 72: Lipscomb [1] 86:21 9 66:5,16,20 68:8 7 insisting [1] 25:2 16,24 21:6,14,17,20 22:10 16,24 21:6,14,17,20 22:10 Kagan's [3] 15:22 41:24 list [1] 22:8 9:9 9:9 101:1,3 102:6 installation [1] 60:3 16,24 21:6,14,27,9,21 53:8 23 69:7 107:9,14 instance [2] 9:21 13:1 52:3,4 53:1 54:4,7,19,21 18 11:3,17,23 13:3 14:18 local [1] 51:23 long [7] 21:11 42:24 43:25 66:6,21 92:12 Instances [1] 46:2 0103:2,3,18,21,24 3,6,9,15 33:4,10 34:4,8,14, 44:7 55:3 57:14 80:15 militai [6] 61:14 63:: 15 73:18 January [1] 1:13 Judge [3] 13:3 50:6 52:18 24 85:7,9,13,17 86:15,25 long [1] 97:7 minimize [1] 14:25 long [1] 279:22,22 Judge [3] 13:3 50:6 52:18 24 85:7,9,13,17 86:15,25 long [1] 97:7 minimize [1] 14:25			<u> </u>	limits [6] 65:24 78:20,25	13 66:10 83:3,22 88:24 89
Injection Product	-		KAGAN [23] 8:18,21 9:1 11:	79:1 83:21 92:14	17 105: 9 106: 12,13,24
inquiry [1] 52:22 J	-		19,22 13: 7 15: 4 25: 7,10	line [1] 38:22	military [27] 30:22 31:2 33:
INS [2] 20:8 50:5 inside [1] 103:10 insisting [1] 25:2 insofar [2] 20:24 22:4 installation [1] 60:3 instance [2] 9:21 13:1 instances [1] 46:2 Instead [4] 25:17 35:5 57: 15 73:18 instruct [1] 79:2 instruct [1] 79:2 instruction [2] 79:22,22 JACKSON [45] 12:19 13: 23 14:1,4,11,14,17 15:2 20: 23 14:1,4,11,14,17 20 22:10 36,21 22:12 369:7 107:9,14 KAVANAUGH [45] 10:15, 10 ccal [1] 51:23 10 ccal [1]		J	26:14 27:9,22,25 28:7 44:	lines [2] 78:1 79:18	20 40:2 42:6 53:25 64:2,3,
inside [1] 103:1023 14:1,4,11,14,17 15:2 20:2,18 73:9 82:18list [1] 22:876:3 83:3 86:4,6,10insisting [1] 25:216,24 21:6,14,17,20 22:10Kagan's [3] 15:22 41:24listed [5] 21:22 22:3,18 60:99:9 101:1,3 102:6insofar [2] 20:24 22:423:4,7,21,23 24:13 25:553:823 69:7107:9,14installation [1] 60:352:3,4 53:1 54:4,7,19,2118 11:3,17,23 13:3 14:18little [4] 12:21 42:8 70:7,13military-specific [instance [2] 9:21 13:155:6 71:4,20 90:5,6 91:11,30:9,13 31:10,13,17,23 32:long [7] 21:11 42:24 43:2566:6,21 92:12Instead [4] 25:17 35:5 57:20 103:2,3,18,21,243,6,9,15 33:4,10 34:4,8,14,44:7 55:3 57:14 80:15militias [2] 24:11 1015 73:18Janice [1] 44:617,22 48:6,7,9,15 49:1,4,8longer [1] 97:7mind [2] 65:6 105:3instruct [1] 79:2Judge [3] 13:3 50:6 52:1824 85:7,9,13,17 86:15,25longk [1] 43:14minimize [1] 14:25instruct [2] 79:22,22Judge [3] 13:3 50:6 52:1824 85:7,9,13,17 86:15,25longk [1] 20:8 62:21 65:21Minnesota [1] 18:1		JACKSON [45] 12:19 13:	,	Lipscomb [1] 86:21	9 66: 5,16,20 68: 8 75: 16
insisting [1] 25:2 insofar [2] 20:24 22:4 installation [1] 60:3 instance [2] 9:21 13:1 instances [1] 46:216,24 21:6,14,17,20 22:10 23:4,7,21,23 24:13 25:5 28:21 38:10,13,21 40:14 52:3,4 53:1 54:4,7,19,21Kagan's [3] 15:22 41:24 53:8listed [5] 21:22 22:3,18 60: 23 69:799:9 101:1,3 102:6 107:9,14instance [2] 9:21 13:1 instances [1] 46:2 15 73:18 instruct [1] 79:2 instruction [2] 79:22,2256:71:4,20 90:5,6 91:11, January [1] 1:1330:9,13 31:10,13,17,23 32: 30:9,13 31:10,13,17,23 32: 30:9,13 31:10,13,17,23 32: 16:6,21 92:12listed [5] 21:22 22:3,18 60: 23 69:799:9 101:1,3 102:6 107:9,14instances [1] 46:2 Instead [4] 25:17 35:5 57: 15 73:18 instruct [1] 79:2 instruction [2] 79:22,2256:71:4,20 90:5,6 91:11, January [1] 1:1330:9,13 31:10,13,17,23 32: 30:9,13 31:10,13,17,23 32: 30:9,13 31:10,13,17,23 32: 100 gr [1] 97:7listed [5] 21:22 443:25 (bogg [1] 97:766:6,21 92:12 militias [2] 24:11 10 mind [2] 65:6 105:3 mind [2] 65:6 105:3instruct [1] 79:2 instruction [2] 79:22,22Judge [3] 13:3 50:6 52:1824 85:7,9,13,17 86:15,25long [1] 43:14 long tail 14:25minimize [1] 14:25			-		76: 3 83: 3 86: 4,6,10 91: 13
insofar [2] 20:24 22:4 23:4,7,21,23 24:13 25:5 53:8 23 69:7 107:9,14 installation [1] 60:3 28:21 38:10,13,21 40:14 KAVANAUGH [45] 10:15, little [4] 12:21 42:8 70:7,13 military-specific [1] instance [2] 9:21 13:1 52:3,4 53:1 54:4,7,19,21 18 11:3,17,23 13:3 14:18 local [1] 51:23 militai [6] 61:14 63: instances [1] 46:2 55:6 71:4,20 90:5,6 91:11, 30:9,13 31:10,13,17,23 32: long [7] 21:11 42:24 43:25 66:6,21 92:12 Instead [4] 25:17 35:5 57: 20 103:2,3,18,21,24 3,6,9,15 33:4,10 34:4,8,14, 44:7 55:3 57:14 80:15 militais [2] 24:11 10 15 73:18 Janice [1] 44:6 17,22 48:6,7,9,15 49:1,4,8 longer [1] 97:7 mind [2] 65:6 105:3 instruct [1] 79:2 Judge [3] 13:3 50:6 52:18 24 85:7,9,13,17 86:15,25 long [1] 43:14 minimize [1] 14:25 instruction [2] 79:22,22 Judge [3] 13:3 50:6 52:18 24 85:7,9,13,17 86:15,25 long [1] 20:8 62:21 65:21 Minnesota [1] 18:1			•		99:9 101:1,3 102:6 103:11
installation [1] 60:3 28:21 38:10,13,21 40:14 KAVANAUGH [45] 10:15, little [4] 12:21 42:8 70:7,13 military-specific [instance [2] 9:21 13:1 52:3,4 53:1 54:4,7,19,21 18 11:3,17,23 13:3 14:18 local [1] 51:23 militai [6] 61:14 63: instances [1] 46:2 55:6 71:4,20 90:5,6 91:11, 20 103:2,3,18,21,24 36,9,15 33:4,10 34:4,8,14, 44:7 55:3 57:14 80:15 66:6,21 92:12 15 73:18 January [1] 1:13 50:8 82:20 83:17 84:1,12, longer [1] 97:7 minimize [1] 14:25 judge [3] 13:3 50:6 52:18 Judge [3] 13:3 50:6 52:18 24 85:7,9,13,17 86:15,25 look [12] 20:8 62:21 65:21 Minnesota [1] 18:1					
instance [1] 46:2 55:6 71:4,20 90:5,6 91:11, 30:9,13 31:10,13,17,23 32: long [7] 21:11 42:24 43:25 66:6,21 92:12 instead [4] 25:17 35:5 57: 20 103:2,3,18,21,24 3,6,9,15 33:4,10 34:4,8,14, 44:7 55:3 57:14 80:15 militias [2] 24:11 10 15 73:18 Janice [1] 44:6 17,22 48:6,7,9,15 49:1,4,8 longer [1] 97:7 mind [2] 65:6 105:3 instruct [1] 79:2 January [1] 1:13 50:8 82:20 83:17 84:1,12, longstanding [1] 43:14 minimize [1] 14:25 judge [3] 13:3 50:6 52:18 24 85:7,9,13,17 86:15,25 long [1] 20:8 62:21 65:21 Minnesota [1] 18:1					military-specific [1] 48:1
Instances (i) 43.2 20 103:2,3,18,21,24 3,6,9,15 33:4,10 34:4,8,14, 44:7 55:3 57:14 80:15 militias [2] 24:11 10 15 73:18 Janice (i) 44:6 17,22 48:6,7,9,15 49:1,4,8 longer (i) 97:7 mind [2] 65:6 105:3 instruct [1] 79:2 Judge [3] 13:3 50:6 52:18 50:8 82:20 83:17 84:1,12, longstanding [1] 43:14 minimize [1] 14:25 Judge [3] 13:3 50:6 52:18 24 85:7,9,13,17 86:15,25 long [1] 20:8 62:21 65:21 Minnesota [1] 18:1	instance [2] 9:21 13:1				militia [6] 61:14 63:15,23
15 73:18 Janice [1] 44:6 17,22 48:6,7,9,15 49:1,4,8 longer [1] 97:7 mind [2] 65:6 105:3 instruct [1] 79:2 January [1] 1:13 50:8 82:20 83:17 84:1,12, longstanding [1] 43:14 minimize [1] 14:25 Judge [3] 13:3 50:6 52:18 24 85:7,9,13,17 86:15,25 long ki [2] 20:8 62:21 65:21 Minnesota [1] 18:1	instances [1] 46:2			•	
Is 73.16 January [1] 1:13 50:8 82:20 83:17 84:1,12, Iongstanding [1] 43:14 minimize [1] 14:25 instruction [2] 79:22,22 Judge [3] 13:3 50:6 52:18 24 85:7,9,13,17 86:15,25 Iook [12] 20:8 62:21 65:21 Minnesota [1] 18:1	Instead [4] 25:17 35:5 57:				militias [2] 24:11 105:11
instruction [2] 79:22,22 Judge [3] 13:3 50:6 52:18 24 85:7,9,13,17 86:15,25 look [12] 20:8 62:21 65:21 Minnesota [1] 18:1	15 73: 18			•	
	instruct [1] 79:2	-			
Lintend (4) 22·21 38·17 20 Judicial ப 50:1 87:5 106:24 68:15,16 70:25 72:19,22 minor ⊠ 74:12 88:2		•			
	intend [4] 22:21 38:17,20	-			
51:3 juncture [1] 84:16 Keep [6] 10:18 30:13 38:14 93:1 96:1 98:22 104:24 misinterpreted [1]	51: 3	juncture 1984:10	neep 19110:18 30:13 38:14	33:1 30:1 98:22 104:24	misinterpreted [1] 47:16

\sim	or		1
O	<u>††1</u>	C18	ιI

		Official		
Mississippi [3] 18:1 36:14,	nor [2] 4:22 92:7	options [2] 79:3,24	54:2 56:23 60:17,18 70:15	policy [3] 13:1 21:9 92:15
15	normal [1] 77:20	oral [7] 1:16 3:2,5,8 4:8 56:	74:20 97:11 98:14 103:11	Political [1] 38:1
Mm-hmm ^[5] 21:19 22:9	normally [1] 78:3	2 92: 1	105 :4	pop [1] 100:21
25 :9 34 :4 76 :22	note [2] 29:23 41:3	order [35] 8:8 10:22 15:25	partial [1] 61:7	portion [1] 87:25
moment [1] 61:15	nothing [5] 47:8 63:2 75:	16:1,1,4,6 22:25 37:14,15	particular [6] 52:9 66:13	poses [1] 94:23
Monday [1] 1:13	13 76: 10 104: 16	46:3,12 47:3 57:15 73:18	71:13 89:14 105:24,25	posit [1] 38:16
most [11] 7:2 10:6 27:1 42:	novel [1] 5:21	74:11,12 77:9 78:6,15,21	particularly [1] 63:3	position [5] 5:15 27:10 44:
5 58: 18 68: 17 74: 22,24 75:	nuclear [1] 57:22	79: 11,18,21 87: 10,25 89:	partner [2] 28:2,2	3 45: 15 51: 12
10 76: 4 104: 18	number [4] 75:16 81:13 89:	13 92: 23 94: 6,14,24 99: 16	parts [4] 56:13 60:21,22 93:	positioned [3] 9:20 17:4
moved [1] 93:20	17 94: 20	107: 8,12,13	21	106: 5
moving [1] 69:22	0	ordered [4] 11:1 27:7 78:9	party [3] 7:20 42:4 85:3	possession [2] 43:24 49:
Ms [62] 56:1,4 58:13 59:14	objecting [1] 33:17	79: 13	passed [2] 35:24 50:4	10
61: 4,25 62: 14,25 63: 6,17,	objection [1] 12:5	orders [21] 4:16 5:10,11,25	past [1] 44:6	possible [3] 10:23,24 39:6
22 64: 17,24 65: 7,25 66: 2,9,	objective [2] 21:5,7	14: 16 15: 16 17: 20,24 41:	patrol [1] 7:23	potentially [1] 91:16
17 67:9 68:2,22 69:3,21	obligation [2] 9:9 15:6	13 42 :2 55 :17 56 :7 57 :8, 24 79 :19 81 :4 88 :21 89 :1,	pay ^[2] 34:23 98:7 peaceful ^[1] 43:5	power [21] 5:11,18,23 6:2
70 :6,19 71 :19 72 :2,20 73 : 11 74 :23 75 :3,10,14 76 :1,	obligations [5] 58:3 61:9	24 79:19 81:4 88:21 89:1, 11 90: 3 106: 10	penumbras [1] 35:4	14: 24 16: 22,23 23: 16,18, 24 24: 9 35: 2 41: 8,13,18
12,19,22 77 :12 78 :7,24 79 :	80:19 93:13 99:15	ordinary [1] 73:20	people [11] 13:5,9 14:21	43 :23 45 :6 64 :13 65 :2 71 :
17 80 :6 81 :1,9,14,19 82 :4,	obviously [3] 49:12 64:18	Organizations [2] 67:18,	27:12 32:18 39:2,3 51:2	18 95 :18
12,15,23 83: 25 84: 23 85: 8,	84: 3	23	66:13 91:1,2	powers [2] 10:3 40:8
12,15,23 86:19 87:2,18,22	occasionally [1] 100:21	organizing [1] 24:1	per [4] 14:17 25:17 26:9 66:	practical [7] 7:2 12:23 23:
89: 20 91: 10	odd [5] 28:23 29:25 30:4	original [1] 36:10	6	2 48 :2 89 :4,8,16
much [3] 7:22 30:24 84:23	50: 23 68: 21	other [47] 9:6 11:9 19:16	percent [1] 61:18	practicality [1] 30:24
multiple [2] 57:1 80:12	oddity [1] 31:17	23:9 24:2,15 26:1,3 29:4	perception [1] 95:8	practice [2] 43:14 96:13
must [8] 25:2,3 46:19 57:7	offered [1] 61:22	33: 11 35: 20 36: 12 39: 1,12	perfectly [1] 40:3	practices [2] 17:22 44:7
58:2 91:6 94: 2,3	Office [1] 19:8	41:1 44:5 49:23 50:17 51:	performing [1] 71:13	precedential [2] 81:2,10
myriad [2] 10:10 29:21	officer [6] 31:19 50:25 75:8	5 54: 24 56: 17 60: 4 61: 20	permission [1] 42:13	predate [1] 37:14
<u> </u>	76 :9 91 :6,6	62:7 63:1,5 64:14 65:5,24	permit [1] 43:3	premise [1] 26:23
	officers [1] 63:15	67:8 69:1,19 74:1 75:22	permitted [2] 29:7 88:11	preparedness [1] 86:11
named [1] 42:4	officials [2] 50:18,20	79:19 89:6,14 90:2 92:6,8	person [5] 15:23 32:20 78:	preserving [1] 49:19
National [30] 7:9,20 13:20	often [3] 59:18 60:1 83:12	98:23,23 100:7,23 103:13	13,13,15	President [9] 31:9 40:5 49:
16: 14 18: 1,7 23: 12 28: 24	OHIO [28] 1:3 2:3 4:4 7:9	105: 8,23	personally [2] 77:10 79:15	21 69: 10,12 78: 6,15 107: 6,
42 :2,25 43 :4,18 57 :24 67 :	12: 6,16 61: 1,3,4 72: 13,14,	others [1] 87:11	Personnel [1] 51:21	13
19,24,25 73: 15,16,23 74: 4, 5,11 76: 15 82: 8 92: 10,19,	15 73: 10,13,17 87: 8,15,16 88: 14 89: 6,15,18,22,25 92:	otherwise [4] 16:17 19:2	perspective [1] 58:24	President's [3] 10:2 47:12
25 94: 15 98: 14 106: 22	16 93: 25 99: 24 106: 25	23 :18 24 :9	petition [3] 7:7 86:21,24	107 :16
nationwide [5] 27:16 28:4	Okay [14] 14:1 32:15 36:22	ourselves [3] 8:7 47:6 106:		presidential [1] 10:1
72: 13,24 73: 7	39 :14 44 :2 50 :9,11 54 :19	16	Petitioners [32] 1:5 2:3 3:	pressure [1] 38:1
natural [2] 32:19,20	55 :6 61 :15 62 :23 73 :9 76 :	out [28] 9:25 12:2 13:4,8,14	4,13 4 :9 56 :6,14,25 57 :5,6,	pressures [1] 35:20
naturally [2] 46:20 60:25	24 100 :12	14: 18 15: 18 19: 8 21: 1 22:	13,25 58 :18 59 :21 62 :22	Presumably [2] 77:8 87:
nature [1] 38:24	once [3] 30:21 44:2 84:13	22 23:1,14 31:1 39:6 45:	63:9 65:10 68:4,16 80:15	11
nearly [1] 73:21	one [30] 5:17 17:24 19:4,13	17 50:17 62:12 71:6,7 74:	83: 7 84: 6,8,10 87: 24 88: 5,	presumption [1] 23:19
necessarily [2] 22:2 69:18	26:13 27:5 29:25 33:11 43:	6 76: 8 80: 10 82: 14 89: 4, 11 93: 19 95: 6 105: 14	7,19 92:7 93:5 104:6,21 Petitioners' [1] 57:9	pretty [1] 76:10 primarily [2] 75:17,21
necessary [1] 88:6	12,12 44: 17,21 48: 9 56: 8	outer [1] 94:16	pick [1] 61:12	principal [11] 8:14,15 16:
need [6] 28:1 46:9 53:22	63:8 64:1,2,3 74:6 75:16	outright [1] 83:5	picture [1] 45:17	17 19: 13,14 44: 17,19 46: 4
60:15 67:5 98:22	79:14 80:8 86:15,15 89:5	outside [2] 88:15 103:8	places [1] 70:8	53 :19,21 54 :8
needs [2] 15:18 28:3	93:4,19 104:8,13,15	over [28] 5:25 10:4 13:10	plain [1] 6:4	principals [3] 44:12,14 46:
negate [1] 57:17	ones [3] 11:11 29:15 89:9	14: 9,20,25 16: 5 23: 25,25	plainly [1] 37: 18	9
negotiate [1] 36:18	only [21] 8:8 9:22 14:9 20:	26 :20 28 :15 31 :6,7 38 :9	plant [1] 60:3	principle [1] 43:7
negotiated [1] 94:2	24 22: 2 24: 16 40: 20 43: 12,	41 :18 45 :18 46 :25 47 :8,12	play [2] 56:9 74:6	principles [1] 53:18
negotiates [1] 29:8	17 55: 14 56: 21 60: 12 63: 7,	64:8 86:5 91:13,15 93:23	please [4] 4:11 56:5 92:4	prior [1] 80:25
negotiating [1] 9:24	8 84:24 90:20 96:20 99:13	97:7,20 102:9 106:6	99 :3	private [1] 24:7
negotiation [2] 28:13 30:1	100 :9 102 :10 104 :20	oversee [1] 66:22	point [25] 8:21 15:22 23:17,	probably [3] 75:3 97:4 107:
neither [1] 4:22	onus [1] 89:21	overturned [1] 95:5	22 24: 23 32: 10 34: 24 49: 6,	10
never [5] 33:22,24 37:15	open [1] 87:13	own [2] 5:21 101:5	9,12 50: 9,17,19,19 51: 20	problem [9] 5:14 34:2,9 43:
51 :25 76 :18	opening [1] 50:16	P	53:8 79:14 80:25 93:19 96:	23 66:11 80:3 89:1,16 94:
new [2] 16:14 46:17	operable [1] 12:24		24 102 :8 103 :4 104 :8,10	23
next [1] 4:4	operates [3] 30:18 96:11,	p.m [1] 108:1	106 :3	problematic [1] 88:24
NICOLE [3] 2:4 3:6 56:2	12	PAGE [7] 3:2 50:15,16 59:	pointed [4] 13:4 50:5 89:4	problems [4] 84:6 89:4,8,8
Ninth [1] 20:9	opinion [2] 50:7 52:19	25 60:8 73:3 104:16	100 :17	procedure [1] 94:2
nobody [2] 71:12 76:7 non-agencies [1] 5:11	opportunity [1] 97:25 opposed [3] 22:3 27:17 28:	paid [1] 96:6	pointing [1] 71:6	process [5] 12:2 18:7 42:8
non-agencies 115:11 non-component 1119:15	4	paragraphs [1] 52:18 part [18] 4:22 5:2 9:10 15:8	points [5] 13:8 14:18 23:14	82:11 83:9
none [3] 4:21 20:1 64:15	option [2] 57:22 79:6	28:10 36:12 52:24 53:22	104 :9,17	processed [1] 96:15
			policies [1] 17:22	processes [1] 42:3

		Official		
programs [2] 63:5 64:14	76:13 78:18 86:1 88:18 90:	12	69 :8 103 :4	scope [1] 90:24
promised [1] 98:8	7,24 93: 14 98: 3,22	relation [1] 78:22	responses [5] 62:14 63:18	Sealed [1] 52:19
promotions [1] 97:17	reason [9] 6:3 16:25 48:24	RELATIONS [10] 1:7 4:6,	65 :7 66 :18 78 :8	Sec [1] 48:23
proposed [1] 86:3	78: 3 80: 14 89: 3 106: 3,14,	13 5: 25 7: 8 52: 15 53: 14	responsibilities [1] 29:17	second [8] 13:17 39:24 49:
proposing [1] 73:14	20	59:17 86:8 91:7	responsible [4] 55:8 83:	8 60 :5 62 :25 78 :9 84 :8
proposition [1] 60:12	reasonable [1] 40:3	relationship [6] 53:3,5 54:	14 88: 4,5	106 :2
prove [1] 33:3	reasoning [1] 38:22	15 55: 10 74: 3 83: 15	restore [1] 11:1	Secret [3] 60:10,16,17
provides [4] 56:18 61:18	reasons [3] 12:23 70:4 93:	relationships [2] 16:18,20	results [1] 29:5	Secretary [11] 11:6 37:17
62 :6 69 :4	16	relevance [1] 83:10	reverse [2] 22:25 107:21	75:4 77:4,8,9 78:4,5,21 84:
providing [2] 62:1,2	REAVES [65] 2:4 3:6 56:1,	relevant [8] 28:11 29:12	review [2] 70:23 83:9	18 104 :14
provision [3] 45:8 49:17	2,4 58 :13 59 :14 61 :4,25	37 :14 49 :4 58 :11 82 :24 88 :	,	section [16] 22:7 56:14,18
83:11	62 :14,25 63 :6,17,22 64 :17,	11 105 :3	rights [30] 6:7 8:5 9:3,5 11:	58: 20,20 61: 5 67: 3,11,11,
provisions [16] 49:21 51:5	24 65:7,25 66:2,9,17 67:9	relieved [1] 99:15	20,24 13:6 14:22 24:20 25:	22 69:12 82:5 83:4 86:12
56: 17 57: 2 59: 16,22 60: 6	68: 2,22 69: 3,21 70: 6,19	relying [1] 68:2 remainder [1] 88:20	11 34: 3,7,11,13 35: 7 38: 2, 25 39: 7 40: 13 45: 10 56: 11	91:18 100:15 sections [1] 72:10
62:7 66:21 67:8,12 68:16 69:7,9,19 88:12	71 :19 72 :2,20 73 :11 74 :23 75 :3,10,14 76 :1,12,19,22	remedy [5] 37:24 38:2,2,6,	68 :13,14 71 :17 72 :6 77 :18,	security [3] 43:4 60:19 74:
pull [2] 51:2 85:1	77: 12 78: 7,24 79: 17 80: 6	7	21 79 :16 84 :15 93 :7	5
pulling [1] 79:4	81 :1,9,14,19 82 :4,12,15,23	remotely [3] 75:25 76:7,11	risk [1] 87:15	see [21] 19:1 23:8,11 25:1
purpose [11] 22:15,15,20	83: 25 84: 23 85: 8,12,15,23	removal [1] 79:12	risks [1] 74:5	30 :16 32 :25 37 :1 44 :20 64 :
52: 8,9,13 53: 13,16 59: 9	86 :19 87 :2,18,22 89 :20 91 :	remove [3] 69:13 79:6,9	ROBERTS [35] 4:3 28:22	13 65 :2,21,24 90 :7 93 :2
71:8 100: 10	10	render [1] 93:21	29 :14,24 30 :11,14 39 :16	100: 17,23 102: 7,8 103: 21
purposes [19] 7:25 20:15	REBUTTAL [3] 3:11 104:3,	repeatedly [1] 44:4	40 :15 41 :21 44 :9 48 :4 50 :	105 :21 107 :7
24 :15,24 58 :11 65 :4 68 :25	5	replace [1] 16:12	13 52 :2 55 :24 74 :17,25 75 :	seeing [1] 59:20
69 :2 70 :10,11 74 :24 77 :14,	recent [1] 86:20	replicate [3] 63:3,6 64:13	7,12,23 76: 6,17,20,24 77: 2	seek [1] 86:17
16 78:11 82:25 90:14 100:	recently [1] 86:17	reply [2] 50:16 57:1	81:23 82:18 87:6 90:4 91:	seem [3] 28:22 29:25 56:25
8 105: 17,21	recognition [5] 57:23 73:	represent [1] 5:5	21 94 :11 95 :7 102 :20 103 :	seems [4] 24:16 67:16 70:
pursuant [1] 56:15	22 79:5 85:2 107:18	representations [1] 54:25	25 104 :3 107 :23	17 84: 15
purview [1] 22:17	recognize [2] 29:4 68:12	representative [15] 9:15	role [19] 32:6 33:18 51:16	seen [1] 70:21
push [1] 26:11	recognized [6] 18:16 35:3	16:8,16 39:23 68:17 69:24	52: 16 56: 8,17 63: 11 64: 2,	Senate [1] 33:21
put [2] 26:7 99:10	63: 24 64: 20 67: 23,25	70: 1,3,7,9,12,18,22 71: 12,	3,4,4,24 65: 17 68: 6,8 75:	sense [22] 7:3,22 9:18 23:2,
putting [1] 45:24	recognizing [1] 20:10	22	21 79: 8,9 84: 13	25 25: 8 26: 3,11,15 28: 18
pyrrhic [2] 35:6,11	record [7] 95:6 98:19,22	representatives [4] 5:12	roles [3] 62:21 64:1,1	30: 17,20 32: 19 35: 24,25
Q	99: 2,5,8,11	46: 17 99: 13,16	round-about [1] 43:11	45:2 46:23 48:2 51:12,14
qualify [2] 4:23 105:9	redress [2] 10:24 93:12	represents [1] 80:22	route [2] 7:3 23:2	57: 21 102: 11
question [25] 8:6 14:7 15:3	reduce [1] 16:10	repudiated [1] 97:19	routine [1] 57:24	separate [2] 33:20 64:1
22 :16 25 :21 36 :10 38 :16	refer [3] 21:21 52:17 99:12	request [2] 43:2 107:12	rule ^[2] 41:24 46:5	separately [1] 103:14
45 :13 49 :9 52 :20 53 :6 55 :	reference [4] 21:9,21 44:	require [2] 44:13 57:21	ruling [3] 37:3 51:5 92:5	serious [2] 5:14 43:22
13,15 67 :4 69 :8 72 :19 74 :	22,23	required [9] 53:11 56:6 57:	run [3] 74:2 84:25 105:18	seriously [1] 107:11
21 77 :15 84 :2 87 :14 92 :22	referenced [2] 49:16 103:	14 59 :3 60 :13 82 :9 88 :16	S	serve [4] 5:12 9:14 40:1,21
93 :15 97 :19 101 :5 104 :11	14	97 :20,21	salary [2] 96:6,17	serves [1] 19:15
questions [6] 6:9 58:5 83:	referred [1] 11:7	requirement [2] 59:18 72:	same [9] 12:11 14:2 18:5	service [16] 38:23 56:20 59:
18 94:10 105:7 107:20	refers [1] 67:22	12	19 :23 44 :13 62 :2 63 :4 81 :	16 60 :10,16,18 64 :4,9 75 :
quick [4] 39:18 48:7 104:8,	Reform [24] 4:17 5:7,9,16 13:19,25 17:14 18:18 19:	requires [6] 31:19 48:16 57:3 58:14 73:4 93:2	3,4	19 82: 6 86: 4,4,14,14 91: 14, 18
10	20,22 20: 3,15,20,23 22: 1,	requiring [3] 45:6 88:1 90:	save [1] 17:19	serving [3] 46:8,16 53:21
quickly [1] 103:4	14 24: 24 41: 2,17,20 50: 2	11	savings [6] 17:18,18 18:11	set [10] 12:2 16:19 29:18
quite [1] 5:17	85: 25 105: 4,5	rescinded [1] 95:5	49:15 80:8,22	58 :20 59 :22 60 :5 69 :9 77 :
R	refuses [1] 73:17	resist [1] 6:4	saying [26] 9:8 11:6 15:22	18,24 92 :11
	regard [1] 52:15	resolve [1] 11:10	17 :7 19 :1 21 :7,8 27 :10 28 :	sets [1] 59:15
railroad [2] 74:2 84:25	region-by-region [1] 28:	resolved [1] 11:6	2 42: 10,15,16 45: 9 50: 25	setting [5] 66:5,16,20 73:8,
raised [5] 84:5 85:20 86:7,	13	respect [14] 10:12 20:19	51: 11 52: 6 54: 5,7,13 60:	11
9,23	regional [2] 28:12 93:8	21 :12 25 :14 36 :13 41 :2 44 :	24 70 :5 93 :14 97 :24 98 :2	settle [1] 25:4
raising [2] 83:7 87:3 rare [2] 64:21,25	regular [1] 85:8	23 45 :7 53 :14 63 :4 87 :20	106 :12 107 :16	settled [1] 92:18
rather [5] 11:4 12:16 16:24	regulate [1] 5:4	103: 5 106: 7,9	says [27] 5:9 7:7 8:10 17:	seven [1] 80:10
17:3 45: 23	regulation [2] 17:11 49:20	respectfully [4] 24:21 28:9	19,20 18 :15 19 :17 22 :7 25 :	shall [1] 11:7
read [7] 19:2 43:10 45:22,	regulations [14] 10:10 17:	30 :3 73 :25	13 28 :19 32 :16 37 :3,18 38 :	shoes [2] 45:24 53:12
23 101 :17 102 :11 106 :1	22 18:19 19:18 20:7 26:25	respects [1] 83:19	15 41 :18 46 :5 71 :16 72 :5,	shouldn't [1] 14:25
reading [2] 30:4 52:11	29 :18,21 41 :9 47 :7 50 :3	respond [1] 58:12	8,11 87:8 89:7 95:3 101:	show [7] 20:14,17 46:10,10
real [4] 38:16 74:5 89:4,8	81:7 89:18 106:23	Respondent [8] 2:6,8 3:7,	12,15,19 104 :24	51:15 53:22 88:18
realize [1] 39:25	regulatory [2] 84:9 88:12	10 7 :17 40 :23 56 :3 92 :2	scenario [2] 64:14 95:17	shows [5] 46:18 47:24 48:
really [22] 5:22,23 16:15 22:	reinstate [2] 88:1 106:16	Respondents [1] 1:9	scheme [10] 72:19,21 80:1	1 104: 19,20
13 26 :2 38 :6 47 :10 51 :8,	reinstating [1] 106:13	responding [1] 42:4	84:9 86:17 92:8 93:18 96:	shy [1] 44 :5
10 63 :25 66 :15 70 :19,25	reject [1] 83:5	responds [1] 104:10	8 98:14 99:18	side [4] 9:6 74:1 88:18 89:6
	rejected [3] 18:5 43:2 86:	response [5] 52:4,6 62:25	schemes [2] 71:24 83:18	sign [1] 5:14
			•	•

		Official		
signed [1] 88:9	Spending [4] 61:16 63:5	subject [5] 10:1 29:21 57:	31: 7,11 40: 1,12 41: 10,19	tools [1] 31:5
significance [1] 82:21	64: 14 66: 12	20 73 :19 90 :20	43 :1 46 :25 56 :10,15,19 57 :	top [2] 59:10 83:13
signs [1] 10:8	spent [1] 89:22	subjecting [1] 90:13	6,7,11,18 58: 2,9 61: 10 63:	touching [1] 83:3
similar [2] 62:7 83:19	split [1] 98:14	subjective [1] 21:4	25 64: 6,20 65: 14 68: 7,12	tour ^[1] 40:11
similarly [3] 39:13 56:25	spoken [1] 12:1	submit [2] 56:7 82:10	71 :25 77 :20 80 :12,16 84 :	training [1] 64:10
71:1	standing [1] 12:16	submitted [2] 107:24 108:	14 85: 4 86: 8 88: 9 91 :14	treat [1] 44:16
simple [1] 37:1	stands [2] 92:17 96:9	2	92 :9,13 93 :6,22 96 :10,12	treated [4] 7:12 95:10,11,
simply [3] 5:11 45:23 107:	started [1] 47:14	subordinate [1] 31:9	98 :13,13 100 :2 106 :8	12
21	starts [1] 23:19	subparts [1] 59:7	technicians' [4] 29:16 91:	tribes [2] 51:23,25
since [1] 12:4	stat [1] 71:23	sue [3] 35:15,18 39:2	17 94:21 100:11	tried [3] 33:18 97:3,5
single ^[2] 74:12 104:11 sit ^[6] 9:6,10 13:8 27:4 45:	state [78] 4:14,20 5:5 6:1 7:	sued [1] 15:23 suffer [1] 36:23	tension [1] 102:7	true [6] 15:10 31:16 34:15
10,14	13,19,23 8:1 9:10 16:14 17:16 20:14 24:11 25:18	suggest [1] 57:13	term [5] 20:25 21:21 22:6 58:13 70:12	44:10,15 104:25 trust [1] 30:24
sitting [10] 25:22 26:1,3,8,	26: 6,8,21 27: 18,18 28: 4,5,	suggested [2] 79:20 88:19	terms [12] 13:10 30:23 36:	try [5] 7:1 25:7 26:10 74:8
17 32: 21 55: 8 84: 21 89: 5,	5,24 29: 1 30: 8 32: 17 33:	suggestion [2] 12:22 106:	20,22 43 :14 52 :12 54 :14	76: 8
9	17 42: 24 47: 9 57: 12,23 61:	11	81 :3 97 :8,12,21 98 :23	trying [8] 9:24 20:25 30:16
situated [1] 39:13	19 62 :12,19 63 :10,15 64 :3,	suggests [1] 101:11	testimony [1] 99:12	45:2 71:23 75:24 77:13 96:
situation [9] 13:15 25:15	8 65 :9,18,19 67 :24 73 :14,	sui [2] 25:15 80:5	text [8] 33:14 34:18 35:3,4	1
64:19 65:15 66:4 77:13 80:	15,15,16,23,23 74: 3,10 75 :	suit [2] 7:13 27:11	81:21 86:12 104:22 106:3	turn [4] 8:14 65:3 71:4 100:
5,5 107: 15	16,21 76 :15 77 :19,19 79 :8	super [1] 25:18	textual [1] 38:15	14
Sixth [5] 4:12 87:23 88:13	84:16,20,21 85:20,21 86:	superseded [3] 19:19 37:	thankfully [1] 47:21	turns [1] 62:12
89:12 107:21	22 91: 1,2,6,6,11,13 92: 8,	3 49 :20	themselves [5] 24:6 48:22	twice [1] 44:2
slate [1] 18:17	19,25 94: 14 95: 13,20 96: 2	supervise [11] 12:20 29:19	90:13,15 92:12	two [12] 18:9 39:18,18 48:7
slide [1] 44:1	105: 11,18 107: 19	32:18 39:4 45:21 56:22 58:		62:14 65:7 69:7 71:24 78:
slightly [1] 34:1	STATES [15] 1:1,17 24:11	9,25 62: 3,20 85: 4	there's [27] 6:3 9:5 24:17	7 84: 12 104: 9,17
solely [1] 30:8	30 :10 50 :18 62 :8 65 :3 66 :	supervised [1] 91:5	25 :24 37 :24 38 :2,6 43 :5	types [1] 79:19
Solicitor [3] 2:2,4 19:8	8,12 75: 8 84: 13 86: 16 87:	supervises [2] 22:5 63:10	45 :20 54 :24 59 :6 65 :8 67 :	U U
solution [2] 34:1 80:2	3 105 :10 107 :10	supervising [7] 24:18 25:	12 69 :9,9 72 :11,12 75 :24	U.S [3] 7:9 67:13 104:16
solved [2] 33:24 34:9	status [3] 11:2 28:25 39:11	19 29 :15 68 :19 75 :20 91 :2	76 :20 80 :14 87 :15 88 :22	U.S.C [8] 6:14 8:3 100:16
somebody [3] 9:5 25:25	statute [48] 8:10 12:3,23	95: 19	99 :11 104 :22 105 :25 106 :	101 :6,10,15 102 :8,9
72:7	13:4 14: 18 17: 15 18: 15 21:	supervision [4] 30:2 31: 14 82:10 93:23	3,20 thereby [1] 105:13	uh-uh ^[1] 97:11
somehow [3] 25:4 90:18 107:13	13,13,15,17 23: 8,13 24: 16,		therefore [2] 52:14 57:7	Ultimately [6] 6:3 20:12 29:
someone [3] 52:21 58:22	19 25 :10,13,17 26 :2 32 :16, 24 33 :24 37 :18 38 :18 39 :9	supervisor [1] 15:7 supervisors [2] 57:19 86:	they'll [1] 97:4	13 33:13 34:16 92:15
71 :16	41 :7,16,18 45 :3,22,24 48 :	9	They've [4] 23:8 35:2 42:4	umbrage [1] 97:5
someone's [1] 8:13	16 49 :6 52 :10,13,23 53 :13	supervisory [1] 26:20	44 :4	unable [1] 88:20
Sometime [1] 70:8	58 :11,14 63 :8 64 :7 71 :9	suppose [1] 60:20	thinking [2] 81:20 82:6	unclear [1] 94:17
sometimes [2] 99:25 100:	93: 10,21 94: 1,8,22 96: 11	supposed [2] 25:22,24	third [3] 69:9 83:10 84:13	uncontested [1] 56:10
20	statute's [1] 6:4	SUPREME [2] 1:1,16	THOMAS [15] 6:10,15,20,	under [32] 6:14,15 8:3 17:
somewhat [1] 48:20	statutes [7] 14:5 25:8 51:	surely ^[2] 21:7,7	23 7 :5,15,21 40 :17,18 41 :4	20,23 20 :3 22 :17 28 :25 29 :
somewhere [1] 46:20	15 53: 10 88: 11 102 :12	surveyed [1] 81:17	58 :6 59 :5 76 :25 77 :1 102 :	1,2,2 42: 1,6 49: 25 53: 10
sorry [11] 10:17,19 14:4 17:	103 :13	survive [1] 81:22	22	56 :13 57 :14 61 :16 66 :12
6 55 :7 64 :11 87 :3 95 :24	statutory [9] 23:17 52:12,	suspend [1] 94:19	Thomas's [1] 69:8	69: 11 75: 9 81: 3,4 88: 11
99: 1,2,20	22 59 :25 60 :5,8 71 :24 73 :	suspension [2] 95:2,3	Thompson [8] 17:25 36:	93: 10,21 94: 1,13,18 99: 15
sort [5] 10:11 47:25 83:2	3 93 :18	system [7] 56:9 58:19 65:	17 49 :13 80 :24 81 :5 92 :20	105:2,9 undermine [2] 88:25,25
90: 16,24	step [3] 9:19 53:12 80:3	11 74: 14,15 76: 3 106: 15	98 :20 99 :7	understand [16] 16:17 20:
sorts [4] 16:20 19:16 29:22	steps [1] 12:8	systems [1] 105:19	thorough [1] 50:6	12 21 :24 28 :23 30 :12,15
90:1	stick [1] 74:15	Т	though ^[8] 12:9 14:24 24:	39: 5 44: 22 52: 7 64: 22 72:
SOTOMAYOR [46] 17 :6,17	still [2] 28:12 33:15	table [18] 9:11,23 13:9 16:1	16 85:19 88:17 98:25 101:	3 85 :21 90 :9 97 :4,18 99 :
18: 10,21,25 19: 7,22 23: 14	strange [1] 20:13	25: 23,25 26: 9,18 32: 22 54:	21 105 :11	21
35: 5,14,19 36: 1,4,9,16 37:	strengthens [1] 96:8	22 55 :1 70 :11 71 :17 72 :8,	threat [1] 79:4	understanding [1] 54:15
5,10,20,23 38 :1 41 :22,23 42 :22 43 :17 66 :2,10,25 67 :	strip [1] 16:13 stronger [1] 70:3	9 84: 22 89: 6,10	threaten ^[5] 43:4 57:22 73: 21 74:10 85:1	Understood [6] 15:2 27:
15 81: 24,25 82: 7,13,16,17	strongly [1] 16:5	task [4] 13:12 20:18,22 24:	three [3] 20:9 64:1 76:16	13 54: 8 55: 10 92: 17,18
95: 22,25 96: 18,20,25 97: 3,	structure [1] 63:4	8	throughout [3] 67:4 69:19	unforeseen [1] 67:8
10,16,23 98: 5 99: 1,4	structured [1] 13:2	tasks [1] 40:2	105:6	uninterrupted [3] 12:4 57:
sovereign [1] 62:12	stuck [3] 35:23 36:4,5	Tatel's [1] 52:18	tied [1] 66:7	10 80: 9
spar [1] 106:20	stuff [1] 10:12	technicality [2] 15:21 17:1	Title [11] 24 :24,25 56 :14,18	Union [12] 2:8 3:10 5:20 11:
speaking [3] 10:22 11:10	style [2] 7:6,10	technician [6] 7:24 8:1 82:	67: 4 105: 2,4,6,6,18,21	1 33: 20 88: 1 92: 2,5 94: 4
40 :11	sub-agency [3] 69:23,25	6 86: 1,3,14	today [4] 61:16,19 92:17	95:1 96:4 99:16
speaks [1] 100:24	70:4	technician's [1] 95:6	96 :9	union-bust [1] 97:6
specific [1] 32:3	subcomponent [1] 50:25	technicians [57] 4:15 5:8	together [4] 26:7 71:23	unions [1] 99:10
specifically [1] 23:9	subcomponents [2] 58:	6: 5,11,17,19 10: 7,11 11: 8	101:18 102:12	unique [11] 41:20 63:3,7
specify [1] 80:4	17 69: 13	13 :5,20 16 :10 17 :12 29 :7	took [3] 84:1 88:14 98:8	64 :19 66 :4 67 :12 75 :15 76 :
			1	1

13 92:9 95:16 98:20	who's [4] 9:19 25:21 68:18
unit [8] 36:19 59:24 67:7,19	83: 14
73: 2,7,15 78: 10	whole [2] 14:6 25:8
UNITED [6] 1:1,17 24:11	wholly [1] 47:1
75:8 105: 10 107: 10	whosever [1] 75:4
units [10] 28:12 67:23,25	wield [1] 16:4
68 :3 72 :24 73 :16 77 :23 85 :	wielding [1] 95:18
20,21 93 :8	wields [1] 5:19
unlawful [1] 87:9 unless [3] 19:19 46:11 49:	will ^[2] 20:18 46:25
20	willing [1] 37:24 win [1] 46:10
unlike [3] 9:25 31:8 39:1	window [1] 105:14
until [2] 23:20 72:4	wins [1] 50:4
unusual [5] 28:24 32:16	wiped [1] 18:17
49: 15,17 79: 25	wish [4] 10:13 28:16 106:8,
up [8] 12:24 13:16 16:19 33:	9
19 47 :15 51 :6 61 :12 100 :	withheld [1] 96:17
21	withhold [7] 27:7 47:2,4
upend [1] 57:10	73:22 74:10 106:17 107:
uses [2] 21:17 22:6	18
using [4] 8:5 16:23 70:12	withholding 5 11:2 57:
93 :9	22 88: 2,4,8
utilize [1] 66:13	withholds [2] 10:9 27:6
V	within [5] 24:25 47:1 51:17
	58: 17 86: 14
valid [1] 79:21 venerable [1] 41:24	without [6] 10:25 12:5 21:
version [1] 46:17	9 31 :2 59 :1 84 :21
versus [1] 4:5	wondering [2] 45:19 102:9
victory [1] 35:6	word [6] 13:22 14:7 20:23
view [2] 13:12 36:11	30 :5 32 :10 36 :11
violate [1] 106:12	words [5] 11:9 23:11 29:4
	49: 23 63: 2
violated [1] 40:13	work [12] 0.05 40.44 00.44
violated [1] 40:13 violating [3] 44:1,4 79:16	work [13] 9:25 18:14 20:11
violating [3] 44:1,4 79:16	27:1 29:3,22 30:25 47:8
	27: 1 29: 3,22 30: 25 47: 8 51: 23 52: 10 80: 18 93: 16
violating [3] 44:1,4 79:16 violation [1] 83:4	27:1 29:3,22 30:25 47:8
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12	27 :1 29 :3,22 30 :25 47 :8 51 :23 52 :10 80 :18 93 :16 107 :3
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40:	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7 Wallace [1] 50:6	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16
$\begin{array}{c} \mbox{violating [3] 44:1,4 79:16} \\ \mbox{violation [1] 83:4} \\ \mbox{virtually [1] 104:16} \\ \mbox{virtue [2] 72:10 90:12} \\ \hline \\ $	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24
$\begin{array}{c} \mbox{violating [3] 44:1,4 79:16} \\ \mbox{violation [1] 83:4} \\ \mbox{virtually [1] 104:16} \\ \mbox{virtue [2] 72:10 90:12} \\ \hline \\ $	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6
$\begin{array}{r} \mbox{violating [3] 44:1,4 79:16} \\ \mbox{violation [1] 83:4} \\ \mbox{virtually [1] 104:16} \\ \mbox{virtue [2] 72:10 90:12} \\ \hline \\ $	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24
$\begin{array}{r} \mbox{violating [3] 44:1,4 79:16} \\ \mbox{violation [1] 83:4} \\ \mbox{virtually [1] 104:16} \\ \mbox{virtue [2] 72:10 90:12} \\ \hline \\ $	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25 35:12 38:18 39:6 41:20 43: 5,9 44:20 46:19,23 47:20 50:2 63:23 68:8,9,10,11 74:1,7 80:11 84:25 88:19, 25 89:16 102:11,11 104:20,	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6 <u>Y</u> year [1] 85:24 years [8] 5:16 57:10 73:21
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25 35:12 38:18 39:6 41:20 43: 5,9 44:20 46:19,23 47:20 50:2 63:23 68:8,9,10,11 74:1,7 80:11 84:25 88:19, 25 89:16 102:11,11 104:20, 22 106:1,22	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6 <u>Y</u> year [1] 85:24 years [8] 5:16 57:10 73:21 74:16 80:9,13,20 89:22
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25 35:12 38:18 39:6 41:20 43: 5,9 44:20 46:19,23 47:20 50:2 63:23 68:8,9,10,11 74:1,7 80:11 84:25 88:19, 25 89:16 102:11,11 104:20, 22 106:1,22 weaker [1] 38:25	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6 <u>Y</u> year [1] 85:24 years [8] 5:16 57:10 73:21
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25 35:12 38:18 39:6 41:20 43: 5,9 44:20 46:19,23 47:20 50:2 63:23 68:8,9,10,11 74:1,7 80:11 84:25 88:19, 25 89:16 102:11,11 104:20, 22 106:1,22 weaker [1] 38:25 wear [1] 76:16	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6 <u>Y</u> year [1] 85:24 years [8] 5:16 57:10 73:21 74:16 80:9,13,20 89:22
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25 35:12 38:18 39:6 41:20 43: 5,9 44:20 46:19,23 47:20 50:2 63:23 68:8,9,10,11 74:1,7 80:11 84:25 88:19, 25 89:16 102:11,11 104:20, 22 106:1,22 weaker [1] 38:25 wear [1] 76:16 welcome [2] 6:9 58:5	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6 <u>Y</u> year [1] 85:24 years [8] 5:16 57:10 73:21 74:16 80:9,13,20 89:22
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 Wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25 35:12 38:18 39:6 41:20 43: 5,9 44:20 46:19,23 47:20 50:2 63:23 68:8,9,10,11 74:1,7 80:11 84:25 88:19, 25 89:16 102:11,11 104:20, 22 106:1,22 weaker [1] 38:25 wear [1] 76:16 welcome [2] 6:9 58:5 whatever [7] 21:8 37:16	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6 <u>Y</u> year [1] 85:24 years [8] 5:16 57:10 73:21 74:16 80:9,13,20 89:22
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25 35:12 38:18 39:6 41:20 43: 5,9 44:20 46:19,23 47:20 50:2 63:23 68:8,9,10,11 74:1,7 80:11 84:25 88:19, 25 89:16 102:11,11 104:20, 22 106:1,22 weaker [1] 38:25 wear [1] 76:16 welcome [2] 6:9 58:5	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6 <u>Y</u> year [1] 85:24 years [8] 5:16 57:10 73:21 74:16 80:9,13,20 89:22
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 Wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25 35:12 38:18 39:6 41:20 43: 5,9 44:20 46:19,23 47:20 50:2 63:23 68:8,9,10,11 74:1,7 80:11 84:25 88:19, 25 89:16 102:11,11 104:20, 22 106:1,22 weaker [1] 38:25 wear [1] 76:16 welcome [2] 6:9 58:5 whatever [7] 21:8 37:16 40:6 46:3 62:10 65:4,5 whatnot [1] 71:12	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6 <u>Y</u> year [1] 85:24 years [8] 5:16 57:10 73:21 74:16 80:9,13,20 89:22
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25 35:12 38:18 39:6 41:20 43: 5,9 44:20 46:19,23 47:20 50:2 63:23 68:8,9,10,11 74:1,7 80:11 84:25 88:19, 25 89:16 102:11,11 104:20, 22 106:1,22 weaker [1] 38:25 wear [1] 76:16 welcome [2] 6:9 58:5 whatever [7] 21:8 37:16 40:6 46:3 62:10 65:4,5 whatnot [1] 71:12 Whereupon [1] 108:1	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6 <u>Y</u> year [1] 85:24 years [8] 5:16 57:10 73:21 74:16 80:9,13,20 89:22
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 W wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25 35:12 38:18 39:6 41:20 43: 5,9 44:20 46:19,23 47:20 50:2 63:23 68:8,9,10,11 74:1,7 80:11 84:25 88:19, 25 89:16 102:11,11 104:20, 22 106:1,22 weaker [1] 38:25 wear [1] 76:16 welcome [2] 6:9 58:5 whatever [7] 21:8 37:16 40:6 46:3 62:10 65:4,5 whatnot [1] 71:12 Whereupon [1] 108:1	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6 <u>Y</u> year [1] 85:24 years [8] 5:16 57:10 73:21 74:16 80:9,13,20 89:22
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 Wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25 35:12 38:18 39:6 41:20 43: 5,9 44:20 46:19,23 47:20 50:2 63:23 68:8,9,10,11 74:1,7 80:11 84:25 88:19, 25 89:16 102:11,11 104:20, 22 106:1,22 weaker [1] 38:25 wear [1] 76:16 welcome [2] 6:9 58:5 whatever [7] 21:8 37:16 40:6 46:3 62:10 65:4,5 whatnot [1] 71:12 Whereupon [1] 108:1 whether [11] 8:7 24:17 30: 16 35:24 36:25 44:5 51:9 52:20 65:4 71:10 92:23	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6 <u>Y</u> year [1] 85:24 years [8] 5:16 57:10 73:21 74:16 80:9,13,20 89:22
violating [3] 44:1,4 79:16 violation [1] 83:4 virtually [1] 104:16 virtue [2] 72:10 90:12 Wait [4] 89:7,7,7,7 Wallace [1] 50:6 wanted [6] 5:23 39:10 40: 10 47:14 65:18 82:13 wants [1] 26:16 Washington [3] 1:12 2:5,7 way [37] 12:3 16:16 25:3 26: 18 27:14 29:19 32:24,25 35:12 38:18 39:6 41:20 43: 5,9 44:20 46:19,23 47:20 50:2 63:23 68:8,9,10,11 74:1,7 80:11 84:25 88:19, 25 89:16 102:11,11 104:20, 22 106:1,22 weaker [1] 38:25 wear [1] 76:16 welcome [2] 6:9 58:5 whatever [7] 21:8 37:16 40:6 46:3 62:10 65:4,5 whatnot [1] 71:12 Whereupon [1] 108:1 whether [11] 8:7 24:17 30: 16 35:24 36:25 44:5 51:9	27:1 29:3,22 30:25 47:8 51:23 52:10 80:18 93:16 107:3 worked [1] 74:15 workers [2] 38:24 39:11 working [1] 93:23 works [4] 19:12 54:1 96:13 99:18 world [2] 13:7 22:23 worried [1] 90:8 worry [1] 67:5 worth [1] 104:15 writ [1] 90:16 write [1] 32:24 wrote [1] 45:6 <u>Y</u> year [1] 85:24 years [8] 5:16 57:10 73:21 74:16 80:9,13,20 89:22