

1 APPEARANCES:

2 J. BENJAMIN AGUIÑAGA, Solicitor General, Baton Rouge,
3 Louisiana; on behalf of the Appellant in Case
4 24-109.

5 STUART C. NAIFEH, New York, New York; on behalf of the
6 Appellants in Case 24-110.

7 EDWARD D. GREIM, Kansas City, Missouri; on behalf of
8 the Appellees.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	C O N T E N T S	
2	ORAL ARGUMENT OF:	PAGE:
3	J. BENJAMIN AGUIÑAGA, ESQ.	
4	On behalf of the Appellant	
5	in Case 24-109	4
6	ORAL ARGUMENT OF:	
7	STUART C. NAIFEH, ESQ.	
8	On behalf of the Appellants	
9	in Case 24-110	28
10	ORAL ARGUMENT OF:	
11	EDWARD D. GREIM, ESQ.	
12	On behalf of the Appellees	61
13	REBUTTAL ARGUMENT OF:	
14	J. BENJAMIN AGUIÑAGA, ESQ.	
15	On behalf of the Appellant	
16	in Case 24-109	88
17		
18		
19		
20		
21		
22		
23		
24		
25		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

(10:07 a.m.)

CHIEF JUSTICE ROBERTS: We will hear argument first this morning in Case 24-109, Louisiana versus Callais, and the consolidated case.

Mr. Aguiñaga.

ORAL ARGUMENT OF J. BENJAMIN AGUIÑAGA
ON BEHALF OF THE APPELLANT IN CASE 24-109

MR. AGUIÑAGA: Thank you, Mr. Chief Justice, and may it please the Court:

Louisiana would rather not be here. We didn't want to be in the emergency docket in 2022. We didn't want to be on the emergency docket in 2024. And today, I mean, God bless my friends on both sides of this case, but we would rather not be caught between two parties with diametrically opposed visions of what our congressional map should look like. But this has become life as usual for the states under this Court's voting cases.

And our fundamental question today is: How do we get out of this predicament? Now, I think there are at least three ways to do that. First, you should reverse on standing grounds

1 because the only theory of harm in the red brief
2 is that our Black representative of District 6
3 will play into racial stereotypes by favoring
4 the Black voters of District 6.

5 Second, you should reverse on racial
6 predominance, because the district court wrongly
7 assumed that our intentional creation of a
8 majority Black district in light of the Robinson
9 decisions automatically established racial
10 predominance.

11 And, third, you should reverse on the
12 "good reasons" inquiry, because the district
13 court wrongly, in our view, believed that the
14 Robinson decisions played no role in the "strong
15 basis in evidence" inquiry.

16 And in the end, I want to emphasize
17 that the larger picture here is important,
18 because in an election year, we faced the
19 prospect of a federal court drawn map that
20 placed in jeopardy the Speaker of the House, the
21 House majority leader, and our representative on
22 the Appropriations Committee.

23 And so in light of those facts, we
24 made the politically rational decision. We drew
25 our own map to protect them. This Court's

1 breathing room precedence allowed that decision.

2 I welcome the Court's questions.

3 JUSTICE THOMAS: So as I understand
4 your argument, you accept -- we are to accept
5 that the court, the Robinson court, required
6 that there be two districts and that your only
7 interest is in preserving two incumbents in
8 northeast Louisiana?

9 MR. AGUIÑAGA: That's correct, Your
10 Honor. I mean, we have two Article III court
11 decisions that say the VRA likely requires
12 Louisiana to draw a second majority Black
13 district. Those were the facts presented to us.

14 In light of those decisions, we said,
15 well, we can't allow the federal court to draw
16 the Robinson illustrative maps because that
17 would have placed Julia Letlow in a majority
18 Democrat district. And so we took matters into
19 our own hands and said we're going to protect
20 our most high profile incumbents, draw our own
21 map that ensures that Speaker Johnson and
22 Representative Letlow remain in Congress. And
23 in --

24 JUSTICE THOMAS: So, in order for us
25 to -- for -- to -- to use that line, wouldn't we

1 have to accept that the district court was
2 right, the Robinson court was correct?

3 MR. AGUIÑAGA: Your Honor, I think the
4 way this case has been litigated, the way it
5 comes to the Court, the plaintiffs have not put
6 on a pseudo-VRA case to say that the Robinson
7 courts were wrongly decided. I mean, of course,
8 as you know, in the Robinson litigation we took
9 the position that we should have prevailed. We
10 lost. We lost on those arguments.

11 And at the end of the day, I think in
12 the strict scrutiny analysis that this Court's
13 cases set out, the question is, do we have a
14 good reason in relying on what the federal
15 courts told us that the VRA likely required?

16 And I think that's the fundamental
17 error. If you look at pages 53a to 66a of our
18 JS appendix, that's the district court's good
19 reasons analysis. It says not one word about
20 the Robinson decisions. And with all due --
21 with all respect to the district court, I think
22 that's not how the good reasons inquiry runs.

23 I mean, I think, fundamentally, when
24 you have Article III courts telling you that
25 this is what the VRA likely requires, a rational

1 state is going to run with exactly what the
2 federal court says. We're in the business of
3 complying with federal court decisions. And
4 when they told us that we needed to draw a
5 second majority Black district, that's what we
6 did.

7 And I want to go back to the larger
8 context because I think that's the important
9 factual backdrop here, which is we're in an
10 election year. It's 2024. The Fifth Circuit,
11 if you look at page 601 of its decision, the
12 Fifth Circuit says you have a few weeks to --
13 now that we have affirmed the district court's
14 likelihood of success on the merits finally --
15 finding, you have two weeks, a few weeks to go
16 back, consider drawing your own map.

17 And it's an election year. We're
18 talking about the Speaker of the House. No
19 rational state gambles with those high-stakes
20 seats in that situation.

21 And our request to this Court is to
22 say, well, given that unique circumstance where
23 you have two layers of Article III courts
24 telling a state what the VRA likely requires,
25 that is a good reason for the district -- for

1 the -- for the state to do what it did.

2 CHIEF JUSTICE ROBERTS: Well, I mean,
3 do -- do you think the Robinson court was
4 correct?

5 MR. AGUIÑAGA: Your Honor, you know,
6 in our heart of hearts, we've never shied away
7 from our position in the Robinson decisions,
8 which is that we should have prevailed. At the
9 end of that litigation, in the preliminary
10 injunction stage, we lost.

11 And so we faced a choice. Do we take
12 a gamble and go to trial, lose at final
13 judgment, endure a court-drawn map, and hope
14 that an appellate court will then step in on the
15 back end of the process and save us from the
16 federal court drawn map? Or do we say, if the
17 courts said what they said, what the VRA likely
18 requires, can we work with that and find a way
19 to save our incumbents on our own?

20 And so, Your Honor, I -- you know,
21 I -- I'm not going to stand here and say that
22 the Robinson courts were right, but I will say
23 that what is set in stone is what they've said.
24 That is the law. And we took that as gospel and
25 went back to the drawing board and drew District

1 6.

2 JUSTICE KAVANAUGH: One -- one of the
3 arguments that the Appellees raise is that
4 there's a durational limit on the authority of
5 Section 2 to -- for states to create additional
6 majority-minority districts. I think that's
7 pages 36 to 38 of the Appellees' brief.

8 I know that the State of Louisiana in
9 separate litigation is taking exactly that same
10 position, as I understood it and read it. And
11 I'm wondering what you think we should do with
12 the Appellees' argument about the durational
13 limit here.

14 MR. AGUIÑAGA: Sure. A couple of
15 things, Justice Kavanaugh.

16 The first thing I think you do is you
17 disregard it because, until the red brief,
18 plaintiffs in this case never disputed this
19 Court's assumption that compliance with the VRA
20 is a compelling interest. So I think that part
21 of the brief where they talked about what we're
22 arguing in another case, that's really beside
23 the point here because they forfeited that
24 compelling interest argument.

25 But on the merits, absolutely. In the

1 Nairne case, our position is that in Louisiana,
2 at least as applied to Louisiana, Section 2 is
3 unconstitutional. The reality today is we have
4 lost that argument so far, and, you know, we are
5 duty-bound to comply with the VRA, and
6 especially in this context where you have
7 federal court decisions telling us what the VRA
8 likely requires.

9 I -- I don't think there's any serious
10 argument that that is not a compelling interest,
11 that we do not have a compelling interest in
12 complying what the federal courts have told us.

13 JUSTICE KAVANAUGH: And that separate
14 litigation's now in the Fifth Circuit; is that
15 correct?

16 MR. AGUIÑAGA: It's in the Fifth
17 Circuit in the Nairne case. The Fifth Circuit
18 panel heard oral argument in January. That
19 issue may well be before this Court. The
20 ultimate unconstitutionality issue may well be
21 before this Court this fall. But at least as
22 things stand now, we're duty-bound to comply
23 with the Voting Rights Act. And when a district
24 court and a panel in the Fifth Circuit say the
25 Voting Rights Act likely requires you to adopt a

1 second majority Black district, we're going to
2 do that, Justice Kavanaugh.

3 JUSTICE ALITO: What if the Robinson
4 decision were plainly wrong? Let's say it -- it
5 didn't apply Gingles at all. Would you still
6 have a good reason to follow it?

7 MR. AGUIÑAGA: No, Justice Alito. And
8 I think that goes to -- I know the United States
9 withdrew its brief in this case, but I think
10 that's the sort of unusual circumstance that
11 provides a very, very narrow exception to our
12 position, which is you can imagine an extreme
13 case where the VRA courts just wildly got the
14 law wrong, got the facts wrong, and nobody --
15 objective -- as an objective matter, nobody
16 would agree that that was a circumstance where a
17 state could reasonably rely on those decisions
18 and make --

19 JUSTICE ALITO: But what if it weren't
20 wildly wrong? They didn't just ignore Gingles,
21 but it's wrong. You look at it and it's wrong.
22 They -- they misapplied something.

23 MR. AGUIÑAGA: And, Your Honor, I
24 think the -- the -- the less wild, the less
25 wildly wrong the decision becomes, I think the

1 harder it is for a plaintiff, like Plaintiffs in
2 this case, to come in on the back end in an
3 Equal Protection Clause case and say: We should
4 just relitigate what happened in the VRA
5 litigation all over again.

6 And that didn't happen in this case.
7 I mean, nothing prohibited Plaintiffs from
8 coming to the district court and putting in all
9 the evidence to say, like, if you actually look
10 at what was in the record in Robinson, flat
11 wrong, you should just relitigate what happened
12 in the Middle District and the Fifth Circuit.

13 They didn't do that. I think that
14 option is available --

15 JUSTICE ALITO: All right.

16 MR. AGUIÑAGA: -- to plaintiffs in a
17 future case.

18 JUSTICE ALITO: Thank you. Thank you.

19 JUSTICE SOTOMAYOR: I'm sorry, I --
20 you're saying in this case they didn't argue
21 Robinson was wrong?

22 MR. AGUIÑAGA: Your Honor --

23 JUSTICE SOTOMAYOR: They didn't put in
24 any evidence to relitigate the Robinson issue?

25 MR. AGUIÑAGA: Justice Sotomayor, they

1 did not put on the full panoply of evidence that
2 was in the Robinson decision.

3 JUSTICE SOTOMAYOR: They say you bear
4 that burden.

5 MR. AGUIÑAGA: Your Honor, our burden
6 was to show that we had a good reason for
7 enacting District 6. And our position is that
8 you have two Article III court decisions that go
9 through our like -- the -- the Robinson
10 plaintiffs' likelihood of success on the merits.

11 That itself is based on the
12 evidentiary record in the Robinson litigation,
13 almost 400 docket entries in the district
14 court --

15 JUSTICE SOTOMAYOR: I --

16 MR. AGUIÑAGA: -- in the Middle
17 District.

18 JUSTICE SOTOMAYOR: I'm taking a step
19 back, okay?

20 If they had said that Robinson was
21 wildly wrong, they would have relitigated in
22 front of the district court based on the very
23 voluminous -- district court decision. It was
24 over 150 pages, filled with the arguments on
25 both sides, right?

1 MR. AGUIÑAGA: That's exactly right,
2 Your Honor. And --

3 JUSTICE SOTOMAYOR: But what they came
4 in and said, instead, was merely because you
5 were trying to comply with Robinson, that showed
6 you let race predominate, correct?

7 MR. AGUIÑAGA: That's correct, Justice
8 Sotomayor. And --

9 JUSTICE SOTOMAYOR: So their approach
10 wasn't saying relitigate Robinson. They're just
11 saying that's not a compelling state interest.

12 MR. AGUIÑAGA: That's correct, Justice
13 Sotomayor. And our position here is that can't
14 be right. I mean, this Court has never seen a
15 set of circumstances where you have federal
16 courts telling a state: This is what the law
17 likely requires of you.

18 And then at court --

19 JUSTICE SOTOMAYOR: But we do have at
20 least three cases that say you don't have to be
21 right on whether you needed to comply with
22 Title II, you just have to have a good faith
23 basis, correct?

24 MR. AGUIÑAGA: That's right, Your
25 Honor. You have a case -- for example,

1 you case -- you look at a case like Bush versus
2 Vera, a case that says the state doesn't have to
3 draw the precise compact district that a VRA
4 court would have drawn.

5 Or you look at a case like a
6 Bethune-Hill that says a state doesn't have to
7 show that it would have lost at trial but for
8 its use of race.

9 I mean, that's the sort of breathing
10 room and flexibility that this Court's cases
11 bake into the analysis.

12 JUSTICE SOTOMAYOR: Now, we have at
13 least three cases that have said, unlike what
14 the district court said here, the district court
15 said that the reason why race predominated is
16 because you decided to comply with Section 2.
17 Correct?

18 MR. AGUIÑAGA: That's correct, Your
19 Honor.

20 JUSTICE SOTOMAYOR: And in at least
21 three cases we've said that's not the starting
22 proposition, correct?

23 MR. AGUIÑAGA: That's correct, Your
24 Honor.

25 JUSTICE SOTOMAYOR: One of them

1 Bethune-Hume -- Hill.

2 MR. AGUIÑAGA: That -- that's correct.

3 JUSTICE SOTOMAYOR: Okay.

4 MR. AGUIÑAGA: This Court has said --

5 JUSTICE SOTOMAYOR: So but we have
6 said that once you try to comply with Section 2,
7 that the new map you create has to substantially
8 address the likely Section 2 violation?

9 MR. AGUIÑAGA: That's correct, Your
10 Honor.

11 JUSTICE SOTOMAYOR: All right. How
12 does the map that you enacted do that? We know
13 the Robinson map was more compact, followed more
14 traditional criteria than the legislature's
15 first created map, okay?

16 So we know that that would have
17 resolved the Section 2 violation using
18 traditional criteria. One of their arguments
19 here, and one that the district court pointed
20 to: But, wait a minute, this map's different,
21 and it doesn't fit all the criteria.

22 So how do we say that that follows our
23 guidance?

24 MR. AGUIÑAGA: Mr. Chief Justice, may
25 I briefly answer?

1 CHIEF JUSTICE ROBERTS: Certainly.

2 MR. AGUIÑAGA: So Justice Sotomayor, I
3 think you begin with the Robinson illustrative
4 maps as a baseline, and you ask: How closely
5 does the state's enacted map approximate what
6 the Robinson illustrative map looked like and
7 did?

8 And then if it deviates, you ask that
9 substantially addresses question: Well, why did
10 the state deviate? And did it deviate so much
11 that the state's map doesn't actually
12 substantially address the -- the baseline
13 violation identified in Robinson?

14 And the reason -- the answers to those
15 questions in this case, the only reason we
16 deviated from the Robinson illustrative map is
17 to protect our high-profile incumbents. And
18 then --

19 JUSTICE SOTOMAYOR: But both maps --

20 MR. AGUIÑAGA: -- the substantially --

21 JUSTICE SOTOMAYOR: Both maps created
22 seven -- seven voting districts, correct?

23 MR. AGUIÑAGA: We have six districts,
24 correct, Your --

25 JUSTICE SOTOMAYOR: I'm sorry.

1 MR. AGUIÑAGA: Both maps created two
2 majority Black districts.

3 JUSTICE SOTOMAYOR: Two majorities.
4 But both of them relied on the same district --
5 having the same number of districts?

6 MR. AGUIÑAGA: That's correct, Your
7 Honor.

8 JUSTICE SOTOMAYOR: And 70 percent of
9 District 6's, which is -- was 70 percent of the
10 Robinson map, correct? District 6?

11 MR. AGUIÑAGA: That's correct, Your
12 Honor. The very core of District 6 is the very
13 core of the Robinson illustrative map.

14 JUSTICE SOTOMAYOR: We have also said
15 very clearly that if two reasons coexist, race
16 and politics, that 50/50 means that race doesn't
17 predominate, correct?

18 MR. AGUIÑAGA: That's what this
19 Court's precedents say, Your Honor.

20 JUSTICE SOTOMAYOR: Alright. Thank
21 you.

22 CHIEF JUSTICE ROBERTS: Thank you,
23 counsel.

24 Justice Thomas?

25 Justice Alito?

1 Justice Kagan?

2 Justice Kavanaugh?

3 JUSTICE KAVANAUGH: What's the limit
4 on that, in terms of your answer to Justice
5 Sotomayor? You know, 50 percent? 40 percent?
6 30 percent? And what are -- what kind of
7 guidance do you think we could give? Because
8 one of the legitimate concerns of your brief and
9 the amicus briefs are to give clearer guidance.

10 What do you think the limit is on
11 taking the political considerations into account
12 in fashioning a remedial district that
13 substantially addresses the violation?

14 MR. AGUIÑAGA: Well, I think one of
15 the limits, Justice Kavanaugh, is numerical,
16 right? I mean, in Shaw 2 the Court said that a
17 20 percent overlap was insufficient. In LULAC,
18 you know, less than -- than 50 percent was
19 insufficient.

20 Here, we're in the neighborhood of
21 70 percent. So I think as a numerical matter,
22 that's going to be one pretty clear guidepost
23 for the lower courts on how closely a state is
24 approximating the illustrative map.

25 And I think the other thing is just

1 to -- to really assess why the state deviated
2 from the baseline map. And I think that's one
3 of the things where I don't know that there is
4 any dispute in this case, on both sides, why we
5 didn't adopt SB4. We adopted SB8.

6 The sole reason in Senator Womack's
7 own statements is SB8 was the only map that
8 would protect our -- our high-profile
9 incumbents.

10 JUSTICE KAVANAUGH: So the rule I
11 think you want is political considerations are
12 fine to take into account in doing the map, the
13 second map. And 50's kind of a floor on that?

14 MR. AGUIÑAGA: I -- I think so. I
15 mean, this Court has never spelled out what
16 "substantially addresses" means as a numerical
17 matter. And to my mind, if I'm between 60 and
18 80 percent, I think that's substantial. But
19 obviously a judgment call for this Court.

20 JUSTICE KAVANAUGH: Thank you.

21 CHIEF JUSTICE ROBERTS: Justice
22 Barrett?

23 JUSTICE BARRETT: I just want to be
24 sure I understand your question to Justice
25 Alito. Justice Alito asked you, you know, if

1 the Robinson decision was patently wrong, could
2 it still be a good reason.

3 And you said: Well, you know, if
4 it -- if it was patently wrong, no, but we were
5 obeying the federal court orders. This wasn't
6 patently wrong.

7 What -- what is the point at which --
8 because it's an odd situation, right, where the
9 later district court has to essentially take as
10 preclusive the earlier district court's
11 determination of the Section 2 violation, right?
12 But it's not entirely preclusive because you
13 left room for the later court to say: Well,
14 that was patently wrong, so we're not going to
15 follow it.

16 What is the line?

17 MR. AGUIÑAGA: So I think there are
18 two ways in which it's not automatically
19 preclusive, Justice Barrett.

20 I think the first is regardless of
21 what the earlier court decisions say, when the
22 state acts, it has to substantially address
23 the -- the -- the baseline violation. So that's
24 one way in which -- if we fail to do that, if we
25 adopted an SB8 map that had only 20 percent

1 overlap with the Robinson illustratives, then
2 that's one way in which the VRA decisions are
3 not preclusive here. We lose this case.

4 I think the other way -- and I think
5 this is what your question was getting at -- is
6 that in the wildly wrong case, you know, I think
7 we just can't -- we can't dispute that there may
8 be some case where objectively, on both sides of
9 the aisle, everybody agrees that the court just
10 got the law and the facts wrong. I think that's
11 a case we have to give up. And we're happy to
12 give it up.

13 But barring that case, when a federal
14 court -- two federal courts tell a state what
15 the law requires, to me, that means that there
16 should be a very, very high bar in this Court's
17 precedence for second-guessing what those
18 federal courts say.

19 And I think you just leave that
20 hypothetical out there as -- as a potential odd
21 case that may never arise. But we acknowledge
22 that, you know, it is out there.

23 JUSTICE BARRETT: I mean, is it also
24 because of the position that it puts the state
25 in here? I mean, it's not just a matter of your

1 obedience to the federal court order -- which I
2 appreciate, you know, you would be obedient to
3 the federal court order -- but it's also that if
4 you had continued to litigate the Robinson -- if
5 you had continued to litigate in Robinson, you
6 risked having the court-imposed map.

7 And so it's really your litigation
8 risk that's part of the calculus here?

9 MR. AGUIÑAGA: That's one risk, Your
10 Honor. I think it's both litigation risk and
11 political risk. Because remember, if you look
12 at page 601 of the Fifth Circuit's decision,
13 they say: Now that we have affirmed the
14 district court on the merits, we don't doubt
15 that the legislature might want to take this
16 opportunity to draw a new map now, and we're --
17 here's the deadline, January 15, 2024.

18 You can call that litigation risk.
19 You can call that political risk. Whatever it
20 is, it's forcing the state to make up a call.

21 JUSTICE BARRETT: It's wrapped up
22 together, yeah.

23 MR. AGUIÑAGA: That's correct.

24 JUSTICE BARRETT: If you're going to
25 lose, then you risk that the district court's

1 going to impose a map on you.

2 MR. AGUIÑAGA: That's exactly right,
3 Justice Barrett.

4 JUSTICE BARRETT: All right. Okay.

5 CHIEF JUSTICE ROBERTS: Justice
6 Jackson?

7 JUSTICE JACKSON: So can I just
8 clarify? There's no dispute that the court's
9 order was the reason that Louisiana did this,
10 did the new map, right?

11 MR. AGUIÑAGA: Mr. Greim can correct
12 me if I'm wrong, but I don't think so, Your
13 Honor.

14 JUSTICE JACKSON: And the question is
15 whether or not the fact that you had a court
16 order was good enough reason for you to do it?
17 Is that what you understand the basic question
18 to be?

19 MR. AGUIÑAGA: That's correct. Not
20 just one order, but two layers of orders, yes,
21 Your Honor.

22 JUSTICE JACKSON: And I guess I'm
23 still a little confused as to why it matters
24 whether the court order was right or not.
25 You -- you -- you were still being compelled by

1 the court to do what you did in this case,
2 correct?

3 MR. AGUIÑAGA: That's correct, Justice
4 Jackson. And I guess all I was trying to -- the
5 point I was trying to drive home is that you
6 could imagine -- and I -- I think that's why the
7 United States' withdrawn brief calls it an
8 unusual circumstance, where, like, the -- like,
9 the VRA decisions were just wrong, just plainly
10 wrong, and nobody would rely on them.

11 But this is nowhere close to that.
12 And I -- you know, it may well be that this
13 Court never sees a situation where that sort of
14 wildly erroneous --

15 JUSTICE JACKSON: But I guess that
16 hypothetical invites us to even engage in and
17 question, you know, an inquiry as to whether or
18 not this was a wildly wrong case. And I -- I'm
19 just worried about that as a way of going about
20 handling this sort of situation.

21 I mean, Justice Barrett points out
22 that we have a prior court order. You say,
23 and -- and it's clear that it was affirmed by
24 the Fifth Circuit, that to a certain extent it
25 is preclusive on the facts of whether or not

1 there's a likely VRA violation here. And having
2 a likely VRA violation is all that was necessary
3 for the -- the state to take the steps that it
4 did.

5 So I -- I just don't know that we need
6 to even engage in the thought process of what if
7 the court order was wrong?

8 MR. AGUIÑAGA: Yeah. Right.

9 JUSTICE JACKSON: I mean, it existed.
10 And if it existed, then it seems to me that
11 there is a good reason for Louisiana to have
12 followed it.

13 MR. AGUIÑAGA: I think --

14 JUSTICE JACKSON: Yeah?

15 MR. AGUIÑAGA: I think that's exactly
16 right, Justice Jackson. And that's why that may
17 well be the unicorn case, the unicorn case that
18 says, you know, black is green. Like nobody,
19 like, objectively agrees with that. But that
20 case may also never arise. If I --

21 JUSTICE JACKSON: Let me ask you about
22 substantially addressed the violation. Was that
23 something that the district court addressed in
24 this case? I didn't see that as part of its
25 analysis. And isn't that another basis for

1 finding error here?

2 MR. AGUIÑAGA: It did not, Your Honor.
3 And, yes, that is an independent legal ground
4 for finding error. And that's why I pointed the
5 Court to -- if you look at pages 53a to 66a of
6 our JS appendix, that's the good reasons
7 analysis. And you see nothing about Robinson
8 there. You see nothing about the Robinson
9 illustrative maps.

10 With all due respect, that -- the --
11 that factual background is what explains SB8.
12 And so you can't assess the legality of our map
13 without referring as a baseline to the
14 comparison against the Robinson litigation.

15 JUSTICE JACKSON: Thank you.

16 CHIEF JUSTICE ROBERTS: Thank you,
17 counsel.

18 Mr. Naifeh.

19 ORAL ARGUMENT OF STUART C. NAIFEH
20 ON BEHALF OF THE APPELLANTS IN CASE 24-110

21 MR. NAIFEH: Mr. Chief Justice, and
22 may it please the Court:

23 This Court has been clear that states
24 have breathing room to take reasonable efforts
25 to comply with the Voting Rights Act, and they

1 may also balance the many other interests that
2 enter the redistricting calculus.

3 And so it was a perfectly appropriate
4 after two federal courts had found that
5 Louisiana had likely violated Section 2, that
6 the state sought to comply with those rulings
7 and that it exercised its authority to protect
8 favored incumbents and unite preferred
9 communities of interest.

10 And accounting for those kinds of
11 political considerations is squarely the
12 legislature's prerogative. And breathing room
13 ensures that courts don't unnecessarily intrude
14 on the legislative domain simply because the
15 state is attempting to comply with the Voting
16 Rights Act.

17 But the district court did exactly
18 that in finding that the State's chosen remedy
19 for the violation shown in Robinson was
20 unconstitutional. And it committed three errors
21 in doing so.

22 First, it treated the intent to comply
23 with the Voting Rights Act as inherently
24 suspect. Second, it dismissed Robinson as a
25 good reasons for the state to engage in remedial

1 districting. And, third, it demanded that the
2 State's chosen remedy maximize compactness and
3 compliance with traditional redistricting
4 principles even when that precluded the State
5 achieving its political objectives.

6 Those errors denied the State the
7 flexibility to make political judgments, balance
8 competing interests, and comply with federal
9 law. And so we ask the Court to reverse the
10 decision below.

11 And I welcome the Court's questions.

12 JUSTICE THOMAS: Could you take a
13 minute or so and describe exactly what the
14 underlying Voting Rights Act violation was?

15 MR. NAIFEH: Absolutely, Your Honor.

16 JUSTICE THOMAS: And how it was
17 remedied.

18 MR. NAIFEH: Yes. The district court
19 in the Robinson case looked at the history,
20 looked at the history of discrimination, looked
21 at modern instances of discrimination. It found
22 that there were extreme disparities in the Black
23 communities in the region around Baton Rouge and
24 to St. Landry Parish and into other parishes,
25 and also in the delta region, which was drawn

1 into our illustrative map.

2 So it looked at that history. It
3 found that based on that, those conditions,
4 current conditions, not just history but current
5 conditions, that Black voters in Louisiana had
6 less opportunity to elect candidates of choice
7 than other voters.

8 And so it looked at the totality of
9 the circumstances. It found that there was a
10 compact -- a compact map could be drawn and that
11 race did not predominate in the illustrative
12 maps. And, therefore, it found -- and it looked
13 at the -- the polarization, and it found that
14 Section 2 had likely been violated.

15 JUSTICE GORSUCH: Counsel, what do we
16 do about the fact that Robinson I was just
17 litigated through a preliminary injunction? And
18 I understand that the Court has -- has suggested
19 that there's a compelling interest in abiding
20 Section 2, but here we don't have a final
21 judgment. And that's a little -- little --
22 little awkward to say that a -- a preliminary
23 injunction, which even in the existing
24 litigation, has no binding effect going forward,
25 right? I mean, you get a PI, you can lose on

1 the merits. It happens all the time. Right?

2 So what do we do about that?

3 MR. NAIFEH: Well, I think first, Your
4 Honor, the -- this Court has found good reasons
5 on much less than that. It's found good reasons
6 based on, you know, legislatures' analysis of
7 past election results, on demographics of
8 districts and turnouts --

9 JUSTICE GORSUCH: No, I understand --

10 MR. NAIFEH: -- and things like that.

11 JUSTICE GORSUCH: -- that, but here
12 it's based on a -- a court action. But the
13 court action was preliminary.

14 MR. NAIFEH: It was preliminary in
15 a -- in a very formal sense, but the record in
16 Robinson was very robust. It was a five-day
17 evidentiary hearing. The court heard from 21
18 witnesses. There were hundreds of exhibits.

19 And the court made a reasoned decision
20 based on that record. And not only was it the
21 district court's decision, but that decision was
22 then affirmed by the Fifth Circuit with the
23 benefit of this Court's decision in Milligan
24 that -- that found that the district court had
25 correctly identified a likely violation of

1 Section 2.

2 And so, under any circumstances,
3 that -- you know, under this Court's precedent,
4 that's more than enough to find good reasons for
5 the state to engage in remedial redistricting.

6 JUSTICE ALITO: Well, it was not only
7 a preliminary injunction. It was a preliminary
8 injunction that was vacated by the Fifth Circuit
9 because there was no longer any irreparable harm
10 at the time when the Fifth Circuit decided the
11 appeal. And the Fifth Circuit said, you know,
12 we're not convinced that this is the right
13 result, this will be the right result in the
14 end. Isn't all that true?

15 MR. NAIFEH: Well, not all of it, Your
16 Honor. First, the Fifth Circuit said that the
17 harm is still present. So it was a balance of
18 the equities, really, that was the basis for
19 vacating the injunction. And you can see that
20 in the Fifth Circuit --

21 JUSTICE ALITO: All right. But it's
22 a -- it's a vacated preliminary injunction.

23 MR. NAIFEH: It's vacated, yes, Your
24 Honor, on the balance of the equities. But the
25 Fifth Circuit very clearly affirmed the merits

1 of the district court's decision, its
2 determination that the Plaintiffs were likely to
3 prevail on the merits.

4 JUSTICE ALITO: Why is this situation
5 different from the situation in Miller, which I
6 don't think you discuss in your brief, where the
7 state said we adopted this map because that was
8 required to get preclearance from the Justice
9 Department?

10 And the court just blew right past
11 that. So what's the difference?

12 MR. NAIFEH: I think there's a very
13 big difference, Your Honor, between the Justice
14 Department making a pre-litigation assessment
15 about what Section 5 requires, which in Miller,
16 the Court made clear was -- would be subject to
17 judicial oversight, and a -- and an Article III
18 court in an adversarial setting looking at the
19 evidence and making a determination that Section
20 2 has likely been violated.

21 JUSTICE ALITO: Well, I come back,
22 then, to the question I asked Mr. Aguiñaga.
23 What if the underlying decision -- what if the
24 district court decision is wrong? What if you
25 read it and you say this is wrong, it applied

1 the wrong standard?

2 MR. NAIFEH: Well, I think, Your
3 Honor, if there were some unusual circumstance
4 like that, and then you'd also maybe want to
5 look at why did the state not defend it if it
6 was so wrong? You know, unusual circumstances
7 like collusion, like a responsible official's
8 failure to defend a map, which does happen from
9 time to time. Then you might look with more
10 skepticism at the decision itself.

11 JUSTICE ALITO: Well -- well, why
12 isn't this a situation where if you look at the
13 face of the decision, it's wrong? And you just
14 summarized what the -- what the Middle District
15 judge held, and it was wrong under LULAC. It's
16 wrong.

17 The question is whether there is a
18 minority -- whether there's a minority
19 population that is sufficiently compact to be --
20 to be included in a district that sufficiently
21 respects traditional districting lines, not
22 whether, once you've identified a -- bits of
23 minority population, it is possible to draw a
24 district that's compact.

25 That's contrary to what LULAC said.

1 And it's just what the -- but that's what the
2 Middle District said. And it's what you just
3 said in summarizing what they held.

4 MR. NAIFEH: Well, absolutely, Your
5 Honor. The standard is: Is the minority
6 population sufficiently compact to form the
7 majority in a reasonable configured district?
8 And --

9 JUSTICE KAGAN: Right. We said that
10 in Allen, didn't we? That was pretty recent.
11 That was last year, two years ago, whatever?

12 MR. NAIFEH: Absolutely, Your Honor.

13 JUSTICE KAGAN: We said it in
14 Wisconsin legislature? Sufficiently large and
15 compact to constitute a majority in a reasonably
16 configured district. That's exactly what they
17 did.

18 I mean, LULAC has some language -- it
19 actually goes back and forth between the two,
20 but we have repeated now several times,
21 including in our most recent decision, the
22 standard that was used here.

23 MR. NAIFEH: Absolutely, Your Honor.
24 And the way that standard is typically applied
25 is that if there is a reasonably configured

1 district that is majority-minority, that's the
2 evidence that the minority population is
3 sufficiently compact. And --

4 CHIEF JUSTICE ROBERTS: How -- I mean,
5 if you look at CD6, what does "reasonably
6 compact" mean?

7 MR. NAIFEH: Well --

8 CHIEF JUSTICE ROBERTS: I mean,
9 it's -- it's a snake that runs from one end of
10 the state to the other. That -- I mean, how is
11 that compact?

12 MR. NAIFEH: Well, absolutely, Your
13 Honor. So the CD6 is the remedial district.
14 That was not offered as an illustrative district
15 to prove a Section 2 violation. And states have
16 flexibility when they are drawing remedial
17 districts that a plaintiff in a Section 2 case
18 might not have.

19 We can't draw non-compact districts to
20 prove the Section 2 violation, but once we have
21 shown that --

22 JUSTICE KAGAN: So in Robinson, they
23 were looking at a totally normal-looking
24 district, right?

25 MR. NAIFEH: It was a much --

1 JUSTICE KAGAN: It's kind of square,
2 and it's like there's nothing unusual about it.

3 MR. NAIFEH: Indeed.

4 JUSTICE KAGAN: It actually looks like
5 the district that the -- the -- the State went
6 in with, right?

7 MR. NAIFEH: Absolutely. It's very
8 similar to the State's -- the CD5 in the -- in
9 the original map enacted in 2022. And so that's
10 the evidence --

11 JUSTICE SOTOMAYOR: It performed
12 better on traditional criteria.

13 MR. NAIFEH: Yeah.

14 JUSTICE SOTOMAYOR: The Robinson map
15 performed better on criteria -- on traditional
16 criteria than Louisiana's map, correct?

17 MR. NAIFEH: Yes, that --

18 JUSTICE SOTOMAYOR: First map.

19 MR. NAIFEH: -- that is correct.

20 It -- it --

21 CHIEF JUSTICE ROBERTS: Well --

22 JUSTICE GORSUCH: So what do we do
23 about that? You came up with some compact maps.
24 Louisiana chose a snake, as the Chief Justice
25 called it, instead, squiggling from one end of

1 the state to the other.

2 Even if -- even if there were good
3 reason for the district court -- for equal
4 protection purposes, the state had good reason
5 to draw another district, didn't it have good
6 reason to draw this district?

7 MR. NAIFEH: Well, it had good reason
8 to believe that it had to draw some remedial
9 district --

10 JUSTICE GORSUCH: No, I -- I'm
11 spotting you that.

12 MR. NAIFEH: -- in this case.

13 JUSTICE GORSUCH: We're moving past
14 the preliminary injunction stuff --

15 MR. NAIFEH: Yes.

16 JUSTICE GORSUCH: -- whether they had
17 good reason. I'm asking: Is this one narrowly
18 tailored? Is this one the appropriate district?

19 MR. NAIFEH: Yes. So the question the
20 court asks there is: Does the district that the
21 state drew, the -- the remedial district,
22 substantially address the violation?

23 JUSTICE GORSUCH: And that's my
24 question for you.

25 MR. NAIFEH: And so here, as

1 Mr. Aguiñaga explained, the district includes
2 substantially -- a substantial part of the same
3 population. The core of the district is
4 identical to the districts that were at issue in
5 Robinson to our illustrative districts. It's
6 about -- at least 70 percent of the population.

7 JUSTICE GORSUCH: Of the population.
8 But geographically it's wildly different.
9 And -- and so what do we do about that?

10 MR. NAIFEH: Well, I think the
11 geography is not really the -- the issue.
12 Because as this Court pointed out in -- back in
13 the '60s in Reynolds versus Sims, legislators
14 represent people; they don't represent
15 geography.

16 JUSTICE GORSUCH: Yeah, but
17 districting is supposed to take into account --
18 I mean, we're going to go around the tree, I
19 suppose. But districting is also supposed to
20 take into account compactness and --
21 contiguity -- sorry -- and -- and traditional
22 districting principles.

23 And this one -- you didn't propose
24 this district.

25 MR. NAIFEH: No, we did not propose

1 this district, but we believe the district
2 remedies the violation because it includes most
3 of the population from the illustrative
4 districts.

5 And states are not constrained. This
6 Court has -- has said repeatedly that states
7 don't have to draw the compact districts that a
8 court would impose. They can take other
9 considerations into account, including political
10 ones.

11 JUSTICE JACKSON: And I'm wondering
12 whether or not we're conflating the standards
13 in -- in a way as we have this conversation. I
14 mean, the original Section 2 violation was
15 established via the map that was compact, that
16 you created, that showed that another
17 majority-minority district could be drawn.

18 And in response to that, the State,
19 for political reasons, said: We're not going to
20 adopt that map; we need to make a different one
21 in order to reach the goal of remedying this
22 violation because of political reasons.

23 So at that point I'm wondering whether
24 we are even in a world in which strict scrutiny
25 is applying. Because the State's motivation for

1 drawing the squiggly snake -- snake map is not
2 race. Its motivation at that point is clearly
3 politics, because that's what it's saying it's
4 doing, choosing that map over the one that you
5 proposed.

6 MR. NAIFEH: And --

7 JUSTICE JACKSON: So do we even need
8 to get into the -- the analysis of about narrow
9 tailoring? Because it seems we've -- we've left
10 it, because we're now in the world of political
11 map drawing, right?

12 MR. NAIFEH: Absolutely, Your Honor.
13 And this -- the line this Court has long drawn
14 is between consciousness of race and racial
15 predominance. And that distinction is important
16 to preserving states' flexibility to account for
17 these kinds of political considerations, while
18 also --

19 JUSTICE JACKSON: And -- and what I --

20 MR. NAIFEH: -- complying with federal
21 law.

22 JUSTICE JACKSON: -- hear you saying
23 is the reason why we're looking at a snake-like
24 map rather than the compact map is because of
25 political considerations.

1 MR. NAIFEH: Politics is the only
2 reason that the state chose that map over the
3 compact maps that were offered in Robinson.

4 CHIEF JUSTICE ROBERTS: Counsel, you
5 said what's important on compactness is where
6 the core of the district is?

7 MR. NAIFEH: Well, it's not a question
8 of compactness, Your Honor. It's a question of
9 the remedy. Does it remedy the violation that
10 had been shown?

11 This Court has never said that states
12 are required to draw compact districts. There's
13 no obligation to draw compact districts if
14 they're not doing it for -- you know, if they're
15 not drawing a non-compact district predominantly
16 based on race without an adequate justification.

17 So they can draw compact districts --
18 non-compact districts as a remedy once a
19 violation has been shown.

20 CHIEF JUSTICE ROBERTS: And you think
21 the drawing of this district was not
22 predominantly based on race?

23 MR. NAIFEH: I think that --

24 CHIEF JUSTICE ROBERTS: I mean, it
25 runs from one side of the state angling up to

1 the other, picking up -- Black populations as it
2 goes along.

3 MR. NAIFEH: Well, Your Honor, that
4 was the Plaintiff's position, but I've -- as --
5 the State identified interests -- communities of
6 interest that it had joined in that district, in
7 that shape.

8 And if you look at the historians
9 of -- Louisiana historians' amicus brief, they
10 explain that there's -- it's not by chance that
11 there are significant Black populations in that
12 corridor along the Red River. It's a result of
13 history.

14 It's a result of the history of
15 slavery, of Jim Crow, and of the disparities
16 that prevented the lack of economic
17 opportunities that kept people there over
18 generations.

19 And so those ties are still there
20 throughout the district. There are family ties,
21 there are community ties, there are religious
22 ties for -- among those communities that are
23 drawn together in that district.

24 And that's part of what the State
25 identified. What the legislature identified was

1 the interests that they were drawing together,
2 in addition to the political reasons.

3 So it's not a district that randomly
4 draws together pockets of Black population.

5 JUSTICE GORSUCH: Well, I think what
6 the Chief is trying to get at is certainly
7 politics played a role in this district, but
8 didn't race?

9 MR. NAIFEH: Absolutely, Your Honor.
10 The state was trying to draw a district that
11 would remedy the violation that we had shown in
12 Robinson.

13 JUSTICE GORSUCH: Which is another way
14 of saying race predominated, isn't it?

15 MR. NAIFEH: Well, I -- I would
16 disagree with that, Your Honor. I think that --
17 that means race was one consideration. And this
18 Court has long said in cases --

19 JUSTICE GORSUCH: Isn't it -- isn't
20 it -- I'm -- I'm sorry. I'm sorry, Chief.

21 CHIEF JUSTICE ROBERTS: No, go ahead.

22 JUSTICE GORSUCH: Well, isn't -- isn't
23 saying race is one consideration another way of
24 saying race predominated? And how do we square
25 that with the Fourteenth Amendment's promise

1 that race should play no role --

2 MR. NAIFEH: Well, the --

3 JUSTICE GORSUCH: -- in our -- in our
4 laws?

5 MR. NAIFEH: Well, in the
6 redistricting context, this Court has long
7 recognized that legislators are always aware of
8 race.

9 And the fact that race was one thing
10 they were considering when they drew the map
11 does not mean it was the predominant thing. It
12 means that it was one of many considerations
13 that they had. Politics was another.
14 Communities of interest was another.

15 And without some evidence that would
16 disentangle those things and show that, well,
17 actually, race -- among all of those
18 considerations the state was considering, race
19 was the one that actually drove the lines, race
20 does not -- the Plaintiffs have not borne their
21 burden to prove that racial predominance.

22 CHIEF JUSTICE ROBERTS: Thank you,
23 counsel.

24 Justice Thomas?

25 JUSTICE THOMAS: In some of these

1 redistricting cases, the argument is that
2 certain -- a certain percentage of the Black
3 population is excluded, and you redraw the map
4 to include that population.

5 And what I'm interested in here is
6 exactly what the violation was and exactly how
7 this map solves that or addresses that
8 violation.

9 MR. NAIFEH: So the violation was that
10 the map adopted in 2022 dilutes the votes of
11 Black Louisianians by denying them an equal
12 opportunity to elect candidates of choice. And
13 the way we showed that was through drawing from
14 illustrative districts and included this -- this
15 common core of seven parishes in the center of
16 the state and connecting that with populations
17 in the delta, which was a similar configuration
18 to the State's map. So ours was sort of a
19 least-changed map that would remedy the
20 dilution.

21 The State included that same core and
22 it drew together other different -- Black
23 populations in the district to create a remedial
24 district that would remedy the dilution. And I
25 think, in that sense, this case is most like

1 Abbott.

2 In Abbott, the -- the Texas court --
3 or the Texas court had held that there was a
4 Voting Rights Act violation and the state needed
5 to add additional majority-minority districts.
6 The way the state did that was that it drew
7 together voters, some voters, in that southwest
8 Texas area where the violation had been proven,
9 with other voters in a different part of the
10 state.

11 And this Court said that was fine,
12 they did it for incumbent protection purposes.
13 The fact that it was the least compact district
14 in the state was not even part of the analysis
15 and -- and it -- because the state had the
16 flexibility to remedy that violation in a way
17 that also advanced its political goals.

18 CHIEF JUSTICE ROBERTS: Justice Alito?

19 JUSTICE ALITO: Well, let me ask you a
20 question about illustrative District 5 that was
21 before the Middle District of Louisiana in the
22 Robinson case. So that district combined Black
23 populations near Baton Rouge and Lafayette in
24 the southeast region of the state with splotches
25 of Black populations near Monroe, Bastrop, and

1 Tallulah in the far northeast corner of the
2 state.

3 Now, how can the failure to combine
4 these far-distant populations in a map in a
5 single district be regarded as the cracking of a
6 concentration of Black voters?

7 MR. NAIFEH: Well, the district court
8 recognized that our illustrative maps were more
9 compact, split fewer parishes than the State's
10 map in creating a new --

11 JUSTICE ALITO: Yeah, the map --
12 the -- the --

13 MR. NAIFEH: -- minority Black
14 district, and that is the --

15 JUSTICE ALITO: The map scored well on
16 those -- on those criteria. But how can that be
17 regarded as cracking?

18 MR. NAIFEH: The -- the -- those
19 populations -- the way the effects test under
20 Section 2 works, and, again, I would -- you
21 know, those determinations are -- you know, were
22 made in the Middle District in litigation that
23 the State chose not to appeal. So those are
24 not -- those have not been part of this
25 litigation.

1 But to answer your question, the way
2 the effects test works is it looks at the way
3 the map is drawn and whether it could be drawn
4 differently so that it would not have those --

5 JUSTICE ALITO: Okay. Yeah. I --

6 MR. NAIFEH: -- the limited impacts.

7 JUSTICE ALITO: I understand that.

8 And not only are these populations distant from
9 each other, isn't it the case that they differ
10 in some fundamental respects and, therefore, may
11 not be part of the same community of interest?

12 The -- the concentration near Baton
13 Rouge and Lafayette are -- are people who live
14 in an -- in urban areas. The people who are way
15 up in the northeast part of the state are --
16 live in rural areas, small towns. Their values
17 may be quite different, much more religious
18 perhaps than the people down in the other part
19 of the state. Isn't that true?

20 And -- and just last one, last
21 question, don't -- doesn't voting in the 2024
22 election substantiate that?

23 MR. NAIFEH: Your Honor, the district
24 court looked at the evidence of the shared
25 interests in -- the district court in Robinson

1 looked at the evidence of the shared interests
2 among these communities that were drawn together
3 in our illustrative districts. That was part of
4 the evidence that we put on. The court heard
5 testimony from lay witnesses, the court heard
6 testimony from expert witnesses about how they
7 identified those shared interests and how they
8 drew the maps.

9 And so the court made a determination
10 that there were shared interests among the Black
11 voters that were in that district and that they
12 would be advanced by having an opportunity to
13 elect a candidate of choice.

14 JUSTICE ALITO: All right. Thank you.

15 CHIEF JUSTICE ROBERTS: Justice
16 Sotomayor?

17 JUSTICE SOTOMAYOR: The problem I see
18 is that Louisiana's original 2022 map does
19 exactly what Justice Alito is saying, is joining
20 together white voters --

21 MR. NAIFEH: It --

22 JUSTICE SOTOMAYOR: -- who don't
23 necessarily have shared interests.

24 MR. NAIFEH: Well, Your Honor, it
25 does -- it is a similar configuration. So it's

1 a -- you know, it does extend from the Florida
2 parishes in the -- in the southeast and then
3 wrap around the -- the little -- the ankle of
4 the boot and head up to the delta. So it's a
5 very similar configuration.

6 JUSTICE SOTOMAYOR: That's the point,
7 which is what you've done is tie together
8 communities of interest in a different way,
9 correct?

10 MR. NAIFEH: Absolutely, Your Honor.
11 And --

12 JUSTICE SOTOMAYOR: And one that
13 complies with -- complies with Section 2 but
14 keeps your political needs?

15 MR. NAIFEH: Exactly, Your Honor. And
16 that's what the district court in Robinson
17 found.

18 JUSTICE SOTOMAYOR: Not your political
19 needs, but Louisiana's political needs.

20 MR. NAIFEH: Yes.

21 JUSTICE SOTOMAYOR: Okay. Thank you.

22 CHIEF JUSTICE ROBERTS: Justice Kagan?

23 JUSTICE KAGAN: If I understand the
24 questions a couple of my colleagues are asking
25 about, it's really -- was Robinson right, not

1 was the decision below right. And as to whether
2 Robinson was right, do you think that we're well
3 positioned in this case to address that issue?

4 MR. NAIFEH: I do not, Your Honor.
5 I -- I -- the Robinson decisions were appealed
6 to the Fifth Circuit.

7 JUSTICE KAGAN: Six different Fifth
8 Circuit judges.

9 MR. NAIFEH: Yes. One -- the one --
10 there was a stay panel that looked at the merits
11 and found the State was not likely to prevail in
12 the appeal. And then that was borne out by the
13 merits panel that agreed that the district court
14 had correctly found --

15 JUSTICE KAGAN: We had the opportunity
16 to do about it at one point. We let it go. Six
17 circuit court judges. As I understand the
18 Respondent's argument in this case, the
19 Respondents are not standing here -- I mean,
20 they might think Robinson was wrong, but their
21 brief is not premised on the idea that Robinson
22 was wrong. Is that correct?

23 MR. NAIFEH: That is absolutely
24 correct, Your Honor. The -- the merits of the
25 Robinson decision have not really been part of

1 this litigation at all.

2 JUSTICE KAGAN: Yeah. And the General
3 here was saying, you know, look, they litigated
4 Robinson a lot. They took it to the Fifth
5 Circuit twice. They litigated it a lot and,
6 like at some point, you -- a state takes its
7 loss and decides that it has to get on with
8 things. And that's exactly what the State here
9 did.

10 MR. NAIFEH: Absolutely, Your Honor.
11 The State was not in a position to simply ignore
12 the Robinson rulings. It was not in a position
13 to draw another map that would dilute the votes
14 of the Black Louisianians that -- you know,
15 whose rights had been violated. That --

16 JUSTICE KAGAN: And that's a
17 reasonable thing. I mean, if we're -- we say
18 all the time states to have to have breathing
19 room. States have to have breathing room. This
20 state used its breathing room to say, after we
21 litigated this and we litigated it -- this again
22 and we knew we were going to lose because six
23 Fifth Circuit judges had told us so, it was time
24 to get on with things and draw our map that
25 served our political objectives.

1 MR. NAIFEH: Absolutely. That's
2 exactly what breathing room provides, that kind
3 of ability for states to take those political
4 calculations into account.

5 JUSTICE KAGAN: Thank you.

6 CHIEF JUSTICE ROBERTS: Justice
7 Gorsuch?

8 Justice Kavanaugh?

9 JUSTICE KAVANAUGH: Two questions.
10 One, a general equal protection question and
11 then a more specific Section 2 -- question.

12 On equal protection law, we've, of
13 course, said and the Court's long said, that
14 race-based remedial action must have a logical
15 end point, must be limited in time, must be a
16 temporary matter. Of course, in school
17 desegregation and university admissions.

18 What -- how does that principle apply
19 to Section 2?

20 MR. NAIFEH: Your Honor, I think that
21 Section 2 is -- the -- the way that -- as it --
22 as it has been applied through Gingles is tied
23 to current conditions. It requires a totality
24 of the circumstances analysis that looks at
25 current conditions. It looks at current -- at

1 racially polarized voting today. It looks at
2 examples of discrimination today. So it's tied
3 to current conditions, and there doesn't need to
4 be an artificial time limit on how Section 2
5 would apply because it's -- it's always applied
6 based on current conditions.

7 JUSTICE KAVANAUGH: And, second, on
8 the specific questions here, on the race
9 politics, I just want to disaggregate this. My
10 understanding of your position is that the
11 reason that there's a second majority-minority
12 district required is because of race, because of
13 Section 2, but the choice between which
14 majority-minority district to use was made
15 entirely on politics. Is that your position?

16 MR. NAIFEH: Yes, that -- that is our
17 position.

18 JUSTICE KAVANAUGH: Thank you.

19 CHIEF JUSTICE ROBERTS: Justice
20 Barrett?

21 JUSTICE BARRETT: So is your
22 understanding of breathing room -- I just want
23 to be sure I understand your answers to Justice
24 Kagan. Is your answer -- is your answer to
25 Justice Kagan, your understanding of what

1 breathing room allows a state to do, necessarily
2 mean that any time there's a district court
3 order finding a Section 2 violation, that is
4 reason for a Fourteenth Amendment claim to then
5 later lose? Because compliance with Section 2
6 would always be a reason for the State to draw a
7 race-based district?

8 MR. NAIFEH: Your Honor, absent some
9 unusual circumstance like collusion, a decision
10 by an Article III judge provides about the best
11 reasons that a state can have for thinking it
12 faces Voting Rights Act liability. It's been
13 adjudicated to have likely violated the Voting
14 Rights Act.

15 And this Court has said "good reasons"
16 means that there is a light -- you know, that
17 there -- that -- just has -- the State has good
18 reasons to believe it faces Voting Rights Act
19 liability.

20 So yes, I would say that when there is
21 an Article III determine -- judge's
22 determination, in this case affirmed by the
23 Fifth Circuit, that's about the best reasons
24 this Court has recognized as -- as requiring
25 remedial action.

1 JUSTICE BARRETT: So let me follow up
2 then on Justice Kavanaugh's question. He
3 pointed out there's two steps here. One, you
4 had to draw a Second District based on race, but
5 the shape of that Second District was based on
6 political considerations.

7 What if that wasn't the case? What if
8 they didn't like the one imposed by the Robinson
9 map, your map, and said: We're going to draw a
10 different one? But expressly said, the whole
11 time -- didn't talk about the speaker, didn't
12 talk about anyone else, didn't talk about
13 politics. Just said: We're doing this because
14 of race. We don't like that other map. Race,
15 race, race.

16 So the shape of it was also based on
17 race, which is different than the other one.

18 MR. NAIFEH: Well, I think part of the
19 strict scrutiny analysis is that you have to
20 look at was race used in a way that wasn't
21 necessary to comply with Section 2.

22 So if -- you know, if -- they used
23 race since, you know, they packed Black voters
24 in the district because they wanted to use that
25 as a proxy for -- or as a pretext for doing, you

1 know, partisanship through race, that might
2 be -- that might render it invalid. That
3 their --

4 JUSTICE BARRETT: So that would be an
5 example where there wouldn't -- you couldn't
6 just point to the earlier Section 2 litigation
7 as the compelling interest?

8 MR. NAIFEH: No, Your Honor. Well,
9 it's the compelling -- it is the compelling
10 interest. The question is: In remedying the
11 violation, did they use race in a way that
12 wasn't necessary --

13 JUSTICE BARRETT: Tailoring -- Right.

14 MR. NAIFEH: -- to remedy the
15 violation, and they used it for some, you know,
16 other illegitimate purpose.

17 JUSTICE BARRETT: For tailoring
18 purposes. Okay. Thank you.

19 MR. NAIFEH: For tailoring purposes.

20 CHIEF JUSTICE ROBERTS: Justice
21 Jackson?

22 JUSTICE JACKSON: Yeah -- yeah, just
23 to follow up on Justice Barrett's point.

24 Your -- your point is just that the
25 previous litigation provides the compelling

1 interest to good reason to go forward. But
2 there's still always the narrow tailoring. And
3 we're looking at what it is the State is
4 actually doing with respect to it's remedy,
5 right?

6 MR. NAIFEH: Yes, absolutely.

7 JUSTICE JACKSON: Has the Court ever
8 held that race predominates whenever a state
9 draws a district to comply with Section 2?

10 I -- I thought we suggested the
11 opposite in Shaw v. Reno.

12 MR. NAIFEH: This Court has not held
13 that. The Court has expressly said that -- that
14 intentional creation of a majority-minority
15 district does not, on its own, prove racial
16 predominance. That was -- that Court said that
17 in Bush versus Vera. And then in Bethune-Hill,
18 the Court refused to find predominance even
19 where the state had a 55 percent target. That
20 was just one consideration in the predominance
21 analysis. It wasn't the whole analysis.

22 JUSTICE JACKSON: And is it the
23 plaintiffs' burden -- the plaintiffs in the
24 equal protection case burden to disentangled
25 race from politics in a case like this?

1 MR. NAIFEH: Yes, of course. It's the
2 plaintiffs' burden at the first stage on
3 predominance.

4 JUSTICE JACKSON: Thank you.

5 CHIEF JUSTICE ROBERTS: Thank you,
6 counsel.

7 Mr. Greim.

8 ORAL ARGUMENT OF EDWARD D. GREIM
9 ON BEHALF OF THE APPELLEES

10 MR. GREIM: Mr. Chief Justice and may
11 it please the Court:

12 With one exception that we'll get to
13 in a moment, there is nothing new or
14 extraordinary in the fact pattern presented by
15 this case. This is Shaw II again. This is
16 Miller again. This is Bush v. Vera again.

17 From the very beginning of this
18 Court's racial gerrymandering jurisprudence, it
19 was born in an error where states were drawing
20 majority-minority districts allegedly in order
21 to comply with the VRA, whether it was DOJ
22 pressure under Section 5 or fear of Section 2
23 liability.

24 In Shaw II the -- the District 12, the
25 unusual district in North Carolina, was not

1 drawn where DOJ wanted the Second District to be
2 drawn. It was drawn there to protect democratic
3 incumbents.

4 In each of these cases, the State
5 always says it wants to protects incumbents, and
6 that's why its district is not quite the same
7 as -- as DOJ wants or as the Plaintiffs in
8 Section 2 want. So that is -- there is nothing
9 new about that in this case.

10 What the -- what the appellants claim
11 is new is Robinson. But Robinson was not a
12 final decision. And we can avoid all the
13 problem about how final it was or how convincing
14 it was by simply asking the Defendant on strict
15 scrutiny to bring this mountain of great
16 evidence into the court and -- and -- and show
17 why there's a strong basis in evidence for
18 drawing a Second District and to show why it's
19 narrowly tailored.

20 But ultimately they didn't do that
21 here because the decision was badly flawed and
22 because the district judge in Robinson, at page
23 834, looked at the original Hays slash map,
24 which is so close to this map, and said that the
25 districts there were diffuse and nonsensical.

1 And so that's why it never came up, and that's
2 our problem here.

3 I'm happy to answer questions.

4 JUSTICE THOMAS: Do we have to accept
5 Robinson, which is not being -- which is not on
6 appeal here, as a given?

7 MR. GREIM: Justice Thomas, we don't
8 have to. Instead, we -- we should have looked
9 to the Defendants to bring out the parts in
10 district court about Robinson that they thought
11 were so compelling. And they never did. They
12 actually tried to block any discussion of
13 Section 2 at the district court level.

14 JUSTICE SOTOMAYOR: I -- I'm sorry.
15 Go ahead.

16 JUSTICE THOMAS: No, go ahead. No, go
17 ahead.

18 JUSTICE SOTOMAYOR: They have a
19 decision by a lower court that they're likely to
20 succeed. They have a -- an appeal of a
21 temporary restraining order, where that court
22 says they're likely to win. And we have a
23 merits panel who looks at it and says they're
24 likely to win.

25 They can't -- that's not enough to

1 provide a good faith basis for believing that
2 they need to comply with Section 2? That's what
3 you're saying.

4 MR. GREIM: Well, the -- there --
5 there's two answers to that.

6 First of all, if they did believe
7 that, the answer, so that we wouldn't have to
8 speculate here, would be: Bring the evidence to
9 the -- the three-judge district court.

10 JUSTICE SOTOMAYOR: Why did they have
11 to do that?

12 MR. GREIM: Be --

13 JUSTICE SOTOMAYOR: Meaning, what
14 you're asking for is a relitigation of Robinson
15 in total.

16 MR. GREIM: Well --

17 JUSTICE SOTOMAYOR: But -- but it's
18 not whether they were right or wrong. We've
19 said that. "Good faith" doesn't mean that
20 you're proven -- that you had to do this. It's
21 just whether you had a good faith basis to
22 believe you should do it.

23 MR. GREIM: Right. But in Wisconsin
24 legislature, this Court said that the -- the
25 breathing room is for reasonable mistakes in the

1 data. But you have to make your showing.

2 JUSTICE SOTOMAYOR: I mean -- well,
3 we'll --

4 MR. GREIM: You have to make your
5 showing. We --

6 JUSTICE SOTOMAYOR: We'll go back to
7 that. Thank you.

8 JUSTICE JACKSON: Well, counsel, can I
9 just ask you, because some of the things that
10 you have said makes it seem as though you're
11 suggesting that Louisiana's pointing to the
12 court order was pretextual. In other words, you
13 say: If they believed that the court was
14 ordering them.

15 So do you have some basis for
16 disputing what Governor Landry said: "We are
17 here today because the federal courts have
18 ordered us to perform our job. We have
19 exhausted all legal remedies," and we have
20 labored with this issue for too long, and that's
21 why we're drawing the map?

22 I mean, it's -- do you concede that
23 Louisiana at least sincerely believed that the
24 courts were requiring it to do this?

25 MR. GREIM: Well, I -- I think I would

1 simply point to the litigating position of
2 Louisiana throughout the case, including just a
3 few minutes ago. I mean, in their heart of
4 hearts, they don't believe the VRA requires
5 this.

6 JUSTICE JACKSON: No, I understand
7 they thought the courts were wrong. But the
8 question is: Did they believe that a court was
9 ordering them to do it?

10 I mean, I -- I -- I -- I am sort of
11 concerned about your view -- as seemingly
12 expressed, and I want you to clarify it -- that
13 a court order compelling you to do something is
14 not a good reason for you to do it.

15 MR. GREIM: Justice Jackson, I'll --
16 I'll just fall back on General Murrill's
17 comments to the legislature, making clear that
18 the state was not under a court order at the
19 time.

20 Instead, the Fifth Circuit said: You
21 you can either go back and defend this district
22 without using your Allen v. Milligan style
23 theories, and actually put in evidence on the
24 Gingles factors, which they hadn't done, or you
25 can go draw a VRA-compliant map.

1 They were not ordered to simply go
2 draw --

3 JUSTICE JACKSON: But that goes --

4 MR. GREIM: -- a new map.

5 JUSTICE JACKSON: -- to the remedy.

6 I'm -- I'm asking about the violation. We had
7 many judges, as other justices have -- set
8 forward, that looked at the actual merits of the
9 question of whether or not there would be a VRA
10 violation if a new map wasn't drawn.

11 So Louisiana felt, I think they're
12 saying, compelled to do something about this.
13 And you seem to be questioning whether or not
14 they were. And I'm just trying to clarify that.

15 MR. GREIM: Well, I mean, at the end
16 of the day, we -- we do have to take Louisiana
17 at their word. But -- but I just want to be
18 clear, they were given a choice to actually go
19 in and raise a defense. And I think reading --
20 reading Robinson makes this clear.

21 The court says time and again:
22 Louisiana, you raised the Alabama arguments from
23 Allen v. Milligan. You tried to use experts to
24 show that Gingles I was violated because of the
25 intent of the illustrative map drawers, but you

1 never put in actual evidence on the types of
2 factors that Justice Alito was talking about.

3 JUSTICE JACKSON: So -- so is --

4 JUSTICE KAGAN: I guess I don't
5 understand, Mr. Greim. Like, what should
6 Louisiana have done? Louisiana litigated this
7 case. It lost in the district court. It lost
8 twice in the circuit court.

9 You know, if I read the list of the
10 judges, I'm just going to tell you that if you
11 lose those judges, you're going to lose.

12 (Laughter.)

13 JUSTICE KAGAN: We didn't -- we had no
14 interest in taking the case. It was brought to
15 us, we said no. What -- what was Louisiana
16 supposed to do?

17 MR. GREIM: Well, I think in this case
18 the Fifth Circuit laid out the options. I mean,
19 they -- first of all, Louisiana had no reason to
20 think -- I mean, the -- the same illustrious
21 list of judges pointed out that you can start
22 over again. You could retool and maybe don't
23 use *Allen v. Milligan* as the road map this time.

24 I mean, that -- that hint was clearly
25 given to the State. And --

1 JUSTICE KAGAN: So I -- I guess I get
2 the idea that it did have the option to keep on
3 finding ways to litigate this question, but
4 what -- I mean, there were -- there were ways
5 that it could have refused to give up. I take
6 that point.

7 But at some point, it said, you know,
8 we've -- we've -- we've been told we're wrong by
9 seven judges, and we're going to accept that and
10 we're going to move on and find a map. And then
11 the State lawyers come in and, I mean, the --
12 the record is like the State lawyer says there
13 can be no better reasons to believe that the VRA
14 required a second majority Black district than a
15 precedential opinion of the Fifth Circuit
16 affirming that a map with a single majority
17 Black district likely violated Section 2. And
18 the State lawyer talks about all the process
19 that they went through and all -- and hearing
20 that they had and the maps that were submitted.
21 And she says what better reason could there be
22 for this?

23 So, like, at a certain point, like,
24 I -- I get that you -- that there might have
25 been other options, but that's the whole point

1 about breathing room, right? Breathing room is
2 states have choices. And -- and this was one
3 state that decided on this choice that you don't
4 agree with, but it was, like, well, well, well
5 within the parameters of, like, a good faith
6 reasonable choice.

7 MR. GREIM: Justice Kagan, if that
8 were true, then the -- what the State should
9 have done is brought that before the district
10 court. What the State argued in the district
11 court was -- is that Robinson's mere existence
12 was dispositive, that we were essentially
13 estopped from even bringing our claim for that
14 reason.

15 And so if the evidence was so
16 compelling in Robinson, all they had to do was
17 use their trial time -- they didn't even use all
18 their trial time -- and show us the key points.

19 JUSTICE GORSUCH: Counsel, you know,
20 if we're going to defer to the Fifth Circuit,
21 they also found a constitutional violation here
22 too. So they're speaking out of all sides of
23 all mouths down there. And I'm not sure that's
24 how the system works anyway.

25 But I have a question for you on

1 the -- on the remedy. Your -- your friends on
2 the other side say, okay, race predominated
3 in -- in -- in creating a Second District, but
4 race didn't play a role in the squiggly line
5 district. It was politics.

6 And -- and -- and -- I -- I want to
7 get your response to that.

8 MR. GREIM: Sure, there are two
9 responses, Justice Gorsuch. First of all,
10 Senator Womack in the -- in his presentation --
11 he is the sponsor of the bill -- said there is
12 just not enough Black voter population in
13 southeast Louisiana. And he says that is why
14 the district is drawn up to Shreveport, up I-49
15 and up the Red River to Shreveport. So the
16 sponsors were very clear that that's what they
17 were doing. So you could look just -- you could
18 look at the evidence.

19 But the other issue is this: The only
20 reason that politics began to matter at this
21 level was because they accepted that there had
22 to be a second Black majority district. That
23 then caused the problem of losing an incumbent
24 and having to choose who is going to be lost.

25 JUSTICE GORSUCH: What does -- what

1 does it mean to say race or politics
2 predominate? I mean, I -- I had thought the
3 Fourteenth Amendment said we don't look at race.
4 "Predominate" says you can up to a point, but I
5 don't know what that point would be. And I -- I
6 don't know, can two things predominate? Can
7 politics and race predominate? I don't know.

8 MR. GREIM: Justice Gorsuch, that may
9 be a problem in some racial gerrymandering
10 cases. It's not a problem here, though, because
11 everyone admits that step 1 of the process, in
12 fact, the State admits in its briefing, the
13 baseline was to draw a second Black majority
14 district.

15 Everything else that -- that happened,
16 you know, flowed from that. And that's enough
17 under Bethune-Hill, under Cooper, under several
18 of the Court's cases.

19 JUSTICE JACKSON: That's enough for
20 predominance? We have a case that says that if
21 you are drawing a second or a third or whatever
22 Black majority district, you satisfy the racial
23 predominance --

24 MR. GREIM: What -- what --

25 JUSTICE JACKSON: -- requirement?

1 MR. GREIM: -- what I was quoting was
2 that the standard for predominance is that the
3 initial decision that couldn't be compromised.
4 And, actually, just last --

5 JUSTICE SOTOMAYOR: I'm sorry. Then
6 there's no way to comply with Section 2.

7 MR. GREIM: Well, the --

8 JUSTICE SOTOMAYOR: If -- if what
9 you're saying is you can never -- a state could
10 never in good faith redraw a map if it believes
11 that it's solve -- going to draw a map that is
12 going to solve a Section 2 violation. That's
13 what you're saying.

14 MR. GREIM: No, Justice Sotomayor.

15 JUSTICE SOTOMAYOR: It's a vicious
16 cycle they can't get out of.

17 MR. GREIM: No, Justice Sotomayor.
18 They would then show on strict scrutiny a strong
19 basis in evidence for drawing that map. And
20 so -- and -- and that's what Shaw II --

21 JUSTICE SOTOMAYOR: But that's what
22 they've done. That's what they've done here.
23 They've got a judge saying you violated it.
24 There's an alternative map that meets all
25 traditional criteria. Go draw your own map, but

1 make sure you get a second out because that's
2 the only way to remedy this violation.

3 MR. GREIM: Well --

4 JUSTICE SOTOMAYOR: And they come up
5 with a second map or a different map that
6 shows -- that they show is based purely on
7 politics. They -- they wanted to save three
8 incumbents, so they drew lines to save three
9 incumbents.

10 MR. GREIM: Justice Sotomayor, I think
11 it is helpful to look at the remedial map. I
12 mean, first of all, Senator Womack stated that
13 it was for the purpose of capturing additional
14 Black voters that it was drawn that way.

15 But -- but we can skip a lot of the
16 difficult issues that have been raised here by
17 going to one point. And that point is from Shaw
18 II, from Miller, and from Bush, and -- and
19 actually LULAC as well, which is that you can
20 never have a Section 2 remedial map that fails
21 Gingles I. That that is -- that is not
22 geographically compact and does not comply with
23 traditional redistricting criteria. And that's
24 what the district court found here as a matter
25 of fact.

1 We have a factual finding from the
2 district court --

3 JUSTICE SOTOMAYOR: Thank you --

4 MR. GREIM: -- on that point.

5 JUSTICE SOTOMAYOR: -- counsel.

6 JUSTICE KAVANAUGH: Well, their answer
7 to that, I think, is the 70 percent. So can you
8 just address that?

9 MR. GREIM: Sure. So the 70 percent
10 does not trump the geographical compactness
11 requirement. I -- I will address that, but I
12 want to make very clear that, no matter what,
13 even if you've covered a lot of the old
14 population, you can't draw a non-compact
15 remedial district. And that -- that decides the
16 case.

17 But the other problem is this: First
18 of all, I think the correct number is something
19 like 67 percent. We -- we looked. But it's
20 over half of the population. And that really
21 matters when you're looking at Gingles because,
22 remember, Gingles hinges on some very fine
23 calculations.

24 And when you lop off 100,000 Black
25 voters in 14 parishes, have to find 100,000 new

1 Black voters in another area of the state, you
2 can't just assume that that's substantially
3 related. The 20 percent issue also, if you go
4 back and look at Shaw II, the 20 percent they're
5 talking about is Mecklenburg County. They're
6 talking about the Black voter core of that
7 county. The court's referring to 20 percent of
8 the area of that District 12, but we -- and we
9 couldn't tell. We looked for this.

10 You can't -- it may -- it likely was a
11 much higher percentage of the Black vote
12 population of District 12, but it's not in the
13 record and I have not been able to figure it
14 out.

15 JUSTICE JACKSON: Counsel, speaking of
16 the record, I -- I -- I have to point to what
17 the Appellants' point to on page 18 of their
18 brief -- this is the State's brief -- when they
19 talk about Senator Womack. You've mentioned him
20 several times. And, apparently, he was asked
21 directly what was the predominant reason for you
22 to create the Sixth District this way, the way
23 it looks now, versus just going with Senator
24 Price's bill, which created a more compact
25 district. And he answered it was strictly

1 politics. Politics drove this map because of
2 the Speaker Johnson, Majority Meeter -- Leader
3 Scalise, and my Congresswoman, Julia Letlow,
4 predominantly drove this map.

5 And he disavowed that race was the
6 predominant factor. You've said exactly the
7 opposite several times here. So can we just get
8 some clarity --

9 MR. GREIM: Well --

10 JUSTICE JACKSON: -- on what Womack's
11 position was?

12 MR. GREIM: Sure. First of all,
13 Senator Womack said a lot of things. What --
14 what I quoted from Senator Womack was accurate,
15 but what Senator Womack was doing was
16 distinguishing between the Robinson maps, or
17 what everyone presumed them to be, and the new
18 district.

19 The problem, though, is that this
20 Court has never said that there is a second
21 intent analysis done on strict scrutiny. In
22 fact, Justice Kennedy specifically in *Bush*
23 *v. Vera* said -- in response to Justice O'Connor
24 suggesting that that could be the standard, said
25 we've never recognized that, and no -- no case

1 from this Court ever asked --

2 JUSTICE JACKSON: Let me put it this
3 way: If -- if Louisiana had accepted the
4 initial Robinson map, would you have brought
5 your litigation? Would you have been able to
6 make the argument that this was not compact,
7 this was some -- somehow a violation or --
8 what -- what would your position have been?

9 MR. GREIM: Well, we don't have all
10 the facts in front of us, but -- but we would
11 have scrutinized it, and if the record had been
12 what it was in Robinson so far, we absolutely
13 would have brought the case.

14 And then they would have come into
15 our -- our case and said: Well, you know, we
16 think it's -- it's compact. You know, we only
17 looked at plan-wide compactness, and that's why
18 we won.

19 I mean, I -- I think we would have
20 prevailed. But it's a hypothetical.

21 JUSTICE KAGAN: I guess I don't quite
22 understand the role compactness plays in your
23 analysis, because -- and this goes back to
24 Justice Kavanaugh's point, that there's really
25 sort of two steps.

1 I mean, once Robinson has provided
2 Louisiana with a good reason to think that there
3 was a Section 2 violation that they needed to
4 remedy by creating another minority district,
5 once that happened, what Louisiana did was,
6 like, look at this map and say: Essentially we
7 have three incumbents, and we know which two are
8 really important for the State to keep.

9 And they created a map that made sure
10 that they kept the two incumbents that were most
11 important for the State to keep.

12 And, like, why isn't that, like,
13 completely within the prerogative of a state?
14 That has nothing to do -- I mean, it creates a
15 less compact district, no doubt about that.
16 But, you know, we've never said to states: Oh,
17 you've got to go with compactness when the
18 speaker of the House is going to be thrown out.

19 I mean, it's totally within the
20 prerogative of the State to say: Incumbent
21 protection, and particular incumbents, are
22 really super important to us.

23 MR. GREIM: Two responses, Justice
24 Kagan. First of all, we -- we're in strict
25 scrutiny at this point. I mean, the State has

1 racially gerrymandered Black and white voters.

2 JUSTICE KAGAN: No, but -- but
3 there's, like, two steps here. One is, is there
4 good reason to think there is a Section 2
5 violation? Robinson has created the premise of
6 thinking that there's good reason that you need
7 to create another map.

8 Now the question is: What does that
9 map look like? It's the remedial question.
10 It's the -- does the -- does the map
11 substantially address the Section 2 violation
12 that you have good reason to think exists?

13 And the State said: You know, the
14 Plaintiffs have presented these maps that would
15 substantially address that. We have a better
16 map that would substantially address that, that
17 also allows us to keep our incumbent. Better,
18 because it allows us to keep our incumbents.

19 I mean, what's wrong with that?

20 MR. GREIM: So --

21 JUSTICE KAGAN: If -- if the State
22 can't do that, the State has no breathing room.

23 MR. GREIM: Well, first of all, we
24 disagree with the first premise of the question.

25 But -- but here's, I think, where --

1 where the problem is. This -- this Court is
2 going to have to overrule Shaw II and Miller if
3 it holds that you don't have to draw a
4 geographically compact remedial district.

5 Because the Court in Shaw II said:
6 Looking at District 12, there is no way we can
7 find that there is a geographic --
8 geographically compact population of any
9 population of that district. And that is why --
10 that's why they lost in Shaw.

11 JUSTICE KAGAN: I think this is a
12 little bit backwards, Mr. Greim, because you
13 only get to evaluate CD6 if we find that there
14 was good reason to think that there was a -- a
15 substantial likelihood of a -- a -- a -- a -- a
16 voting rights violation.

17 So -- so that good reason is provided
18 by Robinson. And -- and Robinson says that
19 there's a compact minority population whose
20 Section 2 rights are likely being violated.
21 Once Robinson says that, the question, you know,
22 only becomes whether CD6 substantially addresses
23 that Section 2 violation.

24 But the compactness inquiry, which is
25 the -- is, you know, is there a compact district

1 such that Section 2 is being violated, that
2 happens at the first step of the analysis. And
3 Robinson has already addressed that question.

4 MR. GREIM: Well, but unfortunately,
5 Robinson is addressing a different area of the
6 state. And -- and that's the problem. That --
7 that's why compactness is a backstop.

8 The other problem is this: In states
9 where you are wringing out the very last
10 elements of Black voting population, it's --
11 it's inevitable that whatever the gerrymander is
12 that's finally drawn is -- is probably going to
13 have some fair slice of what was in the original
14 maps.

15 That's why if you only focus on
16 overlap, you're missing the key issue from Shaw
17 II and from Miller, which is that you have to
18 have a graphically compact remedial district,
19 full stop.

20 And that's the backstop that keeps us
21 from having to draw lines and figure out how
22 much of Mecklenburg County was really in each
23 district, and -- and whether 67 percent and over
24 half the territory is enough.

25 And, again, it matters because these

1 are Gingles districts. And all we know is the
2 average for the whole district. We don't even
3 know that the section we're gathering combines
4 with the new voters to satisfy Gingles.

5 JUSTICE KAVANAUGH: You're --

6 JUSTICE ALITO: Maybe I'm missing the
7 thrust of the question. But the question seems
8 to be: Is it not the case that if you grant the
9 premise, then on the remedial -- at the remedial
10 phase, anything goes?

11 Now, can that possibly be correct?

12 Suppose that the -- the -- the
13 district that's created is not the -- the parts
14 of the district are not even connected. You've
15 got an island here, an island there, an island
16 here, an island there. Would that be okay?

17 MR. GREIM: Absolutely not. And --
18 and that's the problem.

19 JUSTICE KAGAN: Mr. Greim, it is not
20 an anything goes inquiry. We have said it has
21 to substantially address the voting rights
22 population.

23 So, for example, where we -- there was
24 a remedial district that addressed only
25 20 percent of the people whose rights were

1 actually violated, we, of course, struck that
2 down.

3 But here, the district addressed
4 70 percent of the people whose rights were being
5 violated, which seems like a ways different from
6 20 percent. And seems to suggest that the
7 voting rights district was -- the voting rights
8 violation was being substantially addressed,
9 which is the only thing we've ever required at
10 that point.

11 MR. GREIM: But -- well, actually,
12 Justice Kagan, in Shaw II the Court says that
13 the remedial district must be compact. It must
14 hold a geographically compact population.

15 And, you know, why not just take
16 Shreveport, skip the intermeeting territory and
17 not have it be contiguous, and add that to what
18 is claimed to be the core of this district?

19 Now, again, it was the State's burden
20 to show this in the district court. This
21 argument was never raised in the district court.

22 There was no evidence whatsoever in
23 the record about how many of the people from the
24 original district were in there. And whether by
25 combining them with the new populations, we have

1 anything that looks like a Gingles district.

2 Because, again, their entire argument
3 was the mere existence of Robinson completely
4 satisfies strict scrutiny. And that cannot be
5 correct.

6 JUSTICE KAVANAUGH: Your lead argument
7 in the brief for why there was no compelling
8 interest here in the race-based redistricting on
9 page 36 was the durational point, the
10 Constitution. The authority of a state to
11 engage in race-based redistricting must have
12 a -- an end point.

13 You haven't mentioned that so far.
14 The other side said that that argument has been
15 forfeited. And I want to get your response to
16 that. The fact that you haven't mentioned it so
17 far certainly supports what they're saying on
18 that, but I'll give you a chance to respond.

19 MR. GREIM: Sure. I mean, the -- the
20 problem with this case is that we think the
21 appellees win many different ways. And this is
22 an argument we're making on the side of the case
23 that is the State's burden.

24 And so I don't think the law supports
25 that it's our duty to anticipate, you know,

1 second or third or fourth reasons why they'll
2 fail under strict scrutiny and make sure we
3 raise them below. And -- and so I don't think
4 it's -- I don't think the argument was ours to
5 forfeit. I guess I can put it that way.

6 But -- but the problem is this: If
7 you go back to Robinson, the evidence on
8 current -- current racial context in Louisiana
9 that still requires this purely effect-based
10 test was very thin. They could have actually --
11 in fact, they would have had to have raised that
12 in the district court below.

13 But they never did do that. Again,
14 they didn't bring in any Gingles evidence, let
15 alone the kind of evidence that would say: If
16 you look around Louisiana, there are still a lot
17 of barriers to Black citizens voting. So that's
18 not in the record, and I think there's a reason
19 for that.

20 And I think that shows us that Section
21 2 is no longer performing the function that it
22 was assigned, that -- that Congress thought it
23 was going to perform back in 1982. Now we're --
24 why are we seeing so many Section 2 cases? Why
25 are we suddenly now -- as voters are becoming

1 more integrated, why are we suddenly finding new
2 Section 2 districts everywhere?

3 I think that's a problem.

4 CHIEF JUSTICE ROBERTS: Thank you,
5 counsel.

6 Justice Thomas?

7 Justice Alito?

8 Justice Kavanaugh?

9 Justice Barrett?

10 Justice Jackson?

11 JUSTICE JACKSON: I just have one
12 final question. And it's -- the Robinson map,
13 the proposed Robinson map that had the Black
14 district that would be one that might oust Julia
15 Letlow, is it your position that the Black
16 district drawn in that map was not sufficiently
17 compact?

18 MR. GREIM: Your Honor, we -- we think
19 if we have a chance to litigate that, which we
20 would at the remedial phase, assuming that
21 that's raised again, we think we'll be able to
22 show that it's not sufficiently compact, that
23 there are far from -- far-flung Black
24 communities in northern Louisiana, and even in
25 the delta parishes in Lafayette, that don't have

1 very much in common with the -- the more dense
2 population of East Baton Rouge.

3 And I think we'll be able to show it
4 doesn't perform as well.

5 JUSTICE JACKSON: Thank you.

6 MR. GREIM: But it's not in the
7 record.

8 CHIEF JUSTICE ROBERTS: Thank you,
9 counsel.

10 Rebuttal, counsel?

11 REBUTTAL ARGUMENT OF J. BENJAMIN

12 AGUIÑAGA ON BEHALF OF THE APPELLANT IN CASE 24-109

13 MR. AGUIÑAGA: Thank you, Mr. Chief
14 Justice. Just three brief points.

15 First, on racial predominance. I
16 would emphasize this Court's decision last year
17 in Alexander, where the Court emphasized
18 caution, that when a federal court says that
19 race was a legislature's predominant purpose in
20 drawing the district, it accuses that
21 legislature of offensive and demeaning conduct.

22 If that caution applies in the
23 ordinary case, respectfully it should especially
24 heightened here in a case where two Article III
25 courts are telling a state to use race to draw a

1 second majority district. So Justice Jackson,
2 we don't think the Court needs to get to strict
3 scrutiny because race did not predominate under
4 Alexander.

5 Second, on the question of strict
6 scrutiny, my friend talks a lot about Shaw and
7 compactness. But, respectfully, my friend
8 ignores footnote 9 of Shaw II. There in
9 footnote 9 of Shaw II, this Court said that even
10 a plaintiff in a successful Section 2 case does
11 not have a right to be in the ultimate remedial
12 district that is drawn. That's because, that
13 footnote emphasizes, a state has broad leeway to
14 draw that district. Respectfully, there is no
15 holding in this Court's cases that require us to
16 satisfy Gingles in drawing the remedial district
17 as we did here.

18 The third point is just one about next
19 steps. With all due respect, we'd rather not be
20 back at the podium this fall defending a new map
21 against a new challenge. This Court's cases
22 promise breathing room. We operated in that
23 breathing room in drawing District 6. And if
24 this Court holds otherwise, then respectfully I
25 don't know what this Court's voting cases mean.

1 We ask you to reverse. Thank you.

2 CHIEF JUSTICE ROBERTS: Thank you,
3 counsel.

4 The case is submitted.

5 (Whereupon, at 11:27 a.m., the case
6 was submitted.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Official

<p style="text-align: center;">1</p> <p>1 [1] 72:11 10:07 [2] 1:20 4:2 100,000 [2] 75:24,25 11:27 [1] 90:5 12 [4] 61:24 76:8,12 81:6 14 [1] 75:25 15 [1] 24:17 150 [1] 14:24 18 [1] 76:17 1982 [1] 86:23</p>	<p>66a [2] 7:17 28:5 67 [2] 75:19 82:23</p> <p style="text-align: center;">7</p> <p>70 [7] 19:8,9 20:21 40:6 75:7,9 84:4</p> <p style="text-align: center;">8</p> <p>80 [1] 21:18 834 [1] 62:23 88 [1] 3:16</p> <p style="text-align: center;">9</p> <p>9 [2] 89:8,9</p>	<p>admits [2] 72:11,12 adopt [3] 11:25 21:5 41:20 adopted [4] 21:5 22:25 34:7 47:10 advanced [2] 48:17 51:12 adversarial [1] 34:18 affirmed [6] 8:13 24:13 26:23 32:22 33:25 57:22 affirming [1] 69:16 ago [2] 36:11 66:3 agree [2] 12:16 70:4 agreed [1] 53:13 agrees [2] 23:9 27:19 AGUIÑAGA [52] 2:2 3:3,14 4:7,8,10 6:9 7:3 9:5 10:14 11:16 12:7,23 13:16,22,25 14:5,16 15:1,7,12,24 16:18,23 17:2,4,9,24 18:2,20,23 19:1,6,11,18 20:14 21:14 22:17 24:9,23 25:2,11,19 26:3 27:8,13,15 28:2 34:22 40:1 88:12,13 ahead [4] 45:21 63:15,16,17 aisle [1] 23:9 AL [3] 1:6,9,12 Alabama [1] 67:22 Alexander [2] 88:17 89:4 ALITO [24] 12:3,7,19 13:15,18 19:25 21:25,25 33:6,21 34:4,21 35:11 48:18,19 49:11,15 50:5,7 51:14,19 68:2 83:6 87:7 allegedly [1] 61:20 Allen [4] 36:10 66:22 67:23 68:23 allow [1] 6:15 allowed [1] 6:1 allows [3] 57:1 80:17,18 almost [1] 14:13 alone [1] 86:15 already [1] 82:3 Alright [1] 19:20 alternative [1] 73:24 Amendment [2] 57:4 72:3 Amendment's [1] 45:25 amicus [2] 20:9 44:9 among [4] 44:22 46:17 51:2,10 analysis [15] 7:12,19 16:11 27:25 28:7 32:6 42:8 48:14 55:24 58:19 60:21,21 77:21 78:23 82:2 angling [1] 43:25 ankle [1] 52:3 another [12] 10:22 27:25 39:5 41:16 45:13,23 46:13,14 54:13 76:1 79:4 80:7 answer [8] 17:25 20:4 50:1 56:24,24 63:3 64:7 75:6 answered [1] 76:25 answers [3] 18:14 56:23</p>	<p>64:5 anticipate [1] 85:25 anyway [1] 70:24 apparently [1] 76:20 appeal [5] 33:11 49:23 53:12 63:6,20 appealed [1] 53:5 APPEARANCES [1] 2:1 Appellant [6] 1:4 2:3 3:4,15 4:9 88:12 Appellants [5] 1:10 2:6 3:8 28:20 62:10 Appellants' [1] 76:17 appellate [1] 9:14 Appellees [7] 1:7,13 2:8 3:12 10:3 61:9 85:21 Appellees' [2] 10:7,12 appendix [2] 7:18 28:6 applied [5] 11:2 34:25 36:24 55:22 56:5 applies [1] 88:22 apply [3] 12:5 55:18 56:5 applying [1] 41:25 appreciate [1] 24:2 approach [1] 15:9 appropriate [2] 29:3 39:18 Appropriations [1] 5:22 approximate [1] 18:5 approximating [1] 20:24 area [4] 48:8 76:1,8 82:5 areas [2] 50:14,16 argue [1] 13:20 argued [1] 70:10 arguing [1] 10:22 argument [25] 1:19 3:2,6,10,13 4:4,8 6:4 10:12,24 11:4,10,18 28:19 47:1 53:18 61:8 78:6 84:21 85:2,6,14,22 86:4 88:11 arguments [5] 7:10 10:3 14:24 17:18 67:22 arise [2] 23:21 27:20 around [4] 30:23 40:18 52:3 86:16 Article [8] 6:10 7:24 8:23 14:8 34:17 57:10,21 88:24 artificial [1] 56:4 asks [1] 39:20 assess [2] 21:1 28:12 assessment [1] 34:14 assigned [1] 86:22 assume [1] 76:2 assumed [1] 5:7 assuming [1] 87:20 assumption [1] 10:19 attempting [1] 29:15 authority [3] 10:4 29:7 85:10 automatically [2] 5:9 22:18 available [1] 13:14 average [1] 83:2</p>	<p>avoid [1] 62:12 aware [1] 46:7 away [1] 9:6 awkward [1] 31:22</p> <p style="text-align: center;">B</p> <p>back [17] 8:7,16 9:15,25 13:2 14:19 34:21 36:19 40:12 65:6 66:16,21 76:4 78:23 86:7,23 89:20 backdrop [1] 8:9 background [1] 28:11 backstop [2] 82:7,20 backwards [1] 81:12 badly [1] 62:21 bake [1] 16:11 balance [4] 29:1 30:7 33:17,24 bar [1] 23:16 Barrett [16] 21:22,23 22:19 23:23 24:21,24 25:3,4 26:21 56:20,21 58:1 59:4,13,17 87:9 Barrett's [1] 59:23 barriers [1] 86:17 barring [1] 23:13 based [13] 14:11,22 31:3 32:6,12,20 43:16,22 56:6 58:4,5,16 74:6 baseline [6] 18:4,12 21:2 22:23 28:13 72:13 basic [1] 25:17 basis [9] 5:15 15:23 27:25 33:18 62:17 64:1,21 65:15 73:19 Bastrop [1] 48:25 Baton [5] 2:2 30:23 48:23 50:12 88:2 bear [1] 14:3 become [1] 4:20 becomes [2] 12:25 81:22 becoming [1] 86:25 began [1] 71:20 begin [1] 18:3 beginning [1] 61:17 behalf [11] 2:3,5,7 3:4,8,12,15 4:9 28:20 61:9 88:12 believe [8] 39:8 41:1 57:18 64:6,22 66:4,8 69:13 believed [3] 5:13 65:13,23 believes [1] 73:10 believing [1] 64:1 below [4] 30:10 53:1 86:3,12 benefit [1] 32:23 BENJAMIN [5] 2:2 3:3,14 4:8 88:11 beside [1] 10:22 best [2] 57:10,23 Bethune-Hill [3] 16:6 60:17 72:17 Bethune-Hume [1] 17:1 better [6] 38:12,15 69:13,</p>
<p style="text-align: center;">2</p> <p>2 [47] 10:5 11:2 16:16 17:6,8,17 20:16 22:11 29:5 31:14,20 33:1 34:20 37:15,17,20 41:14 49:20 52:13 55:11,19,21 56:4,13 57:3,5 58:21 59:6 60:9 61:22 62:8 63:13 64:2 69:17 73:6,12 74:20 79:3 80:4,11 81:20,23 82:1 86:21,24 87:2 89:10 20 [7] 20:17 22:25 76:3,4,7 83:25 84:6 2022 [4] 4:14 38:9 47:10 51:28 2024 [4] 4:15 8:10 24:17 50:21 2025 [1] 1:16 21 [1] 32:17 24 [1] 1:16 24-109 [6] 2:4 3:5,16 4:4,9 88:12 24-110 [3] 2:6 3:9 28:20 28 [1] 3:9</p>	<p style="text-align: center;">A</p> <p>a.m [3] 1:20 4:2 90:5 Abbott [2] 48:1,2 abiding [1] 31:19 ability [1] 55:3 able [4] 76:13 78:5 87:21 88:3 above-entitled [1] 1:18 absent [1] 57:8 absolutely [16] 10:25 30:15 36:4,12,23 37:12 38:7 42:12 45:9 52:10 53:23 54:10 55:1 60:6 78:12 83:17 10 55:1 60:6 78:12 83:17 accept [5] 6:4,4 7:1 63:4 69:9 accepted [2] 71:21 78:3 account [7] 20:11 21:12 40:17,20 41:9 42:16 55:4 accounting [1] 29:10 accurate [1] 77:14 accuses [1] 88:20 achieving [1] 30:5 acknowledge [1] 23:21 Act [10] 11:23,25 28:25 29:16,23 30:14 48:4 57:12,14,18 action [4] 32:12,13 55:14 57:25 acts [1] 22:22 actual [2] 67:8 68:1 actually [15] 13:9 18:11 36:19 38:4 46:17,19 60:4 63:12 66:23 67:18 73:4 74:19 84:1,11 86:10 add [2] 48:5 84:17 addition [1] 45:2 additional [3] 10:5 48:5 74:13 address [11] 17:8 18:12 22:22 39:22 53:3 75:8,11 80:11,15,16 83:21 addressed [6] 27:22,23 82:3 83:24 84:3,8 addresses [5] 18:9 20:13 21:16 47:7 81:22 addressing [1] 82:5 adequate [1] 43:16 adjudicated [1] 57:13 admissions [1] 55:17</p>	<p>admits [2] 72:11,12 adopt [3] 11:25 21:5 41:20 adopted [4] 21:5 22:25 34:7 47:10 advanced [2] 48:17 51:12 adversarial [1] 34:18 affirmed [6] 8:13 24:13 26:23 32:22 33:25 57:22 affirming [1] 69:16 ago [2] 36:11 66:3 agree [2] 12:16 70:4 agreed [1] 53:13 agrees [2] 23:9 27:19 AGUIÑAGA [52] 2:2 3:3,14 4:7,8,10 6:9 7:3 9:5 10:14 11:16 12:7,23 13:16,22,25 14:5,16 15:1,7,12,24 16:18,23 17:2,4,9,24 18:2,20,23 19:1,6,11,18 20:14 21:14 22:17 24:9,23 25:2,11,19 26:3 27:8,13,15 28:2 34:22 40:1 88:12,13 ahead [4] 45:21 63:15,16,17 aisle [1] 23:9 AL [3] 1:6,9,12 Alabama [1] 67:22 Alexander [2] 88:17 89:4 ALITO [24] 12:3,7,19 13:15,18 19:25 21:25,25 33:6,21 34:4,21 35:11 48:18,19 49:11,15 50:5,7 51:14,19 68:2 83:6 87:7 allegedly [1] 61:20 Allen [4] 36:10 66:22 67:23 68:23 allow [1] 6:15 allowed [1] 6:1 allows [3] 57:1 80:17,18 almost [1] 14:13 alone [1] 86:15 already [1] 82:3 Alright [1] 19:20 alternative [1] 73:24 Amendment [2] 57:4 72:3 Amendment's [1] 45:25 amicus [2] 20:9 44:9 among [4] 44:22 46:17 51:2,10 analysis [15] 7:12,19 16:11 27:25 28:7 32:6 42:8 48:14 55:24 58:19 60:21,21 77:21 78:23 82:2 angling [1] 43:25 ankle [1] 52:3 another [12] 10:22 27:25 39:5 41:16 45:13,23 46:13,14 54:13 76:1 79:4 80:7 answer [8] 17:25 20:4 50:1 56:24,24 63:3 64:7 75:6 answered [1] 76:25 answers [3] 18:14 56:23</p>	<p>64:5 anticipate [1] 85:25 anyway [1] 70:24 apparently [1] 76:20 appeal [5] 33:11 49:23 53:12 63:6,20 appealed [1] 53:5 APPEARANCES [1] 2:1 Appellant [6] 1:4 2:3 3:4,15 4:9 88:12 Appellants [5] 1:10 2:6 3:8 28:20 62:10 Appellants' [1] 76:17 appellate [1] 9:14 Appellees [7] 1:7,13 2:8 3:12 10:3 61:9 85:21 Appellees' [2] 10:7,12 appendix [2] 7:18 28:6 applied [5] 11:2 34:25 36:24 55:22 56:5 applies [1] 88:22 apply [3] 12:5 55:18 56:5 applying [1] 41:25 appreciate [1] 24:2 approach [1] 15:9 appropriate [2] 29:3 39:18 Appropriations [1] 5:22 approximate [1] 18:5 approximating [1] 20:24 area [4] 48:8 76:1,8 82:5 areas [2] 50:14,16 argue [1] 13:20 argued [1] 70:10 arguing [1] 10:22 argument [25] 1:19 3:2,6,10,13 4:4,8 6:4 10:12,24 11:4,10,18 28:19 47:1 53:18 61:8 78:6 84:21 85:2,6,14,22 86:4 88:11 arguments [5] 7:10 10:3 14:24 17:18 67:22 arise [2] 23:21 27:20 around [4] 30:23 40:18 52:3 86:16 Article [8] 6:10 7:24 8:23 14:8 34:17 57:10,21 88:24 artificial [1] 56:4 asks [1] 39:20 assess [2] 21:1 28:12 assessment [1] 34:14 assigned [1] 86:22 assume [1] 76:2 assumed [1] 5:7 assuming [1] 87:20 assumption [1] 10:19 attempting [1] 29:15 authority [3] 10:4 29:7 85:10 automatically [2] 5:9 22:18 available [1] 13:14 average [1] 83:2</p>	<p>avoid [1] 62:12 aware [1] 46:7 away [1] 9:6 awkward [1] 31:22</p> <p style="text-align: center;">B</p> <p>back [17] 8:7,16 9:15,25 13:2 14:19 34:21 36:19 40:12 65:6 66:16,21 76:4 78:23 86:7,23 89:20 backdrop [1] 8:9 background [1] 28:11 backstop [2] 82:7,20 backwards [1] 81:12 badly [1] 62:21 bake [1] 16:11 balance [4] 29:1 30:7 33:17,24 bar [1] 23:16 Barrett [16] 21:22,23 22:19 23:23 24:21,24 25:3,4 26:21 56:20,21 58:1 59:4,13,17 87:9 Barrett's [1] 59:23 barriers [1] 86:17 barring [1] 23:13 based [13] 14:11,22 31:3 32:6,12,20 43:16,22 56:6 58:4,5,16 74:6 baseline [6] 18:4,12 21:2 22:23 28:13 72:13 basic [1] 25:17 basis [9] 5:15 15:23 27:25 33:18 62:17 64:1,21 65:15 73:19 Bastrop [1] 48:25 Baton [5] 2:2 30:23 48:23 50:12 88:2 bear [1] 14:3 become [1] 4:20 becomes [2] 12:25 81:22 becoming [1] 86:25 began [1] 71:20 begin [1] 18:3 beginning [1] 61:17 behalf [11] 2:3,5,7 3:4,8,12,15 4:9 28:20 61:9 88:12 believe [8] 39:8 41:1 57:18 64:6,22 66:4,8 69:13 believed [3] 5:13 65:13,23 believes [1] 73:10 believing [1] 64:1 below [4] 30:10 53:1 86:3,12 benefit [1] 32:23 BENJAMIN [5] 2:2 3:3,14 4:8 88:11 beside [1] 10:22 best [2] 57:10,23 Bethune-Hill [3] 16:6 60:17 72:17 Bethune-Hume [1] 17:1 better [6] 38:12,15 69:13,</p>
<p style="text-align: center;">3</p> <p>30 [1] 20:6 36 [2] 10:7 85:9 38 [1] 10:7</p>	<p>action [4] 32:12,13 55:14 57:25 acts [1] 22:22 actual [2] 67:8 68:1 actually [15] 13:9 18:11 36:19 38:4 46:17,19 60:4 63:12 66:23 67:18 73:4 74:19 84:1,11 86:10 add [2] 48:5 84:17 addition [1] 45:2 additional [3] 10:5 48:5 74:13 address [11] 17:8 18:12 22:22 39:22 53:3 75:8,11 80:11,15,16 83:21 addressed [6] 27:22,23 82:3 83:24 84:3,8 addresses [5] 18:9 20:13 21:16 47:7 81:22 addressing [1] 82:5 adequate [1] 43:16 adjudicated [1] 57:13 admissions [1] 55:17</p>	<p>admits [2] 72:11,12 adopt [3] 11:25 21:5 41:20 adopted [4] 21:5 22:25 34:7 47:10 advanced [2] 48:17 51:12 adversarial [1] 34:18 affirmed [6] 8:13 24:13 26:23 32:22 33:25 57:22 affirming [1] 69:16 ago [2] 36:11 66:3 agree [2] 12:16 70:4 agreed [1] 53:13 agrees [2] 23:9 27:19 AGUIÑAGA [52] 2:2 3:3,14 4:7,8,10 6:9 7:3 9:5 10:14 11:16 12:7,23 13:16,22,25 14:5,16 15:1,7,12,24 16:18,23 17:2,4,9,24 18:2,20,23 19:1,6,11,18 20:14 21:14 22:17 24:9,23 25:2,11,19 26:3 27:8,13,15 28:2 34:22 40:1 88:12,13 ahead [4] 45:21 63:15,16,17 aisle [1] 23:9 AL [3] 1:6,9,12 Alabama [1] 67:22 Alexander [2] 88:17 89:4 ALITO [24] 12:3,7,19 13:15,18 19:25 21:25,25 33:6,21 34:4,21 35:11 48:18,19 49:11,15 50:5,7 51:14,19 68:2 83:6 87:7 allegedly [1] 61:20 Allen [4] 36:10 66:22 67:23 68:23 allow [1] 6:15 allowed [1] 6:1 allows [3] 57:1 80:17,18 almost [1] 14:13 alone [1] 86:15 already [1] 82:3 Alright [1] 19:20 alternative [1] 73:24 Amendment [2] 57:4 72:3 Amendment's [1] 45:25 amicus [2] 20:9 44:9 among [4] 44:22 46:17 51:2,10 analysis [15] 7:12,19 16:11 27:25 28:7 32:6 42:8 48:14 55:24 58:19 60:21,21 77:21 78:23 82:2 angling [1] 43:25 ankle [1] 52:3 another [12] 10:22 27:25 39:5 41:16 45:13,23 46:13,14 54:13 76:1 79:4 80:7 answer [8] 17:25 20:4 50:1 56:24,24 63:3 64:7 75:6 answered [1] 76:25 answers [3] 18:14 56:23</p>	<p>64:5 anticipate [1] 85:25 anyway [1] 70:24 apparently [1] 76:20 appeal [5] 33:11 49:23 53:12 63:6,20 appealed [1] 53:5 APPEARANCES [1] 2:1 Appellant [6] 1:4 2:3 3:4,15 4:9 88:12 Appellants [5] 1:10 2:6 3:8 28:20 62:10 Appellants' [1] 76:17 appellate [1] 9:14 Appellees [7] 1:7,13 2:8 3:12 10:3 61:9 85:21 Appellees' [2] 10:7,12 appendix [2] 7:18 28:6 applied [5] 11:2 34:25 36:24 55:22 56:5 </p>	

Official

<p>21 80:15,17 between [7] 4:17 21:17 34:13 36:19 42:14 56:13 77:16 big [1] 34:13 bill [2] 71:11 76:24 binding [1] 31:24 bit [1] 81:12 bits [1] 35:22 Black [40] 5:2,4,8 6:12 8:5 12:1 19:2 27:18 30:22 31:5 44:1,11 45:4 47:2,11,22 48:22,25 49:6,13 51:10 54:14 58:23 69:14,17 71:12,22 72:13,22 74:14 75:24 76:1,6,11 80:1 82:10 86:17 87:13,15,23 bless [1] 4:15 blew [1] 34:10 block [1] 63:12 board [1] 9:25 boot [1] 52:4 born [1] 61:19 borne [2] 46:20 53:12 both [9] 4:16 14:25 18:19, 21 19:1,4 21:4 23:8 24:10 breathing [16] 6:1 16:9 28:24 29:12 54:18,19,20 55:2 56:22 57:1 64:25 70:1,1 80:22 89:22,23 brief [14] 5:1 10:7,17,21 12:9 20:8 26:7 34:6 44:9 53:21 76:18,18 85:7 88:14 briefing [1] 72:12 briefly [1] 17:25 briefs [1] 20:9 bring [4] 62:15 63:9 64:8 86:14 bringing [1] 70:13 broad [1] 89:13 brought [4] 68:14 70:9 78:4,13 burden [8] 14:4,5 46:21 60:23,24 61:2 84:19 85:23 Bush [5] 16:1 60:17 61:16 74:18 77:22 business [1] 8:2</p> <hr/> <p style="text-align: center;">C</p> <p>calculations [2] 55:4 75:23 calculus [2] 24:8 29:2 call [4] 21:19 24:18,19,20 CALLAIS [3] 1:6,12 4:5 called [1] 38:25 calls [1] 26:7 came [4] 1:18 15:3 38:23 63:1 candidate [1] 51:13 candidates [2] 31:6 47:12 cannot [1] 85:4 capturing [1] 74:13 Carolina [1] 61:25</p>	<p>Case [74] 2:3,6 3:5,9,16 4:4, 6,9,16 7:4,6 10:18,22 11:1, 17 12:9,13 13:2,3,6,17,20 15:25 16:1,1,2,5 18:15 21:4 23:3,6,8,11,13,21 26:1, 18 27:17,17,20,24 28:20 30:19 37:17 39:12 47:25 48:22 50:9 53:3,18 57:22 58:7 60:24,25 61:15 62:9 66:2 68:7,14,17 72:20 75:16 77:25 78:13,15 83:8 85:20,22 88:12,23,24 89:10 90:4,5 cases [15] 4:21 7:13 15:20 16:10,13,21 45:18 47:1 62:4 72:10,18 86:24 89:15,21, 25 caught [1] 4:17 caused [1] 71:23 caution [2] 88:18,22 CD5 [1] 38:8 CD6 [4] 37:5,13 81:13,22 center [1] 47:15 certain [4] 26:24 47:2,2 69:23 Certainly [3] 18:1 45:6 85:17 challenge [1] 89:21 chance [3] 44:10 85:18 87:19 CHIEF [33] 4:3,10 9:2 17:24 18:1 19:22 21:21 25:5 28:16,21 37:4,8 38:21,24 43:4,20,24 45:6,20,21 46:22 48:18 51:15 52:22 55:6 56:19 59:20 61:5,10 87:4 88:8,13 90:2 choice [8] 9:11 31:6 47:12 51:13 56:13 67:18 70:3,6 choices [1] 70:2 choose [1] 71:24 choosing [1] 42:4 chose [3] 38:24 43:2 49:23 chosen [2] 29:18 30:2 Circuit [26] 8:10,12 11:14, 17,17,24 13:12 26:24 32:22 33:8,10,11,16,20,25 53:6,8,17 54:5,23 57:23 66:20 68:8,18 69:15 70:20 Circuit's [1] 24:12 circumstance [6] 8:22 12:10,16 26:8 35:3 57:9 circumstances [5] 15:15 31:9 33:2 35:6 55:24 citizens [1] 86:17 City [1] 2:7 claim [3] 57:4 62:10 70:13 claimed [1] 84:18 clarify [3] 25:8 66:12 67:14 clarity [1] 77:8 Clause [1] 13:3 clear [9] 20:22 26:23 28:23</p>	<p>34:16 66:17 67:18,20 71:16 75:12 clearer [1] 20:9 clearly [4] 19:15 33:25 42:2 68:24 close [2] 26:11 62:24 closely [2] 18:4 20:23 coexist [1] 19:15 colleagues [1] 52:24 collusion [2] 35:7 57:9 combine [1] 49:3 combined [1] 48:22 combines [1] 83:3 combining [1] 84:25 come [5] 13:2 34:21 69:11 74:4 78:14 comes [1] 7:5 coming [1] 13:8 comments [1] 66:17 committed [1] 29:20 Committee [1] 5:22 common [2] 47:15 88:1 communities [8] 29:9 30:23 44:5,22 46:14 51:2 52:8 87:24 community [2] 44:21 50:11 compact [35] 16:3 17:13 31:10,10 35:19,24 36:6,15 37:3,6,11 38:23 41:7,15 42:24 43:3,12,13,17 48:13 49:9 74:22 76:24 78:6,16 79:15 81:4,8,19,25 82:18 84:13,14 87:17,22 compactness [11] 30:2 40:20 43:5,8 75:10 78:17,22 79:17 81:24 82:7 89:7 comparison [1] 28:14 compelled [2] 25:25 67:12 compelling [14] 10:20,24 11:10,11 15:11 31:19 59:7, 9,9,25 63:11 66:13 70:16 85:7 competing [1] 30:8 completely [2] 79:13 85:3 compliance [3] 10:19 30:3 57:5 complies [2] 52:13,13 comply [17] 11:5,22 15:5, 21 16:16 17:6 28:25 29:6, 15,22 30:8 58:21 60:9 61:21 64:2 73:6 74:22 complying [3] 8:3 11:12 42:20 compromised [1] 73:3 concede [1] 65:22 concentration [2] 49:6 50:12 concerned [1] 66:11 concerns [1] 20:8 conditions [7] 31:3,4,5 55:23,25 56:3,6</p>	<p>conduct [1] 88:21 configuration [3] 47:17 51:25 52:5 configured [3] 36:7,16,25 conflating [1] 41:12 confused [1] 25:23 Congress [2] 6:22 86:22 congressional [1] 4:19 Congresswoman [1] 77:3 connected [1] 83:14 connecting [1] 47:16 consciousness [1] 42:14 consider [1] 8:16 consideration [3] 45:17, 23 60:20 considerations [9] 20:11 21:11 29:11 41:9 42:17,25 46:12,18 58:6 considering [2] 46:10,18 consolidated [1] 4:5 constitute [1] 36:15 Constitution [1] 85:10 constitutional [1] 70:21 constrained [1] 41:5 context [4] 8:8 11:6 46:6 86:8 contiguity [1] 40:21 contiguous [1] 84:17 continued [2] 24:4,5 contrary [1] 35:25 conversation [1] 41:13 convicted [1] 33:12 convincing [1] 62:13 Cooper [1] 72:17 core [8] 19:12,13 40:3 43:6 47:15,21 76:6 84:18 corner [1] 49:1 correct [33] 6:9 7:2 9:4 11:15 15:6,7,12,23 16:17,18, 22,23 17:2,9 18:22,24 19:6, 10,11,17 24:23 25:11,19 26:2,3 38:16,19 52:9 53:22,24 75:18 83:11 85:5 correctly [2] 32:25 53:14 corridor [1] 44:12 couldn't [3] 59:5 73:3 76:9 counsel [14] 19:23 28:17 31:15 43:4 46:23 61:6 65:8 70:19 75:5 76:15 87:5 88:9,10 90:3 County [3] 76:5,7 82:22 couple [2] 10:14 52:24 course [5] 7:7 55:13,16 61:1 84:1 COURT [134] 1:1,19 4:11 5:6,13,19 6:5,5,10,15 7:1,2,5, 21 8:2,3,21 9:3,14,16 11:7, 19,21,24 13:8 14:8,14,22, 23 15:14,18 16:4,14,14 17:4,19 20:16 21:15,19 22:5,9, 13,21 23:9,14 24:1,3,14 25:15,24 26:1,13,22 27:7,23</p>	<p>28:5,22,23 29:17 30:9,18 31:18 32:4,12,13,17,19,24 34:10,16,18,24 39:3,20 40:12 41:6,8 42:13 43:11 45:18 46:6 48:2,3,11 49:7 50:24,25 51:4,5,9 52:16 53:13, 17 57:2,15,24 60:7,12,13, 16,18 61:11 62:16 63:10, 13,19,21 64:9,24 65:12,13 66:8,13,18 67:21 68:7,8 70:10,11 74:24 75:2 77:20 78:1 81:1,5 84:12,20,21 86:12 88:17,18 89:2,9,24 Court's [26] 4:21 5:25 6:2 7:12,18 8:13 10:19 16:10 19:19 22:10 23:16 24:25 25:8 30:11 32:21,23 33:3 34:1 55:13 61:18 72:18 76:7 78:16 89:15,21,25 court-drawn [1] 9:13 court-imposed [1] 24:6 courts [18] 7:7,15,24 8:23 9:17,22 11:12 12:13 15:16 20:23 23:14,18 29:4,13 65:17,24 66:7 88:25 covered [1] 75:13 cracking [2] 49:5,17 create [5] 10:5 17:7 47:23 76:22 80:7 created [8] 17:15 18:21 19:1 41:16 76:24 79:9 80:5 83:13 creates [1] 79:14 creating [3] 49:10 71:3 79:4 creation [2] 5:7 60:14 criteria [9] 17:14,18,21 38:12,15,16 49:16 73:25 74:23 Crow [1] 44:15 current [9] 31:4,4 55:23,25, 25 56:3,6 86:8,8 cycle [1] 73:16</p> <hr/> <p style="text-align: center;">D</p> <p>D.C [1] 1:15 data [1] 65:1 day [2] 7:11 67:16 deadline [1] 24:17 decided [4] 7:7 16:16 33:10 70:3 decides [2] 54:7 75:15 decision [28] 5:24 6:1 8:11 12:4,25 14:2,23 22:1 24:12 30:10 32:19,21,21,23 34:1,23,24 35:10,13 36:21 53:1,25 57:9 62:12,21 63:19 73:3 88:16 decisions [14] 5:9,14 6:11, 14 7:20 8:3 9:7 11:7 12:17 14:8 22:21 23:2 26:9 53:5 defend [3] 35:5,8 66:21 Defendant [1] 62:14</p>
---	---	--	---	--

Official

<p>Defendants [1] 63:9 defending [1] 89:20 defense [1] 67:19 defer [1] 70:20 delta [4] 30:25 47:17 52:4 87:25 demand [1] 30:1 demeaning [1] 88:21 Democrat [1] 6:18 democratic [1] 62:2 demographics [1] 32:7 denied [1] 30:6 dense [1] 88:1 denying [1] 47:11 Department [2] 34:9,14 describe [1] 30:13 desegregation [1] 55:17 determination [5] 22:11 34:2,19 51:9 57:22 determinations [1] 49:21 determine [1] 57:21 deviate [2] 18:10,10 deviated [2] 18:16 21:1 deviates [1] 18:8 diametrically [1] 4:18 differ [1] 50:9 difference [2] 34:11,13 different [15] 17:20 34:5 40:8 41:20 47:22 48:9 50:17 52:8 53:7 58:10,17 74:5 82:5 84:5 85:21 differently [1] 50:4 difficult [1] 74:16 diffuse [1] 62:25 dilute [1] 54:13 dilutes [1] 47:10 dilution [2] 47:20,24 directly [1] 76:21 disaggregate [1] 56:9 disagree [2] 45:16 80:24 discovered [1] 77:5 discrimination [3] 30:20, 21 56:2 discuss [1] 34:6 discussion [1] 63:12 disentangle [1] 46:16 disentangled [1] 60:24 dismissed [1] 29:24 disparities [2] 30:22 44:15 dispositive [1] 70:12 dispute [3] 21:4 23:7 25:8 disputed [1] 10:18 disputing [1] 65:16 disregard [1] 10:17 distant [1] 50:8 distinction [1] 42:15 distinguishing [1] 77:16 District [158] 5:2,4,6,8,12 6:13,18 7:1,18,21 8:5,13,25 9:25 11:23 12:1 13:8,12 14:7,13,17,22,23 16:3,14, 14 17:19 19:4,9,10,12 20:</p>	<p>12 22:9,10 24:14,25 27:23 29:17 30:18 32:21,24 34:1, 24 35:14,20,24 36:2,7,16 37:1,13,14,24 38:5 39:3,5, 6,9,18,20,21 40:1,3,24 41:1,1,17 43:6,15,21 44:6,20, 23 45:3,7,10 47:23,24 48:13,20,21,22 49:5,7,14,22 50:23,25 51:11 52:16 53:13 56:12,14 57:2,7 58:4,5, 24 60:9,15 61:24,25 62:1,6, 18,22 63:10,13 64:9 66:21 68:7 69:14,17 70:9,10 71:3,5,14,22 72:14,22 74:24 75:2,15 76:8,12,22,25 77:18 79:4,15 81:4,6,9,25 82:18,23 83:2,13,14,24 84:3,7, 13,18,20,21,24 85:1 86:12 87:14,16 88:20 89:1,12,14, 16,23 districting [5] 30:1 35:21 40:17,19,22 districts [24] 6:6 10:6 18:22,23 19:2,5 32:8 37:17,19 40:4,5 41:4,7 43:12,13,17, 18 47:14 48:5 51:3 61:20 62:25 83:1 87:2 docket [3] 4:13,15 14:13 doing [9] 21:12 29:21 42:4 43:14 58:13,25 60:4 71:17 77:15 DOJ [3] 61:21 62:1,7 domain [1] 29:14 done [7] 52:7 66:24 68:6 70:9 73:22,22 77:21 doubt [2] 24:14 79:15 down [3] 50:18 70:23 84:2 draw [31] 6:12,15,20 8:4 16:3 24:16 35:23 37:19 39:5, 6,8 41:7 43:12,13,17 45:10 54:13,24 57:6 58:4,9 66:25 67:2 72:13 73:11,25 75:14 81:3 82:21 88:25 89:14 drawers [1] 67:25 drawing [17] 8:16 9:25 37:16 42:1,11 43:15,21 45:1 47:13 61:19 62:18 65:21 72:21 73:19 88:20 89:16, 23 drawn [20] 5:19 9:16 16:4 30:25 31:10 41:17 42:13 44:23 50:3,3 51:2 62:1,2,2 67:10 71:14 74:14 82:12 87:16 89:12 draws [2] 45:4 60:9 drew [8] 5:24 9:25 39:21 46:10 47:22 48:6 51:8 74:8 drive [1] 26:5 drove [3] 46:19 77:1,4 due [3] 7:20 28:10 89:19 durational [3] 10:4,12 85:9</p>	<p>duty [1] 85:25 duty-bound [2] 11:5,22</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>each [3] 50:9 62:4 82:22 earlier [3] 22:10,21 59:6 East [1] 88:2 economic [1] 44:16 EDWARD [3] 2:7 3:11 61:8 effect [1] 31:24 effect-based [1] 86:9 effects [2] 49:19 50:2 efforts [1] 28:24 either [1] 66:21 elect [3] 31:6 47:12 51:13 election [5] 5:18 8:10,17 32:7 50:22 elements [1] 82:10 emergency [2] 4:13,14 emphasize [2] 5:16 88:16 emphasized [1] 88:17 emphasizes [1] 89:13 enacted [3] 17:12 18:5 38:9 enacting [1] 14:7 end [11] 5:16 7:11 9:9,15 13:2 33:14 37:9 38:25 55:15 67:15 85:12 endure [1] 9:13 engage [5] 26:16 27:6 29:25 33:5 85:11 enough [7] 25:16 33:4 63:25 71:12 72:16,19 82:24 ensures [2] 6:21 29:13 enter [1] 29:2 entire [1] 85:2 entirely [2] 22:12 56:15 entries [1] 14:13 Equal [6] 13:3 39:3 47:11 55:10,12 60:24 equities [2] 33:18,24 erroneous [1] 26:14 error [4] 7:17 28:1,4 61:19 errors [2] 29:20 30:6 especially [2] 11:6 88:23 ESQ [4] 3:3,7,11,14 essentially [3] 22:9 70:12 79:6 established [2] 5:9 41:15 estopped [1] 70:13 ET [3] 1:6,9,12 evaluate [1] 81:13 even [17] 26:16 27:6 30:4 31:23 39:2,2 41:24 42:7 48:14 60:18 70:13,17 75:13 83:2,14 87:24 89:9 everybody [1] 23:9 everyone [2] 72:11 77:17 Everything [1] 72:15 everywhere [1] 87:2 evidence [23] 5:15 13:9,24 14:1 34:19 37:2 38:10 46:15 50:24 51:1,4 62:16,17</p>	<p>64:8 66:23 68:1 70:15 71:18 73:19 84:22 86:7,14,15 evidentiary [2] 14:12 32:17 exactly [15] 8:1 10:9 15:1 25:2 27:15 29:17 30:13 36:16 47:6,6 51:19 52:15 54:8 55:2 77:6 example [3] 15:25 59:5 83:23 examples [1] 56:2 exception [2] 12:11 61:12 excluded [1] 47:3 exercised [1] 29:7 exhausted [1] 65:19 exhibits [1] 32:18 existed [2] 27:9,10 existence [2] 70:11 85:3 existing [1] 31:23 exists [1] 80:12 expert [1] 51:6 experts [1] 67:23 explain [1] 44:10 explained [1] 40:1 explains [1] 28:11 expressed [1] 66:12 expressly [2] 58:10 60:13 extend [1] 52:1 extent [1] 26:24 extraordinary [1] 61:14 extreme [2] 12:12 30:22</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>face [1] 35:13 faced [2] 5:18 9:11 faces [2] 57:12,18 fact [10] 25:15 31:16 46:9 48:13 61:14 72:12 74:25 77:22 85:16 86:11 factor [1] 77:6 factors [2] 66:24 68:2 facts [6] 5:23 6:13 12:14 23:10 26:25 78:10 factual [3] 8:9 28:11 75:1 fail [2] 22:24 86:2 fails [1] 74:20 failure [2] 35:8 49:3 fair [1] 82:13 faith [6] 15:22 64:1,19,21 70:5 73:10 fall [3] 11:21 66:16 89:20 family [1] 44:20 far [6] 11:4 49:1 78:12 85:13,17 87:23 far-distant [1] 49:4 far-flung [1] 87:23 fashioning [1] 20:12 favored [1] 29:8 favoring [1] 5:3 fear [1] 61:22 federal [20] 5:19 6:15 7:14 8:2,3 9:16 11:7,12 15:15 22:5 23:13,14,18 24:1,3</p>	<p>29:4 30:8 42:20 65:17 88:18 felt [1] 67:11 few [3] 8:12,15 66:3 fewer [1] 49:9 Fifth [25] 8:10,12 11:14,16, 17,24 13:12 24:12 26:24 32:22 33:8,10,11,16,20,25 53:6,7 54:4,23 57:23 66:20 68:18 69:15 70:20 figure [2] 76:13 82:21 filled [1] 14:24 final [5] 9:12 31:20 62:12, 13 87:12 finally [2] 8:14 82:12 find [7] 9:18 33:4 60:18 69:10 75:25 81:7,13 finding [8] 8:15 28:1,4 29:18 57:3 69:3 75:1 87:1 fine [3] 21:12 48:11 75:22 first [21] 4:4,25 10:16 17:15 22:20 29:22 32:3 33:16 38:18 61:2 64:6 68:19 71:9 74:12 75:17 77:12 79:24 80:23,24 82:2 88:15 fit [1] 17:21 five-day [1] 32:16 flat [1] 13:10 flawed [1] 62:21 flexibility [5] 16:10 30:7 37:16 42:16 48:16 Florida [1] 21:13 Florida [1] 52:1 flowed [1] 72:16 focus [1] 82:15 follow [4] 12:6 22:15 58:1 59:23 followed [2] 17:13 27:12 follows [1] 17:22 footnote [3] 89:8,9,13 forcing [1] 24:20 forfeit [1] 86:5 forfeited [2] 10:23 85:15 form [1] 36:6 formal [1] 32:15 forth [1] 36:19 forward [3] 31:24 60:1 67:8 found [14] 29:4 30:21 31:3, 9,12,13 32:4,5,24 52:17 53:11,14 70:21 74:24 Fourteenth [3] 45:25 57:4 72:3 fourth [1] 86:1 friend [2] 89:6,7 friends [2] 4:16 71:1 front [2] 14:22 78:10 full [2] 14:1 82:19 function [1] 86:21 fundamental [3] 4:22 7:16 50:10 fundamentally [1] 7:23</p>
--	---	---	---	--

Official

<p>future ^[1] 13:17</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gamble ^[1] 9:12 gamblers ^[1] 8:19 gathering ^[1] 83:3 General ^[4] 2:2 54:2 55:10 66:16 generations ^[1] 44:18 geographic ^[1] 81:7 geographical ^[1] 75:10 geographically ^[5] 40:8 74:22 81:4,8 84:14 geography ^[2] 40:11,15 gerrymander ^[1] 82:11 gerrymandered ^[1] 80:1 gerrymandering ^[2] 61:18 72:9 getting ^[1] 23:5 Gingles ^[13] 12:5,20 55:22 66:24 67:24 74:21 75:21, 22 83:1,4 85:1 86:14 89:16 give ^[6] 20:7,9 23:11,12 69:5 85:18 given ^[4] 8:22 63:6 67:18 68:25 goal ^[1] 41:21 goals ^[1] 48:17 God ^[1] 4:15 GORSUCH ^[20] 31:15 32:9, 11 38:22 39:10,13,16,23 40:7,16 45:5,13,19,22 46:3 55:7 70:19 71:9,25 72:8 gospel ^[1] 9:24 got ^[6] 12:13,14 23:10 73:23 79:17 83:15 Governor ^[1] 65:16 grant ^[1] 83:8 graphically ^[1] 82:18 great ^[1] 62:15 green ^[1] 27:18 GREIM ^[44] 2:7 3:11 25:11 61:7,8,10 63:7 64:4,12,16, 23 65:4,25 66:15 67:4,15 68:5,17 70:7 71:8 72:8,24 73:1,7,14,17 74:3,10 75:4, 9 77:9,12 78:9 79:23 80:20,23 81:12 82:4 83:17,19 84:11 85:19 87:18 88:6 ground ^[1] 28:3 grounds ^[1] 4:25 guess ^[7] 25:22 26:4,15 68:4 69:1 78:21 86:5 guidance ^[3] 17:23 20:7,9 guidepost ^[1] 20:22</p>	<p>15 79:5 happens ^[2] 32:1 82:2 happy ^[2] 23:11 63:3 harder ^[1] 13:1 harm ^[3] 5:1 33:9,17 Hays ^[1] 62:23 head ^[1] 52:4 hear ^[2] 4:3 42:22 heard ^[4] 11:18 32:17 51:4, 5 hearing ^[2] 32:17 69:19 heart ^[2] 9:6 66:3 hearts ^[2] 9:6 66:4 heightened ^[1] 88:24 held ^[5] 35:15 36:3 48:3 60:8,12 helpful ^[1] 74:11 high ^[2] 6:20 23:16 high-profile ^[2] 18:17 21:8 high-stakes ^[1] 8:19 higher ^[1] 76:11 Hill ^[1] 17:1 hinges ^[1] 75:22 hint ^[1] 68:24 historians ^[1] 44:8 historians' ^[1] 44:9 history ^[6] 30:19,20 31:2,4 44:13,14 hold ^[1] 84:14 holding ^[1] 89:15 holds ^[2] 81:3 89:24 home ^[1] 26:5 Honor ^[45] 6:10 7:3 9:5,20 12:23 13:22 14:5 15:2,25 16:19,24 17:10 19:7,12,19 24:10 25:13,21 28:2 30:15 32:4 33:16,24 34:13 35:3 36:5,12,23 37:13 42:12 43:8 44:3 45:9,16 50:23 51:24 52:10,15 53:4,24 54:10 55:20 57:8 59:8 87:18 hope ^[1] 9:13 House ^[4] 5:20,21 8:18 79:18 hundreds ^[1] 32:18 hypothetical ^[3] 23:20 26:16 78:20</p>	<p>6,16 19:13 20:24 28:9 31:1,11 37:14 40:5 41:3 47:14 48:20 49:8 51:3 67:25 illustratives ^[1] 23:1 illustrious ^[1] 68:20 imagine ^[2] 12:12 26:6 impacts ^[1] 50:6 important ^[7] 5:17 8:8 42:15 43:5 79:8,11,22 impose ^[2] 25:1 41:8 imposed ^[1] 58:8 include ^[1] 47:4 included ^[3] 35:20 47:14, 21 includes ^[2] 40:1 41:2 including ^[3] 36:21 41:9 66:2 incumbent ^[4] 48:12 71:23 79:20 80:17 incumbents ^[14] 6:7,20 9:19 18:17 21:9 29:8 62:3,5 74:8,9 79:7,10,21 80:18 Indeed ^[1] 38:3 independent ^[1] 28:3 inevitable ^[1] 82:11 inherently ^[1] 29:23 initial ^[2] 73:3 78:4 injunction ^[8] 9:10 31:17, 23 33:7,8,19,22 39:14 inquiry ^[6] 5:12,15 7:22 26:17 81:24 83:20 instances ^[1] 30:21 instead ^[4] 15:4 38:25 63:8 66:20 insufficient ^[2] 20:17,19 integrated ^[1] 87:1 intent ^[3] 29:22 67:25 77:21 intentional ^[2] 5:7 60:14 interest ^[17] 6:7 10:20,24 11:10,11 15:11 29:9 31:19 44:6 46:14 50:11 52:8 59:7,10 60:1 68:14 85:8 interested ^[1] 47:5 interests ^[9] 29:1 30:8 44:5 45:1 50:25 51:1,7,10,23 intermeeting ^[1] 84:16 intrude ^[1] 29:13 invalid ^[1] 59:2 invites ^[1] 26:16 irreparable ^[1] 33:9 island ^[4] 83:15,15,15,16 isn't ^[11] 27:25 33:14 35:12 45:14,19,19,22,22 50:9,19 79:12 issue ^[10] 11:19,20 13:24 40:4,11 53:3 65:20 71:19 76:3 82:16 issues ^[1] 74:16 itself ^[2] 14:11 35:10</p>	<p>26:4,15 27:9,14,16,21 28:15 41:11 42:7,19,22 59:21, 22 60:7,22 61:4 65:8 66:6, 15 67:3,5 68:3 72:19,25 76:15 77:10 78:2 87:10,11 88:5 89:1 January ^[2] 11:18 24:17 jeopardy ^[1] 5:20 Jim ^[1] 44:15 job ^[1] 65:18 Johnson ^[2] 6:21 77:2 joined ^[1] 44:6 joining ^[1] 51:19 JS ^[2] 7:18 28:6 judge ^[4] 35:15 57:10 62:22 73:23 judge's ^[1] 57:21 judges ^[8] 53:8,17 54:23 67:7 68:10,11,21 69:9 judgment ^[3] 9:13 21:19 31:21 judgments ^[1] 30:7 judicial ^[1] 34:17 Julia ^[3] 6:17 77:3 87:14 jurisprudence ^[1] 61:18 JUSTICE ^[240] 4:3,11 6:3, 24 9:2 10:2,15 11:13 12:2, 3,7,19 13:15,18,19,23,25 14:3,15,18 15:3,7,9,12,19 16:12,20,25 17:3,5,11,24 18:1,2,19,21,25 19:3,8,14, 20,22,24,25 20:1,2,3,4,15 21:10,20,21,21,23,24,25 22:19 23:23 24:21,24 25:3, 4,5,5,7,14,22 26:3,15,21 27:9,14,16,21 28:15,16,21 30:12,16 31:15 32:9,11 33:6,21 34:4,8,13,21 35:11 36:9,13 37:4,8,22 38:1,4,11, 14,18,21,22,24 39:10,13, 16,23 40:7,16 41:11 42:7, 19,22 43:4,20,24 45:5,13, 19,21,22 46:3,22,24,25 48:18,18,19 49:11,15 50:5,7 51:14,15,15,17,19,22 52:6, 12,18,21,22,22,23 53:7,15 54:2,16 55:5,6,6,8,9 56:7, 18,19,19,21,23,25 58:1,2 59:4,13,17,20,20,22,23 60:7,22 61:4,5,10 63:4,7,14, 16,18 64:10,13,17 65:2,6,8 66:6,15 67:3,5 68:2,3,4,13 69:1 70:7,19 71:9,25 72:8, 19,25 73:5,8,14,15,17,21 74:4,10 75:3,5,6 76:15 77:10,22,23 78:2,21,24 79:23 80:2,21 81:11 83:5,6,19 84:12 85:6 87:4,6,7,8,9,10, 11 88:5,8,14 89:1 90:2 justices ^[1] 67:7 justification ^[1] 43:16</p>	<p>Kagan ^[26] 20:1 36:9,13 37:22 38:1,4 52:22,23 53:7,15 54:2,16 55:5 56:24,25 68:4,13 69:1 70:7 78:21 79:24 80:2,21 81:11 83:19 84:12 Kansas ^[1] 2:7 KAVANAUGH ^[17] 10:2,15 11:13 12:2 20:2,3,15 21:10,20 55:8,9 56:7,18 75:6 83:5 85:6 87:8 Kavanaugh's ^[2] 58:2 78:24 keep ^[5] 69:2 79:8,11 80:17, 18 keeps ^[2] 52:14 82:20 Kennedy ^[1] 77:22 kept ^[2] 44:17 79:10 key ^[2] 70:18 82:16 kind ^[5] 20:6 21:13 38:1 55:2 86:15 kinds ^[2] 29:10 42:17</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>labored ^[1] 65:20 lack ^[1] 44:16 Lafayette ^[3] 48:23 50:13 87:25 laid ^[1] 68:18 Landry ^[2] 30:24 65:16 language ^[1] 36:18 large ^[1] 36:14 larger ^[2] 5:17 8:7 last ^[6] 36:11 50:20,20 73:4 82:9 88:16 later ^[3] 22:9,13 57:5 Laughter ^[1] 68:12 law ^[9] 9:24 12:14 15:16 23:10,15 30:9 42:21 55:12 85:24 laws ^[1] 46:4 lawyer ^[2] 69:12,18 lawyers ^[1] 69:11 lay ^[1] 51:5 layers ^[2] 8:23 25:20 lead ^[1] 85:6 leader ^[2] 5:21 77:2 least ^[9] 4:24 11:2,21 15:20 16:13,20 40:6 48:13 65:23 least-changed ^[1] 47:19 leave ^[1] 23:19 leeway ^[1] 89:13 left ^[2] 22:13 42:9 legal ^[2] 28:3 65:19 legality ^[1] 28:12 legislative ^[1] 29:14 legislators ^[2] 40:13 46:7 legislature ^[6] 24:15 36:14 44:25 64:24 66:17 88:21 legislature's ^[3] 17:14 29:12 88:19 legislatures' ^[1] 32:6 legitimate ^[1] 20:8</p>
<p style="text-align: center;">H</p> <hr/> <p>half ^[2] 75:20 82:24 handling ^[1] 26:20 hands ^[1] 6:19 happen ^[2] 13:6 35:8 happened ^[4] 13:4,11 72:</p>	<p style="text-align: center;">I</p> <hr/> <p>I-49 ^[1] 71:14 idea ^[2] 53:21 69:2 identical ^[1] 40:4 identified ^[7] 18:13 32:25 35:22 44:5,25,25 51:7 ignore ^[2] 12:20 54:11 ignores ^[1] 89:8 II ^[12] 15:22 61:15,24 73:20 74:18 76:4 81:2,5 82:17 84:12 89:8,9 III ^[8] 6:10 7:24 8:23 14:8 34:17 57:10,21 88:24 illegitimate ^[1] 59:16 illustrative ^[17] 6:16 18:3,</p>	<p style="text-align: center;">J</p> <hr/> <p>Jackson ^[35] 25:6,7,14,22</p>	<p style="text-align: center;">K</p>	

Official

<p>less [6] 12:24,24 20:18 31:6 32:5 79:15</p> <p>Letlow [4] 6:17,22 77:3 87:15</p> <p>level [2] 63:13 71:21</p> <p>liability [3] 57:12,19 61:23</p> <p>life [1] 4:20</p> <p>light [4] 5:8,23 6:14 57:16</p> <p>likelihood [3] 8:14 14:10 81:15</p> <p>likely [24] 6:11 7:15,25 8:24 9:17 11:8,25 15:17 17:8 27:1,2 29:5 31:14 32:25 34:2,20 53:11 57:13 63:19,22,24 69:17 76:10 81:20</p> <p>limit [5] 10:4,13 20:3,10 56:4</p> <p>limited [2] 50:6 55:15</p> <p>limits [1] 20:15</p> <p>line [4] 6:25 22:16 42:13 71:4</p> <p>lines [4] 35:21 46:19 74:8 82:21</p> <p>list [2] 68:9,21</p> <p>litigate [4] 24:4,5 69:3 87:19</p> <p>litigated [7] 7:4 31:17 54:3,5,21,21 68:6</p> <p>litigating [1] 66:1</p> <p>litigation [16] 7:8 9:9 10:9 13:5 14:12 24:7,10,18 28:14 31:24 49:22,25 54:1 59:6,25 78:5</p> <p>litigation's [1] 11:14</p> <p>little [6] 25:23 31:21,21,22 52:3 81:12</p> <p>live [2] 50:13,16</p> <p>logical [1] 55:14</p> <p>long [5] 42:13 45:18 46:6 55:13 65:20</p> <p>longer [2] 33:9 86:21</p> <p>look [24] 4:19 7:17 8:11 12:21 13:9 16:1,5 24:11 28:5 35:5,9,12 37:5 44:8 54:3 58:20 71:17,18 72:3 74:11 76:4 79:6 80:9 86:16</p> <p>looked [16] 18:6 30:19,20,20 31:2,8,12 50:24 51:1 53:10 62:23 63:8 67:8 75:19 76:9 78:17</p> <p>looking [6] 34:18 37:23 42:23 60:3 75:21 81:6</p> <p>looks [8] 38:4 50:2 55:24,25 56:1 63:23 76:23 85:1</p> <p>lop [1] 75:24</p> <p>lose [8] 9:12 23:3 24:25 31:25 54:22 57:5 68:11,11</p> <p>losing [1] 71:23</p> <p>loss [1] 54:7</p> <p>lost [9] 7:10,10 9:10 11:4 16:7 68:7,7 71:24 81:10</p> <p>lot [7] 54:4,5 74:15 75:13</p>	<p>77:13 86:16 89:6</p> <p>LOUISIANA [32] 1:3 2:3 4:5,12 6:8,12 10:8 11:1,2 25:9 27:11 29:5 31:5 38:24 44:9 48:21 65:23 66:2 67:11,16,22 68:6,6,15,19 71:13 78:3 79:2,5 86:8,16 87:24</p> <p>Louisiana's [4] 38:16 51:18 52:19 65:11</p> <p>Louisianians [2] 47:11 54:14</p> <p>lower [2] 20:23 63:19</p> <p>LULAC [5] 20:17 35:15,25 36:18 74:19</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>made [7] 5:24 32:19 34:16 49:22 51:9 56:14 79:9</p> <p>majorities [1] 19:3</p> <p>majority [16] 5:8,21 6:12,17 8:5 12:1 19:2 36:7,15 69:14,16 71:22 72:13,22 77:2 89:1</p> <p>majority-minority [8] 10:6 37:1 41:17 48:5 56:11,14 60:14 61:20</p> <p>many [6] 29:1 46:12 67:7 84:23 85:21 86:24</p> <p>map [93] 4:19 5:19,25 6:21 8:16 9:13,16 17:7,12,13,15 18:5,6,11,16 19:10,13 20:24 21:2,7,12,13 22:25 24:6,16 25:1,10 28:12 31:1,10 34:7 35:8 38:9,14,16,18 41:15,20 42:1,4,11,24,24 43:2 46:10 47:3,7,10,18,19 49:4,10,11,15 50:3 51:18 54:13,24 58:9,9,14 62:23,24 65:21 66:25 67:4,10,25 68:23 69:10,16 73:10,11,19,24,25 74:5,5,11,20 77:1,4 78:4 79:6,9 80:7,9,10,16 87:12,13,16 89:20</p> <p>map's [1] 17:20</p> <p>maps [15] 6:16 18:4,19,21 19:1 28:9 31:12 38:23 43:3 49:8 51:8 69:20 77:16 80:14 82:14</p> <p>March [1] 1:16</p> <p>matter [9] 1:18 12:15 20:21 21:17 23:25 55:16 71:20 74:24 75:12</p> <p>matters [4] 6:18 25:23 75:21 82:25</p> <p>maximize [1] 30:2</p> <p>mean [49] 4:15 6:10 7:7,23 9:2 13:7 15:14 16:9 20:16 21:15 23:23,25 26:21 27:9 31:25 36:18 37:4,6,8,10 40:18 41:14 43:24 46:11 53:19 54:17 57:2 64:19 65:2,22 66:3,10 67:15 68:18,</p>	<p>20,24 69:4,11 72:1,2 74:12 78:19 79:1,14,19,25 80:19 85:19 89:25</p> <p>Meaning [1] 64:13</p> <p>means [6] 19:16 21:16 23:15 45:17 46:12 57:16</p> <p>Mecklenburg [2] 76:5 82:22</p> <p>Meeter [1] 77:2</p> <p>meets [1] 73:24</p> <p>mentioned [3] 76:19 85:13,16</p> <p>mere [2] 70:11 85:3</p> <p>merely [1] 15:4</p> <p>merits [12] 8:14 10:25 14:10 24:14 32:1 33:25 34:3 53:10,13,24 63:23 67:8</p> <p>Middle [6] 13:12 14:16 35:14 36:2 48:21 49:22</p> <p>might [8] 24:15 35:9 37:18 53:20 59:1,2 69:24 87:14</p> <p>Miller [6] 34:5,15 61:16 74:18 81:2 82:17</p> <p>Milligan [4] 32:23 66:22 67:23 68:23</p> <p>mind [1] 21:17</p> <p>minority [8] 35:18,18,23 36:5 37:2 49:13 79:4 81:19</p> <p>minute [2] 17:20 30:13 8:16 9:13,16 17:7,12,13,15 18:5,6,11,16 19:10,13 20:24 21:2,7,12,13 22:25 24:6,16 25:1,10 28:12 31:1,10 34:7 35:8 38:9,14,16,18 41:15,20 42:1,4,11,24,24 43:2 46:10 47:3,7,10,18,19 49:4,10,11,15 50:3 51:18 54:13,24 58:9,9,14 62:23,24 65:21 66:25 67:4,10,25 68:23 69:10,16 73:10,11,19,24,25 74:5,5,11,20 77:1,4 78:4 79:6,9 80:7,9,10,16 87:12,13,16 89:20</p> <p>mountain [1] 62:15</p> <p>mouths [1] 70:23</p> <p>move [1] 69:10</p> <p>moving [1] 39:13</p> <p>much [7] 18:10 32:5 37:25 50:17 76:11 82:22 88:1</p> <p>Murrill's [1] 66:16</p> <p>must [6] 55:14,15,15 84:13,13 85:11</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>NAIFEH [69] 2:5 3:7 28:18,19,21 30:15,18 32:3,10,14 33:15,23 34:12 35:2 36:4,12,23 37:7,12,25 38:3,7,13,17,19 39:7,12,15,19,25 40:10,25 42:6,12,20 43:1,7,23 44:3 45:9,15 46:2,5 47:9 49:7,13,18 50:6,23 51:21,24 52:10,15,20 53:4,9,23</p>	<p>54:10 55:1,20 56:16 57:8 58:18 59:8,14,19 60:6,12 61:1</p> <p>Nairne [2] 11:1,17</p> <p>narrow [3] 12:11 42:8 60:2</p> <p>narrowly [2] 39:17 62:19</p> <p>near [3] 48:23,25 50:12</p> <p>necessarily [2] 51:23 57:1</p> <p>necessary [3] 27:2 58:21 59:12</p> <p>need [6] 27:5 41:20 42:7 56:3 64:2 80:6</p> <p>needed [4] 8:4 15:21 48:4 79:3</p> <p>needs [4] 52:14,19,19 89:2</p> <p>neighborhood [1] 20:20</p> <p>never [19] 9:6 10:18 15:14 21:15 23:21 26:13 27:20 43:11 63:1,11 68:1 73:9,10 74:20 77:20,25 79:16 84:21 86:13</p> <p>New [18] 2:5,5 17:7 24:16 25:10 49:10 61:13 62:9,11 67:4,10 75:25 77:17 83:4 84:25 87:1 89:20,21</p> <p>next [1] 89:18</p> <p>nobody [4] 12:14,15 26:10 27:18</p> <p>non-compact [4] 37:19 43:15,18 75:14</p> <p>nonsensical [1] 62:25</p> <p>normal-looking [1] 37:23</p> <p>North [1] 61:25</p> <p>northeast [3] 6:8 49:1 50:15</p> <p>northern [1] 87:24</p> <p>nothing [7] 13:7 28:7,8 38:2 61:13 62:8 79:14</p> <p>nowhere [1] 26:11</p> <p>number [2] 19:5 75:18</p> <p>numerical [3] 20:15,21 21:16</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O'Connor [1] 77:23</p> <p>obedience [1] 24:1</p> <p>obedient [1] 24:2</p> <p>obeying [1] 22:5</p> <p>objective [2] 12:15,15</p> <p>objectively [2] 23:8 27:19</p> <p>objectives [2] 30:5 54:25</p> <p>obligation [1] 43:13</p> <p>obviously [1] 21:19</p> <p>odd [2] 22:8 23:20</p> <p>offensive [1] 88:21</p> <p>offered [2] 37:14 43:3</p> <p>official's [1] 35:7</p> <p>okay [9] 14:19 17:3,15 25:4 50:5 52:21 59:18 71:2 83:16</p> <p>old [1] 75:13</p> <p>once [7] 17:6 35:22 37:20 43:18 79:1,5 81:21</p>	<p>one [45] 7:19 10:2,2 16:25 17:18,19 20:8,14,22 21:2 22:24 23:2 24:9 25:20 37:9 38:25 39:17,18 40:23 41:20 42:4 43:25 45:17,23 46:9,12,19 50:20 52:12 53:9,9,16 55:10 58:3,8,10,17 60:20 61:12 70:2 74:17 80:3 87:11,14 89:18</p> <p>ones [1] 41:10</p> <p>only [17] 5:1 6:6 18:15 21:7 22:25 32:20 33:6 43:1 50:8 71:19 74:2 78:16 81:13,22 82:15 83:24 84:9</p> <p>operated [1] 89:22</p> <p>opinion [1] 69:15</p> <p>opportunities [1] 44:17</p> <p>opportunity [5] 24:16 31:6 47:12 51:12 53:15</p> <p>opposed [1] 4:18</p> <p>opposite [2] 60:11 77:7</p> <p>option [2] 13:14 69:2</p> <p>options [2] 68:18 69:25</p> <p>oral [8] 1:19 3:2,6,10 4:8 11:18 28:19 61:8</p> <p>order [16] 6:24 24:1,3 25:9,16,20,24 26:22 27:7 41:21 57:3 61:20 63:21 65:12 66:13,18</p> <p>ordered [2] 65:18 67:1</p> <p>ordering [2] 65:14 66:9</p> <p>orders [2] 22:5 25:20</p> <p>ordinary [1] 88:23</p> <p>original [6] 38:9 41:14 51:18 62:23 82:13 84:24</p> <p>other [24] 20:25 23:4 29:1 30:24 31:7 37:10 39:1 41:8 44:1 47:22 48:9 50:9,18 58:14,17 59:16 65:12 67:7 69:25 71:2,19 75:17 82:8 85:14</p> <p>otherwise [1] 89:24</p> <p>oust [1] 87:14</p> <p>out [19] 4:23 7:13 21:15 23:20,22 26:21 40:12 53:12 58:3 63:9 68:18,21 70:22 73:16 74:1 76:14 79:18 82:9,21</p> <p>over [8] 13:5 14:24 42:4 43:2 44:17 68:22 75:20 82:23</p> <p>overlap [3] 20:17 23:1 82:16</p> <p>overrule [1] 81:2</p> <p>oversight [1] 34:17</p> <p>own [8] 5:25 6:19,20 8:16 9:19 21:7 60:15 73:25</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>packed [1] 58:23</p> <p>PAGE [6] 3:2 8:11 24:12 62:22 76:17 85:9</p> <p>pages [4] 7:17 10:7 14:24 28:5</p>
--	---	---	--	---

Official

<p>panel [5] 11:18,24 53:10,13 63:23</p> <p>panoply [1] 14:1</p> <p>parameters [1] 70:5</p> <p>Parish [1] 30:24</p> <p>parishes [6] 30:24 47:15 49:9 52:2 75:25 87:25</p> <p>part [14] 10:20 24:8 27:24 40:2 44:24 48:9,14 49:24 50:11,15,18 51:3 53:25 58:18</p> <p>particular [1] 79:21</p> <p>parties [1] 4:17</p> <p>partisanship [1] 59:1</p> <p>parts [2] 63:9 83:13</p> <p>past [3] 32:7 34:10 39:13</p> <p>patently [4] 22:1,4,6,14</p> <p>pattern [1] 61:14</p> <p>people [8] 40:14 44:17 50:13,14,18 83:25 84:4,23</p> <p>percent [22] 19:8,9 20:5,5,6,17,18,21 21:18 22:25 40:6 60:19 75:7,9,19 76:3,4,7 82:23 83:25 84:4,6</p> <p>percentage [2] 47:2 76:11</p> <p>perfectly [1] 29:3</p> <p>perform [3] 65:18 86:23 88:4</p> <p>performed [2] 38:11,15</p> <p>performing [1] 86:21</p> <p>perhaps [1] 50:18</p> <p>phase [2] 83:10 87:20</p> <p>PHILLIP [2] 1:6,12</p> <p>PI [1] 31:25</p> <p>picking [1] 44:1</p> <p>picture [1] 5:17</p> <p>placed [2] 5:20 6:17</p> <p>plainly [2] 12:4 26:9</p> <p>plaintiff [3] 13:1 37:17 89:10</p> <p>Plaintiff's [1] 44:4</p> <p>plaintiffs [10] 7:5 10:18 13:1,7,16 34:2 46:20 60:23 62:7 80:14</p> <p>plaintiffs' [3] 14:10 60:23 61:2</p> <p>plan-wide [1] 78:17</p> <p>play [3] 5:3 46:1 71:4</p> <p>played [2] 5:14 45:7</p> <p>plays [1] 78:22</p> <p>please [3] 4:11 28:22 61:11</p> <p>pockets [1] 45:4</p> <p>podium [1] 89:20</p> <p>point [30] 10:23 22:7 26:5 41:23 42:2 52:6 53:16 54:6 55:15 59:6,23,24 66:1 69:6,7,23,25 72:4,5 74:17,17 75:4 76:16,17 78:24 79:25 84:10 85:9,12 89:18</p> <p>pointed [5] 17:19 28:4 40:12 58:3 68:21</p>	<p>pointing [1] 65:11</p> <p>points [3] 26:21 70:18 88:14</p> <p>polarization [1] 31:13</p> <p>polarized [1] 56:1</p> <p>political [21] 20:11 21:11 24:11,19 29:11 30:5,7 41:9,19,22 42:10,17,25 45:2 48:17 52:14,18,19 54:25 55:3 58:6</p> <p>politically [1] 5:24</p> <p>politics [16] 19:16 42:3 43:1 45:7 46:13 56:9,15 58:13 60:25 71:5,20 72:1,7 74:7 77:1,1</p> <p>population [22] 35:19,23 36:6 37:2 40:3,6,7 41:3 45:4 47:3,4 71:12 75:14,20 76:12 81:8,9,19 82:10 83:22 84:14 88:2</p> <p>populations [10] 44:1,11 47:16,23 48:23,25 49:4,19 50:8 84:25</p> <p>position [18] 7:9 9:7 10:10 11:1 12:12 14:7 15:13 23:24 44:4 54:11,12 56:10,15,17 66:1 77:11 78:8 87:15</p> <p>positioned [1] 53:3</p> <p>possible [1] 35:23</p> <p>possibly [1] 83:11</p> <p>potential [1] 23:20</p> <p>pre-litigation [1] 34:14</p> <p>precedence [2] 6:1 23:17</p> <p>precedent [1] 33:3</p> <p>precedential [1] 69:15</p> <p>precedents [1] 19:19</p> <p>precise [1] 16:3</p> <p>preclearance [1] 34:8</p> <p>precluded [1] 30:4</p> <p>preclusive [5] 22:10,12,19 23:3 26:25</p> <p>predicament [1] 4:23</p> <p>predominance [12] 5:6,10 42:15 46:21 60:16,18,20 61:3 72:20,23 73:2 88:15</p> <p>predominant [4] 46:11 76:21 77:6 88:19</p> <p>predominantly [3] 43:15, 22 77:4</p> <p>predominate [8] 15:6 19:17 31:11 72:2,4,6,7 89:3</p> <p>predominated [4] 16:15 45:14,24 71:2</p> <p>predominates [1] 60:8</p> <p>preferred [1] 29:8</p> <p>preliminary [9] 9:9 31:17, 22 32:13,14 33:7,7,22 39:14</p> <p>premise [3] 80:5,24 83:9</p> <p>premised [1] 53:21</p> <p>prerogative [3] 29:12 79:13,20</p>	<p>present [1] 33:17</p> <p>presentation [1] 71:10</p> <p>presented [3] 6:13 61:14 80:14</p> <p>preserving [2] 6:7 42:16</p> <p>PRESS [1] 1:9</p> <p>pressure [1] 61:22</p> <p>presumed [1] 77:17</p> <p>pretext [1] 58:25</p> <p>pretextual [1] 65:12</p> <p>pretty [2] 20:22 36:10</p> <p>prevail [2] 34:3 53:11</p> <p>prevailed [3] 7:9 9:8 78:20</p> <p>prevented [1] 44:16</p> <p>previous [1] 59:25</p> <p>Price's [1] 76:24</p> <p>principle [1] 55:18</p> <p>principles [2] 30:4 40:22</p> <p>prior [1] 26:22</p> <p>probably [1] 82:12</p> <p>problem [15] 51:17 62:13 63:2 71:23 72:9,10 75:17 77:19 81:1 82:6,8 83:18 85:20 86:6 87:3</p> <p>process [4] 9:15 27:6 69:18 72:11</p> <p>profile [1] 6:20</p> <p>prohibited [1] 13:7</p> <p>promise [2] 45:25 89:22</p> <p>propose [2] 40:23,25</p> <p>proposed [2] 42:5 87:13</p> <p>proposition [1] 16:22</p> <p>prospect [1] 5:19</p> <p>protect [6] 5:25 6:19 18:17 21:8 29:7 62:2</p> <p>Protection [7] 13:3 39:4 48:12 55:10,12 60:24 79:21</p> <p>protects [1] 62:5</p> <p>prove [4] 37:15,20 46:21 60:15</p> <p>proven [2] 48:8 64:20</p> <p>provide [1] 64:1</p> <p>provided [2] 79:1 81:17</p> <p>provides [4] 12:11 55:2 57:10 59:25</p> <p>proxy [1] 58:25</p> <p>pseudo-VRA [1] 7:6</p> <p>purely [2] 74:6 86:9</p> <p>purpose [3] 59:16 74:13 88:19</p> <p>purposes [4] 39:4 48:12 59:18,19</p> <p>put [8] 7:5 13:23 14:1 51:4 66:23 68:1 78:2 86:5</p> <p>puts [1] 23:24</p> <p>putting [1] 13:8</p>	<p>10,11 58:2 59:10 66:8 67:9 69:3 70:25 80:8,9,24 81:21 82:3 83:7,7 87:12 89:5</p> <p>questioning [1] 67:13</p> <p>questions [7] 6:2 18:15 30:11 52:24 55:9 56:8 63:3</p> <p>quite [3] 50:17 62:6 78:21</p> <p>quoted [1] 77:14</p> <p>quoting [1] 73:1</p>	<p>red [4] 5:1 10:17 44:12 71:15</p> <p>redistricting [8] 29:2 30:3 33:5 46:6 47:1 74:23 85:8, 11</p> <p>redraw [2] 47:3 73:10</p> <p>referring [2] 28:13 76:7</p> <p>refused [2] 60:18 69:5</p> <p>regarded [2] 49:5,17</p> <p>regardless [1] 22:20</p> <p>region [3] 30:23,25 48:24</p> <p>related [1] 76:3</p> <p>relied [1] 19:4</p> <p>religious [2] 44:21 50:17</p> <p>relitigate [4] 13:4,11,24 15:10</p> <p>relitigated [1] 14:21</p> <p>relitigation [1] 64:14</p> <p>rely [2] 12:17 26:10</p> <p>relying [1] 7:14</p> <p>remain [1] 6:22</p> <p>remedial [23] 20:12 29:25 8 88:15</p> <p>racially [2] 56:1 80:1</p> <p>raise [3] 10:3 67:19 86:3</p> <p>raised [5] 67:22 74:16 84:21 86:11 87:21</p> <p>randomly [1] 45:3</p> <p>rather [4] 4:12,17 42:24 89:19</p> <p>rational [3] 5:24 7:25 8:19</p> <p>reach [1] 41:21</p> <p>read [3] 10:10 34:25 68:9</p> <p>reading [2] 67:19,20</p> <p>reality [1] 11:3</p> <p>really [12] 10:22 21:1 24:7 33:18 40:11 52:25 53:25 75:20 78:24 79:8,22 82:22</p> <p>reason [36] 7:14 8:25 12:6 14:6 16:15 18:14,15 21:6 22:2 25:9,16 27:11 39:3,4, 6,7,17 42:23 43:2 56:11 57:4,6 60:1 66:14 68:19 69:21 70:14 71:20 76:21 79:2 80:4,6,12 81:14,17 86:18</p> <p>reasonable [5] 28:24 36:7 54:17 64:25 70:6</p> <p>reasonably [4] 12:17 36:15,25 37:5</p> <p>reasoned [1] 32:19</p> <p>reasons [18] 5:12 7:19,22 19:15 28:6 29:25 32:4,5 33:4 41:19,22 45:2 57:11, 15,18,23 69:13 86:1</p> <p>REBUTTAL [3] 3:13 88:10, 11</p> <p>recent [2] 36:10,21</p> <p>recognized [4] 46:7 49:8 57:24 77:25</p> <p>record [11] 13:10 14:12 32:15,20 69:12 76:13,16 78:11 84:23 86:18 88:7</p>
--	---	--	---	--

Q

question [34] 4:22 7:13 18:9 21:24 23:5 25:14,17 26:17 34:22 35:17 39:19,24 43:7,8 48:20 50:1,21 55:

Official

77:23 85:15 responses [2] 71:9 79:23 responsible [1] 35:7 restraining [1] 63:21 result [4] 33:13,13 44:12, 14 results [1] 32:7 retool [1] 68:22 reverse [5] 4:25 5:5,11 30: 9 90:1 Reynolds [1] 40:13 Rights [18] 11:23,25 28:25 29:16,23 30:14 48:4 54:15 57:12,14,18 81:16,20 83: 21,25 84:4,7,7 risk [7] 24:8,9,10,11,18,19, 25 risked [1] 24:6 River [2] 44:12 71:15 road [1] 68:23 ROBERTS [25] 4:3 9:2 18: 1 19:22 21:21 25:5 28:16 37:4,8 38:21 43:4,20,24 45:21 46:22 48:18 51:15 52:22 55:6 56:19 59:20 61: 5 87:4 88:8 90:2 ROBINSON [80] 1:9 5:8,14 6:5,16 7:2,6,8,20 9:3,7,22 12:3 13:10,21,24 14:2,9,12, 20 15:5,10 17:13 18:3,6,13, 16 19:10,13 22:1 23:1 24: 4,5 28:7,8,14 29:19,24 30: 19 31:16 32:16 37:22 38: 14 40:5 43:3 45:12 48:22 50:25 52:16,25 53:2,5,20, 21,25 54:4,12 58:8 62:11, 11,22 63:5,10 64:14 67:20 70:16 77:16 78:4,12 79:1 80:5 81:18,18,21 82:3,5 85:3 86:7 87:12,13 Robinson's [1] 70:11 robust [1] 32:16 role [5] 5:14 45:7 46:1 71:4 78:22 room [17] 6:1 16:10 22:13 28:24 29:12 54:19,19,20 55:2 56:22 57:1 64:25 70: 1,1 80:22 89:22,23 Rouge [5] 2:2 30:23 48:23 50:13 88:2 rule [1] 21:10 rulings [2] 29:6 54:12 run [1] 8:1 runs [3] 7:22 37:9 43:25 rural [1] 50:16	saying [16] 13:20 15:10,11 42:3,22 45:14,23,24 51:19 54:3 64:3 67:12 73:9,13, 23 85:17 says [19] 7:19 8:2,12 16:2,6 27:18 62:5 63:22,23 67:21 69:12,21 71:13 72:4,20 81: 18,21 84:12 88:18 SB4 [1] 21:5 SB8 [4] 21:5,7 22:25 28:11 Scalise [1] 77:3 school [1] 55:16 scored [1] 49:15 scrutinized [1] 78:11 scrutiny [11] 7:12 41:24 58: 19 62:15 73:18 77:21 79: 25 85:4 86:2 89:3,6 seats [1] 8:20 Second [23] 5:5 6:12 8:5 12:1 21:13 29:24 56:7,11 58:4,5 62:1,18 69:14 71:3, 22 72:13,21 74:1,5 77:20 86:1 89:1,5 second-guessing [1] 23: 17 Section [49] 10:5 11:2 16: 16 17:6,8,17 22:11 29:5 31:14,20 33:1 34:15,19 37: 15,17,20 41:14 49:20 52: 13 55:11,19,21 56:4,13 57: 3,5 58:21 59:6 60:9 61:22, 22 62:8 63:13 64:2 69:17 73:6,12 74:20 79:3 80:4, 11 81:20,23 82:1 83:3 86: 20,24 87:2 89:10 see [5] 27:24 28:7,8 33:19 51:17 seeing [1] 86:24 seem [2] 65:10 67:13 seemingly [1] 66:11 seems [5] 27:10 42:9 83:7 84:5,6 seen [1] 15:14 sees [1] 26:13 Senator [8] 21:6 71:10 74: 12 76:19,23 77:13,14,15 sense [2] 32:15 47:25 separate [2] 10:9 11:13 serious [1] 11:9 served [1] 54:25 set [4] 7:13 9:23 15:15 67:7 setting [1] 34:18 seven [4] 18:22,22 47:15 69:9 several [4] 36:20 72:17 76: 20 77:7 shape [3] 44:7 58:5,16 shared [5] 50:24 51:1,7,10, 23 Shaw [15] 20:16 60:11 61: 15,24 73:20 74:17 76:4 81: 2,5,10 82:16 84:12 89:6,8,	9 shied [1] 9:6 show [12] 14:6 16:7 46:16 62:16,18 67:24 70:18 73: 18 74:6 84:20 87:22 88:3 showed [3] 15:5 41:16 47: 13 showing [2] 65:1,5 shown [5] 29:19 37:21 43: 10,19 45:11 shows [2] 74:6 86:20 Shreveport [3] 71:14,15 84:16 side [4] 43:25 71:2 85:14, 22 sides [5] 4:16 14:25 21:4 23:8 70:22 significant [1] 44:11 similar [4] 38:8 47:17 51: 25 52:5 simply [5] 29:14 54:11 62: 14 66:1 67:1 Sims [1] 40:13 since [1] 58:23 sincerely [1] 65:23 single [2] 49:5 69:16 situation [7] 8:20 22:8 26: 13,20 34:4,5 35:12 six [4] 18:23 53:7,16 54:22 Sixth [1] 76:22 skepticism [1] 35:10 skip [2] 74:15 84:16 slash [1] 62:23 slavery [1] 44:15 slice [1] 82:13 small [1] 50:16 snake [4] 37:9 38:24 42:1, 1 snake-like [1] 42:23 sole [1] 21:6 Solicitor [1] 2:2 solve [2] 73:11,12 solves [1] 47:7 somehow [1] 78:7 sorry [7] 13:19 18:25 40:21 45:20,20 63:14 73:5 sort [7] 12:10 16:9 26:13, 20 47:18 66:10 78:25 SOTOMAYOR [53] 13:19, 23,25 14:3,15,18 15:3,8,9, 13,19 16:12,20,25 17:3,5, 11 18:2,19,21,25 19:3,8,14, 20 20:5 38:11,14,18 51:16, 17,22 52:6,12,18,21 63:14, 18 64:10,13,17 65:2,6 73:5, 8,14,15,17,21 74:4,10 75:3, 5 sought [1] 29:6 southeast [3] 48:24 52:2 71:13 southwest [1] 48:7 Speaker [6] 5:20 6:21 8:18	58:11 77:2 79:18 speaking [2] 70:22 76:15 specific [2] 55:11 56:8 specifically [1] 77:22 speculate [1] 64:8 spelled [1] 21:15 split [1] 49:9 plotches [1] 48:24 sponsor [1] 71:11 sponsors [1] 71:16 spotting [1] 39:11 square [2] 38:1 45:24 squarely [1] 29:11 squiggling [1] 38:25 squiggly [2] 42:1 71:4 St [1] 30:24 stage [2] 9:10 61:2 stand [2] 9:21 11:22 standard [6] 35:1 36:5,22, 24 73:2 77:24 standards [1] 41:12 standing [2] 4:25 53:19 start [1] 68:21 starting [1] 16:21 state [86] 8:1,19,24 9:1 10: 8 12:17 15:11,16 16:2,6 18:10 20:23 21:1 22:22 23: 14,24 24:20 27:3 29:6,15, 25 30:4,6 33:5 34:7 35:5 37:10 38:5 39:1,4,21 41: 18 43:2,25 44:5,24 45:10 46:18 47:16,21 48:4,6,10, 14,15,24 49:2,23 50:15,19 53:11 54:6,8,11,20 57:1,6, 11,17 60:3,8,19 62:4 66:18 68:25 69:11,12,18 70:3,8, 10 72:12 73:9 76:1 79:8, 11,13,20,25 80:13,21,22 82:6 85:10 88:25 89:13 state's [11] 18:5,11 29:18 30:2 38:8 41:25 47:18 49: 9 76:18 84:19 85:23 stated [1] 74:12 statements [1] 21:7 STATES [17] 1:1,20 4:20 10:5 12:8 28:23 37:15 41: 5,6 43:11 54:18,19 55:3 61:19 70:2 79:16 82:8 States' [2] 26:7 42:16 stay [1] 53:10 step [4] 9:14 14:18 72:11 82:2 steps [5] 27:3 58:3 78:25 80:3 89:19 stereotypes [1] 5:3 still [9] 12:5 22:2 25:23,25 33:17 44:19 60:2 86:9,16 stone [1] 9:23 stop [1] 82:19 strict [11] 7:12 41:24 58:19 62:14 73:18 77:21 79:24 85:4 86:2 89:2,5	strictly [1] 76:25 strong [3] 5:14 62:17 73: 18 struck [1] 84:1 STUART [3] 2:5 3:7 28:19 stuff [1] 39:14 style [1] 66:22 subject [1] 34:16 submitted [3] 69:20 90:4,6 substantial [3] 21:18 40:2 81:15 substantially [17] 17:7 18: 9,12,20 20:13 21:16 22:22 27:22 39:22 40:2 76:2 80: 11,15,16 81:22 83:21 84:8 substantiate [1] 50:22 succeed [1] 63:20 success [2] 8:14 14:10 successful [1] 89:10 suddenly [2] 86:25 87:1 sufficiently [7] 35:19,20 36:6,14 37:3 87:16,22 suggest [1] 84:6 suggested [2] 31:18 60:10 suggesting [2] 65:11 77: 24 summarized [1] 35:14 summarizing [1] 36:3 super [1] 79:22 supports [2] 85:17,24 suppose [2] 40:19 83:12 supposed [3] 40:17,19 68: 16 SUPREME [2] 1:1,19 suspect [1] 29:24 system [1] 70:24
T				
tailored [2] 39:18 62:19 tailoring [5] 42:9 59:13,17, 19 60:2 talked [1] 10:21 talks [2] 69:18 89:6 Tallulah [1] 49:1 target [1] 60:19 temporary [2] 55:16 63:21 terms [1] 20:4 territory [2] 82:24 84:16 test [3] 49:19 50:2 86:10 testimony [2] 51:5,6 Texas [3] 48:2,3,8 theories [1] 66:23 theory [1] 5:1 there's [23] 10:4 11:9 25:8 27:1 31:19 34:12 35:18 38: 2 43:12 44:10 56:11 57:2 58:3 60:2 62:17 64:5 73:6, 24 78:24 80:3,6 81:19 86: 18 therefore [2] 31:12 50:10 they'll [1] 86:1 they've [4] 9:23 73:22,22, 23				

Official

<p>thin ^[1] 86:10</p> <p>thinking ^[2] 57:11 80:6</p> <p>third ^[5] 5:11 30:1 72:21 86:1 89:18</p> <p>THOMAS ^[11] 6:3,24 19:24 30:12,16 46:24,25 63:4,7,16 87:6</p> <p>though ^[3] 65:10 72:10 77:19</p> <p>three ^[9] 4:24 15:20 16:13,21 29:20 74:7,8 79:7 88:14</p> <p>three-judge ^[1] 64:9</p> <p>throughout ^[2] 44:20 66:2</p> <p>thrown ^[1] 79:18</p> <p>thrust ^[1] 83:7</p> <p>tie ^[1] 52:7</p> <p>tied ^[2] 55:22 56:2</p> <p>ties ^[4] 44:19,20,21,22</p> <p>Title ^[1] 15:22</p> <p>today ^[6] 4:15,22 11:3 56:1,2 65:17</p> <p>together ^[9] 24:22 44:23 45:1,4 47:22 48:7 51:2,20 52:7</p> <p>took ^[4] 6:18 7:8 9:24 54:4</p> <p>total ^[1] 64:15</p> <p>totality ^[2] 31:8 55:23</p> <p>totally ^[2] 37:23 79:19</p> <p>towns ^[1] 50:16</p> <p>traditional ^[9] 17:14,18 30:3 35:21 38:12,15 40:21 73:25 74:23</p> <p>treated ^[1] 29:22</p> <p>tree ^[1] 40:18</p> <p>trial ^[4] 9:12 16:7 70:17,18</p> <p>tried ^[2] 63:12 67:23</p> <p>true ^[3] 33:14 50:19 70:8</p> <p>trump ^[1] 75:10</p> <p>try ^[1] 17:6</p> <p>trying ^[6] 15:5 26:4,5 45:6,10 67:14</p> <p>turnouts ^[1] 32:8</p> <p>twice ^[2] 54:5 68:8</p> <p>two ^[27] 4:17 6:6,7,10 8:15,23 14:8 19:1,3,15 22:18 23:14 25:20 29:4 36:11,19 55:9 58:3 64:5 71:8 72:6 78:25 79:7,10,23 80:3 88:24</p> <p>types ^[1] 68:1</p> <p>typically ^[1] 36:24</p> <hr/> <p style="text-align: center;">U</p> <p>ultimate ^[2] 11:20 89:11</p> <p>ultimately ^[1] 62:20</p> <p>unconstitutional ^[2] 11:3 29:20</p> <p>unconstitutionality ^[1] 11:20</p> <p>under ^[12] 4:20 33:2,3 35:15 49:19 61:22 66:18 72:17,17,17 86:2 89:3</p>	<p>underlying ^[2] 30:14 34:23</p> <p>understand ^[12] 6:3 21:24 25:17 31:18 32:9 50:7 52:23 53:17 56:23 66:6 68:5 78:22</p> <p>understanding ^[3] 56:10,22,25</p> <p>understood ^[1] 10:10</p> <p>unfortunately ^[1] 82:4</p> <p>unicorn ^[2] 27:17,17</p> <p>unique ^[1] 8:22</p> <p>unite ^[1] 29:8</p> <p>UNITED ^[4] 1:1,20 12:8 26:7</p> <p>university ^[1] 55:17</p> <p>unlike ^[1] 16:13</p> <p>unnecessarily ^[1] 29:13</p> <p>until ^[1] 10:17</p> <p>unusual ^[7] 12:10 26:8 35:3,6 38:2 57:9 61:25</p> <p>up ^[18] 23:11,12 24:20,21 38:23 43:25 44:1 50:15 52:4 58:1 59:23 63:1 69:5 71:14,14,15 72:4 74:4</p> <p>urban ^[1] 50:14</p> <p>using ^[2] 17:17 66:22</p> <p>usual ^[1] 4:20</p> <hr/> <p style="text-align: center;">V</p> <p>vacated ^[3] 33:8,22,23</p> <p>vacating ^[1] 33:19</p> <p>values ^[1] 50:16</p> <p>Vera ^[4] 16:2 60:17 61:16 77:23</p> <p>versus ^[5] 4:5 16:1 40:13 60:17 76:23</p> <p>via ^[1] 41:15</p> <p>vicious ^[1] 73:15</p> <p>view ^[2] 5:13 66:11</p> <p>violated ^[12] 29:5 31:14 34:20 54:15 57:13 67:24 69:17 73:23 81:20 82:1 84:1,5</p> <p>violation ^[42] 17:8,17 18:13 20:13 22:11,23 27:1,2,22 29:19 30:14 32:25 37:15,20 39:22 41:2,14,22 43:9,19 45:11 47:6,8,9 48:4,8,16 57:3 59:11,15 67:6,10 70:21 73:12 74:2 78:7 79:3 80:5,11 81:16,23 84:8</p> <p>visions ^[1] 4:18</p> <p>voluminous ^[1] 14:23</p> <p>vote ^[1] 76:11</p> <p>voter ^[2] 71:12 76:6</p> <p>voters ^[16] 5:4 31:5,7 48:7,7,9 49:6 51:11,20 58:23 74:14 75:25 76:1 80:1 83:4 86:25</p> <p>votes ^[2] 47:10 54:13</p> <p>voting ^[21] 4:21 11:23,25 18:22 28:25 29:15,23 30:14 48:4 50:21 56:1 57:12,</p>	<p>13,18 81:16 82:10 83:21 84:7,7 86:17 89:25</p> <p>VRA ^[19] 6:11 7:15,25 8:24 9:17 10:19 11:5,7 12:13 13:4 16:3 23:2 26:9 27:1,2 61:21 66:4 67:9 69:13</p> <p>VRA-compliant ^[1] 66:25</p> <hr/> <p style="text-align: center;">W</p> <p>wait ^[1] 17:20</p> <p>wanted ^[3] 58:24 62:1 74:7</p> <p>wants ^[2] 62:5,7</p> <p>Washington ^[1] 1:15</p> <p>way ^[30] 7:4,4 9:18 22:24 23:2,4 26:19 36:24 41:13 45:13,23 47:13 48:6,16 49:19 50:1,2,14 52:8 55:21 58:20 59:11 73:6 74:2,14 76:22,22 78:3 81:6 86:5</p> <p>ways ^[6] 4:24 22:18 69:3,4 84:5 85:21</p> <p>weeks ^[3] 8:12,15,15</p> <p>welcome ^[2] 6:2 30:11</p> <p>Whatever ^[4] 24:19 36:11 72:21 82:11</p> <p>whatsoever ^[1] 84:22</p> <p>whenever ^[1] 60:8</p> <p>Whereupon ^[1] 90:5</p> <p>whether ^[21] 15:21 25:15,24 26:17,25 35:17,18,22 39:16 41:12,23 50:3 53:1 61:21 64:18,21 67:9,13 81:22 82:23 84:24</p> <p>white ^[2] 51:20 80:1</p> <p>whole ^[4] 58:10 60:21 69:25 83:2</p> <p>wild ^[1] 12:24</p> <p>wildly ^[8] 12:13,20,25 14:21 23:6 26:14,18 40:8</p> <p>will ^[6] 4:3 5:3 9:14,22 33:13 75:11</p> <p>win ^[3] 63:22,24 85:21</p> <p>Wisconsin ^[2] 36:14 64:23</p> <p>withdrawn ^[1] 26:7</p> <p>withdrew ^[1] 12:9</p> <p>within ^[3] 70:5 79:13,19</p> <p>without ^[4] 28:13 43:16 46:15 66:22</p> <p>witnesses ^[3] 32:18 51:5,6</p> <p>Womack ^[6] 71:10 74:12 76:19 77:13,14,15</p> <p>Womack's ^[2] 21:6 77:10</p> <p>won ^[1] 78:18</p> <p>wondering ^[3] 10:11 41:11,23</p> <p>word ^[2] 7:19 67:17</p> <p>words ^[1] 65:12</p> <p>work ^[1] 9:18</p> <p>works ^[3] 49:20 50:2 70:24</p> <p>world ^[2] 41:24 42:10</p> <p>worried ^[1] 26:19</p> <p>wrap ^[1] 52:3</p> <p>wrapped ^[1] 24:21</p>	<p>wringing ^[1] 82:9</p> <p>wrongly ^[3] 5:6,13 7:7</p> <hr/> <p style="text-align: center;">Y</p> <p>year ^[5] 5:18 8:10,17 36:11 88:16</p> <p>years ^[1] 36:11</p> <p>York ^[2] 2:5,5</p>
---	--	---	--