

1 traditional districting principles. So when race
2 predominates over those principles, those principles are
3 sacrificed. They are subordinated. I think that's the
4 way to make sense of this Court's cases.

5 Second of all, I think that if you apply the
6 test that way, what you are doing is you are mapping on
7 the test to the theory of a Shaw claim. Now, you may
8 disagree with me on this, but I think the -- what makes
9 a Shaw claim a Shaw claim is not that somebody is kept
10 in a perfectly formed district in a community of
11 interest based on race. It's the particular injury in a
12 Shaw claim is that people from different parts of the
13 State who would share nothing in common except the color
14 of their skin are grouped together in the same district.
15 That's what makes a Shaw claim different from other
16 kinds of claims.

17 And I completely agree with the Solicitor
18 General's office that in thinking about this question,
19 you should be thinking about Shaw claims and thinking
20 about them separately from vote dilution claims.

21 And I think there's a real problem in this
22 area of the law is what's happened is that Shaw, which
23 started as a doctrine for outlying districts in outlying
24 claims, has become the weapon of choice in redistricting
25 litigation, and people see Shaw violations everywhere.

1 And that's just not the way that Shaw was originally
2 constructed. It ignores that there is a separate vote
3 dilution claim that can be brought that has a much
4 higher standard of proof, and people are essentially
5 trying to evade that --

6 JUSTICE KAGAN: But, Mr. Clement --

7 MR. CLEMENT: -- by bringing junior
8 varsity -- I'm sorry.

9 JUSTICE KAGAN: No, please.

10 MR. CLEMENT: People are bringing junior
11 varsity dilution claims under the guise of calling them
12 Shaw claims, and I think it's really distorted the law.

13 The third point, just to put it on the
14 table, is that at some point then you have to ask the
15 question -- if -- if you disagree with me on those first
16 two points and you actually think you have a different
17 conception of what a Shaw claim is, there still has to
18 be the question of is the game worth the candle given
19 the stated need to defer to State legislatures. And 80
20 members of the House of Delegates voted in favor of this
21 plan because they -- it comported with traditional
22 districting principles and everybody wanted to preserve
23 majority-minority districts.

24 I'm sorry, Justice Kagan.

25 JUSTICE KAGAN: Just -- yeah, no, just going

1 back to Justice Kennedy's question, it seems pretty
2 clear to me that in the cases after Shaw -- because
3 Shaw, you could have looked at it as, this is all about
4 the way the district looks, and then in the cases after
5 Shaw, in Shaw II, and in Miller, the Court makes very
6 clear that it's not all about the way the district
7 looks, and indeed --

8 MR. CLEMENT: But can I -- can I stop you
9 there, though, and say: In Miller, what this Court
10 confronted was an argument that bizarreness is an
11 element of the claim. And I think, you know -- and
12 nobody, I think, thinks that's the right answer.

13 JUSTICE KAGAN: If you look at Shaw and
14 Shaw II and you look at Miller, and then you think about
15 the -- the hypothetical that Justice Kennedy gave you,
16 which is essentially -- maybe I'll change it a little
17 bit -- it's essentially a mapmaker who says, look, we
18 really want to do race-based districting here. We can
19 manage to do this in a way where the maps look kind of
20 contiguous and kind of regularly shaped, but what we're
21 doing is race-based decision making.

22 Now, it seems pretty clear to me that if you
23 look at Shaw II, if you look at Miller, that's
24 forbidden. And -- and -- and that's exactly the
25 opposite of what the district court said here.

1 MR. CLEMENT: I don't think that you have to
2 read those decisions in that way. I think if you're
3 going to read those decisions in that way, it's
4 appropriate to pause and reflect where it's gotten us.
5 And I think that every one of those decisions starts out
6 by saying this is a very difficult task for State
7 legislatures. It's hard enough to draw districting --
8 districts without the Voting Rights Act, but to draw
9 them in compliance with the Voting Rights Act is
10 exquisitely difficult. And we want to have deference to
11 State legislatures.

12 JUSTICE KAGAN: Well, then I'm with
13 Justice Breyer, who suggested that a few years ago we
14 took those concerns into account and we tried to figure
15 out a test that was responsive to those concerns, and
16 that is not the test that the district court used here.

17 MR. CLEMENT: I -- I beg to differ. I think
18 you have to, as Justice Breyer was suggesting, at least
19 in the first 25 minutes, give the district court a
20 little more credit than that.

21 The district court had Alabama in front of
22 him. He also had the arguments of the parties, and I
23 think if you go back and look -- I mean, with all due
24 respect to my friends on the other side, they did not
25 argue this in terms of, let's look at all the people

1 moving in and out. That was not the thrust of their
2 case. They really argued that this was a direct
3 evidence case based on the fact that --

4 JUSTICE BREYER: That's -- that's what I
5 have to do after this argument, isn't it? I mean, you
6 gave me exactly what I needed. You -- you gave me the
7 things to look up. He gave me the things on the other
8 side, and -- and they -- they didn't use exactly the
9 right test, but does it matter?

10 And -- and -- and I -- I think the -- the
11 reason I approach it that way is because this is such
12 a -- the reasons you said. Okay. You have to give
13 leeway here; leeway, leeway.

14 But the government makes a pretty good point
15 here that it -- that really was important evidence he
16 didn't look at. And -- and that's -- that's my job,
17 isn't it, to go back and read these things and figure
18 out how they -- the -- the evidence.

19 MR. CLEMENT: Absolutely. But I think you
20 should -- I think you should look at the evidence in
21 this case, and you shouldn't look at the evidence that
22 could have been mounted. You should look at the
23 evidence as it actually came in, the way it was argued
24 to the district court.

25 I think if you go and look, for example, at

1 the closing arguments of this case, you will see that
2 the other side did not say, this is a case about moving
3 too many people in and out of a particular district.
4 They said, this is a direct evidence case. They told
5 you what the problem was. They told you they were going
6 to apply a 55 percent BVAP floor.

7 And that -- and so really, they tried to get
8 not just some tailwind from the fact that there was a
9 BVAP floor; they tried to make -- essentially rest their
10 case below on that proposition. And as a result of
11 that, it left them with a vacuum in the evidence,
12 because we had extraordinarily good evidence on our side
13 of this case, because the principal map drawer, Delegate
14 Jones, testified for hours and hours about why
15 particular lines were drawn. And in every case, he
16 provided explanations for why they comported with
17 traditional principles.

18 But not just that, he told you why the lines
19 were there. The lines weren't there because, oh, we
20 have this 55 percent BVAP target and everything had to
21 go out the window. He said, well, you know, down here
22 in Southampton Roads, we have three incumbents that are
23 all close together because this part of the state lost a
24 lot of population. So I drew some zigs and zags here to
25 keep the three incumbents separate, which I think is a

1 perfectly nonracial explanation for it.

2 Now, down in Delegate 77 -- in District 77,
3 that looks a little funny, but I got together with
4 Delegate Spruill, and Delegate Spruill said he wanted to
5 reunite the old city of South Norfolk, so we did that.
6 And that required to us move a couple of districts
7 around, and there it is.

8 There's -- there's reams of evidence of
9 that. And there's really a vacuum of evidence on the
10 other side of this.

11 And I do want to sort of rewind the tape a
12 little bit, too, here, which is the reason it's so
13 problematic, I think, to think that just because they
14 applied a BVAP floor, you're, like, already
15 three-fourths of the way to applying strict scrutiny is,
16 what else is a State legislature supposed to do? I
17 don't think in this context a BVAP floor is inherently
18 sinister.

19 And, I mean, one way of thinking about this,
20 Justice Kagan, is the Voting Rights Act itself is a BVAP
21 floor. I mean, in those situations where it -- it
22 requires a majority-minority district, that's a
23 quantitative floor of at least 50 point --
24 plus .01 percent. But everywhere, it's a qualitative
25 floor, that you have to preserve the ability -- ability

1 to elect.

2 And so there's nothing in this context --
3 and I think that's exactly why this Court has gotten
4 where it's gotten. And I'm not so sure that you
5 couldn't even further refine what you said in Alabama to
6 make it a little bit closer to where I think the law
7 should be in this area.

8 But here's the point: I mean, the reason
9 that, in this area uniquely, the Court allows race to be
10 considered is in part because the Voting Rights Act
11 makes the consideration of race absolutely necessary.
12 And I don't want -- think you want to send the signal --
13 I mean, unless you want to take the first steps towards
14 declaring the Voting Rights Act unconstitutional, you
15 don't want to send the signal that when legislatures
16 approach this in a way that I think is perfectly
17 appropriate to what's going on. I mean, Virginia's got
18 12 --

19 JUSTICE KAGAN: You absolutely don't,
20 Mr. Clement. But it's one thing for a legislature to
21 say, we view it as a core priority up there with
22 one-person, one-vote to comply with the Voting Rights
23 Act. That's a terrific thing. It's another thing for
24 the legislature to do what it did, for example, in the
25 Alabama case, which is to just say something about there

1 can't be any retrogression from whatever there is,
2 notwithstanding that that's just not Section 5 law, and,
3 similarly, it's another thing for the legislature to
4 just pick a number out of one district, apply it to all
5 12 districts, and say that that's compliance with the
6 Voting Rights Act.

7 Now, I agree with you and with Mr. Elias and
8 with Mr. Gornstein: That does not get you all the way
9 there. But there's something about -- this is --
10 Alabama suggested this was evidence. When a State says
11 across the board we're going to do something that just
12 on its face you know is not required by the Voting
13 Rights Act, that's a problem.

14 MR. CLEMENT: Well, I'm with a lot of what
15 you had to say, Justice Kagan. I think where I'm not
16 with you is that there is something particularly
17 problematic about picking a 55 percent number and
18 applying it in Richmond and south and in the Hampton
19 Roads area. And I think -- I mean, I'd say two things
20 about that.

21 I mean, in the universe of possible numbers,
22 55 percent's about the best number you could come up
23 with, because -- I mean, my friends on the other side
24 agree these all need to be majority-minority districts.
25 So if the whole debate is it's got to be somewhere north

1 of 50 percent, I mean, 55 percent, which gives you a
2 little bit of margin for the fact that there may be
3 differentials in -- in -- in turnout. And where the
4 rubber's going to meet the road, remember, is on the
5 cases where -- I mean, you know, the incumbents are
6 going to always win. And most of these districts are
7 majority-minority, but they're way majority Democrat.
8 So where the rubber is going to meet the road about
9 opportunity to elect is going to be in the open
10 primaries. That's when you're really going to tell
11 whether the African-American has -- community has the
12 opportunity to elect the candidate of their choice.

13 Now, those are relatively rare. And so the
14 idea that, you know, it's -- it's somehow presumptively
15 unconstitutional for the State to look at one of the
16 most recent open primaries in HD75 and say, well, yeah,
17 5 percentage points, but 5 percentage points in a badly
18 splintered primary, it's only 300 votes. And Delegate
19 Tyler herself is saying, you know, these need to be
20 north of 50 percent. Everybody is basically saying
21 that.

22 You know, I don't think it's fair to put
23 this -- and I guess this is where I really take issue.
24 I don't think it's -- I think it's a mistake to put this
25 in the same basket as Alabama. The idea that you can't

1 go from 80 to 79 percent is a cartoonish version of the
2 Voting Rights Act. To say that in an area where 9 of
3 the 12 districts are already north of 55 percent, to say
4 that 55 percent is a pretty darn good threshold for
5 compliance with the Voting Rights Act just isn't in the
6 same category at all.

7 And I know they try to get a lot of sort of
8 mileage out of the idea of, well, it was
9 one-size-fits-all. But the two things I would say about
10 that -- what I sort of already said -- which is we're
11 talking about the same part of the State, and there's no
12 reason to think there's a different dynamic in this --
13 and all of these districts are majority-minority
14 districts, African-American districts. It's not like
15 they're applying one rule and trying to say that it
16 fits, you know, for the -- for the complicated districts
17 in Northern Virginia with multiracial groups and those
18 districts down in the South. They're all very similar
19 districts. That's one thing.

20 The second thing is -- I mean, keep in mind,
21 whatever rule you adopt here is not just for relatively
22 sophisticated State legislatures. It's going to apply
23 to all sorts of school boards and sewer districts.
24 There has to be -- I mean, I -- you know, I just don't
25 think the analysis is that you have to go district by

1 district with regression analysis in order to comply
2 with the Voting Rights Act. I don't think that's the
3 rule you want to lay down.

4 And I also think -- and this is, I think,
5 responsive to Justice Kennedy's earlier question -- I
6 mean, the -- the -- the idea that they have on the other
7 side, it's -- they're not against racial targets. They
8 agree these need to be majority-minority districts.
9 Here, they agree they need to be north of 50 percent.

10 The real beef is with the legislature making
11 a sort of commonsense judgment based on the evidence in
12 front of them that it should be 55 percent. What they
13 want is more use of race in more minute detail where you
14 go district by district and say, all right. As to 75,
15 it's going to be 55. As to 63, it's going to be 74. As
16 to 77, it's going to be 56. I don't think that gets us
17 further along the lines of compliance with the Equal
18 Protection Clause. I also don't even think it's
19 practically possible.

20 JUSTICE KAGAN: I think the -- the real
21 difference between your standard and the SG's standard
22 is that in your standard, the shape of a district
23 functions as a threshold inquiry such that if the shape
24 is okay, we don't look at anything else, and
25 particularly we don't look even if the districting was

1 completely race-based in motive. And that's just what
2 the -- that three-part test does. It sets up a
3 threshold inquiry about -- about how the district is
4 shaped in a way that some people thought Shaw was when
5 Shaw was first announced and that this Court in one,
6 two, three subsequent cases made clear it wasn't.

7 MR. CLEMENT: Well, Justice Kagan, first of
8 all, I think the real difference between our position
9 and the SG's position is a difference in the real world,
10 which is, they admit it's not going to make a difference
11 in 99 percent of the cases. All right. Maybe they had
12 something else in mind by vast majority. But in a lot
13 of these cases, it won't make any differences.

14 But given the stakes, it's going to mean
15 that lots more State legislatures get sued over
16 districts that don't even look particularly suspicious.
17 And this case is the perfect example. These districts
18 existed for four years and two complete election cycles
19 before anybody perceived there was a racial gerrymander
20 lurking here. And what changed in 2014 was the resident
21 of the Governor's Mansion in Richmond. And what
22 happened is these guys realized that if we can get these
23 districts thrown out and they have to redraw the
24 district, we'll now have a veto power that we didn't
25 have before. That explains why lines that looked

1 perfectly square relatively and were approved 80 to,
2 like, 9, with a majority of Democrats supporting them,
3 all but two members of the African-American Caucus
4 supporting them, with one of the two members of that
5 caucus opposing because the numbers weren't high enough.
6 That's the dynamic that was 2011.

7 You go from a bipartisan success story where
8 everybody points to the House and said, these guys did
9 it right; the Senate, not so much. The House, these
10 guys did it exactly right. They did everything they
11 were supposed to do.

12 Four years later, they can still draw a
13 racial gerrymandering charge and have to litigate for
14 years based on this theoretical possibility that maybe,
15 just maybe, in drawing these square lines, someone
16 took --

17 JUSTICE KAGAN: Well, it's more than a
18 theoretical possibility. And Mr. Gornstein says -- and
19 he seems to be pretty sensitive to the idea of giving
20 States latitude. But he looks at this and says, this
21 standard actually did make a difference on the ground,
22 that there were districts kicked out and said, oh, this
23 isn't race-based because it looks good, even though it
24 was race-based.

25 MR. CLEMENT: Well, I would put,

1 representing the State Legislature of Virginia, my bona
2 fides in looking out for the State's even ahead of
3 Mr. Gornstein's. And it's easy in the Solicitor
4 General's Office to throw out a standard that's
5 theoretically pure and that's going to force lots of
6 other people to litigate for years.

7 These districts were good enough for
8 everybody for four years. They were good enough to be
9 pre-cleared by the Justice Department. Having this
10 detailed inquiry out there to have them invalidated
11 years later does not seem to me to have a lot to
12 recommend it.

13 CHIEF JUSTICE ROBERTS: Thank you, counsel.

14 Mr. Elias, you have two minutes left.

15 REBUTTAL ARGUMENT OF MARC E. ELIAS

16 ON BEHALF OF THE APPELLANTS

17 MR. ELIAS: Mr. Chief Justice, and may it
18 please the Court:

19 I want to clarify a few factual points and
20 obviously answer any questions you have.

21 The first is, the timing of this case
22 followed the Page decision. It was the Page III court
23 that -- that ruled on the congressional map that then
24 was the -- it had nothing to do -- that case was filed
25 when there was a Republican in the Governor's Mansion.

1 It had nothing to do with who was in the Governor's
2 Mansion, that just as a factual matter.

3 Justice Breyer, to your -- the question that
4 you posed to me earlier, and which is at the heart of
5 this, we completely agree with the analysis in Alabama
6 that -- that there needs to be a -- that you need to
7 show voters moved in and out on account of this rule.
8 And if you look at JA672, you will see there is a
9 50.8 percent differential between the white voters moved
10 out and the black voters moved in. As you point out,
11 three-quarters of the -- of the -- of the voters moved
12 in were black, and --

13 JUSTICE BREYER: You make a point of that.

14 MR. ELIAS: Yes. That --

15 JUSTICE BREYER: I mean, I think I heard
16 the -- Mr. Clement say that, well, no, this has all been
17 brought up after the case was over, and --

18 MR. ELIAS: Your Honor, it's in our expert's
19 report from trial. It's just not true. You can find it
20 in the JA, because --

21 JUSTICE BREYER: You called it to the
22 attention --

23 MR. ELIAS: -- we called it -- it was in our
24 expert's report at -- at trial. Point number one.

25 Point number two, very quickly, this Court

1 in Shaw v. Hunt specifically dealt with Justice Stevens'
2 dissent, saying there should be an actual conflict test.
3 And what this Court said is, in his dissent, Justice
4 Stevens argues that strict scrutiny does not apply where
5 the State respects or complies with traditional
6 districting principles.

7 That, however, is not the standard
8 allowed -- announced and applied in Miller. Shaw II
9 resolved for -- for this three-judge court well before
10 Alabama that an actual conflict test was not the law,
11 and the district courts here simply -- simply ignored
12 it.

13 CHIEF JUSTICE ROBERTS: Thank you, counsel.

14 The case is submitted.

15 (Whereupon, at 11:05 a.m., the case in the
16 above-entitled matter was submitted.)

17

18

19

20

21

22

23

24

25

A				
a.m 1:16 3:2 58:15	agree 12:24 14:11,20 16:15 18:19 23:16 33:12 42:17 50:7,24 53:8,9 57:5	Appellants 1:5 1:19 2:4,15 3:8 56:16	24:23 34:23 44:10 46:5 56:15	beaten 23:6 beef 53:10 beg 45:17
abided 13:14	agreement 35:4	Appellees 1:9,25 2:12 34:24	arguments 19:11 45:22 47:1	behalf 1:18,24 2:4,12,15 3:8 34:24 56:16
ability 48:25,25	agrees 10:19	Appendix 11:22 35:23,24	Arlington 37:12	behold 14:2
able 30:18	ahead 56:2	applicable 8:22 38:23	arrived 35:13,15	belief 37:7
above-entitled 1:14 58:16	air 37:21	application 19:20 20:21	aside 4:20 31:9 32:1,7	believe 21:22
absolutely 4:9 7:12 8:7 37:2 40:18 46:19 49:11,19	AL 1:4,8	applied 3:15 17:14 21:3 34:8 36:8 48:14 58:8	asked 25:17 34:3	benchmark 35:5 37:19
account 9:9 23:18 45:14 57:7	Alabama 9:4 12:25 25:13 32:10 33:4,23 38:10 45:21 49:5,25 50:10 51:25 57:5 58:10	applies 16:19 37:8	assess 4:4	best 50:22
Act 7:14,17 8:1 8:8,13 21:19 26:5 27:20 30:10,19 45:8 45:9 48:20 49:10,14,23 50:6,13 52:2,5 53:2	Alito 7:5,9 8:4 22:3 23:10,13 23:17 24:10,16 27:25 28:6,9 28:14 29:15,24 30:1,15	apply 3:13 19:8 19:12 37:14 40:1 41:18 42:5 47:6 50:4 52:22 58:4	assessing 17:1,2 assume 6:21 27:21 41:24 assumed 21:24 assuming 9:23 assure 35:8 attention 39:10 57:22	Bethune-Hill 1:3 3:5 better 38:14 Big 37:12 biggest 28:5 bipartisan 35:3 35:6,16 55:7
actual 3:18,20 21:1 58:2,10	alike 13:25	applying 7:11 48:15 50:18 52:15	average 40:4 avoid 21:20 avowedly 13:21	bit 36:23 37:25 44:17 48:12 49:6 51:2 bizarre 15:5,18
added 9:13	allowed 58:8	approach 33:4,4 33:5 46:11 49:16	avoided 13:21	bizarreness 44:10
address 16:24 32:13	allows 49:9	appropriate 17:20 35:8 45:4 49:17	B	black 3:14,18 9:4 10:25 11:7 11:9 21:23,25 25:18 38:21 39:8 41:4 57:10,12
adduced 6:17	alluded 21:16	approved 55:1	B 41:3	bleed 31:14
admit 54:10	amicus 1:22 2:7 24:24	approximately 11:10	back 16:11 18:7 22:9 39:21 44:1 45:23 46:17	board 1:7 3:5 4:7 12:10 36:9 50:11
adopt 52:21	amount 30:5	arbitrary 10:2	badly 51:17	boards 52:23
adopted 31:6	analysis 16:23 17:24 23:18 34:11 36:10 40:1 52:25 53:1 57:5	architect 35:18	base 21:2	Bobby 18:24
advantage 23:20	announced 54:5 58:8	area 15:17 16:4 18:21 19:20,23 42:22 49:7,9 50:19 52:2	based 4:1 14:24 25:20,24 27:1 27:21 36:1,6 36:13,14,19,21 41:5 42:11 46:3 53:11 55:14	bona 56:1
advocated 32:8	answer 8:5 14:24 19:18 41:7 44:12 56:20	argue 45:25	basically 51:20	border 18:15 20:6 40:19
affirmance 1:23 2:8 24:25	anybody 54:19	argued 46:2,23	basis 3:16,22 7:23 21:5,7,14 22:2 24:13 30:8 32:17 38:4	Breyer 9:2,16,20 10:3,8,12 11:5 11:16,20 12:2 12:5 13:5 15:22 16:1,9 16:15 32:9 33:5,7,14 38:5
African-Amer... 15:17 22:15 35:8,20,25 36:2 37:15 51:11 52:14 55:3	appealing 3:24 16:23 17:4	arguing 39:3	basket 51:25	
African-Amer... 13:18,24 21:10	APPEARAN... 1:17	argument 1:15 2:2,5,10,13 3:4 3:7 12:14 16:2		
age 21:23 25:19				
ago 45:13				

38:7,10 39:2 45:13,18 46:4 57:3,13,15,21 Breyer's 12:21 brief 14:14 29:5 29:18 31:20 34:12 39:5 bring 25:23 27:19 28:16 bringing 10:25 43:7,10 broad 39:20 brought 28:1 43:3 57:17 burden 6:1 20:23 21:4 business 17:1,2 BVAP 10:17 35:7 37:5 47:6 47:9,20 48:14 48:17,20	25:22 26:22 27:3,17 28:13 29:1 30:21 32:10 34:13,16 37:13 38:24 39:17 46:2,3 46:21 47:1,2,4 47:10,13,15 49:25 54:17 56:21,24 57:17 58:14,15 cases 9:5 14:14 14:18,19 25:9 29:5 31:21 32:5,6 38:11 41:8 42:4 44:2 44:4 51:5 54:6 54:11,13 category 52:6 caucus 9:4 35:20 55:3,5 cause 12:23 18:20 causes 41:13 CD 35:23 center 4:20 15:16 centered 39:14 39:15 certain 41:4 certainly 9:6 32:10 36:13 challenge 4:5 6:9 chance 38:2 change 19:14 32:24 34:9,17 34:18 44:16 changed 39:14 54:20 changes 39:15 changing 32:10 characteristics 37:6 characterizati... 36:12 characterizati...	36:21 charge 55:13 Chief 3:3,9 4:3 4:16,24 5:5,7 5:15,19 6:6,15 6:18 14:7,11 14:21 18:2,4 18:10 24:21 25:1 26:6,13 26:17 31:4,12 31:16,20,24 32:4 33:15 34:21,25 56:13 56:17 58:13 choice 22:15 35:11 42:24 51:12 choosing 41:3 Chris 35:18 circle 14:3 city 4:8,10 7:1 10:14,15 11:3 48:5 claim 25:7 30:10 33:24 42:7,9,9 42:12,15 43:3 43:17 44:11 claims 31:15 42:16,19,20,24 43:11,12 clarify 56:19 classic 11:1 Clause 53:18 clear 32:12 38:15 44:2,6 44:22 54:6 Clement 1:24 2:11 34:22,23 34:25 35:14 36:5,11 37:10 38:6,9 39:1,24 41:6,20 43:6,7 43:10 44:8 45:1,17 46:19 49:20 50:14 54:7 55:25 57:16	close 23:24,25 34:10 37:24 47:23 closer 49:6 closing 47:1 cloth 3:12 colleague 13:10 college 15:14 color 4:2 42:13 column 38:16 come 4:8,10 6:24,25,25 34:14 50:22 comes 6:9 17:11 37:21 committed 13:12 Committee 35:7 35:17 common 42:13 commonsense 53:11 community 22:16 42:10 51:11 compact 14:3 28:17 29:16 comparison 9:7 complete 23:22 54:18 completely 42:17 54:1 57:5 completes 7:23 compliance 25:23 27:20 45:9 50:5 52:5 53:17 complicated 16:4 23:18 30:3,25 52:16 complies 58:5 comply 7:25 8:13 26:4 30:18 49:22 53:1 comported	43:21 47:16 concede 13:16 conception 43:17 concerns 45:14 45:15 conclusive 25:16 concrete 29:10 conduct 15:8 confers 3:23 confidence 24:12 conflict 3:20 6:11,11 14:8 14:14 25:6 28:9,21 29:23 30:21,24 31:7 31:18,22,25 33:6,23 58:2 58:10 conflicting 40:16 conforms 40:20 confronted 44:10 congressional 18:24 56:23 consensus 35:6 consideration 49:11 considerations 33:3 considered 20:16 49:10 constructed 43:2 consultation 36:17 context 48:17 49:2 contiguous 40:18 44:20 controlling 6:23 7:20 8:15 controls 5:24 24:9 conventional
C				
C 2:1 3:1 California 4:11 4:13,21 6:21 6:24 called 5:8 57:21 57:23 calling 43:11 candidate 22:5 22:15,16,17 51:12 candidates 23:14 35:9,10 35:10 candle 43:18 care 4:17 Carolina 18:15 20:6 cartoonish 40:1 52:1 case 3:4 4:14,17 5:6,10,23,25 8:2 12:14 16:12 17:12 18:22 20:19,20				

<p>20:15 40:24,24 41:17 convince 41:22 core 10:15 40:3 40:5 49:21 corral 13:23 correct 12:15,16 14:10 15:25 23:12 31:19,23 31:25 33:7 34:5 correctly 19:8 40:18 correlation 14:20 counsel 24:21 34:21 56:13 58:13 Counselor 1:20 country 8:18 15:7 county 20:5,5,6 couple 48:6 court 1:1,15 3:10,11,21 7:22 8:6 9:5 10:14,19 12:25 13:13 16:3,5 17:14,22 18:22 20:19,25 24:6 25:2,3,12 30:22 31:6,17 32:3,12,18,21 34:6 35:1 39:25 41:11,16 41:22,23 44:5 44:9,25 45:16 45:19,21 46:24 49:3,9 54:5 56:18,22 57:25 58:3,9 court's 3:22 13:22 25:8 31:11 33:4 38:11 41:8 42:4 courts 16:12,25</p>	<p>32:22 58:11 create 15:5,19 created 3:11 credibility 17:1 17:2 credit 45:20 criteria 4:22 5:1 5:4,23 6:4,22 7:2,4 8:21,24 12:11 13:15 14:9 38:23 39:12,19 critical 25:13 crossover 11:1 15:13,19 crucial 38:18 curiae 1:22 2:7 24:24 curious 20:3 cycles 54:18</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 1:24 2:11 3:1 34:23 D.C 1:11,18,21 1:24 3:20 Dance 36:15 darn 52:4 data 29:20,20 deal 32:15 dealt 18:23 58:1 debate 50:25 debates 35:22 decade 23:11,15 December 1:12 decision 32:21 32:23 44:21 56:22 decisions 31:13 32:1,3 45:2,3,5 decisis 33:3 declaring 49:14 deemed 30:8 defense 41:22 defer 43:19 deference 45:10 defies 37:7</p>	<p>definitely 34:14 degree 24:11 28:12 delegate 21:11 22:19 35:18,20 36:14,18,18 40:11 47:13 48:2,4,4 51:18 delegates 35:3 35:22 36:1 40:17 43:20 Democrat 51:7 Democrats 55:2 demographic 25:20 demographics 3:18 21:21 36:19 Department 1:21 56:9 deprive 26:3 describing 40:25 designed 39:23 41:12 destruction 15:19 detail 53:13 detailed 56:10 determine 6:17 differ 45:17 difference 39:21 53:21 54:8,9 54:10 55:21 differences 3:17 54:13 different 20:1,1 32:25 33:2 42:12,15 43:16 52:12 differential 57:9 differentials 51:3 difficult 20:9 28:20 45:6,10 dilution 31:15 42:20 43:3,11 Dinwiddie 20:5</p>	<p>20:5 direct 29:7 38:20 40:10 46:2 47:4 disagree 42:8 43:15 discredited 29:9 discussion 16:21 dispute 10:18 13:9,11 17:25 dissent 58:2,3 distinction 25:9 distorted 43:12 distortion 17:16 distributes 15:5 district 3:11,21 8:21 9:22 10:11,15,16,19 10:22,23 11:2 11:2,6,9 12:1 12:19,22 13:7 13:13,13 14:2 14:3 15:13,13 15:19 16:3,5 16:22,25 17:14 17:17,24 18:1 18:8,23,24 19:4,5 20:19 20:25 21:10,12 21:17,24 22:4 24:13 25:3,11 25:18,22,23 27:11,12 28:17 28:17 29:15,23 31:2,6 32:18 34:6 36:6,9,15 36:18 37:9,12 38:1 39:25,25 40:2,4,5,11,13 40:14,23 41:3 41:3,11,16,22 42:10,14 44:4 44:6,25 45:16 45:19,21 46:24 47:3 48:2,22 50:4 52:25 53:1,14,14,22</p>	<p>54:3,24 58:11 districting 7:11 7:11 13:14 16:10 19:21 26:1 27:2 38:22 40:6,21 42:1 43:22 44:18 45:7 53:25 58:6 districts 3:14,16 3:19,24 7:15 7:21,24 8:17 8:18 10:20,20 10:25 11:24 12:10 14:1 15:6,8 17:22 18:13,16 19:3 19:24 20:3 22:12 23:10 27:10,16,19 30:5 34:11,12 34:19 35:4,9 36:2,21 37:4,6 37:14,15,17,22 40:23 41:17 42:23 43:23 45:8 48:6 50:5 50:24 51:6 52:3,13,14,14 52:16,18,19,23 53:8 54:16,17 54:23 55:22 56:7 division 20:10 20:12 doctrine 42:23 doing 21:5 27:13 42:6 44:21 dominant 6:23 7:3,4 8:14 dominates 5:12 5:17 draw 14:2 26:14 45:7,8 55:12 drawer 47:13 drawing 7:21,24 10:20 25:10</p>
---	--	---	---	--

27:1 28:16 29:23 31:1 55:15 drawn 3:25 8:19 22:12 25:9,23 27:1 40:2,12 47:15 drew 40:11 47:24 drop 25:21 due 21:10 45:23 dynamic 52:12 55:6	34:4 50:7 56:14,15,17 57:14,18,23 endorses 23:6,8 Equal 53:17 equivalent 9:22 9:23 error 13:12 17:10,12 ESQ 1:18,20,24 2:3,6,11,14 essential 25:7 33:6,24 essentially 10:23 10:24 11:2 13:17 15:9 24:4 36:20 43:4 44:16,17 47:9 establish 14:15 28:11 ET 1:4,8 evade 43:5 everybody 43:22 51:20 55:8 56:8 evidence 6:17 7:24 9:3,10,11 9:13 10:3,6 14:5,15 16:14 17:10 21:1,2,5 21:7,15 24:14 25:14,15 28:4 28:6,9 29:7,10 29:19 30:9 32:17 33:25 36:12 38:3,17 38:20 46:3,15 46:18,20,21,23 47:4,11,12 48:8,9 50:10 53:11 exact 12:21 exactly 9:24,24 15:11 16:7 21:18 22:1 33:7 44:24	46:6,8 49:3 55:10 example 8:16 25:17 27:16 29:17 46:25 49:24 54:17 examples 29:5 excluded 21:23 existed 35:5 54:18 expert's 57:18 57:24 explain 17:8,9 21:4 explained 25:12 explains 29:19 54:25 explanation 29:9 48:1 explanations 47:16 exquisitely 45:10 extraordinarily 47:12 exurbs 10:24	fairly 6:5 19:13 19:19 34:8 faith 7:25 far 27:12 favor 43:20 feel 21:11 felt 21:8 fides 56:2 field 22:25 figure 6:7 45:14 46:17 filed 56:24 find 10:13 11:20 13:13 16:6 20:7,17 31:7 57:19 finding 20:24 29:14,21 fine 37:2 Finish 7:6 first 3:4 7:2 29:7 40:2 41:23 43:15 45:19 49:13 54:5,7 56:21 fits 52:16 five 22:19,21,24 22:24 five-point 23:25 Five-way 22:22 flexibility 26:4 floor 3:13 19:1 28:15 35:21,22 47:6,9 48:14 48:17,21,23,25 focus 39:23 focused 39:25 follow 7:10 followed 56:22 following 21:8 22:13 forbidden 44:24 force 56:5 form 22:2 formed 42:10 found 8:7 12:2 20:4,22 21:2,3	four 18:12 37:17 54:18 55:12 56:8 friends 45:24 50:23 front 45:21 53:12 functions 53:23 funny 40:10 48:3 further 49:5 53:17
E				G
E 1:18 2:1,3,14 3:1,1,7 56:15 earlier 53:5 57:4 easiest 16:4 easy 5:15 56:3 effectively 12:11 elect 35:10,10 49:1 51:9,12 elected 21:8 election 23:24 24:1,1,6,9 35:16 54:18 Elections 1:8 3:5 35:7 element 25:7 44:11 Elias 1:18 2:3,14 3:6,7,9 4:14,19 5:2,6,14,18,21 6:14,16,19 7:7 7:19 8:11 9:15 9:19 10:1,7,10 10:13 11:11,19 11:21 12:4,7 12:16,20 13:8 13:20 14:10,16 15:3,25 16:8 16:15 17:19 18:9 19:17 20:17,20 22:6 23:3,12,16,21 24:5,15,18				G 3:1 game 43:18 Gap 37:12 general 1:21 14:12,20 18:20 23:2,3,9 24:2 25:20 General's 12:25 42:18 56:4 genuinely 17:25 geographic 18:12 geography 3:17 gerrymander 54:19 gerrymandered 18:25 gerrymanderi... 10:22 25:7 55:13 Gingles 24:8 Ginsburg 17:13 17:21 18:3 35:12,15 give 45:19 46:12 given 43:18 54:14 gives 51:1 giving 11:16 55:19 glad 22:6 39:24 go 16:2,5 19:12 26:11 32:25
		F		
		face 50:12 fact 5:24 6:20,24 10:4 11:1 12:14 21:16 24:7 30:20 46:3 47:8 51:2 factor 4:12,21 6:22,23 7:20 8:15 11:18 25:10 41:15 factors 7:12 9:9 9:17,18 20:15 27:2,22 31:2 41:1 facts 17:24 factual 56:19 57:2 fair 18:10 19:7 19:20 51:22		

<p>33:2 45:23 46:17,25 47:21 52:1,25 53:14 55:7 going 14:19 15:5 15:7,12,20 16:10 17:25 18:4 21:13 23:11,14,20 25:24 26:14 27:3,7,18 28:20 43:25 45:3 47:5 49:17 50:11 51:4,6,8,9,10 52:22 53:15,15 53:16 54:10,14 56:5 GOLDEN 1:3 good 7:25 32:24 46:14 47:12 52:4 55:23 56:7,8 Gornstein 1:20 2:6 24:22,23 25:1 26:9,16 26:18 27:7,15 28:2,8,19 29:4 29:25 30:14,17 31:9,13,19,23 32:2,6 33:1,12 33:17,19 34:3 34:10,18,20 37:2 50:8 55:18 Gornstein's 56:3 gotten 45:4 49:3 49:4 government 21:4 46:14 Governor's 54:21 56:25 57:1 granular 36:10 ground 55:21 grounds 20:7 34:4</p>	<p>grouped 42:14 groups 52:17 guarantee 23:14 24:7,9 guess 8:17,18 51:23 guide 9:21 guided 10:20 guise 43:11 guys 54:22 55:8 55:10</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>Hampton 18:16 18:17 50:18 happen 34:7 happened 7:8 23:4 42:22 54:22 happening 29:3 hard 18:5 45:7 hard-and-fast 28:22 harmony 11:4 15:16 hazard 8:17 HD75 36:14,19 51:16 hear 3:3 13:9 heard 18:22 57:15 heart 57:4 held 7:13 high 55:5 higher 40:4 43:4 highlight 5:12 hit 29:13 hold 25:3,5 holding 17:7 Honor 6:16 20:25 21:18 22:6 23:21 57:18 hope 38:1 hopped 9:5 horn 39:12 horns 40:8,12</p>	<p>hours 47:14,14 House 35:2,22 35:25 43:20 55:8,9 huge 30:4 hundred 11:25 hundred-plus 16:18 Hunt 58:1 hypothetical 4:6 4:18 5:3,9 6:20 41:14,14 44:15</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>idea 32:24 37:3 51:14,25 52:8 53:6 55:19 idiosyncratic 24:4,5 ignored 58:11 ignores 43:2 II 44:5,14,23 58:8 III 56:22 illustrate 33:9 imagine 5:16 29:2 immunity 3:24 impact 12:19,22 18:18 27:11 important 12:11 22:8 28:9 46:15 impossible 32:19 included 21:22 incumbent 22:14 23:4,8 23:19 40:13,14 incumbent's 23:20 incumbents 21:11 47:22,25 51:5 infecting 13:25 inherently 48:17 injury 42:11</p>	<p>inner 10:14,15 inquiry 6:8 7:23 13:15 53:23 54:3 56:10 instance 7:8 8:25 15:11 instances 15:6 30:16 intended 21:20 intent 41:13 interest 30:18 42:11 interesting 21:18 22:10,20 24:11 interests 3:18 invalidated 56:10 invented 3:21 invitation 30:12 irrelevant 9:18 IRVING 1:20 2:6 24:23 isolated 17:7 issue 13:11 18:8 32:14 51:23</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>JA 57:20 JA672 57:8 job 46:16 Joint 11:22 35:23,24 Jones 35:18,21 40:11 47:14 judge 14:4 39:19 judges 9:22 judgment 53:11 judicial 3:23 junior 43:7,10 jurisprudence 3:23 4:15 Justice 1:21 3:3 3:9 4:3,16,24 5:5,7,15,19 6:6 6:15,18 7:5,9 8:4 9:2,16,20</p>	<p>10:3,8,12 11:5 11:16,20 12:2 12:5,7,17,20 12:21 13:4,5 13:16 14:7,11 14:21,24 15:22 16:1,9,15 17:13,20 18:2 18:3,4,10 19:9 20:13,18 22:3 23:1,10,13,17 24:3,10,16,21 25:1 26:6,13 26:17 27:6,9 27:25 28:6,9 28:14,25 29:15 29:24 30:1,15 31:4,12,16,20 31:24 32:4,9 33:5,7,14,15 34:2,16,19,21 34:25 35:12,15 36:5,12,23 37:10 38:5,7 38:10 39:2 40:22 41:10,20 43:6,9,24,25 44:1,13,15 45:12,13,18 46:4 48:20 49:19 50:15 53:5,20 54:7 55:17 56:9,13 56:17 57:3,13 57:15,21 58:1 58:3,13</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kagan 12:7,17 12:20 13:4,16 14:24 19:9 23:1 24:3 27:6 27:9 28:25 34:2,16,19 36:5,13,23 37:10 43:6,9 43:24,25 44:13</p>
--	--	---	--	---

45:12 48:20	leeway 46:13,13	9:3,11 10:10	52:13 53:8	mileage 52:8
49:19 50:15	46:13	12:6 16:20	making 44:21	Miller 30:22,23
53:20 54:7	left 47:11 56:14	17:9 18:11	53:10	32:8 38:14
55:17	legal 3:12 13:12	21:1 29:19	manage 44:19	44:5,9,14,23
keep 39:13	20:21 31:25	35:24 37:3	Mansion 54:21	58:8
47:25 52:20	Legislative 9:4	38:22 39:2,6	56:25 57:2	mind 52:20
Kennedy 20:13	legislators 17:3	39:11,18 40:9	map 18:11 20:1	54:12
20:18 40:22	legislature 6:20	40:10,24 44:13	37:19 47:13	minority 29:12
41:10,20 44:15	7:3,9 13:22	44:14,17,19,23	56:23	minute 53:13
Kennedy's 44:1	18:25 30:4	44:23 45:23,25	mapmaker 29:8	minutes 45:19
53:5	32:19 48:16	46:7,16,20,21	29:13 44:17	56:14
kept 42:9	49:20,24 50:3	46:22,25 51:15	mapping 42:6	missed 26:6
key 11:18	53:10 56:1	53:24,25 54:16	maps 44:19	mistake 9:25
kicked 55:22	legislatures 8:19	57:8	MARC 1:18 2:3	10:1 39:19
kind 18:2,5	16:11 43:19	looked 9:17 36:7	2:14 3:7 56:15	51:24
21:19 22:1	45:7,11 49:15	40:2 44:3	margin 51:2	moment 38:11
27:9,14 36:24	52:22 54:15	54:25	margins 27:13	Monday 1:12
36:25 39:3,3	legitimate 20:15	looking 5:8 13:4	matter 1:14 27:4	morning 3:4
44:19,20	lengthy 16:6	13:6 37:5 56:2	46:9 57:2	motivating
kinds 42:16	let's 4:6 6:21	looks 13:14 40:8	58:16	41:15
know 4:25 5:7	12:8,8 27:21	40:8,15 44:4,7	mattered 16:13	motive 17:10
7:2 9:12 11:23	38:5 39:2,6,11	48:3 55:20,23	matters 11:17	41:5 54:1
12:3,5 13:17	45:25	lost 47:23	mean 4:25 7:1	mounted 46:22
15:24 32:4	level 35:7,8	lot 39:10 47:24	9:3 24:10 26:8	move 3:15,15
34:7 39:4,19	liability 7:16	50:14 52:7	37:7 41:24	48:6
44:11 47:21	liberals 11:3	54:12 56:11	45:23 46:5	moved 11:3,8,12
50:12 51:5,14	line 20:11	lots 32:22 54:15	48:19,21 49:8	11:14,15 12:23
51:19,22 52:7	lines 25:11,22	56:5	49:13,17 50:19	13:1,18,19
52:16,24	26:25 27:11	low 26:24	50:21,23 51:1	29:11,12 38:20
knowledge 36:1	29:25 31:2	lower 18:16	51:5 52:20,24	39:4,5,6,8 57:7
<hr/>	47:15,18,19	21:23 32:22	53:6 54:14	57:9,10,11
L	53:17 54:25	38:1	57:15	movement 13:6
L 1:20 2:6 24:23	55:15	lurking 54:20	meaning 41:8	movements
landslide 22:17	listing 39:19	<hr/>	means 5:12 18:6	11:22
22:23	litigate 55:13	M	33:10	moving 15:15
large 30:4	56:6	majority 8:18	meant 9:21 33:9	46:1 47:2
Latino 37:14	litigation 30:13	14:14,18,22,22	measure 41:12	multifactor 30:6
41:4	42:25	15:1 31:21	meet 21:1 37:5	multiple 40:25
latitude 55:20	little 26:23	51:7 54:12	51:4,8	41:13
Laughter 33:18	37:25 40:10	55:2	members 6:25	multiple-prim...
law 42:22 43:12	44:16 45:20	majority-Afri...	7:1 35:16,19	22:25
49:6 50:2	48:3,12 49:6	7:15	35:19,25 43:20	multiracial
58:10	51:2	majority-min...	55:3,4	52:17
lay 30:2 53:3	lo 14:2	8:20 24:12	mentioned	<hr/>
lead 19:21,25	long 39:22	35:4 36:9 37:9	39:12	N
20:1	long-time 23:7	43:23 48:22	met 5:25 20:14	N 2:1,1 3:1
leaves 24:1	look 4:20 7:10	50:24 51:7	20:22,22	necessarily 8:9

<p>8:11 15:18 25:24 26:8,22 27:3,18 28:3 necessary 14:15 15:12 24:13 49:11 need 8:23 14:8 15:5,7 16:24 16:24 17:9 26:4 28:3 31:22 36:8 43:19 50:24 51:19 53:8,9 57:6 needed 21:9 46:6 needs 57:6 neighboring 13:25 19:2 40:13 neither 5:23,24 never 8:23 14:5 24:6 nevertheless 3:25 15:18 new 3:12 9:13 11:6 19:18,21 19:25 nine 37:22 non-incumbent 22:24 nonracial 29:9 48:1 Norfolk 48:5 north 18:15 20:6 36:16 37:23 50:25 51:20 52:3 53:9 Northern 52:17 noticed 40:3 notwithstandi... 11:1 50:2 number 8:13,16 11:5,12,13,16 11:24 13:1 16:17 21:8 28:12 30:4</p>	<p>37:8,11,14,21 50:4,17,22 57:24,25 numbers 12:24 36:3 50:21 55:5</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O 2:1 3:1 objection 31:17 obtain 19:16 obviously 5:11 56:20 office 12:25 42:18 56:4 office's 31:5 official 21:8 oh 47:19 55:22 okay 10:12,13 12:4 18:6 26:13 36:7 38:12,21 41:20 46:12 53:24 old 48:5 once 21:2,2,3 one-person 25:24 49:22 one-size-fits-all 3:13 52:9 one-vote 25:24 49:22 ones 6:21 37:24 39:6,7 open 22:18,18 51:9,16 opinion 9:21 14:4 16:6 17:6 opponent 23:7,8 opportunity 35:9 51:9,12 opposing 55:5 opposite 23:22 44:25 oral 1:14 2:2,5 2:10 3:7 24:23 34:23 order 15:8 27:19</p>	<p>32:11 40:12 53:1 ordinarily 28:19 orient 10:14 originally 43:1 ought 37:4 outlying 42:23 42:23 overall 21:23 overly 39:20 overrule 32:3 overruling 31:10 overstates 14:16</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 3:1 page 2:2 9:12 14:13 16:20 32:13 56:22,22 pages 16:19 paid 39:9 paragraphs 32:13 33:8 38:19 part 1:23,23 2:8 2:9 20:24 24:25,25 37:14 37:15,18 47:23 49:10 52:11 particular 4:7 5:9 13:7 38:7 42:11 47:3,15 particularly 35:19 50:16 53:25 54:16 parties 45:22 parts 15:6 42:12 patterns 3:17 25:20 PAUL 1:24 2:11 34:23 pause 45:4 Payne's 14:4 people 4:7,9 11:6,8 21:25 21:25 38:21</p>	<p>39:5,6 42:12 42:25 43:4,10 45:25 47:3 54:4 56:6 perceived 54:19 percent 3:13,15 8:22 10:2,17 10:17 12:9 14:1 15:20,20 19:1 23:9 24:2 25:18,21 26:24 27:8 28:15 35:7,12,14 36:4,6,8,16 37:20,23 40:3 40:5 47:6,20 48:24 50:17 51:1,1,20 52:1 52:3,4 53:9,12 54:11 57:9 percent's 50:22 percentage 22:19,21,24 23:2 51:17,17 perfect 54:17 perfectly 42:10 48:1 49:16 55:1 performed 23:24 permitted 3:12 person 23:19 Personhuballah 18:22 pick 37:8 50:4 picking 37:11 50:17 pieces 10:5 place 15:12 placing 4:1 plaintiff 28:23 plan 35:5,18 43:21 played 31:2 playing 29:22 please 3:10 25:2 35:1 43:9</p>	<p>56:18 plus 48:24 pocket 18:13 pockets 18:12 18:17 point 9:20 12:21 18:10 19:6 24:11 36:20 37:16 41:15 43:13,14 46:14 48:23 49:8 57:10,13,24,25 pointed 15:10 points 16:16 22:19,21,24 23:2 43:16 51:17,17 55:8 56:19 policies 30:20 policy 12:9,18 political 29:20 politics 29:18,22 29:23 population 4:20 15:4,17 21:24 25:19 27:12 47:24 posed 57:4 position 31:5 32:7,11,18 54:8,9 possibility 55:14 55:18 possible 29:1,2 40:23 50:21 53:19 power 54:24 practically 53:19 pre-Alabama 38:12 pre-cleared 56:9 precinct 40:15 40:19 precise 11:12 precisely 9:14 predominance</p>
--	--	--	---	---

<p>3:22 4:4 6:1,5 6:17 7:18,19 8:9,12 14:15 20:23 21:3 22:23 29:14,21 30:6,7 33:10 38:17 41:7,12 41:24 predominant 3:25 4:12,21 5:12 6:10,13 6:22 25:10 33:8 41:5,24 predominantly 3:14 9:10 25:14,25 27:2 27:4 29:11,12 36:13 predominate 5:24 7:2 15:24 17:16 20:4,11 27:19 predominated 20:7,10 28:21 31:1,8 predominates 6:8 42:2 preferable 31:5 present 20:16 preserve 40:12 43:22 48:25 preserved 35:5 39:14 40:6 preserves 40:3 presumptively 51:14 pretty 9:12,18 10:9 16:13 33:10,11,14,25 34:13 37:18 38:23 39:9 44:1,22 46:14 52:4 55:19 prevents 28:23 previously 32:11 primaries 51:10 51:16</p>	<p>primary 22:3,18 22:18,21 23:6 23:25 51:18 principal 35:17 41:15 47:13 principally 35:17 principle 40:7 principles 17:8 25:6 26:1 28:10,22 40:21 42:1,2,2 43:22 47:17 58:6 prior 15:15 priority 49:21 prison 21:25 prisons 21:17,21 21:22 Privileges 35:6 35:16 probably 19:16 27:1 problem 16:1 32:15 41:19 42:21 47:5 50:13 problematic 48:13 50:17 problems 38:12 41:11 professionals 15:15 proof 25:16 43:4 proposed 30:21 proposing 17:13 proposition 47:10 Protection 53:18 prove 16:12 33:24 proves 22:23 provided 47:16 public 35:19 pull 18:6 pure 56:5 purpose 3:25 pursuing 30:19</p>	<p>push 18:7 put 32:18 34:1 43:13 51:22,24 55:25 putting 31:9 32:1,4,7</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualitative 48:24 quantitative 48:23 question 5:22 8:5 14:5 19:15 19:18,20,25 25:13 31:10 34:3 38:8 39:22 42:18 43:15,18 44:1 53:5 57:3 questions 24:19 56:20 quickly 57:25 quite 4:3 30:10 quoting 14:13</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 3:1 race 3:16 7:19 8:14,24 9:10 10:5 14:5,9 15:23 17:15 20:4,7,9 25:9 25:10,12,25 27:4,18,22 28:20 31:1,7 38:4 39:10 41:4,5,15 42:1 42:11 49:9,11 53:13 race-based 44:18,21 54:1 55:23,24 racial 3:13 10:21 13:2,21 14:15 20:7,10 20:11 21:19,21</p>	<p>22:1 25:4,7,8 25:11,15 26:2 29:14,20,21 31:14 33:22 34:1 53:7 54:19 55:13 racially 18:25 raiding 10:23,25 raise 21:23 22:7 raises 28:5 raising 32:16 rare 51:13 read 9:4 16:22 30:23 45:2,3 46:17 real 15:4 17:10 42:21 53:10,20 54:8,9 realized 54:22 realizes 40:11 really 4:16 8:4 10:18 13:4 18:17 19:5 38:16 43:12 44:18 46:2,15 47:7 48:9 51:10,23 reams 48:8 reason 13:21 15:3,10,23 27:18,22 41:2 41:2 46:11 48:12 49:8 52:12 reasonably 29:15 reasons 27:24 41:9 46:12 REBUTTAL 2:13 56:15 recall 18:21 recommend 56:12 record 21:20 35:15 36:11 redistrict 30:4 redistricted</p>	<p>25:19 redistricting 8:21,24 17:8 18:20 19:2 25:6 27:22 28:10,22 30:20 35:2 42:24 redraw 54:23 redrawing 38:3 referred 38:16 refine 49:5 reflect 38:13 45:4 regard 20:25 regardless 3:16 regression 53:1 regularly 44:20 reinforced 35:21 reinforcing 15:16 rejected 30:24 relative 19:10 relatively 51:13 52:21 55:1 relevance 38:24 relief 17:17,20 relies 29:7 rely 32:23 remain 24:12 remainder 24:20 remand 17:14 19:7,11 remember 38:8 51:4 replace 30:25 report 57:19,24 Representative 22:4 representing 56:1 Republican 23:7 23:8 56:25 require 8:14 required 31:17 48:6 50:12 requirement</p>
---	--	---	--	--

<p>requires 48:22 requiring 31:7 requisite 12:18 reserve 24:20 resident 54:20 resolve 6:12 resolved 58:9 respect 17:21,23 18:5 20:8 21:11 37:9,22 45:24 respects 41:18 58:5 response 16:16 24:17 responsive 45:15 53:5 rest 47:9 resting 12:14 result 6:1 10:21 13:2 19:15 20:1 47:10 results 7:16 19:18 retired 22:17 23:5 retrogression 50:1 reunite 48:5 reverse 17:22 reversed 18:1 rewind 48:11 Richmond 10:15 15:11,11 16:22 17:23 18:13,21 19:19,23 39:14 39:15 50:18 54:21 rife 17:6 right 5:5,14 6:15 9:7,14,15,19 9:24,25 11:19 12:12,20 14:3 16:3,7 17:15 19:12 25:3 26:16,20 32:19 33:4,7 39:1,21</p>	<p>40:19 41:6 44:12 46:9 53:14 54:11 55:9,10 Rights 7:14,17 8:1,8,13 21:19 26:5 27:20 30:9,19 45:8,9 48:20 49:10,14 49:22 50:6,13 52:2,5 53:2 road 51:4,8 Roads 18:16,17 47:22 50:19 ROBERTS 3:3 4:3,16,24 5:5,7 5:15,19 6:6,15 6:18 14:7,11 14:21 18:2,4 24:21 26:6,13 26:17 31:4,12 31:16,20,24 32:4 33:15 34:21 56:13 58:13 role 29:22 31:3 roughly 11:6 rubber 51:8 rubber's 51:4 rule 3:15 10:17 10:19,21 28:23 36:24,25 37:1 52:15,21 53:3 57:7 ruled 56:23 run 23:5 running 23:15</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 2:1 3:1 sacrificed 42:3 sake 15:20 saw 9:8 10:8 saying 13:13 14:7,8,22 23:21,23 24:3 26:7 33:1</p>	<p>39:17 45:6 51:19,20 58:2 says 6:22 7:10 8:6,6 12:9,9,10 14:12 16:23 28:23 29:13,18 40:15,17 41:11 41:23 44:17 50:10 55:18,20 school 52:23 Scott's 18:24 scrutiny 6:3 13:3 20:14 21:3 25:5 26:3 33:22 34:1 41:18 48:15 58:4 second 6:2 21:16 29:8,17 42:5 52:20 Section 7:13,13 50:2 see 6:11 10:21 10:22 18:11 34:11 39:18 42:25 47:1 57:8 select 4:7 Senate 55:9 send 39:21 49:12,15 sense 12:12 19:7 19:10 20:21 40:25 42:4 sensitive 55:19 sentence 16:6,17 separate 43:2 47:25 separately 42:20 set 4:19 10:18 25:21 32:12 sets 54:2 setting 6:21 10:1 sewer 52:23 SG 15:1 SG's 39:5 53:21 54:9</p>	<p>shape 17:16 53:22,23 shaped 44:20 54:4 share 42:13 Shaw 15:9 30:23 42:7,9,9,12,15 42:19,22,25 43:1,12,17 44:2,3,5,5,13 44:14,23 54:4 54:5 58:1,8 shifted 21:4 short 30:5 show 10:4 28:20 31:22 33:6 57:7 showing 28:21 31:25 38:17 shows 25:11 35:15 side 18:14 20:2 20:11 45:24 46:8 47:2,12 48:10 50:23 53:7 signal 49:12,15 significant 11:13,24 12:23 13:1 similar 39:9 52:18 similarly 50:3 simply 17:22 33:21 36:4 58:11,11 simultaneously 30:19 single 18:23 36:6 37:4 sinister 48:18 situation 5:20 situations 5:16 48:21 skin 4:2 42:14 slightly 14:17 solely 4:1 38:3</p>	<p>Solicitor 1:20 12:25 14:12,20 42:17 56:3 somebody 42:9 son 23:5 sophisticated 52:22 sorry 3:21 7:5 18:3 19:4,22 43:8,24 sort 3:23 37:7 40:1 48:11 52:7,10 53:11 sorts 52:23 south 18:14 20:2 48:5 50:18 52:18 Southampton 47:22 speaking 28:19 specifically 58:1 specificity 39:18 splintered 51:18 splitting 20:5 Spruill 36:18 48:4,4 square 55:1,15 stakes 54:14 stand 11:23 standard 3:12 17:15,15 19:12 19:12,21 30:6 31:25 34:5,6,8 37:5 43:4 53:21,21,22 55:21 56:4 58:7 standards 32:12 stare 33:3 start 8:20 27:17 started 8:3 26:25 27:20,25 37:19 42:23 starting 36:20 37:20 starts 25:18 45:5 state 1:7 3:5</p>
---	--	---	---	--

4:21 6:24 8:1,2 8:6 29:18 30:3 30:18 37:12,15 37:16,18 42:13 43:19 45:6,11 47:23 48:16 50:10 51:15 52:11,22 54:15 56:1 58:5 State's 29:9 56:2 stated 34:8 41:2 43:19 statement 17:7 24:8 39:20 States 1:1,15,22 2:7 24:24 26:3 55:20 statewide 40:4 stay 40:14 step 6:2 19:8 22:9 steps 49:13 stereotyping 21:19 22:2 Stevens 58:4 Stevens' 58:1 stipulated 41:2 Stone 37:12 stop 44:8 story 35:3 55:7 strange 36:24 stray 16:17 strengths 19:10 strict 6:2 13:2 20:14 21:3 25:5 26:3 33:22 34:1 41:18 48:15 58:4 strong 7:23 9:13 10:9 16:14 21:1,5,7,14 24:13 30:8 32:17 33:25 34:13,16 38:3 strongest 10:5 20:19,20	students 15:14 submitted 58:14 58:16 subordinated 42:3 subregions 37:17 subsequent 54:6 substantial 28:12 suburbs 10:24 success 35:3 55:7 sudden 18:8 suddenly 32:24 sued 54:15 sufficient 25:4 26:2 suggested 13:5 37:3 45:13 50:10 suggesting 45:18 support 21:13 36:12 supporting 1:22 2:8 24:25 55:2 55:4 Suppose 40:22 supposed 48:16 55:11 Supreme 1:1,15 sure 4:4 9:3 12:7 14:17 38:6,9 49:4 surprised 13:10 suspicious 54:16 Swann 11:18 sympathetic 30:17	49:13 51:23 talk 38:2,5 talked 33:9 talking 4:17 18:12 32:14 35:18 38:25 52:11 talks 38:16 tape 48:11 target 25:4,8,11 25:15,21 26:2 26:10,11,23,24 27:10,13,14 29:13 33:22 34:1 47:20 targets 53:7 task 45:6 tell 6:10 17:14 51:10 ten 11:25 29:10 tendencies 36:22 tens 29:10,12 term 18:23 terms 45:25 terrific 49:23 test 3:20 6:9 13:22 16:19 20:22 30:21 31:1,6 32:25 33:2 42:6,7 45:15,16 46:9 54:2 58:2,10 testified 36:1,15 47:14 testimony 35:14 36:14 40:10,16 Thank 24:21 34:21 56:13 58:13 theoretical 55:14,18 theoretically 29:2 56:5 theory 42:7 thin 37:21 thing 7:12 8:7 9:12 16:5 39:3	39:4,13 40:2 49:20,23,23 50:3 52:19,20 things 12:12 33:20 38:18 41:21 46:7,7 46:17 50:19 52:9 think 4:5,19 5:18,21 6:8 9:8 10:7,10 11:19 11:21 12:20 13:8,11,11,24 14:16 15:3 17:19,19,21,23 18:1,9,11 19:13,14,15,19 19:24 20:2,20 20:24 23:17 24:15,18 25:17 27:18 28:13 29:6 31:24 33:2,11,17,19 34:7 36:11,13 37:10 38:19 40:18 41:8,17 41:25 42:3,5,8 42:21 43:12,16 44:11,12,14 45:1,2,5,17,23 46:10,19,20,25 47:25 48:13,13 48:17 49:3,6 49:12,16 50:15 50:19 51:22,24 51:24 52:12,25 53:2,4,4,16,18 53:20 54:8 57:15 thinking 42:18 42:19,19 48:19 thinks 44:12 third 22:7 43:13 thought 23:1 32:21 34:13 36:5 41:21 54:4	thousand 12:1 22:12 thousands 11:14 11:14 29:11,12 three 33:24 34:11,12 38:22 41:21 47:22,25 54:6 three-fourths 48:15 three-judge 58:9 three-part 54:2 three-quarters 39:7,8 57:11 threshold 8:22 10:2 13:2 52:4 53:23 54:3 throw 56:4 thrown 54:23 thrust 46:1 time 24:20 30:5 timing 56:21 tipping 41:15 told 7:3 35:20 47:4,5,18 traditional 7:10 7:11 8:20,23 9:9,18 13:14 14:9 17:8 25:6 25:25 27:2,21 28:10,21 30:20 31:2 38:23 39:11 40:6,20 42:1 43:21 47:17 58:5 trial 13:22 57:19 57:24 tried 32:10 45:14 47:7,9 tries 32:20 trigger 25:4 26:3 triggered 13:3 true 57:19 trump 8:23 12:12 trumped 8:25
	T			
	T 2:1,1 table 43:14 tailwind 47:8 take 4:6 9:9 19:8 22:9 23:18 24:16 25:17			

trumps 6:12	Upper 18:17	42:20 43:2	45:2,3 46:11	16:13 17:15
try 19:19 41:22	urban 15:15,15	voted 43:20	46:23 48:15,19	19:11 20:21
52:7	urge 32:3	voters 3:15,16	49:16 50:8	25:5
trying 4:7 5:11	use 6:20 8:25	3:18 4:1 9:13	51:7 54:4	<hr/>
6:7 28:24	9:17 10:4	10:25 11:14	ways 8:13	X
37:13 38:8,13	15:23 25:4,8,9	12:23 13:1,6	we'll 54:24	x 1:2,10
43:5 52:15	25:10,11 26:23	18:7 20:10,12	we're 13:5,5	<hr/>
turnout 51:3	27:4 33:22,25	21:12 28:12	16:10 18:11	Y
turns 30:7	46:8 53:13	29:11,12 36:2	26:14 28:15	yeah 14:8 24:15
two 10:5 11:25	<hr/>	36:3 41:4 57:7	30:17 44:20	43:25 51:16
16:16 17:3	V	57:9,10,11	50:11 52:10	years 22:14
18:15 19:2	v 1:6 3:5 58:1	votes 22:5,11,20	we've 15:24	45:13 54:18
20:3 22:12,13	vacate 34:4	22:22 51:18	34:10 36:7	55:12,14 56:6
29:4 32:13	vacatur 1:22 2:8	voting 3:17 7:14	weak 20:24	56:8,11
33:8,19,23	24:25	7:17 8:1,8,13	38:23	yield 4:23 5:1
34:12 37:24	vacuum 47:11	11:4 12:19	weapon 42:24	7:21
38:18,19,22	48:9	15:16 21:19,23	went 10:22	young 15:14
40:17,17,17,22	vague 30:6	25:18 26:5	28:11	<hr/>
40:23 41:9	validly 20:6	27:20 30:9,19	weren't 47:19	Z
43:16 50:19	variations 29:6	36:22 45:8,9	55:5	zags 47:24
52:9 54:6,18	varsity 43:8,11	48:20 49:10,14	west 9:12	zigs 47:24
55:3,4 56:14	vast 14:14,17,22	49:22 50:6,12	white 9:14 11:3	<hr/>
57:25	14:25 31:21	52:2,5 53:2	11:7,9 15:14	0
Tyler 21:11 22:4	54:12	<hr/>	15:14 22:5	01 48:24
22:19 51:19	version 30:21	W	29:11 36:3	<hr/>
<hr/>	32:8 52:1	want 7:10,12,15	39:7 41:4 57:9	1
U	veto 54:24	8:7 13:23,25	whites 13:19	1 21:8 23:2
Uh-huh 6:18	view 8:10 12:8	14:1 16:2 17:4	wide 35:4	35:24
unappealing	19:14 49:21	21:9 24:16	win 24:7 51:6	1.3 23:9 24:2
15:8	violate 8:8	28:15 31:14	window 47:21	1/2 23:2
unclear 30:10	violated 7:13	32:2,18 40:16	wins 8:1 23:9	10:04 1:16 3:2
unconstitutio...	violation 15:9	44:18 45:10	witnesses 17:1	11,293 39:5
49:14 51:15	violations 42:25	48:11 49:12,12	won 22:4,10,11	11:05 58:15
understand 4:4	Virginia 1:7 3:5	49:13,15 53:3	22:16,16,19,22	111 16:20
5:21 8:4 12:8	3:12,14 13:23	53:13 56:19	22:23,24 23:1	115 16:20
12:13 19:6,10	18:14 20:2	wanted 12:2,5	24:2	12 3:14 7:14
20:9	35:2 52:17	43:22 48:4	word 9:1	9:14 11:24
understanding	56:1	Washington	words 9:24,25	12:10 35:4,9
7:25	Virginia's 49:17	1:11,18,21,24	27:11 31:21	37:3,17,22
unique 17:12	virtually 32:14	wasn't 22:3	world 15:4 16:5	49:18 50:5
uniquely 49:9	visually 3:24	39:15 54:6	54:9	52:3
United 1:1,15,22	14:3 15:7,18	way 6:10,16,19	worse 38:14	1271 9:12 32:13
2:7 24:24	16:23 17:4	7:24 15:4	worth 35:24	15-680 1:5 3:4
universe 50:21	Volume 35:24	16:25 29:24	43:18	15,000 38:21
unreasonable	vote 13:24 23:9	30:2,11 34:15	wouldn't 6:1,2	15,785 9:13 10:8
19:8	24:2 31:15	37:2 42:4,6	31:14 32:2	17 10:8
unyielding 5:3	36:3 37:7	43:1 44:4,6,19	wrong 15:23	17,000 39:5

2	15:20,20 19:1 28:1,15,16 35:7,12,14 36:6,8 37:23 37:24 47:6,20 50:17,22 51:1 52:3,4 53:12 53:15	95 34:20 99 54:11		
2 7:13 2000 22:13 2001 22:13 23:23 2003 22:17 23:23 2005 22:4 23:25 24:2 2007 23:23 2009 23:23 2011 35:2 55:6 2014 54:20 2016 1:12 207 40:15,19 24 2:9 25 45:19	55.3 10:23 56 2:15 53:16			
3	6			
3 2:4 30-some-odd 22:14 300 22:5,11,20 22:22 51:18 34 2:12	6,000-vote 22:21 60 26:20 27:17 27:21,23 62 37:20,24 63 20:3,8 36:15 53:15 65 26:20 669 11:22 69 19:24			
4	7			
46 37:19 38:1 46.3 10:16,23	70 14:1 19:24 26:19,20 38:20 40:5 71 10:11 19:24 34:20 38:1,5,8 39:2,25 74 19:24 53:15 75 20:3,5,13,18 20:20 25:18 26:7,14,25 36:7,7 53:14 77 36:18 48:2,2 53:16 78 40:3 79 52:1			
5	8			
5 1:12 7:13 50:2 51:17,17 50 8:21 25:21 26:8,11,12,15 26:19,24 27:8 36:4,16 48:23 51:1,20 53:9 50,000 38:20 50.8 57:9 500,000 4:9,13 4:25 7:1 53 27:25 28:15 37:25 54 37:25 55 3:13,15 10:2 10:17 12:9	8 14:13 8,000 21:25,25 80 43:19 52:1 55:1			
	9			
	9 52:2 55:2			