

PRESIDENTIAL COMMISSION ON
THE SUPREME COURT OF THE UNITED STATES

+ + + + +

6TH PUBLIC MEETING

+ + + + +

TUESDAY
DECEMBER 7, 2021

+ + + + +

The Commission met via Videoconference
at 3:00 p.m. EST, Bob Bauer and Cristina
Rodriguez, Co-Chairs, presiding.

PRESENT

ROBERT BAUER, New York University School of Law,
Chair

CRISTINA RODR GUEZ, Yale Law School, Chair

MICHELLE ADAMS, Cardozo School of Law

KATE ANDRIAS, University of Michigan
(Rapporteur)

JACK M. BALKIN, Yale Law School

WILLIAM BAUDE, University of Chicago Law School

ELISE BODDIE, Rutgers University

GUY-URIEL E. CHARLES, Duke Law School

ANDREW MANUEL CRESPO, Harvard University

WALTER DELLINGER, Duke University

JUSTIN DRIVER, Yale Law School

RICHARD H. FALLON, JR., Harvard Law School

CAROLINE FREDRICKSON, Georgetown Law

HEATHER GERKEN, Yale Law School

NANCY GERTNER, Harvard Law School

THOMAS B. GRIFFITH, Hunton Andrews Kurth

TARA LEIGH GROVE, University of Alabama School
of Law

BERT I. HUANG, Columbia University

SHERRILYN IFILL, National Association for the
Advancement of Colored People

OLATUNDE JOHNSON, Columbia Law School
MICHAEL S. KANG, Northwestern Pritzker School of
Law
ALISON L. LaCROIX, University of Chicago Law
School
MARGARET H. LEMOS, Duke Law School
DAVID F. LEVI, Duke Law School
TREVOR W. MORRISON, New York University School
of Law
RICHARD H. PILDES, New York University School of
Law
MICHAEL D. RAMSEY, University of San Diego
School of Law
KERMIT ROOSEVELT, University of Pennsylvania
Carey Law School
BERTRALL ROSS, University of California,
Berkeley School of Law
DAVID A. STRAUSS, University of Chicago
LAURENCE H. TRIBE, Harvard University
MICHAEL WALDMAN, New York University School of
Law
ADAM WHITE, George Mason University's Antonin
Scalia Law School
KEITH E. WHITTINGTON, Princeton University

DANA FOWLER, Designated Federal Official

C-O-N-T-E-N-T-S

CALL TO ORDER
Ms. Fowler 4

INTRODUCTION
Chair Rodriguez. 5

OVERVIEW OF DRAFT REPORT
Chair Rodriguez. 8

COMMENTS FROM COMMITTEE MEMBERS:

Commissioner Levi.24
Commissioner Griffith.27
Commissioner Gertner31
Commissioner Tribe35
Commissioner White38
Commissioner Dellinger42
Commissioner Ifill44

GENERAL DISCUSSION:

Commissioner Baude50
Commissioner Crespo.53
Commissioner Huang56

VOTE BY COMMITTEE MEMBERS.58

ADJOURNMENT OF MEETING70

1 P-R-O-C-E-E-D-I-N-G-S

2 3:00 p.m.

3 MS. FOWLER: Good afternoon.

4 It is my pleasure to welcome you to
5 the sixth and final meeting of the Presidential
6 Commission on the Supreme Court of the United
7 States.

8 My name is Dana Fowler and I am the
9 Designated Federal Officer for this Advisory
10 Committee. The draft final report that will be
11 the focus of today's meeting is available on our
12 website at whitehouse.gov/pcscotus.

13 Before we begin, a few administrative
14 reminders. This meeting is being recorded via
15 videoconference and is also being streamed live
16 at whitehouse.gov/pcscotus. This Commission is
17 considered a federal advisory committee and is
18 governed by the requirements under the Federal
19 Advisory Committee Act, or FACA.

20 My role as the Designated Federal
21 Officer is to manage the day-to-day
22 administrative operations of the committee,

1 attend all committee meetings, and ensure the
2 committee operates in compliance with FACA.

3 All of our Commissioners have received
4 training regarding FACA requirements and their
5 ethics obligations as special government
6 employees. In addition, each commissioner has
7 completed a financial disclosure report that has
8 been reviewed by ethics attorneys to identify any
9 potential conflicts of interest.

10 I now have the pleasure of turning
11 this meeting over to Commissioner Rodriguez for
12 her opening remarks.

13 CHAIR RODR GUEZ: Thank you, Ms.
14 Fowler, and good afternoon everybody. Welcome to
15 the Commissioners and everyone who is watching
16 for our final meeting as a Commission.

17 Today we will be discussing the draft
18 report of the Commission and voting on whether to
19 submit it to the President.

20 This draft report reflects and
21 incorporates the comments and perspectives raised
22 during our deliberative meeting of November 19 as

1 well as our previous deliberative meeting in
2 October.

3 As we all know, this Commission was
4 formed on April 9, 2021 by President Biden
5 through Executive Order 14023.

6 Before we begin, I want to emphasize
7 that throughout our work we have benefitted
8 enormously from expert testimony and public
9 comment from individuals and organizations. As
10 the report reflects, over the summer we held two
11 days of hearings and heard from 44 witnesses.
12 Their written testimony, and that of an
13 additional 23 experts, is posted on the
14 Commission website and we highly recommend that
15 people read these statements.

16 Since our inception, we have also
17 received over 5,000 germane, unique comments from
18 the public. And these have come from members of
19 Congress and public officials, advocacy
20 organizations, subject matter experts, and
21 members of the general public.

22 The comments were wide ranging and

1 addressed many of the reform proposals considered
2 in this draft report. For instance, comments
3 advocate expanding the size of the court or
4 imposing term limits on Supreme Court justices.
5 Comments also support retaining the status quo,
6 and even fixing the Court at nine justices
7 through Constitutional amendment.

8 We're enormously grateful for the
9 public's interest in and engagement with our work
10 over the last seven months, and we hope the
11 Commission's report will ultimately be a resource
12 for people interested in the Supreme Court and
13 its role in our system of government.

14 Additional public comment can be
15 submitted until December 15 via [regulations.gov](https://www.regulations.gov).
16 And all of the comments received to date are also
17 available for the public to view on
18 [regulations.gov](https://www.regulations.gov).

19 So, our agenda for the day is to
20 review this draft final report and to discuss it
21 amongst ourselves one last time, and then to vote
22 on whether the report meets our charge and

1 whether to submit the report to the President.

2 We'll begin with an overview of each
3 of the pieces of the report. And to start that
4 I'll turn to my Co-Chair, Bob Bauer.

5 CHAIR BAUER: Thank you very much, Co-
6 Chair Rodriguez.

7 I'd like to begin by providing a
8 summary, a brief synopsis of the preface to the
9 report, which lays out the basic approach.

10 Consistent with the Executive Order,
11 the report provides an account of the
12 contemporary public debate over the role of the
13 Supreme Court in our Constitutional system, and
14 an analysis of the leading proposals for reform
15 of the Court.

16 Given the size and nature of the
17 Commission and the complexity of the issues
18 addressed, of course individual members of the
19 Commission might have written the report with
20 different emphases and approaches.

21 But the report aims to provide a fair
22 and constructive treatment of the complex and

1 often highly controversial issues it was charged
2 with examining. And that is a point that the
3 preface makes.

4 We then proceed following the preface
5 to an introduction to the report, which begins by
6 explaining the genesis of today's reform debate,
7 including by identifying developments
8 particularly in connection with recent
9 nominations that gave rise to President Biden's
10 decision to issue the April 2021 Executive Order.

11 This introduction emphasizes that the
12 Court's composition and jurisprudence have long
13 been subjects of public controversy and debate in
14 our nation's civic life. Though the conflict
15 surrounding the processes by which presidents
16 nominate and the Senate confirms justices is not
17 new, it has become -- we note -- more intensely
18 partisan in recent years.

19 The introduction then proceeds to
20 articulate three common and interrelated ideas
21 that are frequently invoked in reform debates,
22 and throughout the report in our analysis of

1 particular proposals in the various chapters.

2 Those are the importance of protecting
3 and enhancing the Court's legitimacy, the role of
4 judicial independence in our system of
5 government, and democratic values and their
6 relationship to the Supreme Court's decision
7 making.

8 Following the preface and the
9 introduction, we have a chapter one, which is an
10 extensive discussion of the history of efforts to
11 reform the Supreme Court, dating back to the
12 founding. It highlights how lawmakers and the
13 public have been attended to an engaged debate
14 about the role that the Court plays within our
15 Constitutional system.

16 Reform debates have always involved
17 partisan conflict and philosophical struggle over
18 substantive Constitutional values and the power
19 of the government to serve the needs of the
20 people. And that's discussed in this chapter.
21 And the history as a whole is offered as context
22 for the debate in our times.

1 So that is how the report begins from
2 preface, through introduction, to chapter one.

3 And I would now like to turn -- for an
4 overview of chapter two -- back to my Co-Chair,
5 Commissioner Rodriguez.

6 CHAIR RODR GUEZ: So chapter two of the
7 report examines proposals to expand or otherwise
8 alter the structure of the Supreme Court.

9 It begins with a brief history of past
10 efforts to alter the size of the Court dating
11 back to the 19th century, and also including
12 President Roosevelt's efforts during the New Deal
13 Era.

14 It then considers the legality of the
15 efforts by Congress to expand the Court, and
16 concludes based on Constitutional text, structure
17 and history, that Congress has broad authority to
18 modify the Court's size.

19 The report then presents arguments
20 that have been made in the public debate and are
21 made in the public debate both for and against
22 proposals to expand the size of the Court.

1 The supporters of Court expansion
2 emphasize that expansion is necessary to address
3 violations of norms that have occurred during the
4 confirmation process in recent years, as well as
5 to address troubling developments in the Supreme
6 Court's jurisprudence that they regard as
7 undermining the system of democracy.

8 Opponents of Court expansion emphasize
9 that expansion or court packing would
10 significantly diminish the Supreme Court's
11 independence and legitimacy, and establish a
12 dangerous precedent that could be used by any
13 future political force to pressure or to
14 intimidate the Court.

15 In the report, we note that the
16 Commission takes no position on the validity or
17 strength of these claims. Commissioners
18 themselves -- as is noted -- had opposing and
19 strongly held views on these questions on both
20 sides of the issue.

21 The chapter then concludes with a
22 consideration of other structural reforms to the

1 Court that have been proposed in reform debates,
2 including proposals that would provide for the
3 rotation between the Courts of Appeals and the
4 Supreme Court, that would divide the Supreme
5 Court into panels of varying sizes, and proposals
6 that would seek to ensure ideological balance in
7 various ways on the Court itself.

8 The report notes that some of these
9 proposals rest on sounder Constitutional ground
10 than others, and it engages in an analysis of
11 what Constitutional issues might be implicated by
12 these reform proposals. And then it notes that
13 most such proposals would require significant
14 changes to the way the federal judiciary
15 currently functions, and offer uncertain
16 practical benefits.

17 The report then moves from chapter two
18 to chapter three to consideration of non-
19 renewable term limits for Supreme Court justices,
20 another proposal for reform that has been
21 articulated in public debates of long standing.

22 Proponents of term limits argue that

1 placing a limit on the Supreme Court justices'
2 time sitting on the Supreme Court would help
3 ensure that the Court's membership is broadly
4 responsive over time to the outcomes of
5 elections.

6 It would make appointments to the
7 Court more predictable and less arbitrary. It
8 would reduce the concentration of power in any
9 single justice for extended periods of time, and
10 enhance the Court's decision making by ensuring
11 regular rotation in decision makers -- or more
12 regular rotation. And all of this while
13 maintaining judicial independence by guaranteeing
14 long terms -- often 18 year terms are proposed --
15 and lifetime salaries for all people appointed to
16 this position.

17 The opponents of term limits argue
18 that eliminating life tenure would, in fact,
19 weaken the Constitution's expressed protection of
20 judicial independence, which could undermine the
21 Court's legitimacy. It would further politicize
22 the selection and confirmation process they

1 argue, by requiring confirmation roughly every
2 two years. It would heighten the perception that
3 justices are partisan or political actors and
4 destabilize the Court doctrine.

5 The report lays out each sets of
6 arguments for and against term limits in
7 extensive detail. It then -- without taking a
8 position on the merits of term limits --
9 considers design questions that would have to be
10 addressed were term limits to be adopted.

11 It considers how to go about drafting
12 a Constitutional amendment to establish term
13 limits, and then proceeds to consider whether a
14 similar system could be adopted by statute,
15 laying out three different potential statutory
16 proposals.

17 The implementation questions that the
18 report broaches include: how long should
19 justices' terms be; how many appointments should
20 a president be able to make in each term; how
21 would we transition from a system of life tenure
22 to a term-limited system; and whether and what

1 kind of constraints should be imposed on
2 justices' post-tenure employment.

3 The chapter also cites the challenge
4 presented by potential impasses in the Senate's
5 confirmation process and considers ways of
6 addressing this issue were term limits to be
7 adopted.

8 For an account of chapters four and
9 five of the report, I now turn to Commissioner
10 Kate Andrias.

11 COMMISSIONER ANDRIAS: Thank you.

12 The proposals that Commissioner
13 Rodriguez just discussed from chapters two and
14 three more or less accept the scope of the
15 Court's power as a given.

16 By contrast, the proposals discussed
17 in chapter four would reduce the power of the
18 Court by curbing the justices' capacity to
19 invalidate legislation. The primary goal of such
20 proposals is to shift power to resolve major
21 social, political, and cultural issues to the
22 political branches.

1 The report examines four mechanisms
2 for achieving this goal. Jurisdiction stripping;
3 super majority voting requirements for the
4 invalidation of Congressional or other government
5 action; rules that would require courts to show
6 greater deference to the political branches; and
7 proposals for a Constitutional amendment to
8 authorize Congress, through legislation, to
9 override decisions of the Supreme Court and other
10 courts.

11 The chapter analyzes the extent to
12 which such reforms would, in fact, reduce the
13 power of the Court or other lower courts in
14 relation to the elected branches of government,
15 and how they could be designed. It also examines
16 the potential benefits and costs of the proposals
17 and it looks at whether they would require
18 Constitutional amendment or could be achieved
19 through legislation.

20 The chapter ultimately concludes that
21 the efficacy of all of these proposals depends on
22 the details, including whether they would also

1 affect lower court and state court decision
2 making.

3 We also conclude that the reforms that
4 would most directly reduce the Supreme Court's
5 power over fundamental social questions are ones
6 that absent Constitutional amendment, the Court
7 would most likely find to be unconstitutional.
8 However, the chapter highlights arguments
9 regarding how Congress might engage in more
10 robust constitutional interpretation and
11 enforcement, even without constitutional
12 amendment.

13 Without taking a position on the
14 ultimate merits of any of these proposals, this
15 chapter aims to help inform further debate about
16 whether and which reforms might be worth
17 pursuing.

18 Chapter five addresses how the Supreme
19 Court conducts its works and explains its
20 decisions.

21 Although much of the public discussion
22 about court reform has been focused on structural

1 issues, the Court's internal procedures and
2 practices also have been a part of contemporary
3 debates about the Court's role and operations.

4 Chapter five thus focuses on three
5 sets of issues. The first is the Court's use of
6 emergency orders. These are orders issued without
7 the rounds of briefing and oral argument that
8 merits cases receive, and often also without a
9 written explanatory opinion. Yet some of these
10 cases involve issues of national importance or
11 great practical impact.

12 The chapter reviews recent
13 controversies related to emergency orders and
14 apparent changes in the Court's approach to
15 managing them. It notes that the Court may well
16 benefit from continuing to adjust its explanatory
17 practices in important cases in order to provide
18 more insight into its reasoning; to reinforce
19 procedural consistency; and to avoid any possible
20 appearance of arbitrariness or bias.

21 The chapter also specifically
22 addresses issues presented by emergency orders in

1 capital cases, where the Court often has the
2 final word on whether a state or federal
3 execution will go forward.

4 The second set of issues concerns
5 judicial ethics. The chapter reviews potential
6 benefits and drawbacks of reforms that create a
7 code of conduct, a disciplinary framework for
8 refusal review for the Supreme Court.

9 The chapter explores the potential
10 difficulties with these approaches and notes
11 however, that experience in other contexts
12 suggests that the adoption of even an advisory
13 code of conduct could be a positive step.

14 The third topic is public access to
15 the Court's proceedings through the audio or
16 video streaming of oral arguments and opinion
17 announcements in real time.

18 Among other things, the chapter
19 concludes that the continuation of near
20 simultaneous audio would enable the media and
21 interested members of the bar and the public to
22 better follow the work of the Court.

1 I will now turn things over to Co-
2 Chair Bauer to discuss the remaining material in
3 the report.

4 CHAIR BAUER: Thank you very much,
5 Commissioner Andrias.

6 The appendices to the report contain
7 a variety of information we think of general
8 interest in the debate.

9 First of all, just for the record, the
10 appendix of course, reproduces in full the
11 Executive Order pursuant to which the Commission
12 was established, and contains information in
13 another appendix about our public meetings, the
14 testimony received, and the public comments we
15 received.

16 Another appendix addresses the
17 confirmation process. Throughout the report, we
18 do note the impact and significance of the
19 confirmation process both in the origins of the
20 contemporary debate and in the evaluation of
21 particular reform proposals.

22 It was outside our charge as a

1 Commission to evaluate proposals for Senate
2 reform of its process to address concerns and
3 issues that have arisen in recent years,
4 especially in light of intensified polarization
5 and partisanship.

6 However, the Commission did receive
7 testimony that set out directions for reform that
8 the Senate might consider, ones that we do not
9 purport to analyze or endorse, but they were
10 based on a bipartisan survey of former Senators
11 and senior staff. And we included them in the
12 public interest as excerpts from this -- in the
13 form of excerpts from this testimony in the
14 appendix.

15 Another appendix addresses various
16 testimony that we received about the sources of
17 advocacy and information provided to the Court.

18 And it includes just very briefly by
19 topic heading the diversity of the Supreme Court
20 bar; the diversification of the appointment of
21 amici counsel; resources for the criminal defense
22 bar to support Supreme Court litigation;

1 additional resources to support the Court's
2 decisions on which cases warrant review; and the
3 Court's treatment of facts included in amicus
4 briefs.

5 And again, this is excerpted testimony
6 that we just provide in the public interest on
7 topics that have arisen in the public debate and
8 on which we received testimony in the course of
9 our public hearings.

10 At this point, I would like to turn
11 the discussion -- now that we have completed the
12 overview -- back to Co-Chair Rodriguez for
13 opening up the comment portion of our meeting.

14 CHAIR RODR GUEZ: At this point, I
15 would invite all Commissioners to turn on their
16 cameras so that we can discuss this final report.

17 (Pause.)

18 CHAIR RODR GUEZ: It's good to see
19 everybody.

20 As with our prior meetings, there are
21 some Commissioners who have advised us that they
22 would like to speak to the matters in the report.

1 And so I will go through each of those
2 individuals and then open it up for a larger
3 discussion.

4 We'll begin with Commissioner David
5 Levi.

6 COMMISSIONER LEVI: Thank you very
7 much.

8 I wish to thank our two Co-Chairs, our
9 reporter, and the members of the Commission. I
10 thank them for their dedication and their
11 graciousness.

12 On the very narrow question before us,
13 whether to approve the submission of the report
14 to the President, I will vote yes.

15 However, I do not support most of the
16 proposals discussed in the report, particularly
17 what is variously described as court packing or
18 court expansion, and term limits.

19 I take this opportunity to put my
20 reasons before you. My reason is that in my view,
21 each of these proposals, to some considerable
22 degree, reduces judicial independence and,

1 therefore, increases the likelihood that we will
2 lose the freedom that judicial independence was,
3 and is, designed to protect.

4 Judicial independence is not for the
5 benefit or aggrandizement of the judge or the
6 judiciary, but for the benefit of the nation.
7 For we, the people.

8 The rule of law depends on an
9 independent judiciary. Independent in its
10 decision making, which we call decisional
11 independence, and independent as a branch of
12 government, which we call institutional
13 independence.

14 It is not possible to have a
15 successful democracy blessed with the rule of
16 law, without a fair and impartial judiciary.

17 And, it is not possible to have a fair
18 and impartial judiciary that lacks judicial
19 independence in both of its aspects, decisional
20 and institutional.

21 This is why all around the world,
22 aspiring democracies look to our independent

1 judiciary, as the model for their own
2 judiciaries, and the rule of law.

3 Regrettably, as the report discusses,
4 it is also true that all around the world,
5 autocrats attempt to achieve absolute power by
6 destroying judicial independence, and the rule of
7 law.

8 And, they do so in part, by changing
9 the size of their highest courts, and by making
10 judicial tenure in office, shorter and less
11 secure.

12 Through such means, the courts have
13 been controlled by the executive. They are
14 overpowered, awed, or influenced, as Hamilton put
15 it so well, in Federalist 78.

16 This is why, in my view, we must
17 approach with great caution and skepticism, any
18 proposal that has even the potential for reducing
19 judicial independence.

20 Because I believe that court packing,
21 or expansion, and term limits, pose significant
22 threats to judicial independence, and therefore,

1 the rule of law, I oppose these proposals.

2 I hope that the President, and the
3 American people, will reach the same conclusion,
4 and I thank my fellow Commissioners very much for
5 their courtesy.

6 Thank you.

7 CHAIR RODRIGUEZ: Thank you,
8 Commissioner Levi.

9 Next, we'll hear from Commissioner Tom
10 Griffith.

11 COMMISSIONER GRIFFITH: Thank you.

12 I will cast my vote to approve the
13 motion submitting the report to the President.
14 The Commission has met its charge under the
15 Executive Order.

16 Which is not to say that I support the
17 proposals discussed in the report. As the report
18 makes clear, there was much disagreement among
19 the Commissioners about the various proposals.

20 For example, I am opposed to expanding
21 the size of the court, limiting the terms of
22 justices, and stripping the court of any of its

1 current jurisdiction.

2 The arguments against those proposals
3 are set forth ably in the report.

4 I approve the motion because the
5 process that created the report, was an
6 extraordinary effort that deserves commendation.

7 The Commission has modeled and
8 approached debate over important issues that is
9 much needed in this polarized moment.

10 I accepted my appointment as skeptical
11 that the views of the small handful of
12 conservatives on the Commission, would be fairly
13 considered. Yet time and again, I have found my
14 fellow Commissioners to be respectful of my
15 views.

16 They have gone to great lengths to see
17 that those views are adequately reflected in the
18 report.

19 This is not the report I would have
20 written, had I been left to my own devices. I
21 reject the premise of some, that the current
22 Supreme Court represents a threat to our

1 democracy.

2 Just the opposite. I celebrate the
3 remarkable success the Supreme Court has
4 achieved, in preserving the rule of law. And, I
5 worry that many of the proposed changes would
6 undermine that vital role.

7 In a moment when some see the Supreme
8 Court as just another partisan battlefield, we
9 must not lose sight of the fact that the justices
10 have played well, though not always perfectly,
11 their part under the Constitution, as impartial
12 adjudicators.

13 We must not sacrifice the federal
14 judiciary, the partisan impulses. My hope is
15 that those who study this report will come to the
16 same conclusion.

17 Commissioner David Levi and I, both
18 former federal judges, will elaborate on some of
19 these ideas in a joint statement that we will be
20 filing.

21 Compromise for the sake of unity, is
22 the indispensable ingredient for the success of

1 our democratic republic.

2 The Constitution forces such
3 compromise and assumes respectful argument, and
4 reasoned deliberation to achieve them.

5 Historians have a name for this strand
6 of our national DNA. They call it civic charity,
7 and it is in dangerously short supply today.

8 I believe that the way the Commission
9 has worked captures the essence of civic charity.
10 In that sense, the report represents the
11 political dynamic the Constitution demands, and
12 without which it cannot succeed.

13 For that, I thank the President for
14 making clear that this is the type of
15 deliberation he expected. The co-chairs, for
16 demanding the same, and my fellow Commissioners,
17 for meeting that demand.

18 Thank you.

19 CHAIR RODRIGUEZ: Thank you,
20 Commissioner Griffith.

21 We will hear next from Commissioner
22 Nancy Gertner.

1 COMMISSIONER GERTNER: Thank you very
2 much.

3 Let me begin as others have, that I
4 want to reiterate thanking the Commissioners, the
5 Co-Chairs of this incredible effort, and I want
6 to reiterate the importance of the Commission's
7 work.

8 It was critical to have a discussion
9 about the problems with the Supreme Court that we
10 have had over the past several months, in this
11 dispassionate setting. Not on Twitter, not with
12 dueling op-eds, or worse, in a political
13 campaign.

14 It was critical to have this
15 conversation with participants whose opinions are
16 as diverse, as those on this Commission.

17 Some will be disappointed that there
18 are no recommendations to this report. That
19 there is not a consensus document. But that was
20 not our charge.

21 Our charge was to outline the
22 arguments, to talk about the pros and cons, and

1 the report ably does that. I will vote for it.

2 I have a unique perspective, like
3 Judges Griffith and Levi. I was a federal judge
4 for 17 years. I surely appreciate the
5 significance of judicial independence, and the
6 importance of sustaining the legitimacy of the
7 court.

8 I am not, however, concerned that our
9 work comprises an implicit or explicit criticism
10 of the court, its prestiges, et cetera.

11 I do not believe at all, that
12 criticizing this Court risks undermining its
13 legitimacy and independence.

14 The reason is that far worse than
15 criticizing the Court, is ignoring its real
16 problems. To pretend that conditions have not
17 changed, when they most surely have.

18 That efforts to improperly manipulate
19 the membership in this Court have not happened,
20 when they have.

21 When this Court has not done what it,
22 what its decisions have obviously reflected.

1 Far worse than assuming that things
2 should continue in the future as they have in the
3 past, despite these very serious problems.

4 In my view, that's what risks the
5 legitimacy of the institution. Whatever short
6 term challenges to judicial independence come
7 from our work, are more than counterbalanced by
8 meaningful change in an institution that sorely
9 needs it.

10 Advocating for change in this
11 situation does not disrespect the courts, but
12 undergirds its legitimacy, and the rule of law.

13 Let me say that judicial independence
14 can never mean judicial impunity, or the illusion
15 of neutrality, and the reality of something else.
16 The appearance of fairness, and the reality of
17 partisan manipulation.

18 In this I'm reminded of a judge who
19 sat in Massachusetts decades ago. When an
20 African American lawyer raised racial bias in the
21 jury selection long before the law made that an
22 issue, the judge literally said to the lawyer,

1 ssh, don't say any of that out loud. As if
2 making the issue clear, surfacing it somehow made
3 the problem worse.

4 It does not. Just the opposite.

5 Identifying problems with the Court,
6 the ways in which it has undermined its own
7 legitimacy, goes a long way to repairing it.

8 My views have been reflected in this
9 document. They have evolved from the beginning
10 of my participation on this Committee, especially
11 with respect to court expansion.

12 After hearing public testimony,
13 reading the comments, hearing from fellow
14 Commissioners, watching and listening this
15 Supreme Court over the past several years, I am
16 more convinced than ever that change is
17 necessary, and soon.

18 That the benefits outweigh the costs.
19 That as is usually said, the perfect should not
20 be the enemy of the good.

21 This is a uniquely perilous moment
22 that requires a unique response. One party seeks

1 to constrict the vote, deny fair access to the
2 ballot to people of color, the Supreme Court is
3 enabling those efforts.

4 That means that the usual ebb and flow
5 of the Court, changes in its composition over
6 time as the elections change, will be stalled.

7 The Court has been effectively packed
8 by one party, and will remain packed for years to
9 come with serious consequences to our democracy.

10 Whatever the costs of expansion in the
11 short term, I believe will be more than
12 counterbalanced by the real advantages it will
13 bring to judicial independence, and to our
14 democracy.

15 I will vote for this report.

16 Thank you.

17 CHAIR RODR GUEZ: Thank you,
18 Commissioner Gertner.

19 We'll hear next from Commissioner
20 Larry Tribe.

21 COMMISSIONER TRIBE: Thank you.

22 I want to thank the President for

1 giving this Commission its charge. The Co-
2 Commissioners and my fellow Commissioners, for
3 extraordinary work, and the staff for making it
4 possible.

5 The report released last night is one
6 we can all be proud of. There has never been so
7 comprehensive and a careful study of ways to
8 reform the Supreme Court. The history and
9 legality of various reforms, and the pluses and
10 minuses of each.

11 It turns out that some of the least
12 controversial reforms, like term limits, would be
13 among the most challenging to implement.

14 And, some of the most controversial,
15 like court expansion, would be the most straight
16 forward as a legal and constitutional matter.

17 One sign of how fair and productive
18 our deliberations were, is that some of us
19 started out leaning toward term limits, but
20 against court expansion. And ended up doubtful
21 about term limits, but in favor of expanding the
22 court. And, of some narrower ways of improving

1 its operations as well.

2 I count myself among that number.

3 But in voting to submit this report to
4 the President, I am not casting a vote of
5 confidence in the Court's basic legitimacy.

6 I no longer have that confidence given
7 three things. First, the dubious ways that some
8 justices got there.

9 Second, what Justice Sotomayor rightly
10 called, the stench of politics hovering over this
11 Court's depressingly predictable deliberations
12 over the most contested matters.

13 And, third, the anti-democratic, anti-
14 egalitarian direction of this Court's decisions
15 about matters like voting rights, gerrymandering,
16 and the corrupting effects of dark money.

17 Those decisions are not just wrong,
18 they put the Court, and more importantly, our
19 entire system of government and way of life, on a
20 one-way trip from a defective but still hopeful
21 democracy, to a system in which the few corruptly
22 govern the many. Something between an autocracy

1 and an oligarchy.

2 And, instead of serving as a guardrail
3 against going over that cliff, our Supreme Court
4 I say sadly, has become its all too willing
5 handmaiden.

6 So, with all respect, the hammering
7 over the Court's legitimacy misses a larger
8 issue: the legitimacy of what our union is
9 becoming.

10 To me, that spells a compelling need
11 to signal that all is not well with the Court.
12 That it no longer deserves the nation's
13 confidence, and that even if expanding it to
14 combat what it has become would temporarily shake
15 its authority, that risk is worth taking.

16 Thank you.

17 CHAIR RODR GUEZ: Thank you,
18 Commissioner Tribe.

19 We will hear next from Commissioner
20 Adam White.

21 COMMISSIONER WHITE: Thank you. Thanks
22 to the Co-Chairs, and thanks to my colleagues.

1 Like others who have spoken so far, I
2 intend to vote in favor of submitting this report
3 to the President.

4 I think we've carried out our mandate,
5 notwithstanding the fact that, as others have
6 expressed for different reasons, I wouldn't
7 necessarily write it the same way.

8 And, I do have profound disagreements
9 with certain aspects. Or certain arguments
10 recounted by the report on issues such as
11 expanding the court, packing the court, or on
12 term limits.

13 But I'd like to speak today, to a
14 slightly broader point very briefly. I'm
15 grateful, very grateful to President Biden, for
16 appointing me to this Commission, and giving me
17 the opportunity to work with my colleagues, and
18 deliberate, and study these issues of fundamental
19 importance to constitutional self-government.

20 In studying the arguments, I have to
21 admit it's not always clear where what premises
22 various arguments begin from.

1 Oftentimes, I worry that arguments,
2 often arguments about the Court's legitimacy,
3 begin from a premise of expecting the Court to
4 deliver certain outcomes on demand.

5 I think any real study of the court,
6 and reform of the Court, needs to begin from a
7 very different premise.

8 Namely, understanding what is the
9 Court's unique constitutional nature, its unique
10 judicial role, and the character that flows from
11 that nature in our constitutional system.

12 And, any reforms for the Court ought
13 to focus on what would make the Court the best
14 version of a Court. In terms of not just how it
15 decides, not just what it decides, but how it
16 goes about deciding those, those cases.

17 I won't pretend the federal judiciary
18 is perfect. Far from it. And, in serving on the
19 Commission, I've come to think a little bit more
20 about aspects of the Supreme Court and lower
21 courts' work, that might benefit from reform.

22 Such as its most discretionary actions

1 in which cases it takes, and also in
2 discretionary relief that it grants to cases.

3 But I think these are first and
4 foremost, issues of self-reform. As it happens,
5 I think we live in a era when the most important
6 constitutional reforms must be institutional
7 self-reform.

8 Because the greatest threats to our
9 constitutional system, flow from a lack of self-
10 restraint. We've seen that in the presidency.
11 We see it in Congress. And, too often we've seen
12 it in the courts.

13 This is a timeless issue, and I hope
14 that any reforms try to counteract that problem,
15 and begin in self-reform and self-restraint.

16 Not making demands of the Court, but
17 asking ourselves, myself included, what the
18 Court, what our constitutional institutions in
19 generally, in general, demand of each of us.

20 Again, I'm very grateful to President
21 Biden and my colleagues, for the opportunity to
22 serve on this commission.

1 CHAIR RODR GUEZ: Thank you,
2 Commissioner White.

3 We'll hear next from Commissioner
4 Walter Dellinger.

5 COMMISSIONER DELLINGER: Thank you.

6 I think you will see when you read the
7 report, that we do not attempt to gloss over
8 disagreements among the Commissioners. On the
9 contrary, I think it was our belief that a
10 healthy ventilation of these disagreements, was
11 an important part of our charge from the
12 President.

13 As you heard from Judge Griffith, and
14 Judge Gertner, and Judge Levi, and Professor
15 Tribe, all Commissioners reflecting different
16 views that I think was a very healthy exploration
17 of the issue.

18 And, we differed for example, on the
19 recent history that engendered this with some
20 arguing that a statement that no nomination of
21 President Obama would be considered, not bearing
22 just to make relevant none, effectively reduced

1 the Court to eight, only to have it raised back
2 up to nine, when there was a more compatible
3 president for the majority leader.

4 Others said that this is not
5 unprecedented in our history.

6 We differed over how to read the
7 Roosevelt experience.

8 But what to me was important, and why
9 I will cast my vote with some enthusiasm for this
10 report, is a realization I think, on the
11 Commission that we were not writing a report for
12 the next four months, or even the next four
13 years.

14 We knew not when political power would
15 be held, when someone had the political power.
16 Roosevelt had over 70 members of his party in the
17 Senate. When someone would have the power to
18 invoke his reforms, and what that would mean.

19 We know that we were writing with a
20 longer vision than that.

21 The testimony that surrounded
22 Roosevelt's plan, submitted to the Senate, was

1 very informative to us 40 years later. As we,
2 and our expert witnesses, reviewed the debates
3 over the Roosevelt plan.

4 So, we hope that this report's
5 explication of the issues, done in such a civil
6 manner and with an attempt, as Commissioner
7 Griffith said, to make sure we explicated
8 different viewpoints, as well as they could be
9 explicated, we hope that the report's
10 explications of the issues might be useful a
11 century from now.

12 CHAIR RODR GUEZ: Thank you,
13 Commissioner Dellinger.

14 We'll hear now from Commissioner
15 Sherrilyn Ifill.

16 COMMISSIONER IFILL: Good afternoon.
17 And, first of all, I also want to thank not only
18 the President, but especially the Co-Chairs of
19 this Commission, and the staff who have supported
20 this process and done it so gracefully.

21 It has made this process incredibly
22 smooth and pleasurable. And, I appreciate the

1 hard work that they've put in.

2 I don't want to say much about the
3 report itself, because I think the report speaks
4 for itself.

5 As you have heard from others
6 commenting today, it contains many of the
7 arguments, including the disagreements and
8 tussles among us, about how to interpret history,
9 what are the causes and effects of court
10 practices, and so on and so forth.

11 But what the report can't adequately
12 reflect, I think, is some of what you've heard
13 briefly in the comments today, but which I think
14 we should spend some time taking stock of.

15 When I decided to join this
16 Commission, it was not because I believed this
17 Commission was going to result in a unanimous
18 agreement about all the issues that we undertook,
19 and especially not as a contentious an issue as
20 whether or not there should be court expansion.

21 But I was intrigued by the idea of a
22 Commission made up of lawyers from across various

1 areas of practice, and across the political
2 spectrum, who would come together in this
3 exercise, in a scholarly effort to present the
4 arguments to the President, and to the American
5 people.

6 I assumed that we would work hard,
7 that we would push each other, that we would
8 disagree, and that our pride alone, would compel
9 us to complete the project.

10 I also felt that it was important for
11 us to create the document that we've created
12 today, that there in fact, does need to be such a
13 document that contains the information that
14 you'll see in this report.

15 And, not just information that
16 addresses the, directly the issue of court
17 expansion or non-court expansion.

18 But other areas of court practice,
19 including discretionary decision making,
20 transparency, recusal, and other matters that are
21 directly related to how the Court is perceived by
22 the public.

1 And, I'm proud that the report
2 contains these elements as well.

3 I also thought it was important to
4 participate because I also believe that an
5 examination of these issues, and a review of the
6 Court's practices, does not reflect disrespect
7 for the Court, or disrespect for the rule of law.

8 It never occurred to me that any
9 member of this 35-member body held such a view.
10 But instead, I took it on faith that every member
11 of this body is deeply concerned about the rule
12 of law. Deeply concerned about the legitimacy of
13 the courts. Deeply concerned about threats to
14 American democracy, and deeply concerned about
15 justice in this country.

16 And, it was with that understanding
17 that I wanted to join this Commission to see if
18 it was possible, particularly after the last five
19 years, for us across the spectrum, to engage in
20 this process.

21 I'm pleased and gratified that it was
22 possible. It wasn't easy, but it was possible.

1 And, the document we produced is one that I feel
2 proud of.

3 I think it's important to pause on
4 this moment because our profession, our
5 profession is important to the rule of law. And,
6 it's important to the health of American
7 democracy.

8 What we demonstrate by our ability to
9 come together as Commissioners, to agree and to
10 disagree, to work in a process of integrity and
11 respect, matters. It is important. And,
12 therefore, I am proud that I was a part of this
13 process.

14 I also believe like Commissioner
15 Dellinger, that this document is one that can
16 form a platform, a scholarly platform, for a
17 continued discussion of the many issues that are
18 addressed in the report. Many of which I think
19 are critically important.

20 And lastly, I will just say that it is
21 not easy at this moment in our country, for a
22 civil rights lawyer to believe that such a

1 process as the process we engaged in, is possible
2 and can produce something positive.

3 And, so this has been a gratifying
4 experience for me to see that it is possible.
5 But it also demonstrates for me that it is
6 necessary, and I hope every one of the
7 Commissioners, and those who are reviewing this
8 process, will pay as much attention to what this
9 process signifies, as to the results,
10 recommendations, and proposals in the report.

11 Thank you.

12 CHAIR RODR GUEZ: Thank you very much,
13 Commission Ifill.

14 I'll now open the floor to general
15 discussion. Anyone who wishes to make a comment
16 about the report, or anything that's been said,
17 or anything they'd like to express before we
18 complete our work, is now free to raise their
19 hand.

20 (Pause.)

21 CHAIR RODRIGUEZ: Commissioner Will
22 Baude.

1 COMMISSIONER BAUDE: Thank you.

2 I guess I wanted to as somebody who
3 also made a lot of critical suggestions at
4 several of our public meetings, I wanted to chime
5 in to say how much I appreciate all the work
6 that's gone into getting the report to this
7 point.

8 And, especially in attempting to make
9 changes and as Commissioner Griffith said, to
10 accommodate some of the disagreements and
11 differences of opinion we've all had, I think.

12 Some parts of the report are a lot
13 stronger as a consequence of that, and I'm
14 grateful about some. I think some of them really
15 are constructive additions to conversation.

16 I will say I fear unfortunately, that
17 not all of the report is successful, or is
18 constructive in doing that.

19 I think one consequence of where we
20 are is that some of the most contentious parts of
21 the report have had a harder time sometimes,
22 moving the ball forward, or really coming to

1 grips with the debates in part I mean, from what
2 you've just seen in some of the fundamental
3 different ways some of us see these things.

4 So, I will say I've been on the fence,
5 you know, actually through this meeting, about
6 whether I was going to actually vote to submit
7 this report to the President.

8 But I am going to vote to submit the
9 report to the President. And, I'm going to vote
10 yes for two reasons.

11 One is I do just, I keep going back to
12 the ultimate question is whether we've met our
13 charge. And, we're charged to provide an account
14 of the contemporary commentary and debate. We've
15 done that.

16 We're charged to describe historical
17 background. We've done that.

18 And, we're charged to analyze
19 principal arguments for and against Supreme Court
20 reform, which was done. Including an appraisal
21 of the merits and legality of particular reform
22 proposals.

1 I think we haven't always done, but
2 we've done the best we could, given what we were
3 working with.

4 I will say, the other reason is I do
5 believe that voting not to submit the report
6 would send the wrong message.

7 I wouldn't want people to think that
8 there's something in the report that's so you
9 know, juicy or explosive, that someone on the
10 Commission couldn't live with it.

11 Or that, as people have said, that
12 even this group of people has been sort of unable
13 to figure out how to get this basic task done.

14 So, I think those are good enough
15 reasons to vote, the President has completed our
16 charge.

17 I just, I feel compelled to add, and
18 I hate to say it, but in doing so, I wouldn't
19 want people to be over promised, what people will
20 find in the report.

21 I think in many ways, some of the most
22 valuable things we've received, really were the

1 process and the commentary that got us here.

2 So, I do hope when people do look back
3 and want to study this thing, that people, a lot
4 of people recognize they may have to go beyond
5 the report itself, to the even our commission
6 did.

7 That statements were received from
8 many, many witnesses, lots of things that we
9 couldn't bring ourselves, couldn't include it in
10 a 300-page report. So someone can get the fuller
11 picture.

12 So, I wouldn't want to put this front
13 and center as the greatest contribution to the
14 debate, that people will read in 20 years, but I
15 think we should submit it, and I think we've done
16 our work.

17 CHAIR RODR GUEZ: Thank you,
18 Commissioner Baude.

19 Commissioner Andrew Crespo.

20 COMMISSIONER CRESPO: Like Commissioner
21 Baude, I have expressed at earlier points in our
22 deliberations, some serious misgivings about

1 earlier drafts of our report.

2 When we met some seven weeks ago, I
3 indicated that I did not think at that point, I
4 would be able to vote in favor of report
5 resembling that initial draft, which as I, and
6 others read it, communicated a clear position
7 against expending the Supreme Court.

8 I just wanted to say how grateful I am
9 to each member of the Commission, for all of the
10 intense work that went into deliberating, and
11 substantially revising that initial draft. And,
12 to our Chairs, and our rapporteur, for
13 facilitating all the intensive weeks of revision
14 that have occurred since we first deliberated.

15 I can speak only for myself, but I
16 wouldn't be surprised if others shared the view
17 that it would be best to live in a time when
18 serious debate over reforming, or restructuring,
19 the Supreme Court was unnecessary.
20 Unfortunately, this is not such a time.

21 Our very existence as a Commission
22 makes that clear.

1 We were convened as a Commission
2 because calls to reform the Supreme Court, issued
3 in response to deep concerns over the current
4 court, and the way in which its most recent seats
5 have been filled, reached the very highest levels
6 of our public discourse.

7 As I said at our October 15 meeting,
8 I believe the task set before us, was to capture
9 that deep, live and consequential debate fully
10 and fairly, without short changing either side.

11 Including the views of the many
12 elected leaders, constitutional scholars, and
13 citizens, who believe perhaps regretfully, but
14 nonetheless firmly, that the Supreme Court is
15 indeed, in need of meaningful reform.

16 As others have said, none of us would
17 have written the report precisely the way it's
18 been written, if it was authored as a commission
19 of one. That's inevitable when folding the
20 voices of dozens into one.

21 But speaking in one voice, I believe
22 this report presents the arguments regarding

1 potential reforms to the Court clearly, fairly,
2 and at times, powerfully.

3 And, with gratitude to everyone on the
4 Commission who worked really hard to rewrite the
5 early drafts to make this end point possible,
6 I'll be voting today to submit our report to
7 President Biden.

8 And, to share it with our fellow
9 citizens, and our legislative leaders,
10 recognizing as we have all the way through, that
11 it's ultimately a decision in their hands. In
12 the hands of Congress, to decide the path forward
13 at this point.

14 Thank you to our Chairs, and to my
15 colleagues.

16 CHAIR RODR GUEZ: Thank you,
17 Commissioner Crespo.

18 Commissioner Huang?

19 COMMISSIONER HUANG: Hi, thank you all.

20 As Commissioners, we will have ample
21 opportunity to thank our Co-Chairs and our
22 rapporteur, I hope in person before long.

1 I think the same is true of thanking
2 our remarkable staff, including everyone behind
3 the scenes, including our designated federal
4 officer team, GSA team, and everybody who we
5 don't even see, who have been helping us with
6 this all along.

7 I think though, that this is our only
8 chance really, to, and I hope I'm not speaking
9 out of school, to speak on behalf of all the
10 Commissioners and thanking the members of the
11 public who submitted comments.

12 Thousands of you sent in comments.
13 You thought about this along with us. You joined
14 in this process of deliberation that we are doing
15 today, and that we've described just now. And,
16 we are enormously grateful.

17 CHAIR RODR GUEZ: Thank you,
18 Commissioner Huang.

19 (Pause.)

20 CHAIR RODR GUEZ: We can wait in
21 silence at least a minute.

22 (Pause.)

1 CHAIR RODR GUEZ: Well, seeing no other
2 hands raised to make comments on the report, I
3 think that at this moment we'll actually take a
4 break until the time of our vote.

5 We have other Commissioners who had a
6 conflict up until 4:25. And, in order for
7 everyone to be able to vote, we will conduct the
8 vote at 4:25.

9 So, we'll take a break between now and
10 then, and we will vote on the motion that we will
11 put on the floor, and Co-Chair Bauer and I will
12 have some remarks at that point as well.

13 So, please don't go far, and please do
14 not forget to come back and turn your cameras on
15 at 4:25.

16 (Whereupon, the above-entitled matter
17 went off the record at 3:52 p.m. and resumed at
18 4:25 p.m.)

19 CHAIR RODR GUEZ: We have reached the
20 appointed hour, and it is now time for us to vote
21 on whether to submit the report to the President
22 on the belief that we have met our charge.

1 So, I'll begin by reminding everyone
2 one last time, what Executive Order 14023 charged
3 this Commission with doing.

4 It charged us with producing a report
5 for the President, that addresses three sets of
6 questions.

7 Number one, the report should include
8 an account of the contemporary commentary and
9 debate about the role and operation of the
10 Supreme Court and our constitutional system; and,
11 about the functioning of the constitutional
12 process by which the President nominates, and by
13 and with the advice and consent of the Senate,
14 appoints justices to the Supreme Court.

15 Second, the report should consider the
16 historical background of other periods in the
17 nation's history, from the Supreme Court's role,
18 and the nominations and advice and consent
19 process were subject to critical assessment, and
20 prompted proposals for reform.

21 And, three, the report should provide
22 an analysis of the principle arguments for and

1 against particular proposals to reform the
2 Supreme Court, including an appraisal of their
3 merits and legality, and should be informed by a
4 broad spectrum of ideas.

5 The question now before each
6 Commissioner, is whether we have met this charge,
7 and thus, agree to submit this report to the
8 President.

9 COMMISSIONER ANDRIAS: I move that we
10 vote on that question.

11 CHAIR RODR GUEZ: Dana Fowler will call
12 the roll and record the vote.

13 MS. FOWLER: Commissioners, if you
14 would please turn on your cameras. I will call
15 each of you in alphabetical order. Please unmute
16 when you hear your name, and vote for the
17 submission of the draft report by saying yes, or
18 yay, or against the report submission by saying
19 nay, or no.

20 Your votes are being recorded.

21 MS. FOWLER: Michelle Adams?

22 COMMISSIONER ADAMS: Yes.

1 MS. FOWLER: Kate Andrias?
2 COMMISSIONER ANDRIAS: Yes.
3 MS. FOWLER: Jack Balkin?
4 COMMISSIONER BALKIN: Yes.
5 MS. FOWLER: Bob Bauer?
6 COMMISSIONER BAUER: Yes.
7 MS. FOWLER: William Baude?
8 COMMISSIONER BAUDE: Yes.
9 MS. FOWLER: Elise Boddie?
10 COMMISSIONER BODDIE: Yes.
11 MS. FOWLER: Guy-Uriel Charles?
12 COMMISSIONER CHARLES: Yes.
13 MS. FOWLER: Andrew Manuel Crespo?
14 COMMISSIONER CRESPO: Yes.
15 MS. FOWLER: Walter Dellinger?
16 COMMISSIONER DELLINGER: Yes.
17 MS. FOWLER: Justin Driver?
18 COMMISSIONER DRIVER: Yes.
19 MS. FOWLER: Richard Fallon?
20 COMMISSIONER FALLON: Yes.
21 MS. FOWLER: Caroline Fredrickson?
22 COMMISSIONER FREDRICKSON: Yes.

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

MS. FOWLER: Heather Gerken?

COMMISSIONER GERKEN: Yes.

MS. FOWLER: Nancy Gertner?

COMMISSIONER GERTNER: Yes.

MS. FOWLER: Thomas Griffith?

COMMISSIONER GRIFFITH: Yes.

MS. FOWLER: Tara Leigh Grove?

COMMISSIONER GROVE: Yes.

MS. FOWLER: Bert Huang?

COMMISSIONER HUANG: Yes.

MS. FOWLER: Sherrilyn Ifill?

COMMISSIONER IFILL: Yes.

MS. FOWLER: Olatunde Johnson?

COMMISSIONER JOHNSON: Yes.

MS. FOWLER: Michael Kang?

COMMISSIONER KANG: Yes.

MS. FOWLER: Alison LaCroix?

COMMISSIONER LaCROIX: Yes.

MS. FOWLER: Margaret Lemos?

COMMISSIONER LEMOS: Yes.

MS. FOWLER: David Levi?

COMMISSIONER LEVI: Yes.

1 MS. FOWLER: Trevor Morrison?
2 COMMISSIONER MORRISON: Yes.
3 MS. FOWLER: Richard Pildes?
4 COMMISSIONER PILDES: Yes.
5 MS. FOWLER: Michael Ramsey?
6 COMMISSIONER RAMSEY: Yes.
7 MS. FOWLER: Cristina Rodriguez?
8 CHAIR RODRIGUEZ: Yes.
9 MS. FOWLER: Kermit Roosevelt?
10 COMMISSIONER ROOSEVELT: Yes.
11 MS. FOWLER: Bertrall Ross?
12 COMMISSIONER ROSS: Yes.
13 MS. FOWLER: David Strauss?
14 COMMISSIONER STRAUSS: Yes.
15 MS. FOWLER: Laurence Tribe?
16 COMMISSIONER TRIBE: Yes.
17 MS. FOWLER: Michael Waldman?
18 COMMISSIONER WALDMAN: Yes.
19 MS. FOWLER: Adam White?
20 COMMISSIONER WHITE: Yes.
21 MS. FOWLER: Keith Whittington?
22 COMMISSIONER WHITTINGTON: Yes.

1 MS. FOWLER: Thank you, Commissioners.
2 The vote has been recorded as
3 unanimous.

4 Before I turn the meeting back over to
5 the Chairs, I would like to say a quick thank
6 you.

7 On behalf of the team here at GSA and
8 myself, we would like to express our deepest
9 gratitude to each of the commissioners for the
10 hard work you've done over the last seven months.

11 The team and I have been honored to be
12 along with you on this adventure, surely one of
13 the greatest of our careers.

14 Thank you, congratulations, and best
15 of luck to you all.

16 Now, for the very last time, I would
17 like to turn the meeting back over to our Co-
18 Chairs, Commissioner Bauer, and Commissioner
19 Rodriguez for their closing remarks.

20 (Pause.)

21 CHAIR RODR GUEZ: Bob, are you there?

22 CHAIR BAUER: Last technical glitch,

1 all on me. All on me. And, I have to end the
2 way we began here with technological
3 incompetence.

4 I wanted to close here, Cristina and
5 I agreed I'd speak first and turn it over to her.
6 I wanted to emphasize again what I think we've
7 accomplished.

8 Thirty-four commissioners, widely
9 divergent in their views on a complex and
10 controversial topic, coming together to make a
11 meaningful contribution to an important national
12 debate.

13 And, all of this in seven months.

14 Let me just very briefly run through
15 a few thank yous, which are more than just thank
16 yous. They're just an acknowledgment of what it
17 took to bring us to this point.

18 First of all, I want to express deep
19 appreciation to President Biden, for the honor
20 and opportunity to work on this commission with
21 these exceptional colleagues. Truly honored.

22 Second, I want to thank you, my

1 colleagues. I can only express admiration, I
2 mean, raw admiration for your commitment, deep
3 knowledge, exceptional analytical skills,
4 boundless collegiality, and I'm going to have to
5 add patience. Exceptional patience.

6 Third, I want to recognize the
7 contributions of the GSA team, headed by our
8 Designated Federal Officer Dana Fowler, and
9 Patrick McConnell. The phrase truly above and
10 beyond, captures what they've done here. But
11 barely.

12 Early morning emails, late night
13 emails, just constant attention to the kind of
14 detail that we need to produce a report of this
15 length, and complexity, and depth.

16 To echo Cristina and Commissioner
17 Huang, I want to acknowledge the extraordinary
18 contribution the witnesses and commenters made.
19 We learned so much from what they offered us, and
20 it made the report that much better.

21 And finally, I just have to close by
22 saying I'm just indebted beyond measure, for the

1 opportunity to have worked with my Co-Chair,
2 Cristina Rodriguez, and our rapporteur, Kate
3 Andrias.

4 I can't describe to you the effort
5 they brought to the work, and the skill, the
6 thoroughness, the deep learning, and always good
7 humor, they brought to it.

8 I'm just extraordinarily fortunate to
9 have gotten to work with them over the last seven
10 months.

11 And, I want to stress again what the
12 Commission did was to demonstrate that something
13 is possible in this very polarized time, that
14 some people don't imagine is, but it's urgent and
15 necessary work. And, this Commission has
16 demonstrated that it can be done.

17 So, thank you from the bottom of my
18 heart. And, now I'll turn it over to my Co-
19 Chair, Cristina Rodriguez.

20 CHAIR RODRIGUEZ: Thank you, Co-Chair
21 Bauer.

22 It's been an honor to be on this

1 adventure, as Dana put it, with you and Kate, who
2 I count as now intellectual inspirations, and
3 friends.

4 I want to thank the President for
5 appointing me to this Commission. It was an
6 extraordinary honor at the time, but I don't
7 think I understood the half of what it would
8 entail.

9 And, I want to thank him for
10 assembling this fine collection of people. The
11 work we were asked to do was a challenge of the
12 very best kind.

13 As Bob said, I, and we, are deeply
14 grateful for the work of Dana Fowler, and the
15 staff at GSA. We could not have met our charge
16 and had a unanimous vote of yes, and a report of
17 a quality that we did, without them. It would
18 not have been possible.

19 I'm also extraordinarily grateful for
20 all of the Commissioners' willingness to have
21 very difficult, and sometimes unpleasant,
22 conversations. But to do so face-to-face over

1 Zoom, with good humor and above all, seriousness
2 of purpose.

3 And, to everyone's commitment to
4 making sure that we produced a report that was
5 constructive, and fair, and that everyone could
6 feel good about.

7 It's noted in the report, and
8 Commissioners have emphasized this throughout our
9 time together, that no single person would have
10 written the analysis in the way that the report
11 ultimately presents it.

12 But, I also think it's important to
13 acknowledge that no single individual would have
14 been able to produce the monumental report that
15 we now submit.

16 And, for that, I am proud and look
17 forward to seeing you all again soon.

18 (Pause.)

19 CHAIR RODR GUEZ: Bob, you're muted.
20 I don't know what you're saying, but I'm sure
21 that --

22 (Simultaneous speaking.)

1 CHAIR BAUER: It was profound.

2 CHAIR RODR GUEZ: -- it will send us
3 off --

4 CHAIR BAUER: It was profound but it's
5 now lost to the mists of history.

6 CHAIR RODR GUEZ: -- with enthusiasm.

7 CHAIR BAUER: Lost to the mists of
8 history.

9 If there's no further business, I
10 think before this Commission, then I think that
11 we should adjourn.

12 So, barring any further comments or
13 questions, we are adjourned.

14 Dana Fowler, is there anything else we
15 need to do to bring to a conclusion the
16 proceedings?

17 MS. FOWLER: No, sir.

18 CHAIR BAUER: Thank you all.

19 CHAIR RODR GUEZ: Have a good evening,
20 everyone.

21 (Whereupon, the above-entitled matter
22 went off the record at 4:34 p.m.)

A

ability 48:8
able 15:20 54:4 58:7
 69:14
ably 28:3 32:1
above-entitled 58:16
 70:21
absent 18:6
absolute 26:5
accept 16:14
accepted 28:10
access 20:14 35:1
accommodate 50:10
accomplished 65:7
account 8:11 16:8
 51:13 59:8
achieve 26:5 30:4
achieved 17:18 29:4
achieving 17:2
acknowledge 66:17
 69:13
acknowledgment 65:16
Act 4:19
action 17:5
actions 40:22
actors 15:3
Adam 2:11 38:20 63:19
Adams 1:12 60:21,22
add 52:17 66:5
addition 5:6
additional 6:13 7:14
 23:1
additions 50:15
address 12:2,5 22:2
addressed 7:1 8:18
 15:10 48:18
addresses 18:18 19:22
 21:16 22:15 46:16
 59:5
addressing 16:6
adequately 28:17 45:11
adjourn 70:11
adjourned 70:13
ADJOURNMENT 3:21
adjudicators 29:12
adjust 19:16
administrative 4:13,22
admiration 66:1,2
admit 39:21
adopted 15:10,14 16:7
adoption 20:12
Advancement 1:22
advantages 35:12
adventure 64:12 68:1
advice 59:13,18
advised 23:21
advisory 4:9,17,19
 20:12

advocacy 6:19 22:17
advocate 7:3
Advocating 33:10
affect 18:1
African 33:20
afternoon 4:3 5:14
 44:16
agenda 7:19
aggrandizement 25:5
ago 33:19 54:2
agree 48:9 60:7
agreed 65:5
agreement 45:18
aims 8:21 18:15
Alabama 1:20
Alison 2:2 62:17
alphabetical 60:15
alter 11:8,10
amendment 7:7 15:12
 17:7,18 18:6,12
American 27:3 33:20
 46:4 47:14 48:6
amici 22:21
amicus 23:3
ample 56:20
analysis 8:14 9:22
 13:10 59:22 69:10
analytical 66:3
analyze 22:9 51:18
analyzes 17:11
Andrew 1:16 53:19
 61:13
Andrews 1:19
Andrias 1:13 16:10,11
 21:5 60:9 61:1,2 67:3
announcements 20:17
anti- 37:13
anti-democratic 37:13
Antonin 2:11
apparent 19:14
Appeals 13:3
appearance 19:20
 33:16
appendices 21:6
appendix 21:10,13,16
 22:14,15
appointed 14:15 58:20
appointing 39:16 68:5
appointment 22:20
 28:10
appointments 14:6
 15:19
appoints 59:14
appraisal 51:20 60:2
appreciate 32:4 44:22
 50:5
appreciation 65:19
approach 8:9 19:14

26:17
approached 28:8
approaches 8:20 20:10
approve 24:13 27:12
 28:4
April 6:4 9:10
arbitrariness 19:20
arbitrary 14:7
areas 46:1,18
argue 13:22 14:17 15:1
arguing 42:20
argument 19:7 30:3
arguments 11:19 15:6
 18:8 20:16 28:2 31:22
 39:9,20,22 40:1,2
 45:7 46:4 51:19 55:22
 59:22
arisen 22:3 23:7
articulate 9:20
articulated 13:21
asked 68:11
asking 41:17
aspects 25:19 39:9
 40:20
aspiring 25:22
assembling 68:10
assessment 59:19
Association 1:21
assumed 46:6
assumes 30:3
assuming 33:1
attempt 26:5 42:7 44:6
attempting 50:8
attend 5:1
attended 10:13
attention 49:8 66:13
attorneys 5:8
audio 20:15,20
authored 55:18
authority 11:17 38:15
authorize 17:8
autocracy 37:22
autocrats 26:5
available 4:11 7:17
avoid 19:19
awed 26:14

B

B 1:19
back 10:11 11:4,11
 23:12 43:1 51:11 53:2
 58:14 64:4,17
background 51:17
 59:16
balance 13:6
Balkin 1:14 61:3,4
ball 50:22
ballot 35:2

bar 20:21 22:20,22
barely 66:11
barring 70:12
based 11:16 22:10
basic 8:9 37:5 52:13
battlefield 29:8
Baude 1:14 3:15 49:22
 50:1 53:18,21 61:7,8
Bauer 1:8,11 8:4,5 21:2
 21:4 58:11 61:5,6
 64:18,22 67:21 70:1,4
 70:7,18
bearing 42:21
becoming 38:9
becan 65:2
beginning 34:9
begins 9:5 11:1,9
behalf 57:9 64:7
belief 42:9 58:22
believe 26:20 30:8
 32:11 35:11 47:4
 48:14,22 52:5 55:8,13
 55:21
believed 45:16
benefit 19:16 25:5,6
 40:21
benefits 13:16 17:16
 20:6 34:18
benefitted 6:7
Berkeley 2:9
Bert 1:21 62:9
Bertrall 2:8 63:11
best 40:13 52:2 54:17
 64:14 68:12
better 20:22 66:20
beyond 53:4 66:10,22
bias 19:20 33:20
Biden 6:4 39:15 41:21
 56:7 65:19
Biden's 9:9
bipartisan 22:10
bit 40:19
blessed 25:15
Bob 1:8 8:4 61:5 64:21
 68:13 69:19
Boddie 1:15 61:9,10
body 47:9,11
bottom 67:17
boundless 66:4
branch 25:11
branches 16:22 17:6,14
break 58:4,9
brief 8:8 11:9
briefing 19:7
briefly 22:18 39:14
 45:13 65:14
briefs 23:4
bring 35:13 53:9 65:17

70:15
broaches 15:18
broad 11:17 60:4
broader 39:14
broadly 14:3
brought 67:5,7
business 70:9

C

C-O-N-T-E-N-T-S 3:1
California 2:8
call 3:2 25:10,12 30:6
 60:11,14
called 37:10
calls 55:2
cameras 23:16 58:14
 60:14
campaign 31:13
capacity 16:18
capital 20:1
capture 55:8
captures 30:9 66:10
Cardozo 1:12
careers 64:13
careful 36:7
Carey 2:8
Caroline 1:18 61:21
carried 39:4
cases 19:8,10,17 20:1
 23:2 40:16 41:1,2
cast 27:12 43:9
casting 37:4
causes 45:9
caution 26:17
celebrate 29:2
center 53:13
century 11:11 44:11
certain 39:9,9 40:4
cetera 32:10
Chair 1:11,12 3:4,6 5:13
 8:5,6 11:6 21:2,4
 23:14,18 27:7 30:19
 35:17 38:17 42:1
 44:12 49:12,21 53:17
 56:16 57:17,20 58:1
 58:19 60:11 63:8
 64:21,22 67:19,20
 69:19 70:1,2,4,6,7,18
 70:19
Chairs 54:12 56:14 64:5
 64:18
challenge 16:3 68:11
challenges 33:6
challenging 36:13
chance 57:8
change 33:8,10 34:16
 35:6
changed 32:17

changes 13:14 19:14
 29:5 35:5 50:9
changing 26:8 55:10
chapter 10:9,20 11:2,4
 11:6 12:21 13:17,18
 16:3,17 17:11,20 18:8
 18:15,18 19:4,12,21
 20:5,9,18
chapters 10:1 16:8,13
character 40:10
charge 7:22 21:22
 27:14 31:20,21 36:1
 42:11 51:13 52:16
 58:22 60:6 68:15
charged 9:1 51:13,16
 51:18 59:2,4
charity 30:6,9
Charles 1:15 61:11,12
Chicago 1:14 2:2,9
chime 50:4
cites 16:3
citizens 55:13 56:9
civic 9:14 30:6,9
civil 44:5 48:22
claims 12:17
clear 27:18 30:14 34:2
 39:21 54:6,22
clearly 56:1
cliff 38:3
close 65:4 66:21
closing 64:19
Co- 8:5 21:1 36:1 64:17
 67:18
Co-Chair 8:4 11:4 23:12
 58:11 67:1,20
co-chairs 1:9 24:8
 30:15 31:5 38:22
 44:18 56:21
code 20:7,13
colleagues 38:22 39:17
 41:21 56:15 65:21
 66:1
collection 68:10
collegiality 66:4
color 35:2
Colored 1:22
Columbia 1:21 2:1
combat 38:14
come 6:18 29:15 33:6
 35:9 40:19 46:2 48:9
 58:14
coming 50:22 65:10
commendation 28:6
comment 6:9 7:14
 23:13 49:15
commentary 51:14
 53:1 59:8
commenters 66:18

commenting 45:6
comments 3:7 5:21
 6:17,22 7:2,5,16
 21:14 34:13 45:13
 57:11,12 58:2 70:12
commission 1:1,8 4:6
 4:16 5:16,18 6:3,14
 8:17,19 12:16 21:11
 22:1,6 24:9 27:14
 28:7,12 30:8 31:16
 36:1 39:16 40:19
 41:22 43:11 44:19
 45:16,17,22 47:17
 49:13 52:10 53:5 54:9
 54:21 55:1,18 56:4
 59:3 65:20 67:12,15
 68:5 70:10
Commission's 7:11
 31:6
commissioner 3:8,9,9
 3:10,10,11,11,15,16
 3:17 5:6,11 11:5 16:9
 16:11,12 21:5 24:4,6
 27:8,9,11 29:17 30:20
 30:21 31:1 35:18,19
 35:21 38:18,19,21
 42:2,3,5 44:6,13,14
 44:16 48:14 49:21
 50:1,9 53:18,19,20,20
 56:17,18,19 57:18
 60:6,9,22 61:2,4,6,8
 61:10,12,14,16,18,20
 61:22 62:2,4,6,8,10
 62:12,14,16,18,20,22
 63:2,4,6,10,12,14,16
 63:18,20,22 64:18,18
 66:16
commissioners 5:3,15
 12:17 23:15,21 27:4
 27:19 28:14 30:16
 31:4 34:14 36:2,2
 42:8,15 48:9 49:7
 56:20 57:10 58:5
 60:13 64:1,9 65:8
 69:8
Commissioners' 68:20
commitment 66:2 69:3
committee 3:7,19 4:10
 4:17,19,22 5:1,2
 34:10
common 9:20
communicated 54:6
compatible 43:2
compel 46:8
compelled 52:17
compelling 38:10
complete 46:9 49:18
completed 5:7 23:11

52:15
complex 8:22 65:9
complexity 8:17 66:15
compliance 5:2
composition 9:12 35:5
comprehensive 36:7
comprises 32:9
compromise 29:21
 30:3
concentration 14:8
concerned 32:8 47:11
 47:12,13,14
concerns 20:4 22:2
 55:3
conclude 18:3
concludes 11:16 12:21
 17:20 20:19
conclusion 27:3 29:16
 70:15
conditions 32:16
conduct 20:7,13 58:7
conducts 18:19
confidence 37:5,6
 38:13
confirmation 12:4
 14:22 15:1 16:5 21:17
 21:19
confirms 9:16
conflict 9:14 10:17 58:6
conflicts 5:9
congratulations 64:14
Congress 6:19 11:15
 11:17 17:8 18:9 41:11
 56:12
Congressional 17:4
connection 9:8
cons 31:22
consensus 31:19
consent 59:13,18
consequence 50:13,19
consequences 35:9
consequential 55:9
conservatives 28:12
consider 15:13 22:8
 59:15
considerable 24:21
consideration 12:22
 13:18
considered 4:17 7:1
 28:13 42:21
considers 11:14 15:9
 15:11 16:5
consistency 19:19
Consistent 8:10
constant 66:13
Constitution 29:11 30:2
 30:11
Constitution's 14:19

constitutional 7:7 8:13
10:15,18 11:16 13:9
13:11 15:12 17:7,18
18:6,10,11 36:16
39:19 40:9,11 41:6,9
41:18 55:12 59:10,11
constraints 16:1
constrict 35:1
constructive 8:22
50:15,18 69:5
contain 21:6
contains 21:12 45:6
46:13 47:2
contemporary 8:12
19:2 21:20 51:14 59:8
contentious 45:19
50:20
contested 37:12
context 10:21
contexts 20:11
continuation 20:19
continue 33:2
continued 48:17
continuing 19:16
contrary 42:9
contrast 16:16
contribution 53:13
65:11 66:18
contributions 66:7
controlled 26:13
controversial 9:1 36:12
36:14 65:10
controversies 19:13
controversy 9:13
convened 55:1
conversation 31:15
50:15
conversations 68:22
convinced 34:16
corrupting 37:16
corruptly 37:21
costs 17:16 34:18
35:10
counsel 22:21
count 37:2 68:2
counteract 41:14
counterbalanced 33:7
35:12
country 47:15 48:21
course 8:18 21:10 23:8
court 1:1 4:6 7:3,4,6,12
8:13,15 10:11,14 11:8
11:10,15,22 12:1,8,9
12:14 13:1,4,5,7,19
14:1,2,7 15:4 16:18
17:9,13 18:1,1,6,19
18:22 19:15 20:1,8,22
22:17,19,22 24:17,18

26:20 27:21,22 28:22
29:3,8 31:9 32:7,10
32:12,15,19,21 34:5
34:11,15 35:2,5,7
36:8,15,20,22 37:18
38:3,11 39:11,11 40:3
40:5,6,12,13,14,20
41:16,18 43:1 45:9,20
46:16,18,21 47:7
51:19 54:7,19 55:2,4
55:14 56:1 59:10,14
60:2
Court's 9:12 10:3,6
11:18 12:6,10 14:3,10
14:21 16:15 18:4 19:1
19:3,5,14 20:15 23:1
23:3 37:5,11,14 38:7
40:2,9 47:6 59:17
courtesy 27:5
courts 13:3 17:5,10,13
26:9,12 33:11 41:12
47:13
courts¹ 40:21
create 20:6 46:11
created 28:5 46:11
Crespo 1:16 3:16 53:19
53:20 56:17 61:13,14
criminal 22:21
Cristina 1:8,12 63:7
65:4 66:16 67:2,19
critical 31:8,14 50:3
59:19
critically 48:19
criticism 32:9
criticizing 32:12,15
cultural 16:21
curbing 16:18
current 28:1,21 55:3
currently 13:15

D

D 2:6
Dana 2:13 4:8 60:11
66:8 68:1,14 70:14
dangerous 12:12
dangerously 30:7
dark 37:16
date 7:16
dating 10:11 11:10
David 2:4,9 24:4 29:17
62:21 63:13
day 7:19
day-to-day 4:21
days 6:11
Deal 11:12
debate 8:12 9:6,13
10:13,22 11:20,21
18:15 21:8,20 23:7
28:8 51:14 53:14
54:18 55:9 59:9 65:12
debates 9:21 10:16
13:1,21 19:3 44:2
51:1
decades 33:19
December 1:6 7:15
decide 56:12
decided 45:15
decides 40:15,15
deciding 40:16
decision 9:10 10:6
14:10,11 18:1 25:10
46:19 56:11
decisional 25:10,19
decisions 17:9 18:20
23:2 32:22 37:14,17
dedication 24:10
deep 55:3,9 65:18 66:2
67:6
deepest 64:8
deeply 47:11,12,13,14
68:13
defective 37:20
defense 22:21
deference 17:6
degree 24:22
deliberate 39:18
deliberated 54:14
deliberating 54:10
deliberation 30:4,15
57:14
deliberations 36:18
37:11 53:22
deliberative 5:22 6:1
deliver 40:4
Dellinger 1:16 3:11
42:4,5 44:13 48:15
61:15,16
demand 30:17 40:4
41:19
demanding 30:16
demands 30:11 41:16
democracies 25:22
democracy 12:7 25:15
29:1 35:9,14 37:21
47:14 48:7
democratic 10:5 30:1
demonstrate 48:8
67:12
demonstrated 67:16
demonstrates 49:5
deny 35:1
depends 17:21 25:8
depressingly 37:11
depth 66:15
describe 51:16 67:4
described 24:17 57:15

deserves 28:6 38:12
design 15:9
designated 2:13 4:9,20
57:3 66:8
designed 17:15 25:3
despite 33:3
destabilize 15:4
destroying 26:6
detail 15:7 66:14
details 17:22
developments 9:7 12:5
devices 28:20
Diego 2:6
differed 42:18 43:6
differences 50:11
different 8:20 15:15
39:6 40:7 42:15 44:8
51:3
difficult 68:21
difficulties 20:10
diminish 12:10
direction 37:14
directions 22:7
directly 18:4 46:16,21
disagree 46:8 48:10
disagreement 27:18
disagreements 39:8
42:8,10 45:7 50:10
disappointed 31:17
disciplinary 20:7
disclosure 5:7
discourse 55:6
discretionary 40:22
41:2 46:19
discuss 7:20 21:2
23:16
discussed 10:20 16:13
16:16 24:16 27:17
discusses 26:3
discussing 5:17
discussion 3:13 10:10
18:21 23:11 24:3 31:8
48:17 49:15
dispassionate 31:11
disrespect 33:11 47:6,7
divergent 65:9
diverse 31:16
diversification 22:20
diversity 22:19
divide 13:4
DNA 30:6
doctrine 15:4
document 31:19 34:9
46:11,13 48:1,15
doing 50:18 52:18
57:14 59:3
doubtful 36:20
dozens 55:20

draft 3:6 4:10 5:17,20
7:2,20 54:5,11 60:17
drafting 15:11
drafts 54:1 56:5
drawbacks 20:6
Driver 1:17 61:17,18
dubious 37:7
dueling 31:12
Duke 1:15,16 2:3,4
dynamic 30:11

E

E 1:15 2:12
earlier 53:21 54:1
early 56:5 66:12
easy 47:22 48:21
ebb 35:4
echo 66:16
effectively 35:7 42:22
effects 37:16 45:9
efficacy 17:21
effort 28:6 31:5 46:3
67:4
efforts 10:10 11:10,12
11:15 32:18 35:3
egalitarian 37:14
eight 43:1
either 55:10
elaborate 29:18
elected 17:14 55:12
elections 14:5 35:6
elements 47:2
eliminating 14:18
Elise 1:15 61:9
emails 66:12,13
emergency 19:6,13,22
emphases 8:20
emphasize 6:6 12:2,8
65:6
emphasized 69:8
emphasizes 9:11
employees 5:6
employment 16:2
enable 20:20
enabling 35:3
ended 36:20
endorse 22:9
enemy 34:20
enforcement 18:11
engage 18:9 47:19
engaged 10:13 49:1
engagement 7:9
engages 13:10
engendered 42:19
enhance 14:10
enhancing 10:3
enormously 6:8 7:8
57:16

ensure 5:1 13:6 14:3
ensuring 14:10
entail 68:8
enthusiasm 43:9 70:6
entire 37:19
era 11:13 41:5
especially 22:4 34:10
44:18 45:19 50:8
essence 30:9
EST 1:8
establish 12:11 15:12
established 21:12
et 32:10
ethics 5:5,8 20:5
evaluate 22:1
evaluation 21:20
evening 70:19
everybody 5:14 23:19
57:4
everyone's 69:3
evolved 34:9
examination 47:5
examines 11:7 17:1,15
examining 9:2
example 27:20 42:18
exceptional 65:21 66:3
66:5
excerpted 23:5
excerpts 22:12,13
execution 20:3
executive 6:5 8:10 9:10
21:11 26:13 27:15
59:2
exercise 46:3
existence 54:21
expand 11:7,15,22
expanding 7:3 27:20
36:21 38:13 39:11
expansion 12:1,2,8,9
24:18 26:21 34:11
35:10 36:15,20 45:20
46:17,17
expected 30:15
expecting 40:3
expending 54:7
experience 20:11 43:7
49:4
expert 6:8 44:2
experts 6:13,20
explaining 9:6
explains 18:19
explanatory 19:9,16
explicated 44:7,9
explication 44:5
explications 44:10
explicit 32:9
exploration 42:16
explores 20:9

explosive 52:9
express 49:17 64:8
65:18 66:1
expressed 14:19 39:6
53:21
extended 14:9
extensive 10:10 15:7
extent 17:11
extraordinarily 67:8
68:19
extraordinary 28:6 36:3
66:17 68:6

F

F 2:4
FACA 4:19 5:2,4
face-to-face 68:22
facilitating 54:13
fact 14:18 17:12 29:9
39:5 46:12
facts 23:3
fair 8:21 25:16,17 35:1
36:17 69:5
fairly 28:12 55:10 56:1
fairness 33:16
faith 47:10
Fallon 1:17 61:19,20
far 32:14 33:1 39:1
40:18 58:13
favor 36:21 39:2 54:4
fear 50:16
federal 2:13 4:9,17,18
4:20 13:14 20:2 29:13
29:18 32:3 40:17 57:3
66:8
Federalist 26:15
feel 48:1 52:17 69:6
fellow 27:4 28:14 30:16
34:13 36:2 56:8
felt 46:10
fence 51:4
figure 52:13
filing 29:20
filled 55:5
final 4:5,10 5:16 7:20
20:2 23:16
finally 66:21
financial 5:7
find 18:7 52:20
fine 68:10
firmly 55:14
first 19:5 21:9 37:7 41:3
44:17 54:14 65:5,18
five 16:9 18:18 19:4
47:18
fixing 7:6
floor 49:14 58:11
flow 35:4 41:9

flows 40:10
focus 4:11 40:13
focused 18:22
focuses 19:4
folding 55:19
follow 20:22
following 9:4 10:8
force 12:13
forces 30:2
foremost 41:4
forget 58:14
form 22:13 48:16
formed 6:4
former 22:10 29:18
forth 28:3 45:10
fortunate 67:8
forward 20:3 36:16
50:22 56:12 69:17
found 28:13
founding 10:12
four 16:8,17 17:1 43:12
43:12
Fowler 2:13 3:2 4:3,8
5:14 60:11,13,21 61:1
61:3,5,7,9,11,13,15
61:17,19,21 62:1,3,5
62:7,9,11,13,15,17,19
62:21 63:1,3,5,7,9,11
63:13,15,17,19,21
64:1 66:8 68:14 70:14
70:17
framework 20:7
Fredrickson 1:18 61:21
61:22
free 49:18
freedom 25:2
frequently 9:21
friends 68:3
front 53:12
full 21:10
fuller 53:10
fully 55:9
functioning 59:11
functions 13:15
fundamental 18:5
39:18 51:2
further 14:21 18:15
70:9,12
future 12:13 33:2

G

general 3:13 6:21 21:7
41:19 49:14
generally 41:19
genesis 9:6
George 2:11
Georgetown 1:18
Gerken 1:18 62:1,2

germane 6:17
gerrymandering 37:15
Gertner 1:19 3:9 30:22
 31:1 35:18 42:14 62:3
 62:4
getting 50:6
given 8:16 16:15 37:6
 52:2
giving 36:1 39:16
glitch 64:22
gloss 42:7
goal 16:19 17:2
gotten 67:9
govern 37:22
governed 4:18
government 5:5 7:13
 10:5,19 17:4,14 25:12
 37:19
gracefully 44:20
graciousness 24:11
grants 41:2
grateful 7:8 39:15,15
 41:20 50:14 54:8
 57:16 68:14,19
gratified 47:21
gratifying 49:3
gratitude 56:3 64:9
greater 17:6
greatest 41:8 53:13
 64:13
Griffith 1:19 3:9 27:10
 27:11 30:20 32:3
 42:13 44:7 50:9 62:5
 62:6
grips 51:1
ground 13:9
group 52:12
Grove 1:20 62:7,8
GSA 57:4 64:7 66:7
 68:15
guaranteeing 14:13
guardrail 38:2
guess 50:2
GUEZ 1:12 5:13 11:6
 23:14,18 35:17 38:17
 42:1 44:12 49:12
 53:17 56:16 57:17,20
 58:1,19 60:11 64:21
 69:19 70:2,6,19
Guy-Uriel 1:15 61:11

H

H 1:17 2:3,5,10
half 68:7
Hamilton 26:14
hammering 38:6
hand 49:19
handful 28:11

handmaiden 38:5
hands 56:11,12 58:2
happened 32:19
happens 41:4
hard 45:1 46:6 56:4
 64:10
harder 50:21
Harvard 1:16,17,19
 2:10
hate 52:18
headed 66:7
heading 22:19
health 48:6
healthy 42:10,16
hear 27:9 30:21 35:19
 38:19 42:3 44:14
 60:16
heard 6:11 42:13 45:5
 45:12
hearing 34:12,13
hearings 6:11 23:9
heart 67:18
Heather 1:18 62:1
heighten 15:2
held 6:10 12:19 43:15
 47:9
help 14:2 18:15
helping 57:5
Hi 56:19
highest 26:9 55:5
highlights 10:12 18:8
highly 6:14 9:1
Historians 30:5
historical 51:16 59:16
history 10:10,21 11:9
 11:17 36:8 42:19 43:5
 45:8 59:17 70:5,8
honor 65:19 67:22 68:6
honored 64:11 65:21
hope 7:10 27:2 29:14
 41:13 44:4,9 49:6
 53:2 56:22 57:8
hopeful 37:20
hour 58:20
hovering 37:10
Huang 1:21 3:17 56:18
 56:19 57:18 62:9,10
 66:17
humor 67:7 69:1
Hunton 1:19

I

idea 45:21
ideas 9:20 29:19 60:4
identify 5:8
identifying 9:7 34:5
ideological 13:6
Ifill 1:21 3:11 44:15,16

49:13 62:11,12
ignoring 32:15
illusion 33:14
imagine 67:14
impact 19:11 21:18
impartial 25:16,18
 29:11
impasses 16:4
implement 36:13
implementation 15:17
implicated 13:11
implicit 32:9
importance 10:2 19:10
 31:6 32:6 39:19
important 19:17 28:8
 41:5 42:11 43:8 46:10
 47:3 48:3,5,6,11,19
 65:11 69:12
importantly 37:18
imposed 16:1
imposing 7:4
improperly 32:18
improving 36:22
impulses 29:14
impunity 33:14
inception 6:16
include 15:18 53:9 59:7
included 22:11 23:3
 41:17
includes 22:18
including 9:7 11:11
 13:2 17:22 45:7 46:19
 51:20 55:11 57:2,3
 60:2
incompetence 65:3
incorporates 5:21
increases 25:1
incredible 31:5
incredibly 44:21
indebted 66:22
independence 10:4
 12:11 14:13,20 24:22
 25:2,4,11,13,19 26:6
 26:19,22 32:5,13 33:6
 33:13 35:13
independent 25:9,9,11
 25:22
indicated 54:3
indispensable 29:22
individual 8:18 69:13
individuals 6:9 24:2
inevitable 55:19
influenced 26:14
inform 18:15
information 21:7,12
 22:17 46:13,15
informative 44:1
informed 60:3

ingredient 29:22
initial 54:5,11
insight 19:18
inspirations 68:2
instance 7:2
institution 33:5,8
institutional 25:12,20
 41:6
institutions 41:18
integrity 48:10
intellectual 68:2
intend 39:2
intense 54:10
intensely 9:17
intensified 22:4
intensive 54:13
interest 5:9 7:9 21:8
 22:12 23:6
interested 7:12 20:21
internal 19:1
interpret 45:8
interpretation 18:10
interrelated 9:20
intimidate 12:14
intrigued 45:21
introduction 3:4 9:5,11
 9:19 10:9 11:2
invalidate 16:19
invalidation 17:4
invite 23:15
invoke 43:18
invoked 9:21
involve 19:10
involved 10:16
issue 9:10 12:20 16:6
 33:22 34:2 38:8 41:13
 42:17 45:19 46:16
issued 19:6 55:2
issues 8:17 9:1 13:11
 16:21 19:1,5,10,22
 20:4 22:3 28:8 39:10
 39:18 41:4 44:5,10
 45:18 47:5 48:17

J

Jack 1:14 61:3
Johnson 2:1 62:13,14
join 45:15 47:17
joined 57:13
joint 29:19
JR 1:17
judge 25:5 32:3 33:18
 33:22 42:13,14,14
judges 29:18 32:3
judicial 10:4 14:13,20
 20:5 24:22 25:2,4,18
 26:6,10,19,22 32:5
 33:6,13,14 35:13

40:10
judiciaries 26:2
judiciary 13:14 25:6,9
 25:16,18 26:1 29:14
 40:17
juicy 52:9
jurisdiction 17:2 28:1
jurisprudence 9:12
 12:6
jury 33:21
justice 14:9 37:9 47:15
justices 7:4,6 9:16
 13:19 15:3 27:22 29:9
 37:8 59:14
justices' 14:1 15:19
 16:2,18
Justin 1:17 61:17

K

Kang 2:1 62:15,16
Kate 1:13 16:10 61:1
 67:2 68:1
keep 51:11
Keith 2:12 63:21
Kermit 2:7 63:9
knew 43:14
knowledge 66:3
Kurth 1:19

L

L 2:2
lack 41:9
lacks 25:18
LaCROIX 2:2 62:17,18
larger 24:2 38:7
Larry 35:20
lastly 48:20
late 66:12
Laurence 2:10 63:15
law 1:11,12,12,14,14,15
 1:17,17,18,18,19,20
 2:1,2,2,3,4,5,6,7,8,9
 2:11,12 25:8,16 26:2
 26:7 27:1 29:4 33:12
 33:21 47:7,12 48:5
lawmakers 10:12
lawyer 33:20,22 48:22
lawyers 45:22
laying 15:15
lays 8:9 15:5
leader 43:3
leaders 55:12 56:9
leading 8:14
leaning 36:19
learned 66:19
learning 67:6
left 28:20
legal 36:16

legality 11:14 36:9
 51:21 60:3
legislation 16:19 17:8
 17:19
legislative 56:9
legitimacy 10:3 12:11
 14:21 32:6,13 33:5,12
 34:7 37:5 38:7,8 40:2
 47:12
Leigh 1:20 62:7
Lemos 2:3 62:19,20
length 66:15
lengths 28:16
levels 55:5
Levi 2:4 3:8 24:5,6 27:8
 29:17 32:3 42:14
 62:21,22
life 9:14 14:18 15:21
 37:19
lifetime 14:15
light 22:4
likelihood 25:1
limit 14:1
limiting 27:21
limits 7:4 13:19,22
 14:17 15:6,8,10,13
 16:6 24:18 26:21
 36:12,19,21 39:12
listening 34:14
literally 33:22
litigation 22:22
little 40:19
live 4:15 41:5 52:10
 54:17 55:9
long 9:12 13:21 14:14
 15:18 33:21 34:7
 56:22
longer 37:6 38:12 43:20
look 25:22 53:2 69:16
looks 17:17
lose 25:2 29:9
lost 70:5,7
lot 50:3,12 53:3
lots 53:8
loud 34:1
lower 17:13 18:1 40:20
luck 64:15

M

M 1:14
maintaining 14:13
major 16:20
majority 17:3 43:3
makers 14:11
making 10:7 14:10 18:2
 25:10 26:9 30:14 34:2
 36:3 41:16 46:19 69:4
manage 4:21

managing 19:15
mandate 39:4
manipulate 32:18
manipulation 33:17
manner 44:6
Manuel 1:16 61:13
Margaret 2:3 62:19
Mason 2:11
Massachusetts 33:19
material 21:2
matter 6:20 36:16 58:16
 70:21
matters 23:22 37:12,15
 46:20 48:11
McConnell 66:9
mean 33:14 43:18 51:1
 66:2
meaningful 33:8 55:15
 65:11
means 26:12 35:4
measure 66:22
mechanisms 17:1
media 20:20
meeting 1:3 3:21 4:5,11
 4:14 5:11,16,22 6:1
 23:13 30:17 51:5 55:7
 64:4,17
meetings 5:1 21:13
 23:20 50:4
meets 7:22
member 47:9,10 54:9
members 3:7,19 6:18
 6:21 8:18 20:21 24:9
 43:16 57:10
membership 14:3
 32:19
merits 15:8 18:14 19:8
 51:21 60:3
message 52:6
met 1:8 27:14 51:12
 54:2 58:22 60:6 68:15
Michael 2:1,6,10 62:15
 63:5,17
Michelle 1:12 60:21
Michigan 1:13
minuses 36:10
minute 57:21
misgivings 53:22
misses 38:7
mists 70:5,7
model 26:1
modeled 28:7
modify 11:18
moment 28:9 29:7
 34:21 48:4,21 58:3
money 37:16
months 7:10 31:10
 43:12 64:10 65:13

67:10
monumental 69:14
morning 66:12
Morrison 2:4 63:1,2
motion 27:13 28:4
 58:10
move 60:9
moves 13:17
moving 50:22
muted 69:19

N

name 4:8 30:5 60:16
Nancy 1:19 30:22 62:3
narrow 24:12
narrower 36:22
nation 25:6
nation's 9:14 38:12
 59:17
national 1:21 19:10
 30:6 65:11
nature 8:16 40:9,11
nay 60:19
near 20:19
necessarily 39:7
necessary 12:2 34:17
 49:6 67:15
need 38:10 46:12 55:15
 66:14 70:15
needed 28:9
needs 10:19 33:9 40:6
neutrality 33:15
never 33:14 36:6 47:8
new 1:11 2:4,5,10 9:17
 11:12
night 36:5 66:12
nine 7:6 43:2
nominate 9:16
nominates 59:12
nomination 42:20
nominations 9:9 59:18
non- 13:18
non-court 46:17
norms 12:3
Northwestern 2:1
note 9:17 12:15 21:18
noted 12:18 69:7
notes 13:8,12 19:15
 20:10
notwithstanding 39:5
November 5:22
number 37:2 59:7

O

Obama 42:21
obligations 5:5
obviously 32:22
occurred 12:3 47:8

54:14
October 6:2 55:7
offer 13:15
offered 10:21 66:19
office 26:10
officer 4:9,21 57:4 66:8
Official 2:13
officials 6:19
Ofentimes 40:1
Olatunde 2:1 62:13
oligarchy 38:1
one-way 37:20
ones 18:5 22:8
op-eds 31:12
open 24:2 49:14
opening 5:12 23:13
operates 5:2
operation 59:9
operations 4:22 19:3 37:1
opinion 19:9 20:16 50:11
opinions 31:15
opponents 12:8 14:17
opportunity 24:19 39:17 41:21 56:21 65:20 67:1
oppose 27:1
opposed 20:20
opposing 12:18
opposite 29:2 34:4
oral 19:7 20:16
order 3:2 6:5 8:10 9:10 19:17 21:11 27:15 58:6 59:2 60:15
orders 19:6,6,13,22
organizations 6:9,20
origins 21:19
ought 40:12
outcomes 14:4 40:4
outline 31:21
outside 21:22
outweigh 34:18
overpowered 26:14
override 17:9
overview 3:6 8:2 11:4 23:12

P

P-R-O-C-E-E-D-I-N-G-S
4:1
p.m 1:8 4:2 58:17,18 70:22
packed 35:7,8
packing 12:9 24:17 26:20 39:11
panels 13:5
part 19:2 26:8 29:11

42:11 48:12 51:1
participants 31:15
participate 47:4
participation 34:10
particular 10:1 21:21 51:21 60:1
particularly 9:8 24:16 47:18
partisan 9:18 10:17 15:3 29:8,14 33:17
partisanship 22:5
parts 50:12,20
party 34:22 35:8 43:16
path 56:12
patience 66:5,5
Patrick 66:9
pause 23:17 48:3 49:20 57:19,22 64:20 69:18
pay 49:8
Pennsylvania 2:7
people 1:22 6:15 7:12 10:20 14:15 25:7 27:3 35:2 46:5 52:7,11,12 52:19,19 53:2,3,4,14 67:14 68:10
perceived 46:21
perception 15:2
perfect 34:19 40:18
perfectly 29:10
perilous 34:21
periods 14:9 59:16
person 56:22 69:9
perspective 32:2
perspectives 5:21
philosophical 10:17
phrase 66:9
picture 53:11
pieces 8:3
Pildes 2:5 63:3,4
placing 14:1
plan 43:22 44:3
platform 48:16,16
played 29:10
plays 10:14
please 58:13,13 60:14 60:15
pleased 47:21
pleasurable 44:22
pleasure 4:4 5:10
pluses 36:9
point 9:2 23:10,14 39:14 50:7 54:3 56:5 56:13 58:12 65:17
points 53:21
polarization 22:4
polarized 28:9 67:13
political 12:13 15:3 16:21,22 17:6 30:11

31:12 43:14,15 46:1
politicize 14:21
politics 37:10
portion 23:13
pose 26:21
position 12:16 14:16 15:8 18:13 54:6
positive 20:13 49:2
possible 19:19 25:14 25:17 36:4 47:18,22 47:22 49:1,4 56:5 67:13 68:18
post-tenure 16:2
posted 6:13
potential 5:9 15:15 16:4 17:16 20:5,9 26:18 56:1
power 10:18 14:8 16:15 16:17,20 17:13 18:5 26:5 43:14,15,17
powerfully 56:2
practical 13:16 19:11
practice 46:1,18
practices 19:2,17 45:10 47:6
precedent 12:12
precisely 55:17
predictable 14:7 37:11
preface 8:8 9:3,4 10:8 11:2
premise 28:21 40:3,7
premises 39:21
present 1:10 46:3
presented 16:4 19:22
presents 11:19 55:22 69:11
preserving 29:4
presidency 41:10
president 5:19 6:4 8:1 9:9 11:12 15:20 24:14 27:2,13 30:13 35:22 37:4 39:3,15 41:20 42:12,21 43:3 44:18 46:4 51:7,9 52:15 56:7 58:21 59:5,12 60:8 65:19 68:4
Presidential 1:1 4:5
presidents 9:15
presiding 1:9
pressure 12:13
prestiges 32:10
pretend 32:16 40:17
previous 6:1
pride 46:8
primary 16:19
Princeton 2:12
principal 51:19
principle 59:22

prior 23:20
Pritzker 2:1
problem 34:3 41:14
problems 31:9 32:16 33:3 34:5
procedural 19:19
procedures 19:1
proceed 9:4
proceedings 20:15 70:16
proceeds 9:19 15:13
process 12:4 14:22 16:5 21:17,19 22:2 28:5 44:20,21 47:20 48:10,13 49:1,1,8,9 53:1 57:14 59:12,19
processes 9:15
produce 49:2 66:14 69:14
produced 48:1 69:4
producing 59:4
productive 36:17
profession 48:4,5
Professor 42:14
profound 39:8 70:1,4
project 46:9
promised 52:19
prompted 59:20
Proponents 13:22
proposal 13:20 26:18
proposals 7:1 8:14 10:1 11:7,22 13:2,5,9,12 13:13 15:16 16:12,16 16:20 17:7,16,21 18:14 21:21 22:1 24:16,21 27:1,17,19 28:2 49:10 51:22 59:20 60:1
proposed 13:1 14:14 29:5
pros 31:22
protect 25:3
protecting 10:2
protection 14:19
proud 36:6 47:1 48:2,12 69:16
provide 8:21 13:2 19:17 23:6 51:13 59:21
provided 22:17
provides 8:11
providing 8:7
public 1:3 6:8,18,19,21 7:14,17 8:12 9:13 10:13 11:20,21 13:21 18:21 20:14,21 21:13 21:14 22:12 23:6,7,9 34:12 46:22 50:4 55:6 57:11

public's 7:9
purport 22:9
purpose 69:2
pursuant 21:11
pursuing 18:17
push 46:7
put 24:19 26:14 37:18
 45:1 53:12 58:11 68:1

Q

quality 68:17
question 24:12 51:12
 60:5,10
questions 12:19 15:9
 15:17 18:5 59:6 70:13
quick 64:5
quo 7:5

R

racial 33:20
raise 49:18
raised 5:21 33:20 43:1
 58:2
Ramsey 2:6 63:5,6
ranging 6:22
rapporteur 1:13 54:12
 56:22 67:2
raw 66:2
reach 27:3
reached 55:5 58:19
read 6:15 42:6 43:6
 53:14 54:6
reading 34:13
real 20:17 32:15 35:12
 40:5
reality 33:15,16
realization 43:10
reason 24:20 32:14
 52:4
reasoned 30:4
reasoning 19:18
reasons 24:20 39:6
 51:10 52:15
receive 19:8 22:6
received 5:3 6:17 7:16
 21:14,15 22:16 23:8
 52:22 53:7
recognize 53:4 66:6
recognizing 56:10
recommend 6:14
recommendations
 31:18 49:10
record 21:9 58:17 60:12
 70:22
recorded 4:14 60:20
 64:2
recounted 39:10
recusal 46:20

reduce 14:8 16:17
 17:12 18:4
reduced 42:22
reduces 24:22
reducing 26:18
reflect 45:12 47:6
reflected 28:17 32:22
 34:8
reflecting 42:15
reflects 5:20 6:10
reform 7:1 8:14 9:6,21
 10:11,16 13:1,12,20
 18:22 21:21 22:2,7
 36:8 40:6,21 51:20,21
 55:2,15 59:20 60:1
reforming 54:18
reforms 12:22 17:12
 18:3,16 20:6 36:9,12
 40:12 41:6,14 43:18
 56:1
refusal 20:8
regard 12:6
regarding 5:4 18:9
 55:22
regretfully 55:13
Regrettably 26:3
regular 14:11,12
regulations.gov 7:15
 7:18
reinforce 19:18
reiterate 31:4,6
reject 28:21
related 19:13 46:21
relation 17:14
relationship 10:6
released 36:5
relevant 42:22
relief 41:2
remain 35:8
remaining 21:2
remarkable 29:3 57:2
remarks 5:12 58:12
 64:19
reminded 33:18
reminders 4:14
reminding 59:1
renewable 13:19
repairing 34:7
report 3:6 4:10 5:7,18
 5:20 6:10 7:2,11,20
 7:22 8:1,3,9,11,19,21
 9:5,22 11:1,7,19
 12:15 13:8,17 15:5,18
 16:9 17:1 21:3,6,17
 23:16,22 24:13,16
 26:3 27:13,17,17 28:3
 28:5,18,19 29:15
 30:10 31:18 32:1

35:15 36:5 37:3 39:2
 39:10 42:7 43:10,11
 45:3,3,11 46:14 47:1
 48:18 49:10,16 50:6
 50:12,17,21 51:7,9
 52:5,8,20 53:5,10
 54:1,4 55:17,22 56:6
 58:2,21 59:4,7,15,21
 60:7,17,18 66:14,20
 68:16 69:4,7,10,14
report's 44:4,9
reporter 24:9
represents 28:22 30:10
reproduces 21:10
republic 30:1
require 13:13 17:5,17
requirements 4:18 5:4
 17:3
requires 34:22
requiring 15:1
resembling 54:5
resolve 16:20
resource 7:11
resources 22:21 23:1
respect 34:11 38:6
 48:11
respectful 28:14 30:3
response 34:22 55:3
responsive 14:4
rest 13:9
restraint 41:10
restructuring 54:18
result 45:17
results 49:9
resumed 58:17
retaining 7:5
review 7:20 20:8 23:2
 47:5
reviewed 5:8 44:2
reviewing 49:7
reviews 19:12 20:5
revising 54:11
revision 54:13
rewrite 56:4
Richard 1:17 2:5 61:19
 63:3
rightly 37:9
rights 37:15 48:22
rise 9:9
risk 38:15
risks 32:12 33:4
ROBERT 1:11
robust 18:10
RODR 1:12 5:13 11:6
 23:14,18 35:17 38:17
 42:1 44:12 49:12
 53:17 56:16 57:17,20
 58:1,19 60:11 64:21

69:19 70:2,6,19
Rodriguez 1:9 3:4,6
 5:11 8:6 11:5 16:13
 23:12 27:7 30:19
 49:21 63:7,8 64:19
 67:2,19,20
role 4:20 7:13 8:12 10:3
 10:14 19:3 29:6 40:10
 59:9,17
roll 60:12
Roosevelt 2:7 43:7,16
 44:3 63:9,10
Roosevelt's 11:12
 43:22
Ross 2:8 63:11,12
rotation 13:3 14:11,12
roughly 15:1
rounds 19:7
rule 25:8,15 26:2,6 27:1
 29:4 33:12 47:7,11
 48:5
rules 17:5
run 65:14
Rutgers 1:15

S

S 2:1
sacrifice 29:13
sadly 38:4
sake 29:21
salaries 14:15
San 2:6
sat 33:19
saying 60:17,18 66:22
 69:20
Scalia 2:12
scenes 57:3
scholarly 46:3 48:16
scholars 55:12
school 1:11,12,12,14
 1:14,15,17,17,18,19
 1:20 2:1,1,3,3,4,4,5,7
 2:8,9,10,12 57:9
scope 16:14
seats 55:4
second 20:4 37:9 59:15
 65:22
secure 26:11
seeing 58:1 69:17
seek 13:6
seeks 34:22
seen 41:10,11 51:2
selection 14:22 33:21
self- 41:9
self-government 39:19
self-reform 41:4,7,15
self-restraint 41:15
Senate 9:16 22:1,8

43:17,22 59:13
Senate's 16:4
Senators 22:10
send 52:6 70:2
senior 22:11
sense 30:10
sent 57:12
serious 33:3 35:9 53:22
 54:18
seriousness 69:1
serve 10:19 41:22
serving 38:2 40:18
set 20:4 22:7 28:3 55:8
sets 15:5 19:5 59:5
setting 31:11
seven 7:10 54:2 64:10
 65:13 67:9
shake 38:14
share 56:8
shared 54:16
Sherrilyn 1:21 44:15
 62:11
shift 16:20
short 30:7 33:5 35:11
 55:10
shorter 26:10
show 17:5
side 55:10
sides 12:20
sight 29:9
sign 36:17
signal 38:11
significance 21:18 32:5
significant 13:13 26:21
significantly 12:10
signifies 49:9
silence 57:21
similar 15:14
simultaneous 20:20
 69:22
single 14:9 69:9,13
sir 70:17
sitting 14:2
situation 33:11
sixth 4:5
size 7:3 8:16 11:10,18
 11:22 26:9 27:21
sizes 13:5
skeptical 28:10
skepticism 26:17
skill 67:5
skills 66:3
slightly 39:14
small 28:11
smooth 44:22
social 16:21 18:5
somebody 50:2
soon 34:17 69:17

sorely 33:8
sort 52:12
Sotomayor 37:9
souder 13:9
sources 22:16
speak 23:22 39:13
 54:15 57:9 65:5
speaking 55:21 57:8
 69:22
speaks 45:3
special 5:5
specifically 19:21
spectrum 46:2 47:19
 60:4
spells 38:10
spend 45:14
spoken 39:1
ssh 34:1
staff 22:11 36:3 44:19
 57:2 68:15
stalled 35:6
standing 13:21
start 8:3
started 36:19
state 18:1 20:2
statement 29:19 42:20
statements 6:15 53:7
States 1:1 4:7
status 7:5
statute 15:14
statutory 15:15
stench 37:10
step 20:13
stock 45:14
straight 36:15
strand 30:5
Strauss 2:9 63:13,14
streamed 4:15
streaming 20:16
strength 12:17
stress 67:11
stripping 17:2 27:22
stronger 50:13
strongly 12:19
structural 12:22 18:22
structure 11:8,16
struggle 10:17
study 29:15 36:7 39:18
 40:5 53:3
studying 39:20
subject 6:20 59:19
subjects 9:13
submission 24:13
 60:17,18
submit 5:19 8:1 37:3
 51:6,8 52:5 53:15
 56:6 58:21 60:7 69:15
submitted 7:15 43:22

57:11
submitting 27:13 39:2
substantially 54:11
substantive 10:18
succeed 30:12
success 29:3,22
successful 25:15 50:17
suggestions 50:3
suggests 20:12
summary 8:8
summer 6:10
super 17:3
supply 30:7
support 7:5 22:22 23:1
 24:15 27:16
supported 44:19
supporters 12:1
Supreme 1:1 4:6 7:4,12
 8:13 10:6,11 11:8
 12:5,10 13:4,4,19
 14:1,2 17:9 18:4,18
 20:8 22:19,22 28:22
 29:3,7 31:9 34:15
 35:2 36:8 38:3 40:20
 51:19 54:7,19 55:2,14
 59:10,14,17 60:2
surely 32:4,17 64:12
surfacing 34:2
surprised 54:16
surrounded 43:21
surrounding 9:15
survey 22:10
sustaining 32:6
synopsis 8:8
system 7:13 8:13 10:4
 10:15 12:7 15:14,21
 15:22 37:19,21 40:11
 41:9 59:10

T

takes 12:16 41:1
talk 31:22
Tara 1:20 62:7
task 52:13 55:8
team 57:4,4 64:7,11
 66:7
technical 64:22
technological 65:2
temporarily 38:14
tenure 14:18 15:21
 26:10
term 7:4 13:19,22 14:17
 15:6,8,10,12,20 16:6
 24:18 26:21 33:6
 35:11 36:12,19,21
 39:12
term-limited 15:22
terms 14:14,14 15:19
 27:21 40:14
testimony 6:8,12 21:14
 22:7,13,16 23:5,8
 34:12 43:21
text 11:16
thank 5:13 8:5 16:11
 21:4 24:6,8,10 27:4,6
 27:7,11 30:13,18,19
 31:1 35:16,17,21,22
 38:16,17,21 42:1,5
 44:12,17 49:11,12
 50:1 53:17 56:14,16
 56:19,21 57:17 64:1,5
 64:14 65:15,15,22
 67:17,20 68:4,9 70:18
thanking 31:4 57:1,10
thanks 38:21,22
they'd 49:17
things 20:18 21:1 33:1
 37:7 51:3 52:22 53:8
third 20:14 37:13 66:6
Thirty-four 65:8
Thomas 1:19 62:5
thoroughness 67:6
thought 47:3 57:13
Thousands 57:12
threat 28:22
threats 26:22 41:8
 47:13
three 9:20 13:18 15:15
 16:14 19:4 37:7 59:5
 59:21
timeless 41:13
times 10:22 56:2
today 5:17 30:7 39:13
 45:6,13 46:12 56:6
 57:15
today's 4:11 9:6
Tom 27:9
topic 20:14 22:19 65:10
topics 23:7
training 5:4
transition 15:21
transparency 46:20
treatment 8:22 23:3
Trevor 2:4 63:1
Tribe 2:10 3:10 35:20
 35:21 38:18 42:15
 63:15,16
trip 37:20
troubling 12:5
true 26:4 57:1
truly 65:21 66:9
try 41:14
TUESDAY 1:5
turn 8:4 11:3 16:9 21:1
 23:10,15 58:14 60:14
 64:4,17 65:5 67:18

turning 5:10
 turns 36:11
 tussles 45:8
 Twitter 31:11
 two 6:10 11:4,6 13:17
 15:2 16:13 24:8 51:10
 type 30:14

U

ultimate 18:14 51:12
 ultimately 7:11 17:20
 56:11 69:11
 unable 52:12
 unanimous 45:17 64:3
 68:16
 uncertain 13:15
 unconstitutional 18:7
 undergirds 33:12
 undermine 14:20 29:6
 undermined 34:6
 undermining 12:7
 32:12
 understanding 40:8
 47:16
 understood 68:7
 undertook 45:18
 unfortunately 50:16
 54:20
 union 38:8
 unique 6:17 32:2 34:22
 40:9,9
 uniquely 34:21
 United 1:1 4:6
 unity 29:21
 University 1:11,13,14
 1:15,16,16,20,21 2:2
 2:4,5,6,7,8,9,10,10,12
 University's 2:11
 unmute 60:15
 unnecessary 54:19
 unpleasant 68:21
 unprecedented 43:5
 urgent 67:14
 use 19:5
 useful 44:10
 usual 35:4
 usually 34:19

V

validity 12:16
 valuable 52:22
 values 10:5,18
 variety 21:7
 various 10:1 13:7 22:15
 27:19 36:9 39:22
 45:22
 variously 24:17
 varying 13:5

ventilation 42:10
 version 40:14
 video 20:16
 videoconference 1:8
 4:15
 view 7:17 24:20 26:16
 33:4 47:9 54:16
 viewpoints 44:8
 views 12:19 28:11,15
 28:17 34:8 42:16
 55:11 65:9
 violations 12:3
 vision 43:20
 vital 29:6
 voice 55:21
 voices 55:20
 vote 3:19 7:21 24:14
 27:12 32:1 35:1,15
 37:4 39:2 43:9 51:6,8
 51:9 52:15 54:4 58:4
 58:7,8,10,20 60:10,12
 60:16 64:2 68:16
 votes 60:20
 voting 5:18 17:3 37:3
 37:15 52:5 56:6

W

W 2:4
 wait 57:20
 Waldman 2:10 63:17,18
 Walter 1:16 42:4 61:15
 wanted 47:17 50:2,4
 54:8 65:4,6
 warrant 23:2
 wasn't 47:22
 watching 5:15 34:14
 way 13:14 30:8 34:7
 37:19 39:7 55:4,17
 56:10 65:2 69:10
 ways 13:7 16:5 34:6
 36:7,22 37:7 51:3
 52:21
 weaken 14:19
 website 4:12 6:14
 weeks 54:2,13
 welcome 4:4 5:14
 went 54:10 58:17 70:22
 White 2:11 3:10 38:20
 38:21 42:2 63:19,20
 whitehouse.gov/pcs...
 4:12,16
 Whittington 2:12 63:21
 63:22
 wide 6:22
 widely 65:8
 William 1:14 61:7
 willing 38:4
 willingness 68:20

wish 24:8
 wishes 49:15
 witnesses 6:11 44:2
 53:8 66:18
 word 20:2
 work 6:7 7:9 20:22 31:7
 32:9 33:7 36:3 39:17
 40:21 45:1 46:6 48:10
 49:18 50:5 53:16
 54:10 64:10 65:20
 67:5,9,15 68:11,14
 worked 30:9 56:4 67:1
 working 52:3
 works 18:19
 world 25:21 26:4
 worry 29:5 40:1
 worse 31:12 32:14 33:1
 34:3
 worth 18:16 38:15
 wouldn't 39:6 52:7,18
 53:12 54:16
 write 39:7
 writing 43:11,19
 written 6:12 8:19 19:9
 28:20 55:17,18 69:10
 wrong 37:17 52:6

X

Y

Yale 1:12,14,17,18
 yay 60:18
 year 14:14
 years 9:18 12:4 15:2
 22:3 32:4 34:15 35:8
 43:13 44:1 47:19
 53:14
 York 1:11 2:4,5,10
 yours 65:15,16

Z

Zoom 69:1

0

1

14023 6:5 59:2
 15 7:15 55:7
 17 32:4
 18 14:14
 19 5:22
 19th 11:11

2

20 53:14
 2021 1:6 6:4 9:10
 23 6:13
 24 3:8

27 3:9

3

3:00 1:8 4:2
 3:52 58:17
 300-page 53:10
 31 3:9
 35 3:10
 35-member 47:9
 38 3:10

4

4 3:2
 4:25 58:6,8,15,18
 4:34 70:22
 40 44:1
 42 3:11
 44 3:11 6:11

5

5 3:4
 5,000 6:17
 50 3:15
 53 3:16
 56 3:17
 58 3:19

6

6TH 1:3

7

7 1:6
 70 3:21 43:16
 78 26:15

8

8 3:6

9

9 6:4

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Commission Meeting

Before: Presidential Commission on SCOTUS

Date: 12-07-21

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701