



























































































1 "exclusive possession"? Does the fence have any  
2 relevance? What is the relevance of the fence?

3 MR. CHEMERINSKY: Well, the fence is  
4 tremendously relevant, in determining where the  
5 government believes the military installation begins,  
6 and also, it's very important in terms of national  
7 security.

8 JUSTICE ALITO: But there are bases that  
9 have no fences. So what, there? None of that is under  
10 the exclusive possession of the government?

11 MR. CHEMERINSKY: No, Your Honor. The  
12 government gets to decide the area of exclusive  
13 possession. So take the Greer case as an example. In  
14 Greer, this case emphasized that Fort Dix, even though  
15 it was open, still was in the exclusive possession. In  
16 fact, the first paragraph of this Court's opinion in  
17 Greer says, "exclusive possession."

18 Maybe the analogy that is closest to this  
19 case, then, is this Court's decision in United States v.  
20 Grace, where this Court drew a distinction between the  
21 sidewalks that run outside this building and the  
22 building itself.

23 And the Court said, as to those sidewalks,  
24 even though they abut the Supreme Court, it still is  
25 open for speech purposes. Sidewalks, public roads are

1 inherently open --

2 JUSTICE ALITO: I'm still completely  
3 confused about the test that you are asking us to -- to  
4 apply. Either -- either fences are relevant or they are  
5 not relevant. If you can have exclusive governmental --  
6 exclusive military possession of a base where there are  
7 no fences, I don't really see what the significance is  
8 of the fence here.

9 That's just -- that's just for starters.

10 MR. CHEMERINSKY: Obviously, the fence is  
11 significant, in terms of answering the government's  
12 concerns with regard to national security. I think the  
13 fence is also important to go, to Justice Sotomayor's  
14 point, with regard to the functional approach. My  
15 answer to your question --

16 JUSTICE SCALIA: Excuse me. What about the  
17 portion of the base on the other side of the road  
18 easement, where the government does have exclusive  
19 possession?

20 MR. CHEMERINSKY: Well --

21 JUSTICE SCALIA: Is that okay? That's still  
22 part of the base.

23 MR. CHEMERINSKY: But what's interesting, as  
24 was pointed out --

25 JUSTICE SCALIA: Yes or no, under your

1 theory?

2 MR. CHEMERINSKY: The government does not  
3 have not exclusive possession there. There is a public  
4 school there, for example, that anyone can drive and go  
5 to.

6 One of the consequences of the government's  
7 interpretation of 1382 is that, if Mr. Apel had a child  
8 attending that public school, he could not go pick up  
9 his child at school, but you or I or anyone else could  
10 drive --

11 JUSTICE SCALIA: That may be very bad, but  
12 is it bad because the government does not have exclusive  
13 possession of every --

14 MR. CHEMERINSKY: Yes.

15 JUSTICE SCALIA: You know, when you talk  
16 about the road, they've given an easement, so you can  
17 say, oh, yeah, they don't have exclusive possession.  
18 But the other side of the road, that vast tract, you are  
19 saying the government, what, does or does not have  
20 exclusive possession?

21 MR. CHEMERINSKY: The government does not  
22 have exclusive possession. The --

23 JUSTICE SCALIA: Then the word "possession"  
24 means nothing. You are -- you are applying solely a  
25 functional test. It only possesses that which it is

1 using for military purposes. That is not a possession  
2 test. It's a purely functional test.

3 MR. CHEMERINSKY: But, Your Honor, Congress  
4 didn't, in 1382, say, "all land owned by the military."  
5 It used the phrase "military installation," and whenever  
6 that phrase has been defined, it always refers to the  
7 area that is reserved to be used for military purposes.

8 The United States can draw the green line  
9 and build the fence wherever it chooses. Here, it  
10 decided to do so in a particular place, leaving open a  
11 fully open public road with a designated protest zone.

12 JUSTICE SOTOMAYOR: I'm sorry. I have the  
13 same problem that Justice Breyer has. PXes belong to  
14 the military, generally, the land, but they are run by  
15 outside contractors, sometimes. Are you saying because  
16 they've given up exclusive control of the PX, that they  
17 fail your test?

18 So does the utility company. I don't know  
19 if it's possible that military bases generate their own  
20 utilities, but I presume that, somewhere, they don't,  
21 and they have an easement to drive up and read their  
22 meters.

23 There may be easements for repairs of  
24 certain underground things that -- that supply the base.  
25 That's not exclusive control, so I'm -- or possession.

1 So what -- what does your test mean?

2 MR. CHEMERINSKY: It is where the United  
3 States chooses to exercise exclusive possession. The  
4 United States, for example, in Greer, said, we are  
5 claiming we have exclusive possession over the entire  
6 area of Fort Dix, even though there was a public road.  
7 If the government wants to say, even as to the PX within  
8 Vandenberg, that's within our exclusive possession, it  
9 can do so.

10 But the government, by granting the easement, by  
11 allowing the public road, by creating the designated  
12 protest zone, has done something very different than  
13 exclusive possession.

14 CHIEF JUSTICE SOTOMAYOR: So that -- that road for  
15 the public utility for which there is an easement of  
16 travel is not exclusive to the U.S.? So anybody can  
17 travel into the base at any time they want to?

18 MR. CHEMERINSKY: No, Your Honor, because in  
19 order to come on to that utility easement, you would  
20 need the express permission of the base commander. So  
21 that utility easement would still be an exclusive  
22 control, to go to Justice Breyer's question.

23 CHIEF JUSTICE ROBERTS: You need the express  
24 permission of the base commander to drive down the road.  
25 It's just that he has given it to the public at large.

1 MR. CHEMERINSKY: Well, Your Honor, everyone  
2 has the authority to drive down that road. Somebody  
3 who --

4 CHIEF JUSTICE ROBERTS: Because it's been  
5 ceded by the United States for the convenience of the  
6 traveling public.

7 MR. CHEMERINSKY: Exactly. And then the  
8 question is once the United States has ceded the  
9 easement, under 1382 can a person be prosecuted? And  
10 once the United States has ceded that easement, does it  
11 violate the First Amendment in light of this Court's  
12 decision in *Flower* to prosecute --

13 CHIEF JUSTICE ROBERTS: I thought you just  
14 answered the question from Justice Sotomayor by saying,  
15 no, no, the utility easement doesn't work because the  
16 military commander has not granted permission to anybody  
17 else to use that easement. Here we have a public road  
18 easement, and you said that's different. And my  
19 question was: No, it's not, because the military  
20 commander has given permission to use easement. Now, I  
21 want to know what distinguishes the two cases.

22 MR. CHEMERINSKY: And this goes to  
23 Justice Kennedy's question earlier if we are talking  
24 about an easement. An easement that is created for a  
25 public road inherently has free speech rights attached

1 to it. In fact, many lower court cases have always said  
2 an easement for a public road includes the right to use  
3 it for speech purposes. That is very different than an  
4 easement that exists for purposes of a utility.

5 JUSTICE SCALIA: It seems to me a First  
6 Amendment argument and not an argument that goes to the  
7 scope of Section 1382.

8 MR. CHEMERINSKY: No, Your Honor, because  
9 you need to interpret the statute to avoid the  
10 constitutional issues. If you interpret the statute to  
11 allow excluding speech on this public road easement in  
12 the designated protest zone, then interpreting the  
13 statute that way would raise grave First Amendment  
14 issues.

15 JUSTICE SCALIA: So you are saying we should  
16 read the statute to say it only applies when it doesn't  
17 violate the First Amendment. Of course we'd read it  
18 that way.

19 MR. CHEMERINSKY: Of course, you should read  
20 it that way.

21 JUSTICE SCALIA: But not because it has  
22 anything to do with the scope of authority of the  
23 government. It's what the government can do. I -- I  
24 don't know how to read that, that text, in such a way  
25 that it will avoid all First Amendment problems. There

1 is no way to do that.

2 MR. CHEMERINSKY: I disagree, Your Honor. I  
3 think that the reason that every lower court and the  
4 United States government itself have read "military  
5 installation" as exclusive possession is that otherwise  
6 it would raise First Amendment problems.

7 JUSTICE ALITO: Well, you are arguing that  
8 the military cannot grant an easement across a military  
9 installation for the purpose of allowing the public to  
10 drive from a point, let's say, to the south to a point  
11 to the north, without also granting an easement that  
12 would allow people to linger along the road and engage  
13 in First Amendment activity. Is that your argument?

14 MR. CHEMERINSKY: No, it is not, Your Honor.

15 JUSTICE ALITO: Because I can understand why  
16 the military might be willing to say, well, fine, we  
17 understand that it would be very inconvenient to make  
18 everybody drive around the installation. We'll allow  
19 them to drive through, but we do not want people  
20 lingering here because that does create security  
21 concerns.

22 MR. CHEMERINSKY: No, Your Honor, that is  
23 not my position. If the government wanted to have a  
24 closed base and say, we're going to allow this road to  
25 go through, but there were signs to let everyone know



1 they were still on the closed base, there were guards  
2 that were there, that is Greer. That is not this case,  
3 and that's not Flower.

4 JUSTICE KAGAN: Your -- your argument is  
5 sort of a use it or lose it argument, is that correct?  
6 That the government has this commanding authority,  
7 unless the government uses it to its full extent every  
8 day of the week, it loses it?

9 MR. CHEMERINSKY: Well, in a sense, yes,  
10 Your Honor. The sense is that the government gets to  
11 decide where to draw the green line. The government  
12 gets to decide where to put the fence. And when they  
13 decided to create a public road with a protest zone  
14 outside of it, then to interpret 1382 applied, as I said  
15 to Justice Scalia --

16 JUSTICE KAGAN: One of the arguments that  
17 the government makes is, look, what the military wants  
18 to do here is something very sensible. It keeps tight  
19 what it needs to keep tight, but it allows to be more  
20 open areas that can -- that it -- it doesn't have an  
21 interest in securing entirely. And that's for the  
22 convenience of military personnel. It's for the  
23 convenience of other people who live around the base.  
24 What's wrong with that?

25 MR. CHEMERINSKY: Your Honor, what's wrong

1 with that is there is no need to exclude peaceful  
2 protesters from the public road in a protest zone in  
3 order to achieve the national security interest of the  
4 government.

5 CHIEF JUSTICE ROBERTS: Well, that's usually  
6 the sort of determination that's left to the military  
7 commander. I can think of a lot of reasons why the  
8 commander would not want a gathering of people on the  
9 road but would be willing to let people drive through  
10 the road.

11 MR. CHEMERINSKY: That's exactly right, Your  
12 Honor. The military commander gets to decide that. But  
13 by creating a designated protest zone outside of that,  
14 it's indicative that the military commander doesn't  
15 perceive any national security threat from allowing a  
16 gathering there.

17 CHIEF JUSTICE ROBERTS: Well, it indicates,  
18 as the -- the barment order does, that he does see some  
19 kind of threat by allowing somebody in there who's  
20 vandalized the base in the past.

21 MR. CHEMERINSKY: Your Honor, but we -- this  
22 Court has never said there's a permanent forfeiture of  
23 First Amendment rights because somebody misbehaved at  
24 one time.

25 CHIEF JUSTICE ROBERTS: Is there -- can

1 there be a temporary forfeiture of First Amendment  
2 rights?

3 MR. CHEMERINSKY: Of course there can be.  
4 People can be in prison and lose their First Amendment  
5 rights. There can be restraining orders issued.

6 CHIEF JUSTICE ROBERTS: Well, I'm talking  
7 about what this case is about, which is the temporary  
8 exclusion. Would your case be the same if Mr. Apel was  
9 barred for one year?

10 MR. CHEMERINSKY: Well, he can be barred  
11 from coming onto the base, as drawn by the green line,  
12 for one year of --

13 CHIEF JUSTICE ROBERTS: No, he can traverse  
14 it. He can traverse. There -- there's no question of  
15 that. Could he be barred from participating in protests  
16 for a year because he vandalized the base?

17 MR. CHEMERINSKY: Yes, Your Honor, a  
18 sentence could include that. There's no doubt that  
19 there could be, or if somebody was perceived --

20 CHIEF JUSTICE ROBERTS: Now here, as I  
21 understand it, he was barred permanently subject to the  
22 right of him to apply for removal of the barment.

23 MR. CHEMERINSKY: That's correct, Your  
24 Honor. There is the ability to appeal a bar order to  
25 the commander.

1 JUSTICE BREYER: It's more than that. It  
2 says I mean, you know, if you wanted to take someone to  
3 school. It said -- first, if you need medical  
4 treatment, you can just go in, and then it said you --  
5 you have to receive prior written approval from me, the  
6 commander, or my designee, but if you get it. So I  
7 suppose if he had a child at the school, he would ask  
8 and they'd give it to him. I mean, it didn't seem to me  
9 an absolute bar. It seemed to me a bar for purposes of  
10 going to that particular --

11 MR. CHEMERINSKY: He can ask the commander  
12 of the base who issued the bar order for permission to  
13 use it.

14 Four Honors --

15 JUSTICE BREYER: Do we have to get into any  
16 of that? Do we -- just like I don't know where he  
17 really was physically. I don't know whether that grass  
18 strip is within something, without something. These all  
19 sound like First Amendment relevant matters.

20 MR. CHEMERINSKY: But they're also relevant  
21 to the statute. They're relevant to interpret the  
22 statute to avoid constitutional doubt. They're relevant  
23 because --

24 CHIEF JUSTICE ROBERTS: To avoid -- just to  
25 interrupt -- to avoid grave constitutional doubts.

1 MR. CHEMERINSKY: Yes, Your Honor.

2 And, Your Honor, also, since every other  
3 court has interpreted the statute as we're suggesting,  
4 there's at least ambiguity, which under the Rule of  
5 Lenity means it has to be construed in favor of a  
6 criminal defendant.

7 Like so many cases to come before you, this  
8 one is about where do you draw the line. Here the  
9 government has drawn the line and it's a green line.  
10 Now, on this side of the green line, there is a First  
11 Amendment right to speak.

12 CHIEF JUSTICE ROBERTS: I'm sorry, the Rule  
13 of Lenity you said in favor of a criminal defendant.

14 MR. CHEMERINSKY: Yes, Your Honor.

15 CHIEF JUSTICE ROBERTS: We're talking about  
16 barment here. Is that a criminal sanction?

17 MR. CHEMERINSKY: 1382 is the criminal  
18 statute that he was convicted of violating.

19 CHIEF JUSTICE ROBERTS: Right, but this  
20 doesn't -- you're not allowed to collaterally attack the  
21 barment decision.

22 MR. CHEMERINSKY: No, Your Honor. What  
23 we're saying is you have to interpret the words  
24 "military installation." There are two different  
25 interpretations or perhaps more has come out. What

1 we're saying is you have to choose the interpretation  
2 that favors the criminal defendant. So we are using the  
3 Rule of Lenity relative to interpreting the statute, and  
4 that's why we believe that both in terms of the statute  
5 and in terms of the First Amendment, the Ninth Circuit  
6 should be affirmed.

7 Thank you.

8 CHIEF JUSTICE ROBERTS: Thank you, counsel.

9 Mr. Horwich, five minutes remaining.

10 REBUTTAL ARGUMENT OF BENJAMIN J. HORWICH

11 ON BEHALF OF THE PETITIONER

12 MR. HORWICH: Thank you. Just a couple of  
13 points.

14 -- I think the colloquy with my friend  
15 sort of shows that taking this functional approach to  
16 where the statute applies day to day, place to place, is  
17 really just not going to prove workable. And we have to  
18 remember, this is a misdemeanor prosecution. This is  
19 not something that should entail an extremely extensive  
20 subtle inquiry that is going to vary from place to  
21 place.

22 So I think that that shows the wisdom of  
23 what the Court said in the Benson case, which we quote  
24 at page 15 and 16 of our reply brief, which explains.  
25 It says that: "When a tract has been legally reserved

1 for military purposes, courts follow the action of the  
2 political department of the government and will not  
3 inquire what the actual uses to which any portion of the  
4 reserve is temporarily put."

5 As for the Ninth Circuit's approach, which  
6 is this sort of real estate-based analysis, I think  
7 there have been a number of hypotheticals offered that  
8 show why that's going to produce some borderline absurd  
9 or entirely absurd results. And so that's why we come  
10 back to again respecting the decision to place -- to  
11 place the installation under military command and that  
12 Section 1382 provides the sanction to enforce the orders  
13 entered pursuant to that lawful command.

14 I might say one word about the green line  
15 and its relevance. My friend says that it is sort of  
16 the threshold across which 1382 applies or doesn't  
17 apply. The relevance in a 1382 prosecution of the green  
18 line comes in a prosecution under the first paragraph  
19 for violating a regulation. At Joint Appendix 51,  
20 there's the commander's order closing the base, and what  
21 it says is: "Pursuant to my authority, Vandenberg Air  
22 Force Base is a closed base. General rule covering the  
23 entire command authority."

24 Paragraph 2: "The roadway easements through  
25 Vandenberg have limited use as provided," et cetera, et

1 cetera. "Use and occupation is for these purposes only  
2 and is subject to any rules and regulations the  
3 installation commander may prescribe," and so forth.

4 So what the green line is, is it's defining  
5 the boundary between the closed base, the generally  
6 closed base, and the road, which is open. So that is  
7 what ensures that someone who is driving on the road is  
8 not committing an offense against the commander's  
9 regulations, if they are just an ordinary member of the  
10 public. And, of course, if they cross over the line,  
11 then they are violating the closed base regulation if  
12 they don't have the commander's permission to cross that  
13 line.

14 So the -- what is different, of course,  
15 about Respondent is that he's been barred from the base.  
16 So the rules that apply to the general public don't  
17 apply to him. Of course that's the very purpose of the  
18 second paragraph of Section 1382, is to recognize that  
19 commanders can make individualized determinations that  
20 the rules that work generally for the public don't work  
21 for particular people who show themselves to be willing  
22 to vandalize government property or disobey the  
23 instructions to remain within the areas that they may  
24 lawfully be present in. And, of course, that's the  
25 basis for why Respondent was barred.



1 JUSTICE KAGAN: May I just ask a background  
2 question, Mr. Horwich? What's the history of this First  
3 Amendment area? What -- when did this speech area come  
4 into being?

5 MR. HORWICH: There was a settlement of  
6 litigation with the commander in the late 1980s. It's  
7 in the -- it's reproduced -- part of it is reproduced in  
8 the Joint Appendix -- which I guess shows a couple -- in  
9 which the commander agreed that there would be a place  
10 on the base where --

11 JUSTICE KAGAN: Was the litigation  
12 essentially like this one, basically saying that this  
13 was not under military command?

14 MR. HORWICH: To be honest, I'm not familiar  
15 with the particular legal contentions there. But I  
16 think what the settlement does show is that if it's the  
17 commander who is authorizing this, the commander remains  
18 in charge of this. And of course, the current protest  
19 policy which is reproduced in the Joint Appendix is  
20 quite clear that the commander retains authority to --  
21 and can control the time and place of the protests, and  
22 of course makes it clear that people who are barred  
23 can't come back.

24 So on that point, with respect to the  
25 constitutional avoidance argument, I think, as the Chief

1 Justice pointed out, it needs to be a serious  
2 constitutional doubt. And I think what this Court has  
3 said in Virginia v. Hicks puts any of those doubts to  
4 rest. The Court said in that case that the First  
5 Amendment permits, quote, "the punishment of a person  
6 who has, pursuant to lawful regulation, been banned from  
7 a public park" --- so I think a fortiori a military base  
8 -- "after vandalizing it and who ignores that ban in  
9 order to take part in a political demonstration."

10 The Court -- so the Court I think has  
11 already settled this.

12 Thank you.

13 CHIEF JUSTICE ROBERTS: Thank you, counsel.  
14 The case is submitted.

15 (Whereupon, at 11:03 a.m., the case in the  
16 above-entitled matter was submitted.)

17

18

19

20

21

22

23

24

25

<b>A</b>				
<b>a.m</b> 1:13 3:2 58:15	<b>agree</b> 32:18 39:4	<b>answer</b> 8:9 32:10 42:15	16:2 17:6,14 18:14 20:1	<b>Attorneys</b> 4:16 4:18
<b>ability</b> 14:6,17 51:24	<b>agreed</b> 33:14 57:9	<b>answered</b> 46:14	32:11 35:3,8 36:4 37:9,11	<b>authority</b> 5:20 7:19,22 9:12 9:21 10:4 14:20 15:4 16:16 17:24 18:12,13,18 19:6 23:18 24:14,18 33:7 33:21 36:14,17 46:2 47:22 49:6 55:21,23 57:20
<b>above-entitled</b> 1:11 58:16	<b>agreement</b> 28:7	<b>answering</b> 40:11 42:11	37:20,24 38:9 38:18,24 39:22 40:8 41:12 44:7 45:6 57:3 57:3	<b>authorizing</b> 57:17
<b>absolute</b> 52:9	<b>agreements</b> 14:2	<b>anybody</b> 36:2 45:16 46:16	49:20 56:23	<b>avoid</b> 29:11 30:21 47:9,25 52:22,24,25
<b>absolutely</b> 13:14 35:23	<b>Air</b> 3:22 5:6 7:8 9:13 12:9 17:22 55:21	<b>Apel</b> 1:6 3:4 18:21 35:4	<b>argue</b> 5:3	<b>avoidance</b> 57:25
<b>absurd</b> 31:21 55:8,9	<b>Albertini</b> 27:16	<b>appeal</b> 51:24	<b>argued</b> 26:24	<b>avoids</b> 31:21
<b>absurdities</b> 21:16,16	<b>alerted</b> 34:23	<b>appeals</b> 23:15,22 40:20	<b>arguing</b> 27:1 48:7	
<b>abut</b> 41:24	<b>ALITO</b> 6:5 11:11 20:12 21:1 22:3,14 24:20,24 39:25 40:25 41:8 42:2 48:7,15	<b>APPEARAN...</b> 1:14	<b>argument</b> 1:12 2:2,5,8 3:3,6 26:2 27:5,21 28:12 47:6,6 48:13 49:4,5 54:10 57:25	<b>B</b>
<b>access</b> 21:2	<b>Alito's</b> 8:10	<b>Appendix</b> 12:7 55:19 57:8,19	<b>arguments</b> 27:3 49:16	<b>B</b> 12:23 13:1
<b>accommodate</b> 12:1,2	<b>allow</b> 13:24 31:9 47:11 48:12,18 48:24	<b>application</b> 22:2 22:24	<b>arrangement</b> 18:6,10	<b>back</b> 10:10 22:19 24:17 28:2,19 29:23 32:8 33:17 36:5 37:25 39:3 55:10 57:23
<b>accommodati...</b> 18:10	<b>allowed</b> 18:4,5 53:20	<b>applied</b> 27:8 49:14	<b>arrest</b> 35:15	<b>backed</b> 7:23
<b>accurate</b> 4:24	<b>allowing</b> 45:11 48:9 50:15,19	<b>applies</b> 29:9 36:22 37:23 47:16 54:16 55:16	<b>arrests</b> 16:5,7	<b>background</b> 57:1
<b>accurately</b> 6:18	<b>allows</b> 49:19	<b>apply</b> 26:10,25 27:3,13 31:11 42:4 51:22 55:17 56:16,17	<b>arsenal</b> 5:11 8:3	<b>backs</b> 10:4
<b>achieve</b> 50:3	<b>altered</b> 4:17	<b>applying</b> 43:24	<b>article</b> 28:23	<b>backyard</b> 32:2
<b>Act</b> 15:19 22:24	<b>alternative</b> 31:5	<b>appointed</b> 5:25	<b>ascertaining</b> 7:4	<b>bad</b> 43:11,12
<b>action</b> 55:1	<b>ambiguity</b> 53:4	<b>appointing</b> 6:1	<b>ascribing</b> 7:14	<b>ban</b> 58:8
<b>actively</b> 17:14	<b>Amendment</b> 26:12,19 27:20 28:12,20 29:7 29:12,16 30:16 30:21 31:9,23 32:3 46:11 47:6,13,17,25 48:6,13 50:23 51:1,4 52:19 53:11 54:5 57:3 58:5	<b>approach</b> 21:22 22:1 25:15 39:17 42:14 54:15 55:5	<b>asked</b> 20:14	<b>banned</b> 58:6
<b>activities</b> 27:18 28:17 40:18		<b>appropriate</b> 16:12,12 18:7 19:6	<b>asking</b> 38:16 42:3	<b>bar</b> 12:5 26:17 37:4 51:24 52:9,9,12
<b>activity</b> 48:13		<b>approval</b> 52:5	<b>asks</b> 18:2	<b>Barbara</b> 9:18 11:13 28:7
<b>actual</b> 25:20 55:3		<b>appurtenant</b> 23:18	<b>aspect</b> 32:3,4	<b>barment</b> 7:21 11:20,20 36:9 36:11,14,20,25
<b>added</b> 3:13		<b>apt</b> 6:16	<b>assault</b> 15:8	
<b>address</b> 11:4 29:25		<b>area</b> 6:17 7:7 8:15 9:2 10:7 13:23 15:14	<b>assigned</b> 6:2,4 9:13	
<b>adjacent</b> 23:17			<b>Assimilative</b> 15:19 22:24	
<b>administer</b> 24:10			<b>Assistant</b> 1:15	
<b>administration</b> 9:14 17:23			<b>assume</b> 14:15 20:22	
<b>adopted</b> 40:20			<b>attached</b> 46:25	
<b>advice</b> 4:2			<b>attack</b> 53:20	
<b>affirmed</b> 54:6			<b>attending</b> 43:8	
<b>African</b> 29:4				
<b>agencies</b> 24:10 24:18				
<b>agency</b> 24:15				
<b>ago</b> 40:12				

37:13 50:18 51:22 53:16,21 <b>barments</b> 14:12 18:14 <b>barred</b> 12:21 18:3 26:20 51:9,10,15,21 56:15,25 57:22 <b>base</b> 3:11 5:6 6:4 7:8 12:9,20 13:13,23 14:6 14:25 15:1 20:23 22:17 23:17,18 25:12 25:20 26:16 27:14 28:21 31:10 32:24 33:8,9 34:7,9 34:17 35:15 36:21 40:24 42:6,17,22 44:24 45:17,20 45:24 48:24 49:1,23 50:20 51:11,16 52:12 55:20,22,22 56:5,6,11,15 57:10 58:7 <b>based</b> 21:2,3,6,7 <b>bases</b> 6:2 41:8 44:19 <b>basic</b> 39:3 <b>basically</b> 57:12 <b>basis</b> 56:25 <b>bears</b> 20:5,6 <b>begin</b> 35:11 40:12 <b>beginning</b> 35:3 <b>begins</b> 32:21 33:2 35:8 41:5 <b>behalf</b> 1:17,19 2:4,7,10 3:7 26:3 54:11 <b>believe</b> 15:11,12 15:13 22:17 38:6 54:4 <b>believes</b> 41:5	<b>belong</b> 38:21 44:13 <b>belongs</b> 38:22 <b>benefits</b> 34:2 <b>BENJAMIN</b> 1:15 2:3,9 3:6 54:10 <b>Benson</b> 54:23 <b>beyond</b> 38:21 <b>big</b> 33:6 <b>bigger</b> 9:24 <b>bind</b> 4:20 <b>binding</b> 4:10 <b>board</b> 24:12 <b>border</b> 40:5 <b>borderline</b> 55:8 <b>boundary</b> 56:5 <b>bracket</b> 16:25 <b>Breyer</b> 29:23 30:2,3 31:8,16 31:19 38:14 39:19 40:12,19 44:13 52:1,15 <b>Breyer's</b> 45:22 <b>brief</b> 7:1 12:13:3 23:25 31:4 38:3 54:24 <b>briefs</b> 35:7 <b>bringing</b> 19:20 <b>brought</b> 15:5 <b>buffer</b> 6:20 <b>build</b> 44:9 <b>building</b> 41:21 41:22 <b>buildings</b> 6:8 13:24 <b>built</b> 32:19 39:23 <b>Bureau</b> 13:17 <b>buying</b> 32:5,15	<b>camp</b> 8:12,15 <b>care</b> 35:19 <b>carved</b> 11:22 <b>case</b> 3:4 4:12 5:5 10:9,23 11:2 11:12 17:4 26:6,13,19,21 26:25 27:20 28:20 32:3 35:9 39:12 41:13,14,19 49:2 51:7,8 54:23 58:4,14 58:15 <b>cases</b> 11:6 23:16 35:6 46:21 47:1 53:7 <b>cede</b> 22:13 <b>ceded</b> 15:16 22:16 33:25 40:7 46:5,8,10 <b>certain</b> 15:12 44:24 <b>certainly</b> 4:9,23 9:7 13:2 15:13 23:7 24:3 28:22,22 <b>certiorari</b> 29:8 <b>cetera</b> 55:25 56:1 <b>challenge</b> 36:11 <b>chance</b> 34:24 <b>changed</b> 4:13 <b>character</b> 13:21 <b>charge</b> 57:18 <b>Chemerinsky</b> 1:18 2:6 26:1,2 26:4 27:2,10 27:12 28:4,10 28:14,25 29:10 29:20,24 30:24 31:14,18,24 32:17 33:6,16 33:23 34:13,18 35:1,20,23 36:7,10,19 37:10,18,22	38:3,6,12 39:16,21,25 40:10 41:3,11 42:10,20,23 43:2,14,21 44:3 45:2,18 46:1,7,22 47:8 47:19 48:2,14 48:22 49:9,25 50:11,21 51:3 51:10,17,23 52:11,20 53:1 53:14,17,22 <b>Chief</b> 3:3,8 25:25 26:4 34:20 45:23 46:4,13 50:5 50:17,25 51:6 51:13,20 52:24 53:12,15,19 54:8 57:25 58:13 <b>child</b> 43:7,9 52:7 <b>choose</b> 54:1 <b>chooses</b> 37:7 44:9 45:3 <b>Circuit</b> 3:13 30:4,17 39:4 54:5 <b>Circuit's</b> 21:2,17 21:22 22:1 25:15 35:9 38:11 55:5 <b>circuits</b> 4:24 <b>cited</b> 35:6 <b>city</b> 28:7 38:21 <b>civilian</b> 5:21,23 <b>civilians</b> 33:9 <b>claim</b> 34:6 <b>claiming</b> 45:5 <b>clapping</b> 19:24 <b>Class</b> 12:23 13:1 <b>Clause</b> 22:12 <b>clear</b> 4:18 9:8,21 27:16 40:23 57:20,22 <b>client</b> 30:5,17	39:1 <b>close</b> 9:4,5,5 28:21 33:8 <b>closed</b> 9:2,8 48:24 49:1 55:22 56:5,6 56:11 <b>closest</b> 41:18 <b>closing</b> 9:15 55:20 <b>Coast</b> 11:16 23:16 <b>Code</b> 26:10 <b>coextensive</b> 7:18 <b>coincidence</b> 21:21 <b>collaterally</b> 53:20 <b>colleague</b> 35:12 <b>colloquy</b> 54:14 <b>come</b> 45:19 53:7 53:25 55:9 57:3,23 <b>comes</b> 3:19 5:5 15:23 23:15 25:7 29:13 55:18 <b>coming</b> 19:11 51:11 <b>command</b> 5:13 5:14,18,19 8:4 8:8 10:21 14:7 14:10 15:4 17:2,24 20:1 23:6,12,22 24:6 55:11,13 55:23 57:13 <b>commander</b> 9:21 10:1 15:4 19:7,10 28:8 28:21 29:4 37:7 45:20,24 46:16,20 50:7 50:8,12,14 51:25 52:6,11 56:3 57:6,9,17 57:17,20
---	---	---	--	---

Cited in U.S. v. Apel, No. 11-60803 archived on September 25, 2014

**C**

<b>commander's</b> 7:19,21 15:3 17:24 20:1 23:18 55:20 56:8,12	<b>conservative</b> 4:2 <b>considered</b> 40:20 <b>considering</b> 8:14 <b>consistent</b> 12:2 29:3 <b>Constitution</b> 22:12 29:3 <b>constitutional</b> 10:17,23 11:1 11:5 27:8 29:12 47:10 52:22,25 57:25 58:2 <b>construed</b> 27:22 53:5 <b>contentions</b> 57:15 <b>context</b> 5:21 20:4 23:13 <b>continues</b> 14:14 <b>contractors</b> 44:15 <b>contrary</b> 4:11 14:16 33:2 <b>control</b> 8:5 9:22 14:17 16:23 22:23 32:21 33:1,3,5,25 34:6 35:2 37:6 39:5,9 40:8 44:16,25 45:22 57:21 <b>convenience</b> 11:24 12:3 46:5 49:22,23 <b>convicted</b> 35:5 53:18 <b>conviction</b> 3:14 <b>correct</b> 12:17 22:18 24:2 27:10 35:13 37:18,22 49:5 51:23 <b>corresponds</b> 24:14 <b>counsel</b> 25:25	54:8 58:13 <b>county</b> 9:18 15:25 16:16,17 <b>couple</b> 3:25 14:25 15:1 25:21 54:12 57:8 <b>course</b> 4:25 5:4 5:14 12:18 19:15 21:19 29:13,20,24 40:18 47:17,19 51:3 56:10,14 56:17,24 57:18 57:22 <b>court</b> 1:1,12 3:9 3:18 4:10,25 10:16,23,25 11:3,6 14:12 26:5,8 27:16 29:13 40:20 41:20,23,24 47:1 48:3 50:22 53:3 54:23 58:2,4 58:10,10 <b>Court's</b> 26:14 41:16,19 46:11 <b>courts</b> 4:3,8,10 5:1 23:15,22 31:7 55:1 <b>cover</b> 19:25 <b>coverage</b> 7:18 11:3 19:16 <b>covered</b> 4:6 10:19 17:25 23:23 <b>covering</b> 55:22 <b>covers</b> 5:12 19:17 <b>create</b> 4:19 48:20 49:13 <b>created</b> 34:14,15 46:24 <b>creating</b> 45:11 50:13 <b>crew</b> 25:7	<b>crews</b> 25:3 <b>crime</b> 20:17 <b>crimes</b> 15:18,19 21:3 22:24 34:5 <b>criminal</b> 4:21 20:19 22:7 53:6,13,16,17 54:2 <b>criteria</b> 4:8 <b>criterion</b> 3:23 <b>cross</b> 38:24 39:1 56:10,12 <b>crossed</b> 35:4,10 35:16 36:15,20 37:14,16 <b>crosses</b> 36:2 <b>crow</b> 25:21 <b>crucial</b> 33:22 <b>current</b> 57:18 <b>D</b> <b>D</b> 3:1 <b>D.C</b> 1:8,16 <b>dangerous</b> 9:3 15:5 <b>day</b> 9:15 49:8 54:16,16 <b>deal</b> 24:9 34:9 <b>deals</b> 15:9 19:18 <b>debarment</b> 14:20 <b>decades</b> 26:8 <b>December</b> 1:9 <b>decide</b> 41:12 49:11,12 50:12 <b>decided</b> 11:7 13:23 22:11 44:10 49:13 <b>decision</b> 41:19 46:12 53:21 55:10 <b>defeat</b> 22:1 <b>defend</b> 29:15 <b>defendant</b> 3:14 6:24 7:1,2 53:6 53:13 54:2	<b>defending</b> 5:4 38:10,13 <b>defends</b> 3:19 <b>defense</b> 5:24 13:10 <b>defined</b> 44:6 <b>defines</b> 5:24 <b>defining</b> 31:1 32:16 35:7 56:4 <b>definition</b> 32:6 39:13 <b>definitions</b> 32:8 <b>delete</b> 4:14 <b>demarcate</b> 25:14 <b>demonstrate</b> 30:18 <b>demonstration</b> 31:10 58:9 <b>DENNIS</b> 1:6 <b>deny</b> 33:4 <b>department</b> 1:16 4:20 5:24 9:13 17:22 25:7 55:2 <b>described</b> 6:18 10:20 <b>description</b> 6:16 <b>designated</b> 23:17 26:7 33:19 34:15 40:17 44:11 45:11 47:12 50:13 <b>designee</b> 52:6 <b>detailed</b> 20:17 20:19 <b>detain</b> 16:6,12 17:12 <b>determination</b> 50:6 <b>determinations</b> 56:19 <b>determine</b> 19:3 20:19 <b>determined</b> 9:10 9:14 12:24
--	---	--	---	---

cited in App. No. 11-5003 archived on September 25, 2014

<p>18:7 39:22  <b>determining</b>                      5:17 41:4  <b>developed</b> 38:17  <b>difference</b> 31:25                      33:7,18,21                      37:5,11 38:8  <b>differences</b> 11:1  <b>different</b> 16:15                      16:18 17:16                      18:9 30:10                      34:16 45:12                      46:18 47:3                      53:24 56:14  <b>differently</b> 32:14  <b>difficulty</b> 23:22                      30:3  <b>disagree</b> 8:21                      48:2  <b>disagreement</b>                      5:1  <b>disobey</b> 56:22  <b>dispensation</b>                      18:22  <b>dispute</b> 18:15                      27:13  <b>distinction</b>                      41:20  <b>distinguishes</b>                      46:21  <b>district</b> 15:2  <b>Dix</b> 41:14 45:6  <b>doing</b> 11:18                      33:10  <b>domain</b> 37:8  <b>doubt</b> 11:5,6                      27:7 51:18                      52:22 58:2  <b>doubts</b> 29:12                      38:3 52:25                      58:3  <b>draw</b> 44:8 49:11                      53:8  <b>drawn</b> 25:2                      32:20 39:23                      40:15 51:11                      53:9</p>	<p><b>drew</b> 41:20  <b>drive</b> 11:13                      19:20 32:23                      38:19 43:4,10                      44:21 45:24                      46:2 48:10,18                      48:19 50:9  <b>driving</b> 56:7  <b>drugs</b> 15:5</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>E</b> 2:1 3:1,1  <b>earlier</b> 46:23  <b>easement</b> 9:17                      9:17,22 11:23                      18:16 21:8,20                      21:21,23 25:14                      27:24,24,25                      28:1,6,7,15,15                      28:16,24 29:2                      30:7,11,19                      31:12 32:1,1,2                      33:15 34:2,11                      35:2,14,16,22                      35:25 42:18                      43:16 44:21                      45:10,15,19,21                      46:9,10,15,17                      46:18,20,24,24                      47:2,4,11 48:8                      48:11  <b>easements</b> 21:18                      25:4 27:23                      39:11,15 44:23                      55:24  <b>easily</b> 38:24  <b>edge</b> 25:23                      35:13 40:4,5  <b>Effective</b> 12:8  <b>egress</b> 21:25  <b>either</b> 24:19                      42:4,4  <b>electrical</b> 32:11  <b>elementary</b>                      15:13  <b>emphasized</b>                      41:14</p>	<p><b>empowered</b>                      14:11 16:5,7  <b>Enclaves</b> 22:11  <b>ends</b> 39:14  <b>enforce</b> 36:1                      39:6 55:12  <b>enforcement</b>                      14:4 15:18                      16:7,13  <b>enforces</b> 34:5  <b>enforcing</b> 19:18  <b>engage</b> 48:12  <b>enormous</b> 6:20  <b>ensures</b> 56:7  <b>entail</b> 54:19  <b>enter</b> 12:9  <b>entered</b> 14:2                      55:13  <b>entire</b> 17:14                      33:5 45:5                      55:23  <b>entirely</b> 35:14                      49:21 55:9  <b>entitled</b> 34:8  <b>entry</b> 21:24  <b>equate</b> 8:7  <b>ERWIN</b> 1:18                      2:6 26:2  <b>ESQ</b> 1:15,18 2:3                      2:6,9  <b>essentially</b> 4:1                      7:19 10:12                      20:10 57:12  <b>established</b> 4:8  <b>estate</b> 38:1  <b>estate-based</b>                      55:6  <b>et</b> 55:25,25  <b>everybody</b> 48:18  <b>exactly</b> 14:18,22                      23:19 31:16,24                      39:17 40:11                      46:7 50:11  <b>example</b> 8:23                      13:22 14:23                      15:8 16:9,17                      22:24 23:2</p>	<p>29:3 33:9 35:3                      41:13 43:4                      45:4  <b>exception</b> 11:22                      12:5  <b>exclude</b> 29:4                      37:20 50:1  <b>excluded</b> 36:17                      37:17  <b>excluding</b> 47:11  <b>exclusion</b> 51:8  <b>exclusive</b> 3:16                      3:22 4:14                      15:15 16:2                      26:11 27:4                      30:7 31:5                      37:23 38:2,4                      39:5,9,24 40:8                      40:21 41:1,10                      41:12,15,17                      42:5,6,18,43,3                      43:12,17,20,22                      44:16,25 45:3                      45:5,8,13,16                      45:21 48:5  <b>exclusively</b>                      20:20 21:11                      22:7 24:12  <b>Excuse</b> 42:16  <b>exercise</b> 9:22                      45:3  <b>exists</b> 47:4  <b>explain</b> 17:2  <b>explains</b> 54:24  <b>explanation</b>                      3:18  <b>express</b> 45:20,23  <b>extend</b> 7:22  <b>extensive</b> 54:19  <b>extent</b> 5:21 7:4                      11:9 12:2                      25:14 49:7  <b>extremely</b> 54:19</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>facilities</b> 6:8                      12:16</p>	<p><b>facility</b> 8:11  <b>fact</b> 4:6 10:14,19                      40:10 41:16                      47:1  <b>facts</b> 34:22  <b>fail</b> 44:17  <b>familiar</b> 57:14  <b>far</b> 25:9  <b>favor</b> 53:5,13  <b>favours</b> 54:2  <b>Federal</b> 13:12                      15:18,20 16:2                      20:18,21,21                      22:7 23:1 24:7                      26:8,11  <b>fee</b> 17:19  <b>feed</b> 20:5,6,8,9  <b>fence</b> 32:20                      39:23 40:2,3,6                      40:8 41:1,2,3                      42:8,10,13                      44:9 49:12  <b>fenced</b> 40:13,14  <b>fences</b> 41:9 42:4                      42:7  <b>fields</b> 6:10,19  <b>figure</b> 20:17  <b>fine</b> 48:16  <b>first</b> 4:1,17 11:4                      13:9 17:5                      19:17 26:12,19                      26:20 27:20,20                      28:12,19 29:7                      29:12,16 30:15                      30:21 31:8,23                      32:3 36:9                      41:16 46:11                      47:5,13,17,25                      48:6,13 50:23                      51:1,4 52:3,19                      53:10 54:5                      55:18 57:2                      58:4  <b>five</b> 54:9  <b>flammable</b>                      19:11,21  <b>flavor</b> 8:11</p>
--	---	--	---	---

<p><b>flies</b> 25:21  <b>Flower</b> 10:16              11:2,2 26:15              26:15,17,22,22              27:13,16 46:12              49:3  <b>Flowers</b> 10:7,7              10:11,12,14              27:6,11  <b>follow</b> 8:1 55:1  <b>foot</b> 38:25  <b>footnote</b> 13:4              31:4  <b>force</b> 3:22 5:6              7:8 9:13 12:9              15:25 17:22              55:22  <b>forces</b> 16:4 17:5              17:8  <b>Forest</b> 13:18  <b>forfeiture</b> 50:22              51:1  <b>formal</b> 14:7,10              16:5  <b>fort</b> 5:11 8:3              10:22 41:14              45:6  <b>forth</b> 10:10              19:12 28:23              56:3  <b>fortiori</b> 58:7  <b>forts</b> 32:13  <b>found</b> 3:14 8:15              21:8  <b>four</b> 13:24 31:12  <b>free</b> 46:25  <b>freestanding</b>              23:1  <b>friend</b> 54:14              55:15  <b>front</b> 38:19  <b>full</b> 49:7  <b>fully</b> 26:7 27:17              40:13 44:11  <b>function</b> 32:9,12  <b>functional</b> 7:13              7:17 32:19</p>	<p>33:18 38:7          39:16 42:14          43:25 44:2          54:15  <b>functionally</b>              34:16 36:6  <b>functioning</b>              14:13</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>G</b> 3:1  <b>gate</b> 40:14  <b>gathering</b> 50:8              50:16  <b>general</b> 1:16              55:22 56:16  <b>generally</b> 24:11              24:13 44:14              56:5,20  <b>generate</b> 44:19  <b>geographic</b> 7:5  <b>getting</b> 30:22              39:14  <b>Ginsburg</b> 3:21              3:25 4:12 10:5              10:14 12:4              18:20,24 26:13              26:22 27:6,11              27:12 36:24  <b>give</b> 13:21 23:3              34:10,24 52:8  <b>given</b> 3:18 43:16              44:16 45:25              46:20  <b>gives</b> 23:6  <b>giving</b> 40:23  <b>go</b> 7:6 10:10              12:14 18:2,5              22:20,21 25:9              27:15 29:23              30:17 31:9,12              33:17 36:5              42:13 43:4,8              45:22 48:25              52:4  <b>goes</b> 6:12 16:23              18:4 28:15</p>	<p>40:11 46:22          47:6  <b>going</b> 9:2 23:11              32:8 37:7              48:24 52:10              54:17,20 55:8  <b>Good</b> 26:4  <b>Google</b> 38:17  <b>government</b>              10:7 13:23              24:10 30:7              36:8,13 37:2,6              37:8 39:22              41:5,10,12              42:18 43:2,12              43:19,21 45:7              45:10 47:23,23              48:4,23 49:6,7              49:10,11,17              50:4 53:9 55:2              56:22  <b>government's</b>              42:11 43:6  <b>governmental</b>              42:5  <b>grace</b> 18:22 37:3              41:20  <b>grant</b> 48:8  <b>granted</b> 29:8              46:16  <b>granting</b> 45:10              48:11  <b>grass</b> 30:5 52:17  <b>grassy</b> 38:24  <b>grave</b> 26:12              47:13 52:25  <b>great</b> 12:25  <b>greater</b> 11:8  <b>green</b> 8:13,15              24:21,25 25:10              25:11,15 32:21              32:22 33:2              34:21 35:3,4              35:13,16,24              36:2,4,15,20              37:12,14,16,21              37:24 38:23</p>	<p>39:2,10,23          40:14,16 44:8          49:11 51:11          53:9,10 55:14          55:17 56:4  <b>Greer</b> 41:13,14              41:17 45:4              49:2  <b>grizzly</b> 20:5,6  <b>ground</b> 40:15  <b>grounds</b> 10:17  <b>Guard</b> 23:16  <b>guards</b> 49:1  <b>guess</b> 5:6 8:20              16:20 21:25              57:8  <b>guide</b> 4:22,23              25:2</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>hand</b> 19:23  <b>happens</b> 15:7  <b>happy</b> 10:25  <b>harms</b> 34:4  <b>hear</b> 3:3  <b>heart</b> 31:9  <b>held</b> 4:10 21:9              29:14  <b>Hicks</b> 58:3  <b>hierarchy</b> 13:4  <b>high</b> 33:24  <b>highway</b> 8:17,25              9:1 10:10              11:16 12:11,12              16:11,15,22              18:4,17,21              19:3,20 22:20              32:22 33:12,25              40:17  <b>highways</b> 22:19              22:21  <b>history</b> 57:2  <b>hold</b> 28:3  <b>holder</b> 27:24  <b>holding</b> 21:2              26:14  <b>holes</b> 24:16,19</p>	<p><b>homeowner</b>              38:22  <b>honest</b> 57:14  <b>Honor</b> 4:15 27:2              28:4,10,17              29:2,10,17,24              30:24 31:14              32:17 33:6,16              34:13 35:24              36:10 37:10              41:11 44:3              45:18 46:1              47:8 48:2,14              48:22 49:10,25              50:12,21 51:17              51:24 53:1,2              53:14,22  <b>Honors</b> 52:14  <b>Horwich</b> 1:15              2:3,9 3:5,6,8              3:24 4:15 5:17              5:19 6:14 7:16              8:20 9:7,19,23              10:13 11:19              12:6,17 13:2,8              13:14,19 14:9              14:18,22 15:10              15:22 16:1,25              17:10,12,15              18:23 19:1,13              20:12,25 21:5              21:14 22:10,15              24:2,23 25:1              27:7 34:21              36:25 54:9,10              54:12 57:2,5              57:14  <b>house</b> 38:19  <b>Houston</b> 10:22  <b>hypothetical</b>              14:23  <b>hypotheticals</b>              55:7</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>identified</b> 12:19  <b>ignores</b> 58:8</p>
--	--	--	--	---

cited in U.S. v. Apple, No. 11-90933 archived on September 23, 2014

<b>illegal</b> 11:14	35:18 41:5	<b>issued</b> 11:21	31:8,16,19,25	<b>Kennedy's</b>
<b>imagine</b> 18:9	44:5 48:5,9,18	36:9 51:5	32:5 33:1,13	27:15 31:25
30:13	53:24 55:11	52:12	33:17,20 34:8	46:23
<b>immediately</b>	56:3	<b>issues</b> 26:12	34:18,20 35:12	<b>kind</b> 6:20 7:12
12:8	<b>installations</b> 6:6	47:10,14	35:21 36:5,7	8:25 13:4
<b>impact</b> 9:3	14:17	<b>issuing</b> 14:19	36:12,23,24	21:16 23:19
<b>imply</b> 11:3	<b>instances</b> 36:19	<b>items</b> 8:2	37:12,15,19,25	50:19
<b>important</b> 41:6	39:8		38:5,7,10,14	<b>kinds</b> 30:10
42:13	<b>instructions</b>	<b>J</b>	39:17,19,25	39:14
<b>inartfully</b> 6:25	56:23	<b>J</b> 1:15 2:3,9 3:6	40:12,19,25	<b>know</b> 8:12 11:13
<b>include</b> 51:18	<b>intended</b> 4:19	54:10	41:8 42:2,13	11:14 13:22
<b>includes</b> 28:16	4:20	<b>JAG</b> 3:22 4:4	42:16,21,25	17:18 18:1
47:2	<b>interest</b> 21:9	<b>John</b> 1:6 26:16	43:11,15,23	21:19 22:4
<b>including</b> 14:19	40:22 49:21	<b>Joint</b> 12:7 55:19	44:12,13 45:14	25:6,8 31:17
37:9,9	50:3	57:8,19	45:22,23 46:4	31:20 32:13
<b>inconceivable</b>	<b>interested</b> 11:1	<b>judgment</b> 29:15	46:13,14,23	34:10 35:1
39:1	29:8	<b>jurisdiction</b> 5:22	47:5,15,21	36:16 39:2
<b>incongruity</b> 20:1	<b>interesting</b>	15:15 16:3	48:7,15 49:4	43:15 44:18
<b>inconsistent</b>	42:23	20:20 21:3	49:15,16 50:5	46:21 47:24
19:4	<b>interests</b> 18:8	22:8,9,15,16	50:17,25 51:6	48:25 52:2,16
<b>inconvenience</b>	31:23	22:19 23:5	51:13,20,52:1	52:17
10:2	<b>Internet</b> 7:7	35:8	52:15,24 53:12	<b>knowledge</b> 7:2
<b>inconvenient</b>	<b>interpret</b> 30:20	<b>jurisdictional</b>	53:15,19 54:8	
48:17	47:9,10 49:14	7:20	57:1,11 58:1	<b>L</b>
<b>incorrect</b> 4:24	52:21 53:25	<b>Justice</b> 1:16 3:3	58:13	<b>lacked</b> 30:7
<b>indicate</b> 32:23	<b>interpretation</b>	3:8,21,25 4:12		<b>land</b> 13:17 17:19
<b>indicates</b> 50:17	26:12 30:22	4:20 5:16 6:5		24:15,17 44:4
<b>indicative</b> 50:14	31:4,5,20 43:7	7:9,25 8:9 9:4		44:14
<b>indistinguishable...</b>	54:1	9:16,19,20,23		<b>lands</b> 8:18,22
9:1 26:14	<b>interpretations</b>	10:5,14 11:11		20:18 24:11
<b>individual</b> 26:16	53:25	12:4,14,22		<b>large</b> 6:18 45:25
<b>individualized</b>	<b>interpreted</b>	13:6,11,14,19		<b>larger</b> 18:11
56:19	26:10 53:3	14:15,19,23,24		<b>late</b> 57:6
<b>individually</b>	<b>interpreting</b>	15:7,20,23		<b>launch</b> 8:24
12:19	29:11 47:12	16:20 17:8,11		19:12 28:22
<b>inherently</b> 42:1	54:3	17:13 18:16,20		<b>launches</b> 6:21
46:25	<b>interrupt</b> 40:1	18:24 19:6,9		<b>law</b> 3:15 7:22
<b>inquire</b> 55:3	52:25	20:12,14 21:1		14:3 15:18
<b>inquiry</b> 54:20	<b>invited</b> 12:16	21:12 22:3,14		16:6,12
<b>inside</b> 25:19	<b>involve</b> 30:15	23:9,24 24:20		<b>lawful</b> 5:20
38:9	<b>involved</b> 11:7	24:24 25:25		55:13 58:6
<b>installation</b> 5:7	26:15,16	26:5,13,18,22		<b>lawfully</b> 56:24
5:12 6:7,12 8:4	<b>Irvine</b> 1:18	26:24 27:6,11		<b>lawn</b> 38:19,21
11:8 13:20	<b>issue</b> 14:11,12	27:12,15,19		<b>lead</b> 21:17
14:14 19:8,16	18:13,13 22:22	28:5,11,19		<b>leadership</b> 5:23
27:4 30:1,25	29:7,7,14	29:6,18,21,23		<b>lease</b> 4:5
32:14 33:3,5	36:14	30:2,3,11 31:2		<b>leased</b> 15:2 22:4



<p>22:5  <b>leases</b> 23:4  <b>leasing</b> 23:13  <b>leave</b> 34:10 40:4  <b>leaving</b> 44:10  <b>led</b> 36:20  <b>left</b> 10:6,8 35:15  50:6  <b>legal</b> 4:2 57:15  <b>legally</b> 54:25  <b>legislative</b> 15:15  <b>Lenity</b> 53:5,13  54:3  <b>lesser</b> 11:8  <b>let's</b> 27:20 28:12  48:10  <b>liable</b> 34:4  <b>lie</b> 25:19  <b>lies</b> 25:23  <b>light</b> 33:2 46:11  <b>limited</b> 21:18  55:25  <b>line</b> 8:13 13:9  24:22,25 25:10  25:15 32:21,22  34:21 35:3,4,9  35:10,13,16,24  36:2,4,16,20  37:12,14,16,21  37:24 38:24  39:2,23 40:15  40:16 44:8  49:11 51:11  53:8,9,9,10  55:14,18 56:4  56:10,13  <b>lines</b> 25:11 35:7  39:10  <b>linger</b> 48:12  <b>lingering</b> 48:20  <b>list</b> 5:10 8:2  <b>listen</b> 29:19  <b>litigation</b> 57:6  57:11  <b>little</b> 38:21 40:4  <b>live</b> 49:23  <b>local</b> 14:3</p>	<p><b>located</b> 6:6  <b>Lompoc</b> 12:10  12:11  <b>long</b> 5:10 14:12  30:18  <b>longer</b> 3:19  <b>look</b> 7:5,6 8:1  9:17 20:16  49:17  <b>looked</b> 38:17,18  <b>lose</b> 13:21 14:6  49:5 51:4  <b>loses</b> 49:8  <b>lot</b> 6:9,10 50:7  <b>lower</b> 26:8 31:6  47:1 48:3</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>maintaining</b>  25:5 34:3  <b>management</b>  13:17 24:15,18  <b>manual</b> 3:22  4:13,16,18  <b>map</b> 7:6,7,9  20:17,19  <b>maps</b> 38:17  <b>Maria</b> 12:11  <b>marked</b> 7:8  35:13  <b>marking</b> 35:25  <b>marks</b> 35:21  <b>materials</b> 19:11  19:21  <b>matter</b> 1:11 3:15  7:22 18:22  22:11 26:9  37:3 58:16  <b>matters</b> 52:19  <b>maximally</b> 10:2  <b>McCoy</b> 35:9  <b>mean</b> 8:23 10:8  13:21 15:23  16:21 20:7  21:18 30:13,25  32:7 34:19  36:8 40:1,1,25</p>	<p>45:1 52:2,8  <b>meaning</b> 12:10  17:9 29:25  <b>meanings</b> 4:21  <b>means</b> 19:16  20:5 27:17  43:24 53:5  <b>medical</b> 52:3  <b>meet</b> 4:7  <b>member</b> 56:9  <b>members</b> 15:24  15:25  <b>memorandum</b>  33:11,23  <b>mentioned</b> 8:2  34:21  <b>mere</b> 8:7  <b>meter</b> 31:13  32:11  <b>meters</b> 44:22  <b>middle</b> 12:7  15:14  <b>miles</b> 25:19,21  25:22  <b>military</b> 3:11 5:7  5:13,14,18,19  5:25 6:5,12  7:14,22 8:6,11  8:18,22 9:14  9:21 10:1 11:8  11:25 13:12,20  13:23 14:4,6,8  14:10,11,14  15:21,24 16:3  16:3 17:2,10  17:11,13,23  19:16 20:16,23  22:6 23:5,6,12  23:21 24:6  26:16 27:4,14  28:8 29:25  30:25 31:10  32:12,12,19,24  35:8,10 36:21  37:6,20 39:5,8  40:23 41:5  42:6 44:1,4,5,7</p>	<p>44:14,19 46:16  46:19 48:4,8,8  48:16 49:17,22  50:6,12,14  53:24 55:1,11  57:13 58:7  <b>military's</b> 18:8  19:4  <b>million</b> 30:13  <b>mineral</b> 21:24  <b>minutes</b> 54:9  <b>misbehaved</b>  50:23  <b>misdemeanor</b>  3:10 7:23 10:3  11:17 12:23  13:1 19:24  20:8,9 24:17  54:18  <b>modify</b> 4:21  <b>moment</b> 23:3  40:12  <b>months</b> 31:12  <b>morning</b> 3:4  26:4  <b>movie</b> 13:25</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>N</b> 2:1,1 3:1  <b>narrow</b> 17:19  <b>national</b> 12:24  13:15 20:3  41:6 42:12  50:3,15  <b>nature</b> 7:20  11:23  <b>naval</b> 23:16  <b>necessary</b> 14:13  15:6 19:10  <b>need</b> 8:10 12:25  15:18 16:11  20:16,19 25:8  45:20,23 47:9  50:1 52:3  <b>needs</b> 6:24 7:2  9:6,15 12:3  19:4,7 49:19</p>	<p>58:1  <b>neither</b> 21:6  <b>never</b> 50:22  <b>Ninth</b> 3:13 21:2  21:16,22 22:1  25:15 30:4,16  38:11 39:4  54:5 55:5  <b>normal</b> 27:23  <b>north</b> 48:11  <b>notice</b> 6:24 7:3  8:10 40:23  <b>notwithstandi...</b>  10:19 36:15  <b>nowadays</b> 7:6  <b>number</b> 55:7</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>O</b> 2:1 3:1  <b>obtains</b> 16:15  <b>obviously</b> 18:6  42:10  <b>occupation</b> 56:1  <b>occurred</b> 40:18  <b>occurs</b> 22:5  <b>odd</b> 9:25 12:22  19:14  <b>oddity</b> 19:19  <b>offense</b> 20:20  56:8  <b>offered</b> 55:7  <b>officer</b> 3:12 6:3  6:3 9:9,12  10:22 14:8,10  14:11 18:12  19:2 33:4,8,14  33:22,24 35:17  <b>officer's</b> 5:22  <b>officers</b> 14:4  16:7 22:20  <b>official</b> 16:13  <b>officials</b> 18:7  <b>oh</b> 38:5,14 43:17  <b>okay</b> 38:5 42:21  <b>old</b> 14:1  <b>once</b> 31:11  34:14,15 35:10</p>
--	--	--	---	---

<p>36:1 46:8,10  <b>ones</b> 13:7,8  <b>open</b> 6:10,10,19          11:9 26:7          27:17 41:15,25          42:1 44:10,11          49:20 56:6  <b>opening</b> 13:3  <b>operated</b> 32:12  <b>operation</b> 8:23  <b>operational</b> 8:5          8:6  <b>operations</b> 8:19  <b>opinion</b> 3:22 4:5          41:16  <b>oral</b> 1:11 2:2,5          3:6 26:2  <b>order</b> 10:3 11:20          12:5,20 26:17          36:9,11,14,25          37:3,4 45:19          50:3,18 51:24          52:12 55:20          58:9  <b>ordered</b> 3:12          12:8  <b>orders</b> 11:21          14:16,20 36:20          37:13 51:5          55:12  <b>ordinarily</b> 11:4  <b>ordinary</b> 11:20          56:9  <b>outer</b> 25:20  <b>outside</b> 8:15          25:1,23 33:9          34:22,23 37:2          37:21 41:21          44:15 49:14          50:13  <b>overburden</b>          27:25  <b>overburdening</b>          28:5  <b>overinclusive</b>          24:1  <b>overruled</b> 10:12</p>	<p><b>owned</b> 9:10 10:7          17:19,21 23:19          31:2 44:4  <b>owner</b> 27:23  <b>ownership</b> 8:7          23:8,9,25 24:7          28:13 38:2  <b>owns</b> 7:10 24:4,5</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>P</b> 3:1  <b>Pacific</b> 11:16  <b>page</b> 2:2 12:6          54:24  <b>parades</b> 9:5  <b>paragraph</b> 12:7          19:17 28:18,23          28:25 41:16          55:18,24 56:18  <b>parcel</b> 40:2  <b>park</b> 13:16 20:4          20:6 58:7  <b>parks</b> 20:4  <b>part</b> 6:9 9:15          17:23 19:25          32:24 35:18          42:22 57:7          58:9  <b>part's</b> 17:25  <b>participating</b>          51:15  <b>particular</b> 4:6          5:15 6:2 8:12          19:3 20:20          25:18 32:10          44:10 52:10          56:21 57:15  <b>particularly</b>          6:21  <b>parts</b> 6:21,22          25:3  <b>passes</b> 12:12  <b>patrol</b> 17:14          22:20 33:12          34:1  <b>patrolling</b> 17:7  <b>peaceful</b> 26:20</p>	<p>50:1  <b>peacefully</b> 26:6  <b>pending</b> 4:13  <b>people</b> 8:14          10:10 30:12          48:12,19 49:23          50:8,9 51:4          56:21 57:22  <b>perceive</b> 50:15  <b>perceived</b> 51:19  <b>percent</b> 23:10  <b>perfect</b> 23:12  <b>perimeter</b> 25:20          25:20 32:20          40:13,14  <b>permanent</b>          50:22  <b>permanently</b>          51:21  <b>permissible</b>          37:13  <b>permission</b>          45:20 46:16          46:20 52:12          56:12  <b>permit</b> 14:16  <b>permits</b> 58:5  <b>perplexed</b> 36:13  <b>person</b> 3:11 8:17          31:9 37:20          46:9 58:5  <b>personnel</b> 17:13          49:22  <b>Petitioner</b> 1:4,17          2:4,10 3:7          54:11  <b>PG&amp;E</b> 31:12,21  <b>phrase</b> 30:25          44:5,6  <b>physically</b> 52:17  <b>pick</b> 43:8  <b>picnic</b> 28:3  <b>picture</b> 9:24  <b>piece</b> 30:5  <b>place</b> 3:15 4:6          5:14,18 6:7 7:5          7:5 10:2 25:19</p>	<p>35:5 36:9 40:5          44:10 54:16,16          54:20,21 55:10          55:11 57:9,21  <b>placed</b> 9:11,11  <b>places</b> 5:10,12          11:9 16:21,24          17:4 23:5,7,11          25:12  <b>please</b> 3:9 26:5  <b>plenty</b> 24:4  <b>point</b> 7:12 8:21          9:25 10:15          12:21 13:20          14:5 18:11          21:8 24:8          25:18 27:6          42:14 48:10,10          57:24  <b>pointed</b> 26:13          31:3 42:24  <b>points</b> 18:16          54:13  <b>police</b> 15:21,25          16:3,17 28:8  <b>policing</b> 14:3  <b>policy</b> 57:19  <b>political</b> 55:2          58:9  <b>portion</b> 42:17          55:3  <b>posing</b> 12:19  <b>position</b> 5:1 10:5          10:15 21:17          31:15,20 48:23  <b>possess</b> 21:11  <b>possesses</b> 43:25  <b>possession</b> 3:16          3:23 4:14          26:11 27:5          30:8 31:6          37:23 38:4          39:24 40:21          41:1,10,13,15          41:17 42:6,19          43:3,13,17,20</p>	<p>43:22,23 44:1          44:25 45:3,5,8          45:13 48:5  <b>possible</b> 44:19  <b>post</b> 5:11 8:3  <b>posted</b> 6:11,21  <b>potential</b> 9:3  <b>precisely</b> 6:19          9:19,23 10:16          19:5,13  <b>premise</b> 8:21  <b>premises</b> 15:9          15:11  <b>prepared</b> 19:12  <b>prescribe</b> 56:3  <b>present</b> 56:24  <b>presented</b> 22:23  <b>preserve</b> 10:3  <b>president</b> 5:25  <b>press</b> 38:15  <b>pressing</b> 39:12  <b>presumably</b> 7:9  <b>presume</b> 44:20  <b>pretty</b> 6:16 13:6  <b>prevent</b> 36:18  <b>previously</b> 35:4  <b>prior</b> 26:14 52:5  <b>prison</b> 51:4  <b>private</b> 13:24  <b>probably</b> 25:2          38:22  <b>problem</b> 26:19          30:21 44:13  <b>problematic</b>          23:14  <b>problems</b> 47:25          48:6  <b>produce</b> 55:8  <b>proper</b> 15:17          35:14  <b>properly</b> 34:23  <b>property</b> 3:15          7:10,13 9:10          9:22 10:9,21          12:13 13:12          21:7,9 22:4          23:5 24:3,4,5</p>
---	--	--	---	---

<p>28:2,13 31:1 32:6,9,15 40:2 40:3,4,5,9 56:22 <b>prosecute</b> 46:12 <b>prosecuted</b> 15:19 33:10 46:9 <b>prosecution</b> 54:18 55:17,18 <b>protect</b> 12:23 13:1 18:8 31:22 <b>protest</b> 11:12 26:7,8,20 33:19 34:15 36:4 37:9 40:17 44:11 45:12 47:12 49:13 50:2,13 57:18 <b>protesters</b> 50:2 <b>protests</b> 51:15 57:21 <b>prove</b> 54:17 <b>provided</b> 55:25 <b>provides</b> 55:12 <b>public</b> 8:16,16 9:6 10:2,9,20 11:9,24 12:3 12:15 20:24 26:7 27:17 28:15,16 32:1 33:10,18,25 34:6,15 36:3,4 38:8 40:22 41:25 43:3,8 44:11 45:6,11 45:15,25 46:6 46:17,25 47:2 47:11 48:9 49:13 50:2 56:10,16,20 58:7 <b>public's</b> 12:16 <b>pull</b> 7:7 <b>punch</b> 24:16,19</p>	<p><b>punishment</b> 58:5 <b>purely</b> 44:2 <b>purpose</b> 21:20 48:9 56:17 <b>purposes</b> 7:14 9:1 41:25 44:1 44:7 47:3,4 52:9 55:1 56:1 <b>pursuant</b> 55:13 55:21 58:6 <b>put</b> 6:24 18:18 31:10 40:2,3 49:12 55:4 <b>puts</b> 23:12 58:3 <b>PX</b> 44:16 45:7 <b>PXes</b> 44:13</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <p><b>quality</b> 8:7 <b>question</b> 5:19 8:10 10:18,24 11:5 20:13 27:9,15 30:24 31:25 38:16 39:7 42:15 45:22 46:8,14 46:19,23 51:14 57:2 <b>quite</b> 4:13 8:17 11:24 15:11 23:8 34:23 57:20 <b>quote</b> 54:23 58:5</p> <hr/> <p style="text-align: center;"><b>R</b></p> <p><b>R</b> 3:1 <b>railroad</b> 17:20 <b>raise</b> 26:12 29:14,18 47:13 48:6 <b>raised</b> 29:14 34:20 <b>range</b> 5:12 <b>reaching</b> 11:4 <b>read</b> 31:12 32:7 32:14 36:25</p>	<p>44:21 47:16,17 47:19,24 48:4 <b>reading</b> 19:15 19:15,19 32:11 <b>real</b> 3:15 21:7,9 32:6,9,15 37:25 55:6 <b>really</b> 13:25 18:15 22:22 39:25 42:7 52:17 54:17 <b>reason</b> 5:9 9:8 12:18 25:16 30:4 31:11 37:13 38:7,16 39:9 48:3 <b>reasonable</b> 28:9 <b>reasons</b> 40:19 50:7 <b>REBUTTAL</b> 2:8 54:10 <b>receive</b> 52:5 <b>recognize</b> 56:18 <b>recognized</b> 14:12 <b>recognizes</b> 4:2 <b>record</b> 25:2 34:22,24 38:16 <b>reenter</b> 3:11 <b>reentering</b> 36:18 <b>refer</b> 6:25 <b>reference</b> 4:3,22 4:23 <b>referred</b> 14:24 <b>referring</b> 4:15 <b>refers</b> 5:10 44:6 <b>reflect</b> 4:1 <b>reflects</b> 7:10 <b>regard</b> 29:1 42:12,14 <b>regarding</b> 23:16 <b>regime</b> 20:10 <b>regular</b> 14:1 <b>regulate</b> 18:17 <b>regulation</b> 19:22 55:19 56:11 58:6</p>	<p><b>regulations</b> 14:11 18:13 19:19 28:9 29:1,2 56:2,9 <b>regulatory</b> 7:21 24:14 <b>rejects</b> 31:3 <b>relative</b> 54:3 <b>relevance</b> 41:2,2 55:15,17 <b>relevant</b> 41:4 42:4,5 52:19 52:20,21,22 <b>relying</b> 38:1 <b>remain</b> 56:23 <b>remaining</b> 54:9 <b>remains</b> 57:17 <b>remember</b> 54:18 <b>removal</b> 51:22 <b>rendering</b> 4:4 <b>repairs</b> 44:23 <b>repave</b> 25:8 <b>repeatedly</b> 29:13 <b>repetition</b> 38:15 <b>reply</b> 31:4 54:24 <b>represented</b> 34:22 <b>reproduced</b> 57:7 57:7,19 <b>require</b> 9:15 <b>requirement</b> 3:13,17,20 4:3 5:4 <b>requires</b> 27:4 <b>reservation</b> 5:11 8:3 19:5 22:6 <b>reservations</b> 20:16 32:13 <b>reserve</b> 19:5 25:24 55:4 <b>reserved</b> 44:7 54:25 <b>resolve</b> 5:1 10:16 <b>respect</b> 6:25 16:21 24:9 57:24</p>	<p><b>respecting</b> 55:10 <b>respond</b> 15:4 16:8,13,17 34:24 <b>Respondent</b> 1:19 2:7 3:19 5:3,4 11:11 20:11 21:8,19 26:3 29:14 56:15,25 <b>Respondent's</b> 19:14,15 21:12 21:14 <b>response</b> 15:17 17:5 <b>responsible</b> 4:4 25:5 34:3 <b>rest</b> 34:16 58:4 <b>restaurants</b> 13:25 <b>restraining</b> 51:5 <b>result</b> 9:25 19:14 31:21 <b>results</b> 55:9 <b>resurfacing</b> 25:4 <b>retains</b> 57:20 <b>retroceded</b> 22:18 <b>ridiculous</b> 30:23 <b>right</b> 4:5 10:6 14:22 15:6 22:14 23:8,9 26:6 27:18 28:6,16,17 29:20 30:8,9 31:18 33:5 35:24 37:3,3 40:3 47:2 50:11 51:22 53:11,19 <b>rights</b> 4:19 21:24,25 46:25 50:23 51:2,5 <b>risk</b> 38:15 <b>road</b> 20:8,9 25:3 25:3,5,7,19,22 26:7 28:15,16</p>
---	--	---	---	--

29:5 30:6 32:1 33:10,18,25 34:4,4,5,7,15 35:7 36:4 37:1 37:1,4,6,8,9,11 38:8 42:17 43:16,18 44:11 45:6,11,14,24 46:2,17,25 47:2,11 48:12 48:24 49:13 50:2,9,10 56:6 56:7 <b>roads</b> 9:5 16:10 39:10 41:25 <b>roadway</b> 55:24 <b>ROBERTS</b> 3:3 25:25 34:20 45:23 46:4,13 50:5,17,25 51:6,13,20 52:24 53:12,15 53:19 54:8 58:13 <b>rocket</b> 6:20 28:21 <b>route</b> 27:17 <b>rule</b> 20:4 28:18 53:4,12 54:3 55:22 <b>rules</b> 27:23 29:1 29:2 56:2,16 56:20 <b>run</b> 8:5 17:18 19:7 41:21 44:14 <b>runs</b> 13:4 <b>rural</b> 6:6,17	<b>Santa</b> 9:18 11:13 12:11 28:7 <b>saw</b> 30:9 <b>saying</b> 18:25 29:22 35:18 37:12,15,19 40:7,19 43:19 44:15 46:14 47:15 53:23 54:1 57:12 <b>says</b> 12:8 18:16 20:4 21:7 22:12 28:25 36:25 37:6 41:17 52:2 54:25 55:15,21 <b>Scalia</b> 13:11,14 14:15,19 19:6 21:12 26:24 29:6,18,21 33:1,13,20 34:8 35:12,21 37:25 38:5,10 42:16 21:25 43:11,15,23 47:5,15,21 49:15 <b>scattered</b> 25:11 <b>school</b> 8:16 12:15 14:24 15:2,8,9,10,13 15:14 16:22 43:4,8,9 52:3,7 <b>schools</b> 15:1 <b>scope</b> 47:7,22 <b>sealed</b> 20:23 <b>second</b> 27:5 56:18 <b>section</b> 3:10 4:18 19:17 26:10 35:11 47:7 55:12 56:18 <b>sections</b> 8:14 <b>securing</b> 49:21 <b>security</b> 12:3,20	12:24 16:4 17:5,8 23:16 41:7 42:12 48:20 50:3,15 <b>see</b> 6:9 18:9 24:18 36:23 38:23 42:7 50:18 <b>seeing</b> 23:23 <b>sense</b> 8:9 16:6 34:3 49:9,10 <b>sensible</b> 49:18 <b>sentence</b> 40:1 51:18 <b>separate</b> 8:4 22:22 <b>separated</b> 32:4 <b>serious</b> 58:1 <b>serve</b> 6:19 39:13 <b>serves</b> 40:22 <b>Service</b> 13:16,18 20:4 <b>set</b> 5:23 28:22 <b>settled</b> 58:11 <b>settlement</b> 57:5 57:16 <b>severe</b> 13:7,8 <b>shades</b> 25:12 <b>sharp</b> 37:5 <b>sheriff</b> 16:17 <b>show</b> 7:7 55:8 56:21 57:16 <b>shows</b> 54:15,22 57:8 <b>shutting</b> 10:2 <b>side</b> 25:16 32:22 36:3,21 40:16 42:17 43:18 53:10 <b>sidewalks</b> 41:21 41:23,25 <b>sign</b> 30:6 <b>significance</b> 24:24 42:7 <b>significant</b> 7:11 25:15 42:11 <b>signs</b> 32:23	48:25 <b>simply</b> 4:22 <b>situation</b> 16:15 18:1 23:4,15 40:11 <b>six</b> 13:24 <b>Sixth</b> 35:8 <b>sliding</b> 29:6 <b>solely</b> 43:24 <b>Solicitor</b> 1:15 <b>somebody</b> 6:12 18:1,2 35:10 46:2 50:19,23 51:19 <b>someplace</b> 20:18 <b>somewhat</b> 16:14 <b>sorry</b> 15:20 44:12 53:12 <b>sort</b> 7:20 11:25 13:9 19:23 21:20 23:9 25:23 38:18 49:5 50:6 54:15 55:6,15 <b>Sotomayor</b> 7:25 9:4 12:14,22 13:6 14:24 32:5 33:17 36:5 38:7 39:17 44:12 45:14 46:14 <b>Sotomayor's</b> 42:13 <b>sound</b> 19:23 52:19 <b>sources</b> 3:25 <b>south</b> 48:10 <b>Southern</b> 11:15 <b>spaces</b> 5:24 <b>speak</b> 53:11 <b>speaking</b> 25:1 <b>speech</b> 27:18 28:17 41:25 46:25 47:3,11 57:3 <b>standard</b> 28:6 <b>starters</b> 7:5 42:9	<b>State</b> 22:12,16 22:19 34:3,4,5 34:10 <b>States</b> 1:1,3,12 3:4,16 9:11 15:16,16 17:22 21:10,11 22:6 22:13,16,17,18 23:4,11 24:4,5 26:9,10,15 31:2,3 34:1 35:2,25 36:1 37:24 39:22 41:19 44:8 45:3,4 46:5,8 46:10 48:4 <b>station</b> 5:11 8:3 12:12 16:22 17:1,1,16,17 17:18 18:2,5 <b>status</b> 16:18 <b>statute</b> 3:18 5:9 8:2 13:15,16 13:17 19:25 20:11 22:25,25 22:25 23:1 24:13,19 26:25 27:21,22 29:9 29:11 30:21 31:11,21 32:8 37:2 39:6,13 47:9,10,13,16 52:21,22 53:3 53:18 54:3,4 54:16 <b>statutes</b> 4:21 24:9 <b>statutory</b> 10:15 32:4 <b>stimulated</b> 20:13 <b>stop</b> 16:10 19:10 <b>stores</b> 12:15 <b>strange</b> 20:2 22:2 <b>street</b> 10:11,20 26:15,23 27:14
<hr/> <b>S</b> <hr/>				
<b>S</b> 2:1 3:1 <b>Sam</b> 10:22 <b>sanction</b> 7:24 10:4 18:19 53:16 55:12 <b>sanctions</b> 13:5 13:11 24:17				

38:20,20	<b>take</b> 8:20,23,23	5:7,8 6:18,23	<b>trespassing</b>	46:20 47:2
<b>strip</b> 17:19	11:13 18:3	6:25 7:2 8:4	13:12 35:5	49:5 52:13
52:18	31:15 34:10	9:24 10:6,14	<b>truck</b> 19:20,21	55:25 56:1
<b>strongly</b> 11:3	41:13 52:2	13:9,19 14:9	<b>trucks</b> 19:10	<b>uses</b> 49:7 55:3
<b>structure</b> 4:5	58:9	17:1 18:11,15	<b>true</b> 20:23 23:10	<b>usually</b> 23:10
<b>stuff</b> 28:6	<b>taken</b> 25:13 35:7	23:3,8 24:2	24:11,12,13	50:5
<b>subject</b> 5:2,13	35:24	25:13 27:7	<b>try</b> 38:23	<b>utilities</b> 30:12
5:14,18 15:3	<b>talk</b> 8:12 10:25	31:24 32:3,18	<b>trying</b> 12:1,1	44:20
18:15 30:6	43:15	39:16,21 42:12	<b>turned</b> 14:1	<b>utility</b> 21:23
51:21 56:2	<b>talking</b> 16:1	48:3 50:7	<b>turns</b> 19:15	28:2 30:18
<b>subjected</b> 26:17	23:3 46:23	54:14,22 55:6	<b>two</b> 27:2 38:25	32:2 44:18
<b>submitted</b> 58:14	51:6 53:15	57:16,25 58:2	46:21 53:24	45:15,19,21
58:16	<b>tell</b> 5:16 8:13	58:7,10		46:15 47:4
<b>subordinate</b> 6:1	38:24	<b>thought</b> 5:20	<b>U</b>	
<b>subservient</b>	<b>tells</b> 25:16	10:16 19:10	<b>U.S</b> 4:16,18 9:18	<b>V</b>
27:24	<b>temporarily</b>	23:24,25 30:9	13:1 45:16	<b>v</b> 1:5 3:4 26:15
<b>subsurface</b>	55:4	38:1 46:13	<b>underground</b>	41:19 58:3
21:24	<b>temporary</b> 51:1	<b>thousands</b> 30:10	44:24	<b>vandalize</b> 56:22
<b>subtle</b> 54:20	51:7	39:11	<b>underinclusive</b>	<b>vandalized</b>
<b>suburban</b> 38:19	<b>term</b> 32:16	<b>threat</b> 12:19,25	24:1	50:20 51:16
<b>sufficient</b> 18:7	33:15	50:15,19	<b>understand</b> 20:14	<b>vandalizing</b> 58:8
36:13,17	<b>terms</b> 8:6 9:17	<b>three</b> 13:25	21:5,6 28:12	<b>Vandenberg</b> 5:6
<b>suggest</b> 7:12	11:19,20 25:4	<b>threshold</b> 55:16	38:15 48:15,17	5:13 6:17 7:8
<b>suggested</b> 7:20	28:14 34:11	<b>tight</b> 49:18,19	51:21	8:25 9:9 11:21
39:17	41:6 42:11	<b>time</b> 19:11 23:10	<b>understanding</b>	12:9 32:20
<b>suggesting</b> 7:17	54:4,5	26:21 45:17	20:15 33:11,24	45:8 55:21,25
7:17 53:3	<b>territory</b> 6:9	50:24 57:21	<b>unfair</b> 11:24	<b>Vandenberg's</b>
<b>suggests</b> 19:6	<b>test</b> 5:17 7:13,17	<b>times</b> 10:3	<b>unit</b> 6:3,4	12:13
20:11	7:21 23:8,9,25	<b>tomorrow</b> 8:24	<b>United</b> 1:1,3,12	<b>various</b> 25:12
<b>supply</b> 44:24	38:1,2,4 39:4	<b>town</b> 14:1	3:4,16 9:11	<b>vary</b> 54:20
<b>supportive</b>	42:3 43:25	<b>tracks</b> 17:17	15:15,16 17:21	<b>vast</b> 43:18
10:15	44:2,2,17 45:1	<b>tract</b> 43:18	21:10,11 22:6	<b>view</b> 39:20
<b>suppose</b> 6:7,11	<b>tests</b> 40:21	54:25	22:13,16,17,18	<b>violate</b> 46:11
11:11 13:22	<b>text</b> 3:17 47:24	<b>traffic</b> 16:10	23:4,11 24:4,5	47:17
19:9 22:4,5	<b>Thank</b> 3:8 25:25	<b>train</b> 18:2,3,5	26:9,10,15	<b>violating</b> 35:15
52:7	54:7,8,12	<b>Transportation</b>	31:2,3 34:1	53:18 55:19
<b>supposed</b> 20:7	58:12,13	25:7	35:2,25 36:1	56:11
25:9 30:20	<b>theaters</b> 13:25	<b>travel</b> 12:10	37:24 39:22	<b>violation</b> 19:21
<b>Supreme</b> 1:1,12	<b>theory</b> 21:13,15	18:4 25:22	41:19 44:8	<b>Virginia</b> 58:3
41:24	43:1	45:16,17	45:2,4 46:5,8	
<b>sure</b> 7:25 8:17	<b>they'd</b> 52:8	<b>traveling</b> 46:6	46:10 48:4	<b>W</b>
35:1	<b>thing</b> 4:4 12:23	<b>traverse</b> 11:22	<b>units</b> 6:2	<b>wait</b> 16:12 18:5
<b>Surf</b> 12:12	12:25 13:3	12:10 51:13,14	<b>urging</b> 10:12	<b>walk</b> 11:15,15
<b>suspect</b> 38:20	<b>things</b> 3:25 5:22	<b>treatment</b> 52:4	<b>use</b> 12:3 18:17	<b>want</b> 11:12
	6:15 16:10	<b>treats</b> 35:2 37:8	18:21 19:3	15:11 23:11
<b>T</b>	21:6 44:24	<b>tremendously</b>	27:18 28:16	30:13 31:10,19
<b>T</b> 2:1,1	<b>think</b> 3:24 4:24	41:4	37:1,4,7 46:17	31:22 34:2,5

34:24 45:17 46:21 48:19 50:8 <b>wanted</b> 11:12,15 48:23 52:2 <b>wants</b> 28:21 34:1 45:7 49:17 <b>Washington</b> 1:8 1:16 <b>wasn't</b> 11:5 21:19 <b>waters</b> 23:17 <b>way</b> 4:5 5:22 19:2 23:20 31:1 38:21 47:13,18,20,24 48:1 <b>ways</b> 34:1,9,14 <b>we'll</b> 3:3 34:10 48:18 <b>we're</b> 7:16,17 16:1 29:8 37:7 37:25 38:12 48:24 53:3,15 53:23 54:1 <b>weapons</b> 15:5 <b>Wednesday</b> 1:9 <b>week</b> 49:8 <b>went</b> 10:23 <b>weren't</b> 18:9 <b>white</b> 35:9,10 <b>wide</b> 25:9 <b>willing</b> 48:16 50:9 56:21 <b>wisdom</b> 54:22 <b>won</b> 30:5 <b>wondering</b> 16:21 <b>word</b> 21:15 43:23 55:14 <b>words</b> 53:23 <b>work</b> 46:15 56:20,20 <b>workable</b> 54:17 <b>worn</b> 25:13 <b>worse</b> 12:1	<b>worth</b> 23:3 <b>wouldn't</b> 19:24 19:25 20:3 24:16 31:17 <b>wound</b> 11:25 <b>written</b> 52:5 <b>wrong</b> 7:14 16:23 34:12 49:24,25 <hr/> <b>X</b> <hr/> <b>x</b> 1:2,7 <hr/> <b>Y</b> <hr/> <b>yard</b> 5:11 8:3 <b>yards</b> 32:13 40:13 <b>yeah</b> 20:7 43:17 <b>year</b> 51:9,12,16 <hr/> <b>Z</b> <hr/> <b>zone</b> 6:20 9:3 26:8 33:19 34:16 40:17 44:11 45:12 47:12 49:13 50:2,13 <b>zones</b> 23:16 <hr/> <b>0</b> <hr/> <b>1</b> <b>1</b> 9:1 12:11 31:4 32:22 40:17 <b>10:03</b> 1:13 3:2 <b>11:03</b> 58:15 <b>12-1038</b> 1:4 3:4 <b>1382</b> 3:10 4:7 7:18,24 10:19 11:3,7 19:17 22:2 26:10 27:3,8,13 35:11 36:1,22 37:22 43:7 44:4 46:9 47:7 49:14 53:17 55:12,16,17 56:18	<b>15</b> 54:24 <b>16</b> 54:24 <b>18</b> 26:10 <b>1832</b> 27:3 <b>1980s</b> 57:6 <hr/> <b>2</b> <hr/> <b>2</b> 12:7 55:24 <b>200</b> 40:13 <b>2013</b> 1:9 <b>246</b> 12:12 <b>26</b> 2:7 <hr/> <b>3</b> <hr/> <b>3</b> 1:9 2:4 <hr/> <b>4</b> <hr/> <b>4</b> 28:23,25 <hr/> <b>5</b> <hr/> <b>51</b> 55:19 <b>54</b> 2:10 <hr/> <b>6</b> <hr/> <b>6</b> 12:6,8 <hr/> <b>7</b> <hr/> <b>8</b> <hr/> <b>9</b> <hr/> <b>95</b> 23:9		
--	--	--	--	--

Cited in U.S. v. Apple, No. 11-64003 archived on September 25, 2014