

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

December 1, 2023

Jeff Atkins
Clerk's Office
Supreme Court of the United States
One First Street, NE
Washington, DC 20543

Re: No. 23-467, *Garcia v. Hobbs, et al.*

Dear Mr. Atkins,

Attached is a page with the missing text from the appendix in No. 23-467, *Garcia v. Hobbs, et al.*

This text was inadvertently missed in formatting the appendix, and the spot in the appendix where it should appear is as follows: Appendix page A64, six lines up from the bottom of the body text, between the last two words of that line, "the" and "regardless."

This letter and the attached text are also being e-filed and served on all counsel (certificate attached).

Thank you for your assistance, and should you need anything further please do not hesitate to call.

Respectfully submitted,

/s/ Jason B. Torchinsky

JASON B. TORCHINSKY
Counsel of Record
HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIAK PLLC
15405 John Marshall Highway
Haymarket, VA 20169
(540) 341-8808 (telephone)
(540) 341-8809 (facsimile)
jtorchinsky@holtzmanvogel.com

Counsel for Petitioners

statistical evidence shows that Latino voter cohesion is stable in the 70% range across election types and election cycles over the last decade.

E. Impact of the Majority Vote

The third *Gingles* precondition focuses on whether the challenged district boundaries allow the non-Hispanic white majority to thwart the cohesive minority vote. *Milligan*, 143 S.Ct. at 1503. In order to have a chance at succeeding on their Section 2 claim, plaintiffs must show not only that the relevant minority and majority communities are politically cohesive, but also that they are in opposition such that the majority overwhelms the choice of the minority. Dr. Collingwood concluded, and Dr. Alford confirmed, that white voters in the Yakima Valley region vote cohesively to block the Latino-preferred candidates in the majority of elections (approximately 70%). Intervenors do not dispute the data or the opinions offered by Drs. Collingwood and Alford, but argue that because the margins by which the white-preferred candidates win are, in some instances, quite small, relief is unavailable under Section 2. Plaintiffs have shown “that the white majority votes sufficient as a bloc to enable it – in the absence of special circumstances, such as the minority candidate running unopposed . . . – usually to defeat the minority’s preferred candidate.” *Gingles*, 478 U.S. at 51. A defeat is a defeat,
