

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF ALABAMA
 SOUTHERN DIVISION

BOBBY SINGLETON, et al., *
 Plaintiffs, * 2:21-cv-1291-AMM
 vs. * January 12, 2022
 * Birmingham, Alabama
 * 8:30 a.m.

JOHN MERRILL, in his official *
 capacity as Alabama Secretary *
 of State, et al., *
 Defendants. *

EVAN MILLIGAN, et al., *
 Plaintiffs, * 2:21-cv-1530-AMM

vs. *

JOHN MERRILL, in his official *
 capacity as Alabama Secretary *
 of State, et al., *
 Defendants. *

MARCUS CASTER, et al., *
 Plaintiffs, * 2:21-cv-1536-AMM

vs. *

JOHN MERRILL, in his official *
 capacity as Alabama Secretary *
 of State, et al., *
 Defendants. *

TRANSCRIPT OF PRELIMINARY INJUNCTION HEARING
 VIA ZOOM CONFERENCE
 VOLUME VII

BEFORE THE HONORABLE ANNA M. MANASCO,
 THE HONORABLE TERRY F. MOORER,
 THE HONORABLE STANLEY MARCUS

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4 and Procedures Vol. VI, Chapter III, D.2. Transcript
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P R O C E E D I N G S

(In open court.)

JUDGE MARCUS: Are the parties ready to proceed?

MR. DAVIS: Defense is ready, and Mr. Byrne the next witness is here and ready, Judge.

JUDGE MARCUS: Okay. Caster plaintiffs are ready?

MS. KHANNA: Yes, Your Honor.

JUDGE MARCUS: And the Milligan and Singleton plaintiffs?

MR. BLACKSHER: Singleton are.

MS. WELBORN: Milligan are, as well, thank you.

JUDGE MARCUS: We are going to turn now to your next witness, Mr. Davis.

MR. DAVIS: Thank you, Judge. The defense calls

Mr. Bradley Byrne.

BRADLEY BYRNE,

having been first duly sworn, was examined and testified as follows:

JUDGE MARCUS: Thanks very much. And if you would be kind enough to state your name for the record.

THE WITNESS: My name is Bradley Byrne, B-R-A-D-L-E-Y, B-Y-R-N-E.

JUDGE MARCUS: Thank you very much. And with that, Mr. Davis, you may proceed.

MR. DAVIS: Thank you, Judge.

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1 DIRECT EXAMINATION

2 BY MR. DAVIS:

3 Q Good morning, Mr. Byrne.

4 A Good morning.

08:30:45 5 Q Where do you live, Mr. Byrne?

6 A I live in Fair Hope, Alabama.

7 Q How long have you lived in the Gulf Coast region?

8 A My entire life.

9 Q And what do you do for a living?

08:30:57 10 A I am a lawyer.

11 Q Have you ever served in public office?

12 A I have.

13 Q Would you please tell the Court about your experience in
14 public service beginning with your earliest appointed or
08:31:10 15 elected position?

16 A Yes. I was elected to the Alabama State School Board in
17 1994 and took office in December of that year because my
18 predecessor left to go take another position, so I started that
19 a little bit earlier.

08:31:25 20 I served the Alabama State School Board eight years. I
21 was elected to the Alabama State Senate in 2002, and under
22 Alabama law, you take office immediately after general
23 election. So I became the state senator in November of 2002.
24 I served there until May of 2007, when I became the chancellor
08:31:43 25 post-secondary education for the state of Alabama.

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1 In December of 2013, I was elected in a special election
2 to the United States House of Representatives representing the
3 First District, which is the southwestern part of Alabama. I
4 served there until January 3rd of last year, when I left
08:32:01 5 office, and my term expired.

6 Q Thank you, Mr. Byrne.

7 I want to share my screen now and show you a map that has
8 been marked as Defendants' Exhibit 55. Can you see this map,
9 Mr. Byrne?

08:32:14 10 A I can.

11 Q I will represent to you that these are the congressional
12 districts that the Alabama Legislature passed November the last
13 districting cycle.

14 Does the First Congressional District look similar to the
08:32:33 15 district as it existed when you represented the First District?

16 A It is similar. It does not include the lower half of
17 Clarke County that I had in my district. And there's a small
18 sliver of the eastern part of Escambia County that is now part
19 of the Second District, but other than that, it's the same
08:32:51 20 district that I had.

21 Q To your recollection, does the Second District look
22 similar in structure to the way it was when you were serving in
23 Congress?

24 A It does.

08:32:58 25 Q Thank you. How would you describe Gulf Coast region,

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1 Mr. Byrne? And by that, I mean what is it, if anything, that
2 binds that region together to make it a community of interest?

3 A Well, we are on the water. We are on the Gulf of Mexico.
4 We have lots of bodies of water in the district. Mobile Bay is
08:33:22 5 very prominent, and Perdido Bay is pretty prominent. A number
6 of rivers, sounds, et cetera. So water defines the district
7 very much. It's not just any kind of water. It's salt water,
8 brackish water, et cetera.

9 What that means is we have a major deep water port. We
08:33:40 10 have a major ship building industry. We have major tourism
11 industry that's related to the beaches and the water. And also
12 a major seafood industry. And all of those are unique in terms
13 of Alabama unique to this part of the state.

14 And so when you deal with the things that happen in this
08:33:58 15 part of the state, you are dealing with something that's unique
16 in the state of Alabama.

17 Q Do people throughout the region through the other counties
18 in the First District commute in to Mobile for employment?

19 A Yeah. There are major highways that come from the
08:34:16 20 northern part of the district into both Mobile and Baldwin
21 counties. So people in what I call the collar counties, which
22 are Washington County, Escambia County, Monroe County, and
23 presently that lower part of Clarke County, they'll use those
24 highways to go back and forth.

08:34:29 25 It's not just their jobs. It may be going to the doctor,

1 the hospital, their shopping, et cetera. So there's this sort
2 of larger community involving these four, five counties that
3 flow into and out of Mobile and Baldwin counties. It used to
4 be just Mobile County. Baldwin County has grown so much.
08:34:49 5 Baldwin County is now a very big part of that, as well.

6 Q What role does the Port of Mobile play, if anything, in
7 binding that region together?

8 A Well, it's huge. Mobile started out in the 18th Century
9 as a port. It was a port for French traders, but it was still
08:35:07 10 a port, and it's been a port for 300-plus years, and the port
11 continues to grow. In fact, it had amazing growth last year.
12 It's not just the port itself. The port is at the very center
13 of what is a major logistics hub. For example, we have one of
14 Walmart's four mega distribution centers here in Mobile County.
08:35:25 15 That's all related to the port.

16 The fact that we have Airbus in Mobile, we have it in part
17 because they can ship directly via the ship channels directly
18 from a port in Europe to a port right outside of their assembly
19 facility here in Mobile. So that port is the anchor for the
08:35:46 20 economy around here. And it literally directly and indirectly
21 creates tens of thousands of jobs. So it's extremely important
22 to this area.

23 Q Are there industries in the area along the rivers that
24 flow into the port?

08:36:01 25 A Oh, yeah. We have major industries, chemical industry

1 players, steel industry players up and down the Mobile river
2 and as you get further north of that into the Tombigbee River.
3 So the river, the Tombigbee River, then on the eastern side,
4 the Alabama River, those are very important to the economy and
08:36:25 5 the culture of this area.

6 Q And do any of those industries rely on the port for
7 distribution of the products?

8 A Well, for the distribution of their products, but also for
9 stuff that comes in that they have to use to create their
08:36:41 10 product. Maybe different types of elements that go into the
11 chemical process. In the case of steel, we actually have steel
12 slabs that come up from Brazil that are then offloaded off the
13 ships and put on barges that come up to a company called AM/NS
14 Calvert. It's a multinational company that employs well over
08:37:01 15 2,000 people in the production of coal and steel.

16 Q Is there anything unique about the history of this region,
17 in terms of international influence?

18 A Yeah. We were founded by the French in 1702. We had
19 20 years in there where we were a British colony and then 30 or
08:37:21 20 40 years where we were a Spanish colony.

21 So unlike the rest of the state of Alabama, we have this
22 extensive Colonial history, and it continues to form our
23 culture today. We're far more likely to have Catholic
24 residents here than in any other part of the state. We have
08:37:42 25 Mardi Gras, which may sound like just sort of a frivolous fun

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1 thing, but Mardi Gras is big business here. There are a lot of
2 businesses that that is what they do. So it's not unusual to
3 find Mardi Gras parades not just here in Mobile, but you go
4 north of here into Washington County, you go over into Baldwin
08:37:55 5 County, several of the cities in Baldwin County, and even up
6 into Monroe County, they have Mardi Gras because there is that
7 cultural connection between the two.

8 I was reading an interesting article the other day about
9 Truman Capote. He used to have relatives in Monroe County that
08:38:20 10 he would visit. Mr. Capote wrote that he actually entered into
11 contests as a child to write stories, and those stories were
12 part of a contest in the *Mobile Press Register*. He was in
13 Monroe County. This is 100 years ago.

14 So you can see that there's this long-term connection
08:38:34 15 between what I call the collar counties in the First
16 Congressional District and Mobile itself.

17 Q Are Baldwin County in Mobile County closely connected?

18 A Oh, yeah. If you look at a map of Mobile and Baldwin
19 counties, it looks like an inverted U. And what's in the
08:38:53 20 interior of that U is Mobile Bay. And so if you go back
21 literally centuries, you will see a connection between the two
22 counties.

23 So my family is originally from Baldwin County. The
24 Byrnes were from Baldwin County. But if you go back to the
08:39:08 25 late 18th Century, you will see one of my ancestors was

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1 actually baptized in the Roman Catholic Church here in Mobile.
2 So there's this intersection between those two counties that's
3 been going on for a very long time.

4 Q Would you say those counties are more closely connected
08:39:24 5 today than they were, say, in the '60s and 70s?

6 A Oh, yeah. For example, when -- I live in Baldwin County,
7 and I work in Mobile County.

8 If you were in my car with me today, you would have seen
9 thousands of cars crossing from Baldwin County into Mobile
08:39:42 10 County. So you have lots of people who live in Baldwin County,
11 but work in Mobile County.

12 Not as many people, but there are people who live in
13 Mobile County and work in Baldwin County.

14 So there's really strong interconnection between the two
08:39:56 15 counties.

16 Q What are -- you mentioned a few of these. Let's get on
17 the record and say what are some of the major industries and
18 employers in the Mobile region?

19 A For instance, the Port of Mobile. That's a big one. You
08:40:17 20 have AM/NS Calvert, which is the steel company. There's
21 Outokumpu, which is a stainless steel company; there's SSAB,
22 another coal and steel company; and Earth Pipe, which is a
23 steel pipe company, so those are steel companies.

24 Numerous chemical companies. I think about it. Huntsman,
08:40:42 25 there's -- oh, shoot. There's Shell. I can't remember all the

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1 chemical companies. It must be 20.

2 Q Of course.

3 A We have the University of south Alabama, which is a major
4 employer in this area. We have Austal USA, which is a
08:41:01 5 ship-building company. We have Airbus USA, which is major
6 airplane assembly facility here. We have the Mitchell Cancer
7 Research Center. We have -- I mentioned the Walmart mega
8 distribution center. We have a number of other logistic
9 distribution centers because of the port.

08:41:21 10 And then if you go into the southern part of Baldwin
11 County, you have major businesses are there to provide
12 condominium access to tourists that come down here, hotels,
13 restaurants, et cetera. In Bon Secour, Alabama and Bayou La
14 Batre, Alabama, these are two of the largest seafood
08:41:43 15 distribution places literally in the United States of America.

16 So Nelson Bon Secour Fishery in Bon Secour, huge
17 distributor for seafood. I can remember eating crab meat in
18 Washington D.C. and finding out during the meal that that crab
19 meat came from Bon Secour, Alabama.

08:42:01 20 So you know, no other part of Alabama has industries like
21 this. I am not saying it's better or worse than the other
22 parts of the state. It's just unique.

23 Q Would you describe the First District as racially diverse?

24 A Oh, yes. Very much so. We have obviously long-time white
08:42:21 25 and black communities, but we have Hispanic communities. Down

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1 in Bayou La Batre, we have a number of southeast Asian
2 communities, people that left those areas in the aftermath of
3 the Vietnam War and settled Bayou La Batre, Alabama and formed
4 these huge fishing communities. We have other Asian
08:42:40 5 communities here. This is always been because of the port I
6 guess a very diverse area, going back to the earliest times
7 here.

8 So it's not unusual to find somebody like me who has
9 French ancestors, you know, Scottish ancestors, Irish
08:42:58 10 ancestors, German ancestors. It's not unusual to find people
11 here that can draw their lines back to various parts of Africa.
12 There are people here that can draw their lines back to the
13 various nations in southeast Asia. This is a very diverse area
14 and always has been.

08:43:15 15 Q Are there military interests in the First District?

16 A Yes, sir.

17 Q What do you have?

18 A We have a shipyard here called Austal USA that makes two
19 different ships presently for the United States Navy, combat
08:43:33 20 ship and the expeditionary fast transport vessel. Those are
21 the only vessels that that shipyard makes. It employs
22 presently about 3,500 people. At one point, it had as many as
23 4,500 people. Ship building has been a major part of Mobile
24 going back to Colonial times.

08:43:50 25 We have all -- you have people here who are like fifth,

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1 sixth generation ship builders. Making ships is not like any
2 other manufacturing process because they're so darn big. It's
3 just a lot more to it than making a car, or even making the
4 airplanes that Airbus makes here.

08:44:09 5 So we -- that ship building for the Navy here is a big
6 deal.

7 Q In the years when you were representing this area in
8 Congress, Mr. Byrne, were there any particular issues that you
9 would focus on?

08:44:23 10 A Sure. When you are a Congressman, you're the primary
11 representative for the people in your district in Washington,
12 D.C.

13 So there were a myriad of things that were particular to
14 this district that I had to focus on. The shipyard, for
08:44:43 15 example, very critical that we make sure those ships are
16 authorized and appropriated year after year after year.
17 There's nothing automatic about that. There's a fight over
18 that every year.

19 But it may sound mundane. We had a huge issue here in
08:44:56 20 involving the Gulf Red Snapper, which is the number one fish
21 people like to catch out in the Gulf of Mexico. We have a huge
22 industry in Orange Beach built up around charter boats, people
23 that own their own boats. Think about it. It is not just the
24 fact of the boat, it's you have to buy fuel for the boat, you
08:45:14 25 have to buy ice for the boat, you have to buy bait for the

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1 boat, you have to buy beer to go out and have fun in the summer
2 time. It's a huge industry. And we have a real problem with
3 those seasons being artificially shortened, and we had to go
4 work on trying to get those seasons back to a reasonable level.

08:45:32 5 For friends of mine that wanted to go fishing on Saturday, it
6 was for that industry. It was important.

7 We have a program in the federal government called GOMESA.
8 It is an acronym. But basically, it provides a certain
9 percentage of what the federal government gets in off shore gas
08:45:47 10 leases and oil leases that go to the states that border the
11 Gulf of Mexico. That's to help them deal with what could be
12 the very negative effect from that like with the BP oil spill
13 that we had back in 2010. So I was constantly working on that
14 and similar programs.

08:46:03 15 So I actually formed a caucus in Congress called the I-10
16 Caucus because those of us that represented districts in the
17 Gulf Coast had sort of unique problems that we would actually
18 work on together because those same interests weren't shared
19 with our colleagues and our state delegations up in the upper
08:46:21 20 parts of our states. So we would work together on things like
21 that.

22 And then there would be just the stuff that, you know,
23 every industry faces when you deal with federal government
24 regulations. Ship building has all sorts of interesting issues
08:46:36 25 with the Coast Guard, et cetera. So, yeah, I mean, I had to

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1 work on those. And really had to become an expert on those
2 issues along with my staff.

3 Q Obviously, a longer snapper season would benefit the
4 people who enjoy going out in the Gulf and fishing. Does it
08:46:54 5 have any benefit to other residents of the First District
6 having a healthy fishing industry?

7 A Okay. That's an industry around it. There are charter
8 boat fleets, people that work on charter boats. There are
9 people that run marinas. There are people that sell fuel.
08:47:10 10 There are people that sell ice. There are people that sell
11 bait. There are people that, you know, provide condos and
12 hotel rooms that people stay in when they go fishing.

13 I mean, I remember when I was first elected and I had a
14 meeting with the people in Orange Beach that were in that
08:47:24 15 industry, and the room was just crammed full of people. I
16 never really thought of it that clearly before just how many
17 people were touched by the fact that we do or do not have a
18 good snapper season. And it was a major motivation to make
19 sure that we got that problem solved because it touched so many
08:47:41 20 different lives and touched so many different jobs.

21 Q Would issues that you worked on such as is the snapper
22 season or a healthy port or a healthy ship building industry,
23 would they help both the black and the white residents of the
24 First District?

08:47:55 25 A Oh, yeah. I mean, people down here, we have people of all

1 races that are working in all of these industries. And it's a
2 major source to get good high paying jobs. So it's a benefit
3 to everybody that we do that.

4 Q Uh-huh. Are you familiar with the Wiregrass region in the
08:48:15 5 Second District?

6 A I am. I told you earlier that I was a chancellor of
7 post-secondary education for the state of Alabama. And we had
8 three or four colleges in the Wiregrass region. We had a
9 number of vacancies in those colleges, so I had to go through
08:48:37 10 presidential searches. When you do a presidential search for a
11 community college, you have to involve the community. You have
12 to get involved with the community. You have to understand
13 that community.

14 So, for example, Lurleen B. Wallace Community College in
08:48:55 15 Andalusia, Alabama, that's Covington County, I spent a lot of
16 time in Andalusia because we had to build a vacancy there. So,
17 yes, I have spent a lot of time in the Wiregrass of Alabama
18 because of that position.

19 Q Tell me how the interest of the Wiregrass would compare to
08:49:13 20 the interest of the counties that are in the First
21 Congressional District.

22 A Well, what I described to you before is in the First
23 Congressional District southwest Alabama, something's built
24 around the water, okay? The Wiregrass is built around a couple
08:49:29 25 of things. Fort Rucker, which an Army helicopter training base

1 there in Ozark is a big part of the Wiregrass. Troy State
2 University is a huge part of the Wiregrass.

3 People in the Wiregrass sort of revolve around Dothan down
4 at the southern end and Montgomery at the northern end. And
08:49:53 5 they have agricultural interests that are different from the
6 agricultural interests that will be out here in southwest
7 Alabama. They don't have a nursery industry like we have here.
8 We have major wholesale nursery businesses here. They don't
9 have major watermelon crops. They don't have major pecan
08:50:13 10 crops. They're more built in to peanuts and cotton and cattle.

11 So they face, for example, during -- during in Andalusia,
12 Alabama, you face more towards Troy or Ozark or Dothan. You
13 don't face down here in southwest Alabama. In addition, it's
14 kind of hard to get from Mobile to the Wiregrass. We don't
08:50:36 15 have really good highway connections over there. So it's not
16 easy for people from there to come here or for people from here
17 to go there.

18 So they sort of face to the southeastern part of the
19 state. We face to the southwestern part of the state.

08:50:52 20 Q If you were representing the Second District, would you
21 focus on the same issues that you are focused on when
22 representing the First?

23 A No, sir. For example, I was on the Armed Services
24 Committee, and with the Navy shipyard, I am going to be focused
08:51:07 25 on Navy stuff.

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1 If I represented the Second Congressional District, I
2 would be focused on the Army and particularly Army helicopters.
3 That's what they do at Fort Rucker.

4 In this district, I was focused for higher education
08:51:21 5 reasons on the University of South Alabama. If I represented
6 the Second District, I would be focused on Troy. Now, Troy has
7 a different mission from the University of South Alabama. They
8 have an international presence. So working with Troy would be
9 very different from working for the University of South
08:51:36 10 Alabama. Troy doesn't have a medical school, but it has a
11 whole lot of other stuff that's pretty darn important. So
12 there would -- and the agricultural interests I just described
13 are very different.

14 So I would think being the congressman from the Second
08:51:51 15 District requires a different level of expertise and level of
16 expertise that I feel like I had to have to represent this
17 district.

18 Q I want to share another screen now, Mr. Byrne. And this
19 is Milligan Exhibit 3, page 7 of that exhibit.

08:52:11 20 These are some proposed congressional maps that one of the
21 plaintiffs' experts presented, I will represent to you,
22 Mr. Byrne.

23 Review just say these -- here's Plan A and B, and then I
24 will scroll down to Plan C and Plan D, as well.

08:52:29 25 Focus on any of those, and tell us what's your reaction

1 is. Do you see any issues with representing these districts?

2 A Yes. If you look at Plan A and Plan B, you see it takes
3 in part of Mobile County, all of Baldwin County, and then goes
4 east into the Wiregrass legion. So you would essential have to
08:52:56 5 become an expert on two different regions altogether, two
6 different communities of interest. I know that's important for
7 those proceedings.

8 Then if you look at that district just above it, that
9 district is essentially part of the Black Belt and part of
08:53:14 10 southwest Alabama. So the person representing that district
11 would essentially have to have two very dramatically different
12 sets of expertise. I think it would be very difficult to be
13 the congressman for either of those districts not just the fact
14 you would have this vast geographic area you would have to
08:53:33 15 cover, but you would be covering two very different communities
16 of interest.

17 Q Uh-huh. Why would it make it more difficult to represent
18 a district if it encompassed different communities of interest?

19 A Well, for example, if you represented that blue district
08:53:50 20 at the very bottom, you would have to be an expert on things
21 involving Navy shipyards and Army helicopter bases. You would
22 have to be an expert when it comes to agricultural issues like
23 everything from wholesale nurseries, watermelons, pecans, to
24 peanuts, cattle production, and cotton production. You would
08:54:13 25 have to be focused on two major universities that have very

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1 different missions. You would have to be focused on Dothan.
2 You would have to be focused on Andalusia. You would have to
3 be focused on Brewton, Mobile, and then all of Baldwin County,
4 which is the fastest growing county in the state.

08:54:30 5 So I am not saying you couldn't do it. It would be
6 extremely difficult to do it, and you would find yourself
7 somewhat diffused in your ability to be an effective advocate
8 for that region.

9 Q What do you mean by diffused?

08:54:44 10 A Well, there's only so many hours in the day for a
11 congressman and the staff that that congressman has. And there
12 are hundreds if not thousands of issues in Washington. And you
13 have got to figure out what your focus is going to be on. And
14 focus is very important for a member of Congress because
08:55:02 15 there's just not enough bandwidth, and there's only 435
16 congressmen, and you are one of them.

17 So you really have to figure out where am I going to put
18 my time? Where am I going to put the resources of my staff?
19 What fights am I going to fight. If you are fighting a whole
08:55:21 20 bunch of different fights because you have to, because you have
21 got that many interests in your district, you are not going to
22 be effective on each one of those. The more you can sort of
23 focus your energies, the more effective you will be.

24 I will give you an example. Everybody in the House of
08:55:32 25 Representatives and the staff and the leadership, et cetera

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1 knew that I was interested in a bridge across Mobile Bay,
2 fixing the snapper problem, and gaining the ships authorizing
3 and appropriated for the shipyard here. Literally, I had the
4 Speaker come up to me on the floor and say, we get it. It's
08:55:50 5 that bridge, it's those ships, and it's those fish. Now, when
6 they know that, they know they have got to make me happy on
7 that to get my votes. If they don't make me happy on that,
8 they are not going to get my votes.

9 Now, if I say I have 20 different things I want you to
08:56:03 10 make me happy on, they will say, look, I am not going to make
11 you happy on 20 things. You tell me what your priorities are.
12 We will help you get those things done, and then you will be a
13 part of the team. That's how it works. Anybody that tries to
14 be like out there fighting on every fight tends not to win any
08:56:22 15 fight.

16 Q Let's say you represented -- I guess I should show you the
17 maps again. If you represented a blue district, do you see any
18 difficulty in just getting around and visiting your
19 constituents?

08:56:35 20 A Yeah. It's a long way from Mobile to Dothan. Actually,
21 the way you get from Mobile to Dothan is that you get on
22 Interstate 10, you drive east through the Florida panhandle,
23 and then you get just north of Panama City you turn north. So
24 it's about a three to three-and-a-half hour drive from Mobile
08:56:58 25 to Dothan.

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1 And north of there to Henry County, that's a county just
2 north of Houston County, it's even further than that. And so
3 in order to represent the people in Abbeville who deserve good
4 representation, even if you just visited there for an hour, you
08:57:13 5 would spend three-and-a-half, maybe four hours just to get
6 there and that much going back, so it's a long haul.

7 And the interests as I said of that southeastern part of
8 the state are very different than the interests in the
9 southwestern part of the state.

08:57:27 10 So when you finish with having your meetings in an area
11 like that, go back to Washington, you have to decide, all
12 right, what I am going to focus on? What are the priorities
13 for this sort of sprawling district with all these different
14 interests?

08:57:39 15 And somebody is going to lose out. That's just the way it
16 is. There's only so much bandwidth for a congressman, and that
17 person has to decide what am I going to focus on? Am I going
18 to help the shipyard in Mobile, or am I going to help Fort
19 Rucker?

08:57:54 20 Q Where do you think a congressman or congresswoman who
21 represented the blue district would want to have local offices?

22 A Well, you clearly want to have your main office Mobile,
23 but you want to have as pretty significant office as you can
24 afford in Dothan. You are only allotted so much money as a
08:58:13 25 congressman for your office, staff, and your office rent. So

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1 you have got to spread that over Mobile and Dothan. And
2 Baldwin County is the fastest growing county in the state. You
3 have to have a presence in Baldwin County for a lot of
4 different reasons.

08:58:31 5 Then I guess you try to find some way to put something in
6 Andalusia. That's kind of more centrally located
7 geographically. But as I said, and I can say it's really hard
8 to get from here to Andalusia. Andalusia is a pretty hefty
9 drive from here. Not as far as Dothan, but it's still a hefty
08:58:51 10 drive because there's no good highway to get there.

11 Q Look at this yellow district or tan, the one above the
12 blue district.

13 Let's say there was a primary election in that district,
14 and someone was running to be the Democratic candidate, and
08:59:09 15 that someone was from Mobile. There was another person running
16 in the primary from Montgomery. Do you have any thoughts on
17 who might have a stronger base of support geographically?

18 A I would think that if you were from Montgomery, you would
19 have a stronger chance than if you're representing that part
08:59:29 20 that's in Mobile.

21 The Black Belt -- what those counties primarily look like
22 to me, the Black Belt is kind of its own thing. It's got very
23 rural, very agricultural. And they look more to Montgomery
24 than they look to Mobile for sure. So I would think somebody
08:59:50 25 from Montgomery would have a better shot at that district than

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1 somebody from Mobile.

2 Q Do you think it possible, Mr. Byrne, if you had a map in
3 Plan A or Plan B that you could have, say, a congressman for
4 the blue district from Dothan or Andalusia and a congressman
09:00:10 5 for the yellow district from Montgomery so that you had no one
6 in Congress from the Mobile region?

7 A That could happen, yeah. It's kind of hard to know
8 exactly what parts of Mobile County are being taken with those
9 two plans. But if you dilute the vote in Mobile County, that
09:00:29 10 obviously is going to make the vote of the rest of that
11 district -- those two districts more important. So, yeah, you
12 could have a congressman from Dothan under both of those plans
13 and a congressman from Montgomery and not a congressman from
14 Mobile, which would be a tragedy for the people down here.

09:00:45 15 Q Why would it be a tragedy for the people down there?

16 A I'm not saying somebody from Dothan or Montgomery wouldn't
17 care about this area. But as I said before, you wouldn't have
18 somebody that's focused, focused on the port, focused on the
19 shipyard, focused on our fishery in the Gulf of Mexico, focused
09:01:01 20 on the nursery issues we have here. They just -- they're just
21 not enough bandwidth to be as focused as I was able to be
22 focused. I could walk in a room and talk about any of those
23 issues and master it. If I had to represent those other areas,
24 as well, or somebody from the other areas had to represent
09:01:22 25 Mobile, I just don't think that you could master it.

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1 Q Do Mobile and Montgomery ever compete each other, in terms
2 of trying to recruit businesses, for example?

3 A Not that I know of. Their economic development plan,
4 their industrial plan is very different from ours. Montgomery,
09:01:45 5 for all the right reasons, has really focused on two things --
6 automotive, obviously with the Hyundai plant there and all the
7 suppliers of the Hyundai plant, but also because of their Air
8 Force presence, they really focus on how they can magnify
9 Maxwell Air Force Base and things that are a part of that.

09:02:05 10 I think they have made a very smart decision to do that,
11 by the way, but that's a different economic plan than what we
12 have done here. So we're as much trying to help them because
13 of the port. So as anything else, I don't really think we
14 believe ourselves that we're competing with them.

09:02:23 15 Q Would you have any concerns with the congressional map
16 that divided the Mobile region along racial lines?

17 A Yes.

18 Q What would those be?

19 A Well, when you are a Congressman, you should be
09:02:39 20 representing everybody and thinking about how I do X is that
21 going to affect everybody in my district? You shouldn't be
22 thinking about, I am going to do this because it helps black
23 people, or I'm going to do this because it helps white people.
24 I am going to do this because it helps everybody. And if you
09:02:55 25 help everybody, everybody rises. That's what you want.

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1 Mobile is a little bit different from the rest of the
2 state. We do not have the same history during the Civil Rights
3 movement that Selma, Montgomery, Birmingham did. We had a
4 mayor here named Joe Lang who worked with a Civil Rights leader
09:03:14 5 down here named John LeFlore. And so we didn't have some of
6 the violence, the extent of the violence that you saw in the
7 other parts of the state. We tried to work through our issues
8 because we thought it was more important for us to work through
9 those issues and work together to try to figure out a way to
09:03:31 10 live together harmoniously. Were we perfect about it? No, we
11 did not. But we didn't have the problems you saw in the rest
12 of the state because we at least made the effort to work
13 together.

14 Q When you said that you worked -- that you served on the
09:03:47 15 state school board, correct?

16 A Yeah.

17 Q I want to share a map now which is Defendants' Exhibit 26.
18 This is the 2001 map, Mr. Byrne. I know -- I think you
19 were in the State Senate then, weren't you?

09:04:08 20 A In 2001, I was still on the state school board.

21 Q Okay. So which district did you represent in the state
22 school board?

23 A District number 1.

24 Q Thank you. Did you ever get calls from people in, say
09:04:25 25 District 5 when you were on the school board?

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1 A I did. There was some people in Monroe County, I
2 remember, and maybe Clarke County who thought I was their state
3 school board member, and they would call me, and I would always
4 call the member for that district when they did and ask him or
09:04:42 5 her because it changed if they wanted me to help those people,
6 and they would say, please. And I would go up there and talk
7 with them and explain to them I was not their school board.

8 Q Now, I want to share a newer map. This is from Caster
9 Exhibit 1, which for the record, was Mr. Cooper's report. This
09:05:12 10 is page 19 of that report. And I will represent to you,
11 Mr. Byrne, this is the new state school board map that was
12 passed by the Legislature this cycle just a couple of months
13 ago.

14 What thoughts if any do you have about this map, in
09:05:26 15 particular, the way the blue district includes part of Mobile
16 and Baldwin County is constructed?

17 A Well, I testified before the Legislature Redistricting
18 Committee that I felt like Mobile and Baldwin County should be
19 kept whole and contiguous. So to the extent that this map
09:05:47 20 includes a district that comes from Montgomery all the way into
21 Mobile County, I didn't much like it.

22 Q Why did you not like it?

23 A Because Mobile County school system is the largest school
24 system in the state. And it has unique issues because it's the
09:06:06 25 largest in the state. And I felt like we needed a school board

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1 member who was focused on Mobile County as well as the other
2 counties. I had Baldwin and Escambia as well. But there were
3 so many issues with the Mobile County school system, a lot of
4 my time was spent focused on that. And if you break it up into
09:06:25 5 two different people, you don't really have that level of
6 focus.

7 I'm not saying that the people that represent those two
8 districts aren't working as hard as they can. I'm sure they
9 are. But it's very difficult to be focused on the Mobile
09:06:37 10 County school system if you have got almost all the Black Belt,
11 which that district up in the northern part is and a big chunk
12 of the Wiregrass, which the lower part of the -- the lower
13 district is.

14 Q Someone who has served both in Congress and on the state
09:06:56 15 school board, how do the roles of those two offices compare to
16 each other, Mr. Byrne?

17 A They're very different. You're on the state school board,
18 you are focused on educational issues. That's it.

19 Now, there are some work force development issues that go
09:07:13 20 with that, et cetera. But that's pretty much it. You are just
21 focused on educational issues. When you are in the United
22 States Congress, you are focused on a large number of issues.
23 I mean, it's almost everything comes within the purview of the
24 United States Congress from foreign policy, defense policy,
09:07:32 25 health care, to internal security, and education, as well. I

1 was on the Education and Labor Committee in the House of
2 Representatives. And one of the problems I had as a
3 congressman is that people expected you to be knowledgeable on
4 so many different things.

09:07:48 5 Now, at least you have got a staff in Congress. When I
6 was on the state school board, I had no staff. I had to rely
7 upon the staff of the State Department of Education, and they
8 had other things to do.

9 So it was difficult to me to be on the state school board.
09:08:03 10 But at least I could just focus on one set of issues and try to
11 master them.

12 And so it was very different being in both of those roles.
13 But I enjoyed both of those roles.

14 Q Considering the different roles between the school board
09:08:17 15 and the congressman, even if you assumed it made sense to split
16 Mobile County in a school board map, does that mean it would
17 make sense to do so in a congressional map?

18 A No. It would not make sense. At least on the school
19 board, you are focused on one set of issues. So if I'm from
09:08:38 20 Montgomery and I have got half of Mobile County from Mobile and
21 I have part of the Wiregrass, at least, I have got a
22 geographically diverse area. At least, I'm really only focused
23 on a very set, defined set of issues.

24 Now, they are very important issues. Don't get me wrong.
09:08:56 25 But at least I could focus on those issues and try to make sure

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1 as I go from county to county that I am applying what I know on
2 these issues to each one of those counties as they are very
3 different.

4 Q When you campaigned for Congress in the different
09:09:11 5 elections, Mr. Byrne, what parts of your district would you
6 campaign in?

7 A All of them. I had a -- go ahead.

8 Q Would you campaign in areas that were both more -- would
9 you campaign in neighborhoods or areas that had a large
09:09:30 10 African-American community?

11 A Oh, yeah. You can't run for Congress in this district --
12 I will just make sure -- to be clear -- in this district
13 without touching every part of it. And I made a concerted
14 effort to go everywhere. In fact, if you look at my schedule,
09:09:49 15 I spent a disproportionate amount of my time in the more rural
16 areas than I did in more populated areas, because if you want
17 to go up to Monroeville, you might as well spend some time in
18 Monroe County.

19 There are parts of Monroe County that are almost
09:10:07 20 completely African-American. There's a little town in north
21 Monroe county called Beatrice that's 50/50. I had a town ball
22 in Beatrice. Someone said, why in the world would you bother
23 spending time in Beatrice because it's so small? I said they
24 deserve to be represented, too. So I went to all parts of my
09:10:25 25 district.

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1 Prichard probably didn't give me 5 percent of the vote in
2 my elections. I probably lost there by a huge margin. But I
3 would go and have town hall meetings and campaign in Prichard
4 because I believed the people in Prichard deserve to have a
09:10:42 5 good congressman.

6 Q When you ran for Congress, Mr. Byrne, did you run as a
7 candidate of any political party?

8 A Yes. I was a Republican.

9 Q Why are you a Republican, Mr. Byrne?

09:10:54 10 A Because the Republican Party is closer to the conservative
11 principles that I believe in than the Democratic Party is. I
12 started out as a Democrat, but I felt like by 1997 I guess is
13 when I switched parties, the Democratic Party had migrated away
14 from what were my principles. Not putting down the Democratic
09:11:15 15 Party if people are Democrats. I have friends who are
16 Democrats and work with a lot of Democrats, but I just felt
17 like the Republican Party is more closely aligned with where I
18 stood on issues and principles.

19 Q Did you work with Democrats when you were in Congress?

09:11:31 20 A Oh, yes. All the time. I will give you two examples. I
21 served on the Armed Services Committee. Every year, the only
22 bill the Armed Services Committee works on is the National
23 Defense Authorization, which we have passed out of the Congress
24 every year since John Kennedy was president. Those bills are
09:11:53 25 always bipartisan 100 years ago percent of the time. We work

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1 -- from the very beginning of the years, we work on that bill.
2 We consciously work together to make sure that bill, the bill
3 that authorizes the defense of this country is something that
4 we can all vote for.

09:12:08 5 So we work at being bipartisan, very much so.

6 The other example I give you is this: Shortly after
7 President Trump was elected, this "Me-Too" movement came out.
8 And we discovered that we have "Me-Too" problems in United
9 States Congress. But we also discovered that members of the
09:12:28 10 United States Congress weren't subject to the same processes
11 that the private sector was subject to under Title VII of the
12 1964 Civil Rights Act.

13 Now, I spent a career as a labor employment attorney
14 telling small, medium-sized businesses in Alabama what they had
09:12:44 15 to do to comply with that law. And here in Congress, the body
16 that passed that law was not holding itself under the same set
17 of accountability processes.

18 So I worked with a very liberal Democrat congresswoman
19 from California, Jackie Speier, and we put together a bill that
09:13:04 20 made Congress be as accountable, even more accountable than we
21 hold people in the private sector, and that bill that Jackie
22 and I put together passed the United States House unanimously,
23 passed the United States Senate unanimously, and is a law of
24 the United States now. And those are just two examples.

09:13:20 25 I worked all the time in a bipartisan manner, because I

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1 firmly believe that the best legislation in Washington is
2 bipartisan legislation. The hardest legislation to pass in
3 Washington is partisan legislation. And it's always a problem,
4 always.

09:13:36 5 So I enjoyed working the bipartisan fashion. I know you
6 look up there now and think, they're completely divided. They
7 can't get along. And there are problems. Don't get me wrong.
8 But there are still people up there, former colleagues of mine
9 on both sides of the aisle that understand what I say is true,
09:13:53 10 and they're still trying to work together to make things happen
11 and happen in the right way.

12 Q When you served on the delegation with Congresswoman
13 Sewell for the Seventh District, did you have the opportunity
14 to work with her on any issues?

09:14:09 15 A Oh, all the time. All the time. We shared Clarke County.
16 We actually had joint town halls together.

17 If she had an issue that affected her district, you know
18 uniquely, she would call on the other members of the delegation
19 to help her, and we always did, 100 years ago percent of the
09:14:26 20 time. And she always helped us. We all worked together. It
21 wasn't like it was unique to her.

22 So Terry was a part of a group called Faith and Politics.
23 I assume she is still a part of it. That's the group that
24 brings the pilgrimage to Alabama every year around the
09:14:47 25 anniversary of the Edmund Pettus Bridge March from 1965. She

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1 wanted to make sure that when that group came here to Alabama,
2 which would bring couple hundred people, people from Congress,
3 people from business and industry, people from foundations, she
4 wanted to make sure that we were all working together, that
09:15:08 5 they saw Alabama, the Alabama delegation working together.

6 So I always participated in that pilgrimage with her.
7 Usually on Saturday mornings when she did her program either at
8 Brown Chapel in Selma or the Dexter Avenue Baptist Church in
9 Montgomery, she would ask me to be sort of her sidekick for it,
09:15:27 10 so that we could get up and tell the people from all the other
11 parties of America here's a Democrat and Republican, black
12 woman and white man working together on issues that matter to
13 the people of Alabama, in particular, matters that revolve
14 around Civil Rights.

09:15:40 15 And I was always honored that she felt comfortable enough
16 to ask me to do that. And I can tell you, you can sit in that
17 room with some of the people in that room like John Lewis who
18 we lost last year, and you realize what people in this state
19 went through to get us the quality of life we have got today --
09:15:58 20 to get to today. I feel like a little bitty nothing compared
21 to people like that. But it was an honor always to be with
22 Terry and to work with her on -- whether it's the pilgrimage or
23 other things that were important to our district.

24 Q When you were in Congress, Mr. Byrne, were there any
09:16:17 25 issues you worked on to devote your time and your political

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1 capital towards that you thought and expected to have a
2 particular benefit to your African-American constituents?

3 A Just about everything. If I am doing something that's
4 going to benefit the economy in southwest Alabama, it's going
09:16:36 5 to benefit African-Americans in my district, of course, it is.
6 If you go to the various businesses in this area, and I
7 traveled and met with workers in every one of these industries.
8 It was always black and white. That's the nature of our work
9 force down here. I mean, whether you are at a chemical plant,
09:16:56 10 steel plant, ship building plant, airplane, you are going to
11 have a mixed group of people.

12 So every time I was doing something for the economy. But
13 I particularly felt like I was helping them every time we
14 worked on education issues. And this goes back to my state
09:17:13 15 school board days. I think the number one Civil Rights issue
16 in Alabama today is the fact that we don't give a quality
17 education to black people like we do the white people. And I
18 really feel strongly about that. We are not going to have the
19 sort of gains and advances and progress we need in this state
09:17:30 20 until we make more improvements to our education system.
21 That's true across the country, but I am more focused on
22 Alabama.

23 Q Have you spent any time working with HBCUs, Mr. Byrne?

24 A Yes, sir. HBCUs are historically black colleges and
09:17:48 25 universities. We had several of them in the two-year college

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