

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 90

1 to create a second district that you may well
2 risk having a minority representative in
3 Congress.

4 I believe it was 65 percent. And
5 I think you were going to lower it to create
6 two, and it would be closer to 50 percent.

7 Q. What about instead of an actual
8 majority-minority second district, what about
9 like an influence district just where, you
10 know, the population -- the African-American
11 population would be higher but maybe not
12 actually up to whatever threshold the
13 legislature considered necessary to be a
14 effective majority-minority district?

15 A. I was aware of -- look, you have
16 35 state senators, and you have 105 state
17 house members. Many of whom their motivation
18 for drawing district lines are their own
19 political interests.

20 So you would be talking to
21 Representative A or Senator B, and you may
22 well be talking to someone who was trying to

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 91

1 draw a district for their political
2 aspirations as well. So there were a lot of
3 different dynamics at play here.

4 But -- and I don't -- and I'm not
5 speaking for anyone else in the delegation,
6 but I don't believe that anyone in the
7 delegation believed that the creation of a
8 second minority district or a -- a significant
9 influence district was something that -- that
10 was given any real encouragement by any
11 members of our delegation, Democrat or
12 Republican.

13 Q. When you say "the delegation," you
14 mean the -- the seven --

15 A. Federal. Uh-huh.

16 Q. -- congressman -- congressmen and
17 women?

18 Why -- why do you think that
19 wasn't --

20 A. Well, you'd have to ask the other
21 six members who were in at the time, but I
22 think everyone believed that there were

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 92

1 historic benefits to the service of the
2 constituents to keep the districts as they
3 have been for several decades.

4 Q. Were you supportive of creating a
5 second majority-minority or a significant
6 influence district?

7 A. I saw no value in it because I was
8 very confident that I was serving the people
9 of my district regardless of their racial
10 background, their socioeconomic background,
11 their political views, their -- or -- or other
12 issues that -- that were at play.

13 Q. To the -- to the best of your
14 recollection, were there any plans that you
15 remember that did propose having a second
16 majority-minority or a significant influence
17 district?

18 A. I -- I remember seeing -- and I
19 can't tell you whether it was the 2010 or the
20 2000 redistricting, but I remember seeing a
21 plan similar to this that would have gone
22 under Mobile Bay.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 93

1 There was actually a question
2 about whether that would make that contiguous
3 or not. We'd go all the way over to Dothan.
4 I saw one that even went all the way up to
5 Auburn in Lee County. And then the other part
6 of Mobile that would go all the way up to
7 Pickens and Tuscaloosa.

8 And having been a student at the
9 University of Alabama and having had children
10 who attended the University of Alabama --

11 Q. Uh-huh.

12 A. -- I knew how hard it was to get
13 to Tuscaloosa. There's no four-lane road
14 there anymore than there's a four-lane road
15 from Mobile to Dothan.

16 So I -- I heard that there were
17 legislators that were talking about that, but
18 I didn't spend a lot of time encouraging that,
19 and therefore, I didn't spend any time with
20 those legislators. But -- but keep in mind,
21 other legislators, other members of Congress
22 from the delegation were similarly looking

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 94

1 after what was the district that they knew
2 best, and the one that they had worked in and
3 had run in and been successful in.

4 Q. Do you recall having any
5 conversations or discussions or other
6 communications about why you didn't
7 encourage -- I think you said encourage -- a
8 second majority-minority or a significant
9 influence district?

10 A. I -- I had no reason to encourage
11 creating a second minority district that would
12 have, in my view, been detrimental to my
13 district and to the service that my staff and
14 I were rendering.

15 We had an outstanding reputation
16 for serving people without regard to their
17 political views, their -- I mean, we did not
18 have a litmus test. If you called my office
19 and you needed help, you got help.

20 And the proof of that is, is that
21 I won -- I -- I won five of the six counties
22 in my first race, and I won all six counties

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 95

1 in every subsequent race and with a couple
2 times running unopposed. If I were not doing
3 a good job, I would have drawn an opponent.

4 Q. Uh-huh. Did you ever speak with
5 any constituents or anyone in your district
6 about the potential to have a second
7 majority-minority district or --

8 A. No one ever contacted me that I
9 can recall saying that they felt that they
10 needed a second minority district to be better
11 represented. I'm not saying that there were
12 not people who might have thought that.

13 But when I went to town hall
14 meetings in Prichard or in Trinity Gardens or
15 in other communities throughout the district,
16 I -- I can't recall -- and again, I said I had
17 450, so I'm not saying they were all
18 lovefests, but I can't recall anyone ever
19 coming and saying that they wished that they
20 were in a different district and had a
21 different congressman.

22 Q. In your view, why -- why was a

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 96

1 second majority-minority or influence district
2 not created in the last plan in 2011?

3 A. Well, I can't really speak for the
4 mindset of 140 legislators.

5 Q. Of course. In -- in your -- in
6 your view.

7 A. I -- I -- I really don't know that
8 I'm qualified to answer that.

9 Q. That -- that's perfectly fine.
10 And can you -- can you recall any
11 communications that you had with anybody,
12 conversations or written or in some of the,
13 you know, your delegation meetings --

14 A. Well --

15 Q. -- any conversations about
16 creating that or why it shouldn't be created
17 or should be?

18 A. I -- I really and truly can't
19 recall that the delegation -- when we met to
20 talk about the redistricting process, I really
21 can't recall that we spent a lot of time
22 talking about all the different scenarios that

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 97

1 were out there.

2 Our goal was to work cohesively to
3 represent the state, to keep as much
4 disruption to a minimum as possible, and to
5 show, as we tried to show with our daily
6 service, that regardless of -- of which party
7 we represented, that we represent the same
8 state. And that we work together for the good
9 of the people of Alabama.

10 Q. So it sounds like you don't recall
11 any conversations then within the delegation
12 about the potential for creating a second
13 majority-minority or influence district?

14 A. I -- I -- I can't say
15 categorically there were none -- there were
16 not any. I don't recall any at this moment,
17 no.

18 Q. What about conversations or
19 communications outside of the delegation? Do
20 you recall any of those?

21 A. No, because we didn't come to
22 Montgomery to work with the state legislature

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 98

1 with the goal of looking at options and
2 creating a different map. We all believed
3 that we were serving -- I said with confidence
4 that I felt like I was serving the people of
5 my district.

6 I -- I think that every member of
7 the delegation would have said the same thing.
8 Without being cocky, just with -- just
9 confidence that we were doing the best we
10 could to represent the people of our
11 districts.

12 Q. Understood.

13 Did -- in terms of the delegation,
14 did you -- was it your position then that you
15 should keep the districts the way that they
16 were, or did you have a plan that you
17 proposed --

18 A. We --

19 Q. -- a physical plan that you
20 proposed?

21 A. We knew we would have to make
22 adjustments based on population.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 99

1 Q. Uh-huh.

2 A. And -- and we agreed that we would
3 make adjustments based on that. And quite
4 frankly, some members ended up getting -- in
5 the final plan, some members ended up getting
6 counties that they had not sought. But that
7 was what, in the wisdom of the legislature,
8 needed to be done to accomplish the goal of
9 the map.

10 Q. So did the delegation present a
11 map that they wanted, or was there a
12 physical -- you know, like a proposed map from
13 the delegation?

14 A. I -- I believe we had an agreed
15 upon. I can't tell you that we produced a map
16 or that a map was submitted. It could have
17 been. I really don't recall. We -- we ended
18 up agreeing that we would take what the
19 legislature did and not challenge that.

20 But, for instance, the northern
21 part of Tuscaloosa County in the previous
22 redistricting was represented by Congressman

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 100

1 Bachus. And it was adjusted to where it would
2 be Congressman Aderholt. And -- but -- but
3 for the greater good of serving the state,
4 there was -- it -- it -- it was not that big
5 of an adjustment to where it created any
6 tension within the delegation.

7 Q. So to the -- the best of your
8 recollection, were there any, I guess,
9 disagreements between what the legislature had
10 proposed and what the Alabama delegation had
11 wanted?

12 A. Once the legislature made its map
13 final, we all got on board trying to support
14 getting it cleared by the Justice Department
15 and put into place so that we could know what
16 districts we would be running in and begin
17 that process.

18 Ten years earlier, it was a much
19 more challenging effort. The governor
20 actually called, I think, two or three special
21 sessions to deal with redistricting. A
22 federal court had gotten involved.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 101

1 And I was working as a staffer at
2 the time, but there was a concern that we may
3 not even have maps in place for the members to
4 run in. So contrast that experience with this
5 where we were working with the legislature
6 that was trying to keep the districts as close
7 as to what they had been historically in
8 recent history, we -- we -- we chose not to
9 disagree over little things.

10 Q. Understood.

11 Ms. MADDURI: I think -- do you --
12 would you want to take a break? We've been
13 going for a little while. I have some -- I do
14 have some questions about the previous
15 redistricting too.

16 MR. DAVIS: Sure. This is a fine
17 time.

18 MS. MADDURI: This might be a good
19 time to --

20 THE WITNESS: Sure.

21 THE VIDEOGRAPHER: This ends MPEG
22 two in the continued deposition of Josiah

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 102

1 Bonner. We are off the record at 11:08.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: This begins
4 MPEG three in the continued deposition of
5 Josiah Bonner. We are on the record at 11:22.

6 Q. (By Ms. Madduri) So before the
7 break, I think we were going to start talking
8 about the previous cycle of redistricting.
9 What was your -- what was your role in that?

10 A. I was Chief of Staff for
11 Congressman Callahan. And just as when I was
12 in Congress and sent my staff down, I went
13 down on behalf of Congressman Callahan, and I
14 was there with the other Chiefs of Staff from
15 the other members of Congress.

16 And it was basically the same
17 thing, to work with the legislature to try to
18 get a plan that was as close to what we had
19 knowing that there would have to be some
20 adjustments made for population shift.

21 Q. Do you remember, just roughly, how
22 many times did you meet or have conversations

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 103

1 about this with the other Chiefs of Staff and
2 the delegation?

3 A. Frequently. And by that, I would
4 say that leading up to the redistricting year,
5 you know, we would meet probably -- it's been
6 20 years. It's been longer than that, but
7 we -- we would've met between five and ten
8 times.

9 Q. And that's the delegation?

10 A. Uh-huh. Yes, ma'am.

11 Q. Okay. And what about
12 representatives of the legislature?

13 A. So Congressman Callahan had served
14 in the legislature, and Congressman Bevill was
15 the senior member of Congress at the time.
16 No. That would have been in the '90.

17 So in the 2000, Sonny may have
18 been the only -- and -- and Spencer Bachus, I
19 think were the only two members that had
20 previously served in legislature.

21 So the advantage of working for a
22 member who's been in the legislature or the

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 104

1 advantage of being a member who came from the
2 legislature like Congressman Rogers did is, is
3 that you have those preexisting friendships.
4 You have those preexisting relationships. But
5 -- but -- but we worked closely.

6 Walter Braswell was Congressman
7 Harris' Chief of Staff. Tom Bevill was
8 represented by Don Smith. You have to
9 understand a small delegation like ours has a
10 very special relationship. The chiefs of
11 staffs meet every month and have lunch as do
12 the members.

13 I can tell you of very few
14 congressional delegations that meet monthly,
15 Democrat and Republican, House and Senate, and
16 talk about what we can do to -- to serve
17 Alabama as well as the Alabama delegation
18 does. And that has historically been the
19 case, and it continues to be the case. And
20 it's one of the hallmarks of what makes this
21 delegation so effective.

22 You look at Alabama's nine person

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 105

1 delegation compared to Texas or California or
2 New York or Florida, and they can't sometimes
3 agree on what the state colors are much less
4 on how they can work together for the good of
5 the state.

6 Q. So you all met maybe five to ten
7 times, you said, prior to that redistricting.
8 What about with the legislature or legislature
9 representatives?

10 A. We -- we -- we would come -- of
11 those -- and five or ten is certainly a guess,
12 but of the times that we met, most of those
13 meetings were in Washington. And then once
14 the legislature started coming into session
15 and they started to focus on that, we worked
16 closely with the governor who is a Democrat.

17 We worked closely with the Speaker
18 of the House who was a Democrat. We worked
19 closely with the Lieutenant Governor and the
20 Senate and the House leadership. And back in
21 the 2000 census as opposed to the 2000 -- or
22 the redistricting as opposed to the 2010, it

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 106

1 was a Democrat majority in the legislature.

2 Q. Within the congressional
3 delegation, were there -- did you all have
4 sort of a unified view on what should be done
5 with the redistricting? Were there any
6 conflicting views or disagreements within the
7 delegation?

8 A. We were consistent as we were ten
9 years later. We -- we tried to work
10 cohesively to help the legislature draw a map
11 that would not disrupt the service to the
12 state but would, in fact, allow its continuity
13 to continue.

14 Q. And were there any conflicts or
15 disagreement between what the legislature
16 wanted to do with the map versus what the
17 congressional delegation wanted to do?

18 A. I believe that it was about that
19 time that some in the legislature wanted to
20 create a minority-majority district, and that
21 was creating some tension within the Democrat
22 members of the delegation, but it was not

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 107

1 something that we felt -- that Congressman
2 Callahan felt that he needed to get involved
3 in because he was going to work with the
4 delegation regardless.

5 Q. And was that the creation -- what
6 ultimately was the creation of congressional
7 district 7?

8 A. Yes, ma'am.

9 Q. Okay. Did you or you on behalf of
10 congressional -- Congressman Callahan have any
11 views about whether that district should or
12 shouldn't be created?

13 A. Not that I recall.

14 Q. Do you remember any conversations
15 about --

16 A. (Witness shakes head.)

17 Q. -- the creation of that --

18 A. No, ma'am, I really don't.

19 Q. Do you recall if you were
20 supportive of creating that district?

21 A. Well, my role was really to focus
22 on the 1st congressional district, and it

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 108

1 didn't really have as much of an impact
2 because this is where you get parochial.

3 You -- you focus on your district,
4 and then it's like putting a puzzle together.
5 You see how your district's going to fit with
6 this district and that district. So our focus
7 was on trying to preserve the integrity of the
8 1st congressional district, which is what we
9 did.

10 Q. Were any changes made to the 1st
11 congressional district in order to create that
12 majority-minority district?

13 A. Well, in the 1990 census, we lost
14 Wilcox County, and then in the 2000 census, we
15 lost a part of Clarke County.

16 Q. Was that something that you -- I
17 guess, first with Wilcox County, the loss of
18 Wilcox County, was that something that you
19 opposed or supported or how -- how was that?

20 A. Well, I was a relatively young
21 staffer, and so I didn't really have a -- a
22 vote, if you will. They needed to make the

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 109

1 adjustments. As I recall, the -- the map that
2 was drawn that resulted in the loss from
3 Wilcox County I think was actually drawn by a
4 three-judge panel, I believe.

5 So we -- we were not -- my ties to
6 Wilcox County were personal. They were not
7 the congressman's ties. He was from Mobile,
8 and he wanted to make certain that the
9 district remained as intact from Mobile and
10 Baldwin Counties as possible, and therefore
11 that was my objective too.

12 Q. Do you recall any conversations or
13 communications about the drawing of the map by
14 that three-judge panel in relation to the 1990
15 redistricting?

16 A. I remember that the legislature
17 was not able to draw a map, and we needed a
18 map. And it went to a three-judge panel, and
19 the map they produced was one that the members
20 of Congress all -- I mean, if a three-judge
21 panel makes the decision, it -- it's hard to
22 go back in and ask them if they'll make some

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 110

1 changes to it to make you a little bit
2 happier. So we -- we took it, and we were --
3 we did the best we could to serve it.

4 Q. But do you remember having any
5 conversations or communications about just the
6 views on what they had done?

7 A. So now we're going back to --

8 Q. We're going back to 1990.

9 A. -- '90. I -- I don't recall any
10 conversations.

11 Q. And when that map was redrawn,
12 the -- the majority-minority district was not
13 created, correct?

14 A. I -- I believe that's correct.
15 I'd have to look at the map to see, but I
16 believe that that's correct.

17 Q. Okay. I think you mentioned that
18 the redistricting process in relation to the
19 2000 census was contentious. Can you talk a
20 little bit about what you mean -- meant by
21 that?

22 A. Well, Congressman Harris believed

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 111

1 that he served the people of the 7th district
2 well. And he -- I think most of the members
3 of -- of the delegation believed that he did
4 and most of the people in his district did
5 because he was re-elected several times.

6 But when the decision was made to
7 create the district, President Clinton was in
8 office, and I guess to soften the blow, if you
9 will, Congressman Harris was made U.S.
10 Attorney.

11 So he was no longer going to be
12 afforded the opportunity to be -- I mean, I'm
13 not saying he couldn't have gotten elected.
14 He was very popular. But the district was
15 created to create a majority-minority
16 district.

17 And I don't -- I don't know that
18 many people could have gotten elected in that
19 district other than a minority member who was
20 Congressman Earl Hilliard -- then State
21 Senator Earl Hilliard.

22 I mean, he had a primary, but the

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 112

1 primary for all practical purposes served as
2 tantamount to the general election because if
3 you got the Democrat nomination, as was true
4 in Alabama for many years, you basically had
5 been elected. The general election was just a
6 formality.

7 Q. So I think I might have asked you
8 this, but I'm misremembering, so I want to
9 make sure I understood what you said.

10 Do you -- were you supportive of
11 creating that majority-minority district?

12 A. As a young Hill staffer, no one
13 really asked me whether I supported it or not.
14 The -- the members of the delegation, though,
15 agreed to work with -- through the differences
16 of opinion.

17 Congressman Harris is deceased.
18 He died of cancer, so he would not be here to
19 speak for himself. And I'm certainly not
20 qualified to speak for him, but my
21 recollection -- his Chief of Staff and I were
22 good friends. It was Walter Braswell. He has

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 113

1 passed away as well. So there's no one who
2 can dispute what I'm about to say.

3 But I think that they personally
4 believed -- they were Democrats, conservative
5 Democrats, but they served that district with
6 integrity and with professionalism and to the
7 best of their ability. And I think in their
8 view, they -- they believed they could have
9 continued to serve the district.

10 But the political decision of
11 creating the majority-minority district was
12 made, and the reality was that that district
13 was not drawn with the intent to keep a white
14 Democrat in that seat. That's not unusual
15 with other districts around the country where
16 those decisions are made by their legislators
17 as well.

18 Q. Right. So when you say the
19 decision was made, you're referring to the
20 Alabama legislature's decision?

21 A. (Witness nods head.)

22 Q. And --

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 114

1 A. Yes, ma'am.

2 Q. Oh, thank you.

3 And I -- I realize -- I realize
4 that -- I believe you were Chief of Staff at
5 that point, correct?

6 A. In 1990, I was, yes.

7 Q. Right. Okay. Or sorry -- in
8 2000.

9 A. 2000.

10 Q. In the -- in the -- in the cycle
11 where the majority-minority was -- district
12 was created which is in 2000, correct?

13 A. Well, I was Chief of Staff in 1990
14 and Chief of Staff in 2000. If you've got the
15 maps, we can look at and I can show you.

16 Q. I actually don't think I have that
17 map, but I just want to clarify.

18 A. I -- I was Chief of Staff in 1990,
19 and I was Chief of Staff in 2000.

20 Q. Correct. And I might be
21 misunderstanding, but I thought the -- I
22 thought you said that the majority-minority

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 115

1 district, CD 7, was created in the 2000 --
2 following the 2000 census?

3 A. No. It would have been created in
4 1990 --

5 Q. Okay.

6 A. -- following that because
7 President Clinton was in office during the
8 time that Congressman Harris became U.S.
9 Attorney. And he was in office -- he was
10 elected in the '92 election and served until
11 2000.

12 So it would have been in the 1990
13 census that resulted in the redraw of the maps
14 that created the minority -- majority-minority
15 district.

16 Q. Understood. Understood.

17 A. I was a young Chief of Staff. 12.

18 Q. Understood.

19 And just to make sure I have this
20 straight, so then was that the cycle where you
21 said there were five to ten meetings of the
22 Alabama Congressional Delegation and

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 116

1 subsequent meetings with the legislature?

2 A. Yes. And when I answered the
3 question about five to ten meetings, I could
4 not swear under oath that there were five or
5 ten.

6 Q. Absolutely.

7 A. All I know is, is that we
8 worked -- as I said, we -- we had monthly
9 meetings as the Chiefs of Staff. The
10 delegation had monthly meetings. And so I
11 don't know how many meetings we had, but how
12 ever many meetings we had that were focused on
13 redistricting, the goal was to try to work
14 together for the good of the state.

15 Q. Understood.

16 To the best of your recollection,
17 was there any -- anyone that you were aware of
18 related to the Alabama Congressional
19 Delegation that was opposed to creating that
20 majority-minority district?

21 A. I don't believe there was anyone
22 who was opposed to that I can recall.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 117

1 Congressman Harris didn't see the need for it.

2 But -- but that was -- but that was his view,
3 and it was not shared by the people who made
4 that decision.

5 Q. Did you have any concerns with the
6 creation of that district --

7 A. I --

8 Q. -- the majority-minority district?

9 A. I -- I really did not have any
10 concerns because my focus was on the 1st
11 congressional district.

12 Q. Do you recall if Representative
13 Callahan had any --

14 A. No.

15 Q. -- concerns with creating that
16 district?

17 A. None that I can recall.

18 Q. Do you recall any communications
19 with anyone that you had where they were
20 concerned or opposed to creating that
21 majority-minority district?

22 A. I -- I really don't remember that

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 118

1 it was a -- a -- an issue for the delegation
2 other than Congressman Harris. And I don't
3 recall that it was even that controversial in
4 the legislature. But again, that's been
5 37 years ago, 39 years ago. It's been a few
6 years.

7 Q. Understood.

8 And just so I'm clear though.
9 There was a -- some kind of litigation that
10 followed that map being created with the
11 three-judge panel that you mentioned?

12 A. In the 1990?

13 Q. Right. So I believe that map was
14 adopted in around 1992 because --

15 A. I --

16 Q. -- Clinton was in office?

17 A. That -- that would sound about
18 right.

19 Q. Okay. So was there litigation
20 that you're aware of relating to that map
21 after that, so sometime in the early or
22 mid-1990s?

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 119

1 A. I really don't recall whether
2 there was litigation. As a result of the map,
3 I remember that the legislature failed to do
4 its job, and the federal courts made the
5 decision to draw the map.

6 Q. When you say failed to do their
7 job, what do you mean?

8 A. The legislature in Alabama, as I
9 think in most states, is charged the
10 responsibility of redrawing every ten years
11 based on a new census.

12 And as I recall, the legislature
13 was unable to agree on a plan, and if they
14 couldn't do it, the federal courts made the
15 decision that they could. Someone had to.

16 Q. Okay. So the legislature was
17 unable to create a map at all?

18 A. That -- that's my recollection.

19 Q. Okay. Do you recall what were the
20 main --

21 A. I don't.

22 Q. -- disagreements or what issues

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 120

1 led to that?

2 A. I'm sorry. I don't.

3 Q. No, that's fine. What is the --
4 the Alabama Fair Reapportionment Fund?

5 A. Can you tell me a little bit more
6 about it?

7 Q. Well, I actually don't know that
8 much about it.

9 A. Okay.

10 Q. So I was hoping that you would
11 tell me about it.

12 MR. DAVIS: Did you say Alabama
13 Fair Reapportionment Fund?

14 MS. MADDURI: Correct.

15 A. I'm -- I'm sorry. I -- I don't
16 recognize that name.

17 Q. (By Ms. Madduri) Let me see. I
18 do have an article that mentions it, so I can
19 give you that in case it helps trigger.

20 MS. MADDURI: We can mark it. I
21 think we'll be at Exhibit 9.

22 (Bonner Exhibit 9 was

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 121

1 marked for identification.)

2 MR. WALKER: Are we going to mark
3 this?

4 MS. MADDURI: Yes. It's going to
5 be Exhibit 9.

6 Q. (By Ms. Madduri) And feel free to
7 review the article. I believe you're quoted
8 on the first page of that document.

9 A. I am. I have not seen this in a
10 long time so...

11 Q. And I know it's been a long time,
12 so I apologize for asking you to think back so
13 far.

14 A. Okay. So this fund, based on this
15 newspaper article, and now jogging my memory,
16 was established by the seven members of the
17 congressional delegation. And it appears that
18 all seven of them supported it.

19 I cannot answer whether all seven
20 of them financially contributed to it, but it
21 addresses something we talked about earlier.
22 So this was dealing with the 2001

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 122

1 redistricting effort, but ten years earlier
2 when the federal courts drew this, the -- each
3 congressional office has what is called a
4 members representational account, an MRA.

5 That's the money -- it's like your
6 budget -- that you have to hire your staff, to
7 set up a district office, to pay for telephone
8 services, newspaper subscription services, and
9 things like that. The law is clear that you
10 cannot use your congressional budget for
11 reapportionment purposes.

12 So as is noted in this article,
13 which has been entered as an exhibit, this
14 article states -- and I would have no reason
15 to dispute -- that Congressman Callahan
16 actually had to spend \$250,000 from his
17 campaign fund ten years earlier to -- in
18 federal court in legal fees to support getting
19 a plan, a map, a redistricting plan that would
20 in fact allow him to continue to work, run in
21 a district that is close to what it looks like
22 today.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 123

1 So the members, proactively trying
2 to avoid a repeat of what happened ten years
3 ago, agreed to support a plan that we went to
4 the legislature and encouraged them to
5 consider. And it was a plan that called for
6 keeping the districts as opposed to the plan
7 that at that time Dr. Joe Reed, who is
8 chairman of the Alabama Democratic Conference,
9 was pushing, which was to create a second
10 minority district.

11 But in this article, it says, it
12 quotes Congressman Hilliard who was the first
13 African-American member of the delegation
14 since reconstruction to say that -- Hilliard
15 says he knows of no plans to try to create the
16 second majority black district because the
17 changes that would require like -- because the
18 changes that would require likely wouldn't be
19 approved by the courts.

20 So you have to keep in mind it was
21 a different Justice Department. It was a
22 different time, and at that time, while it

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 124

1 appears Dr. Reed wanted two minority
2 districts, Congressman Hilliard as the
3 Democrat -- he was not the only Democrat -- he
4 was not the only Democrat in delegation, but
5 he was the only minority Democrat in the
6 delegation -- was not supportive of that
7 effort to create two minority districts
8 because he didn't think the courts would
9 actually support that.

10 That's what I -- that's my
11 interpretation of this. And I'm sorry that
12 when you asked about the account, it -- it was
13 not a name I was familiar with. But I do
14 recall it now.

15 Q. Okay. So you mentioned, as this
16 article says, that Representative Callahan had
17 to spend \$250,000 from his campaign fund ten
18 years ago to challenge Reed's plan?

19 A. Right.

20 Q. Okay. So in Reed's plan that this
21 is referring to, it's your understanding that
22 that had two majority-minority districts?

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 125

1 A. I didn't really recall that he was
2 pushing that in 1990, but I don't dispute if
3 that's the case. We would certainly be able
4 to -- to factually determine that. I do
5 recall that there has been discussion for some
6 time about creating two minority -- two
7 majority-minority districts, but the challenge
8 was always going to be whether it would
9 actually pass muster with the Civil Rights
10 Division and the Department of Justice.

11 Q. Do you recall what Representative
12 Callahan was unsupportive of in Reed's plan?

13 A. Well, it would have created --
14 it -- it would have divided Mobile and Baldwin
15 Counties, and it would have destroyed the 1st
16 congressional district as it had existed and
17 as he served.

18 I don't recall the specifics from
19 that. I would have to go back, but the court
20 records would show the different maps that
21 were introduced at that time as evidence.

22 Q. Do you recall this letter that

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 126

1 this article was referencing which was
2 signed -- the article says was signed by
3 Representative Callahan?

4 A. I -- I recall it now.

5 Q. Well, no. That's fine. I mean,
6 it was a long time ago. I'm --

7 A. I don't recall the verbiage of the
8 letter. I don't recall the ask, but I'm sure
9 it was raising money. I mean, it says it was
10 a fund raising fund to try to raise money in a
11 legal way to try to get the legislature to
12 deal with the redistricting effort that the
13 legislature ten years earlier had failed to be
14 able to do.

15 Q. So in connection with the 2000
16 census in that redistricting, is it correct
17 that Congressman Callahan did not support a
18 second majority-minority district being drawn
19 at that time?

20 A. I -- I would respectfully dispute
21 that description. I don't recall Congressman
22 Callahan ever sharing with me his opinion

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 127

1 about the pros or cons of creating a second
2 majority-minority district.

3 His focus was self-serving. It
4 was to keep the congressional district that he
5 had. And quite frankly, so was the view of
6 the other six members of Congress. If you've
7 got something that works, why would you lead
8 the effort to change it?

9 Q. Do you recall who was involved
10 with managing that fund, the Alabama Fair
11 Reapportionment Fund?

12 A. Well, this article says -- and so
13 therefore I will have to take it on face
14 value; I guess this is before fake news was
15 created -- that it was -- that the money was
16 raised and the address was the Alabama
17 Republican Party.

18 But keep in mind, we did not have
19 the ability to use congressional money for
20 this. We had already -- ten years earlier,
21 we -- the Callahan campaign had spent
22 \$250,000, which was a lot more money then.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 128

1 It's a lot of money today.

2 But today, that would -- back
3 then, that was a significant amount of money
4 that was used from the campaign, which was a
5 legal use of the money, but I think
6 Congressman Callahan was not alone in
7 believing that -- other members of Congress
8 were spending money as well in that court
9 defending their districts.

10 So he believed it was better to
11 raise the money through this account than to
12 have to take money out of your campaign
13 account.

14 Q. Have you ever been involved in
15 raising money for that fund to the best of
16 your recollection?

17 A. As a congressional staffer, I
18 would have been restricted in raising money
19 for any type of political activity. Each
20 House member has the opportunity to name one
21 staff member as their political liaison, if
22 you will, who can be a spokesman or who can

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 129

1 coordinate with the campaign activities.

2 I had that role when I was his
3 Chief of Staff. So I had that in 1990 and I
4 had it in 2000. I did not have it when he was
5 first elected in 1984.

6 Q. So in that role or otherwise, had
7 you ever been involved in fundraising for that
8 fund?

9 A. Not that I recall.

10 Q. Do you recall who the primary
11 sources of funding for that -- for the fund
12 were?

13 A. Probably the same companies and
14 individuals. I don't know whether they could
15 take company -- the corporate money or not.
16 I -- so I shouldn't say companies. But we --
17 look, in Alabama and probably in most states,
18 it's the same people that get asked to write
19 the campaign contributions to both parties, to
20 both candidates.

21 So my guess is, is that if you
22 look at an FEC report today and you look at

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 130

1 one in -- in 2000 when this fund was created,
2 you would see the same type of groups and
3 entities and people who were involved in the
4 political process.

5 It may be a different person, but
6 it would be who -- the person who was in
7 charge of -- the president of the Farmers
8 Federation, the president of the power
9 company, or the president of the -- this group
10 or that group, the business community.

11 They all have been -- they've --
12 they've grown exponentially over the years,
13 but they are the ones who traditionally
14 support both Democrats and Republicans.

15 Q. And what was your understanding of
16 the purpose or the goal of that fund?

17 A. To try to get the legislature to
18 approve a map that would avoid us going to
19 another lengthy and expensive federal court
20 proceeding and to try to keep the district
21 maps as closely aligned as they had been
22 during the previous decade for the upcoming

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 131

1 decade.

2 Q. And did you work with this same
3 fund when you became the congressman?

4 A. I don't think we called it that.
5 I don't even know that we -- I don't know what
6 the name of that fund was, but we all chipped
7 in and raised -- we -- we all -- when I --
8 Congressman Bonner followed the leadership of
9 Congressman Callahan.

10 And when it was time for us to
11 work with the legislature in 2010, we all, all
12 seven members, Democrat and Republican,
13 donated money to try to help the legislature
14 draw a map that was as close to the one as the
15 one we had. We did not to my -- I don't
16 recall whether we actually introduced a map,
17 but Congresswoman Sewell, Congressman Bachus,
18 Congressman Rogers, Congresswoman -- now I'm
19 talking about the 2010.

20 We -- we all agreed to try to work
21 together as we had previously for the last --
22 as long as I've been around. The map you

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 132

1 showed in 1950, I was born in 1959. So that
2 predates my knowledge.

3 Q. To the best of your recollection,
4 were funds -- was that fund ever used to --
5 whether it's lobby against or argue against --

6 A. No.

7 Q. -- the creation of a second
8 majority-minority district?

9 A. That was never the goal. The goal
10 was to keep the districts as close to what
11 they were. And it really was not -- I mean,
12 look, we -- we had -- in the 2010
13 redistricting effort, we had the first
14 African-American president.

15 We had, I believe, the first
16 African-American Attorney General, and I had a
17 very good working relationship with General
18 Holder. And to the extent any congressman has
19 a good working relationship with the White
20 House, I had a good working relationship with
21 White House.

22 On my last day in office, General

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 133

1 Holder called to tell me what -- he was very
2 complimentary and said that it would -- he was
3 sad to see me leave, but he was wishing me
4 best wishes.

5 But it was his Justice Department
6 that stamped approved when this map came down.
7 And when we were working in the 2010
8 redistricting effort to get the map we
9 currently have as we had previously, we were
10 working in the same spirit that it existed for
11 the last 40 years.

12 And it -- it -- it's hard to
13 describe that in a transcript, but it was a
14 spirit of collegiality. It was a spirit of
15 common service to the state. It was a spirit
16 of -- of making sure that the 4.8 million
17 people that lived in our state, regardless of
18 the skin tone that they had or the accent that
19 they had or the conditions that they grew up
20 in, that -- that they were well served and
21 served well and with integrity.

22 Q. Is it your general understanding

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 134

1 that to -- if a second majority-minority
2 district was to be created, that would
3 necessarily require changing sort of these
4 historical districts that you've been
5 describing all morning?

6 A. Well, I've never seen a map that I
7 can recall that could create a second
8 majority-minority map that would not
9 substantially alter the integrity of the 1st
10 congressional district. None of the maps that
11 you introduced as exhibits today do that.

12 And as I said, I remember seeing
13 maps that legislators were talking about in
14 previous efforts that would take part of
15 Mobile and run it up to -- there -- there is
16 no four-lane highway from Mobile to -- to
17 Sumter County or to Greene County or to
18 Pickens County. You're going to be going on
19 two-lane farm-to-market roads in a lot of
20 that.

21 Or that would take it under the
22 bay. And one of the maps in this 2000

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 135

1 redistrict that Dr. Reed pushed actually
2 circled Congressman Callahan's home on Dog
3 River. It circled it. The house across the
4 street wasn't -- it was going to be in the
5 Mobile district.

6 Congressman Callahan's house was
7 drawn to Dog River underneath Mobile Bay all
8 the way over to Dothan, and I think it -- it
9 may not have gone to Auburn in Lee County. It
10 went up to Russell County.

11 And so that offended the census
12 that -- you talk about gerrymandering. That
13 was the ultimate where someone was going to
14 take him -- he would have not even been able
15 to drive out of his driveway, he would have
16 been in another congressional district.

17 So you can't expect that he was
18 excited about that. But we have never
19 supported doing anything that would destroy
20 the integrity of -- of not only our district,
21 but really of the -- of the districts that
22 have well served this state.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 136

1 Q. Do you think there are any people
2 in Alabama, your constituents, whether in the
3 overall state or in congressional district 1
4 who would have benefited from having a second
5 majority-minority district in Alabama?

6 A. I -- I don't know how they could
7 have. When I received the NAACP award as the
8 champion in 2009, they didn't put an asterisk
9 on it. When I got the very first earmark,
10 back when we could do earmarks, was for
11 Pritchard, Alabama because the mayor and the
12 council had had such a long-running dispute
13 that they wouldn't even agree to pay the
14 firefighters.

15 And they didn't even have enough
16 money to put gas in the fire trucks. And so I
17 got a grant -- a -- an earmark for Pritchard
18 to get an expanded water service so that the
19 fire hydrants could actually work, and we
20 could put money in the fire trucks so that if
21 someone's house caught on fire that it would
22 be put out.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 137

1 I didn't carry Prichard in the
2 ballot boxes. I don't know that I ever
3 carried Prichard in the ballot boxes. I got
4 more and more votes each time. Prichard was a
5 majority-minority city, but I served the
6 people of Prichard with all my heart.

7 And that's why I can't imagine why
8 anybody would have ever wanted -- someone
9 might have wanted a Democrat because there
10 were Democrats that didn't vote for me. But I
11 never gave anyone reason to believe that they
12 were not being well served because I was
13 Caucasian and they were not.

14 Q. Were there any issues or needs
15 that you saw or were told about from your
16 African-American constituents that were
17 different than other white constituents in
18 your district?

19 A. Well, sure. The African-American
20 constituents asked for me to help them get
21 recognition for Africatown, which I did. That
22 was probably not something that other -- I

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 138

1 mean, that wasn't even something that
2 residents in any other counties were
3 interested in. Africatown was the site of the
4 last slave ship to actually land, the
5 Clotilda. They just recently found it.

6 But -- but -- but that's somewhat
7 of a -- I mean, I think you can go to any
8 demographic group. You can go to a -- a group
9 of soccer players and their focus is on soccer
10 fields. You can go to a group that focuses on
11 ballet or on some other activity, and they're
12 interested in that.

13 And so -- but -- but when the
14 African-American constituents that I worked
15 for and represented asked for my help, to the
16 best of my ability, we helped them.

17 Q. Do you recall any examples of what
18 African-American constituents asked you for
19 that you were able to help them on aside from
20 the --

21 A. No.

22 Q. -- Africatown?

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 139

1 A. They needed help with the water
2 pressure and the firehoses in Prichard, and --
3 and we helped. There would have been times
4 where there -- there were applications for
5 public transportation grants. We -- we
6 provided those letters of support.

7 There are other examples of where
8 the particular neighborhood -- or a -- a good
9 friend of mine who I served with in the
10 leadership Mobile class was from the Trinity
11 Gardens area. Trinity Gardens is a majority
12 African-American section of Mobile.

13 She -- there had been some
14 shootings. Her son had been murdered, and she
15 asked if I would come have a town hall meeting
16 to meet with the young people to try to
17 encourage them to put the guns down and to
18 start loving and -- and -- and not hating.
19 And I went.

20 I went to 26 funerals of soldiers
21 that died in Afghanistan and Iraq. Probably
22 18 were African-American. I preached at one

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 140

1 of the services. When I was standing in
2 Howard Johnson, Jr.'s bedroom with his three
3 sisters and his mother and father -- he was
4 the first soldier killed from Alabama -- I
5 wasn't standing in a black man's bedroom.

6 I was standing in an American
7 hero's bedroom. And when the father asked me
8 to preach -- he's a minister -- asked me to
9 moderate, to MC the funeral that was on
10 national TV, it was after I had said, Reverend
11 Johnson, whatever you need me to do, I will
12 do.

13 And until the day he died several
14 years later, we remained extremely close. And
15 I would be heartsick to think that anyone in
16 his family believed that I wasn't doing
17 everything in my power as a human being to
18 serve them well in their time of grief.

19 Q. That's really sad, but it sounds
20 like you did a --

21 A. Well, it's just -- it's just the
22 way we did things.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 141

1 Q. Uh-huh.

2 A. And we did it with the -- with the
3 25 other families as well. Thank goodness
4 they didn't all ask me to lead a funeral
5 service, but -- but, you know, when you're
6 standing there and you're looking at the
7 trophies and the blue ribbons -- I mean, he
8 was an all-star athlete, and he answered his
9 country's service. And he was killed in the
10 early days of the war in Iraq.

11 And my wife baked a pound cake,
12 and I went into to see the family whom I had
13 never met before. But that's the kind of
14 bonding experience that I tried to have with
15 all of my constituents.

16 Whether it was the bad times -- I
17 mean, same thing with the oil spill. We're
18 talking about minorities as though we're just
19 talking about African-Americans, but you go to
20 Bayou La Batre, the little fishing village,
21 and when the oil spill -- when the explosion
22 occurred at Deepwater Horizon, you have to

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 142

1 understand that initially -- people forget --
2 initially, we were told that -- that there was
3 no leakage. And then they said, Well, there's
4 been a breach. There is some leakage.

5 We knew that the explosion
6 occurred. We knew people had been killed, but
7 then, once we started seeing that plume of oil
8 coming up, and it was such a helpless feeling.
9 And my staff and I went door-to-door to
10 businesses whose owners couldn't even speak
11 English to let them know that we were going to
12 stand by them in Mobile and Baldwin Counties.

13 I didn't go to Washington to work
14 to take some of those meetings. And when
15 you're hugging someone whose livelihood -- and
16 if you fish for a living, if you shrimp for a
17 living, and you can't get your boat out in the
18 water because it's filled with oil, you can
19 have -- don't have any money to buy bread and
20 milk for your kids.

21 And so we pressed the people at
22 BP, and we pressed the organization what was

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 143

1 set up to provide help to those families as
2 hard as anyone could have pressed. And I did
3 that because that was my job.

4 Q. I'm sure it meant a lot to your
5 constituents to see you come door-to-door.

6 A. It meant a lot to me --

7 Q. Yeah.

8 A. -- to be able to help them.

9 Q. Yeah. In terms of civil rights
10 issues, were there any specific issues that
11 came up a lot in your district or that you
12 thought -- you understood that your
13 African-American constituents cared
14 specifically about?

15 A. Not off the top of my head. If
16 you can give me some examples, I can -- I'd be
17 happy to -- it's kind of like this article, it
18 may jog my memory. But Mobile, as I mentioned
19 earlier, had a very progressive Mayor Joe
20 Langan --

21 Q. Uh-huh.

22 A. -- who worked with the

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 144

1 African-American community back in the '50s
2 and '60s during the Civil Rights Movement.

3 And Mobile was fortunate to avoid
4 not all, but most of the battle scars, if you
5 will, that some Alabama cities have. And --
6 and so we -- we did not have some of the
7 issues that other places had to deal with.

8 Q. Uh-huh. What about things like,
9 for example, educational outcomes? There are
10 generally pretty large disparities between
11 educational outcomes for African-Americans and
12 white people within Alabama, within lots of
13 different parts of the country. Was that ever
14 an issue that came up for you?

15 A. Not in a -- not in a negative way.
16 As I said when I went to Trinity Gardens
17 with -- with my friend after her son had been
18 murdered, I mean, I -- I visited -- my goal
19 was to visit every high school in my district.
20 I did not complete that goal, but I visited
21 most of them.

22 And I -- I -- I went to the

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 145

1 schools that were majority-minority schools, I
2 went to the private schools. I went to the
3 Catholic schools. I went to the schools that
4 had a more even balance. I mean, I -- I went
5 wherever. I sponsored an art contest every
6 year for the kids of the 1st congressional
7 district.

8 I nominated probably 145, maybe
9 200 young men and women to go to the military
10 academies. We did not have a quota. We
11 nominated the best students that could be
12 competitive. We nominated a lot of students
13 from different racial and ethnic backgrounds.

14 And so I don't recall that it
15 was -- there was a real time during my
16 ten-and-a-half years where there was an issue
17 that -- that arose specifically with regard to
18 it being a Civil Rights issue.

19 For instance, Senator Figures and
20 I -- as she was on the redistricting committee
21 in the 2010 redistricting and maybe even on in
22 2000, I'm not sure when she -- I think she was

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 146

1 in -- on the city council at that time.

2 But anyway, you know, we used
3 to -- we -- we used to laugh at how -- we were
4 ringing a bell for the Salvation Army one time
5 at Christmastime and got very competitive
6 that -- who got the most money in their
7 kettle, but we used to laugh at how some --
8 how hard it was for some people to imagine
9 that a -- a black Democrat and a white
10 Republican could be such close friends.

11 And she had a son that got in
12 trouble and I did everything I could to help
13 him, not because she was a state senator or
14 because she was black or because she was a
15 female, but it was the right thing to do.

16 So I don't recall that there was
17 a -- a real time or issue where the -- the
18 people in my district, regardless of their
19 political views or their racial makeup, would
20 have -- would have had -- that I would have
21 given them reason to believe that I was
22 insensitive to their views even when there

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 147

1 were times when we disagreed.

2 And that was every time I went and
3 had dinner with my mother-in-law, I would have
4 disagreements, but -- but they were usually
5 friendly.

6 Q. Yeah. That's just part of the --
7 that's just part of the job.

8 A. Yeah.

9 Q. It sounds like you really made it
10 around your district --

11 A. I did.

12 Q. -- a lot.

13 Did you observe anything that, you
14 know, you recall where there were more
15 differences maybe socioeconomically -- just
16 socioeconomically between more minority
17 communities and more white communities?

18 A. Well, I observed that there were
19 differences between -- within the minority
20 communities. In Washington County, there's
21 a -- a -- the -- the Mobile Washington Band of
22 Choctaw Indians that was recognized by the

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 148

1 state under Governor James' administration but
2 was never recognized by the Federal Bureau of
3 Indian Affairs.

4 Two counties over, the Poarch Band
5 of Creek Indians got a state recognition, and
6 they also got a federal recognition. The
7 Poarch Band of Creek Indians built a casino.
8 They're -- by all accounts, are making a lot
9 of money.

10 You've got four major Indian
11 tribes in Alabama: Creek, Choctaw, Cherokee,
12 and Chickasaw. And two within 60 miles of
13 each are as opposite as night is from day.

14 Both really good groups of people
15 that work really hard, but one with that
16 federal recognition got a certain benefit that
17 the others who sought that recognition, they
18 never got. I actually sponsored the
19 legislation for the MOWAS to get federal
20 recognition, but I was not able to get it
21 through the House and the Senate.

22 Q. Uh-huh.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 149

1 A. So I think that in this country
2 and quite frankly in the world, you're going
3 to always see examples of where some people
4 are -- have a -- have more advantage because
5 of education or more advantage because of
6 genetics. You know, some people are just born
7 healthier than other people.

8 But -- but I really don't -- I
9 can't give you a specific example of where --
10 I mean, look, I'm -- in my spare time, I'm
11 head of the -- I'm -- I'm a volunteer chairman
12 of the board for the Alabama School of Math
13 and Science.

14 It's the only -- there's 17 STEM
15 schools in the nation. Alabama has one of
16 them. I don't know what the racial makeup is
17 of our student body. They take students from
18 all 67 counties. It's a free public
19 education. But I would say probably 40
20 percent, maybe 45 percent are
21 African-American.

22 And you're taking young people who

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 150

1 are gifted in the math and science area that
2 might live in a rural area like Wilcox County
3 and it's giving them a chance to go to a world
4 class education -- get a great education and
5 go on and get a great scholarship to go off to
6 college. So I've -- I've always prided myself
7 in looking for opportunities to help all
8 people.

9 Q. Uh-huh. Did -- do you believe
10 that African-Americans in your district
11 supported Obamacare or the Affordable Care
12 Act?

13 A. I think that they probably did.

14 Q. Did you support the Affordable
15 Care Act?

16 A. I did not.

17 Q. Do you think African-Americans in
18 your district supported the repeal of
19 Obamacare?

20 A. It's a broad generalization but
21 probably not.

22 Q. Did you support repealing?

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 151

1 A. I did.

2 Q. Do you believe that

3 African-Americans in your district supported
4 the reauthorization of the Voting Rights
5 Act --

6 A. I -- I did not --

7 Q. -- from 2006?

8 A. I did not hear from that many
9 African-Americans about that, but I took that
10 vote very seriously. In the -- in the 2000
11 presidential election, Bush v. Gore, we saw a
12 moment in time where the disputed ballots in
13 that presidential election were not in the
14 voting right states.

15 South Florida was not covered
16 under that. The disputed ballots in Ohio and
17 in Michigan and other states, and so I
18 consulted with Congressman Edwards who had
19 actually been in Congress when the first
20 Voting Rights Act passed and with subsequent
21 reauthorizations as well as Congressman
22 Callahan who had been in.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 152

1 And it was not an easy vote for me
2 to cast. There were only about 35 or 36 who
3 voted against it. So I knew that I wasn't
4 voting to get something passed, but I believed
5 with all of my heart that we had seen with the
6 presidential election of 2000 and with other
7 examples as well -- that if -- it -- and it
8 worked and we needed it in the '60s for sure.
9 But -- but why didn't we apply it to the whole
10 country?

11 That was my logic behind that, but
12 I really did not have that much mail or phone
13 calls from -- I'm not saying I didn't have
14 any, but it was not a -- it was not a -- a
15 red-button issue that we heard a lot about.

16 The health care bill was. And I
17 will tell you why I voted against it. I can't
18 tell you why -- the entire Alabama delegation
19 voted against it, including Congressman Davis,
20 who was in office at the time.

21 But I kept a copy of that bill on
22 my desk. And people would come to see me, and

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 153

1 they didn't want a picture with me. They
2 wanted a picture of that bill because it was
3 this tall (indicating). But I believed with
4 all of my heart that social security was
5 created with bipartisan support.

6 Medicare was created with
7 bipartisan support. Medicaid was created with
8 bipartisan support, and I did vote to expand
9 Medicaid to include prescription drugs -- I'm
10 sorry -- Medicare.

11 We're early in my time in Congress
12 which was not popular with some of my
13 Republican constituents, but I thought it was
14 the right thing to do. But for the life of
15 me, I actually -- at a Republican retreat
16 where the president came, begged the president
17 to not force -- he had the votes to do it, and
18 he did it. But I didn't believe that it was
19 right for the country on something that
20 touched everyone because health care's
21 universal.

22 I just didn't think it was right

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 154

1 for us to have a partisan vote on something
2 that was bipartisan, as bipartisan as health
3 care. So I did vote against it. I think it
4 is safe to your premise that the majority of
5 the African-American constituents that
6 contacted me were supportive of it.

7 But some could argue that they
8 were supportive of it because the first
9 African-American president was proposing it.
10 President Clinton tried it with his wife
11 leading the effort, and Congress couldn't get
12 it passed.

13 And there are some who would say
14 today that people are opposed to it because it
15 was President Obama's bill. Just as there are
16 some people would believe today that if
17 President Trump had proposed it, there are
18 some who would support it even if it were the
19 same bill.

20 I just thought it was a bad piece
21 of legislation, that we needed to do
22 something, but I thought to do it on a

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 155

1 partisan vote would divide the country.

2 Q. With regards to the Voting Rights
3 Act, did you hold any town halls --

4 A. I did.

5 Q. -- on that issue?

6 A. Well, I didn't hold any town halls
7 on that issue. I --

8 Q. Or did it came up at town halls?

9 A. It came up at some. I defended my
10 vote. And even with people that disagreed
11 with me -- and there were some, but I think
12 they respected the fact that the -- the -- the
13 logic that I used. But yes, I mean, there
14 were people -- my executive assistant is --
15 was African-American.

16 Q. Uh-huh.

17 A. She was conservative. She was a
18 Republican. And she said, Jo, this is hard
19 for me to explain when I go home at
20 Thanksgiving.

21 And when I told her my reasoning,
22 she went home at Thanksgiving. And she came

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 156

1 back and she said, To my surprise, my family
2 understood why you did it.

3 That was personally rewarding to
4 me because my goal was never to be divisive in
5 that. I just felt that if we were going to do
6 it in 20 -- when was it? 2007?

7 Q. 2006.

8 A. 2006?

9 Q. Yeah.

10 A. -- then it should apply to
11 everyone.

12 Q. Did you meet with or consult with
13 any African-American leaders --

14 A. I did.

15 Q. -- on this issue?

16 A. I -- I talked with -- before big
17 boats, TARP, the voting rights extension, the
18 Affordable Care Act, there were -- I would
19 oftentimes seek advice even though, as a
20 congressman, you don't need to seek it because
21 you're going to get it anyway. But -- but I
22 oftentimes would seek the advice of -- of

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 157

1 friends in a very unofficial way.

2 And yes, I -- I talked with a
3 number of my African-American friends about
4 it, about my logic behind it. One is a very
5 good friend of mine. He was a colonel in the
6 Air Force, and he said actually -- and he
7 lived in south Florida at the time. He said,
8 I think you make a pretty good point.

9 Q. So would you be --

10 MR. DAVIS: How -- how we doing?
11 Governor's going to need our Chief of Staff
12 back before too terribly long.

13 MS. MADDURI: Understood. I don't
14 have too much more. Just a page.

15 Q. (By Ms. Madduri) So would you be
16 supportive -- I'm -- I'm sure you know that
17 now the Supreme Court has overturned the part
18 of the Voting Rights Act that I believe were
19 discussed in Section 4 and Section 5, the
20 preclearance requirement, that only applied
21 to, you know, specific states as you
22 mentioned.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 158

1 Would you be supportive of
2 reinstating those sections if it applied to
3 all states, all jurisdictions equally?

4 A. Well, I -- I don't have a vote
5 anymore.

6 Q. Understood. But your view on
7 that?

8 A. But look, I -- my view -- I would
9 be consistent with my view. I thought it
10 should apply to all states.

11 Q. Do you think there's any kind of
12 partisanship divide between African-American
13 and white voters in your district or Alabama
14 as a whole?

15 A. Define "partisanship divide."

16 Q. Do you think one race, whether
17 white or black, votes more for Democrats or
18 Republicans?

19 A. Sadly, I think that the evidence
20 would suggest that more African-Americans vote
21 Democrat than Republican, and that's
22 frustrating to Republicans like me who want to

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 159

1 make -- in -- in the words of a former party
2 chairman, who want to build a big tent.

3 And we want to give people who
4 have the same values and the same goals and
5 the same aspirations a room in our party.

6 Q. In your view, why -- why do you
7 think African-Americans tend to vote for
8 Democrats more?

9 A. That's like asking me to read the
10 minds of the legislature. I -- I don't know.
11 I was very proud of my many, many
12 African-American friends and supporters from
13 all walks of life. And I was equally proud to
14 represent those that did not support me, but I
15 did everything I knew to do to serve all
16 people well and with integrity.

17 And I can't really look back on --
18 on that chapter and think well, if I had done
19 things differently, I might have gotten a few
20 more votes here or a few more votes there.

21 Q. Just in -- and just in your
22 opinion, do you think -- what reasons do you

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 160

1 think, if any, exist that African-Americans
2 don't tend to support Republicans?

3 A. I -- I really don't have an
4 informed opinion about that.

5 MR. TAYLOR: Make sure I
6 understand the extent of the question. His
7 personal opinion about why African-Americans
8 support Republicans or Democrats?

9 MS. MADDURI: Okay.

10 Q. (By Ms. Madduri) Do you think the
11 same is true on the other side? Do you think
12 white voters tend to support Republicans more
13 often?

14 A. Well -- well, are you talking
15 about Alabama or you --

16 Q. Yeah --

17 A. -- talking about nationally?

18 Q. -- Alabama. Alabama. Your
19 district, your -- within your experience
20 personally.

21 A. In -- in the last 35 years, but it
22 wasn't that long ago when Alabama was a

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 161

1 one-party state.

2 Q. Uh-huh. Do you have --

3 A. It was a Democrat state.

4 Q. And you've -- you've been -- I
5 mean, you've watched that transformation, I'm
6 sure. Do you have any views on why that
7 transformation happened?

8 A. I -- I think many former Democrats
9 who became Republicans would tell you that the
10 party that they knew and grew up in changed
11 and no longer reflected their views and
12 values.

13 And, I mean, President Reagan
14 switched parties and --

15 Q. Uh-huh.

16 A. So there are a lot of examples of
17 people. George Wallace, Jr --

18 Q. Uh-huh.

19 A. -- the son of former Democrat
20 Governor George Wallace, switched parties.

21 A lot of people switched parties,
22 but I think that the national party, as

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 162

1 evidenced by what's going on today, that the
2 Democrats continue to move further and further
3 to the left. And I think that for a lot of
4 people who grew up in Alabama being a
5 Democrat, they just don't recognize that party
6 anymore.

7 Q. Are there any specific issues that
8 jump out to you in terms of this leftward
9 movement --

10 A. Well --

11 Q. -- that you think they --

12 A. I --

13 Q. -- disagree with?

14 A. I think everything from today's
15 run up to the presidential campaign is about,
16 you know, universal free health care. Well,
17 we passed the Affordable Care Act. It's not
18 free. And there's no way it will ever be
19 free. You got to pay for it if you're going
20 to have a quality health care service.

21 So I -- I just think that even my
22 Democrat friends in Alabama today, and I've

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 163

1 got many of them, have a hard time defending
2 some of the socialistic policies and -- and
3 views of the -- of the national Democrat
4 party.

5 Q. And I'm -- just to make sure
6 you're not too worried, I'm at pretty much the
7 end of everything. Just a couple more
8 questions for you.

9 A. I feel like I've been a political
10 commentator.

11 Q. Well, I mean, your perspective is
12 interesting.

13 A. Sure.

14 Q. You've been involved in space.

15 A. Not complaining.

16 Q. Yeah.

17 A. Not complaining.

18 Q. You can -- you can become a pundit
19 after this.

20 I'm curious if you think there are
21 any unique needs in the -- in the City of
22 Mobile as opposed to the rest of the

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 164

1 congressional district.

2 A. Well, clearly the -- the continued
3 development of the port of Alabama is unique
4 to Mobile. It is a port that serves the whole
5 state, but we are -- as I say, I think we're
6 the 13th largest port.

7 We're -- we're in a position with
8 what the state is doing with the new
9 infrastructure bill. We're in a position to
10 invest a sizable amount of resources to make
11 Mobile one of the top five port cities in the
12 nation. That's going to great a whole new
13 economy of jobs and opportunities.

14 You won't need a four-year degree
15 or even a two-year degree, but you'll be able
16 to make 85 or 90 or \$100,000 a year, which is
17 more than double the average family of four
18 income. That's big time. That's a big-time
19 opportunity.

20 The continued growth of the
21 aerospace industry in Mobile with Airbus and
22 the continued growth of the shipbuilding

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 165

1 industry, I mentioned the shipbuilder Austal,
2 they're the ones building the Navy ships. But
3 they are competing now with a -- for a
4 contract to get a frigate that would add
5 another 2500 people.

6 So you take 4500 people that work
7 there now and you add another 2500 people,
8 that's a game changer to your economy. So the
9 Mobile economy is also -- I mean, it -- it
10 takes a special skill set to be a pipe fitter
11 on a ship or to -- to be a welder on an
12 airplane. You don't want someone who's not
13 trained to do that.

14 So one of our challenges is to
15 continue to grow our economy, to continue to
16 grow our workforce so that young people who
17 are born in that wonderful town today have a
18 chance to get a good education, get a job, and
19 raise their family in a place that they love
20 and call home.

21 Q. Uh-huh. Do most people that work
22 in Mobile, do they all live in that same

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 166

1 space, or are they also coming from other
2 counties?

3 A. They live in other counties, but a
4 large percentage of them live in the Mobile,
5 Baldwin County area. Goes back to that
6 continuity and community of -- of interest.

7 Q. Do you see any benefits to
8 African-Americans in Mobile if they were
9 included in a district that also included
10 counties from the Black Belt area?

11 A. They are.

12 Q. I guess more counties from the
13 Black Belt area as opposed to where they are
14 now?

15 A. Well, the -- the district that --
16 if -- if the legislature had the ability to
17 create a new district that would be ideal in
18 every setting, in my view, it would be as
19 close to what we've got now as we have,
20 because of the historical similarities,
21 because of the recent convergence.

22 It's like we were talking about

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 167

1 earlier with Baldwin County, the Baldwin
2 County in 1950 and the Baldwin County of today
3 are two different places.

4 I -- I can't personally see that
5 there's going to be any real benefit to
6 splitting Mobile up or to even splitting
7 Mobile and Baldwin Counties apart just for
8 the -- the political benefit of the
9 plaintiffs. I -- I think that you've got to
10 think about the 780,000 people who live there
11 and who currently are interconnected in so
12 many different ways as we've discussed.

13 Q. What do you mean when you say "the
14 political benefits of the plaintiffs"?

15 A. Well, the -- the plaintiffs are
16 the ones who are advocating for the second
17 district, I believe.

18 Q. (Attorney nods head.)

19 A. And I believe I'm right that one
20 of the -- correct me if I'm wrong, that one of
21 the people at the national level that is
22 advocating for this is the former Attorney

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 168

1 General.

2 Q. I actually don't know exactly, so
3 I can't -- I can't comment on --

4 A. I believe --

5 Q. -- that one way or the other.

6 A. I believe that's true.

7 Q. Okay.

8 A. And I do find it interesting
9 personally that his Justice Department
10 approved this map. And that it was good when
11 he was Attorney General, and that now there's
12 a desire to change it, I -- I don't understand
13 the logic behind that.

14 Q. Okay.

15 MS. MADDURI: Well, I think -- I
16 think that's all my questions.

17 THE WITNESS: Okay.

18 MR. DAVIS: Before we go off the
19 record, do we need to talk? Let's step out in
20 the hall.

21 THE VIDEOGRAPHER: We are off the
22 record at 12:44.

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 169

1 (A recess was taken.)

2 THE VIDEOGRAPHER: We are on the
3 record at 12:46.

4 MR. DAVIS: Defendant has no
5 questions. Thank you, Mr. Bonner.

6 MS. MADDURI: Thank you, sir.

7 THE VIDEOGRAPHER: This ends MPEG
8 three and concludes the deposition of Josiah
9 Bonner. We are off the record July 30th,
10 2019, and the time is 12:46 p.m.

11

12 (The deposition of JOSIAH BONNER
13 was concluded at 12:46 p.m.)

14

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7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 170

1 * * * * *

2 REPORTER'S CERTIFICATE

3 * * * * *

STATE OF ALABAMA)

4 COUNTY OF ST. CLAIR)

5 I, Bethany Whaley, Certified Court
6 Reporter and Notary Public in and for the
State of Alabama at Large, do hereby certify
7 that on July 30, 2019, I reported the
8 aforementioned proceedings, and that the pages
9 herein contain a true and accurate
10 transcription of the said proceedings.

11 I further certify that I am
12 neither of kin nor of counsel to the parties
13 to said cause, nor in any manner interested in
the results thereof.

14

15

16

This the 12th day of August, 2019.

17

Bethany Whaley
s/s Bethany Whaley

18

Bethany Whaley, ACCR 661
Certified Court Reporter and
Notary Public for the
State of Alabama
My commission expires 3/27/22.

19

20

21

22

7/30/2019

Chestnut, et al., v. John H. Merrill

Josiah Bonner

Page 171

1 Josiah Bonner, c/o
Office of the Attorney General
2 501 Washington Avenue
Montgomery, Alabama 36130-0152

3
4 Case: Lakeisha Chestnut, et al., v. John H. Merrill
4 Date of deposition: July 30, 2019
5 Deponent: Josiah Bonner

6
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Deposition Date: July 30, 2019

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7 I do hereby acknowledge that I have read
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8 of the transcript of my deposition and that:

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7/30/2019

Chestnut, et al., v. John H. Merrill

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