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

Josiah Bonner

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

LAKEISHA CHESTNUT, et al.,  
Plaintiffs,

vs. CASE NO. 2:18-cv-907-KOB

JOHN H. MERRILL, in his official capacity as  
Alabama Secretary of State,  
Defendant.

\* \* \* \* \*

The videotaped deposition of JOSIAH  
BONNER was taken before Bethany Whaley,  
Certified Court Reporter, ACCR 661, as  
Commissioner, on Tuesday, July 30, 2019,  
commencing at approximately 9:00 a.m., at the  
Office of Attorney General, 501 Washington  
Avenue, Montgomery, Alabama, pursuant to the  
stipulations set forth herein.

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1 APPEARANCES

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1 APPEARANCES

2 (Continued)

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4 Representing the Defendant:

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14 Also Present:

15 Erika McKay, Governor's office

16 Bryan Taylor, Governor's office

17 Skip Warren, videographer

18

19

20

21

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1 \* \* \* \* \*

2 STIPULATIONS

3 It is hereby stipulated and agreed by  
4 and between counsel representing the parties  
5 that the videotaped deposition of JOSIAH  
6 BONNER is taken pursuant to the Rules of Civil  
7 Procedure, and that said deposition may be  
8 taken before Bethany Whaley, Certified Court  
9 Reporter, as Commissioner, without the  
10 formality of a commission; that objections to  
11 questions, other than objections as to the  
12 form of the questions, need not be made at  
13 this time, but may be reserved for a ruling at  
14 such time as the deposition may be offered  
15 into evidence, or used for any other purpose  
16 by either party hereto, provided by the  
17 Statute.

18 It is further stipulated and agreed  
19 by and between counsel representing the  
20 parties in this case, that the filing of the  
21 deposition of JOSIAH BONNER is hereby waived,  
22 and that said deposition may be introduced at  
the trial of this case or used in any other  
manner by either party hereto provided for by  
the Statute, regardless of the waiving of the  
filing of same.

It is further stipulated and  
agreed by and between counsel and the witness  
that the reading and signing of the deposition  
by the witness is waived.

22 \* \* \* \* \*

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1 THE VIDEOGRAPHER: The marks the  
2 beginning of MPEG one, volume one in the  
3 videotape deposition of Josiah Bonner. We are  
4 on the record. Today is Tuesday, July 30th,  
5 2019, and the time is 9:01 a.m.

6 My name is Skip Warren. I'm the  
7 videographer. The court reporter is Bethany  
8 Whaley. We're at the offices of the Alabama  
9 Attorney General in Montgomery, Alabama. The  
10 matter is Chestnut, et al. versus Merrill,  
11 et al. The Civil Action Number is  
12 218-CV-907-KOB.

13 Would counsel and all present  
14 please introduce themselves after which the  
15 court reporter will swear in the witness?

16 MS. MADDURI: Lalitha Madduri for  
17 the plaintiffs.

18 MR. DAVIS: Jim Davis for  
19 Secretary of State John Merrill.

20 MS. HOWELL: Laura Howell for  
21 Secretary of State Merrill.

22 MR. WALKER: Dorman Walker for

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1 Secretary of State John Merrill.

2 MS. MCKAY: Erica McKay,  
3 Governor's Legal Office.

4 MR. TAYLOR: Bryan Taylor -- Bryan  
5 with a Y -- Governor's Legal Office.

6 JOSIAH BONNER,  
7 being first duly sworn, was examined and  
8 testified as follows:

9

10 EXAMINATION BY MS. MADDURI:

11 Q. Good morning --

12 A. Good morning.

13 Q. -- Mr. Bonner. Thank you for  
14 being here.

15 A. Thank you.

16 Q. Like I said, I think we'll wrap up  
17 in about ten minutes, but we do appreciate  
18 your time and taking the morning out for us,  
19 so thank you.

20 A. It's my pleasure. Absolutely.

21 Q. Can you please state your full  
22 name for the record?

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1           A.       My name is Josiah Robins Bonner,  
2       Jr.

3           Q.       And what is your address?

4           A.       1163 Wellesley, W-E-L-L-E-S-L-E-Y,  
5       Green, Tuscaloosa, Alabama 35406, but I am in  
6       the process of moving. And so my new address  
7       is 7216 Sibley, S-I-B-L-E-Y, Montrose,  
8       Alabama, M-O-N-T-R-O-S-E, 36559. And that  
9       will be effective September 1st.

10          Q.       And have you ever been deposed  
11       before, sir?

12          A.       I was asked that question, and I  
13       was not able to give a definitive answer. So  
14       I don't believe I have, but I have  
15       participated in depositions when I was in  
16       Congress.

17          Q.       In what capacity did you  
18       participate?

19          A.       I was chairman and then ranking  
20       member of the House Ethics Committee. So we  
21       deposed witnesses when we were doing  
22       investigations. I have been called as a



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1 witness -- or I was told I would be called as  
2 a witness in civil disputes, child custody  
3 cases and all, but I never actually testified.

4 Q. Okay. So you've never testified  
5 in a court of law or any other --

6 A. Not that I'm aware of.

7 Q. So I'll just go over a couple  
8 ground rules then.

9 A. Okay.

10 Q. So we're going to try to make a  
11 clear record, and for the sake of the court  
12 reporter, I'll ask you questions, and I just  
13 ask that you wait until I'm finished asking  
14 the question before you respond, and I will  
15 similarly try not to speak over you to make  
16 her job a little bit easier.

17 And it's also important just to  
18 give audible answers, either yes or no, as  
19 opposed to shaking your head or nodding your  
20 head or saying uh-huh or um-hmm just because  
21 it's hard to understand what that means when  
22 it's on paper. Does that all make sense?

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1 A. Yes, ma'am.

2 Q. And if you don't understand a  
3 question that I ask, please just let me know,  
4 and I'll try to clarify.

5 A. Okay.

6 Q. If you don't tell me that you  
7 don't understand --

8 A. (Witness nods head.)

9 Q. -- I'll assume that you have  
10 understood. Does that make sense?

11 A. It makes sense.

12 Q. Okay. And if you need a break at  
13 any time, just please let me know.

14 A. (Witness nods head.) Okay.

15 Q. I just only ask that if there's a  
16 question pending we just finish that question  
17 before we take the break.

18 A. That sounds fair.

19 Q. Okay. Is there any reason today  
20 that you can't give your full and honest  
21 testimony?

22 A. No, ma'am.



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1 Q. Any medication or anything like  
2 that?

3 A. No, ma'am.

4 Q. Okay. Great. So how did -- how  
5 did you learn about this case?

6 A. I was told, I believe, by a member  
7 of our legal staff that there was a case and  
8 that the Secretary of State's office and the  
9 Attorney General's office and the plaintiffs  
10 may all have some interest in talking with me  
11 given that I had worked on Capitol Hill for  
12 18 years and then served in Congress for six  
13 terms.

14 Q. Okay. And do you remember when  
15 you learned about the case?

16 A. It would have been within the last  
17 six months. I've been with Governor Ivey for  
18 seven and a half months. I've been her Chief  
19 of Staff since January 15th, and so it was  
20 after I moved into the Chief of Staff's  
21 office, but I don't keep a daily calendar -- I  
22 keep a daily calendar, but I -- I don't recall

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1 the phone call or exactly who called me.

2 I believe it was the -- the chief  
3 counsel, Mr. Taylor, who called just to make  
4 me aware of this, but I wouldn't want to swear  
5 under oath about that because it could have  
6 been someone else. But it was someone in  
7 that -- in that legal office.

8 Q. Okay. And what did they tell you  
9 about the case?

10 MR. DAVIS: I would object to that  
11 on grounds of privilege. Mr. Taylor and the  
12 Attorney General's office represent  
13 Mr. Bonner. So don't go into details about  
14 what the legal office has told you about the  
15 case.

16 Q. (By Ms. Madduri) What is your  
17 general understanding of the case?

18 A. Well, my general understanding is,  
19 is that there was a challenge to the current  
20 district lines and that the judge determined  
21 that there was not enough time to order -- to  
22 rule on that and to order new district lines

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1 and that that matter would be set aside.

2 And that -- the remaining question  
3 was whether or not the plaintiffs' contention  
4 that there be two minority districts would be  
5 heard at a later time.

6 Q. And I'm not asking you for any  
7 privileged information here, but who else have  
8 you spoken with about the case other than the  
9 lawyers that --

10 A. No one else.

11 Q. Were you provided with any  
12 documents or records regarding the case?

13 A. I -- I was -- I met with one of  
14 the attorneys in the Governor's office who  
15 advised that I did not need to read any  
16 documents or ask for any documents to prepare  
17 for this. And therefore, I did not ask for  
18 any documents, and I did not read any  
19 documents.

20 Q. How did you prepare for today's  
21 deposition, if you did?

22 A. I got up, put on a nice suit, and

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1 I -- I really came prepared to discuss my  
2 experiences of having worked on Capitol Hill  
3 in the federal delegation, Alabama  
4 Congressional Delegation for about 28 years.

5 Q. Understood. So we can dig into  
6 that. So you were the congressional  
7 representative for Alabama's 1st district --

8 A. Yes, ma'am.

9 Q. -- starting in 2003; is that  
10 right?

11 A. Yes, ma'am.

12 Q. Okay. Until 2013?

13 A. Yes, ma'am.

14 Q. Can you just describe for me your  
15 district generally?

16 A. It is a -- it's a very special  
17 part of Alabama. If you -- every member of  
18 congress would think their district is the  
19 most special, but ours is unique in the sense  
20 that it's the only coastal district. So we  
21 have mountains in north Alabama, and in south  
22 Alabama, we have beautiful Gulf Coast beaches.



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1                   So Mobile and Baldwin Counties are  
2                   the two largest counties in the district.  
3                   They anchor, and they have for the last 40 to  
4                   50 years, the contiguous counties surrounding  
5                   it. There's a lot of continuity in that  
6                   district in terms of its economy, in terms of  
7                   its history, and in terms of its -- its DNA.  
8                   A lot of it revolves around the water, around  
9                   the river system.

10                   And when I was elected in 2002, I  
11                   became the fifth member of Congress to  
12                   represent that district since -- in -- in  
13                   90 years. So there's not been a lot of  
14                   turnover. I worked for my immediate  
15                   predecessor. I was his press secretary and  
16                   then later his Chief of Staff.

17                   And I actually interned for his  
18                   predecessor when I was in college. So it's my  
19                   home, and as a result, I know that area of the  
20                   state fairly well.

21                   Q.       Which part of the district did you  
22                   grow up in?

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1           A.       Well, at the time I grew up in  
2       Camden, which is no longer in the district.  
3       It's in Congresswoman Sewell's district, in  
4       the 7th district. But the -- the districts in  
5       Alabama have changed over the last 40 to  
6       50 years based on the population changes.

7                   The Black Belt of Alabama, which  
8       is predominantly the 7th congressional  
9       district, has lost population, and therefore  
10      they've had to go into Jefferson County which  
11      is the most populated county in the state and  
12      some even into Montgomery County as well just  
13      to find enough people.

14                  The county I grew up in had  
15      probably 14,000 people in it when I was a  
16      child, and it probably has 14,000 people in it  
17      today if you're lucky. But I grew up in the  
18      northern part of the district. But then in  
19      1984, I moved to help my predecessor Sonny  
20      Callahan get elected to Congress. I was his  
21      campaign press secretary, and then after he  
22      was successful with his election, he asked me



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1 to go to Washington with him.

2 Q. Can you describe -- you talked a  
3 little bit about geography, a little bit about  
4 other aspects of the district. Can you talk a  
5 little bit about the demographics of your  
6 district when you represented it?

7 A. So Mobile is the largest city in  
8 the district, and it's the port of Alabama.  
9 So we have one of the largest intrastate water  
10 systems in the nation. The Mobile Delta is  
11 the second largest body of -- of water of its  
12 kind in the nation. Second only to the  
13 Florida Everglades.

14 So the district's livelihood feeds  
15 off of the bay and of the delta and of the  
16 river system. As a port city, we have a lot  
17 of cargo that comes in and out of Mobile every  
18 day. And a lot of that cargo that goes out  
19 come from the surrounding areas.

20 It comes from the timber-producing  
21 companies in Clarke County and in Monroe  
22 County and in Escambia County. It comes from

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1 the poultry-producing counties. I mean, it's  
2 a state port. It's, I think, the 13th largest  
3 in the nation.

4 But in some areas like in -- in  
5 timber, we're the largest. In coal, we've  
6 been number one or two in the nation. So the  
7 district's compactness has been largely  
8 because the legislature and the federal  
9 courts, when the legislature couldn't agree on  
10 a legislative plan, recognized that there was  
11 a community of interest in the 1st  
12 congressional district that was unique.

13 And that community of interest, it  
14 involves banking, it involves education, it  
15 involves health care. If you're in  
16 Monroeville, Alabama and you're -- you've been  
17 diagnosed with an illness that needs a  
18 specialty hospital, you go to Mobile.

19 If you are in -- working along  
20 highway -- U.S. Highway 43, which runs from  
21 Mobile all the way up to Thomasville, working  
22 at one of the chemical companies that have

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1 located there or a steel mill that's located  
2 there, it's very likely that you live  
3 somewhere in Mobile or Baldwin Counties  
4 because Washington County is not a very  
5 populated county. They couldn't supply all  
6 the workers for those industrial needs.

7 So the -- the district truly is a  
8 cohesive area that has been that way since  
9 the -- the early 1960s in the -- in the --  
10 when we had eight members of Congress, Mobile  
11 and Baldwin Counties were separated. But  
12 after that time, the -- the leadership of  
13 Alabama legislature and the Courts recognize  
14 that it was impossible to separate Mobile and  
15 Baldwin Counties because they were connected  
16 by the bay and they truly -- they have  
17 something in common that very few other parts  
18 of the state have.

19 This year is Alabama's 200th year  
20 as a state, but Mobile was founded in 1702.  
21 Alabama was -- became a state in 1819. So  
22 even the oak trees talk a different language

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1 in Mobile and Baldwin Counties. It's just --  
2 it's one of the oldest parts of the country  
3 quite frankly. And -- and that area's  
4 political geography matches well with its  
5 economic and social geography as well.

6 Q. I think you talked a little bit  
7 about the economic part of that. Can you talk  
8 a little bit about the political part that you  
9 just mentioned, the political --

10 A. Well, as I say, Congressman Frank  
11 Boykin was -- John McDuffie was elected in the  
12 19 teens. He became a federal judge when he  
13 left Congress. Frank Boykin was in for  
14 28 years. He was the last Democrat member  
15 elected. Jack Edwards was elected in 1964,  
16 served for 20 years. Sonny Callahan was  
17 elected in 1984, served for 18 years.

18 And then when I was elected in  
19 2002, I served -- I did not complete my term,  
20 but I was elected to my sixth term and later  
21 resigned. But the -- the district has, since  
22 1964, elected Republican members of Congress,



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1 but we have had a diverse political history  
2 throughout the district as well. For  
3 instance, Mobile elected an African-American  
4 mayor, Sam Jones, when it was still a majority  
5 white city.

6 Unlike other cities in Alabama and  
7 in the deep south, Mobile avoided some of the  
8 racial -- racially charged issues that  
9 Birmingham, Selma, and Montgomery had. We had  
10 a mayor, long before I lived there, that  
11 worked hard to make sure that Mobile avoided  
12 that.

13 And Mobile being a port city has  
14 so much more international influence than,  
15 quite frankly, some of the other cities as  
16 well. Plus, we're a much older city than  
17 Birmingham, for instance.

18 Q. Okay. So you mentioned sort of  
19 the unique economic features and political  
20 features. And I think you also said social  
21 features. Can you talk a little bit about  
22 those?

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1           A.       We're not bragging, but we're the  
2       mother of Mardi Gras. So most Americans think  
3       of Mardi Gras, they think of New Orleans, but  
4       they would be mistaken because it started in  
5       Mobile. And it is spread throughout our area  
6       of the state, Fairhope, Gulf Shores, Orange  
7       Beach, Dauphin Island.

8                   It -- it is a part of the  
9       religious life of the district because it's  
10      actually connected to the Catholic church, but  
11      it's also something that -- other cities today  
12      might start a Mardi Gras society, but none  
13      have some as old as 150, 160 years of age. So  
14      it -- it is something that people in south  
15      Alabama take part in throughout our district.

16                   It's not uncommon during the  
17      season for there to be 150 to 350,000 people  
18      that have come in from all the surrounding  
19      towns. And some rent motel rooms and some  
20      bring their RVs, but it's a family  
21      celebration.

22           Q.       Is that in Mobile?



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1 A. It is.

2 Q. It is?

3 A. That's where it originated, but  
4 it's also in Fairhope, and it's in all of the  
5 other veteran communities as well. But it's  
6 also -- I would -- I would expand the social  
7 beyond just a celebration. Mardi Gras, too,  
8 connects heavily to Mother Nature. We have  
9 sailing. We have fishing on the rivers, in  
10 the gulf, in the bay.

11 Hunting is a popular sport. It's  
12 a very social sport. It's a big -- big  
13 economic driver too. And so -- so, you know,  
14 many instances you choose to live close to  
15 where you work or close to where the schools  
16 are that you want your children to go to, but  
17 a lot of people choose to live in south  
18 Alabama because of the plethora of  
19 opportunities they've got to socialize, to  
20 enjoy nature, and to enjoy getting out of the  
21 woods and getting in the water. And -- and  
22 it's -- it's a common thread that connects a

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1 lot of people in that part of the state  
2 together.

3 Q. So I think we're getting there  
4 already, but I think you're describing some  
5 communities of interest that exist in your  
6 district. Can you just in your own words tell  
7 me what a community of interest means?

8 A. Well, I think a community of  
9 interest is an area that complements each  
10 other, that -- that supports each other, that  
11 connects to each other, and it does it in  
12 business and commerce. It does this in  
13 education. It does it in law.

14 I mean, the attorneys in the small  
15 towns around Mobile practice law at the  
16 federal courthouse in -- in Mobile. They  
17 wouldn't go to the Middle District or to the  
18 Northern District, with rare exception.

19 And then certainly that community  
20 of interest has a political overtone as well.  
21 When you are fortunate to be elected to  
22 represent your district in Congress, you then

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1 quickly realize that you have an obligation to  
2 serve the people in that district.

3 And so compactness, ease of  
4 travel, going from one end of the district to  
5 the other, either north, south, east, or west  
6 is important, how you locate your district  
7 offices.

8 Every congressional office has a  
9 budget that's roughly the same amount. There  
10 is a slight adjustment for a major  
11 metropolitan area like New York City or Los  
12 Angeles or Dallas. But you have basically a  
13 million dollars -- it may be a little bit more  
14 than that now -- to pay your staff, to rent  
15 your office, to provide services to your  
16 constituents.

17 And so that -- that community of  
18 interest and that compactness is helpful to  
19 you to be a better representative, to make  
20 sure that you can do town hall meetings, that  
21 you can go to your constituents and that they  
22 don't have the burden of coming to Washington

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1 to see you.

2 Q. I think very helpfully Alabama's  
3 legislature has created a -- a definition sort  
4 of for communities of interest, and I think  
5 we've talked -- you know, it's pretty broad.  
6 And I can -- I can read it to you.

7 It's from the legislature's  
8 Reapportionment Committee Guidelines for  
9 Congressional, Legislative, and Board of  
10 Education Redistricting.

11 So it says that a community of  
12 interest is defined as an area with recognized  
13 similarities of interest including, but not  
14 limited to, racial, ethnic, geographic,  
15 governmental, regional, social, cultural,  
16 partisan, or historic interest; county,  
17 municipal, or voting precinct boundaries; and  
18 commonality of communication.

19 So I think you've touched on a lot  
20 of these already.

21 A. (Witness nods head.)

22 Q. A couple that I don't know if



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1 we've talked about are the racial and ethnic  
2 ones.

3 A. (Witness nods head.)

4 Q. Can you talk a little bit about  
5 communities of interest from that aspect in  
6 your district?

7 A. Well, the first history has a very  
8 diverse ethnic population. Bayou La Batre is  
9 a small costal community down in the southern  
10 the part of Mobile County. It's the seafood  
11 capital of Alabama.

12 If you enjoy eating shrimp or crab  
13 meat or oysters or fish in Washington, DC, at  
14 some of the finest restaurants, it's very  
15 likely that the product came through Bayou La  
16 Batre. It's a -- it's a shipbuilding  
17 community. And it is also where one of our  
18 famous native sons, Forrest Gump, called home.  
19 He is fictional.

20 But we have people from Cambodia,  
21 from Vietnam, from Thailand, from Taiwan, from  
22 China, from Mexico, probably 17, maybe 20 or

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1 25 different countries that live in that part  
2 of south Mobile County. A smaller population,  
3 but nonetheless a diverse population, lives in  
4 the fishing village of Bon Secour, which is  
5 over in Baldwin County, near Gulf Shores and  
6 Orange Beach.

7 So, for instance, when we've had a  
8 hurricane or when we had the oil spill --  
9 hurricane that was most devastating to our are  
10 was Hurricane Ivan in 2004. Hurricane Katrina  
11 hit in 2005. It was equally -- it was worse  
12 for the Gulf Coast, but Hurricane Ivan was  
13 really more damaging to south Alabama than  
14 Hurricane Katrina.

15 Or when we had the oil spill in  
16 2010 off the coast of Louisiana, my office,  
17 our staff, we worked to make sure that the  
18 entire community of interest got the messages  
19 of evacuation, of safety, of shelter, of -- of  
20 help from FEMA, of -- of -- of help from the  
21 organization that was set up by the Obama  
22 administration help after the oil spill that



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1 Mr. Feinberg oversaw.

2 So you do that by going -- by  
3 having translators. You do that by -- by  
4 actually doing flyers and mailings in  
5 different languages. You do it by working  
6 with the Red Cross and other groups that  
7 actually specialize -- especially a lot of  
8 faith-based groups that specialize in  
9 contacting those different communities.

10 So it would be one of the most, if  
11 not the most, diverse congressional districts  
12 in the state. We have a large  
13 African-American population that is spread  
14 throughout the district, but there is a city  
15 in the district, Prichard, Alabama, that  
16 has -- it's one of the -- it would be one of  
17 the ten largest cities in the state probably.

18 And it's today a majority  
19 African-American population, but it wasn't  
20 that long ago when it was majority Caucasian  
21 population. They elected their first  
22 African-American mayor when it was majority

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1 white town. And then after that, they elected  
2 a white lady mayor when it was a majority  
3 African-American town.

4 So there's been -- as I said  
5 earlier, unlike some cities in the state and  
6 throughout the nation, we have had a more  
7 harmonious relationship with the different  
8 racial backgrounds and ethnic backgrounds than  
9 a lot of other parts of the country.

10 Q. So you mentioned Prichard as a  
11 place that's majority African-American. Are  
12 there other places in the district where  
13 African-Americans are more concentrated?

14 A. There -- there are parts of Mobile  
15 that are. Africatown, the plateau community,  
16 is part in Mobile and part in Prichard.  
17 Trinity Gardens -- there are sections of  
18 town -- of the city of Mobile that are.

19 But I'm -- I -- I don't know the  
20 numbers, but you could look at Bay Minette  
21 which is the county seat of Baldwin County.  
22 You can look at Chatom which is the county

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1 seat of Washington County. You could look at  
2 Monroeville which is the county seat of Monroe  
3 County. And you would see a -- a -- a healthy  
4 balance in terms of the racial makeup. I just  
5 can't tell you what those are.

6 Q. And I'm not -- I'm not trying to  
7 ask you for facts or figures, so thank you.  
8 That's helpful.

9 One -- I think it would be helpful  
10 if I gave you a map to look at instead of --  
11 so I can -- this is the current Congressional  
12 District Plan which we can mark as Exhibit 1.

13 (Bonner Exhibit 1 was  
14 marked for identification.)

15 MR. DAVIS: Here, hand this down  
16 to Bryan, and I will share -- I'll look on  
17 with Jo. Just make sure you can see it.

18 A. I've seen this before.

19 Q. (By Ms. Madduri) Yes. I'm sure  
20 you're familiar with this. I wanted to ask  
21 you in Clarke County, what is that area that  
22 is encompassed in congressional district 1

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1 that splits Clarke County?

2 A. Clarke County, this area is  
3 predominantly the area that leads into  
4 Jackson, Alabama. So Clarke County has three  
5 large cities. The county seat is Grove Hill.  
6 And then the northernmost city is Thomasville,  
7 and then Jackson is the southernmost city.

8 And so I will tell you that when  
9 the decision was made in the redrawing prior  
10 to this current map to split Clarke County,  
11 there were a lot of local people, local  
12 leaders, the editor of the newspaper, the --  
13 some of the mayors, some of the other  
14 prominent citizens in the community, both  
15 African-American and white who were not  
16 excited about having the split county.

17 But when -- when the legislature  
18 made the decision and before that in the  
19 previous redistricting effort to split Clarke  
20 County, the members of the congressional  
21 delegation made a commitment to the people of  
22 Clarke County that rather than being concerned



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1 about having their county split, they would  
2 find it beneficial. And we worked our hearts  
3 out to make that happen.

4 So when I was elected in 2002,  
5 Congressman Artur Davis was elected the same  
6 year from the 7th congressional district, and  
7 Artur and I agreed to do joint town hall  
8 meetings. When Congressman Davis left  
9 Congress and Congresswoman Terri Sewell came  
10 in, she and I agreed to do joint town hall  
11 meetings.

12 The ironic and, quite frankly, sad  
13 thing was that we asked C-SPAN. We asked the  
14 national media if they would like to see a  
15 black Democrat from Birmingham and a white  
16 Republican from Mobile do a joint town hall  
17 meeting, and because it wasn't crossfire, it  
18 wasn't controversial, and we weren't putting  
19 boxing gloves on and -- and fighting each  
20 other politically, it didn't make a lot of  
21 news. But we did that every year.

22 And we did it. It's now

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1 continued. Congressman Byrne, I believe,  
2 continues to have these meetings with  
3 Congresswoman Sewell. And so the concerns  
4 that the people in Clarke County had was that  
5 they felt, if I can speak for them, what they  
6 told me was they felt -- they were concerned  
7 that if they had a split county that they  
8 would not be served by either member of  
9 Congress.

10 And in fact, you'd probably add up  
11 that we spent as much time in Clarke County as  
12 we did in any of the other counties, but that  
13 area goes north of Jackson, but it does not  
14 go -- as I recall, it doesn't go all the way  
15 into Grove Hill, and it certainly doesn't go  
16 to Thomasville. And yet when someone from  
17 Thomasville would call our office needing  
18 help, or when someone from Jackson would call  
19 Congresswoman Sewell's office needing help,  
20 help was there.

21 Q. And just so I'm clear, when --  
22 when was -- you mentioned it happened in a

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1 previous redistricting cycle. When did  
2 this --

3 A. So the --

4 Q. -- change happen to add Clarke  
5 County or this part of Clarke County into --

6 A. So when -- when Congressman  
7 Callahan was elected in 1984, Wilcox County  
8 was in there, my home, and all of Clarke  
9 County. So the district actually, instead of  
10 having six counties, had seven counties.

11 But because of the adjustments in  
12 population, the -- Wilcox County left in the  
13 1990 redrawing and Clarke County became split  
14 as I recall in the 2000 and then again in  
15 2010. And so it was split in 2000. It was  
16 split further in 2010.

17 Q. And what was -- what was your  
18 involvement, if any, in that --

19 A. Well, I was a member --

20 Q. -- in those decisions?

21 A. -- of Congressman Callahan's  
22 staff, and so therefore, all of the members of

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1 Congress sent their Chiefs of Staff or a  
2 designee to come down to work with the  
3 legislature to -- to -- obviously the  
4 legislature made the decision on drawing for  
5 the federal races, for the state races, for  
6 the state school board.

7 So our role was to come down to  
8 answer questions, to work with them to help  
9 understand communities of interest,  
10 compactness of district, and offer whatever  
11 help we could to help them do their  
12 constitutionally mandated job of redrawing the  
13 districts every ten years.

14 Q. Were you ever involved in actually  
15 drawing the map?

16 A. I -- I saw others who knew how to  
17 work the computer, but I never actually did  
18 that, no, ma'am.

19 Q. And what did you think about -- I  
20 guess, first, what did you think about the  
21 removal of Wilcox County from --

22 A. Well, it was personally



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1       disappointing because it was my home county,  
2       but it was not a surprise. The population --  
3       there was a desire at that time made to create  
4       a minority district.

5                       And at that time, they needed a  
6       certain percentage of minority vote in that  
7       district to give the best chance of creating  
8       that district. So there's a higher percentage  
9       of African-Americans in Wilcox County even  
10      though it's a small county, 14, 15,000 people.

11                     And so the legislature at that  
12      time made that decision, and so that's why  
13      there's -- they call it the finger. But  
14      that's why there's a finger that goes up into  
15      Jefferson County that's going after the  
16      largest population of primarily  
17      African-American voters that can also connect  
18      into the other Black Belt counties to create  
19      that minority district.

20                     Q.       In your view, did Wilcox County  
21      share all of those same sorts of communities  
22      of interest that you described with the rest

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1 of what was formerly congressional district 1,  
2 I think, in 1990, it sounds like?

3 A. Actually, it probably was the  
4 outlier. Camden is 30 miles from Selma. And  
5 so if you are a child growing up in Wilcox  
6 County and you need to go to the doctor or you  
7 need to go to the grocery store or you needed  
8 to go get a new pair of -- new set of tires,  
9 you would go to Selma more than you would go  
10 to Mobile.

11 So Wilcox County politically was  
12 not as connected other than the fact it had  
13 been in the district, and Congressman Edwards  
14 served that district and Congressman Callahan  
15 served that district including Wilcox County.

16 But I never had the privilege of  
17 representing my home county, but my home also  
18 shifted to Mobile when I moved there in 1984.  
19 I was just -- I was actually born in Selma  
20 because we didn't have a hospital in Camden.  
21 And I didn't like it, so I moved away about  
22 three days later to Camden.

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1           Q.       And then Clarke County, are there  
2       any communities of interest that you think are  
3       split up by this, the way that this is  
4       divided?

5           A.       No.    If you're in Thomasville,  
6       which is the northernmost city in -- in that  
7       county, you're still going to gravitate toward  
8       Mobile.  There's a major four-lane highway  
9       that runs north and south.

10                    You can look at the football  
11       schedule this time of year, and you'll see  
12       Thomasville plays Jackson, Grove Hill, and  
13       Monroeville, Chatom, played Butler in Choctaw  
14       County.  There's no political overtones to  
15       developing a football schedule, but the  
16       communities are connected even though  
17       Thomasville is technically in the 7th  
18       district -- politically in the 7th  
19       congressional district.

20                    Nobody who lives in that county --  
21       few people who live in that county would be  
22       able to tell you whether they live in the

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1 6th -- in the 7th district or the 1st district  
2 because they have been well served by  
3 Congresswoman Sewell and Congressman Byrne and  
4 before him, me.

5 Q. Generally when redistricting, do  
6 you believe that it's preferable to keep  
7 counties whole?

8 A. It was the legislature's goal to  
9 keep them whole. That's what they told us.  
10 At the time, Gerald Dial in the last  
11 redistricting was, I believe, the head of the  
12 Senate Reapportionment Committee, and Jim  
13 McClendon was, I believe, head of the House  
14 Reapportionment Committee.

15 And I think their -- they would  
16 have preferred to have keep counties whole,  
17 but they also were trying to get to zero  
18 deviation. They were trying to get to a -- a  
19 map this the Justice Department would approve,  
20 meeting all the other goals and objectives  
21 that they had.

22 So I have a good friend who was



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1 the publisher of the local paper in -- in  
2 Jackson -- actually was the publisher of the  
3 local paper in Grove Hill which is the county  
4 seat in Clarke County, but going back to  
5 the -- to the map that was drawn that first  
6 separated Clarke County -- Jim Cox is the  
7 publisher's name.

8 He now owns the papers in Jackson  
9 as well as in Thomasville, but I remember  
10 specifically him telling me that he couldn't  
11 see how it could be beneficial to having a  
12 split county. And years later he told me when  
13 I assured him that we would make certain that  
14 Clarke County was not underserved or ignored  
15 in any way, he said, I should have trusted  
16 you. Y'all have done everything you promised  
17 and then some.

18 So -- but yes, I think most people  
19 would prefer to have their counties kept  
20 whole, but it's easier said than done. But  
21 even so, if you look at this map, there really  
22 are not that many split counties in Alabama

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1 compared to a lot of districts around the  
2 country.

3 Q. Do you -- what do you think about  
4 the splitting of Montgomery County the way  
5 it's split?

6 A. Well, it -- it was split that way  
7 to achieve the population goals, but I will  
8 also tell you that being the capital city,  
9 there are -- there were other members of  
10 delegation that wanted to be -- wanted a part  
11 of Montgomery County.

12 They wanted the -- some of it is  
13 service oriented, and quite frankly, some of  
14 it is -- is politically valuable to -- you  
15 know, it's very expensive to run for office.  
16 And so when you have a large city, the capital  
17 city gives you an added reason to come here  
18 not only to serve your district but also when  
19 it's time to run for reelection to -- to meet  
20 your political friends as well.

21 Q. And what about for the  
22 constituents in Montgomery County, do you

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1 think there are any issues with them being  
2 split up this way?

3 A. No, ma'am. I don't personally  
4 have any reason to believe there are any  
5 issues. Montgomery is also -- and I'm not an  
6 expert on the 2nd district, but Montgomery's  
7 economy has also been more closely tied to the  
8 Wiregrass economy.

9 The Wiregrass of Alabama is a  
10 geographic region like the Black Belt is.  
11 It's made up of -- in Houston, Dale, Henry,  
12 Coffee, Geneva, Barbour, Pike. So if you were  
13 to ask people in Dothan, in Houston County, if  
14 they needed to go to -- go to a bigger city to  
15 go shopping, to go to the hospital, to go to  
16 do business, they would choose Montgomery over  
17 Mobile in a heartbeat.

18 Q. What are some -- you mentioned  
19 economic interests in the Wiregrass region in  
20 CD 2, what are some of those interests that  
21 exist there?

22 A. Well, one that easily comes to

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1 mind is -- is agriculture. Alabama is a big  
2 agriculture state. For years it was our  
3 leading industry statewide, but for many, many  
4 years, for decades, the federal government had  
5 a federal peanut program that the counties in  
6 the 2nd district actively participated in  
7 along with neighboring counties in Georgia and  
8 in Florida.

9 And until they changed that  
10 program, people in the 3rd district, people in  
11 the 7th district, people in the 1st district  
12 didn't grow peanuts. It was -- it was based  
13 on soil. It was also based on the  
14 historical -- if you were in that program, you  
15 didn't want to get out of it because there  
16 were years -- if there had been a surplus the  
17 previous year, they would actually pay you to  
18 not grow peanuts. So it was a -- it was a  
19 very lucrative program for those who were in  
20 it.

21 But -- but there are other more  
22 obvious differences as well. We have Fort



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1 Rucker, and we have Maxwell and Gunter Air  
2 Force Base. So you've got Army Aviation down  
3 in the Wiregrass, down in Enterprise area.  
4 You've got the F-35s coming to Montgomery.  
5 You've got Air University training all the  
6 air -- the Air Force officers that will go on  
7 to lead the Air Force in Montgomery.

8 We had an Air Force base in  
9 Mobile. It closed in the 1960s. We build  
10 ships for the Navy, so we have a much  
11 different -- we're all pro military in the  
12 state. But you can be pro military, but you  
13 can also see a -- a -- a stark difference in  
14 terms of where you're going to put your  
15 efforts.

16 Like in Huntsville with the  
17 administration calling for the creation of  
18 Space Force, that's something of real interest  
19 to the folks in Madison County and Marshall  
20 County. Doesn't really have a lot of interest  
21 to us on the coast unless we're going to ship  
22 those rockets up the river system, and we may.

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1 But -- but our focus, if you were  
2 in Congress from the 2nd congressional  
3 district, you would want to be on the Armed  
4 Services Committee. You'd have a vested  
5 interest in protecting the federal  
6 government's installations at Fort Rucker and  
7 at Dannelly and at Maxwell Gunter.

8 And -- and that's borne out by  
9 evidence that Congressman Dickinson who was in  
10 office for 20-plus years, maybe 28 -- 24 was  
11 on Armed Services. Congressman Everett was on  
12 Armed Services. Congressman Bright was Armed  
13 Services, and congressman -- Congresswoman  
14 Roby was on it until she got on the  
15 Appropriations Committee that was created when  
16 the congressman from the 1st district  
17 resigned. That would be me, but her goal was  
18 to get on defense appropriations and she did.

19 Likewise, if you're from the 1st  
20 district, you know, I -- I didn't have near as  
21 much interest in helicopters as I did ships.  
22 When I was in Congress, we got the contract

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1 for Austal which is an Australian shipyard to  
2 build a new generation of warship for the  
3 Navy, the littoral combat ship.

4 We got the contract for them to  
5 build -- it was a 2-plus billion dollar  
6 contract. And today 4,500 people work in that  
7 shipyard. So that's -- that's an important  
8 part of our economy, but it's also something  
9 that you can't build ships in Dothan or  
10 Montgomery. You've got to be in a deep water  
11 port.

12 Q. Is there a -- an Airbus plant in  
13 Mobile now?

14 A. There is. So we grew -- DNA has  
15 long been in -- aerospace has long been in  
16 Alabama's DNA. The Wright brothers actually  
17 opened an aviation training center in  
18 Montgomery in 1910, I believe. But we started  
19 recruiting Airbus in my early years in  
20 Congress, and then we landed them in 2012.

21 They made the decision to come.  
22 They broke ground. They had the grand opening

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1 a year later, and today, they are building the  
2 A-320 which is the most popular single-aisle  
3 plane in the world with 9,000 planes on back  
4 order.

5 And they have just started work on  
6 an A-220 smaller jet that's based on a  
7 Canadian jet, Bombardier, and so in less than  
8 a decade, they will -- Mobile will become the  
9 fourth largest city for commercial air --  
10 aircraft manufacturing in the world, which is  
11 pretty good.

12 Q. That's very impressive.

13 MR. DAVIS: Lali, would this be a  
14 good time for --

15 MS. MADDURI: Sure.

16 MR. DAVIS: -- a break?

17 MS. MADDURI: Yeah.

18 THE VIDEOGRAPHER: This ends MPEG  
19 one in the continued deposition of Josiah  
20 Bonner. We are off the record at 9:52.

21 (A recess was taken.)

22 THE VIDEOGRAPHER: This begins



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1 MPEG two in the continued deposition of Josiah  
2 Bonner. We're on the record at 10:02.

3 Q. (By Ms. Madduri) Mr. Bonner, can  
4 you tell me -- you were mentioning there's  
5 some particular agricultural interest in CD 2.  
6 Is there any agricultural in CD 1?

7 A. There is. It's -- it's a  
8 different type of agriculture. We -- a lot of  
9 timber and soybeans, cotton, and other row  
10 crops like that.

11 Q. And where in the district are  
12 those located?

13 A. Washington, Clarke, Monroe,  
14 Escambia, Baldwin. Although Baldwin is one of  
15 the fastest growing counties, and so a lot of  
16 their farmland is being squeezed for  
17 development.

18 Q. Understood. And I think you were  
19 talking about this a little bit before, but  
20 can you tell me a bit about the split of  
21 Jefferson County in the current plan?

22 A. Well, Jefferson County is the

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1 largest county in the state. And as such,  
2 the -- when you've got counties that are  
3 losing population like Wilcox and Choctaw and  
4 Lowndes, and you've got counties that are  
5 growing in population like Jefferson and  
6 Madison and Morgan, when the legislature --  
7 not during this last redistricting but in the  
8 previous ones, Congressman Claude Harris  
9 represented the 7th congressional district.

10 And when he did not seek  
11 reelection, Congressman Earl Hilliard who was  
12 the state legislator at the time, state  
13 senator, ran and was elected to that seat as  
14 the first African-American to serve in the  
15 delegation since reconstruction or for a long,  
16 long time.

17 And then Congressman Hilliard was  
18 defeated by Congressman Davis, and then  
19 Congressman Davis chose to run for governor  
20 and Congresswoman Sewell ran. So I believe  
21 that's my history, but the area in Jefferson  
22 County was drawn as we understood it to create

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1 the best opportunity for an African-American  
2 to be elected to Congress with -- I believe it  
3 was a 65 percent was the number that they  
4 used, but that's a few years ago.

5 Q. And do you think -- do you think  
6 it's harmful at all for Jefferson County to be  
7 split this way?

8 A. I would have no reason to believe  
9 it is harmful to Jefferson County.

10 Q. And my understanding is that  
11 basically the city of Birmingham is captured  
12 in congressional district 7; is that right?

13 A. Yes, ma'am.

14 Q. Okay. And then it's mostly  
15 suburbs or non city areas of Jefferson County  
16 that are in congressional district 6; is that  
17 right?

18 A. That would be correct. Jefferson  
19 County is also one county away from being the  
20 geographic center of Alabama. Montevallo is  
21 actually the geographic center. It's in  
22 Shelby County.

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1                   And so Jefferson County being the  
2     largest county, their -- their radius of  
3     service and connectivity to Tuscaloosa, to  
4     Walker County, to Blount County, to the other  
5     counties that are contiguous. A lot of people  
6     go to Birmingham to shop, for medical reasons,  
7     for banking reasons, and for other reasons,  
8     but I -- I don't know that you would -- I  
9     don't know that it would be easy to identify  
10    when you were in the 7th congressional  
11    district or the 6th congressional district  
12    unless you were thinking with a political  
13    mind.

14               Q.     That makes sense, but generally  
15    there's no -- you don't think -- you're not  
16    aware of any issues that arise by pulling the  
17    city of Birmingham out of Jefferson County  
18    this way?

19               A.     I am not.

20               Q.     You touched on this before, but  
21    I'm just going to show you a map of 1950 --

22               A.     Okay.



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1 Q. -- of the way the districts are  
2 drawn. This we can mark as Exhibit 2. It's  
3 the congressional districts as of 1950.

4 (Bonner Exhibit 2 was  
5 marked for identification.)

6 Q. (By Ms. Madduri) So I realize  
7 it's a little hard to see, but I think you  
8 mentioned before that back then Mobile --  
9 Mobile and Baldwin County were separate.

10 A. Uh-huh.

11 Q. Can you talk a little bit more  
12 about -- I believe you said that you thought  
13 it was best when they put those back together.  
14 Can you talk a little bit about what issues  
15 you think exist by having them separate like  
16 this?

17 A. Well, in -- in this map, you would  
18 have to go back to a time when the Baldwin  
19 County economy was primarily agriculture.  
20 Today it is a much more diverse economy driven  
21 largely by tourism.

22 And so Gulf Shores -- Orange Beach

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1 didn't even exist as a community. Gulf Shores  
2 was a small summertime vacation community,  
3 mostly for locals to go about three months out  
4 of the year. It's now -- Gulf Shores, Orange  
5 Beach, and Fort Morgan, which is  
6 unincorporated in Baldwin County, it's a  
7 year-round economy. People come from the  
8 north during the winter to escape cold  
9 weather.

10 And so in the 1950s compared to  
11 today, the economies of Mobile and Baldwin  
12 County have grown closer and more alike in  
13 shipbuilding, in seafood production, in  
14 tourism. And there's a strong connectivity  
15 between those two counties today that are  
16 unique to Alabama. They are no two counties  
17 like Mobile and Baldwin Counties because of  
18 their geographic location.

19 Q. And then also at this time Mobile  
20 County was combined with some of the Black  
21 Belt counties to the north --

22 A. Uh-huh.

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1 Q. -- of it?

2 Do you think that configuration  
3 makes sense, or are there problems that you  
4 see with that sort of thing?

5 A. Well, it -- it -- it is still  
6 connected in the current map to the Black Belt  
7 counties. It's just because of population  
8 shifts.

9 As we've discussed previously,  
10 you -- you lose population in one county. You  
11 gain in another faster growing county, and  
12 those adjustments have been made. But you'll  
13 see, this would have been Wilcox County, which  
14 as I mentioned, was in the district when I  
15 first went to work with Congressman Callahan.  
16 All of Clarke County, Washington County, and  
17 Monroe County.

18 So it is hard to see, but it looks  
19 like Choctaw County and Marengo were the two  
20 counties in the 1950s, but they were taken out  
21 in the 1960s remap as I recall.

22 Q. In terms of communities of

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1 interest, do you think Mobile County shares  
2 communities of interest with, I think, you  
3 mentioned Choctaw and Marengo?

4 A. To a much less degree than they do  
5 with the counties that they currently -- I  
6 mean, the alignment that we're looking at in  
7 today's map for all practical purposes has  
8 been in place for the last 30 to 40 years.

9 And -- and the economies of that  
10 area have grown more aligned during that  
11 period of time. The continuity and the  
12 communities of interest have grown more  
13 aligned during that time.

14 Q. What are some of the -- I guess  
15 the lack of continuity between Mobile and  
16 Choctaw and Marengo in your view?

17 A. Well, Choctaw and Marengo would  
18 probably go to Meridian, Mississippi to go  
19 shopping, to go to the hospital, to go buy an  
20 automobile. They are currently in the 7th  
21 congressional district. Congresswoman Sewell  
22 has field offices.



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1                   You know, one of the challenges of  
2     serving a district is you got to make sure  
3     you've got staff that can get out and serve  
4     those districts. She does a great job. She's  
5     from Selma originally. Her mother was on the  
6     city council there. And so she has a very  
7     active constituent services program in these  
8     rural areas.

9                   They would go to Selma. They  
10    would certainly go -- Marengo County would go  
11    to Selma to go shopping or for the hospital.  
12    I saw Meridian, but they would have a closer  
13    proximity to go to Selma and a more -- a  
14    higher likelihood than they probably would to  
15    come to Mobile.

16                Q.     And then also at this time,  
17    Baldwin County, Escambia County, and Covington  
18    County are in the same district. Do you --  
19    and I realize Baldwin and Escambia are  
20    currently still in the same district. So I  
21    guess the question is: Do you feel that  
22    Covington County has --

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1 A. Cov --

2 Q. -- communities of interest in  
3 common with Escambia and Baldwin and this sort  
4 of grouping?

5 A. Covington has a -- a strong  
6 identity with Geneva County and Coffee County  
7 in the Wiregrass. And that's not only where  
8 it is in the political map, but it's also  
9 where it is in the economic map as well. It's  
10 hard to get from Andalusia to Mobile. There's  
11 no four-lane highway.

12 Q. Yeah, they are not too close  
13 together. I'm going to hand you the State  
14 Board of Education District's Map from 2011,  
15 and we can mark that as Exhibit 3.

16 (Bonner Exhibit 3 was  
17 marked for identification.)

18 Q. (By Ms. Madduri) Are you familiar  
19 with this map?

20 A. I'm -- I'm -- I'm looking at it  
21 really for the first time in a long time.  
22 I've --

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1 Q. Yeah.

2 A. I've never really studied the  
3 State Board of Education maps that closely.

4 Q. Have you ever been involved in any  
5 way in either giving input or --

6 A. No, ma'am.

7 Q. -- consulted in drawing these  
8 maps?

9 A. No, ma'am.

10 Q. Okay. Were you familiar with them  
11 at all when you were in Congress?

12 A. I -- I was familiar that the  
13 legislature was redrawing the -- I mean, there  
14 are eight districts as opposed to seven. They  
15 have a totally different responsibility. They  
16 are not federal representatives or state  
17 representatives.

18 So I would say that I -- I had  
19 little to no interest in where the State Board  
20 of Education maps were in this redraw or in  
21 any previous redraw.

22 Q. I think you would have been Chief

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1 of Staff for Congressman Callahan probably  
2 when these were drawn; is that right? It was  
3 probably drawn -- let's say it was drawn 2011.

4 A. No. I was a member of Congress in  
5 2011.

6 Q. Oh, sorry.

7 A. In --

8 Q. Yeah. Of course.

9 A. -- 2001, I was Chief of Staff, but  
10 Congressman Callahan would not have sent me to  
11 Montgomery to focus on the State Board of  
12 Education.

13 Q. Okay. Looking at just where we  
14 have District 1 on this map, do you have any  
15 issues with the way this is configured?

16 A. I don't have an opinion --

17 Q. No opinion.

18 A. -- about it.

19 Q. Understood.

20 No opinion on any -- any of this  
21 configuration at all?

22 A. No.



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1 Q. Okay.

2 A. Because a State Board of Education  
3 member has a different responsibility. A  
4 member of Congress is not only representing  
5 their constituents with votes that they cast,  
6 but also with services that they provide.

7 So when someone who lives in  
8 Washington County has a problem with Social  
9 Security or with the Veteran's Administration  
10 or they're in the military and they're trying  
11 to get a different assignment, they're not  
12 going to contact their state school board  
13 member. They're going to contact their U.S.  
14 Congressman.

15 And so I've never really studied  
16 maps for state legislators or school board  
17 members or anyone else because my focus has  
18 always been on how to put the best team  
19 together to serve the people of the 1st  
20 congressional district.

21 I had over 450 town hall meetings  
22 during my ten and a half years. I don't

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1 recall there ever being a state school board  
2 member having a town hall meeting. I'm not  
3 saying they don't or they didn't. But -- but  
4 you serve -- if -- if you're a -- you just  
5 have a different way of serving people when  
6 you have a different job.

7 Q. Yeah. That makes sense. Let's  
8 move on.

9 I'm going to show you the -- I  
10 want to get your thoughts on the maps that  
11 plaintiffs are proposing in this case.

12 A. Okay.

13 Q. So I'm going to give you four  
14 maps, and we'll just mark them all at the same  
15 time for ease. So this is -- it will be  
16 Exhibit 4.

17 (Bonner Exhibit 4 was  
18 marked for identification.)

19 Q. (By Ms. Madduri) Exhibit 4 is  
20 called -- you'll see it's called Revised  
21 Plan 1.

22 (Bonner Exhibit 5 was

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1 marked for identification.)

2 Q. (By Ms. Madduri) Then we have  
3 what will be Exhibit 5, which is called  
4 Revised Plan 2.

5 (Bonner Exhibit 6 was  
6 marked for identification.)

7 Q. (By Ms. Madduri) And then  
8 Exhibit 6 will be Revised Plan 3.

9 (Bonner Exhibit 7 was  
10 marked for identification.)

11 Q. (By Ms. Madduri) The last one is  
12 called Illustrative Plan 4, and that will be  
13 Exhibit 7.

14 Have you seen any of these plans  
15 before?

16 A. I don't know that I've ever seen  
17 these plans, but I've seen different maps  
18 during the previous redistricting efforts that  
19 were equally as ugly.

20 Q. Okay. So then I assume you  
21 haven't had any conversations about these  
22 or --

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1           A.       No. This is the first time I'm  
2       seeing these.

3           Q.       And please take as much time as  
4       you need because I realize there's a lot of  
5       maps, and you haven't seen them before. But I  
6       just generally want to get your thoughts on if  
7       you see issues or if you have criticisms of  
8       these maps.

9                   I'm sure as you'll see, District 1  
10       is different than it is in the current plan.

11          A.       Well, they all have a unique  
12       characteristic, and that is that they would  
13       destroy the opportunity for the  
14       representatives from the 1st district and the  
15       2nd district to serve their constituents in a  
16       way that they have been served previously.

17                 It would -- I mentioned that  
18       it's -- there's no easy way to get from  
19       Andalusia in Covington County to Mobile.

20                 If you are the representative in  
21       the 1st district in any of these maps and you  
22       live in Mobile and you need to go to Houston



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1 County in Dothan, you're going to spend more  
2 time in Florida than you will in Alabama.

3 Or if you're the representative  
4 from -- and you live in Dothan but you've got  
5 a meeting in Mobile, you're going to spend  
6 more time in Florida than you will in Alabama.

7 If you live in the 2nd district  
8 and you have been elected out of Mobile as  
9 your base and you're trying to go to a town  
10 hall meeting in Macon County or Bullock  
11 County, you're going to spend half a day  
12 getting there.

13 There -- there is no real  
14 community of interest in these maps. And as  
15 someone who's had the privilege of serving in  
16 Congress and -- and doing his best to  
17 represent all of the people in his district,  
18 this would be a difficult challenge to  
19 represent because there's so very little in  
20 common with the proposals either of District 1  
21 or District 2.

22 Q. Can you talk a little bit more

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1 about what you think is not in common and we  
2 can -- we can take each in turn. So how about  
3 starting with congressional district 2 in  
4 these proposed maps, which is -- which are  
5 roughly similar.

6 You don't need to necessarily  
7 understand exactly what is different between  
8 each one, but of course if you have specific  
9 concerns on any of them, please do let me  
10 know. But we can just start by talking about  
11 congressional district 2 the way it's  
12 proposed.

13 What are the -- what are the lack  
14 of commonalities of interest in your view?

15 A. Well, the -- the Washington and  
16 Clarke and Monroe County in Exhibit 4 and  
17 Exhibit 6 and Exhibit 7 have nothing in common  
18 with Macon and Bullock Counties except that  
19 they are counties in the state of Alabama.

20 They don't share any history.  
21 They don't share any geographical alignment.  
22 They don't share any social or political

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1 alignment. If -- if you -- you could name a  
2 town that the congressman or congresswoman was  
3 from, and it doesn't really matter where on  
4 these maps you're looking at, it's going to be  
5 difficult to serve them based on my experience  
6 of service.

7 Q. In what ways would it be difficult  
8 to serve --

9 A. Being accessible, of being aware  
10 of -- of -- of the -- you know, there --  
11 there's a value in -- in understanding an  
12 area's historical relationship with each  
13 other. And so you'd have to learn a whole new  
14 set of political leaders, mayors, county  
15 commissioners, probate judges.

16 You have to learn a whole new set  
17 of issues. The challenges that someone in  
18 Macon and Bullock County -- I -- I don't even  
19 know what their economy is derived from quite  
20 frankly. Anymore than someone from Macon or  
21 Bullock County would know what the economy of  
22 Clarke or Washington or Monroe County was.

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1 You might as well just go into Mississippi or  
2 Georgia, if the law allowed you to but it  
3 doesn't, to pick up constituents.

4 But it -- it is -- it's -- this  
5 would be foreign, I believe, to any of the  
6 people who have been elected to office, and  
7 quite frankly, I think it would be foreign to  
8 any of the people who run for office over the  
9 last 30 years to try to serve -- try to be  
10 elected to much less serve districts that are  
11 configured like this.

12 Q. I think you mentioned economics,  
13 specifically the economy --

14 A. Uh-huh.

15 Q. -- being different or just  
16 unknown. Are there any other considerations  
17 that you think would be difficult here?

18 A. Well, so Houston County, Henry  
19 County, Dale County, Geneva County, when the  
20 people of those communities want to go to the  
21 beach, they go to Florida. They go to Destin.  
22 They go to Navarre. They go to Panama City.



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1 They don't go to Gulf Shores or Orange Beach.

2 When they want to export products,  
3 the -- the river system doesn't provide access  
4 from the Wiregrass over to here (indicating).  
5 You can come by rail, or you can come by  
6 interstate in Florida, but there is -- so  
7 there's just no continuity of our -- of our --  
8 the things we've talked about previously, our  
9 social life, our business life, our education  
10 life. For all practical purposes, this is in  
11 a different part of the world.

12 Q. You mentioned -- just right now  
13 you mention educational life.

14 A. Uh-huh.

15 Q. In 2011 when that Board of  
16 Education map was created, Alabama decided --  
17 the Alabama legislature decided to put part of  
18 Mobile County into sort of a similar --  
19 similar configuration to this actually.

20 Do you see any issues with them  
21 having done that?

22 A. Again, State Board of Education

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1 and the United States Congress to me are night  
2 and day. And since that time, I believe I'm  
3 correct, they also changed the Board of  
4 Education to where now there's a separate  
5 board for two-year colleges as opposed to K  
6 through 12. I don't know what that map looks  
7 like.

8 And those are not elected  
9 positions. They are appointed positions  
10 confirmed by the state legislature. But  
11 students in Houston, Dale, Henry, Geneva,  
12 Coffee Counties are more than likely to go to  
13 Troy University in Pike County or to Wallace  
14 Community College in Dothan than they are to  
15 Spring Hill College, University of South  
16 Alabama, or University of Mobile or Bishop  
17 State or Coastal Alabama, which are the two  
18 two-year systems here.

19 And so conversely, I'm talking  
20 about two-year and four-year schools, you look  
21 at the student bodies of the University of  
22 South Alabama, you're going to see a much

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1 larger concentration of students who are from  
2 what is in Exhibit 1, the traditional 1st  
3 congressional district.

4 Q. I think we've kind of talked about  
5 both districts, but let's just focus on the  
6 proposed congressional district 1. Can you  
7 talk a little bit about what communities of  
8 interest you think are broken up here?

9 Yeah. We can start with that.  
10 What communities of interest are broken up by  
11 having District 1 configured this way?

12 A. Economic and business, cultural.  
13 I -- I mentioned earlier that if you were in  
14 Congress from the current 2nd district  
15 (indicating), you would probably want to be on  
16 the Armed Services Committee supporting the  
17 U.S. Army post Fort Rucker or the Air Force  
18 bases at Maxwell Gunter.

19 If you are under the current maps  
20 that you're proposing, it -- I'm not aware of  
21 anyone who's ever been on Navy Seapower  
22 Committee and Army and Air Force. I mean, I'm

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1 not saying it's not ever happened in the  
2 history of the Congress, but it's -- it's hard  
3 to be -- it's hard to serve that many  
4 different constituencies that would be  
5 important to your -- to your district, to the  
6 constituents that live there.

7 Q. Which -- which congressional  
8 committees were you on when you served?

9 A. Appropriations.

10 Q. Any other?

11 A. And ethics.

12 Q. And ethics. Any other?

13 A. My early committees, I was on  
14 agriculture and science and budget. But those  
15 were just to get me to appropriations. The  
16 1st congressional district has long had a seat  
17 on appropriations, and that was a goal of mine  
18 early on.

19 Q. I think you've started to talk  
20 about this, but can you help me understand if  
21 you were representing the congressional  
22 district 1 the way it's drawn in the -- in the



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1 proposed maps, in your opinion, are there  
2 issues where there would have been conflicts  
3 of interests between the communities you  
4 were -- you would be representing?

5 A. I -- I think the conflict would be  
6 you would be serving multiple masters, not  
7 really two masters. But you would be -- the  
8 economy in Mobile and Baldwin Counties is  
9 totally a different focus than the economy of  
10 the Wiregrass area.

11 So in addition to the challenge of  
12 getting from point A to point B, there would  
13 be an additional expense. I mean, I -- when I  
14 was working with Congressman Callahan, we had  
15 one district office. I expanded it to two.

16 You would have to have at least  
17 three. Your budget's not going to up in a  
18 rural area just because you have three  
19 offices. So you're going to have to have  
20 fewer staff or more offices, but it's -- you  
21 can't have both.

22 Just the -- the -- the challenge

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1 of getting into -- I mean, if -- if you have a  
2 town hall meeting in Houston County, you --  
3 your best bet may be to fly to Panama City,  
4 Florida to drive up. They do have an airport  
5 in Dothan, but it has very limited air  
6 service.

7 And there -- so you would only --  
8 you'd have an airport in Mobile, and then  
9 you'd have to get in the car and drive four  
10 and a half to five hours to get to Dothan.

11 Q. Other than economic interests, are  
12 there any other issues where you see conflicts  
13 of interest arising between the communities  
14 that are in the proposed congressional  
15 district 1?

16 A. I think it would be fair to say  
17 that there is -- there's just so little in  
18 common between being in Tillman's Corner in  
19 Mobile County and going up to Luverne in  
20 Crenshaw County.

21 The -- the only way you would do  
22 that today would be if you had a relative who

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1 lived up there and you were going to a family  
2 reunion. I mean, there's -- there's no social  
3 interaction. There's no athletic interaction  
4 to speak of. There's -- so I -- I don't see  
5 this being a map that if I were interested in  
6 running for office, I would consider running  
7 in because I -- not because I don't think I  
8 could win it, but because I don't know why  
9 anybody would want to serve in a district that  
10 is this different from the -- the maps that  
11 have historically served these two districts  
12 and served them well.

13 Q. Can you think of any issues that  
14 exist where if you were representing this  
15 district, where you would vote differently as  
16 opposed to if you were representing the  
17 district as it currently is?

18 A. Well, I -- I mentioned the peanut  
19 program. I mean, when you were the  
20 representative of the 2nd congressional  
21 district, you became the -- you became the  
22 expert, subject matter expert of agricultural

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1 programs that were unique to this area that  
2 were also unique to Georgia and Florida.

3 But no one else in delegation even  
4 knew what -- what those programs were because  
5 they were so unique to that area. And -- and  
6 likewise, when you represent Mobile and  
7 Baldwin Counties and you've got the  
8 shipbuilding industry and the aerospace  
9 industry, chemical industry and the steel  
10 industry, you become -- you become affiliated  
11 with the steel caucus, you become affiliated  
12 with the shipbuilding caucus.

13 I mean, that becomes a part of  
14 your network when you get to Washington to try  
15 to better serve your constituents and the  
16 companies and the individuals that work there.  
17 So it really is a very strong economic  
18 overture there.

19 Q. Is that peanut program still in  
20 effect?

21 A. It -- it -- it is, but it changed  
22 during a rewrite of the ag bill probably



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1 12 years ago or so. It was when I was in  
2 Congress.

3 One of the things that I worked on  
4 and it continues -- that Congressman Byrne  
5 continues to work on is deepening of the port  
6 of Mobile. And so your focus is on working  
7 with the Army Corps of Engineers, not Army  
8 helicopters. I mean, you -- you -- you have a  
9 vested interest in supporting the -- the  
10 programs that support the economy of that area  
11 of the state that you live in. Just like  
12 Congressman Brooks is focused on supporting  
13 Redstone Arsenal up in Madison County.

14 And Congresswoman Sewell and  
15 Congresswoman Roby have worked to support  
16 Maxwell and Congressman Rogers Maxwell and  
17 Gunter in Montgomery.

18 Q. And did you say it's the --  
19 there's an interest in the Army Corps of  
20 Engineers in and around Mobile?

21 A. The Army Corps of Engineers  
22 headquarters from -- all the way from

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1     Brownsville, Texas to Miami, Florida is  
2     located in Mobile. So it's a large  
3     headquarters for the entire Gulf of Mexico.  
4     And it comes in handy when you're dealing with  
5     a hurricane or an oil spill or trying to  
6     dredge the water system to get the port to be  
7     a -- a top ten port.

8             Q.     And do you have any thoughts or  
9     comments about the splitting of Mobile County?  
10    In all -- in all four of the maps, that county  
11    is split.

12            A.     I -- I -- my thought would be that  
13    it's -- Mobile County is different than Clarke  
14    County. Mobile is one of the largest counties  
15    in the state. It is the economic hub for this  
16    area of the state.

17                    Remove the political maps, it's  
18    the economic hub, and as such, splitting it  
19    just for the political purposes of what I  
20    assume would be the plaintiffs' motives, I  
21    don't think is going to serve Mobile well or  
22    the 1st congressional district well. But

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1 that's my personal opinion.

2 Q. And in -- in what ways do you  
3 think it wouldn't serve the city of Mobile or  
4 the county of Mobile?

5 A. Because of the things we've talked  
6 about, the community of interest, the  
7 continuity, the historical connections between  
8 Mobile. And, you know, it -- it's like a -- a  
9 spoken hub. I mean, this is the hub of  
10 economic life in this whole region of the  
11 state.

12 And it is directly tied to  
13 Washington County and to Clarke County and  
14 Monroe County and Escambia County. It -- and  
15 it does not have that connection or tie,  
16 historic or otherwise, to the counties in  
17 central Alabama or the counties in the  
18 Wiregrass.

19 Q. If you were representing the new  
20 proposed congressional district 1, do you  
21 imagine that you would hold those same types  
22 of joint town halls that you were doing for

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1 Clarke County?

2 A. Well -- well, I think if you're  
3 going to be successful, you're going to --  
4 you're going to make every effort to serve  
5 your district obviously. But it would just be  
6 a much harder thing to do. If you're in  
7 Washington 40 to 45 weeks out of the year and  
8 you come home for a recess week or a recess  
9 month like August, it is much more challenging  
10 when you're -- I mean, we were able to get  
11 sometimes five town hall meetings a day  
12 scheduled.

13 It would be hard to do with --  
14 with any of the four maps that you've got in  
15 front of me. It's not just town halls. It's  
16 also other ways. I mean, I had a field rep  
17 who went on a monthly basis throughout the  
18 district, every month went to all of the  
19 counties in my district. Sometimes several  
20 times.

21 So you're either going to -- as I  
22 say, you're going to increase your staff.



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1 You're going to increase your number of  
2 offices, but you can't do both because your  
3 budget doesn't increase.

4 Q. Do you think it would be  
5 beneficial potentially to a district like  
6 District 7 right now, which is very large in  
7 the current map, in the 2011 plan, but would  
8 be significantly reduced in size in some of  
9 the proposed maps, for some of these same  
10 reasons that you're talking about? For  
11 example, the geography, the distance, the  
12 number of offices you have to have?

13 A. Because of the way Congresswoman  
14 Sewell serves her district and Congressman  
15 Davis served his district, I believe that  
16 they -- the people who live in those counties  
17 have been very pleased with the service that  
18 they've gotten. And they've done a -- a -- a  
19 good job because those have been  
20 historically -- the -- the adjustments have  
21 been made based on population and getting to  
22 zero deviation from this map to the one that

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1 was ten years earlier. And the one that was  
2 ten years earlier.

3 You showed a map in the 1950s.  
4 But if you look really in the 1970s, 1980s,  
5 1990s, 2000s, 2010s, those maps that were  
6 approved and that were also approved by the  
7 Justice Department are very similar in terms  
8 of the area of service.

9 Q. I'm going to give you one more  
10 map. The last one, I promise. And this will  
11 be, I think, Exhibit 8. I apologize if it's  
12 smaller.

13 (Bonner Exhibit 8 was  
14 marked for identification.)

15 Q. (By Ms. Madduri) And I can just  
16 tell you this is a plan that our expert drew  
17 because there's some speculation that in the  
18 next redistricting cycle, Alabama may lose one  
19 of its seats and go down to six congressional  
20 districts instead of the current seven.

21 So I just want to get your general  
22 thoughts on the same thing. Same issues we've

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1       been discussing, whether there are communities  
2       of interest that are at issue here. Just your  
3       general views on this plan.

4               A.       Well, unfortunately, I -- I don't  
5       really have an opinion about this because I'm  
6       working for the Governor of Alabama, and our  
7       goal is to keep all seven districts. So we're  
8       going to work to get as robust a census as  
9       possible. So we haven't even begun looking at  
10      hypotheticals of six districts. Our goal is  
11      to keep seven or maybe get eight.

12             Q.       Understood. If this situation  
13      does arise, just looking at this map, are  
14      there any specific issues that you see that  
15      you find concerning?

16             A.       Well, I -- I -- I would say and I  
17      think anyone who has ever served in office or  
18      who ever aspires to serve in office that there  
19      is a value to -- as compact a district that  
20      has as much community of interest and  
21      continuity of interest as possible.

22                       And if we lose a seat, then --

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1 then that changes the scenario totally for  
2 everybody, but -- but that will be because we  
3 didn't do our job to make sure that every  
4 person counts in our census. And we're going  
5 to do everything we can to -- to do that.

6 Q. Okay. Understood. So no -- no  
7 thoughts or comments on this map?

8 A. No.

9 Q. Okay. That's fine.

10 A. No, ma'am.

11 Q. If you are called as a witness in  
12 this case, what -- what do you expect to  
13 testify about?

14 A. Well, I would expect that if I  
15 were called, it would be to give my experience  
16 as someone who worked in the federal  
17 delegation for about 28 years.

18 Q. Are there any specific issues that  
19 you believe you would testify about?

20 A. No, ma'am. I -- I could testify  
21 on what it was like being a congressman and  
22 working as a member of a congressional staff.



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1 I'm comfortable with that.

2 Q. Understood. Did you  
3 participate -- we -- we talked about this a  
4 little bit, but I want to just get more  
5 information.

6 Did you participate in any  
7 capacity in Alabama's redistricting plan  
8 following the 2010 census so to create that  
9 2011 plan?

10 A. I participated in the sense that  
11 all of the members of Congress from Alabama,  
12 Democrat and Republican, agreed to work with  
13 the legislature as had been done in previous  
14 redistricting efforts. And we agreed to work  
15 to support keeping the districts as close to  
16 what they had been historically.

17 And we all did that knowing that  
18 we would have to ultimately get a slightly  
19 different district than what might be ideal  
20 for us but because it was for the benefit of  
21 the state as a whole and for our respective  
22 seven congressional districts.

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1 Q. And to -- to the best of your  
2 recollection, who or what types of people did  
3 you have conversations with or communications  
4 with about creating that sort of plan?

5 A. Congresswoman Sewell, Congressman  
6 Bachus, Congressman Brooks, Congressman  
7 Rogers, Congresswoman Roby.

8 Q. It sounds like the Alabama  
9 delegation. You don't have to -- it's not a  
10 memory test.

11 A. It's not a real interest to our  
12 senate colleagues because they didn't have to  
13 run in distract maps.

14 Q. Right.

15 A. So, but the seven members of  
16 Congress from Alabama worked closely together  
17 and supported each other and -- and -- and --  
18 and were willing to work with the legislature  
19 in a bipartisan way to produce a map that we  
20 believed would be constitutional, would meet  
21 the criteria, that would pass muster by the  
22 Department of Justice. This map did. And

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1 we -- we worked and our staffs worked to  
2 support that effort.

3 Q. So outside of the Alabama  
4 Congressional Delegation, outside of your  
5 staff, were there other individuals or  
6 entities that you worked with in the --

7 A. We worked with the Reapportionment  
8 Committee of the Alabama Senate and House.

9 Q. Uh-huh.

10 A. And we worked with -- I'm sure --  
11 I -- I -- I -- I don't know who the other  
12 members worked with, but we -- we worked as a  
13 cohesive group starting with us.

14 We had meetings. And we would  
15 come to Montgomery, and we would have lunch  
16 with members of the legislature, but we did  
17 that not just every ten years. We did that to  
18 maintain relationships.

19 Some of them actually had served  
20 in the legislature prior to being elected to  
21 Congress, so they had pre-existing  
22 relationships there. I did not. I had never

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1 served in the legislature.

2 Q. Do you remember any of the -- the  
3 specific legislators that you met with or had  
4 conversations with about this?

5 A. (Witness nods head.) Well, I got  
6 to know the Reapportionment Committee very  
7 well. We had Senator Vivian Davis Figures  
8 from Mobile. We had Representative Jamie Ison  
9 from Mobile. We had -- Senator Gerald Dial  
10 was the chairman in the Senate or the  
11 co-chairman, Representative Jim McClendon  
12 who's now in the Senate was the co-chairman in  
13 the House.

14 We -- when -- when the map and  
15 therefore the political lines that are going  
16 to be determined by that are in the hand of  
17 the legislature, you work with the leadership  
18 of the legislature, the bipartisan way. You  
19 work with the -- you work with the committee,  
20 and that -- that's primarily who we spent most  
21 of our time with because they were the ones  
22 who -- in whose responsibility this fell.



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1                   Congresswoman Sewell also worked  
2                   with the Justice Department. The Attorney  
3                   General married a young lady from Mobile, and  
4                   so she and Attorney General Holder were good  
5                   friends. She and President Obama and  
6                   Mrs. Obama were in school together, law school  
7                   and undergraduate. I think she and Mrs. Obama  
8                   were in the same social sorority.

9                   So we all did what we could to  
10                  help get it through the legislative process  
11                  and then get it approved with the stamp of  
12                  approval from the Justice Department.

13                Q.       Are you aware of any efforts to  
14                  create a second majority-minority district  
15                  during that redistricting cycle?

16                A.       There have been conversations  
17                  about that during that cycle and also  
18                  previously as well. There was a general  
19                  consensus that if you were going to maintain  
20                  the threshold of what some believe that you  
21                  needed to have to guarantee a minority  
22                  district, then you would lower it such to try