

7/30/2019

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

Josiah Bonner

Page 1

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.

DIGITAL EVIDENCE GROUP  
1730 M Street, NW, Suite 812  
Washington, D.C. 20036  
(202) 232-0646



7/30/2019

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

Josiah Bonner

1	<b>APPEARANCES</b>
2	
3	Representing the Plaintiff:
4	Ms. Lalitha Madduri
5	Perkins Coie
6	700 13th Street, NW
7	Suite 600
8	Washington, DC 20005-3960
9	202.654.6203
10	Lmadduri@perkinscoie.com
11	
12	Representing the Defendant:
13	Mr. James W. Davis
14	Ms. Laura E. Howell
15	Office of the Attorney General
16	501 Washington Avenue
17	Montgomery, Alabama 36130-0152
18	334.353.1018
19	jimdavis@ago.state.al.us
20	
21	
22	
	Page 2

1	<b>INDEX</b>	
2	WITNESS	PAGE
3	JOSIAH BONNER	
4	EXAMINATION BY MS. MADDURI	7
5		
6		
7	<b>INDEX OF EXHIBITS</b>	
8	Bonner Exhibit 1 - Map of Congressional	31
9	District Plan	
10	Bonner Exhibit 2 - Map of Congressional	53
11	Districts from 1950	
12	Bonner Exhibit 3 - 2011 State Board of	58
13	Education Map	
14	Bonner Exhibit 4 - Revised Plan 1	62
15	Bonner Exhibit 5 - Revised Plan 2	62
16	Bonner Exhibit 6 - Revised Plan 3	63
17	Bonner Exhibit 7 - Illustrative Plan 4	63
18	Bonner Exhibit 8 - Hypothetical 2020 Plan	82
19	Map	
20	Bonner Exhibit 9 - News article	120
21		
22		
		Page 4

1	<b>APPEARANCES</b>
2	(Continued)
3	
4	Representing the Defendant:
5	Mr. Dorman Walker
6	Balch & Bingham
7	105 Tallapoosa Street
8	Suite 200
9	Montgomery, Alabama 36104
10	334.2693138
11	dwalker@balch.com
12	
13	
14	Also Present:
15	Erika McKay, Governor's office
16	Bryan Taylor, Governor's office
17	Skip Warren, videographer
18	
19	
20	
21	
22	
	Page 3

1	* * * * *
2	<b>STIPULATIONS</b>
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.
	* * * * *
	Page 5

Pages 2 to 5

7/30/2019

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

Josiah Bonner

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

Page 6

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

Page 8

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?

Page 7

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?

Page 9

Pages 6 to 9

7/30/2019

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

Josiah Bonner

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.

Page 10

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

Page 11

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

Page 12

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

Page 13

Pages 10 to 13

7/30/2019

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

Josiah Bonner

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.

Page 14

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

Page 16

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?

Page 15

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

Page 17

Pages 14 to 17

7/30/2019

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

Josiah Bonner

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

Page 18

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

Page 19

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,

Page 20

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?

Page 21

Pages 18 to 21

7/30/2019

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

Josiah Bonner

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?

Page 22

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

Page 24

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

Page 23

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

Page 25

Pages 22 to 25

7/30/2019

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

Josiah Bonner

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

Page 26

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

Page 28

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

Page 27

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

Page 29

Pages 26 to 29

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

Page 30

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

Page 31

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

Page 32

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

Page 33

7/30/2019

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

Josiah Bonner

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

Page 34

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

Page 35

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

Page 36

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

Page 37

Pages 34 to 37

7/30/2019

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

Josiah Bonner

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.

Page 38

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

Page 40

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

Page 39

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

Page 41

Pages 38 to 41

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

Page 42

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

Page 43

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

Page 44

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.

Page 45

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

Page 46

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

Page 48

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

Page 47

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

Page 49

7/30/2019

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

Josiah Bonner

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

Page 50

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.

Page 52

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.

Page 51

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

Page 53

Pages 50 to 53

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.

Page 54

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.

Page 56

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

Page 55

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 --

Page 57

7/30/2019

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

Josiah Bonner

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 --

Page 58

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

Page 59

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.

Page 60

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

Page 61

Pages 58 to 61

7/30/2019

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

Josiah Bonner

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

Page 62

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

Page 64

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 --

Page 63

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

Page 65

Pages 62 to 65

7/30/2019

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

Josiah Bonner

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

Page 66

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.

Page 67

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.

Page 68

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

Page 69

Pages 66 to 69

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

Page 70

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

Page 72

1 larger concentration of students who are from  
 2 what is in Exhibit I, 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

Page 71

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

Page 73

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

Page 74

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

Page 75

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

Page 76

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

Page 77

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

Page 78

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.

Page 80

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

Page 79

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

Page 81

7/30/2019

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

Josiah Bonner

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

Page 82

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.

Page 84

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 --

Page 83

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.

Page 85

Pages 82 to 85

7/30/2019

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

Josiah Bonner

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

Page 86

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.

Page 88

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

Page 87

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

Page 89

Pages 86 to 89

7/30/2019

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

Josiah Bonner

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

Page 90

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.

Page 92

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

Page 91

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

Page 93

Pages 90 to 93

7/30/2019

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

Josiah Bonner

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

Page 94

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

Page 96

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

Page 95

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

Page 97

Pages 94 to 97

7/30/2019

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

Josiah Bonner

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.

Page 98

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

Page 99

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.

Page 100

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

Page 101

Pages 98 to 101

7/30/2019

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

Josiah Bonner

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

Page 102

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

Page 104

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

Page 103

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

Page 105

Pages 102 to 105

7/30/2019

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

Josiah Bonner

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

Page 106

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

Page 107

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

Page 108

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

Page 109

Pages 106 to 109

7/30/2019

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

Josiah Bonner

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

Page 110

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

Page 112

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

Page 111

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 --

Page 113

Pages 110 to 113

7/30/2019

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

Josiah Bonner

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

Page 114

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

Page 115

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.

Page 116

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

Page 117

Pages 114 to 117

7/30/2019

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

Josiah Bonner

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?

Page 118

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

Page 120

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

Page 119

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

Page 121

Pages 118 to 121

7/30/2019

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

Josiah Bonner

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.

Page 122

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

Page 123

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?

Page 124

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

Page 125

Pages 122 to 125

7/30/2019

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

Josiah Bonner

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

Page 126

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

Page 128

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.

Page 127

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

Page 129

Pages 126 to 129

7/30/2019

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

Josiah Bonner

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

Page 130

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

Page 131

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

Page 132

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

Page 133

Pages 130 to 133

7/30/2019

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

Josiah Bonner

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

Page 134

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.

Page 136

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.

Page 135

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

Page 137

Pages 134 to 137

7/30/2019

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

Josiah Bonner

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?

Page 138

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

Page 139

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.

Page 140

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

Page 141

Pages 138 to 141

7/30/2019

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

Josiah Bonner

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

Page 142

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

Page 144

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

Page 143

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

Page 145

Pages 142 to 145

7/30/2019

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

Josiah Bonner

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

Page 146

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

Page 147

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.

Page 148

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

Page 149

Pages 146 to 149

7/30/2019

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

Josiah Bonner

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?

Page 150

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

Page 152

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.

Page 151

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

Page 153

Pages 150 to 153

7/30/2019

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

Josiah Bonner

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

Page 154

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

Page 155

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

Page 156

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.

Page 157

Pages 154 to 157

7/30/2019

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

Josiah Bonner

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

Page 158

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

Page 160

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

Page 159

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

Page 161

Pages 158 to 161

7/30/2019

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

Josiah Bonner

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

Page 162

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

Page 163

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

Page 164

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

Page 165

Pages 162 to 165

7/30/2019

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

Josiah Bonner

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

Page 166

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.

Page 168

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

Page 167

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  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22

Page 169

7/30/2019

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

Josiah Bonner

1 \* \* \* \* \*

2 REPORTER'S CERTIFICATE

3 \* \* \* \* \*

4 STATE OF ALABAMA)

5 COUNTY OF ST. CLAIR)

6 I, Bethany Whaley, Certified Court

7 Reporter and Notary Public in and for the

8 State of Alabama at Large, do hereby certify

9 that on July 30, 2019, I reported the

10 aforementioned proceedings, and that the pages

11 herein contain a true and accurate

12 transcription of the said proceedings.

13 I further certify that I am

14 neither of kin nor of counsel to the parties

15 to said cause, nor in any manner interested in

16 the results thereof.

17

18 This the 12th day of August, 2019.

19 s/s Bethany Whaley

20 Bethany Whaley, ACCR 661

21 Certified Court Reporter and

22 Notary Public for the

State of Alabama

My commission expires 3/27/22.

Page 170

1 Digital Evidence Group, L.L.C.

2 1730 M Street, NW, Suite 812

3 Washington, D.C. 20036

4 (202) 232-0646

5 SIGNATURE PAGE

6 Case: Lakeisha Chestnut, et al., v. John H. Merrill

7 Witness Name: Josiah Bonner

8 Deposition Date: July 30, 2019

9

10 I do hereby acknowledge that I have read

11 and examined the foregoing pages

12 of the transcript of my deposition and that:

13

14 (Check appropriate box):

15 ( ) The same is a true, correct and

16 complete transcription of the answers given by

17 me to the questions therein recorded.

18 ( ) Except for the changes noted in the

19 attached Errata Sheet, the same is a true,

20 correct and complete transcription of the

21 answers given by me to the questions therein

22 recorded.

\_\_\_\_\_  
DATE WITNESS SIGNATURE

\_\_\_\_\_  
DATE NOTARY

Page 172

1 Josiah Bonner, c/o

2 Office of the Attorney General

3 501 Washington Avenue

4 Montgomery, Alabama 36130-0152

5

6 Case: Lakeisha Chestnut, et al., v. John H. Merrill

7 Date of deposition: July 30, 2019

8 Deponent: Josiah Bonner

9

10 Please be advised that the transcript in the above

11 referenced matter is now complete and ready for signature.

12 The deponent may come to this office to sign the transcript,

13 a copy may be purchased for the witness to review and sign,

14 or the deponent and/or counsel may waive the option of

15 signing. Please advise us of the option selected.

16 Please forward the errata sheet and the original signed

17 signature page to counsel noticing the deposition, noting the

18 applicable time period allowed for such by the governing

19 Rules of Procedure. If you have any questions, please do

20 not hesitate to call our office at (202)-232-0646.

21

22 Sincerely,

Digital Evidence Group

Copyright 2019 Digital Evidence Group

Copying is forbidden, including electronically, absent

express written consent.

Page 171

1 Digital Evidence Group, LLC

2 1730 M Street, NW, Suite 812

3 Washington, D.C. 20036

4 (202)232-0646

5

6 ERRATA SHEET

7

8 Case: Lakeisha Chestnut, et al., v. John H. Merrill

9 Witness Name: Josiah Bonner

10 Deposition Date: July 30, 2019

11 Page No. Line No. Change

12

13

14

15

16

17

18

19

20

21

22

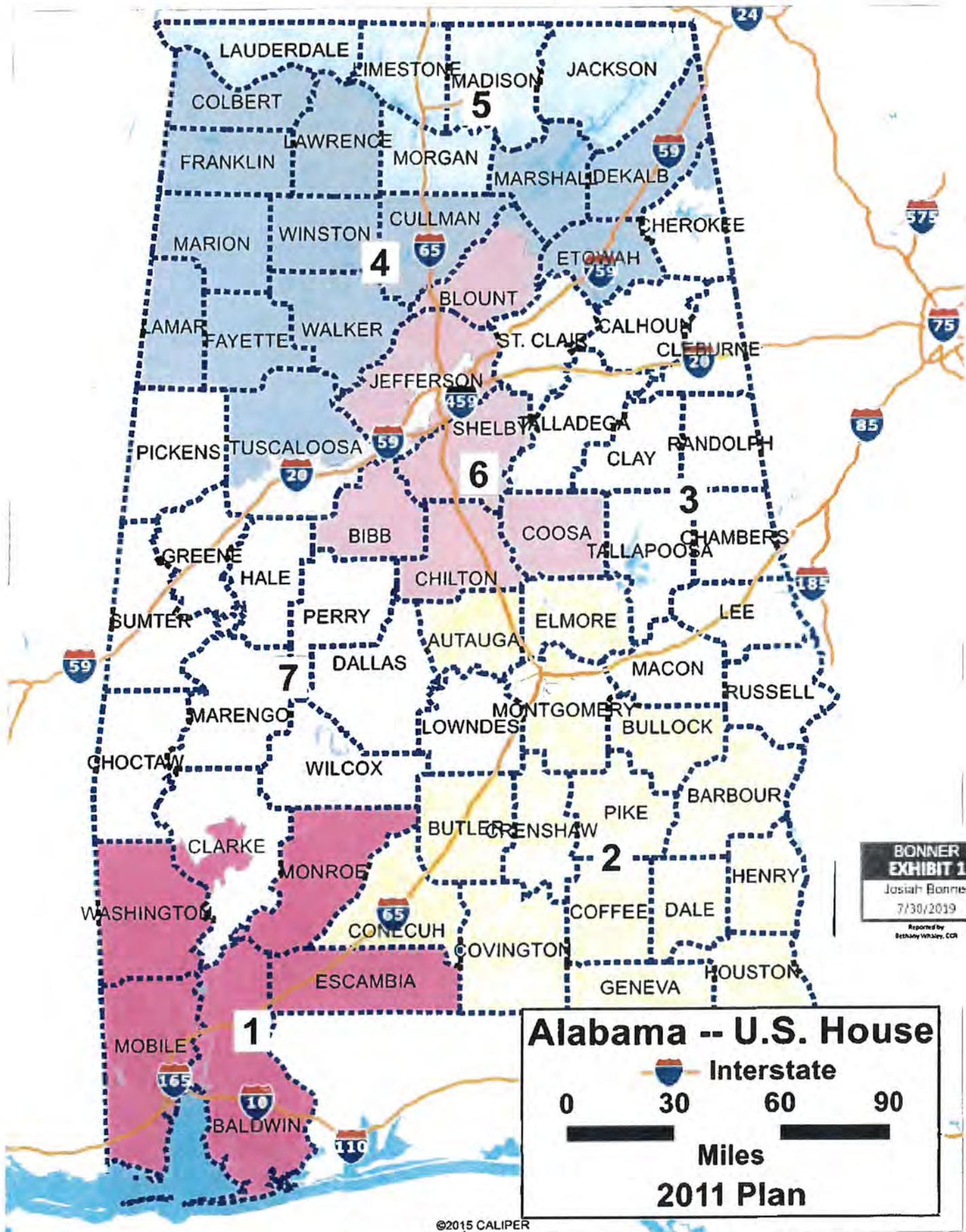
\_\_\_\_\_  
Signature Date

Page 173

Pages 170 to 173

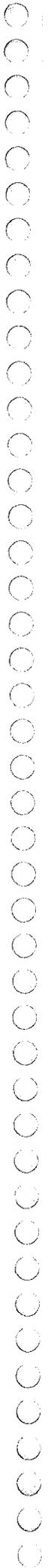


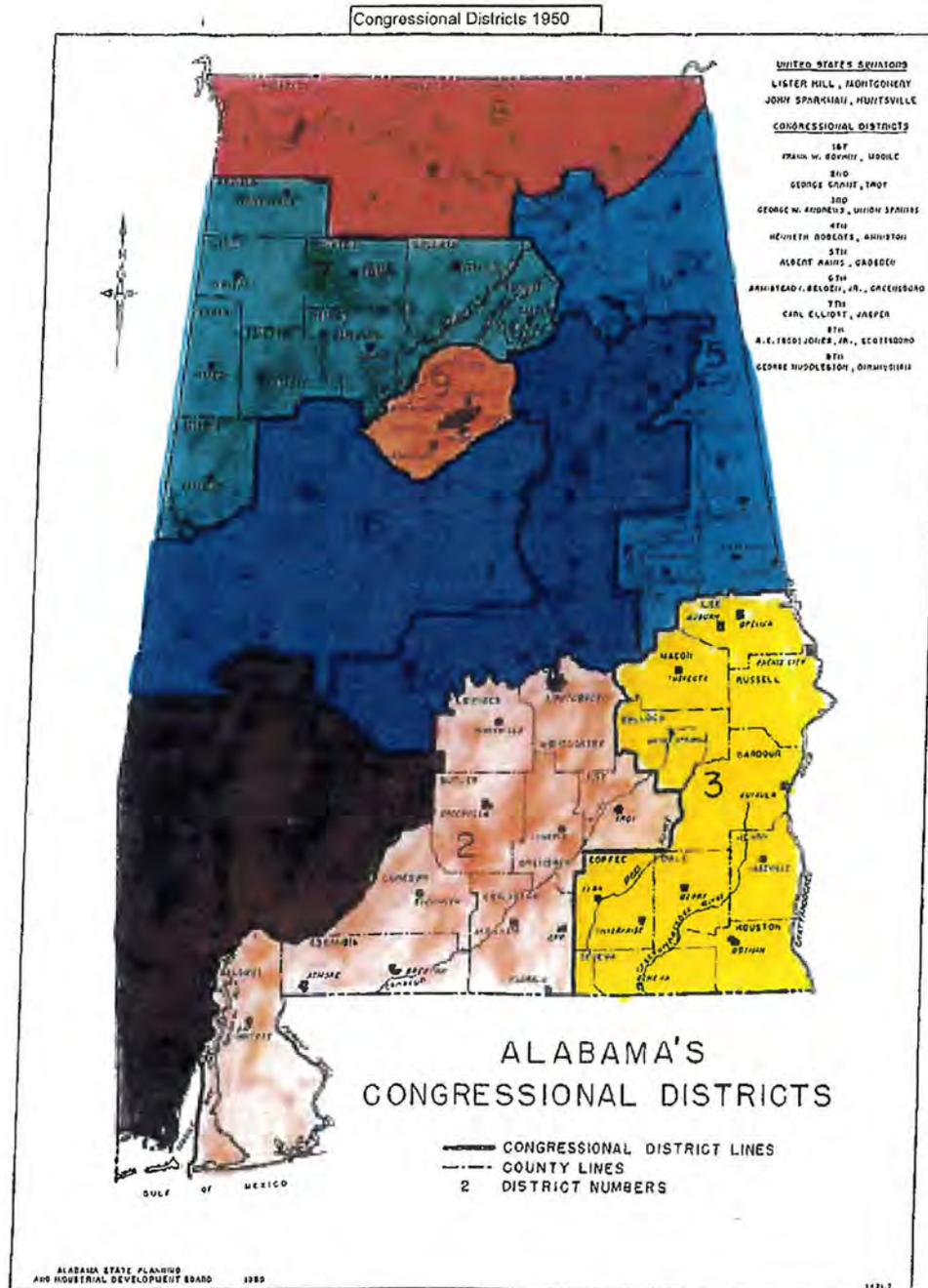






1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000





**BONNER  
EXHIBIT 2**  
 Josiah Bonner  
 7/30/2017  
 Reported by  
 Cathy Whaley, LCR





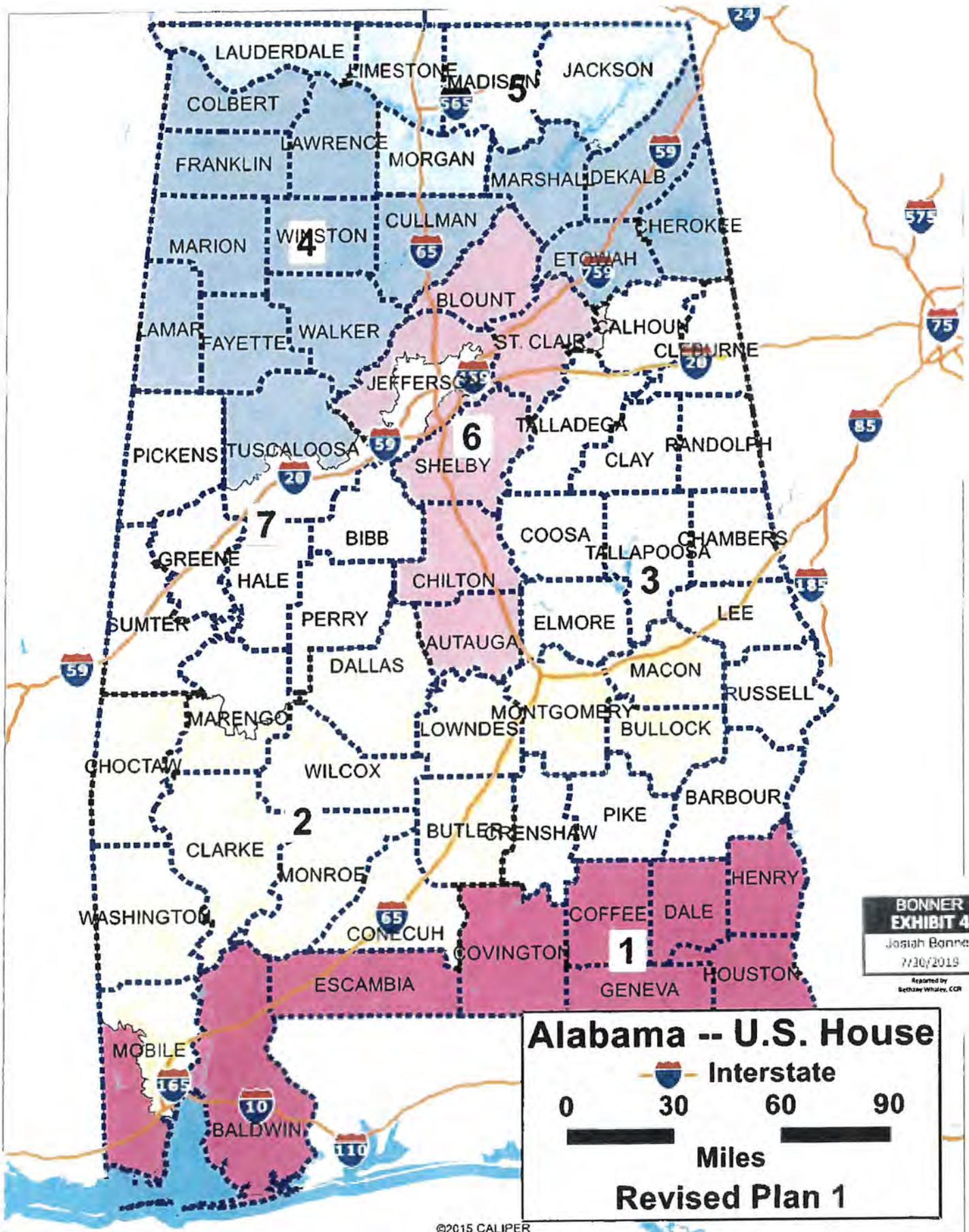












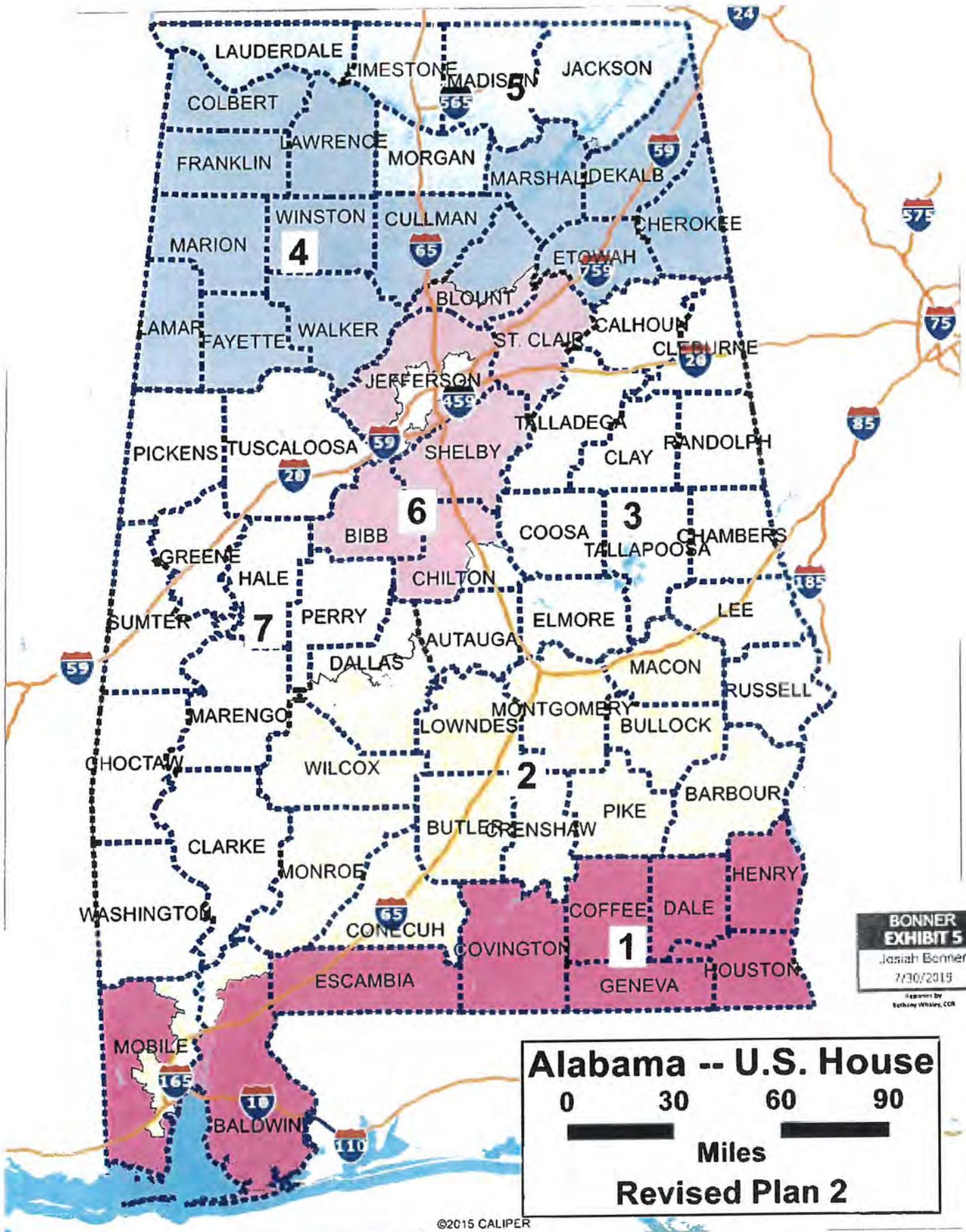
**BONNER  
EXHIBIT 4**  
Josiah Bonner  
7/30/2019  
Prepared by  
Bethany Whaley, CCR

**Alabama -- U.S. House**  
— Interstate  
0 30 60 90  
Miles  
**Revised Plan 1**





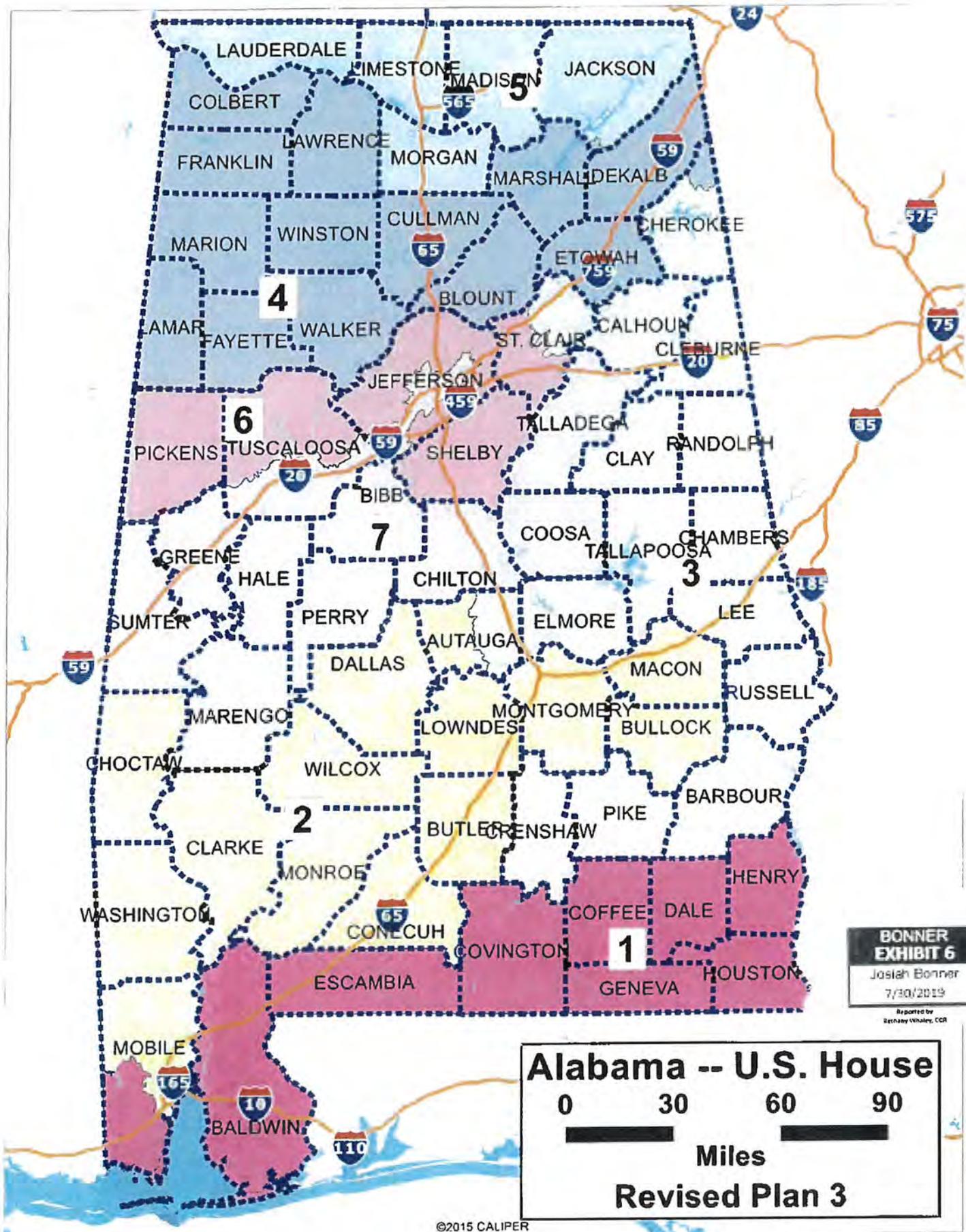








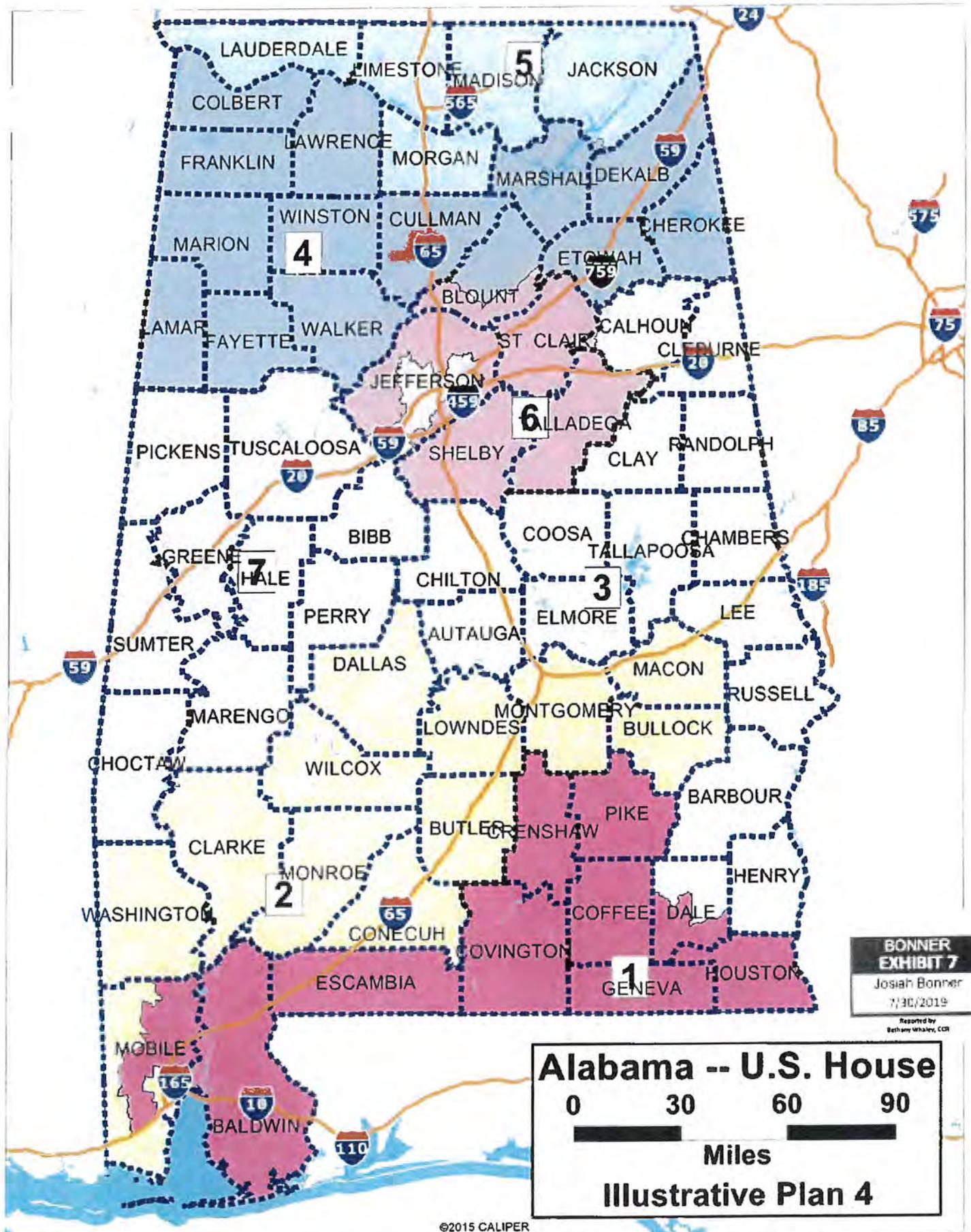












**BONNER EXHIBIT 7**  
Josiah Bonner  
7/30/2019

Reported by  
Bethany Whaley, CCR

**Alabama -- U.S. House**  
0 30 60 90  
Miles  
**Illustrative Plan 4**





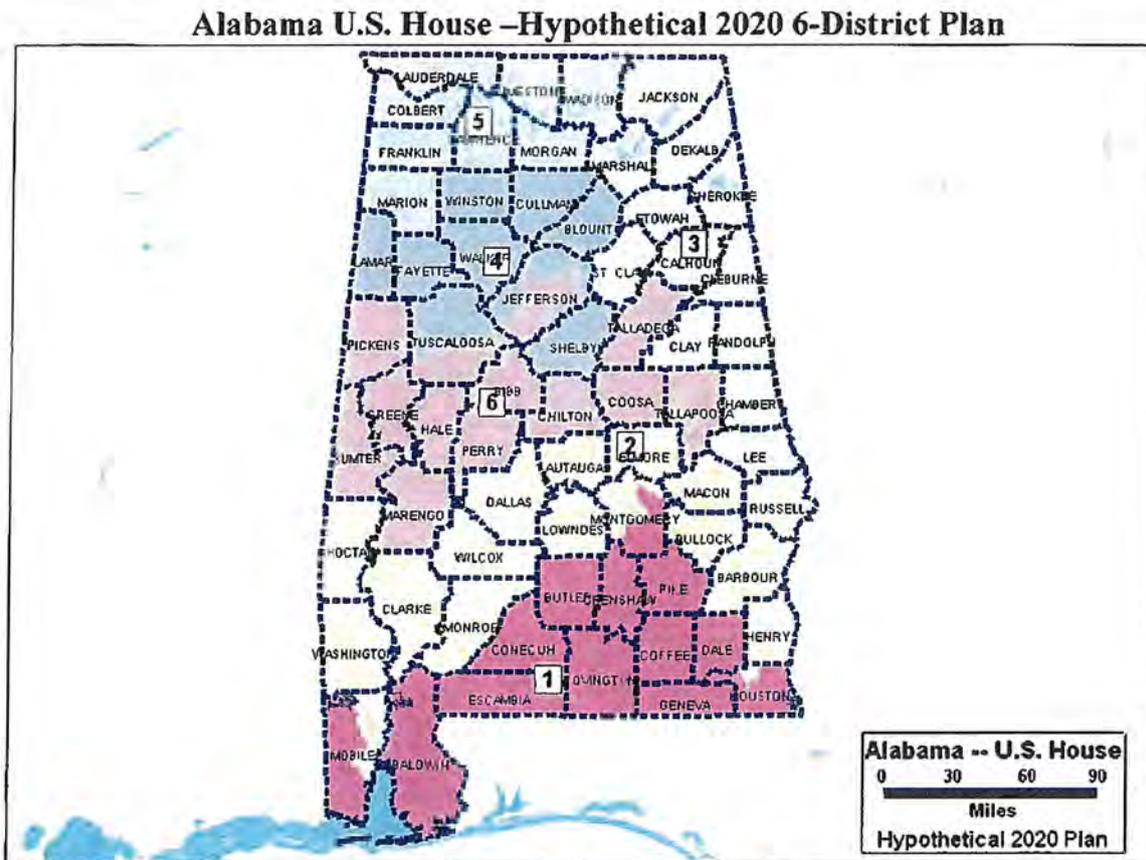


**VI. Hypothetical 2020 Plan**

**(a) Geographic Area**

41. The map in **Figure 2** (on the next page) depicts a 6-district hypothetical 2020 plan (“Hypothetical Plan”), with a realistic possibility that two of the six districts will be majority-Black CVAP by 2020.

**Figure 2**



42. The Hypothetical Plan is drawn using 2010 VTDs (and 2010 population), with a projected 2020 statewide population of 4.9 million (slightly

