

EXHIBIT A

In The Matter Of:

*Davidson vs
City of Cranston*

*Eugene H. Perry
January 29, 2015*



Phone: 401-946-5500

Toll Free: 888-443-3767

www.alliedcourtreporters.com

info@alliedcourtreporters.com

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1 Q. Children?
 2 MR. LIOZ: Objection.
 3 Q. Is a child a true constituent?
 4 A. They don't vote.
 5 Q. How about a student temporarily housed in a
 6 dormitory?
 7 MR. LIOZ: Objection.
 8 A. A true constituent of -- yes.
 9 Q. Do they vote -- well, strike that. To your
 10 knowledge, is there a definition of "true
 11 constituent"?
 12 MR. LIOZ: Objection. Legal conclusion.
 13 A. There are a variety of ways of claiming true
 14 constituency. They're not all legitimate. I
 15 suppose some are. It's a matter of argument.
 16 Q. Looking at paragraph 20 of the complaint.
 17 A. Yeah.
 18 Q. To your knowledge, does the U.S. Census count
 19 total population or -- strike that, that's not a
 20 good question. Sorry. Looking at paragraph 16 --
 21 15 and 16. The complaint cites to Rhode Island
 22 General Law, Section 17-1-3.1. Do you see that?
 23 A. Yes.
 24 Q. Are you familiar with that statute?
 25 A. Familiar with this statute?

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1 A. The only way? I'd have to think about it, but
 2 off the top of my head, I would say that's
 3 correct.
 4 Q. Do you have any documents in your care, custody or
 5 control, to support the allegations in the
 6 complaint? Not with you today, but at home or
 7 otherwise.
 8 A. Do I have any documents?
 9 Q. Yes.
 10 A. Yeah, I've got copies of the U.S.
 11 Constitution.
 12 Q. Anything that's not of public record?
 13 A. No.
 14 MR. PELLEGRINO: Okay. We're done.
 15 THE COURT REPORTER: Would you like a
 16 copy, Mr. Lioz?
 17 MR. LIOZ: Copy, yes, please.
 18 (DEPOSITION CONCLUDED 4:45 P.M.)
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1 Q. Yes.
 2 A. It says: "A person can only have one
 3 domicile, and the domicile shall not be considered
 4 loss solely by reason of absence for confinement
 5 in a correctional facility." I don't know what
 6 you're asking me.
 7 Q. Other than the paragraph on the paper, are you
 8 familiar with the statute?
 9 A. No.
 10 Q. Okay. One more paragraph, paragraph 18.
 11 A. 18?
 12 Q. 18.
 13 A. Okay.
 14 Q. In your opinion, is a true constituent -- does
 15 paragraph 18 define a true constituent in your
 16 opinion?
 17 MR. LIOZ: Objection. Calls for a legal
 18 opinion.
 19 A. Does it define true constituent?
 20 Q. Yes.
 21 A. Well, I guess I don't -- I think what this
 22 paragraph 18 points out is perfectly legitimate.
 23 Q. Is that the only way somebody can be a true
 24 constituent in your opinion?
 25 MR. LIOZ: Objection. Legal opinion.

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C-E-R-T-I-F-I-C-A-T-I-O-N
 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
 PROVIDENCE, SC.

I do hereby certify that I am expressly
 approved as a person qualified and authorized to
 take depositions pursuant to the Rules of Civil
 Procedure of this Court, especially, but without
 restriction thereto, under Rule 28 of said Rules;
 that the witness was first sworn by me; that the
 transcript contains a true record of the
 proceedings.

Reading and signing of the transcript was
 not requested by the deponent or any parties
 involved upon completion of the deposition.

IN WITNESS WHEREOF, I have hereunto set my
 hand this 12th day of February, 2015.

 SALLY BRASSARD, CSR/RPR
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 1/16/17

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1 Q. 300,000 inmates, is that what you're saying?
 2 A. 3,000.
 3 Q. I just wanted to make sure.
 4 A. 3,500, or something like that.
 5 Q. Correct. Do you know how that population is
 6 apportioned in Cranston?
 7 MR. LIOZ: Objection. Calls for a legal
 8 conclusion.
 9 A. I don't even understand what you're asking.
 10 Q. Okay. What is the basis of your suit against the
 11 City of Cranston?
 12 MR. LIOZ: Objection. Calls for legal
 13 conclusion.
 14 THE WITNESS: Do you want me to answer?
 15 MR. PELLEGRINO: Yes.
 16 A. I think it's a violation of one person, one
 17 vote.
 18 Q. What do you think is a violation of one person,
 19 one vote?
 20 MR. LIOZ: Objection. Calls for a legal
 21 conclusion.
 22 A. It's all the representation on the part of
 23 Ward 6.
 24 Q. So, to your understanding, the ACI population is
 25 counted in Ward 6?

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1 MR. LIOZ: Objection. Calls for a legal
 2 conclusion.
 3 A. It's counted as what?
 4 Q. It's counted in Ward 6.
 5 A. It's part of Ward 6 as now redistricting, yes.
 6 Q. Was it counted the same way in 2002, to your
 7 knowledge?
 8 A. I have no idea.
 9 Q. Okay. Did the status of how the ACI population
 10 was counted in redistricting purposes, did that
 11 ever cross your mind in 2002?
 12 A. Say that again?
 13 Q. The way the ACI population is counted in
 14 redistricting Cranston, did that ever cross your
 15 mind in 2002?
 16 A. In 2002, no.
 17 Q. How about in 2010?
 18 A. No.
 19 Q. 2011?
 20 A. No, not until this came up.
 21 Q. How did this come up? You're pointing at the
 22 complaint. How did the complaint come up?
 23 A. How did the complaint come up? My
 24 understanding?
 25 Q. Yes.

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1 A. Somebody brought it to the ACLU.
 2 Q. Okay. How did you get brought into this case?
 3 A. Steve Brown called me and told me. That's the
 4 first I heard about the case, what it was about,
 5 and I'm very familiar with the whole notion of the
 6 Fourth Amendment and all that, what's applicable
 7 to the state and all that. He asked me if I voted
 8 regularly, and I said, "Yes, I do." He said,
 9 "Would you be willing to be a plaintiff?" I said,
 10 "Yes, I will."
 11 Q. Can you give me one example of an action the city
 12 council took unfairly advantaging Ward 6 because
 13 of the alleged imbalance of power?
 14 A. Can I give you one example of it?
 15 Q. Yes.
 16 A. The first time there's a vote it will be an
 17 example of it.
 18 Q. How so?
 19 A. Has a vote taken place since that
 20 redistricting?
 21 Q. That, I don't know, but how would that unfairly
 22 advantage Ward 6?
 23 A. Ward 1 or Ward 6?
 24 Q. Ward 6.
 25 A. Well, under this plan, it diminishes my vote

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1 more, one, and anybody's vote in the other wards,
 2 two.
 3 Q. Do you have an example of an event that occurred
 4 as a result of a council vote that unfairly
 5 advantaged Ward 6?
 6 A. An election.
 7 Q. Same question regarding the school committee. Can
 8 you give me one example of an action the school
 9 committee unfairly took that unfairly advantaged
 10 Ward 6?
 11 A. No.
 12 Q. Why didn't you -- well, strike that. When did you
 13 decide to take action to file a complaint against
 14 Cranston?
 15 A. When I agreed on the telephone, Steve Brown
 16 said, "Do so."
 17 Q. So, but, for -- is it true that but for Steve
 18 Brown reaching out to you, you wouldn't have known
 19 about this issue?
 20 A. Possibly.
 21 Q. How else would you have known about the issue?
 22 A. I'm sure it would have come to my attention
 23 through somebody else's objections.
 24 Q. How long have you been a member of the ACLU?
 25 A. Well, I was a member when Steve Brown -- I was

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1 a member of the board of the ACLU back when he
 2 first came to be executive director. Now what
 3 year that was, I don't remember. Ask Steve.
 4 Q. What advantage -- so, you were on the board of the
 5 ACLU?
 6 A. I was at the time, and then subsequently to
 7 that, I was on the board a second time.
 8 Q. Okay. Other than being on the board, what does it
 9 mean to be a member of the ACLU?
 10 A. I think you need to be interested in public
 11 affairs, which I am. I think you need to have --
 12 get a better understanding of judicial proceedings
 13 and how the courts think, which was, you know,
 14 pertinent to me as a teacher. I taught things
 15 about the judiciary, about the constitution.
 16 Q. Do you pay dues to be a member?
 17 A. Yes.
 18 Q. And you're currently a member?
 19 A. I've been a member ever since those days.
 20 Q. Okay. Regarding the complaint, is it your
 21 contention that the ACI population should not be
 22 counted in Ward 6?
 23 MR. LIOZ: Objection. The complaint
 24 speaks for itself on that matter.
 25 THE WITNESS: Should I answer?

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1 MR. LIOZ: Sure.
 2 A. You're asking me --
 3 THE WITNESS: Say it again, please.
 4 Q. I'm asking you the claims you've brought -- I'm
 5 just asking you, in your own words, to explain to
 6 me what you seek to get out of this complaint. If
 7 you're successful, what are you going to get?
 8 MR. LIOZ: Objection.
 9 A. Fairer representation.
 10 Q. Is it your contention that the ACI should not be
 11 counted -- the population of the ACI should not be
 12 counted in Ward 6?
 13 MR. LIOZ: Objection. The complaint
 14 speaks to that.
 15 A. Yes, I do.
 16 Q. If the population of the ACI is not counted in
 17 Ward 6, where should it be counted, in your
 18 opinion?
 19 MR. LIOZ: Objection. It's a legal
 20 conclusion.
 21 A. In their own district.
 22 Q. And you believe that Cranston is able -- would be
 23 able to -- would be able to remedy your problem?
 24 MR. LIOZ: Objection. Calls for
 25 speculation.

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1 A. You mean the City of Cranston?
 2 Q. Yes.
 3 A. You're asking me about the City of Cranston?
 4 Could you rephrase that?
 5 Q. Well, you mentioned how you thought the ACI
 6 population should be counted; correct?
 7 MR. LIOZ: Objection. That question calls
 8 for a legal conclusion.
 9 A. No, I don't know that I did.
 10 MR. PELLEGRINO: Could you read back his
 11 response a couple of questions ago?
 12 (TESTIMONY READ BACK AS REQUESTED)
 13 Q. So you mentioned "their own district," that's
 14 where they should be counted?
 15 A. Yes.
 16 Q. Okay. How could Cranston remedy that?
 17 MR. LIOZ: Objection. Calls for
 18 speculation.
 19 A. How could Cranston remedy that?
 20 Q. Yes.
 21 A. Pay attention to the one vote; one person, one
 22 vote concept.
 23 Q. Other than conceptually, practically speaking, how
 24 would Cranston --
 25 MR. LIOZ: Objection.

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1 A. If the council were to retract what they have
 2 done here.
 3 Q. If Cranston doesn't count portions of the ACI
 4 population, is it true that the ACI population,
 5 that part of the population would not be counted
 6 anywhere?
 7 MR. LIOZ: Objection. Speculation.
 8 A. It would be counted to the extent that the
 9 people who are in the ACI wanted it to, which is
 10 their prerogative if their vote hasn't been taken
 11 away from them. Which is a good democratic --
 12 Q. I'm not sure I follow your answer. Can you
 13 clarify that a little bit?
 14 A. Maybe I'm not answering what you asked. Ask
 15 again.
 16 Q. If the ACI population is not counted in Ward 6 in
 17 Cranston, then they won't be counted anywhere;
 18 correct?
 19 MR. LIOZ: Objection. Speculation.
 20 A. No, it would be counted in -- those that can
 21 vote and have not lost the vote can go to their
 22 own district, and they'll get counted.
 23 Q. Do you understand that the U.S. census counts that
 24 population in Ward 6 of Cranston?
 25 MR. LIOZ: Objection. Relevance.