

EXHIBIT E

In The Matter Of:

*Davidson vs
City of Cranston*

*Karen Lewis Davidson
January 29, 2015*

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1 A. Because for every three people in Ward 6, it
 2 takes four people in every other ward to
 3 constitute the same votes, the same number of
 4 votes.
 5 Q. But my question is: What act came out of the city
 6 council?
 7 A. I don't go to the city council meetings
 8 regularly, so it's not something that I would
 9 know.
 10 Q. But the acts that come out of those meetings, are
 11 you aware of any act taken by the council that
 12 unfairly advantaged Ward 6?
 13 A. It seems to me that virtually every decision
 14 they make gives the advantage to Ward 6 because
 15 they count every person there as being a domicile
 16 resident.
 17 Q. When did you decide to take action to file a
 18 complaint against Cranston?
 19 A. Are you asking me for a month, or a year?
 20 Q. Well, if you know the month, day and year, that
 21 would be great.
 22 A. 2014.
 23 Q. 2014. Did you come to this decision on your own?
 24 A. I made the final decision, yes.
 25 Q. You made the final decision to file the complaint?

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1 A. On my -- with my name, yes.
 2 Q. There are several other plaintiffs with regard to
 3 this complaint; correct?
 4 A. There are.
 5 Q. Okay. Were you the initiator of the complaint?
 6 A. Of the four, I was the strongest voice.
 7 Q. With regard to all the plaintiffs, including the
 8 ACLU, were you the strongest voice?
 9 MR. LIOZ: Objection. Calls for
 10 speculation on the other voices.
 11 MR. PELLEGRINO: No, she just said she was
 12 the strongest voice of the four.
 13 A. I think not.
 14 Q. Okay. Who was the strongest voice?
 15 A. Steve Brown.
 16 Q. How did you get involved with this litigation?
 17 A. I'm on the board of the ACLU. We discussed
 18 the possibility at board meetings.
 19 Q. I'd like to just put the complaint in front of you
 20 in case you need to refer to it. Speaking
 21 generally as to the claims made by you and others
 22 in the complaint, you allege -- is it true that
 23 you allege that the ACI population should not be
 24 counted in Ward 6?
 25 A. The whole ACI population should not be counted

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1 in Ward 6. Those members who are residents in
 2 domiciles of Ward 6 prior to their being
 3 incarcerated at the ACI should continue to be
 4 counted.
 5 Q. How would they be counted?
 6 A. They can vote. If it's not a felony
 7 conviction, they can vote.
 8 Q. But, how would they be counted? You said
 9 "counted." How would they be counted?
 10 MR. LIOZ: Objection as to form.
 11 A. I'm not clear I understand you.
 12 MR. PELLEGRINO: Could you read back her
 13 answer?
 14 (ANSWER READ BACK AS REQUESTED)
 15 Q. So, how would we know who are from Ward 6 to be
 16 counted?
 17 MR. LIOZ: Objection. Calls for
 18 speculation.
 19 A. My understanding is by their address prior to
 20 their becoming residents in the ACI.
 21 Q. Do you make that allegation in your complaint?
 22 A. It's part of the allegations made in the
 23 complaint.
 24 Q. Do you make -- as a remedy, do you seek that only
 25 Ward 6 members be counted in Ward 6 from the ACI?

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1 A. Are you asking if that is the only remedy?
 2 Q. Is that a remedy requested in the complaint?
 3 A. The request in the complaint is one person,
 4 one vote and equal protection under the law.
 5 Q. Well, you just mentioned that not everyone from
 6 the ACI should be counted in the population of
 7 Ward 6; correct?
 8 A. That's correct.
 9 Q. Okay. You also said that -- I believe this is
 10 what you said: That people that originally reside
 11 in Ward 6 that then go over to the ACI should be
 12 counted in Ward 6?
 13 A. They should.
 14 Q. Okay. Where in the complaint do you make the
 15 allegation that such a distinction should be made?
 16 A. I don't think that there is a specific
 17 reference in the complaint to that specific
 18 question.
 19 Q. Doesn't the complaint seek that no one from the
 20 ACI be counted in Ward 6?
 21 MR. LIOZ: Objection. The complaint
 22 speaks for itself.
 23 Q. In your own words you've brought this complaint.
 24 Isn't that what the complaint states?
 25 A. I can't answer that question.

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1 Q. Why not?
 2 A. Because I think I need to defer to Lynette.
 3 Q. And Lynette, is, for the record?
 4 A. Lynette Labinger. She is the attorney who
 5 brought this complaint.
 6 Q. But you signed on to this complaint?
 7 A. I did.
 8 Q. For the moment let's use your remedy, which is
 9 only those members from Ward 6 who vote at the ACI
 10 are counted in Ward 6?
 11 A. You mean only the residents and domiciles of
 12 Ward 6 prior to their being incarcerated?
 13 Q. Yes, as you mentioned it. What would Cranston do
 14 in terms of counting population from the census
 15 bureau with regards to the remaining population?
 16 MR. LIOZ: Objection. Calls for
 17 speculation.
 18 A. I have no idea.
 19 Q. Would they be counted anywhere?
 20 MR. LIOZ: Objection.
 21 A. I have no idea what Cranston would do.
 22 Q. Where would you have that population be counted if
 23 it were up to you?
 24 A. The people who are residents of Ward 6 prior
 25 to their coming to the ACI, I believe, should be

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1 counted in Ward 6.
 2 Q. And as to the remaining population?
 3 A. They should be counted where they resided and
 4 were domiciles of prior to their being
 5 incarcerated.
 6 Q. To your knowledge, does Cranston have -- strike
 7 that. To your knowledge, is such information
 8 available?
 9 MR. LIOZ: Objection to form. Available
 10 to whom?
 11 MR. PELLEGRINO: Available to -- -- strike
 12 that.
 13 Q. Do you know what the percentage of the ACI
 14 population are felons who cannot vote?
 15 A. No.
 16 Q. Do you agree that an inmate could choose to change
 17 his or her domicile to Cranston?
 18 MR. LIOZ: Objection. Calls for a legal
 19 conclusion.
 20 A. I have no idea.
 21 Q. Do you know where the State of Rhode Island counts
 22 the ACI population?
 23 A. Counts them for purposes of voting?
 24 Q. Yes.
 25 A. No.

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1 Q. How about counts them in the general population
 2 base?
 3 A. I don't know.
 4 Q. Do you know who your General Assembly
 5 representative is?
 6 A. I do.
 7 Q. Who is that?
 8 A. Josh Miller. No, wait, he's the Senate. So,
 9 Art Handy is the House.
 10 Q. So you don't -- as we sit here today, you don't
 11 have an understanding of how the General Assembly
 12 counts the ACI for redistricting -- for
 13 districting representatives? Do you want me to
 14 repeat it?
 15 A. I think that the General Assembly counts all
 16 the residents of the ACI as being residents of
 17 Ward 6 in Cranston.
 18 Q. Okay. So, do you believe the state is acting
 19 appropriately by counting it as you state?
 20 A. I don't know, because I don't know how the
 21 state is counting it.
 22 Q. I thought you just said that the state --
 23 A. That's what I think, but I don't know.
 24 Q. If it is as you say, then wouldn't the state be
 25 breaching the statute that you mentioned?

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1 MR. LIOZ: Objection. Calls for legal
 2 conclusion.
 3 A. I don't know.
 4 Q. How about the federal government? In terms of a
 5 population base in Rhode Island breaking up
 6 congressional districts, do you know how the ACI
 7 or where the ACI is counted in that population
 8 base?
 9 A. I do not.
 10 Q. Is the ACI the only prison in the state?
 11 A. It is.
 12 Q. What about the Wyatt Center in Central Falls?
 13 A. That's a federal prison.
 14 Q. I was just asking if there were prisons.
 15 A. Oh, there's a federal prison in Central Falls.
 16 There's a state prison at the ACI in Cranston.
 17 Q. Okay. In your opinion, should those incarcerated
 18 individuals in the Wyatt Detention Center be
 19 counted in Central Falls?
 20 A. If they were domicile residents of Central
 21 Falls prior to their being incarcerated, yes.
 22 Q. Are you aware of any other municipality that has
 23 been challenged for redistricting inequalities due
 24 to prison population?
 25 A. Yes.

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1 Q. Who is that?
 2 A. Maryland and New York.
 3 Q. I believe that Maryland and New York cases were
 4 against the states. Do you know of any
 5 municipality that's been challenged?
 6 A. I don't know.
 7 Q. Have you ever looked at how the wards were
 8 districted with regard to registered voters?
 9 A. I'm not sure, but I've looked at a colored map
 10 that lays out the wards in different colors.
 11 Q. Did that have -- did that map have a breakdown of
 12 registered voters per ward?
 13 A. No.
 14 Q. Okay. Would you feel that your vote was worth
 15 less than Ward 6's vote if Ward 6, by count, had
 16 more registered voters?
 17 A. As long as the percentage was within the
 18 allowed percentage differential, I don't have a
 19 problem with it.
 20 Q. What's the percentage differential? Do you know
 21 what that is?
 22 A. I believe it's 5 percent.
 23 Q. I'd like you to take a look at paragraph 24 for
 24 me, please.
 25 A. Yes.

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1 Q. I'd just like to draw your attention to the part
 2 of the paragraph where the complaint mentions that
 3 the city is seriously undermining the central
 4 redistricting goal of population equality among
 5 the districts. Do you see that statement? It's
 6 the last part of the last sentence.
 7 A. Yes.
 8 Q. What did you mean by that?
 9 MR. LIOZ: Objection. Calls for a legal
 10 conclusion. The complaint speaks for itself.
 11 MR. PELLEGRINO: Well, she filed the
 12 complaint. So, I just want her opinion on what
 13 "seriously undermining the central redistricting
 14 goal of population equality among the districts,"
 15 means.
 16 A. Because the ACI population is being counted as
 17 domiciled residents of Ward 6.
 18 Q. But the inmate population is within the boundary
 19 of Ward 6; correct?
 20 A. It is.
 21 Q. So, if the population of the ACI is in Ward 6,
 22 doesn't that actually foster population equality?
 23 MR. LIOZ: Objection. Argumentative.
 24 A. Absolutely not.
 25 Q. Why not?

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1 A. Because redistricting is done, as I understand
 2 it, for purposes of voter equality among the
 3 wards. Counting everyone in the ACI as residents
 4 of Ward 6 screws up that voting equality.
 5 Q. So, in your opinion, it's voting power?
 6 A. I think that it is voting power.
 7 Q. Does the incarcerated --
 8 A. Excuse me. I need to amend that answer. I
 9 think it's voting power and population count.
 10 Just straight population count.
 11 Q. So you do think it's straight population count?
 12 MR. LIOZ: Objection.
 13 A. I think that there are multiple issues with
 14 the redistricting plan.
 15 Q. When you say "issues," what do you mean by issues?
 16 MR. LIOZ: Objection. These are legal
 17 conclusions.
 18 MR. PELLEGRINO: No, no, no. She said
 19 they're issues. I want to know whether or not
 20 those issues are -- they're issues with the plan,
 21 or they're issues that go into developing the
 22 plan. Your answer was unclear.
 23 A. Well, they are both.
 24 Q. So, what are the issues that go into developing
 25 the plan?

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1 A. The fact that those who developed the plan
 2 decided to count every person in the ACI as a
 3 resident of Ward 6.
 4 Q. So, you didn't mean "issues" by there are multiple
 5 factors that go into developing the plan? That's
 6 what I thought you meant.
 7 A. I don't know what factors went into developing
 8 the plan.
 9 Q. All right. That's what I was confused on in
 10 interpreting what you said. Does the incarcerated
 11 population at the ACI use services of the city?
 12 MR. LIOZ: Objection. Calls for
 13 speculation.
 14 Q. Do you know if the incarcerated population uses
 15 the services of the city?
 16 A. I don't know. I assume.
 17 Q. What services do you assume they use?
 18 MR. LIOZ: Objection. Calls for
 19 speculation.
 20 A. I don't know, but I assume they use water,
 21 fire department, police department, the roads.
 22 Q. Do you think the people -- strike that. Drawing
 23 your attention to paragraph 21.
 24 A. Yes.
 25 Q. The first statement is: "According to census