

EXHIBIT F

In The Matter Of:

*Davidson vs
City of Cranston*

Steven Brown

February 25, 2015



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1 correct?
 2 MR. LIOZ: Objection. Legal
 3 conclusion.
 4 A. Correct.
 5 Q. Children count?
 6 MR. LIOZ: Objection. Legal
 7 conclusion.
 8 A. Yes.
 9 Q. Illegal immigrants, count?
 10 MR. LIOZ: Objection. Legal
 11 conclusion.
 12 A. Yes.
 13 Q. College students count?
 14 MR. LIOZ: Objection. Legal
 15 conclusion.
 16 A. Yes.
 17 Q. People in hospitals, do you count them?
 18 MR. LIOZ: Objection. Legal
 19 conclusion.
 20 A. It would depend. A person in a hospital I
 21 would say if they're there -- if they have a prior
 22 residence that's where they should be counted.
 23 Q. Are you aware there's a hospital on the Pastore
 24 grounds where the ACI is?
 25 A. Yes.

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1 in the district that they came from?
 2 MR. LIOZ: Objection. Legal
 3 conclusion.
 4 A. Yes.
 5 Q. Do you know if they have any choice as to whether
 6 they get deployed or not?
 7 MR. LIOZ: Objection. Speculation.
 8 A. I don't know.
 9 Q. Is it the position of the ACLU in this litigation
 10 that the prisoners of the ACI should not be
 11 counted at all in Cranston?
 12 MR. LIOZ: Objection. Legal
 13 conclusion.
 14 A. For city redistricting purposes, yes.
 15 Q. Do you know what percentage of inmates at the ACI
 16 are felons?
 17 MR. LIOZ: Objection. Speculation.
 18 A. I do not.
 19 Q. Do you know what congressional district the ACI is
 20 located in?
 21 A. No, I do not.
 22 Q. If I understand your prior testimony, for
 23 congressional districting purposes, the position
 24 of the ACLU is that the prisoners should be
 25 counted from whatever district they came?

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1 Q. And should those people in the hospital be counted
 2 in Ward 6 or not?
 3 MR. LIOZ: Objection. Legal
 4 conclusion.
 5 A. I think that might be appropriate to count
 6 them from where they came from.
 7 Q. Are you aware of any other prison facilities in
 8 the State of Rhode Island?
 9 A. No.
 10 Q. Have you heard of the Central Falls Detention
 11 Center?
 12 A. Oh. I correct myself. Yes, there is one.
 13 Q. Does the ACLU have a position as to where the
 14 inmates of the Central Falls Detention facility
 15 should be counted for redistricting purposes?
 16 MR. LIOZ: Objection. Legal
 17 conclusion.
 18 A. The issue has not come up.
 19 Q. So there's no position on that?
 20 A. Correct.
 21 Q. Again, I'm going back to the indicia of what is of
 22 a -- of someone who should be counted in a
 23 particular district. Let's take the military. Do
 24 you think military personnel who are deployed, for
 25 example, to Iraq or Afghanistan, should be counted

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1 MR. LIOZ: Objection. Legal
 2 conclusion.
 3 A. It would be my position.
 4 Q. Is that your personal position?
 5 A. Yes.
 6 Q. Are you aware of what city services are provided
 7 directly or indirectly to the inmates at the ACI?
 8 MR. LIOZ: Objection. Speculation.
 9 A. No.
 10 Q. Did you look into whether there would be any fire
 11 or rescue runs to the ACI prior to filing the
 12 complaint?
 13 A. I don't believe so.
 14 MR. LIOZ: Objection.
 15 Q. Would that make any difference whatsoever in
 16 your -- in the ACLU's position?
 17 MR. LIOZ: Objection. Legal
 18 conclusion.
 19 A. No.
 20 Q. The fact that sewer services are provided to
 21 inmates at the ACI, does that factor in at all to
 22 the ACLU's position?
 23 MR. LIOZ: Objection. Legal
 24 conclusion.
 25 A. No.

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1 Q. Is that a factor in the ACLU's position as to
 2 where the prisoners should be counted for
 3 districting purposes?
 4 MR. LIOZ: Objection. Legal
 5 conclusion.
 6 A. I'm still not sure I understand the question.
 7 Q. To be a true resident, do you need to be a voter?
 8 MR. LIOZ: Objection. Legal
 9 conclusion.
 10 A. No.
 11 Q. What if a student, college student is registered
 12 to vote out of state but is counted in a Cranston
 13 ward; is that person a true resident of Cranston?
 14 MR. LIOZ: Objection. Legal
 15 conclusion.
 16 A. I think it depends on the person's own view
 17 of where they reside.
 18 Q. Should they be counted, for districting purposes,
 19 as to where they are residing in school?
 20 MR. LIOZ: Objection. Legal
 21 conclusion.
 22 A. It could be appropriate.
 23 Q. Even though they vote somewhere else?
 24 MR. LIOZ: Objection. Legal
 25 conclusion.

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1 conclusion.
 2 A. I think it goes back to what we discussed
 3 before.
 4 Q. So, prisoners are not true constituents because
 5 they can't interact with people outside the
 6 prison; is that what you're saying?
 7 MR. LIOZ: Objection. Legal
 8 conclusion.
 9 A. Among all the other reasons that I've
 10 mentioned.
 11 Q. Draw your attention to Paragraph 24 of Exhibit
 12 Number 1, the last sentence, "The city council
 13 nevertheless adopted a redistricting plan that
 14 relies on the ACI to make up 25 percent of the
 15 population in Ward 6, seriously undermining the
 16 central redistricting goal of population equality
 17 among districts." Do you see that language?
 18 A. Yes.
 19 Q. How does counting the prisoners in Ward 6
 20 seriously undermine population equality among
 21 districts?
 22 MR. LIOZ: Objection. Legal
 23 conclusion.
 24 A. It does so by giving Ward 6 a tremendous
 25 advantage over other districts, because the 25

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1 A. Yes,
 2 Q. So is it the ACLU's position that it doesn't make
 3 a difference as to whether Ward 6 has more voters
 4 than the other wards or not?
 5 MR. LIOZ: Objection. Legal
 6 conclusion.
 7 A. No, it does not.
 8 Q. The ACLU is aware of Cranston proposed
 9 redistricting, obviously, because you provided
 10 testimony. Why is it the ACLU did not bring suit
 11 after the 2012 redistricting?
 12 A. We were hopeful that we could get state
 13 legislation passed to address the issue.
 14 Q. Are you still hopeful you're going to get state
 15 legislation passed?
 16 A. Less hopeful. Less hopeful than I was.
 17 Q. I direct your attention to Paragraph 21 of Exhibit
 18 1. It says in the first sentence, "According to
 19 Census Bureau data, without the incarcerated
 20 population, Ward 6 has only 10,209 true
 21 constituents"?
 22 A. Yes.
 23 Q. What is the ACLU's definition of a true
 24 constituent?
 25 MR. LIOZ: Objection. Legal

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1 percent of the population consists of people who
 2 are barred from voting there, have no
 3 participation in the community, and for the other
 4 reasons I mentioned, really are not constituents
 5 in any way, do not benefit from living in the city
 6 and have no ability to participate in it.
 7 Q. So you don't count them as part of the population?
 8 MR. LIOZ: Objection. Legal
 9 conclusion.
 10 A. For these purposes, no.
 11 Q. Okay. You mention they can't vote. If they're
 12 not felons, presumably, they can vote?
 13 MR. LIOZ: Objection. Legal
 14 conclusion.
 15 A. Correct.
 16 Q. Okay. And again, your interpretation of the
 17 statute we talked about earlier is that an
 18 inhabitant of the ACI could not change their
 19 domicile to Cranston; is that correct?
 20 MR. LIOZ: Objection. Legal
 21 conclusion.
 22 A. Correct.
 23 Q. I'm trying to understand the indicia of who should
 24 be counted or not counted in the district per the
 25 view of the ACLU. So, prisoners don't count,