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NEWS RELEASE

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**Statement in Response to Federal Appeals Court Decision  
In Cranston “Prison Gerrymandering” Case**

The following statement was issued today by representatives of the ACLU of Rhode Island, Demos, the Prison Policy Initiative and the ACLU:

“Today, the U.S. Circuit Court of Appeals for the First Circuit overturned a ruling issued earlier this year by U.S. District Judge Ronald Lagueux, who had held that the City of Cranston violated the one person, one vote requirements of the U.S. Constitution when it allocated the entire incarcerated population of the Adult Correctional Institutions (ACI) as ‘residents’ of one ward of the City when it drew district lines for the City Council and School Committee following the 2010 Census and thereby created significant distortions in local representation. A panel of the First Circuit instead ruled that a recent U.S. Supreme Court ruling dictated a different outcome.

“We respectfully, but strongly, disagree with the First Circuit’s ruling. We believe the panel misinterpreted the Supreme Court’s recent *Evenwel v. Abbott* case as vindicating the City’s position when it did no such thing. As a result of that misinterpretation, the panel opinion fails to adequately address the critical ‘one person, one vote’ implications of Cranston’s use of prison gerrymandering to overinflate the representation of constituents in the school committee and city council districts where the ACI is located. As a result, we will strongly be considering filing a petition for rehearing of the case before the entire First Circuit.

“To this day, we have heard no logical basis for the City’s decision to count the entire ACI population as residing in a single City ward even though people incarcerated there who are able to vote generally are barred from voting there according to state law. In addition to the constitutional concerns, the City’s choice is not rational. The prison population is wholly physically and politically isolated from the surrounding community, and local elected officials do not represent those incarcerated at the ACI in any meaningful way. This provides yet another reason for us to consider seeking an *en banc* rehearing, as well as for the City Council itself to fix this issue for elections in future years, as it had started to do before this appeal was filed.

“During this campaign season, serious concerns and questions about electoral fairness are being raised and felt across the country. Like those disputes, this case goes to the heart of the importance of fair representation, something that Cranston’s current system simply does not provide.”

(more)

## Background on the Lawsuit

At issue in the lawsuit was the City of Cranston's choice to count the more than three thousand inmates at the ACI in a single city ward for the purposes of drawing City Council and School Committee districts. Judge Lagueux had agreed with the ACLU and other plaintiffs that this "prison gerrymandering" was improper because those incarcerated at the ACI are not actual constituents of local elected officials, but instead remain residents of their pre-incarceration communities for virtually all legal purposes, including voting. Due to the questionable counting, all persons incarcerated by the state of Rhode Island are used to account for 25 percent of Ward 6's total "population." According to Census Bureau data, without the non-resident incarcerated population, Ward 6 has only 10,227 true constituents. Yet those constituents now wield the same political power as the roughly 13,500 constituents in each of the other wards.

The case is *Davidson et. al. v. City of Cranston*. Today's decision and others documents in the case be found here: <http://riaclu.org/court-cases/case-details/davidson-v.-city-of-cranston/>

Plaintiffs in the case were represented by attorneys with Demos, the Prison Policy Initiative, the ACLU and the ACLU of Rhode Island.

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