

Multiple Documents

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

RUTHELLE FRANK, et al.,

Plaintiffs,

v.

Case No. 11-CV-1128

GOVERNOR SCOTT WALKER, et al.,

Defendants.

SEVENTH DECLARATION OF CLAYTON P. KAWSKI

I, Clayton P. Kowski, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am one of Defendants' attorneys in the above-captioned matter.

I make this Seventh Declaration based on my own personal knowledge and based upon the sources described.

2. I make this Seventh Declaration in support of Defendants' Federal Rule of Civil Procedure 52(c) Motion for Judgment on Partial Findings as to the Claims of Certain Plaintiffs.

3. Attached hereto as Exhibit A is a true and correct copy of pages 389 and 390 of the trial transcript from November 5, 2013, in this case.

4. Attached hereto as Exhibit B is a true and correct copy of pages 567, 568, 569, 695, and 696 of the trial transcript from November 6, 2013, in this case.

5. Attached hereto as Exhibit C is a true and correct copy of pages 856 and 977 of the trial transcript from November 7, 2013, in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 15th day of November, 2013.

s/Clayton P. Kawski
CLAYTON P. KAWSKI

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Seventh Declaration of Clayton P. Kowski

Exhibit A

1 A. I am a African-American.

2 THE COURT: Ms. Liu, can you get a little closer to
3 the mic?

4 MS. LIU: Of course.

02:11 5 BY MS. LIU:

6 Q. Have you lived in Wisconsin all your life?

7 A. Yes.

8 Q. Are you currently in school?

9 A. I'm currently enrolled in MATC.

02:11 10 Q. What does MATC stand for?

11 A. City of Milwaukee Area Technical College.

12 Q. And where is MATC located?

13 A. 7th and Highland.

14 Q. In Milwaukee?

02:11 15 A. Yes.

16 Q. Do you know how many students go to MATC?

17 A. I cannot tell you, off the back of my head. There are a lot
18 of students that attend MATC.

19 Q. Would you say thousands?

02:12 20 A. Over a thousand.

21 Q. Do you have a student ID from MATC?

22 A. Yes.

23 Q. And when was it issued?

24 A. My student ID was issued September 21st, 2012.

02:12 25 Q. And is that date on the ID?

1 A. Yes.

2 Q. And how long is the ID good for?

3 A. September 21st, 2014.

4 Q. And does your MATC ID have your picture on it?

02:12 5 A. Yes.

6 Q. And does it have your signature?

7 A. Yes, it does.

8 Q. Do you think you should be able to use your MATC ID as
9 federal ID to vote?

02:12 10 A. Yes, I believe you should accept it for my identification.

11 Q. Do you currently have a state ID?

12 A. Yes, I do now.

13 Q. And when did you get your current state ID card?

14 A. I got my state ID card in September 2013.

02:12 15 Q. And where do you get your state ID card?

16 A. The DMV right on 7th or right down the street from MATC.

17 Q. And did you go over the weekend or on the weekday?

18 A. The weekday because on the weekend they are closed.

19 Q. And how did you get there?

02:13 20 A. Just walked.

21 Q. And how long did it take you to get there?

22 A. Like three minutes.

23 Q. And was this the first time you had a state ID card?

24 A. No.

02:13 25 Q. What happened to the last state ID card you had?

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Seventh Declaration of Clayton P. Kowski

Exhibit B

1 A. I walked.

2 Q. And do you remember how you got back from the Social
3 Security office?

10:36

4 A. I got a transfer from a gentleman that had just got off the
5 bus.

6 Q. And when you got your social security, eventually did you
7 get your social security card?

8 A. I did.

9 Q. And did you finally get an ID?

10:36

10 A. I did.

11 Q. And around when would you say you got an ID?

12 A. About 90 days ago.

13 Q. And overall how long did you take -- overall, how long did
14 it take for to get an ID?

10:36

15 A. A year and a half, almost 2 years.

16 Q. I'm going to ask you a few more questions just about other
17 veterans. Did you stay in different shelters when you were
18 homeless?

19 A. I did.

10:37

20 Q. And when you were in those shelters did you meet other
21 homeless veterans?

22 A. At Vet Place Central because all of the people that stay
23 there are veterans.

10:37

24 Q. Did any of these other veterans have similar mental health
25 issues that you had?

1 A. They did. And they needed identification, they wanted to
2 vote.

3 Q. And can you estimate about how many veterans you encountered
4 facing that situation?

10:37 5 A. Well, Vet Place Central houses about 70 people. I would say
6 at least 15 or 20 of them that came through there didn't have
7 IDs and had depression problems and trust issues.

8 Q. Mr. Ellis, do you think that veterans should be able to vote
9 with their veterans card?

10:37 10 A. I do, considering the things that we go through, the
11 depression, the trust issues. I didn't see why my military ID
12 should have been enough because I was trying to make a stand and
13 get my life back and make decisions.

14 MR. YOUNG: Thank you, Mr. Ellis.

10:38 15 CROSS-EXAMINATION

16 BY MS. LAZAR:

17 Q. Good morning, Mr. Ellis, my name is Maria Lazar, I'm one of
18 the attorneys for the defendants. You indicated there were
19 about 15 or 20 people that you knew who were veterans that
10:38 20 didn't have their ID cards?

21 A. A Wisconsin ID.

22 Q. Okay. Do you know if any of them tried to get their ID
23 cards?

24 A. Yeah. There was one of the case managers was trying to work
10:38 25 with us and they would fill out letters and send us with letters

1 and send us to different agencies like the DMV on Wells Street.

2 Q. You were eventually able to get your ID card, correct?

3 A. I was.

4 Q. Do you know if any of these other individuals after they

10:38 5 tried were able to get theirs as well?

6 A. I don't know, ma'am.

7 MS. LAZAR: Thank you. I have no further questions.

8 THE COURT: Thank you, Mr. Ellis. You're excused.

9 (Witness excused at 10:38 a.m.)

10:38 10 MR. STEINER: The LULAC Plaintiffs call Reverend

11 Brisco.

12 WILLIE E. BRISCO, PLAINTIFF WITNESS, DULY SWORN

13 THE COURT: Have a seat. State your name for the
14 record and spell your last name and speak real close to that
10:39 15 microphone, please.

16 THE WITNESS: My name is Reverend Willie E. Brisco, my
17 last name is Brisco, B-R-I-S-C-O.

18 MS. CHAPMAN: My name is Leigh Chapman on behalf of
19 the LULAC plaintiffs.

10:39 20 DIRECT EXAMINATION

21 BY MS. CHAPMAN:

22 Q. How old are you, Reverend Brisco?

23 A. I am 59 years old.

24 Q. And what is your racial background?

10:39 25 A. I'm an African-American.

1 A. The second ID has an issue date, my signature, as well as an
2 expiration date sticker on the back.

3 Q. And did you get that second ID?

4 A. Yes.

03:15 5 Q. And is that ID the one that you currently have?

6 A. Yes.

7 Q. How did you get that current ID?

8 A. The dean of students office sent out an e-mail saying if you
9 want to come and exchange your ID. So I went to the DSO office
03:15 10 and I -- they gave me a new voter approved ID.

11 Q. And did you run into any problems?

12 A. Yeah. One problem I realized after I accepted the ID that
13 they didn't put the expiration date sticker on the back. So a
14 couple days later I had to go back and get the sticker put on
03:15 15 and that caused a little bit of confusion because they couldn't
16 find the stickers and stuff along those lines.

17 Q. And did you have any other problems?

18 A. Yeah. I got my ID, the new student approved ID on a Friday
19 and I went to go after the office closed I went to go buy food
03:16 20 and they didn't put the food points, they didn't switch my food
21 points over so the whole weekend I didn't have any food points
22 and which wouldn't have happened if I was able to just keep my
23 regular ID I wouldn't have needed to get a new student-approved
24 ID and that was just a real big inconvenience for me and all my
03:16 25 friends who had to buy me food. So --

1 (General laughter.)

2 BY MS. LIU:

3 Q. Ms. Meszaros, do you have a passport?

4 A. Yes.

03:16 5 Q. And did you have it when you started at Carthage?

6 A. No.

7 Q. When did you get that passport?

8 A. I applied for the passport late summer of 2012.

9 Q. And why did you get that passport?

03:16 10 A. I decided to go on a school trip that was to Poland this
11 past summer.

12 Q. And how much did that passport cost?

13 A. Around \$100.

14 Q. And do you have a tribal ID?

03:16 15 A. No.

16 Q. Do you have a military ID?

17 A. No.

18 Q. Do you think Wisconsin students from out of state should
19 have to get a passport to vote in Wisconsin?

03:17 20 A. No, because, first of all, it does cost around \$100 and
21 there's an inconvenience of having to go through the application
22 process. As well as the purpose for the passport is more for
23 international travel, and if you're not planning internationally
24 traveling there's not really a legitimate reason to get one.

03:17 25 Q. Do you think Wisconsin students from out of state should

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Seventh Declaration of Clayton P. Kowski

Exhibit C

1 Q. Do you remember in that declaration that you said you hadn't
2 been convicted of a felony?

3 A. Yeah, I misunderstood it.

4 Q. What did you think at the time?

10:18 5 A. I wasn't thinking. I don't think about the future -- I mean
6 the past, you know, that's 23 years ago.

7 Q. How long have you been able to vote?

8 A. Since about 15 years ago.

9 Q. I'm going to ask you some questions about your ID. Do you
10:18 10 currently have a Wisconsin state ID?

11 A. Yes.

12 Q. I'm going to talk to you about that in a bit but I'd first
13 like to ask you about your Social Security card. Do you
14 currently have a Social Security card?

10:18 15 A. Yes.

16 Q. About when did you get it?

17 A. I applied for it on the 5th of November of 2012.

18 Q. So about a year ago?

19 A. Yes.

10:18 20 Q. Where did you get it?

21 A. From the Social Security place, 52nd and North.

22 Q. Is that here in Milwaukee?

23 A. Yes.

24 Q. What did you do to get it?

10:19 25 A. What didn't I do.

1 Q. Did you vote in the presidential election of November 2012?

2 A. Yes.

3 Q. And how were you able to vote in, that to your
4 understanding?

02:05 5 A. Well, it was my understanding that the university had made a
6 change to our identification in order to bring it in line with
7 the law that had been passed.

8 Q. At that time, did you know exactly what the university had
9 done?

02:05 10 A. No. I did not.

11 Q. And at some point in your sophomore year, did you get a
12 passport?

13 A. Yes, I did.

14 Q. And why did you get a passport?

02:05 15 A. Because I wanted to go visit some friends in Canada.

16 Q. Do you remember around when you applied for it?

17 A. It was early December of 2012.

18 Q. Do you remember how much it cost?

19 A. \$300.

02:06 20 Q. And when did you get the passport?

21 A. January of this year.

22 Q. Are there other out-of-state students like you at Lawrence?

23 A. Yes.

24 Q. How do you know that?

02:06 25 A. Well, like I said, I'm someone who talks about politics a