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Maryland Redistricting Challenge

A Bethesda man takes his fight against the state's redistricting to the U.S. Supreme Court

BY STEVE ROBERTS



Steve Shapiro's fight against gerrymandering has put him at odds with fellow Maryland Democrats. Photo by Liz Lynch.

Steve Shapiro is an engineer and thinks like one. Parts of a machine should fit together and work smoothly. If they don't, the machine stops working. And he fears the mechanism of democracy is badly broken.

Shapiro focuses on one moving part: congressional districts. They are so seriously misshapen in so many places, he says, that they violate the rights of individual voters and snarl the whole political system. "I think redistricting is so central to how our democracy is going to work," he tells me from across a small conference table, deep in the library of American University's Washington College of Law. "That decision, that process, largely chooses who our delegates or members of Congress are going to be."

In most states Republicans are the guilty party when it comes to gerrymandering. In Maryland, however, Democrats are in control, and Shapiro was living in his hometown of Silver Spring in the early 1990s when the party carved out a congressional district that looked like "two separate blobs with a rope between the two."

Even though he's a loyal Democrat, Shapiro was profoundly offended by the map, which he felt violated basic principles of fairness. "But of course nothing was going to be done," he recalls. "The politicians who had control over the process had a reason for doing that."

He was right—the Democrats were determined to protect their own lawmakers. But Shapiro had found a cause. Two decades later, the engineer was living in the Westhaven neighborhood of Bethesda and serving as his party's precinct chair. After the Democrats concocted another contorted map following the 2010 census, he joined a campaign to block it through a referendum.

When the referendum failed, Shapiro turned to another remedy—the courts. "I got to thinking: This has to be unconstitutional," he recalls. "Let's take a try at it. The worse that could happen is that it fails."

Shapiro was an amateur lawyer, but his engineering background had taught him how to solve problems. And the digital revolution had given him the tools he needed to draft a lawsuit. "Before the Internet it would have been very hard for someone without legal training to do it," he says.

The engineer's suit, Shapiro v. McManus, was tossed out by a federal district court judge in April 2014. He was not deterred, but he needed a partner with Supreme Court experience. He found one after an old football buddy introduced him to Michael Kimberly, an attorney who has filed over 100 briefs in appellate courts.

Kimberly was impressed with Shapiro's argument and agreed to draft an appeal, but says he was "taken aback" by his new client's forcefulness. "Most of the time my clients are very deferential, but Steve was quite different," he says. "He has a real sense of investment in this case." Their brief argued that the district judge had made a mistake and the case should have been heard by a three-judge panel. Last June the U.S. Supreme Court agreed to take the case.

The issue so consumed Shapiro that he retired from the federal government after 33 years and enrolled as a law student at American University last September. Kimberly argued the case two months later, with his client in the audience. Ironically, that same week, Shapiro had been studying the issue of federal court jurisdiction in his civil procedure class.

In December the Supreme Court ruled unanimously in Shapiro's favor and ordered the case to be re-argued later this year. "I was certainly gratified but not terribly surprised," the engineer told me. After all, he'd done his homework.

The first-year law student was in the middle of exams when we talked, and he looked a bit bleary-eyed. At 55, he's old enough to be the father of many classmates. "The type of work is exactly what I expected," notes Shapiro, who has never married. "What's surprised me is the amount of it. Most days I work till 1 or 2 in the morning."

The engineer's crusade is critical. Election winners have always used their power to manipulate districts, but highly sophisticated computer programs make the problem much worse. The Washington Post rates Maryland and North Carolina as the most gerrymandered states in the country. One of four Maryland voters is a registered Republican, but the GOP holds only one of the state's eight congressional seats. For example, liberal-leaning communities like Bethesda and Chevy Chase are in the 8th district, currently represented by Democrat Chris Van Hollen. But his territory goes to the Pennsylvania line, roping in conservative areas like Emmitsburg.

In Shapiro's view, a district like that violates the First Amendment, which guarantees "the right of political association." For voters such as the Republicans of northern Maryland, he says, "the impact of their political activities is going to be intentionally diminished."

The Supreme Court has always declined to overrule congressional districts, and Shapiro's suit still faces long odds. But his determination is shaped by his family history.

He believes so strongly in democratic principles because his grandparents fled tyranny in Eastern Europe before settling in Baltimore early in the 20th century. "My grandparents," he notes in his quiet, firm voice, "all came from countries where they didn't have congressional districts."

Shapiro's father studied law and moved his family to Silver Spring's Hillandale neighborhood after taking a job as a patent examiner for the federal government. The son graduated from Springbrook High and earned an engineering degree from Tufts in 1982; he joined the Coast Guard as a civilian employee and eventually became a commissioned officer. After 9/11 he served as a civilian expert in port security for different government agencies.

Shapiro never lost his love of politics, inculcated during long Sunday dinners around his grandparents' tables in Baltimore. He never forgot that they came to America seeking the liberty they lacked back home. His lawsuit represents them all.

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