

# **EXHIBIT QQQ**

# Md. case pushes boundaries of redistricting reform

By **Stephen Shapiro**

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Maryland moves to the forefront of the redistricting reform movement with Supreme Court case.

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**T**he questions are simple, fundamental and almost as old as America itself: How, together, do we citizens end partisan gerrymandering and the political polarization it creates? In a two-party system, how do we check the **General Assembly** majority's incentive and ability to determine the partisan make-up of our state's congressional delegation by putting a heavy hand on the scale to get it?

Maryland steps to the center of a long, national search for answers this week. Today in Annapolis, a commission that spent the last two months examining the way Maryland draws congressional and state legislative districts will vote on their final recommendations to Gov. **Larry Hogan**. Tomorrow, in Washington, the **U.S. Supreme Court will hear arguments in Shapiro v. McManus**, a lawsuit I and two **Republican** voters filed to challenge the congressional lines state legislators and then-Gov. Martin O'Malley drew in 2011.

A century ago, the states ratified the 17th Amendment to the Constitution, giving voters the power to directly elect our U.S. Senators, who previously were appointed by the legislatures. Now, many states — not just Maryland — alter district lines to effectively determine the partisan make-up of their House delegations; they do so without the authority of a constitutional amendment giving them this role in lieu of the voters.

The underlying argument I and my co-plaintiffs are pursuing invites the justices to recognize minimum standards for redistricting based on the First Amendment and Article 1 of the Constitution. This would **break the partisan stranglehold** that has been exploited by Republicans in "red" states and by **Democrats** here in Maryland and other "blue" states across the country.

Small segments of voters should not be tied by ribbons with very different voters from distant parts of the state — just because those voters have a history of supporting candidates inconsistent with the majority in the legislature. The poor quality of representation afforded by such districts cannot be justified by the desire of the legislature to so firmly determine the make-up of our House delegation.

Here in Maryland, the governor and legislature drew congressional districts that pretty much guarantee Democrats a 7-1 edge in the state's congressional delegation. As the district judge noted in his opinion in our case, Republicans have done almost exactly the same thing in states where they control the legislature.

However, the Supreme Court has already held that in regulating congressional elections, the legislatures may not unduly influence the outcomes.

The specific issue before the court on Wednesday is whether our lawsuit and others like it can go forward in the first place. Congress has established special three-judge district courts to hear such cases, with direct appeals to the Supreme Court. However, a decade ago, the Fourth Circuit Court of Appeals, which covers Maryland, decided that a single judge must first decide if our legal theory is valid. In other states, the three-judge court makes that decision, followed by immediate review by the Supreme Court.

I'm a Democrat and proud of it. I served as the chair of my precinct in Bethesda for several years. I testified before the Governor's Redistricting Advisory Committee after the **2010 Census**, but the districts that former Governor O'Malley and the legislature's presiding officers drew in 2011 offended me. We should not so mute the political voices of our neighbors in other parts of the state; we are all Marylanders. I then worked with former Montgomery County Council member Phil Andrews, who was leading the effort in Montgomery County to bring the map to referendum in 2012 — as part of the state-wide effort started by Del. Neil Parrott.

I know that in Republican majority states, GOP legislatures have split neighborhoods and manipulated boundaries to give their party an unfair advantage. So I went to court, representing myself and co-plaintiffs in the U.S. District Court and the Court of Appeals, even without a legal education. Working on the case increased my interest in law, to the point that, at age 55, I'm now a first-year student at American University's **Washington College** of Law.

If the high court agrees with our argument, limits on gerrymandering would apply to congressional maps across America, reducing the incentive for legislatures to do this in the first place.

Common Cause and other citizen advocacy groups working on this problem picked up a key ally last year with the election of Governor Hogan, who made good on a campaign promise by appointing the reform commission and **seems committed to pushing its proposals through** the legislature. It was heartening to hear a member of the Democratic leadership like Sen. Conway suggest support for compact and contiguous districts, even if not for the full recommendations of the commission.

As a litigant and a proud Common Cause member, what's most exciting about all this is that the impetus for change is coming from citizens who've seen a problem and have resolved to tackle it. America was founded on the principle that power should flow from "we the people." That's what our Constitution says. The growing redistricting reform movement is evidence that that idea remains relevant today.

*Stephen Shapiro, a student at American University's Washington College of Law, is a Bethesda resident and the lead plaintiff in Shapiro v. McManus. His email is [steves@md.net](mailto:steves@md.net).*

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