

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE CHRISTIAN CIVIC LEAGUE)	
OF MAINE, INC.)	
Plaintiff,)	
)	Civil Action No. 06-0614 (LFO)
v.)	(Three-Judge Court Requested)
)	
FEDERAL ELECTION COMMISSION,)	
)	
Defendant.)	
)	

**MOTION OF SENATOR JOHN MCCAIN, SENATOR RUSSELL FEINGOLD,
REPRESENTATIVE CHRISTOPHER SHAYS, REPRESENTATIVE MARTIN
MEEHAN AND REPRESENTATIVE TOM ALLEN TO INTERVENE AS
DEFENDANTS SUPPORTING THE AS-APPLIED CONSTITUTIONALITY
OF THE BIPARTISAN CAMPAIGN REFORM ACT OF 2002**

Senator John McCain, Senator Russell Feingold, Representative Christopher Shays, Representative Martin Meehan, and Representative Tom Allen respectfully move, pursuant to Federal Rule of Civil Procedure Rule 24(a) and section 403(b) of the Bipartisan Campaign Reform Act of 2002 (“BCRA” or the “Act”), to intervene as defendants in this action to defend the constitutionality of the provisions of the Act challenged by plaintiff Civic Christian League of Maine (“CCL”). Counsel for Movants has conferred with counsel for CCL and the FEC pursuant to Local Rule 7(m) regarding this motion. Counsel for the FEC has consented to the relief sought herein, while counsel for CCL has indicated that CCL opposes this motion.

Attached hereto is a proposed Answer and Affirmative Defenses. Attached is also a conditional Memorandum from applicant-intervenors in opposition to Plaintiff's motion for a preliminary injunction. We respectfully request that the Court expedite briefing and the disposition of this motion to intervene so that, if the motion to intervene is granted, intervenors can participate as parties at any hearing on plaintiff's motion for a preliminary injunction.

The grounds for this motion, as set forth more fully in the accompanying memorandum of law and sworn declarations, are as follows:

1. Movant John McCain is a United States Senator from the State of Arizona who was elected in 1986 and re-elected in 1992, 1998, and 2004. Senator McCain ran for President of the United States in 2000, and expects to be a candidate for federal office in the future. Senator McCain was a principal sponsor of BCRA.

2. Movant Russell Feingold is a United States Senator from the State of Wisconsin who was elected in 1992 and re-elected in 1998 and 2004. Senator Feingold expects to be a candidate for federal office in the future. Senator Feingold was a principal sponsor of BCRA.

3. Movant Christopher Shays is a member of the United States House of Representatives from the 4th Congressional District of the State of Connecticut who was elected in 1987, re-elected in 1988 and every two years thereafter, and next faces re-election in November 2006. Representative Shays was a principal sponsor of BCRA.

4. Movant Martin Meehan is a member of the United States House of Representatives from the 5th Congressional District of the Commonwealth of Massachusetts who was elected in 1992, re-elected every two years thereafter, and next

faces re-election in November 2006. Representative Meehan was a principal sponsor of BCRA.

5. Movant Tom Allen is a member of the United States House of Representatives from the 1st Congressional District of Maine who was first elected in 1996, re-elected every two years thereafter, and faces re-election this year.

6. Fed. R. Civ. P. 24(a) (1) provides that, upon timely application, anyone shall be permitted to intervene in an action “when a statute of the United States confers an unconditional right to intervene.”

7. Plaintiff in this action seeks to have certain provisions of BCRA declared unconstitutional as applied. Section 403(b) of the Act provides in relevant part:

In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised . . . any member of the House of Representatives . . . or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment.

Movants are members of the House of Representatives and the Senate who wish to intervene in this action in defense of the constitutionality of the Act.

8. Each Movant is a United States citizen, member of Congress, candidate or potential candidate, voter, recipient of campaign contributions, fundraiser, and political party member. As federal officeholders and candidates, or potential candidates, for election to federal office, the Movants are among those whom the Act seeks to insulate from the actual or apparent corrupting influence of special interest money. If the Act’s “electioneering communications” provisions are not applied to prohibit the use of corporate treasury funds to pay for the broad category of

advertisements like those at issue in this case, Movants face the risk that such advertisements, paid for with corporate money, will be used in an attempt to influence federal elections in which they are candidates.

9. A three-judge panel of this Court recently entered an order granting intervention to many of these same Movants in a case virtually identical to this one. *Wisconsin Right to Life v. FEC*, No. 04-1260 (Minute Order entered March 23, 2006).

10. Intervention as of right under Fed. R. Civ. P. 24(a)(1) is the appropriate avenue for intervention in this action, given the plain and unconditional terms of section 403(b). Movants also satisfy, however, the requirements for intervention as of right under Fed. R. Civ. P. 24(a) (2) and permissive intervention under Fed. R. Civ. P. 24(b).

11. Factual support for this motion is contained in the accompanying declarations. Further argument and legal authority are set forth in the accompanying memorandum of law.

Dated this 17th day of April, 2006.

Respectfully submitted,

/s/ J. Gerald Hebert

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