

IN THE SUPREME COURT OF THE UNITED STATES

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MITCH MCCONNELL, ET AL.,  
Appellants,  
v.

FEDERAL ELECTION COMMISSION, ET AL.,  
Appellees.

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On Appeal From The United States  
District Court For The District Of Columbia

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**RESPONSE OF THE BUSINESS PLAINTIFFS  
TO THE LETTER TO COUNSEL OF RECORD  
CONCERNING COORDINATED BRIEFING**

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Appellants Chamber of Commerce of the United States, National Association of Manufacturers, and Associated Builders and Contractors, Inc. (collectively “Business Plaintiffs”) respond to the June 5, 2003, letter from Denise J. McNerney to Counsel concerning coordinated briefing.

1. The Business Plaintiffs are the only parties to this appeal that represent the general concerns of business corporations and their representatives.

- The Chamber of Commerce of the United States (“Chamber”) is the world’s largest not-for-profit business federation. Founded in 1912, the Chamber represents over 3,000,000 businesses and business associations. The Chamber is a corporation, as are many of its members and supporters, and it is exempt from taxation under § 501(c)(6) of the Internal Revenue Code.

- The National Association of Manufacturers (“NAM”) is the oldest and largest broad-based industrial trade association in the United States. Its membership comprises 14,000 companies and 350 member associations, meaning that NAM represents about 18 million individuals. Like many trade associations, NAM is incorporated and is exempt from taxation under § 501(c)(6).
- The Associated Builders and Contractors, Inc. (“ABC”) represents more than 23,000 contractors and related firms in the construction industry, both unionized and non-unionized, who share the view that work should be awarded and performed on the basis of merit, regardless of labor affiliation. ABC is funded primarily by membership dues and is exempt from taxation under § 501(c)(6).<sup>1</sup>

2. The Business Plaintiffs, who joined in two of the complaints before the district court, plan to coordinate with one another to file a single opening brief and reply brief. To the extent appropriate, the PACs of the Chamber and of ABC may join those briefs. The opening and reply briefs will conform to the standard page length and similar restrictions set by the rules. They will address the issues that were litigated by the Business Plaintiffs before the district court, with emphasis on burdens that the “electioneering communication” and “coordination” provisions impose on the public speech and legislative activities of business corporations and their representatives.

3. Before the district court, the Business Plaintiffs coordinated their briefs with the McConnell plaintiffs, the AFL-CIO plaintiffs, and others to minimize repetition. The Business

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<sup>1</sup> The Associated Builders and Contractors Political Action Committee (ABC PAC) and the U.S. Chamber Political Action Committee (U.S. Chamber PAC) are separate segregated funds of their respective organizations under 2 U.S.C. §441b(b)(2)(C), and are political organizations under § 527(e)(1) of the Internal Revenue Code. They receive contributions from individuals as authorized by federal law and make contributions to or expenditures in support of federal candidates. Because of the associated burdens and risks, NAM does not have a PAC. The two business PACs will participate in this appeal as Appellees and join in this submission.

Plaintiffs expect to continue those efforts and, indeed, have consulted widely with other plaintiffs before preparing this response. It is clear, however, that business corporations and their representatives have distinctive concerns and are a special target of key legislative provisions, such that the Business Plaintiffs will require briefs of the length typically allowed by the rules.

4. The distinctive role of the Business Plaintiffs in this litigation is reflected in the opinions of the district court. Thus, the Business Plaintiffs or their positions are directly addressed at the following pages:

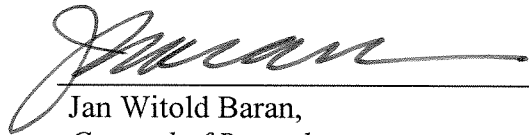
Per Curiam Opinion at 83, 86, 97-99, 115-19, 122, 124-34, 136, 138-39, 145-49, 154-69.

Opinion of Judge Henderson at 34-48, 69-71, 79-86, 112-16, 134-37, 201-57.

Opinion of Judge Kollar-Kotelly at 118, 215-16, 232, 247-52, 254-55, 264-65, 267-70, 277-78, 287-88, 306, 323-26, 331-32, 334, 359-63, 390, 401-05, 432-33, 464.

Opinion of Judge Leon at 75-77, 263, 271, 273, 276-78, 282-83, 327, 330-32.

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June 10, 2003

**IN THE SUPREME COURT OF THE UNITED STATES**

—————  
**Mitch McConnell, et al.,**  
Appellants,  
v.  
**Federal Election Commission, et al.,**  
Appellees.  
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On Appeal From The United States  
District Court For The District Of Columbia

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**RESPONSE OF THE BUSINESS PLAINTIFFS  
TO THE LETTER TO COUNSEL OF RECORD  
CONCERNING COORDINATED BRIEFING**  
—————

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2003, I caused a copy of the foregoing Response Of The Business Plaintiffs To The Letter To Counsel Of Record Concerning Coordinated Briefing to be placed in the United States mail, first class postage prepaid, addressed to:

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