

District of Columbia Office:

205 Third Street, S.E.
Washington, D.C. 20003
(202) 546-8890
Fax: (202) 544-5172

1650 Diagonal Road
Fifth Floor
Alexandria, Virginia 22314
(703) 740-1450
Fax: (703) 837-8510



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June 10, 2003

Hon. Chris Vasil,
Chief Deputy Clerk
Hon. Denise McNerney,
Merits Clerk
Office of the Clerk of the Supreme Court of the United States
Washington, DC

re: No. 02-1674, *Mitch McConnell, United States Senator v. FEC*,
No. 02-1675, *NRA v. FEC*,
No. 02-1676, *FEC v. Mitch McConnell, United States Senator*,
No. 02-1702, *John McCain v. Mitch McConnell*,
No. 02-1727, *Republican National Committee v. FEC*,
No. 02-1733, *National Right to Life Committee, Inc. v. FEC*,
No. 02-1734, *ACLU v. FEC*,
No. 02-1740, *Victoria Jackson Gray Adams v. FEC*,
No. 02-1747, *Ron Paul v. FEC*,
No. 02-1753, *California Democratic Party v. FEC*,
No. 02-1755, *AFL-CIO v. FEC*,
No. 02-1756, *Chamber of Commerce of the United States v. FEC*.

subj: Report of *Echols* Plaintiffs-Appellees regarding briefing coordination

Dear Mr. Vasil and Ms. McNerney:

Regarding the above-referenced consolidated cases, this letter serves to present the views of the *Echols* Plaintiffs group (those minors and their next friends that brought Civil Action No. 02-cv-633 in the District Court below). As an initial matter, we report that a coordinated filing by the parties aligned as Plaintiffs in the trial court was not able to be accomplished in response to the instructional memorandum distributed by Ms. McNerney last Thursday.

Instead, on behalf of the *Echols* Plaintiffs, we advise you that we anticipate filing an opening brief consistent with the Rules of this Court, and not exceeding the 50 page limit provided for by in those Rules. In like vein, we anticipate filing a reply brief also within the

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page limits provided under the Rules.

Unlike all or virtually all other parties to the actions below and the consolidated appeals here, the Echols Plaintiffs-Appellees enjoyed entire success in the trial court. We did not bring any question for review in this Court by way of Jurisdictional Statement. Moreover, of the twelve consolidated appeals, only the Jurisdictional Statement of the Federal Election Commission raises a question of interest and relation to the Echols group, namely the constitutionality of Section 318 of the Bipartisan Campaign Reform Act of 2002.

Consequently, the brief to be filed on behalf of the Echols Plaintiffs-Appellees will address only the question of the constitutionality of Section 318. That issue is raised in the Jurisdictional Statement in Appeal Docket No. 02-1676, in the fourth question presented. In our judgment, the number of pages provided for the opening and reply brief by the Rules is appropriate to the subject of the constitutionality of Section 318.

We can report two further matters related to briefing, coordination and related matters.

First, as with the Motion to Affirm Summarily, we anticipate being able to coordinate with counsel for Barret Austin O'Brock, and to present arguments regarding Section 318 for both O'Brock and the Echols group in the same brief.

Second, after consultation with counsel for the McConnell group we understand that it is their intent to prepare a comprehensive brief on BCRA, and to seek, perhaps, leave to file a brief over the page limits. To the extent possible and appropriate, once that brief has been prepared, it is within our contemplation to adopt by reference or incorporate by reference such arguments or portions thereof as duplicate those we would otherwise present in defense of the judgment below.

If you have any questions related to this communication, please do not hesitate to contact me, or my co-counsel, James M. Henderson, Sr., at (202) 546-8890.

very truly yours,

Jay Alan Sekulow

copies to counsel of record