

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

SENATOR MITCH McCONNELL, et al.,)
)
Plaintiffs,)
)
v.)
)
FEDERAL ELECTION COMMISSION, et al.,)
)
Defendants.)
_____)

Civil Action No. 02-582
(CKK, KLH, RJL)

NATIONAL RIFLE ASSOCIATION, et al.,)
)
Plaintiffs,)
)
v.)
)
FEDERAL ELECTION COMMISSION, et al.,)
)
Defendants.)
_____)

Civil Action No. 02-581
(CKK, KLH, RJL)

EMILY ECHOLS, et al.,)
)
Plaintiffs,)
)
v.)
)
FEDERAL ELECTION COMMISSION, et al.,)
)
Defendants.)
_____)

Civil Action No. 02-633
(CKK, KLH, RJL)

CHAMBER OF COMMERCE OF THE)
UNITED STATES, et al.,)
)
Plaintiffs,)
)
v.)
)
FEDERAL ELECTION COMMISSION, et al.,)
)
Defendants.)
_____)

Civil Action No. 02-751
(CKK, KLH, RJL)

NATIONAL ASSOCIATION OF
BROADCASTERS,

Plaintiff,

v.

FEDERAL ELECTION COMMISSION, et al.,

Defendants.

Civil Action No. 02-751
(CKK, KLH, RJL)

AFL-CIO, et al.

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION, et al.,

Defendants.

Civil Action No. 02-754
(CKK, KLH, RJL)

CONGRESSMAN RON PAUL, et al.,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION, et al.,

Defendants.

Civil Action No. 02-781
(CKK, KLH, RJL)

REPUBLICAN NATIONAL COMMITTEE, et al.,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION, et al.,

Defendants.

Civil Action No. 02-874
(CKK, KLH, RJL)

CALIFORNIA DEMOCRATIC PARTY, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 FEDERAL ELECTION COMMISSION, et al.,)
)
 Defendants.)
 _____)

Civil Action No. 02-875
(CKK, KLH, RJL)

VICTORIA JACKSON GRAY ADAMS, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 FEDERAL ELECTION COMMISSION, et al.,)
)
 Defendants.)
 _____)

Civil Action No. 02-877
(CKK, KLH, RJL)

BENNIE G. THOMPSON, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 FEDERAL ELECTION COMMISSION, et al.,)
)
 Defendants.)
 _____)

Civil Action No. 02-881
(CKK, KLH, RJL)

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE
GOVERNMENT DEFENDANTS' EMERGENCY MOTION FOR TEMPORARY STAY
PENDING CONSIDERATION OF MOTION FOR STAY OF FINAL JUDGMENT
PENDING APPEAL TO THE SUPREME COURT OF THE UNITED STATES**

Defendants Federal Election Commission, the United States of America, the U.S. Department of Justice, John Ashcroft, Attorney General of the United States, and the Federal Communications

Commission, are separately filing a motion asking the Court to stay its Final Judgment of May 2, 2003, pending final disposition by the Supreme Court of the United States of the parties' appeals. For similar reasons, the defendants also respectfully ask this Court to issue a temporary administrative stay of its Final Judgment while this Court considers the pending stay motion and the other stay motions filed in this matter.

As explained in the memorandum in support of the government's motion for a stay pending appeal, the Court's Final Judgment in this case has fundamentally altered the statutory scheme that governs the financing of federal elections, creating an alternative regime that was not enacted by Congress, is not the product of any clear consensus on this Court, and bears little resemblance to the system that Congress established. The Court's discordant and voluminous rulings in this case create significant confusion and potential regulatory chaos for the Federal Election Commission and all those subject to its regulation. A temporary stay should be issued to allow this Court sufficient time to consider the government's stay motion, as well as the stay requests that have been filed and may be filed by other parties, while preserving the status quo.

Plaintiffs National Rifle Association and National Rifle Association Political Victory Fund have requested the Court to issue an administrative stay limited to the Court's ruling with respect to Title II's definition of an "electioneering communication." In our view, due to the considerations discussed in our memorandum in support of a stay pending appeal, and in order to minimize the added confusion that would be created by staying the Court's Final Judgment on any piece-meal basis, the Court should issue an administrative stay of the entire Final Judgment pending consideration of the parties' stay requests. Similar considerations also counsel against taking a piece-meal approach in staying the Court's judgment for the period pending appeal.

For the foregoing reasons, the Court should temporarily stay the effect of its May 2, 2003 Final Judgment pending disposition of Defendants' Motion for Stay of Final Judgment Pending Appeal.

Respectfully submitted,

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Justice, and the Federal Communications
Commission*

Dated: May 9, 2003

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2003, copies of the foregoing document were served (1) upon all counsel known to be designated by the parties for service by electronic mail, by electronic mail, (2) upon the following by facsimile:

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