
IN THE SUPREME COURT OF THE UNITED STATES

**AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS, *et al.*,**

Appellants,

v.

FEDERAL ELECTION COMMISSION, *et al.*,

Appellees.

**On Appeal from the United States District Court
For the District of Columbia**

**RESPONSE OF THE AFL-CIO
PLAINTIFFS-APPELLANTS/CROSS-APPELLEES
TO THE MOTIONS FOR AN EXPEDITED BRIEFING SCHEDULE**

Plaintiffs-appellants American Federation of Labor and Congress of Industrial Organizations and AFL-CIO Committee on Political Education Political Contributions Committee (collectively, “the AFL-CIO plaintiffs”)¹ generally agree with the submissions concerning the briefing schedule filed by plaintiffs-appellants in *McConnell v. Federal Election Commission*, No. 02-1674; *Republican National Committee v. Federal Election Commission*, No. 02-1727; and *Chamber of Commerce v. Federal Election Commission*, No. 02-1756. We add only that, regardless whether this Court orders three or four rounds of briefing, the initial

¹The AFL-CIO Plaintiffs filed a timely notice of appeal on May 7, and filed their jurisdictional statement on June 2.

briefs of plaintiffs-appellants should be due on a date after the Court concludes issuing its opinions during its October 2002 Term prior to its summer recess, for two reasons. First, this will permit adequate time for the preparation of the briefs. Second, in light of the likely proximity in any event of the commencement of briefing to the Court's final dispositions of cases argued to date during its October 2002 Term, this will afford a full opportunity -- for the benefit of the Court as well as the parties -- for all briefs by both appellants and appellees to take into account those dispositions, which will include important cases concerning the First Amendment rights of for-profit corporations, e.g., No. 02-575, *Nike, Inc. v. Kasky*, and non-profit corporations, e.g., No. 02-403, *Federal Election Commission v. Beaumont*; indeed, the latter case arises under the Federal Election Campaign Act, which the Bipartisan Campaign Reform Act of 2002 amended. Under defendants' proposed briefing schedule, only defendants would have that opportunity, for they urge that the first plaintiffs' briefs be due on June 27, and the first defendants' briefs on July 18.

The AFL-CIO plaintiffs-appellants respectfully suggest that, if three rounds of briefs are ordered, they be due on July 8, August 4 and August 22, if oral argument is conducted during the weeks of September 2 or 8; or, on three later dates, such as July 22, August 22 and September 10, if oral argument is conducted during the week of September 29. Alternatively, if four rounds of briefs are ordered, plaintiffs-appellants suggest that the first round be due on July 8, with the next three rounds scheduled on dates that accommodate the date of oral argument.

Respectfully submitted,



Laurence E. Gold
Laurence E. Gold

Counsel of Record

AFL-CIO

815 Sixteenth Street, N.W.

Washington, D.C. 20006

(202) 637-5130

Michael B. Trister

Lichtman, Trister & Ross

1666 Connecticut Ave., N.W.

Washington, D.C. 20009

(202) 328-1666

Counsel for Appellants

Larry P. Weinberg
1101 17th Street, N.W.
Suite 900
Washington, D.C. 20036
(202) 775-5900

Of Counsel

CERTIFICATE OF SERVICE

This is to certify that I caused a copy of the foregoing **Response of the AFL-CIO Plaintiffs-Appellants/Cross-Appellees to the Motions for an Expedited Briefing Schedule** be served on all counsel required to be served, on June 3, 2003, by the means indicated below:

By First Class Mail, Postage Pre-Paid

Kenneth W. Starr
Kirkland & Ellis
655 15th Street, NW
Suite 1200
Washington, DC 20005

Valle Simms Dutcher
Southeastern Legal Foundation,
Inc.
3340 Peachtree Road, N.E.
Suite 3515
Atlanta, GA 30326

James Bopp, Jr.
James Madison Center for Free
Speech
1 South Sixth Street
Terre Haute, IN 47807

Mark J. Lopez
American Civil Liberties Union
125 Broad Street
New York, NY 10004

G. Hunter Bates
1215 Cliffwood Drive
Goshen, KY 40026

Charles J. Cooper
Cooper & Kirk, PLLC
1500 K Street, NW
Suite 200
Washington, DC 20004

James Matthew Henderson, Sr.
The American Center for Law
and Justice
205 Third Street, SE
Washington, DC 20003

Jan Witold Baran
Thomas W. Kirby
Wiley, Rein & Fielding
1776 K Street, NW
Washington, DC 20006

Floyd Abrams
Cahill, Gordon & Reindel
80 Pine Street
Room 1914
New York, NY 10005-1702

William J. Olson
William J. Olson, PC
8180 Greensboro Drive
Suite 1070
McLean, VA 22102-3860

Joseph E. Sandler
Sandler, Reiff & Young, PC
50 E Street, S.E.
Suite 300
Washington, DC 20003

John C. Bonifaz
National Voting Rights Institute
27 School Street
Suite 500
Boston, MA 02108

Sherri L. Wyatt
Sherri L. Wyatt, PLLC
1017 12th Street, N.W.
Suite 300
Washington, DC 20005-4061

Bobby R. Burchfield
Covington & Burling
1201 Pennsylvania Ave., NW
Washington, DC 20004

James J. Gilligan
Trial Attorney
U.S. Department of Justice
Civil Division
901 E Street, NW
Room 816
Washington, DC 20004

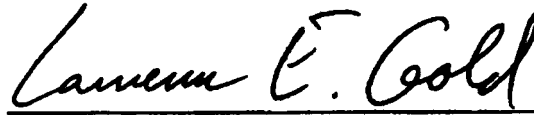
Randolph D. Moss
Wilmer, Cutler & Pickering
2445 M Street, NW
Washington, DC 20037-1420

Steven Hershkowitz
Benjamin Streeter
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Laura Moulton
Brennan Center for Justice
161 Avenue of the Americas
12th Floor
New York, NY 10013

By E-Mail

On all counsel who have entered appearances or who have requested such service.

A handwritten signature in black ink that reads "Laurence E. Gold". The signature is written in a cursive style with a horizontal line underneath the name.

Laurence E. Gold