

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

THE CHRISTIAN CIVIC LEAGUE OF)	
OF MAINE, INC.,)	
)	
Plaintiff,)	Civil Action No. 06-0614 (JWR, LFO, CKK)
)	(Three-Judge Court)
v.)	
)	
FEDERAL ELECTION COMMISSION,)	JOINT MOTION
)	
Defendant,)	
)	
and)	
)	
SEN. JOHN McCAIN <i>et al.</i> ,)	
)	
Intervening Defendants.)	

JOINT MOTION

On July 3, 2007, the Court ordered the parties to file suggestions as to proceedings on remand in light of *Federal Election Commission v. Wisconsin Right to Life, Inc.*, 551 U.S. ____ (June 25, 2007) (No. 06-969) (*WRTL*). The parties hereby move that this Court grant plaintiff’s request for declaratory relief as to the 2006 “Crossroads” advertisement attached to plaintiff’s complaint, that the Court deny plaintiff’s requests for injunctive relief as to the “Crossroads” advertisement, and that the Court not alter its previous decision to deny plaintiff’s requests for relief as to other communications. The parties attach a proposed order that reflects these suggestions.

Plaintiff filed a Jurisdictional Statement with the Supreme Court on October 26, 2006, following this Court’s judgment of September 27, 2006. *See Christian Civic League of Maine, Inc. v. Federal Election Commission* (No. 06-589). In that September decision, this Court held

that plaintiff's claims as to the 2006 "Crossroads" advertisement were moot and that plaintiff's claims as to other communications were unripe and/or otherwise non-justiciable. *See* Order and Opinion (Sept. 27, 2006). In light of the Supreme Court's decision in *WRTL*, the parties suggest that this Court should find that plaintiff's claims as to the "Crossroads" advertisement are not moot because they fall within the exception for claims that are "capable of repetition, yet evading review." *See WRTL*, slip op. at 7-10. The parties suggest that this Court should thus reach the merits and find that under *WRTL*, Section 203 of the Bipartisan Campaign Reform Act of 2002, 116 Stat. 91, 2 U.S.C. § 441b(b)(2), is unconstitutional as applied to plaintiff's 2006 "Crossroads" advertisement, since that advertisement is susceptible of a reasonable interpretation other than as an appeal to vote for or against a specific candidate. *See WRTL*, slip op. at 16.

The Court has denied relief as to other communications, and, for purposes of this motion and resolving this case, plaintiff does not contest this Court's previous determination that plaintiff's claims as to those hypothetical communications are unripe and/or otherwise non-justiciable. In addition, the Court should deny injunctive relief as to the "Crossroads" advertisement, because (1) there is no evidence that plaintiff plans to air the advertisement in the future, (2) plaintiff did not air the "Crossroads" advertisement during an "electioneering communication" period and so there is no possible Commission enforcement action to enjoin, and (3) there is no reason to doubt that the Commission will comply with the declaratory relief for plaintiff that the Commission accepts in the accompanying proposed order.

Respectfully submitted,

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