

**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, |) | ORDER |
| |) | |
| Defendant, |) | |
| |) | |
| and |) | |
| |) | |
| SEN. JOHN McCAIN <i>et al.</i> , |) | |
| |) | |
| Intervening Defendants. |) | |

ORDER

On June 29, 2007, the Supreme Court remanded this case for further consideration in light of *Federal Election Commission v. Wisconsin Right to Life, Inc.*, 551 U.S. ____ (June 25, 2007) (No. 06-969) (*WRTL*). Plaintiff had filed a Jurisdictional Statement with the Supreme Court on October 26, 2006, following our judgment of September 27, 2006. *See Christian Civic League of Maine, Inc. v. Federal Election Commission* (No. 06-589). We had held that plaintiff’s claims as to the 2006 “Crossroads” advertisement attached to the complaint 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*, we 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.” We 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. Therefore, it is this ___ day of ____, 2007 hereby:

ORDERED that plaintiff's request for declaratory relief as to the "Crossroads" advertisement is GRANTED;

ORDERED that plaintiff's request for declaratory relief as to other communications is DENIED;

ORDERED that plaintiff's requests for injunctive relief are DENIED;

ORDERED that each party will bear its own costs.

Judith W. Rogers
UNITED STATES CIRCUIT JUDGE

Louis F. Oberdorfer
UNITED STATES DISTRICT JUDGE

Colleen Kollar-Kotelly
UNITED STATES DISTRICT JUDGE