No. 09-1287

IN THE SUPREME COURT OF THE UNITED STATES

REPUBLICAN NATIONAL COMMITTEE, ET AL.,

Appellants,

v.

FEDERAL ELECTION COMMISSION, ET AL.,

Appellees.

On Appeal From The United States District Court
For The District Of Columbia

RESPONSE TO MOTION TO EXPEDITE OF APPELLEE REPRESENTATIVE CHRISTOPHER VAN HOLLEN, JR.

Appellee Representative Christopher Van Hollen, Jr. respectfully responds to Appellants' Motion to Expedite.

1. Appellants first request that the Court deny or limit any extension of time to respond to the pending Jurisdictional Statement. Before filing their motion, Appellants contacted the Solicitor General, who indicated that the United States does not intend to seek an extension. Representative Van Hollen also does not intend to seek an extension of time. We further understand that the third Appellee, the Democratic National Committee, does not intend to seek an extension of time. Accordingly, the relief sought is unnecessary.

2. Appellants further request that the Court expedite merits briefing and argument. That relief is also unnecessary. As the decision of the three-judge panel

below correctly concluded, Appellants' arguments are foreclosed by this Court's decision in *McConnell v. Federal Election Commission*, 540 U.S. 93 (2003), which addressed and decided the precise issues presented—and, indeed, rejected the same arguments made by many of the same parties to this case. Moreover, nothing in the Court's decision in *Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010), undermined the long-settled distinction between the constitutional treatment of *expenditure* and *contribution* limits, nor undercut the line of decisions from *Buckley v. Valeo*, 424 U.S. 1 (1976), to *McConnell* upholding the application of contribution limits to political parties. Accordingly, after considering the Jurisdictional Statement and Appellees' responses, it would be entirely appropriate for this Court to summarily affirm the decision below. If the Court summarily affirms, of course, there will be no need for further expedited action.

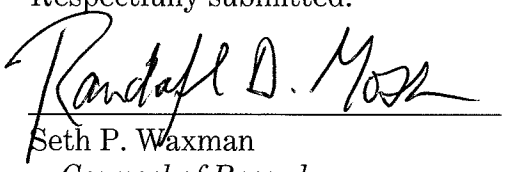
Alternatively, were the Court to note probable jurisdiction and to consider re-examining *McConnell* and *Buckley*, the congressional goal that the case be "expedite[d] to the greatest extent possible"[1] would be satisfied by an ordinary briefing schedule, which would permit the case to be heard during the Court's first regular sitting in October. Expediting briefing and argument more than that would be inadvisable and would serve no practical purpose. Many interested parties would presumably want to be heard as *amici*, and even assuming the case were briefed and argued before the

[1] Bipartisan Campaign Reform Act of 2002 ("BCRA") § 403(a)(4), Pub. L. No. 107-155, 116 Stat. 81, 113-14.

beginning of the October Term 2010, it is unlikely that the Court would issue an opinion significantly in advance of the November 2010 elections.

Accordingly, under either scenario, the relief Appellants seek is unnecessary.

Respectfully submitted.



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May 3, 2010

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CERTIFICATE OF SERVICE

I hereby certify that I am a member in good standing of the bar of this Court and that on this 3rd day of May 2010, I caused a copy of the foregoing Response To Motion To Expedite Of Appellee Representative Christopher Van Hollen, Jr. to be served by FedEx Overnight Mail and e-mail on the counsel identified below, pursuant to Rule 29.5 of this Court. All parties required to be served have been served.

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