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June 11, 2003

The Honorable William K. Suter  
Clerk of the Court  
Supreme Court of the United States  
One First Street, N.E.  
Washington, DC 20543

Re: No. 02-1702, *McCain v. McConnell*, and consolidated cases

Dear Mr. Suter:

Plaintiffs below have proposed that they be permitted to file nine separate briefs totaling 745 pages (525 pages of opening briefs and 220 pages in reply). Intervenor-defendants, who appear in this Court as both appellants and appellees, respectfully request leave to file a single brief not to exceed 140 pages. We understand the Solicitor General intends similarly to seek 140 pages, and we support that request.

Under this proposal, the briefs filed in support of the legislation will total 280 pages — considerably less than 50% of the pages proposed to be filed by the plaintiffs, and only slightly more than one-quarter of the pages the two groups of defendants would be permitted under conventional application of this Court's rules (to brief their own appeals and to respond to each of the nine briefs proposed to be filed by plaintiffs).

As in the court below, intervenor-defendants will seek to coordinate briefing with the governmental defendants to the extent possible, consistent with the sovereign responsibilities of the United States and the unique perspective of the intervenors. To that end, as our Jurisdictional Statement reflects, we intend to focus the merits brief of intervenor-defendants on the principal components of the Bipartisan Campaign Reform Act — the soft-money, electioneering communications, and coordination provisions that comprise Titles I and II.

Intervenor-defendants do not take issue with plaintiffs' page requests — except in two respects:

First, the McConnell and political-party plaintiffs each propose to file reply briefs in excess of 20 pages (the McConnell parties seek 30 pages; the political-party-plaintiffs, 50). Particularly in view of the fact that the Court's schedule does not permit the defendants to file reply briefs in their own appeals, we respectfully request that the plaintiffs' reply briefs be limited to 20 pages each (a total of 180 pages). The issues in this

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case are sufficiently well-developed and inter-related that the McConnell and political-party plaintiffs can reasonably address the arguments in their opening briefs (in excess of the conventional page limit), plus 20-page reply briefs.

Second, the political-party plaintiffs seek leave to file a 100-page opening brief devoted only to "provisions that uniquely regulate political parties." Surely there is no need for a brief devoted to a subset of the issues that is longer than the "omnibus" brief to be filed by the McConnell plaintiffs, "which will address virtually all of the issues presented in [the] consolidated appeals."

Respectfully submitted,



Seth P. Waxman

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