

RNC TITLE II ARGUMENT

The RNC Plaintiffs endorse and incorporate by reference the McConnell Plaintiffs' contentions that (i) BCRA §213 can only be understood as an impermissible effort to overrule by simple legislative action the U.S. Supreme Court's decision in *Colorado Republican Federal Campaign Comm. v. FEC*, 518 U.S. 604 (1996), which guaranteed political parties' right to make unlimited independent expenditures; and (ii) that BCRA §§211 and 214 can only be understood as an impermissible effort to so overrule this court's decision in *FEC v. Christian Coalition*, 52 F.Supp.2d 45 (D.D.C. 1999), which warned against overbroad definitions of "coordination."

As the sole major national party plaintiff in this litigation, the RNC writes separately only to emphasize the stark reality of Title II's restrictions. In 1996, for instance, the RNC made coordinated expenditures in 17 states where the National Republican Senatorial Committee was making independent expenditures. Josefiak Reb. Decl. ¶6. The Republican Party of Michigan likewise makes independent expenditures for federal candidates "with some regularity," and did so in the amount of \$191,000 in 2000 while the RNC was making coordinated expenditures of \$998,000. *Id.* ¶7.

BCRA §§211, 213, and 214 should be invalidated in their entirety.