

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

Senator Mitch McConnell, <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 02-0582 (CKK, KLH, RJJ)
v.)	<i>All consolidated cases.</i>
)	
Federal Election Commission, <i>et. al.</i> ,)	
)	
Defendants.)	
)	

Madison Center Plaintiffs’ Motion to Alter or Amend the Judgment

Pursuant to Fed. R. Civ. P. 59(e), Plaintiffs National Right to Life Committee, Inc., National Right to Life Educational Trust Fund, National Right to Life Political Action Committee, Libertarian National Committee, Inc., Club for Growth, Inc., Indiana Family Institute, Inc., U.S. Representative Mike Pence, Alabama Attorney General William H. Pryor, Barret Austin O’Brock, and Trevor M. Southerland (“Plaintiffs”) hereby move this Court to alter or amend its Final Judgment of May 1, 2003 (“Final Judgment”), and in support of their Motion state as follows:

1. This Court has “**ORDERED** that the Defendants and their agents are permanently enjoined from enforcing, executing or otherwise applying those sections of BCRA found unconstitutional by this three-judge District Court.” Final Judgment at 6 (emphasis in original).
2. This Court’s Final Judgment does not enjoin the Defendants from enforcing unconstitutional provisions of the BCRA against persons or entities similarly situated to the Plaintiffs.

3. This Court's Final Judgment could be interpreted as only enjoining the Defendants from enforcing the constitutionally infirm provisions of the BCRA only with regard to activities in the District of Columbia.

4. Amendment of the Final Judgment to enjoin application of the unconstitutional provisions of the BCRA against the Plaintiffs and all those similarly situated would comport with the special policies implicit in the BCRA and would be in the interests of judicial economy and administration.

5. Amendment of the Final Judgment to enjoin application of the unconstitutional provisions of the BCRA anywhere in the United States is consistent with the national scope of the BCRA and the unique judicial procedures it mandates.

6. Therefore, the Plaintiffs move this Court to alter or amend its Final Judgment, so that it will have "**ORDERED** that the Defendants and their agents are permanently enjoined from enforcing, executing or otherwise applying those sections of BCRA found unconstitutional by this three-judge District Court against the Plaintiffs or any similarly situated person or entity with respect to activities conducted anywhere in the United States."

7. In support of this Motion, the Plaintiffs have filed a *Brief in Support of Motion to Alter or Amend the Judgment*.

8. Pursuant to Local Rule 7.1(m), counsel for the Plaintiffs has consulted with opposing counsel by telephone and advises this Court as follows: the FEC take no position at this time; the DOJ says it has no time to formulate a position; and the Intervenors say they have no position.

WHEREFORE, the Plaintiffs National Right to Life Committee, Inc., National Right to Life Educational Trust Fund, National Right to Life Political Action Committee, Libertarian National Committee, Inc., Club for Growth, Inc., Indiana Family Institute, Inc., U.S.

Representative Mike Pence, Alabama Attorney General William H. Pryor, Barret Austin O'Brock, and Trevor M. Southerland pray that is Court will grant their Motion to Alter or Amend its Final Judgment.

Respectfully submitted,

James Bopp, Jr.
Richard E. Coleson
Thomas J. Marzen
BOPP, COLESON & BOSTROM
1 South Sixth Street
Terre Haute, IN 47807
(812) 232-2434
Attorneys for Plaintiffs

Alan P. Dye (Bar No. 213319)
Heidi K. Abegg (Bar No. 463935)
WEBSTER, CHAMBERLAIN & BEAN
1747 Pennsylvania Ave., N.W.
Suite 1000
Washington, D.C. 20006
(202)785-9500
Attorneys for Plaintiffs

Certificate of Service

This is to certify that on May 8, 2003, I caused a copy of the foregoing to be served by facsimile and first-class mail upon the following persons:

Kenneth W. Starr
Kirkland & Ellis
655 15th Street, N.W.
Suite 1200
Washington, D.C. 20005
(202) 879-5130 (Telephone)
(202) 879-5200 (Fax)

Valle Simms Dutcher
Southeastern Legal Foundation, Inc.
3340 Peachtree Road, N.E.
Suite 3515
Atlanta, Georgia 30326
(404) 365-8500 (Telephone)
(404) 365-0017 (Fax) [no fax by request]

Mark J. Lopez
American Civil Liberties Union
125 Broad Street
New York, New York 10004
(212) 549-2608 (Telephone)
(212) 549-2651 (Fax) [no fax by request]

G. Hunter Bates
1215 Cliffwood Drive
Goshen, Kentucky 40026
(502) 216-9265 (Telephone)
(502) 473-8338 (Fax) [no fax by request]

Charles J. Cooper
Cooper & Kirk, PLLC
1500 K Street, N.W.
Suite 200
Washington, D.C. 20005
(202) 220-9660 (Telephone)
(202) 220-9601 (Fax)

James Matthew Henderson Sr.
The American Center for Law and Justice
205 Third Street, S.E.
Washington, D.C. 20003
(202) 546-8890 (Telephone)
(703) 837-8510 (Fax)

Jan Witold Baran
Wiley, Rein & Fielding LLP
1776 K Street, N.W.
Washington, D.C. 20006
(202) 719-7330 (Telephone)
(202) 719-7049 (Fax) [no fax by request]

Floyd Abrams
Cahill, Gordon & Reindel
80 Pine Street, Room 1914
New York, New York 10005-1702
(212) 701-3621 (Telephone)
(212) 269-5420 (Fax)

Laurence E. Gold
AFL-CIO
815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5130 (Telephone)
(202) 637-5323 (Fax) [no fax by request]

William J. Olson
William J. Olson, P.C.
8180 Greensboro Drive
Suite 1070
McLean, VA 22102-3860
(703) 356-5070 (Telephone)
(703) 356-5085 (Fax) [no fax by request]

Bobby R. Burchfield
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 662-5350 (Telephone)
(202) 778-5350 (Fax) [no fax by request]

Thomas W. Kirby
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
(202) 719-7062 (Telephone)
(202) 719-7049 (Fax) [no fax by request]

Joseph E. Sandler
Sandler, Reiff & Young, P.C.
50 E Street, S.E.
Suite 300
Washington, D.C. 20003
(202) 479-1111 (Telephone)
(202) 479-1115 (Fax) [no fax by request]

John C. Bonifaz
National Voting Rights Institute
One Bromfield Street
Third Floor
Boston, MA 02108
(617) 368-9100, x10 (Telephone)
(617) 368-9101 (Fax) [no fax by request]

Frederick A. O. Schwartz, Jr.
Brennan Center for Justice
12th Floor
161 Avenue of the Americas
New York, NY 10013
212-998-6730 (Telephone)
212-998-4341 (Fax) [no fax by request]

Sherri L. Wyatt
Sherri L. Wyatt, PLLC
International Square Building
1825 I Street, N.W.
Suite 400
Washington, D.C. 20006
(202) 529-9450 (Telephone)
(202) 429-9574 (Fax) [no fax by request]

Stephen E. Hershkowitz
Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20436
(202) 694-1650 (Telephone)
(202) 219-0260 (Fax)

James J. Gilligan
Trial Attorney
U.S. Department of Justice
Civil Division
P.O. Box 883
Washington, D.C. 20044
(202) 514-3358 (Telephone)
(202) 616-8460 (Fax)

Randolph D. Moss
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, D.C. 20037-1420
(202) 663-6640 (Telephone)
(202) 663-6363 (Fax)

Also, on the same date, I caused a copy of the foregoing document to be served upon the following electronic addresses:

adye@wc-b.com
andrea.gacki@usdoj.gov
awyler@law.stanford.edu
bburchfield@cov.com
bginsberg@pattonboggs.com
bmarkley@cahill.com
bonnie@nvri.org
bw@nvri.org
cbell@bmhlaw.com
CBurns@wrf.com
ccooper@cooperkirk.com
cmitchell@foleylaw.com
cmmay@aclj-dc.org
david.wilson@haledorr.com
deborah@olsonhagel.com
Douglas.Letter@usdoj.gov
dshaffer@cooperkirk.com
dthompson@cooperkirk.com
edward_warren@dc.kirkland.com
ekuwana@pattonboggs.com
fabrams@cahill.com
forecast22@pinn.net
fritz.schwarz@nyu.edu
grant_dixon@dc.kirkland.com
habegg@wc-b.com
hhume@cooperkirk.com
hmacdougald@wcsr.com
hunter.bates@mccconnell02.com
james.gilligan@usdoj.gov
jamundson@nam.org
jbaran@wrf.com
jbonifaz@nvri.org
jboppjr@aol.com
jboppjr@aol.com
jgora@brooklaw.edu
JMHenderson@aclj-dc.org
johnsmiles@hotmail.com
joshua.rosenkranz@nyu.edu
jtimmerman@nab.org
kannon_shanmugam@dc.kirkland.com
KBailey@wilmer.com
kenneth_starr@dc.kirkland.com
lance@olsonhagel.com
lance@olsonhagel.com
LAWLLH@langate.gsu.edu

ldanetz@nvri.org
lgold@aficio.org
lgoodman@wrf.com
lhogue@gsu.edu
litigation@fec.gov
lweinberg@afscme.org
lwmurphy@aol.com
lwmurphy@dcaclu.org
macarvin@jonesday.com
marc.kesselman@usdoj.gov
Michael.Raab@usdoj.gov
MLEffel@wilmer.com
MLOPEZ@aclu.org
mmc Gill@cooperkirk.com
mrenaud@wrf.com
mtrister@ltsrlaw.com
r.wolf@mooreandlee.com
randy.evans@agg.com
Rbader@fec.gov
rcoleson@bopplaw.com
reiff@sandlerreiff.com
rkelner@cov.com
rlenhard@afscme.org
Rmoss@wilmer.com
rupa.bhattacharyya@usdoj.gov
Rwitten@wilmer.com
Sandler@sandlerreiff.com
sbokat@uschamber.com
sbuckley@cahill.com
serrin.turner@usdoj.gov
Shannen.Coffin@usdoj.gov
sherrissima@juno.com
Shershkowitz@fec.gov
SSHAPIRO@aclu.org
sullivan@law.stanford.edu
Swaxman@wilmer.com
tbarnett@cov.com
terry.henry@usdoj.gov
Theodore.Hirt@usdoj.gov
tituslawfirm@aol.com
tkirby@wrf.com
tmarzen@bopplaw.com
vsdutcher@southeasternlegal.org
wjo@mindspring.com
young@sandlerreiff.com

James Bopp, Jr.
Richard E. Coleson
Thomas J. Marzen
James Madison Center for Free Speech
Bopp, Coleson & Bostrom
1 South Sixth Street
Terre Haute, Indiana 47807
(812) 232-2434 (Telephone)
(812) 235-3685 (Fax)