

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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REPUBLICAN NATIONAL COMMITTEE, )

310 First Street, S.E. )  
Washington, D.C. 20003; )

MIKE DUNCAN, as a member and as )  
Treasurer of the Republican National )  
Committee, )

310 First Street, S.E. )  
Washington, D.C. 20003; )

REPUBLICAN PARTY OF COLORADO, )

1776 South Jackson St, )  
Suite 210 )  
Denver, CO 80210; )

REPUBLICAN PARTY OF OHIO, )

211 South Fifth Street )  
Columbus, OH 43215; )

REPUBLICAN PARTY OF NEW MEXICO, )

2901 Juan Tabo N.E. )  
Suite 116 )  
Albuquerque, NM 87112; )

DALLAS COUNTY (IOWA) REPUBLICAN )  
COUNTY CENTRAL COMMITTEE, )

800 Vine Street )  
P.O. Box 22 )  
Dallas Center, IA 50063 )

Plaintiffs, )

v. )

FEDERAL ELECTION COMMISSION, )

999 E Street, N.W. )  
Washington, D.C. 20463 )

Defendant. )

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CASE NUMBER 1:02CV00874

JUDGE: Colleen Kollar-Kotelly

DECK TYPE: 3-Judge Court

DATE STAMP: 05/07/2002

MOTION FOR CONSOLIDATION

Plaintiffs Republican National Committee ("RNC"), Mike Duncan, Republican Party of Colorado, Republican Party of Ohio, Republican Party of New Mexico, and the Dallas County (Iowa) Republican County Central Committee request, pursuant to Rule 42(a), that this action be consolidated around *McConnell v. FEC*, Civil Action No. 02-582.

Plaintiffs filed this action May 7, 2002, to challenge the Bipartisan Campaign Reform Act of 2002 ("BCRA") on grounds that portions of it violate the Tenth Amendment and principles of federalism, the First Amendment freedoms of speech and association, and the Fifth Amendment guarantee of equal protection incorporated into the Due Process Clause. Each of the several other challenges to the BCRA, *see, e.g., McConnell v. FEC*, Civil Action No 02-582; *NRA v. FEC*, Civil Action No. 02-581, *Echols v. FEC*, Civil Action No. 02-633, *Chamber of Commerce v. FEC*, Civil Action No. 02-751, *NAB v. FEC*, Civil Action No 02-753, *AFL-CIO v. FEC*, Civil Action No. 02-754, and *Paul v. FEC*, Civil Action No. 02-781, has already been consolidated around the *McConnell* action. *See* Order Consolidating Cases, Civ. No. 02-582 (D.D.C. April 24, 2002) (attached hereto as Exhibit A).

This case also should be consolidated around the *McConnell* action. *See* Rule 42(a) (specifying that Court may consolidate, even *sua sponte*, actions "involving a common question of law or fact"). This action, like all of the consolidated actions, involves challenges to the BCRA. The defendant in this action is also named as a defendant in each of the consolidated actions.

Plaintiffs in this action have reviewed and will follow the Scheduling and Procedures Order entered on April 24, 2002, by the three-judge court in the consolidated actions. This Complaint is filed consistent with that Order. Plaintiffs bring to the Court's attention, however, the following considerations:

First, as one of the two major national political committees, the RNC was a principal target of Title I of the BCRA, and (if Title I is ultimately sustained) will be severely and irrevocably impacted by it.<sup>1</sup> During the 1999 to 2000 election cycle, the RNC raised almost \$170 million that would have been prohibited by the BCRA, and other Republican committees raised tens of millions. Moreover, the BCRA will seriously impair the ability of national, state, and local branches of the Republican party to associate and work together. Plaintiffs here also attack provisions in Titles II and III from their unique perspectives. Accordingly, plaintiffs herein, through their counsel, would anticipate playing a major, if not the primary, role in the litigation of the Title I challenge, as well as the challenges to other provisions that uniquely affect political parties. In moving for consolidation, plaintiffs accept the Court's statement (through Judge Henderson) to the National Rifle Association at the April 23, 2002, scheduling hearing that each party will have an opportunity to submit its own briefs and argument. *See also* Order Consolidating Cases, Civ. No. 02-582, at 5 n.1.

Second, we note that the Court's April 24 scheduling order allots only one day for argument. As the Court knows, in *Buckley*, the United States Supreme Court itself heard a full day of oral argument on stipulated findings of facts. Here, there are already eight separate complaints (including that of plaintiffs here), numerous parties and counsel, and an extraordinary number of very important, challenging issues. Stipulated findings of fact are unlikely. The plaintiffs herein respectfully submit that, as the argument date draws near, it may be appropriate

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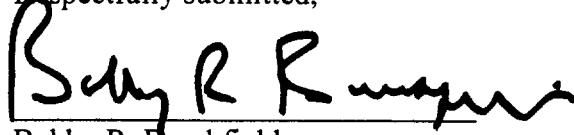
<sup>1</sup> We note that, as of the date of this filing, all of the plaintiffs in the seven previously filed cases are attacking the issue advocacy restrictions in Title II. Only the Libertarian Party and the Republican Party of Alabama appear to be primarily challenging Title I. Neither is, we respectfully submit, impacted by Title I in the same ways or to the same extent as is the RNC and its co-plaintiffs; nor is either positioned to make the range of constitutional arguments presented by Title I as forcefully as the RNC and its coplaintiffs herein.

to add at least an additional day of argument, perhaps limited to the many constitutional issues presented by Title I.

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Respectfully submitted,



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*Attorneys for Plaintiffs*

May 7, 2002.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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**Defendant.**

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Civ. No.      **02 0874**

**ORDER OF CONSOLIDATION**

Upon consideration of the Motion For Consolidation filed by Plaintiffs  
Republican National Committee, Mike Duncan, Republican Party of Colorado, Republican Party  
of Ohio, Republican Party of New Mexico, and the Dallas County (Iowa) Republican County  
Central Committee, it is hereby

**ORDERED** that the Court consolidates this action with *McConnell v. FEC*, Civil  
Action No. 02-582 for all purposes; it is further

**ORDERED** that all filings for this action must be filed in *McConnell v. FEC*,  
Civil Action No. 02-582.

**SO ORDERED.**

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Judge

this \_\_\_\_ day of \_\_\_\_\_, 2002.