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June 10, 2003  
HAND DELIVER

Ms. Denise J. McNerney  
Merits Cases Clerk  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543

Re: Paul, et al., v. FEC, et al., No. 02-1747

Dear Ms. McNerney:

We are writing in response to your letter of June 5, 2003 to all counsel challenging the constitutionality of the Bipartisan Campaign Reform Act (BCRA). We represent the Appellants in No. 02-1747, Congressman Ron Paul, *et al.* ("Paul Plaintiffs"), and on their behalf, request permission to brief and to argue separately from the other appellant groups, as they were permitted by the court below. Their discrete positions on the issues presented an appeal were identified in their Jurisdictional Statement filed herein on May 30, 2003.

We participated in a conference call on Friday, June 6, 2003, with other appellants who were plaintiffs below to determine if there was any issue upon which we presented a common position with any other plaintiff-appellant in this case. During the call, it became apparent, as it had in the court below, that there is no issue upon which the Paul Plaintiffs present a common position with any other plaintiff or group of plaintiffs in this appeal.

Such is the case because, *inter alia*, the Paul Plaintiffs rely exclusively upon the freedom of the press to support their claims that BCRA, and the campaign finance law that it amends, are unconstitutional, whereas all of the other plaintiff-appellants have relied upon the freedoms of speech and association, equal protection, and due process of law. In addition, the Paul Plaintiffs have raised unique substantive issues (the constitutionality of contribution restrictions and disclosure requirements). As the court below, in its *per curiam* opinion, recognized, the Paul Plaintiffs' press claims are distinct from, and greater than, the speech and association claims forwarded by the other plaintiffs, and thus, deserve separate and independent disposition. By ruling on the Paul Plaintiffs' freedom of press claims separately,

the court below further confirmed that it had been appropriate to have permitted the Paul Plaintiffs to brief and argue their discrete press claims independently.

We respectfully submit that the Paul Plaintiffs' positions on the issues remain just as different from the claims of all of the other plaintiffs on this appeal as they were below. (A more complete explanation of the Paul Plaintiffs' positions explaining the need for separate briefing and argument are set forth in their Response to the Government's Motion for Expedited Briefing Schedule, filed herein on June 2, 2003, a copy of which is attached).

With respect to the length of the briefs, our clients request they be allowed to file an initial brief of up to 50 pages, and a reply brief of up to 20 pages, as provided for in the Court Rules.

Should there be any additional matters that you would like us to address, we are available at the telephone number above.

Sincerely yours,

/s/

William J. Olson  
Counsel of Record

WJO:gw  
Attachment

cc: Counsel for all parties