

IN THE SUPREME COURT OF THE UNITED STATES

CONGRESSMAN RON PAUL, GUN OWNERS OF AMERICA, INC.,
GUN OWNERS OF AMERICA POLITICAL VICTORY FUND,
REALCAMPAIGNREFORM.ORG, CITIZENS UNITED,
CITIZENS UNITED POLITICAL VICTORY FUND,
MICHAEL CLOUD, AND CARLA HOWELL,
APPELLANTS,

v.

FEDERAL ELECTION COMMISSION, *ET AL.*,
APPELLEES.

On Appeal from the United States District Court
For the District of Columbia

MOTION OF APPELLANTS CONGRESSMAN RON PAUL, *ET AL.*
FOR SEPARATE ORAL ARGUMENT TIME

Pursuant to Supreme Court Rule 21, and in compliance with the June 19, 2003 letter from the Clerk of the Court, Appellants herein, Congressman Ron Paul, *et al.*, respectfully request separate oral argument time of 20 minutes at the argument of this matter on September 8, 2003. For reasons therefor, Appellants state as follows:

1. On June 5, 2003, this Court noted probable jurisdiction in this and several other related appeals now pending before this Court, including McConnell, et al. v. Federal Election Commission, et al., No. 02-1674, and allotted four hours for oral argument in these consolidated cases, but did not specify how the time was to

be distributed among the various plaintiffs/appellants and the government. In a letter of June 19, 2003, the Clerk of this Court notified the parties that any motions pertaining to oral argument must be received by the Clerk's Office no later than July 14, 2003. Accordingly, Appellants, Congressman Ron Paul, *et al.* (the "Paul Plaintiffs"), have filed this motion requesting that they be allocated separate oral argument time of 20 minutes.

2. The district court litigation revealed several reasons for presenting the Paul Plaintiffs' appeal separately from that of the other plaintiff-appellants. First, the legal claims of the Paul Plaintiffs are based on the freedom of the press, not freedom of speech and association, equal protection, and due process. Second, the Paul Plaintiffs' press claims invoke standards of review distinct from and higher than that applicable to the claims of the other plaintiff-appellants. Third, the Paul Plaintiffs also challenge the constitutionality of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. No. 107-155, 116 Stat. 81, amendments to the Federal Election Campaign Act of 1971 ("FECA") sections, including contribution limitations and contribution disclosure requirements, which others do not. Finally, only the Paul Plaintiffs challenge the continued vitality of Buckley v. Valeo, 424 U.S. 1 (1976), seeking that it either be set aside or, if necessary, be overruled.

3. These differences prompted the Paul Plaintiffs to seek three rounds of separate briefing and separate oral argument on BCRA Title I, Title II, and Title III in the district court. In granting this motion, the district court noted that the "type of challenges and focus" of the Paul Plaintiffs justified the separate treatment. (U.S. District Court for the District of Columbia, Civ. No. 02-781, Order dated October 15, 2002, Record No. 51, at 8-9.)

4. In order to present these distinct and important constitutional challenges, the Paul Plaintiffs believe that a minimum of 20 minutes of oral argument time is required. Because their legal claims are so different, the testimony of their three expert witnesses and eleven fact witnesses tell a substantially different story about the design and effect of BCRA/FECA. Additionally, as recognized by the district court's *per curiam* opinion (Supplemental Appendix to Jurisdictional Statements, at 99sa-102sa), the Paul Plaintiffs' press claims raise threshold issues, and if sustained on the merits, would resolve the constitutional questions with respect to the BCRA/FECA sections that they challenge without having to apply either the strict scrutiny or intermediate scrutiny tests of Buckley. See the Paul Plaintiffs' Jurisdictional Statement at 16-25, and the Paul Plaintiffs' Brief for Appellants, at 16-32.

WHEREFORE, Appellants, the Paul Plaintiffs, respectfully request that they be allowed 20 minutes to make their own oral

argument to the Court at the argument of this matter on September 8, 2003.

Respectfully submitted,

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