

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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SPEECHNOW.ORG,)	
DAVID KEATING,)	
FRED M. YOUNG, JR.,)	
EDWARD H. CRANE, III,)	
BRAD RUSSO, and)	
SCOTT BURKHARDT)	
)	
	Plaintiffs,)	
)	
v.)	Civil Case No. 1:08-cv-00248
)	
FEDERAL ELECTION COMMISSION)	
)	
	Defendant.)	
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**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO
MOTION OF DEMOCRACY 21 AND
THE CAMPAIGN LEGAL CENTER FOR LEAVE TO FILE
MEMORANDUM AS *AMICI CURIAE***

Plaintiffs oppose Democracy 21 and Campaign Legal Center's motion for leave to file an amicus brief on Plaintiffs' motion for preliminary injunction. Plaintiffs recognize that this case raises important issues in which many parties on both sides of the issue will no doubt take an interest. But there will be time during the merits stage of this case for the Court to give appropriate consideration to all parties who may wish to submit amicus briefs and to the most effective and efficient manner for them to do so. Democracy 21 and the Campaign Legal Center have no greater interest in this case than the many other groups on both sides that follow and

participate in matters related to the campaign finance laws; they should not be given preferential treatment because they were the first to race to the courthouse door. The proceedings on motions for preliminary injunctions are purposely abbreviated in order to allow the Court to reach a quick resolution. They do not result in a final disposition on the merits and necessarily do not lend themselves to extensive briefing even by the parties, much less by other groups claiming an interest in the case.¹ There will be time for groups like Democracy 21 and the Campaign Legal Center to express their views about the issues in this case, but that time is not now.

The FEC is perfectly able to address fully and completely all of the issues raised by Plaintiffs' motion for preliminary injunction without the need for supplementation by other parties. The FEC has both the direct responsibility for enforcing the campaign finance laws and the expertise necessary to defend those laws. Moreover, the FEC has had more than sufficient time to digest and respond to Plaintiffs' arguments. Not only did Plaintiffs consent to an extension of time for the FEC to respond, but Plaintiff's basic arguments have been before the FEC since November 19, 2007, when the FEC's general counsel received SpeechNow.org's Advisory Opinion Request.

For all of these reasons, Plaintiffs respectfully request that Democracy 21 and Campaign Legal Center's motion for leave to file an amicus brief be denied.

Respectfully submitted this 5th day of March, 2008.

Respectfully submitted,

/s/Steven M. Simpson
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¹ The proposed amicus brief is 79 pages long (including attachments) and includes a detailed discussion of an issue not even raised by the Plaintiffs' motion for preliminary injunction—whether the Court should preliminarily enjoin the PAC registration, administrative, and disclosure requirements as they apply to SpeechNow.org.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th Day of March, 2008, a true and correct copy of the **PLAINTIFFS' MEMORANDUM IN OPPOSITION TO MOTION OF DEMOCRACY 21 AND THE CAMPAIGN LEGAL CENTER FOR LEAVE TO FILE MEMORANDUM AS AMICI CURIAE** was electronically filed using the court's ECF system and sent via the ECF electronic notification system to:

Robert W. Bonham, III
David B. Kolker
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999 E. Street, N.W.
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And I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

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