

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

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CITIZENS UNITED,)	
)	
	Plaintiff,)	Civil Action No. 07- 2240 (RCL)
)	
	v.)	
)	RESPONSE
)	
FEDERAL ELECTION COMMISSION,)	
)	
	Defendant.)	
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RESPONSE TO PLAINTIFF CITIZENS UNITED’S MOTION TO EXPEDITE

In this constitutional challenge to the electioneering communications reporting and disclaimer provisions of the Federal Election Campaign Act, 2 U.S.C. §§ 434(f)(2), 441(d), plaintiff Citizens United has filed a complaint, motion for preliminary injunction, motion for consolidation of the trial on the merits with the hearing on the preliminary injunction, and a motion to expedite. Pursuant to section 403 of the Bipartisan Campaign Reform Act of 2002, Pub. L. No. 107-155, 116 Stat. 113-14, Congress has provided for expedited judicial review of certain constitutional challenges to the Act as amended, and the Commission agrees that this case should be advanced on the docket and expedited in accordance with that provision. As the Commission explains at length in its opposition to plaintiff’s motion for consolidation (filed separately this day), however, a full and adequate record is critical given the broad scope of plaintiff’s challenge and the importance of the statutory provisions at stake. FEC Opp. to Pl. Mot. for Consolidation at 4-12.

In requiring expedition, Congress also made clear that courts should not rush into deciding cases without the benefit of full and adequate records. *Id.* at 4. This is especially true given the federal courts' longstanding recognition of the importance of concrete factual settings to constitutional decision in general and in campaign finance cases in particular. *Id.* at 6-7. Accordingly, the Commission believes that the Court should issue an expedited case schedule that allows the Commission a reasonable opportunity to present its case in defense of the significant provisions of federal law at issue. In addition, plaintiff's motion for preliminary injunction, through the procedures set forth in the federal and local rules, will provide for even more rapid consideration of temporary relief for plaintiff's expansive claims under the standards applicable for such relief. To the extent that plaintiff's motion suggests, however, that additional expedition is sought, the Commission objects to that request.

Respectfully submitted,

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/s/ Steve N. Hajjar
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