



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

February 19, 2008

Honorable William K. Suter, Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: Citizens United v. Federal Election Commission,
No. 07-953

Dear Mr. Suter:

The jurisdictional statement in the above-captioned case was filed on January 22, 2008, and is currently pending before the Court. The government has filed a motion to dismiss or affirm. Appellant has filed a motion to expedite and has suggested that the Court consider the jurisdictional statement at its February 22, 2008, conference.

The government's motion to dismiss or affirm refers (at 5 n.2) to a recently-completed FEC rulemaking and states (at 13 n.3) that appellant did not participate in that rulemaking. Since our motion to dismiss or affirm was filed, it has been brought to our attention that the latter statement is erroneous. In fact, appellant submitted written comments, and one of its officials testified at a public hearing, in connection with that rulemaking. The government regrets the error.

I would appreciate it if you could distribute copies of this letter to the Members of the Court. Thank you for your consideration in this matter.

Sincerely,

Paul D. Clement
Solicitor General

cc: see attached service list