



**U.S. Department of Justice**  
Office of the Solicitor General

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*The Solicitor General*

*Washington, D.C. 20530*

June 3, 2025

The Honorable Mike Johnson  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

Re: *National Republican Senatorial Committee v. FEC*, No. 24-621 (U.S. 2024)

Dear Mr. Speaker:

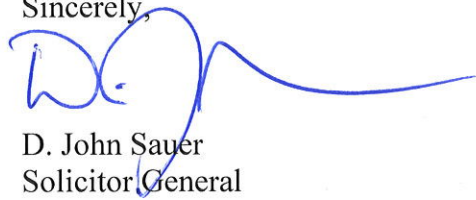
Pursuant to 28 U.S.C. 530D, I am writing to advise you that the Department of Justice has decided not to defend the constitutionality of a provision of the Federal Election Campaign Act, 52 U.S.C. 30116(d), in the above-captioned case before the U.S. Supreme Court, where the Court is currently evaluating whether to grant review. A copy of the government's brief to the Supreme Court is enclosed.

This case involves a challenge to a federal statute that limits the amount of money that a political party may spend on an election campaign in coordination with a candidate. The en banc Sixth Circuit concluded that the Supreme Court's decision in *FEC v. Colorado Republican Federal Campaign Committee*, 533 U.S. 431 (2001) (*Colorado II*), required it to uphold that provision. The challengers have filed a petition for a writ of certiorari in the Supreme Court.

The Department of Justice has concluded that it should not defend the challenged statute in the Supreme Court. In the Department's view, the challenged provision violates political parties' and candidates' core First Amendment rights under the Court's recent precedents on campaign-finance restrictions. Although the Supreme Court upheld the challenged restriction nearly a quarter century ago in *Colorado II*, the Court's more recent precedents have superseded key portions of *Colorado II*'s analysis. In addition, Congress has since amended the statute in a manner that undermines *Colorado II*'s rationale for upholding it. The modern dynamics of campaign-related expenditures also have changed greatly since 2001. Given those unique circumstances, the Department has argued that the Supreme Court should grant review to address these intervening developments, revisit *Colorado II*, and hold the challenged statute unconstitutional.

Please let me know if I can be of any further assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. John Sauer', with a long horizontal flourish extending to the right.

D. John Sauer  
Solicitor General