Opinion of ALITO, J.

# SUPREME COURT OF THE UNITED STATES

Nos. 04-1528, 04-1530 and 04-1697

# NEIL RANDALL, ET AL., PETITIONERS 04–1528 v. WILLIAM H. SORRELL ET AL.

### VERMONT REPUBLICAN STATE COMMITTEE, ET AL., PETITIONERS 04–1530 v.

WILLIAM H. SORRELL ET AL.

## WILLIAM H. SORRELL, ET AL., PETITIONERS 04–1697 v. NEIL RANDALL ET AL.

#### ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

[June 26, 2006]

JUSTICE ALITO, concurring in part and concurring in the judgment.

I concur in the judgment and join in JUSTICE BREYER's opinion except for Parts II-B-1 and II-B-2. Contrary to the suggestion of those sections, respondents' primary defense of Vermont's expenditure limits is that those limits are consistent with *Buckley* v. *Valeo*, 424 U.S. 1 (1976) (*per curiam*). See Brief for William H. Sorrell et al. in Nos. 04–1528 and 04–1530, pp. 15–28 (hereinafter Sorrell Brief); Brief for Vermont Public Interest Research Group et al. in Nos. 04–1528 and 04–1530, pp. 5–36 (hereinafter VPIRG Brief). Only as a backup argument, an afterthought almost, do respondents make a naked plea for us to "revisit *Buckley*." Sorrell Brief 28; VPIRG Brief 36. This is fairly

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incongruous, given that respondents' defense of Vermont's contribution limits rests squarely on *Buckley* and later decisions that built on *Buckley*, and yet respondents fail to explain why it would be appropriate to reexamine only one part of the holding in *Buckley*. More to the point, respondents fail to discuss the doctrine of *stare decisis* or the Court's cases elaborating on the circumstances in which it is appropriate to reconsider a prior constitutional decision. Indeed, only once in 99 pages of briefing from respondents do the words "*stare decisis*" appear, and that reference is in connection with *contribution* limits. See Sorrell Brief 31. Such an incomplete presentation is reason enough to refuse respondents' invitation to reexamine *Buckley*. See *United States* v. *International Business Machines Corp.*, 517 U. S. 843, 856 (1996).

Whether or not a case can be made for reexamining *Buckley* in whole or in part, what matters is that respondents do not do so here, and so I think it unnecessary to reach the issue.