SUPREME COURT OF THE UNITED STATES

No. 02–1809

J. ELLIOTT HIBBS, DIRECTOR, ARIZONA DEPARTMENT OF REVENUE, PETITIONER *v.*
KATHLEEN M. WINN ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[June 14, 2004]

JUSTICE STEVENS, concurring.

In Part IV of his dissent, JUSTICE KENNEDY observes that "years of unexamined habit by litigants and the courts" do not lessen this Court's obligation correctly to interpret a statute. *Post,* at 15. It merits emphasis, however, that prolonged congressional silence in response to a settled interpretation of a federal statute provides powerful support for maintaining the status quo. In statutory matters, judicial restraint strongly counsels waiting for Congress to take the initiative in modifying rules on which judges and litigants have relied. See *BedRoc Limited, LLC* v. *United States,* 541 U. S. ___, ___ (2004) (slip op., at 3) (STEVENS, J., dissenting); *Federal Election Comm'n* v. *NRA Political Victory Fund,* 513 U. S. 88, 100–105 (1994) (STEVENS, J., dissenting); *Commissioner* v. *Fink,* 483 U. S. 89, 101–103 (1987) (STEVENS, J., dissenting); *Runyon* v. *McCrary,* 427 U. S. 160, 189–192 (1976) (STEVENS, J., concurring). In a contest between the dictionary and the doctrine of *stare decisis*, the latter clearly wins. The Court's fine opinion, which I join without reservation, is consistent with these views.