

Opinion of ALITO, J.

**SUPREME COURT OF THE UNITED STATES**

Nos. 04–1528, 04–1530 and 04–1697

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

04–1530 VERMONT REPUBLICAN STATE COMMITTEE, ET AL.,  
PETITIONERS  
v.  
WILLIAM H. SORRELL ET AL.

04–1697 WILLIAM H. SORRELL, ET AL., PETITIONERS  
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.