SUPREME COURT OF THE UNITED STATES

Nos. 06–969 and 06–970

FEDERAL ELECTION COMMISSION, APPELLANT
06–969 *v.*
WISCONSIN RIGHT TO LIFE, INC.

SENATOR JOHN MCCAIN, ET AL., APPELLANTS
06–970 *v.*
WISCONSIN RIGHT TO LIFE, INC.

ON APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

[June 25, 2007]

JUSTICE ALITO, concurring.

I join the principal opinion because I conclude (a) that §203 of the Bipartisan Campaign Reform Act of 2002, 2 U. S. C. §441b(b)(2) (2000 ed., Supp. IV), as applied, cannot constitutionally ban any advertisement that may reasonably be interpreted as anything other than an appeal to vote for or against a candidate, (b) that the ads at issue here may reasonably be interpreted as something other than such an appeal, and (c) that because §203 is unconstitutional as applied to the advertisements before us, it is unnecessary to go further and decide whether §203 is unconstitutional on its face. If it turns out that the implementation of the as-applied standard set out in the principal opinion impermissibly chills political speech, see *post,* at 15–16 (SCALIA, J., joined by KENNEDY, and THOMAS, JJ., concurring in part and concurring in judgment), we will presumably be asked in a future case to reconsider the holding in *McConnell* v. *Federal Election Comm'n*, 540 U. S. 93 (2003), that §203 is facially constitutional.