

Opinion of GINSBURG, J.

SUPREME COURT OF THE UNITED STATES

No. 07–320

JACK DAVIS, APPELLANT *v.* FEDERAL
ELECTION COMMISSION

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

[June 26, 2008]

JUSTICE GINSBURG, with whom JUSTICE BREYER joins,
concurring in part and dissenting in part.

Agreeing with the Court that appellant Jack Davis has standing and that this case is not moot, I join Part II of the Court’s opinion. On the merits, however, I part ways with the Court. The District Court’s careful and persuasive opinion, as I see it, correctly concluded that the provisions challenged in this case are entirely consistent with *Buckley v. Valeo*, 424 U. S. 1 (1976) (*per curiam*), and all other relevant decisions of this Court. I therefore join Part II of JUSTICE STEVENS’ opinion.

I resist joining other portions of JUSTICE STEVENS’ opinion, however, to the extent that they address *Buckley*’s distinction between expenditure and contribution limits and, correspondingly, *Buckley*’s holding that expenditure limits impose “direct quantity restrictions on political communication,” *id.*, at 18. Appellee Federal Election Commission has not asked us to overrule *Buckley*; consequently, the issue has not been briefed. Convinced that the challenged statute encounters no constitutional shoal under our precedents, I would leave reconsideration of *Buckley* for a later day and case.