

BREYER, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 09–559

JOHN DOE #1, ET AL., PETITIONERS *v.* SAM REED,
WASHINGTON SECRETARY OF STATE, ET AL.

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

[June 24, 2010]

JUSTICE BREYER, concurring.

In circumstances where, as here, “a law significantly implicates competing constitutionally protected interests in complex ways,” the Court balances interests. *Nixon v. Shrink Missouri Government PAC*, 528 U. S. 377, 402 (2000) (BREYER, J., concurring). “And in practice that has meant asking whether the statute burdens any one such interest in a manner out of proportion to the statute’s salutary effects upon the others.” *Ibid.* As I read their opinions, this is what both the Court and JUSTICE STEVENS do. See *ante*, at 7 (opinion of the Court); *post*, at 2 (STEVENS, J., concurring in part and concurring in judgment). And for the reasons stated in those opinions (as well as many of the reasons discussed by JUSTICE SOTOMAYOR), I would uphold the statute challenged in this case. With this understanding, I join the opinion of the Court and JUSTICE STEVENS’ opinion.