THOMAS, J., dissenting

## SUPREME COURT OF THE UNITED STATES

No. 02-403

## FEDERAL ELECTION COMMISSION, PETITIONER v. CHRISTINE BEAUMONT ET AL.

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

[June 16, 2003]

JUSTICE THOMAS, with whom JUSTICE SCALIA joins, dissenting.

I continue to believe that campaign finance laws are subject to strict scrutiny. Federal Election Comm'n v. Colorado Republican Federal Campaign Comm., 533 U.S. 431, 465-466 (2001) (THOMAS, J., dissenting) (Colorado II); Colorado Republican Federal Campaign Comm. v. Federal Election Comm'n, 518 U.S. 604, 640 (1996) (THOMAS, J., concurring in judgment and dissenting in part) (Colorado I). See also Nixon v. Shrink Missouri Government PAC, 528 U.S. 377, 427 (2000) (THOMAS, J., dissenting). As in Colorado II, the Government does not argue here that 2 U.S.C. §441b survives review under that rigorous standard. Indeed, it could not. "[U]nder traditional strict scrutiny, broad prophylactic caps on . . . giving in the political process ... are unconstitutional," Colorado I, 518 U.S., at 640-641, because, as I have explained before, they are not narrowly tailored to meet any relevant compelling state interest, id., at 641-644; Nixon, supra, at 427–430. See also Colorado II, supra, at 465–466. Accordingly, I would affirm the judgment of the Court of Appeals and respectfully dissent from the Court's contrary disposition.