

Opinion of THOMAS, J.

SUPREME COURT OF THE UNITED STATES

No. 99–929

REBECCA MCDOWELL COOK, PETITIONER *v.*
DONALD J. GRALIKE AND MIKE HARMAN

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

[February 28, 2001]

JUSTICE THOMAS, concurring in Parts I and IV and
concurring in the judgment.

I continue to believe that, because they possess “re-served” powers, “the people of the States need not point to any affirmative grant of power in the Constitution in order to prescribe qualifications for their representatives in Congress, or to authorize their elected state legislators to do so.” *U. S. Term Limits, Inc. v. Thornton*, 514 U. S. 779, 846 (1995) (THOMAS, J., dissenting). For this reason, I disagree with the Court’s premise, derived from *U. S. Term Limits*, that the States have no authority to regulate congressional elections except for the authority that the Constitution expressly delegates to them. See *ante*, at 11. Nonetheless, the parties conceded the validity of this premise, see Brief for Petitioner 25–26; Brief for Respondents 12–13, and I therefore concur.