

THOMAS, J., concurring in judgment

SUPREME COURT OF THE UNITED STATES

No. 07–689

GARY BARTLETT, EXECUTIVE DIRECTOR OF THE
NORTH CAROLINA STATE BOARD OF ELECTIONS,
ET AL., PETITIONERS *v.* DWIGHT
STRICKLAND ET AL.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF NORTH
CAROLINA

[March 9, 2009]

JUSTICE THOMAS, with whom JUSTICE SCALIA joins,
concurring in the judgment.

I continue to adhere to the views expressed in my opinion in *Holder v. Hall*, 512 U. S. 874, 891 (1994) (opinion concurring in judgment). The text of §2 of the Voting Rights Act of 1965 does not authorize any vote dilution claim, regardless of the size of the minority population in a given district. See 42 U. S. C. §1973(a) (2000 ed.) (permitting only a challenge to a “voting qualification or prerequisite to voting or standard, practice, or procedure”); see also *Holder, supra*, at 893 (stating that the terms “‘standard, practice, or procedure’” “reach only state enactments that limit citizens’ access to the ballot”). I continue to disagree, therefore, with the framework set forth in *Thornburg v. Gingles*, 478 U. S. 30 (1986), for analyzing vote dilution claims because it has no basis in the text of §2. I would not evaluate any Voting Rights Act claim under a test that “has produced such a disastrous misadventure in judicial policymaking.” *Holder, supra*, at 893. For these reasons, I concur only in the judgment.