

THOMAS, J., concurring in judgment

SUPREME COURT OF THE UNITED STATES

No. 03–1230

AMERICAN TRUCKING ASSOCIATIONS, INC. AND
USF HOLLAND, INC., PETITIONERS *v.* MICHIGAN
PUBLIC SERVICE COMMISSION ET AL.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF
MICHIGAN

[June 20, 2005]

JUSTICE THOMAS, concurring in the judgment.

I would affirm the judgment of the Michigan Court of Appeals because “[t]he negative Commerce Clause has no basis in the text of the Constitution, makes little sense, and has proved virtually unworkable in application,’ *Camps Newfound/Owatonna, Inc. v. Town of Harrison*, 520 U. S. 564, 610 (1997) (THOMAS, J., dissenting), and, consequently, cannot serve as a basis for striking down a state statute.” *Hillside Dairy Inc. v. Lyons*, 539 U. S. 59, 68 (2003) (THOMAS, J., concurring in part and dissenting in part).