principles of prudence may counsel the judiciary to refuse to adjudicate some claims.[437] The rule is "not meant to be especially demanding,"[438] and it is clear that the Court feels free to disregard any of these prudential rules when it sees fit.[439] Congress is also free to legislate away prudential restraints and confer standing to the extent permitted by Article III.[440] The Court has identified three rules as prudential ones,[441] only one of which has been a significant factor in the jurisprudence of standing. The first two rules are that the plaintiff's interest, to which she asserts an injury, must come within the "zone of interest" arguably protected by the constitutional provision or statute in question[442] and that plaintiffs may not air "generalized grievances" shared by all or a large class of

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[437] Gladstone Realtors v. Village of Bellwood, 441 U.S. 91, 99–100 (1979) ("a plaintiff may still lack standing under the prudential principles by which the judiciary seeks to avoid deciding questions of broad social import where no individual rights would be vindicated and to limit access to the federal courts to those litigants best suited to assert a particular claim").

[438] Match-E-Be-Nash-She-Wish Band Of Pottawatomi Indians v. Patchak, 567 U.S. ___, No. 11–246, slip op. at 15 (2010).

[439] Warth v. Seldin, 422 U.S. 490, 500–501 (1975); Craig v. Boren, 429 U.S. 190, 193–194 (1976).

[440] "Congress may grant an express right of action to persons who otherwise would be barred by prudential standing rules. Of course, Art. III's requirement remains: the plaintiff still must allege a distinct and palpable injury to himself, even if it is an injury shared by a large class of other possible litigants." Warth v. Seldin, 422 U.S. 490, 501 (1975). That is, the actual or threatened injury required may exist solely by virtue of "statutes creating legal rights, the invasion of which creates standing, even though no injury would exist without the statute." Linda R.S. v. Richard D., 410 U.S. 614, 617 n. 3 (1973); O'Shea v. Littleton, 414 U.S. 488, 493 n.2 (1974). Examples include United States v. SCRAP, 412 U.S. 669 (1973); Trafficante v. Metropolitan Life Ins. Co., 409 U.S. 205 (1972); Gladstone Realtors v. Village of Bellwood, 441 U.S. 91 (1979). *See also* Buckley v. Valeo, 424 U.S. 1, 8 n.4, 11–12 (1976). For a good example of the congressionally created interest and the injury to it, *see* Havens Realty Corp. v. Coleman, 455 U.S. 363, 373–75 (1982) (Fair Housing Act created right to truthful information on availability of housing; black tester's right injured through false information, but white tester not injured because he received truthful information). It is clear, however, that the Court will impose separation-of-powers restraints on the power of Congress to create interests to which injury would give standing. Lujan v. Defenders of Wildlife, 504 U.S. 555, 571–78 (1992). Justice Scalia, who wrote the opinion in Lujan, reiterated the separation-of-powers objection to congressional conferral of standing in FEC v. Akins, 524 U.S. 11, 29, 36 (1998) (alleged infringement of President's "take care" obligation), but this time in dissent; the Court did not advert to this objection in finding that Congress had provided for standing based on denial of information to which the plaintiffs, as voters, were entitled.

[441] Valley Forge Christian College v. Americans United, 454 U.S. 464, 474–75 (1982); Allen v. Wright, 468 U.S. 737, 751 (1984).

[442] Ass'n of Data Processing Service Org. v. Camp, 397 U.S. 150, 153 (1970); Simon v. Eastern Kentucky Welfare Rights Org., 426 U.S. 26, 39 n.19 (1976); Valley Forge Christian College v. Americans United, 454 U.S. 464, 475 (1982); Clarke v. Securities Industry Ass'n, 479 U.S. 388 (1987). *See also* Bennett v. Spear, 520 U.S. 154 (1997).