ment powers was held to be nonjusticiable; there was a textually demonstrable commitment of the issue to the Senate, and there was a lack of judicially discoverable and manageable standards for resolving the issue.[670]

Despite the occasional resort to the doctrine, the Court continues to reject its application in language that confines its scope. Thus, when parties challenged the actions of the Secretary of Commerce in declining to certify, as required by statute, that Japanese whaling practices undermined the effectiveness of international conventions, the Court rejected the Government's argument that the political question doctrine precluded decision on the merits. The Court's prime responsibility, it said, is to interpret statutes, treaties, and executive agreements; the interplay of the statutes and the agreements in this case implicated the foreign relations of the Nation. "But under the Constitution, one of the Judiciary's characteristic roles is to interpret statutes, and we cannot shirk this responsibility merely because our decision may have significant political overtones." [671]

After requesting argument on the issue, the Court held that a challenge to a statute on the ground that it did not originate in the House of Representatives as required by the Origination Clause was justiciable.[672] Turning back reliance on the various factors set out in *Baker*, in much the same tone as in *Powell v. McCormack*, the Court continued to evidence the view that only questions textually committed to another branch are political questions. Invalidation of a statute because it did not originate in the right House would not demonstrate a "lack of respect" for the House that passed the bill. "[D]isrespect," in the sense of rejecting Congress's reading of the Constitution, "cannot be sufficient to create a political question. If it were *every* judicial resolution of a constitutional challenge to a congressional enactment would be impermissible." [673] That the House of Representatives has the power and incentives to protect its prerogatives by not passing a bill violating the Origination Clause did

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and id. at 491 (Justice Rehnquist concurring). *See also* Goldwater v. Carter, 444 U.S. 996, 1002 (1979) (Justices Rehnquist, Stewart, and Stevens, and Chief Justice Burger using political question analysis to dismiss a challenge to presidential action). *But see* id. at 997, 998 (Justice Powell rejecting analysis for this type of case).

[670] Nixon v. United States, 506 U.S. 224 (1993). The Court pronounced its decision as perfectly consonant with Powell v. McCormack. Id. at 236–38.

[671] Japan Whaling Ass'n v. American Cetacean Society, 478 U.S. 221, 230 (1986). *See also* Davis v. Bandemer, 478 U.S. 109 (1986) (challenge to political gerrymandering is justiciable). *But see* Vieth v. Jubelirer, 541 U.S. 267 (2004) (no workable standard has been found for measuring burdens on representational rights imposed by political gerrymandering).

[672] United States v. Munoz-Flores, 495 U.S. 385 (1990).

[673] 495 U.S. at 390 (emphasis in original).