taining some direct injury as a result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally."[399]

Constitutional Standards: Injury in Fact, Causation, and Redressability.—Although the Court has been inconsistent, it has now settled upon the rule that "at an irreducible minimum" the constitutional requisites under Article III for the existence of standing are that the plaintiff must personally have: 1) suffered some actual or threatened injury; 2) that injury can fairly be traced to the challenged action of the defendant; and 3) that the injury is likely to be redressed by a favorable decision.[400] For a time, the actual or threatened injury prong included an additional requirement that such injury be the product of "a wrong which directly results in the violation of a legal right"[401] such as "one of property, one arising out of contract, one protected against tortuous invasion, or one founded in a statute which confers a privilege."[402] It became apparent, however, that the "legal right" language was "demonstrably circular: if the plaintiff is given standing to assert his claims, his interest is legally protected; if he is denied standing, his interest is not legally protected."[403] Further, the observable tendency of the Court was to find standing in cases which were grounded in injuries far removed from property rights.[404]

In any event, the "legal rights" requirement has now been dispensed with. Rejection of this doctrine occurred in two administrative law cases in which the Court announced that parties had standing when they suffered "injury in fact" to some interest, "economic

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[399] 342 U.S. at 434, quoting Massachusetts v. Mellon, 262 U.S. 447, 488 (1923); quoted with approval in DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 345 (2006).

[400] Valley Forge Christian College v. Americans United, 454 U.S. 464, 472 (1982); Allen v. Wright, 468 U.S. 737, 751 (1984); Lujan v. Defenders of Wildlife, 504 U.S. 555, 560–61 (1992); Monsanto Co. v. Geerston Seed Farms, 561 U.S. ___, No. 09–475, slip op. (2010). *But see* United States Parole Comm'n v. Geraghty, 445 U.S. 388 (1980). In *Geraghty*, the Court appears to adopt a broader, more flexible notion of what a redressable "personal stake" is in class actions in which the lead plaintiff's merits claim has become moot. Id. at 404 n.11, reserving full consideration of the dissent's argument at 401 n.1, 420–21.

[401] Alabama Power Co. v. Ickes, 302 U.S. 464, 479 (1938). *Cf.* Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123, 151–152 (1951) (Justice Frankfurter concurring). *But see* Frost v. Corporation Comm'n, 278 U.S. 515 (1929); City of Chicago v. Atchison, T. & S.F. Ry., 357 U.S. 77 (1958).

[402] Tennessee Electric Power Co. v. TVA, 306 U.S. 118, 137–138 (1939).

[403] C. Wright, *supra* at 65–66.

[404] *E.g.*, Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123 (1951) (indirect injury to organization and members by governmental maintenance of list of subversive organizations); NAACP v. Alabama ex rel. Patterson, 357 U.S. 449 (1958) (same); Abington School Dist. v. Schempp, 374 U.S. 203, 224 n.9 (1963) (parents and school children challenging school prayers); McGowan v. Maryland, 366 U.S. 420, 430–431 (1961) (merchants challenging Sunday closing laws); Baker v. Carr, 369 U.S. 186, 204–208 (1962) (voting rights).