

Sec. 2—Judicial Power and Jurisdiction

Cl. 1—Cases and Controversies

bring separation-of-powers challenges,⁴⁵⁷ even though one could argue that the injury in question is actually upon the authority of the affected branch of government. Then, in *Bond v. United States*,⁴⁵⁸ the Court considered whether a criminal defendant could raise federalism arguments based on state prerogatives under the Tenth Amendment.⁴⁵⁹ There, the Court held that individuals could raise Tenth Amendment challenges, because states are not the “sole intended beneficiaries of federalism,” and an individual has a “direct interest in objecting to laws that upset the constitutional balance between the National Government and the States”⁴⁶⁰

Organizational Standing.—Organizations do not have standing as such to represent their particular concept of the public interest,⁴⁶¹ but organizations have been permitted to assert the rights of their members.⁴⁶² In *Hunt v. Washington State Apple Advertising Comm’n*,⁴⁶³ the Court promulgated elaborate standards, holding that an organization or association “has standing to bring suit on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted, nor the relief requested, requires the participation of individual members in the lawsuit.” Similar considerations arise in the context of class actions, in which the Court holds that a named representative with a justiciable claim for relief is neces-

⁴⁵⁷ See, e.g., *INS v. Chadha*, 462 U.S. 919 (1983); *Bowsher v. Synar*, 478 U.S. 714 (1986); *Clinton v. City of New York*, 524 U.S. 417 (1998).

⁴⁵⁸ 564 U.S. ___, No. 09–1227, slip op. (2011).

⁴⁵⁹ The defendant, in an attempt to harass a woman who had become impregnated by the defendant’s husband, had placed caustic substances on objects the woman was likely to touch. The defendant was convicted under 18 U.S.C. § 229, a broad prohibition against the use of harmful chemicals, enacted as part of the implementation of the 1997 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. The specifics of the defendant’s Tenth Amendment argument was not before the Court.

⁴⁶⁰ 564 U.S. ___, No. 09–1227, slip op. at 10.

⁴⁶¹ *Sierra Club v. Morton*, 401 U.S. 727 (1972). An organization may, of course, sue to redress injuries to itself. See *Havens Realty Co. v. Coleman*, 455 U.S. 363, 378–379 (1982).

⁴⁶² E.g., *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123 (1951); *NAACP v. Alabama ex rel Patterson*, 357 U.S. 449 (1958); *NAACP v. Button*, 371 U.S. 415 (1963); *Brotherhood of Railroad Trainmen v. Virginia*, 377 U.S. 1 (1964); *United Mine Workers v. Illinois State Bar Ass’n*, 389 U.S. 217 (1967); *United Transportation Union v. State Bar of Michigan*, 401 U.S. 576 (1971).

⁴⁶³ 432 U.S. 333, 343 (1977). The organization here was not a voluntary membership entity but a state agency charged with furthering the interests of apple growers who were assessed annual sums to support the Commission. *Id.* at 341–45. See also *Warth v. Seldin*, 422 U.S. 490, 510–17 (1975); *Simon v. Eastern Kentucky Welfare Rights Org.*, 426 U.S. 26, 39–40 (1976); *Village of Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252, 263–264 (1977); *Harris v. McRae*, 448 U.S. 297, 321 (1980); *International Union, UAW v. Brock*, 477 U.S. 274 (1986).