not make this case nonjusticiable. "[T]he fact that one institution of Government has mechanisms available to guard against incursions into its power by other governmental institutions does not require that the Judiciary remove itself from the controversy by labeling the issue a political question."[674]

The Court also rejected the contention that, because the case did not involve a matter of individual rights, it ought not be adjudicated. Political questions are not restricted to one kind of claim, but the Court frequently has decided separation-of-power cases brought by people in their individual capacities. Moreover, the allocation of powers within a branch, just as the separation of powers among branches, is designed to safeguard liberty.[675] Finally, the Court was sanguine that it could develop "judicially manageable standards" for disposing of Origination Clause cases, and, thus, it did not view the issue as political in that context.[676]

In *Zivotosky v. Clinton,*[677] the Court declined to find a political question where a citizen born in Jerusalem sought, pursuant to federal statute, to have "Israel" listed on his passport as his place of birth, the Executive Branch having declined to recognize Israeli sovereignly over that city. Justice Roberts, for the Court, failed to even acknowledge the numerous factors set forth in Justice Brennan's *Baker* opinion save two—whether there is a textually demonstrable commitment of the issue to another department or a lack of judicially discoverable and manageable standards for resolving it.[678] The Court noted that while the decision as whether or not to recognized Jerusalem as the capital of Israel might be exclusively the province of the Executive Branch, there is "no exclusive commitment to the Executive of the power to determine the constitutionality of a statute,"[679] such as whether Congress is encroaching on Presidential powers. Similarly, this latter question, while perhaps a difficult one, is amenable to the type of separation of powers "standards" used by the Court in other separation of powers cases.

In short, the political question doctrine may not be moribund, but it does seem applicable to a very narrow class of cases. Significantly, the Court made no mention of the doctrine when it resolved issues arising from Florida's recount of votes in the closely con-

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[674] 495 U.S. at 393.
[675] 495 U.S. at 393–95.
[676] 495 U.S. at 395–96.
[677] 566 U.S. ___, No. 10–699, slip op. (2010).
[678] This left it to Justice Sotomayor and Justice Breyer to raise and address the other considerations, respectively, in concurrence and dissent.
[679] 566 U.S. ___, No. 10–699, slip op. at 8.