

William Funk

*Standing in the Supreme Court and Circuits: October Term 1997*

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Abstract by Christine Parsadaian

This article highlights the modern emphasis the judiciary places on standing by examining a string of cases decided by the Supreme Court and other circuit courts in 1997. More specifically, the author analyzes these cases to stress the Court's inconsistency regarding standing and the consequent irregularity among lower court decisions on the issue. First, he analyzes *Steel Co. v. Citizen for a Better Environment* on a few key grounds. For example, the author observes that the Court would only address the merits of this case after the plaintiffs had established standing. The decision to do this has since influenced other circuit courts to remand cases where plaintiffs have personal jurisdiction but have yet to establish subject matter jurisdiction. Further, among other environmental cases, *Steel Co.* underscores that the Court has interpreted statutes restrictively to deny jurisdiction to environmental plaintiffs. Moreover, *Steel Co.* shifted the strict standing requirement from a focus on injury suffered to redressability.

Second, the author notes the Court's shift to a more lenient constitutional standard for standing in *Federal Election Commission v. Atkins*, where the Court found the widely-shared injury to be concrete, and not of an abstract and indefinite nature. Likewise, the article examines how in *Clinton v. New York*, the Court found the City of New York had standing to challenge the portion of the Line Item Veto Act that would have cost the City millions of dollars. Third, the author observes that the Court's shift in opinion has led to several circuit courts refusing to recognize injuries necessary to find standing. Further, after addressing the constitutional limits to standing, the article examines the Court's creation of various prudential limits to standing. Lastly, through his discussion of the contradiction found in various circuit court findings, the author suggests that the matter of standing is unresolved.