Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

FEDERAL ELECTION COMMISSION *v.* AKINS ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 96–1590. Argued January 14, 1998– Decided June 1, 1998

The Federal Election Campaign Act of 1971 (FECA) seeks to remedy corruption of the political process. As relevant here, it imposes extensive recordkeeping and disclosure requirements upon "political committee[s]," which include "*any* committee, club, association or other group of persons which receives" more than $1,000 in "contributions" or "which makes" more than $1,000 in "expenditures" in any given year, 2 U. S. C. §431(4)(A) (emphasis added), "for the purpose of influencing any election for Federal office," §§431(8)(A)(i), (9)(A)(i). Assistance given to help a particular candidate will not count toward the $1,000 "expenditure" ceiling if it takes the form of a "communication" by a "membership organization or corporation" "to its members"– as long as the organization is not "organized primarily for the purpose of influencing [any individual's] nomination . . . or election." §431(9)(B)(iii). Respondents, voters with views often opposed to those of the American Israel Public Affairs Committee (AIPAC), filed a compliant with petitioner Federal Election Commission (FEC), asking the FEC to find that AIPAC had violated FECA and, among other things, to order AIPAC to make public the information that FECA demands of political committees. In dismissing the complaint, the FEC found that AIPAC's communications fell outside FECA's membership communications exception. Nonetheless, it concluded, AIPAC was not a "political committee" because, as an issue-oriented lobbying organization, its major purpose was not the nomination or election of candidates. The District Court granted the FEC summary judgment when it reviewed the determination, but the en banc Court of Appeals reversed on the ground that the FEC's major purpose test improperly interpreted FECA's definition of a political committee. The case presents this Court with two questions: (1) whether respon-

Syllabus

dents had standing to challenge the FEC's decision, and (2) whether an organization falls outside FECA's definition of a "political committee" because "its major purpose" is not "the nomination or election of candidates."

Held:

1. Respondents, as voters seeking information to which they believe FECA entitles them, have standing to challenge the FEC's decision not to bring an enforcement action. Pp. 6–14.

(a) Respondents satisfy prudential standing requirements. FECA specifically provides that "[a]ny person" who believes FECA has been violated may file a complaint with the FEC, §437g(a)(1), and that "[a]ny party aggrieved" by an FEC order dismissing such party's complaint may seek district court review of the dismissal, §437g(8)(A). History associates the word "aggrieved" with a congressional intent to cast the standing net broadly– beyond the common-law interests and substantive statutory rights upon which "prudential" standing traditionally rested. *E.g., FCC* v. *Sanders Brothers Radio Station,* 309 U. S. 470. Moreover, respondents' asserted injury– their failure to obtain relevant information– is injury of a kind that FECA seeks to address. Pp. 6–8.

(b) Respondents also satisfy constitutional standing requirements. Their inability to obtain information that, they claim, FECA requires AIPAC to make public meets the genuine "injury in fact" requirement that helps assure that the court will adjudicate "[a] concrete, living contest between adversaries." *Coleman* v. *Miller,* 307 U. S. 433, 460 (Frankfurter, J., dissenting). *United States* v. *Richardson,* 418 U. S. 166, distinguished. The fact that the harm at issue is widely shared does not deprive Congress of constitutional power to authorize its vindication in the federal courts where the harm is concrete. See *Public Citizen* v. *Department of Justice,* 491 U. S. 440, 449–450. The informational injury here, directly related to voting, the most basic of political rights, is sufficiently concrete. Respondents have also satisfied the remaining two constitutional standing requirements: The harm asserted is "fairly traceable" to the FEC's decision not to issue its complaint, and the courts in this case can "redress" that injury. Pp. 8–14.

(c) Finally, FECA explicitly indicates a congressional intent to alter the traditional view that agency enforcement decisions are not subject to judicial review. *Heckler* v. *Chaney,* 470 U. S. 821, 832, distinguished. P. 14.

2. Because of the unusual and complex circumstances in which the case arises, the second question presented cannot be addressed here, and the case must be remanded. After the FEC determined that many persons belonging to AIPAC not were not "members" under

Syllabus

FEC regulations, the Court of Appeals overturned those regulations in another case, in part because it thought they defined membership organizations too narrowly in light of an organization's First Amendment right to communicate with its members. The FEC's new "membership organization" rules could significantly affect the interpretative issue presented by Question Two. Thus, the FEC should proceed to determine whether or not AIPAC's expenditures qualify as "membership communications" under the new rules, and thereby fall outside the scope of "expenditures" that could qualify it as a "political committee." If it decides that the communications here do not qualify, then the lower courts can still evaluate the significance of the communicative context in which the case arises. If, on the other hand, it decides that they do qualify, the matter will become moot. Pp. 14–18.

101 F. 3d 731, vacated and remanded.

BREYER, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and STEVENS, KENNEDY, SOUTER, and GINSBURG, JJ., joined. SCALIA, J., filed a dissenting opinion, in which O'CONNOR and THOMAS, JJ., joined.