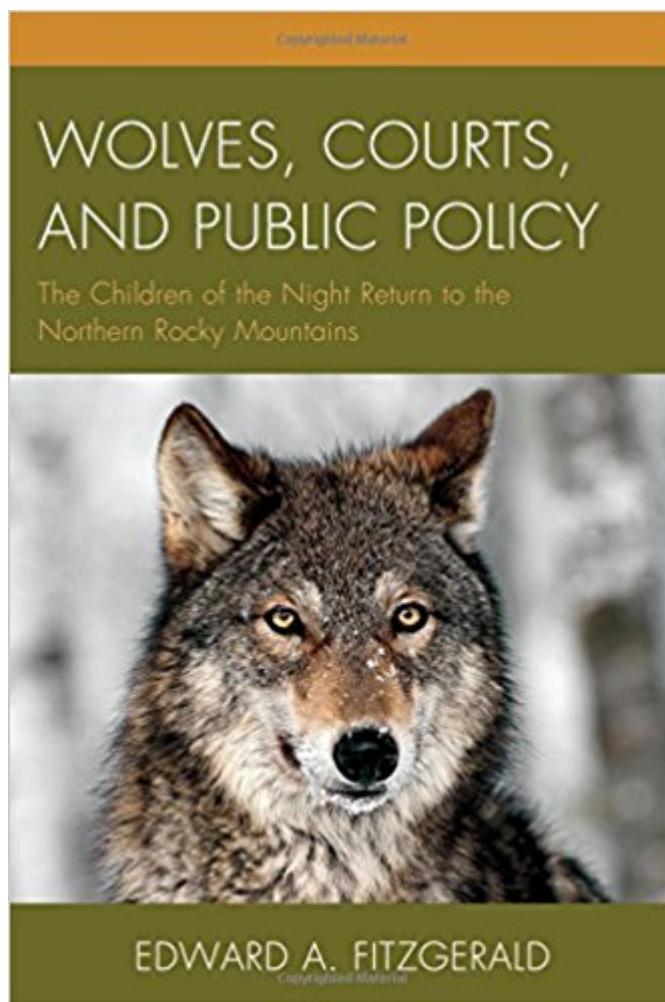


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# Wolves, Courts, And Public Policy: The Children Of The Night Return To The Northern Rocky Mountains



## **Synopsis**

This book examines the reintroduction and recovery of the wolf in the Northern Rocky Mountains. The wolf was driven to brink of extinction through conscious government policy. The Endangered Species Act of 1973 provided the means for wolf's return, which began in the Carter administration and continues in the Obama administration. The battle over the wolf is part of a larger struggle over the management of public lands, generating public law litigation. Interest groups brought suit in federal courts, challenging the Department of Interior's implementation of policy. The federal courts were required to interpret the statutory mandates and review Interior's decisions to insure statutory compliance. The analysis of this public law litigation demonstrates that the federal courts correctly interpreted the statutory mandates and properly supported and checked Interior's decisions. This book focuses on the controversial role of the courts in the resolution of public policy conflicts. Judicial skeptics argue that the courts should not get involved in complex public policy disputes as Judges lack the expertise and information to make informed decisions. Judicial proponents, by contrast, argue that judicial involvement is necessary so Federal courts can oversee federal agencies, which are under conflicting pressure from interest groups, the President, Congress, and their own internal dynamics. This book supports the conclusions of judicial proponents and points out that the federal courts have been instrumental in the return and recovery of the wolf to the Northern Rocky Mountains.

## **Book Information**

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## **Customer Reviews**

Few Endangered Species Act (ESA) species reintroductions have been as controversial as that of

the gray wolf. Sweeping in scope, rich in details, this volume offers the first comprehensive chronological review of gray wolf reintroduction and recovery in the northern Rocky Mountains. This incisive analysis of the efficacy and impact of public law litigation provides a superb tool for anyone—“students, professors, wildlife managers, individuals—“working within the public law sector. An eminent environmental law expert, Fitzgerald begins by examining the role of the US courts in resolving public policy issues and the powerful nexus of science, policy, and politics that took the gray wolf from extirpation to recovery. Ensuing chapters offer accounts of each successive presidential administration’s interpretation of public law for this species and elucidate how western states’ opposition to federal wolf policy enabled politics to prevail over science. Fitzgerald’s penetrating insights on agency and court responses to challenging concepts such as taxonomical issues, the distinct population segment concept, and the congressional delisting of this species via an appropriations rider illustrate that this compelling book goes beyond wolves—it is about the battle over the ESA. Summing Up: Essential. All readers. (CHOICE) Fitzgerald’s rich, complex narrative tells us that wolves will be “in recovery” as long as wolves and modern industrialized human beings inhabit the same space. (International Wolf) The reintroduction of the gray wolf to the Northern Rocky Mountains is a fascinating story that illustrates both the promise and limits of the Endangered Species Act. The ongoing controversy has involved hunters, farmers, ranchers, western states, environmental groups, and the three branches of federal government. Edward Fitzgerald covers all aspects of the issue, and offers valuable insights regarding the role of public law litigation and the interaction of law and politics in the implementation of the ESA. (Blake Watson, University of Dayton School of Law) The return of the wolf to the Northern Rockies is hailed by some as a signature achievement of the Endangered Species Act and assailed by others as an assault on private property and state sovereignty. The courts have been at the center of the controversy, refereeing conflicts among the competing interests, exposing flaws in agency decision making, and enforcing the rule of law. Ed Fitzgerald weaves a compelling narrative of how science, law, and politics interact to determine the fate of one of nature’s most iconic critters. (Patrick Parenteau, Professor of Law, Vermont Law School) Edward Fitzgerald’s account of the “wolf wars” of the last two decades is a trenchant analysis of the effect of public interest lawsuits on government wildlife policy, in which environmentalists and other interest groups used citizen suits to influence the Endangered Species Act’s reintroduction of the gray wolf to the Northern Rocky Mountains. The results of the reintroduction, begun during the Clinton Administration, were fairly spectacular, with wolves exceeding recovery goals by 2002, which in turn prompted surprisingly unsuccessful administrative efforts to remove ESA protections. But Congress

proceeded to delist the wolf in the states with the vast majority of wolf populations in 2011, the first time Congress delisted a species. Now, as Fitzgerald relates, the Obama Administration is poised to delist the wolf entirely, a decision Fitzgerald regards as premature, based on politics not science, and quite possibly inconsistent with the ESA. Even more alarming is the determined effort of House Republicans to amend the ESA itself. All of these events are explained in considerable detail in Fitzgeraldâ™s incisive *Wolves, Courts, and Public Policy*. (Michael Blumm, Jeffrey Bain Faculty Scholar and Professor of Law, Lewis and Clark Law School)

Edward A. Fitzgerald is professor of political science at Wright State University.

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