



Wolves, Courts, and Public Policy: The Children of the Night Return to the Northern Rocky Mountains

Edward A. Fitzgerald

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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.

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