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This Article explores the question of whether contemporary regulatory reformers' attitudes toward government regulation have anything in common with those of the Lochner era Court. The allegiance both groups share to neutral law guided by cost-benefit analysis raises fresh questions about the regulatory reform debate. For allegiance to neutral law seems out of step with post-Lochner recognition of the legitimacy of legislative value choices.

- Understanding Citizen Perspectives on Government Decision Making Processes as a Way to Improve the Administrative State.... 651
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- Practiced at the Art of Deception: The Failure of Columbia Basin Salmon Recovery Under the Endangered Species Act..... 709
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This Comment discusses two judicial decisions that precipitated the Nez Perce water rights settlement of 2005 and analyzes the central terms of the agreement which caused the Tribe to waive treaty-based claims to water in the Snake River Basin in exchange for land, money, and commitments to protect salmon under the Endangered Species Act.

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Extending the Extraterritorial Reach of Domestic Environmental
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Anna D. Stasch

In this Chapter, Ms. Stasch considers the presumption against extraterritorial application of domestic laws as it generally applies in the environmental law realm to prevent the enforcement of U.S. environmental laws against American actors abroad. By examining a 2005 Ninth Circuit Decision, *Arc Ecology v. United States Department of Defense*, along with several other recent cases from within the Ninth Circuit, this Chapter explores the presumption and potential avenues for overcoming it to hold U.S. actors accountable for environmental harms committed beyond U.S. borders.

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