Note: the following is an example of a good case brief. This example is given in conjunction with the bad case brief for this case so that you can precisely identify mistakes that will cost you points. For reference, this brief would receive an A+.

Lujan v. Defenders of Wildlife
504 U.S. 555 (1992)

Facts of the Case: The Endangered Species Act of 1973 (ESA) required federal agencies to consult with the Department of Interior before taking actions that might harm an endangered or threatened species. A 1978 regulation jointly created by the Fish and Wildlife Service and the National Marine Fisheries Service required this for both domestic and foreign activities, but a follow-up regulation in 1986 reduced that requirement to only domestic activities.

In response to the reduced regulation, Defenders of Wildlife sued for a declaration of the new regulation illegal under the ESA and an injunction to restore the original regulation. Multiple of its members had travelled internationally to study wildlife and posited that rollback of regulations would result in the authorization of government projects in Egypt and Sri Lanka that would harm their ability to study wildlife in the future. Lujan, the Secretary of the Interior, moved to dismiss the case for lack of standing for the Defenders. The U.S. District Court for the District of Minnesota agreed, but the U.S. Court of Appeals for the Eighth Circuit reversed and remanded the case. The Federal District Court then found the new regulation illegal and granted the injunction, which the Eighth Circuit affirmed. The Supreme Court granted certiorari.

Questions: Do the Defenders of Wildlife have standing to bring the suit under the Case or Controversy Clause? Is the new regulation issued by Secretary Lujan illegal under the Endangered Species Act?

Decision: The Eighth Circuit is reversed, and the case is remanded for further proceedings. The Defenders do not have standing to bring the case.

Opinions:
Majority: Scalia, joined by Rehnquist, White, Thomas, and in part by Kennedy, Souter
Concurrence: Kennedy, joined by Souter
Concurrence: Stevens
Dissent: Blackmun, joined by O'Connor

Constitutional Test: While Congress is granted the legislative power to advance public goals and the Executive is granted the power to execute laws, the judicial power granted to federal courts is intended to allow private parties redress for wrongs committed against them. As such, the judicial power is limited by the Cases or Controversies Clause to only those cases in which a party can demonstrate standing, or that they have been harmed by an illegal action. Precedent dictates there are three elements that a plaintiff must demonstrate to achieve standing. They must have suffered a concrete injury, or will imminently suffer a concrete injury. Their (imminent) injury must be caused by an illegal action. And their (imminent) injury must be capable of being redressed by a favorable court ruling. If the plaintiffs fail to prove any of these three items, then a case must be dismissed for being non-justiciable. In addition, Congress cannot create laws that

grant standing to parties to sue government agencies if those parties do not meet these three requirements for standing. If Congress attempted to do so, such laws would be unconstitutional.

Application of Test: The Defenders of Wildlife have failed the injury and redressability prongs of the constitutional test described. There is no demonstration of how their members will be adversely affected by the government's actions, in part because they have no plan of returning overseas in the near future. There is no demonstrable evidence that the government's actions will affect ecosystems located more closely to their membership. In addition, an injunction will not achieve the Defender's goals because it is unclear whether the regulations promulgated by the Secretary of Interior are binding on the actions of federal agencies acting overseas. To the extent that Congress has authorized this suit, then Congress' actions are unconstitutional.

Other Questions: The Court did not answer the other question in this case because it resolved the case by answering the first question.

Other Opinions: Kennedy writes a regular concurrence indicating that he agrees with the majority about the injury requirement for standing. Because the members of Defenders have no plans to visit the specific international locations in question, and travel to such destinations is not typical for most citizens, then fail the injury prong of the test described for standing. Kennedy would not pass judgement on the redressability prong as it is unnecessary to resolve the case.

Stevens writes a special concurrence indicating that he thinks Defenders do have standing. There is sufficient evidence that members of Defenders are likely to return to the affected international locations and that an injunction will inhibit the actions of other agencies. But the Endangered Species Act specifically mentions when it applies to government actions relating to foreign countries. Because the relevant sections of the ESA that authorize the regulations in question do not mention foreign countries, then those regulations could never affect government actions related to foreign countries. As such, the regulation is lawful under the ESA.

Blackmun dissents and would affirm the lower court's decision. He argues that a plaintiff does not have to prove an injury to demonstrate standing to a judge, but simply demonstrate enough evidence exists that a jury might believe they have been injured. Such a threshold is reached in this case, and the precise nature of the injury is a question of fact best left to a jury. Redressability is demonstrated in this case because agencies have to follow federal law and will be bound by the results of this case. And precedent suggests Congress can grant standing via statute to individuals that would not otherwise have standing.

Personal Opinion: I would have joined Stevens' special concurrence in this case. I see no reason why individuals cannot sue executive agencies to ensure they are following Congress' law if Congress allowed for such suits in the text of that law. Provisions for civilian suits grant individuals' interests that are injured by unlawful government action and are redressed by lawful government action. But the Endangered Species Act does not generally apply to foreign wildlife, so the regulations at issue are perfectly lawful.

References:
Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)