

ADMINISTRATIVE JUSTICE
IN THE
UNITED STATES

ADMINISTRATIVE JUSTICE IN THE UNITED STATES

SECOND EDITION

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CONTENTS

TABLE OF CASES	xi
TABLE OF STATUTES	xix
TABLE OF TEXT AND PERIODICAL CITATIONS	xxiii
REPORTS OF COMMISSIONS AND COMMITTEES	xxxvii
PREFACE	xxxix
I. INTRODUCTION	3
II. CONSTITUTIONAL BACKGROUND	9
A. General character of the Constitution	9
B. Stability and change	12
C. The separation of powers	17
1. The agencies Congress has created are not ones of separated powers	20
2. Although Congress is given “all legislative power,” executive agencies (and the courts) are often authorized to adopt regulations that, if valid, have the force of statutes	26
D. Fundamental rights	36
1. Speech/consumer protection	41
2. Inspection/unreasonable search	42
3. Information/incrimination	46
4. “Due process of law” as procedure	48
a. Introductory	48
b. <i>Goldberg v. Kelly</i>	53
c. Threshold issues	56
d. The procedures due	59
5. “Due process of law” as substance: the expropriation problem	65
III. THE MACHINERY OF GOVERNMENT	69
A. The actors the Constitution names— Congress, President and Court	70
1. Congress	70
a. Legislation and appropriations	72

b. Committee oversight of agency functioning	82
c. Congressional agencies—Congressional Budget Office and the General Accounting Office	85
2. President	87
a. Political and administrative authority	90
b. Appointments and removals	94
c. “Opinion, in writing”	101
d. The White House staff	109
3. Federal Judiciary	112
a. The Supreme Court	121
b. The Circuit Courts of Appeal	123
c. The District Courts	126
d. Special courts	126
B. The political leadership of administration	127
1. Cabinet departments	128
a. Departmental bureaus	130
2. Independent executive agencies	131
3. Independent regulatory commissions	133
C. The civil service and senior executive service	135
1. Administrative adjudicators and the corps controversy	137
D. State and local government	139
E. Enforcement officials	143
IV. THE SCOPE OF ADMINISTRATIVE LAW	147
A. Governmental powers generally	147
B. Contexts for regulation	152
1. Economic regulation	152
a. Economic concentration	153
b. Common carrier and public utility regulation	154
c. Regulation of the professions	157
d. Regulation of the economic conditions of labor	158
e. Consumer protection	159
f. Allocation of artificial or public goods	161
2. Health and safety regulation	162
3. Private land	168
4. Social security, health and welfare	169
5. Taxes and excises	172
6. Public services	173
7. Custodial institutions	176
8. Immigration, deportation	179
9. International commerce	180

10. Public land and other state goods	181
11. Government contracting	182
12. State employment	183
13. State enterprises	184
14. Other matters	185
V. THE PROCEDURAL FORMS OF ADMINISTRATIVE ACTION	187
A. The sources of structure for federal administrative procedure	188
1. Constitution	188
2. The Administrative Procedure Act	191
3. Other statutes	194
4. Presidential (and other political) controls	196
5. The courts	197
6. The agencies	199
B. Adjudication	199
1. Formal agency adjudications	199
a. Model on-the-record adjudication	201
b. License applications	207
c. License sanctions	210
2. Informal agency adjudications	210
3. Participation claims of the protected public	212
a. Private actions requiring initiation of proceedings	213
b. Compulsory private intervention in agency proceedings	215
4. Alternative dispute resolution	218
C. Rulemaking	219
1. The APA models	220
a. Notice and comment rulemaking	220
b. Publication rulemaking	222
c. Formal rulemaking	225
2. The transformation of rulemaking	226
a. Bureaucratic structures of rulemaking, the rulemaking “record,” and rulemaking decision	230
b. The uncertainties of “legislative” judgment and disputes about general fact	232
c. The impact of open government legislation	233
d. The “paper hearing”	234
e. The siren call of the model of judicial trial	238
f. The impact of increasing political oversight	244
3. Negotiated rulemaking	252
4. Forcing the agency’s hand in rulemaking	254
D. Choice between rulemaking and adjudication	258

E. Investigation	263
1. Inspections	263
2. Required forms and reports	265
3. Compulsory process	266
F. State administrative law	268
VI. CONTROLS OF ADMINISTRATIVE ACTION OTHER THAN JUDICIAL	271
A. Political intervention or oversight	271
1. In on-the-record proceedings	273
2. Extraneous factors	275
B. “Open government” regulations	276
1. Freedom of Information Act	276
2. Electronic FOIA	282
3. Government in the Sunshine Act	285
4. Federal Privacy Act	287
5. Federal Advisory Committee Act	289
C. Ombudsmen and watchdog agencies	290
D. Informal policy oversight: the general and trade press	292
E. “Public Interest” model, and actors	294
VII. OBTAINING JUDICIAL REVIEW	297
A. Jurisdictional bases for review	298
1. Statutory and non-statutory review of administrative action	298
2. The presumption of reviewability	303
3. Statutory preclusion of review	305
a. Explicit preclusion	305
b. Implicit preclusion	308
4. Matters committed to agency discretion by law	310
B. Preliminary issues on judicial review	312
1. Standing	314
2. Special rules of timing and place	322
a. Finality	322
b. Exhaustion	326
c. Ripeness	328
d. Primary jurisdiction	331
3. Preliminary relief	332
C. Available judicial remedies	332

VIII. SCOPE OF JUDICIAL REVIEW	335
A. In general	335
1. Constitutional issues	337
2. The APA framework	340
B. Questions of fact	341
1. Substantial evidence	343
2. “Arbitrary, capricious”	348
C. Questions of law	349
1. The American practice of statutory interpretation	349
2. Statutory interpretation at the agency level	360
3. Agency or court?	365
D. Judgment and the exercise of discretion	375
1. Citizens to Preserve Overton Park v. Volpe	376
a. The elements of review	376
b. The problems of record, findings, and reasons	378
c. Inquiry into mental processes	380
2. Consistency	381
3. Hard look review	384
IX. LIABILITY OF PUBLIC AUTHORITIES AND THEIR AGENTS	387
A. Relief against the sovereign	388
B. Tort actions as a form of review	391
1. Against governmental units	391
2. Against government officials	394
a. Theories of liability	394
b. Defenses to liability	396
c. Integration with tort action against government	398
3. The implied cause of action	398
C. Liability in contract	400
INDEX	403

TABLE OF CASES

- A.L.A. Schechter Poultry Corp. v. United States 31, 97
- Abbott Laboratories v. Gardner, 227, 303, 304, 308, 324, 328, 329, 333
- Abbs v. Sullivan, 330
- Action for Children's Television v. FCC, 241
- Adamo Wrecking Co. v. United States, 308
- Adams v. Richardson, 311
- Adamson v. California, 38, 39
- Addison v. Holly Hill Fruit Products, Inc., 363
- Alden v. Maine, 387
- Alexander v. Sandoval, 117, 175, 373, 400
- Allen v. Grand Central Aircraft Co., 327
- Allen v. Wright, 320
- Allentown Mack Sales & Service, Inc. v. NLRB, 261, 346-348, 357
- Allison v. Block, 255, 261
- Amalgamated Meatcutters & Butcher Workmen v. Connally, 186
- American Ass'n of Councils of Medical Staffs of Private Hospitals, Inc. v. Califano, 307
- American Automobile Mfrs. Assn v. Mass. Dept. Environmental Protection, 331
- American Telephone and Telegraph Co., 210
- Ameron, Inc. v. United States Army Corps of Engineers, 86
- Anastasoff v. United States, 124, 223
- Appalachian Power Co. v. EPA, 257, 258, 325
- Arieff v. U.S. Department of the Navy, 279
- Arizona v. Evans, 43
- Arnette v. Kennedy 57, 136
- Arthur Andersen & Co. v. Internal Revenue Service, 280
- Associated Fisheries of Maine, Inc. v. Daley, 250
- Associated Industries of New York State v. Ickes, 300
- Association of Administrative Law Judges v. Heckler, 138
- Association of American Physicians and Surgeons v. Clinton, 290
- Association of Data Processing Service Organizations v. Camp, 318
- Association of Data Processing Service Organizations, Inc. v. Board of Governors of the Federal Reserve System, 349
- Atchison, Topeka & Santa Fe Ry. Co. v. Wichita Bd. of Trade, 382
- Atlantic Richfield Co. v. U.S. Department of Energy, 266
- Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n, 119
- Automotive Parts & Accessories v. Boyd, 235
- Baltimore Dep't Social Services v. Bouknight, 48
- Barlow v. Collins, 318
- Bates v. State Bar of Arizona, 158
- Bellis v. United States, 47
- Bennett v. Spear, 318
- Berkovitz v. United States, 393
- Bi-Metallic Investment Co. v. State Bd. of Equalization of Colorado 50, 189, 190, 227
- Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 116, 396

- Block v. Community Nutrition Institute 157, 217, 309
- Board of Governors, Federal Reserve System v. Dimension Financial Corp., 370
- Board of Regents of State Colleges v. Roth, 56
- Boddie v. Connecticut, 55
- Bolling v. Sharpe, 36
- Booth v. Churner, 327
- Bose Corp. v. Consumers Union of U.S., Inc., 339
- Bowen v. Georgetown University Hospital, 259, 333
- Bowen v. Massachusetts, 299, 390
- Bowen v. Michigan Academy of Family Physicians, 307, 309
- Bowers v. Hardwick, 16
- Bowles v. Seminole Rock & Sand Co., 374
- Bowles v. Willingham, 186
- Bowsher v. Synar, 19, 24, 77, 90, 98
- Boyd v. United States, 45
- Bradley v. Fisher, 397
- Branti v. Finkel, 136
- Braswell v. United States, 47
- Brock v. Roadway Express, 62
- Brogan v. United States, 48
- Brown v. Board of Education, 15
- Buckley v. Valeo, 19, 81, 96, 99
- Bureau of National Affairs v. United States Department of Justice, 278
- Bush v. Lucas, 399
- Bush-Quayle '92 Primary Committee v. Federal Election Commission, 382
- Butz v. Economou, 397
- Cafeteria Workers v. McElroy, 52
- California ex rel Water Resources Board v. FERC, 83
- Calvert Cliffs' Coordinating Comm. v. USAEC, 249
- Camara v. Municipal Court, 43
- Cammarano v. United States, 365
- Camp v. Pitts, 348, 379
- Carlson v. Green, 398
- Carter v. Carter Coal Co., 31, 97
- Central Bank of Denver v. First Interstate Bank of Denver, 358
- Central Hudson Gas & Elec. Corp. v. Public Service Comm'n, 41
- Cervase v. Office of the Federal Register, 302
- Chamber of Commerce v. Reich, 108
- Chamber of Commerce v. United States Dep't of Labor, 165, 183
- Checkosky v. SEC, 334
- Chemical Waste Management, Inc. v. EPA, 200
- Chevron U.S.A., Inc., v. National Resources Defense Council, Inc., 32, 93, 164, 217, 218, 247, 272, 357, 368-374, 377, 384
- Chisholm v. Georgia, 389
- Chrysler Corp. v. Brown, 107, 183, 220, 281, 401
- Citizens to Preserve Overton Park v. Volpe, 91, 130, 141, 151, 174, 235, 240, 243, 272, 341, 343, 354, 376-381
- City of Monterey v. Del Monte Dunes at Monterey, Ltd., 66
- Clark v. Securities Industry Association, 309
- Clark-Cowlitz Joint Operating Agency v. Federal Energy Regulatory Comm'n, 261
- Cleveland Board of Education v. Loudermill, 15, 57, 136
- Clinton v. City of New York, 20, 77
- CNI v. Young, 168
- Coca-Cola Co. v. Federal Trade Commission, 323
- Cohen v. Beneficial Loan Corp., 323
- Commodity Futures Trading Commission v. Schor, 19, 24, 120
- Common Cause v. Nuclear Regulatory Commission, 285
- Compare Board of Curators of the University of Missouri v. Horowitz, 264
- Consumer Energy Council of America v. FERC, 35
- Cooley v. Board of Wardens, 116

- Copper & Brass Fabricators Council, Inc. v. Department of the Treasury, 318
- County of Sacramento v. Lewis, 40
- Crawford-El v. Britton, 397
- Critical Mass Energy Project v. Nuclear Regulatory Comm'n, 281
- Crowell v. Benson, 19, 50, 118, 119, 339
- Curry v. Block, 261
- D.C. Federation of Civic Associations v. Volpe, 246, 275
- Dalehite v. United States, 393
- Dalton v. Specter, 77, 324
- Darby v. Cisneros, 324, 328, 330
- Davis v. Bandemer, 70
- Davis v. Commissioner, 382
- Department of Defense v. Federal Labor Relations Authority, 288
- Department of Interior v. Klamath Water Users Protective Ass'n, 280
- Department of the Air Force v. Rose, 279
- Dickenson v. Zurko, 344, 355
- Dickerson v. United States, 14, 47, 117
- Director, Office of Workers' Compensation Programs v. Greenwich Collieries, 201, 202, 342, 355
- Doe v. United States, 47
- Dolan v. City of Tigard, 67
- Donovan v. Dewey, 43
- Duke Power Co. v. Carolina Environmental Study Group, 38
- Duncan v. Louisiana, 38
- Dunlop v. Bachowski, 159, 213
- D'Oench, Duhme & Co v. FDIC, 117
- Eastern Enterprises v. Apfel, 67, 259
- Edelman v. Jordan, 395
- Ellis v. Blum, 302
- Elrod v. Burns, 136
- Envirocare of Utah v. Nuclear Regulatory Commission 155, 218, 314
- Environmental Defense Fund v. Hardin, 326
- Environmental Defense Fund v. Ruckelshaus, 326
- Environmental Defense Fund v. Thomas 105, 256
- Erie R. R. Co. v. Tompkins 113, 116
- Ethyl Corp. v. EPA, 242
- Ex Parte McCardle, 306
- Ex parte Young, 388
- Fahey v. Mallonee, 51
- Farmworker Justice Fund, Inc. v. Brock, 256
- FCC v. ITT World Communications, 286
- FCC v. WNCN Listener's Guild, 262
- FDA v. Brown & Williamson Tobacco Corp., 357
- FEC v. Akins, 319
- Federal Crop Ins. Corp. v. Merrill, 383, 401
- Federal Power Commission v. Texaco, Inc., 262
- Federal Trade Commission v. Standard Oil Company of California, 325
- Ferguson v. Skrupa, 38
- Fiallo v. Bell, 179
- First English Evangelical Lutheran Church of Glendale v. County of Los Angeles, California, 66
- First Nat'l Bank of Boston v. Bellotti, 81
- Ford Motor Co. v. FTC, 261
- Forsham v. Harris, 278
- Franklin v. Massachusetts, 70
- Freytag v. Commissioner, 20, 24, 90, 95
- Friedman v. Rogers, 158
- Friends of the Earth v. Laidlaw, 213, 317, 321
- FTC Line of Business Report Litigation, 265
- FTC v. Ruberoid Co., 188
- Gardner v. Broderick, 47
- Gibson v. Berryhill, 158
- Gideon v. Wainwright, 39
- Gildea v. Ellershaw, 394
- Glickman v. Wileman Brothers & Eliott, Inc., 42
- Goldberg v. Kelly 14, 53-57, 59-61, 64, 119, 120, 211, 338

- Golden State Transit Corp. v. Los Angeles, 395
- Goldfarb v. Virginia State Bar, 158
- Gomillon v. Lightfoot, 70
- Gonzalez v. Freeman, 305, 402
- Goss v. Lopez, 14, 58, 63
- Gray Panthers v. Schweiker, 62, 63, 170
- Greene v. McElroy, 52
- Gregoire v. Biddle, 397
- Grove City College v. Bell, 175
- Gulf Oil Corp. v. United States Department of Energy, 323, 326
- Hale v. Henkel, 47
- Hannah v. Larche, 52
- Hans v. Louisiana, 387
- Harlow v. Fitzgerald, 397
- Harmon v. Brucker, 305
- Hart v. Massanari, 124
- Hazardous Waste Treatment Council v. EPA, 83
- Heckler v. Campbell, 64, 170, 262
- Heckler v. Chaney, 214, 255, 257, 303, 310, 311, 385
- Home Box Office, Inc. v. FCC, 239, 241, 243-245, 273, 285, 379
- Hotel & Restaurant Employees Union v. Attorney General, 179
- Hudson v. Palmer, 395
- Humphrey's Executor v. United States, 19, 99
- Hunt v. Cromartie, 70
- ICC v. Louisville & Nashville R. Co., 225
- Idaho v. Coeur d'Alene Tribe of Idaho, 388, 390
- Immigration & Naturalization Service v. Chadha, 20, 35, 76
- In the Matter of Edlow International Co., 180
- Independent U.S. Tanker Owners Committee v. Lewis, 380
- Indian Towing Co. v. United States, 393
- Industrial Union Department, AFL-CIO v. American Petroleum Institute, 167
- Industrial Union Department, AFL-CIO v. Hodgson, 347
- Ingraham v. Wright, 58
- INS v. Cardoza-Fonseca, 370
- INS v. St. Cyr, 180, 301, 305
- Jimenez Fuentes v. Gaztambide, 136
- Johnson v. Robison, 119, 120, 305
- Joint Anti-Fascist Refugee Committee v. McGrath, 53
- Kalaris v. Donovan, 137, 204
- Kendall v. United States, 91, 388
- Kennecott Copper Corp. v. EPA, 237
- Keystone Bituminous Coal Ass'n v. De Benedictis, 67
- Kissinger v. Reporters Committee for Freedom of the Press, 278
- Kyllo v. United States, 45
- Lampf, Pleva, Lipkind, Prupis & Petigrow v. Gilbertson, 117
- Langevin v. Chenango Court, Inc., 176
- Leedom v. Kyne, 309, 327
- Lichter v. United States, 186, 223, 224
- Lincoln v. Vigil, 310
- Lochner v. New York, 37, 38, 65, 66
- Londoner v. Denver, 13, 50, 189, 190
- Loving v. United States, 30
- Lucas v. South Carolina Coastal Council, 66
- Lujan v. Defenders of Wildlife, 213, 217, 315-317, 319-321
- Lujan v. G & G Fire Sprinklers, Inc., 58, 402
- Lujan v. National Wildlife Federation, 330
- Mapother v. U.S. Dept. of Justice, 279
- Marbury v. Madison, 10, 21, 91, 99, 302, 306, 366, 396
- Marcello v. Bonds, 51, 137, 200
- Marchetti v. United States, 265
- Mariani v. United States, 81
- Marquez v. Screen Actors Guild, 331
- Marshall v. Barlow's Inc., 43
- Mathews v. Diaz, 179
- Mathews v. Eldridge, 59-64, 201
- McCarthy v. Madigan, 327
- McGee v. United States, 328

- MCI Telecommunications Corp. v. American Tel. & Tel. Co., 357
- McKart v. United States, 328
- McNary v. Haitian Refugee Center, 305
- Meachum v. Fano, 177
- Metropolitan Washington Airports Authority v. Citizens for the Abatement of Airport Noise, 20, 96
- Middlesex County Sewerage Authority v. National Sea Clammers Association, 399
- Minnesota State Board for Community Colleges v. Knight, 189
- Minnesota v. Carter, 42
- Miranda v. Arizona, 47
- Mistretta v. United States, 31
- Mobil Oil Exploration & Producing Southeast Inc. v. United States, 402
- Monroe v. Pape, 395
- Morgan v. United States (Morgan I), 13
- Morgan v. United States (Morgan II), 13
- Morrison v. Olson, 90, 100
- Morrissey v. Brauer, 177
- Morton v. Ruiz, 261
- Motor Vehicle Manufacturers Assn. v. State Farm Mutual Ins. Co., 244, 255, 377
- Myers v. Bethlehem Shipbuilding Corp., 327
- Myers v. United States, 98, 99
- N.Y. Employees' Retirement System v. SEC, 215
- NAACP v. Smith, 175
- Nash v. Bowen, 138
- National Ass'n of Mfrs. v. Department of the Interior, 328
- National Automatic Laundry and Cleaning Council v. Shultz, 325
- National Board of YMCA v. United States, 389
- National Cable Television Ass'n, Inc. v. FCC, 34, 80
- National Credit Union Administration v. First Nat'l Bank & Trust, 318, 319
- National Federation of Federal Employees, Local 1309 v. Department of the Interior, 384
- National Organization for Women, Washington D.C. Chapter v. Social Security Administration, 282
- National Parks and Conservation Assn. v. Morton, 281
- National Petroleum Refiners Assn. v. Federal Trade Comm., 221
- National Welfare Rights Organization v. Finch, 141, 216, 295
- Neal v. United States, 117, 358
- Nebbia v. New York, 37
- New York Times Co. v. Sullivan, 41
- New York v. Burger, 43
- New York v. United States, 11, 184
- Ng Fung Ho v. White, 339
- NLRB v. Bell Aerospace Co., 261
- NLRB v. Hearst Publications, Inc., 366, 367, 369
- NLRB v. International Medication Systems, Ltd., 266
- NLRB v. Sears, Roebuck & Co., 233, 279
- Nollan v. California Coastal Commission, 67
- North American Cold Storage Co. v. Chicago, 51, 394
- Northern Pipeline Construction Co. v. Marathon Pipe Line Co., 16, 20, 119, 120
- Norwegian Nitrogen Prod. Co. v. United States, 363
- O'Bannon v. Town Court Nursing Center, 57, 176
- Office of Communication of the United Church of Christ v. FCC, 216
- Office of Personnel Management v. Richmond, 383
- Ohio Bell Telephone Co. v. Public Utilities Commission of Ohio, 13
- Ohio Forestry Ass'n, Inc. v. Sierra Club, 330
- Ohio Valley Water Company v. Ben Avon Borough, 339

- Oklahoma Press Publishing Co. v. Walling, 267
- Open America v. Watergate Special Prosecution Force, 277
- Pacific Gas & Electric Co. v. Federal Power Comm., 223
- Pacific States Box & Basket Co. v. White, 227, 376
- Packard Motor Car Co. v. NLRB, 367
- Palko v. Connecticut, 38
- Panama Refining Co. v. Ryan, 31
- Paralyzed Veterans of America v. D.C. Arena L.P., 375
- Parham v. J.R., 176
- Paul v. Davis, 58
- Pembaur v. Cincinnati, 395
- Penn. Central Transp. Co v. City of New York, 66
- Pennhurst State School & Hospital v. Halderman, 178
- Pension Benefit Guaranty Corp. v. LTV Corp., 198
- People v. Keta, 43
- People v. Porpora, 264
- Pepsico, Inc. v. Federal Trade Commission, 323
- Pergram v. Hedrich, 116
- Perry v. Sindermann, 56
- Phillips v. Commissioner, 51
- Phillips v. Washington Legal Foundation, 67
- Pickens v. United States Board of Pardon, 177
- Pillsbury Co. v. FTC, 274
- Planned Parenthood of Southeastern Pennsylvania v. Casey, 15
- Plaut v. Spendthrift Farm, 20
- Portland Audubon Society v. The Endangered Species Committee, 93, 101, 205, 273, 276
- Portland Cement Assn v. Ruckleshaus, 237
- Portmann v. United States, 401
- Printz v. United States, 11
- Process Gas Consumers Group v. Consumer Energy Council of America, 35
- Professional Air Traffic Controllers Organization v. Federal Labor Relations Authority 101, 205, 274
- Public Citizen Health Research Group v. FDA, 281
- Public Citizen v. Department of Justice, 17, 290, 319
- Reeves, Inc. v. Stake, 184
- Regents of University of Michigan v. Ewing, 264
- Regions Hospital v. Shalala, 259
- Reno v. Catholic Social Services, Inc., 330
- Reno v. Condon, 11
- Reynolds v. Martin, 359
- Reynolds v. Sims, 70
- Richardson v. Perales, 64
- Robertson v. Methow Valley Citizens' Council, 249
- Rochin v. California, 38
- Roe v. Wade, 15, 16, 40
- Rosebush v. United States, 393
- Rosenthal & Co. v. Bagley, 327
- Saco River Cellular v. FCC, 266
- San Luis Obispo Mothers for Peace v. NRC, 285
- Sandin v. Conner, 59, 178
- Scenic Hudson Preservation Conference v. FPC, 296
- Scheuer v. Rhodes, 397
- Seacoast Anti-Pollution League v. Costle, 200, 203, 208, 210
- SEC v. Chenery Corp (I), 260
- SEC v. Chenery Corp. (II), 260, 381
- SEC v. Collier, 364
- See v. City of Seattle, 43, 46
- Seminole Tribe of Florida v. Florida, 388
- Seven-Up Co. v. Federal Trade Commission, 323
- Shalala v. Illinois Council on Long Term Care, Inc., 308
- Shaughnessy v. Pedreiro, 305

- Shaw v. Hunt, 70
 Shaw v. Reno, 70
 Sierra Club v. Costle, 20, 83, 92, 94,
 101, 132, 238, 244, 245, 247, 249,
 273, 275, 385
 Simon v. Eastern Kentucky Welfare
 Rights Organization, 320
 Sims v. Apfel, 328
 Skidmore v. Swift & Co., 223, 363, 367,
 371-373, 375
 Smiertka v. United States Dept. of
 Treasury, 288
 Socop-Gonzales v. INS, 311
 South Dakota v. U.S. Department of
 the Interior, 34
 Southern Pacific Co. v. Jensen, 113
 Spectrum Leasing Corp. v. United
 States, 390
 St. Joseph Stock Yards Co. v. United
 States, 339
 St. Louis Fuel and Supply v. FERC, 200
 Steel Co. v. Citizens for a Better Envi-
 ronment, 213
 Stinson v. United States, 374
 Strycker's Bay Neighborhood Council v.
 Karlen, 174
 Stump v. Sparkman, 397
 Switchmen's Union v. National Media-
 tion Board, 309
 Telecommunications Research and Ac-
 tion Center v. FCC, 332
 Tennessee Valley Authority v. Hill, 174,
 369
 Terry v. Ohio, 42
 Texas & Pacific R. Co. v. Abilene Cot-
 ton Oil Co., 331
 Thomas Jefferson University v. Shalala,
 375
 Thomas v. Union Carbide Agricultural
 Products Co., 119, 120, 338
 Tior Title Ins. Co. v. FTC, 322
 Toilet Goods Association v. Gardner,
 330
 Touche Ross & Co. v. Securities and
 Exchange Commission, 327
 Transco Security, Inc. v. Freeman, 402
 Troxel v. Granville, 40
 U.S. ex rel Parco v. Morris, 275
 Udall v. Tallman, 374
 United States Lines, Inc. v. Federal
 Maritime Commission, 273
 United States v. Winstar Corp., 402
 United States v. American Trucking As-
 sociations, 361, 362, 366, 370
 United States v. Carolene Products Co.,
 40
 United States v. Doe, 45, 47, 48
 United States v. Florida East Coast Rail-
 way Co., 225
 United States v. Gaubert, 393
 United States v. Grimaud, 29
 United States v. Hagggar Apparel Corp.,
 180
 United States v. Karo, 42
 United States v. Lanier, 397
 United States v. Lopez, 12, 38
 United States v. Mead Corp., 118, 180,
 223, 224, 258, 349, 357, 363, 371-
 373, 375
 United States v. Mendoza, 383
 United States v. Midwest Oil Co., 107
 United States v. Morgan, 381
 United States v. Morrison, 12, 38
 United States v. Morton Salt Co., 45
 United States v. Nova Scotia Food
 Products Corp., 238
 United States v. Perkins, 95
 United States v. Playboy Entertainment
 Group, Inc., 41
 United States v. S.A. Empresa De Via-
 cao Aerea Rio Grandense (Varig Air-
 lines), 392
 United States v. United Foods, 42
 United States v. US Department of
 Labor, 44
 United States v. Western Pacific Rail-
 road Co., 331
 United Steelworkers of America, AFL-
 CIO-CLC v. Marshall, 151
 Universal Camera Corp. v. National
 Labor Relations Board, 272, 345,
 347, 354

- Valentine v. Christensen, 41
Van Harken v. City of Chicago, 62
Vaughn v. Rosen, 280
Vermont Yankee Nuclear Power Corp.
v. Natural Resources Defense Council, Inc., 189, 192, 198, 229, 242-244, 262, 379, 386
Vernonia School District 47J v. Acton, 264
Virginia Petroleum Jobbers Ass'n v. FPC, 332
Walpole v. Hill, 177
Walters v. National Association of Radiation Survivors, 59, 63, 120, 305, 338
Warth v. Seldin, 315
Washington Research Project, Inc. v. Department of Health, Education and Welfare, 281
Washington v. Glucksberg, 40
Watkins v. United States, 52
Wayman v. Southard, 28
Webster v. Doe, 310
Weinberger v. Romero-Barcelo, 333
West Coast Hotel Co. v. Parrish, 37
West Virginia University Hospitals, Inc. v. Casey, 295, 359
Westfall v. Erwin, 395
Whitman v. American Trucking Assn, 29, 31, 248, 273, 306, 356, 357, 370
Wilderness Society v. Thomas, 330
Wirtz v. Baldor Electric Co., 203
Wisconsin v. Constantineau, 58
Withrow v. Larkin, 22, 26
Wong Yang Sung v. McGrath, 51, 192, 200, 229, 354
Work v. Rives, 302
Wright v. City of Roanoke Redevelopment and Housing Authority, 176, 395
Wyman v. James, 44, 264
Yakus v. United States 186, 306
Youngstown Sheet and Tube Co. v. Sawyer, 30, 108
Zurcher v. The Stanford Daily, 46

TABLE OF STATUTES

UNITED STATES CONSTITUTION

Article		Amendment	
I	11	1	41, 42, 81, 136
I, §8	11, 27	4	42-46, 188
I, §8, cl. 18	21, 88	5	13, 36, 45-47, 65, 188
I, §9, ¶3	301	6	39
I, §9, cl. 7	77	11	387, 389
II	11, 87, 118	13	9
II §3	255	14	9, 13, 36, 38, 39, 48, 50, 343
III	11, 25, 112, 118, 120, 121,	15	9
	123, 269, 306, 312, 317	17	9, 71
IV.	11, 269, 270	19	9
		22	9
		25	87

UNITED STATES CODE

2 U.S.C. - The Congress		Sec.	Pg.
Sec.	Pg.	552(a)(2)	220
431 et seq.	81	553	192, 220, 240, 256
1501 et seq.	11, 102, 251	553(b)	222, 229
1601 et seq.	82	553(b)(A)	222
		553(c)	221, 225
		553(e)	224
5 U.S.C. - Government Organization and Employees		554	192, 199
		554(d)	205
		554(d)(A)	209
Administrative Procedure Act		555	192
551	192	555(b)	202
551(1)	147, 277	555(c)	263
551(6)	199	555(e)	210
551(7)	199	556	192, 199
551(11)(c)	147	556(d)	208
551(13)	147, 304, 326	556(e)	203
552	192, 193, 220, 277	557	199
552(a)	186	557(b)(1)	209
552(a)(1)	222	557(c)(A)	203

Sec.	Pg.	Sec.	Pg.
557(d)	205, 206	573	219
558	192	574	219
558(c)	210		
559	192	Regulatory Flexibility Act	
701	192	601	250
701(a)	304	601-612	102
701(a)(2)	92	801(b)	35
702	192, 194, 299, 318	802(g)	35
703	192, 194, 298, 299, 303	1305	193
704	192, 299, 302, 303, 322, 323	3105	193
705	192, 217, 332	3344	193
706	19, 50, 118, 119, 192, 339	5372	193
706(1)	326	7521.	193
706(2)	56	App.	291
706(2)(a)	92	App. I.	289
706(2)(A)	311		
706(2)(B)	397	18 U.S.C. - Crimes and Criminal Procedure	
706(2)(C)	136		
706(2)(D)	47	2386	82
706(2)(E)	339		
706(2)(F)	62	21 U.S.C. - Food and Drugs	
Freedom of Information Act		348(c)(3)(A)	166
552(a)(4)(A)	277	28 U.S.C. - Judiciary and Judicial Procedure	
552(a)(4)(B)	277		
552(a)(4)(C)	277	1292(b)	323
552(a)(4)(E)	277	1331	299, 300
552(a)(4)(F)	277	1337	300
552(a)(6)	277	1339	300
552(b)	234, 278	1346	390
552(b)(7)(E)	263	1346(b)	391
Privacy Act		1361	301
552a	194, 287	1491	390
Government in the Sunshine Act		1651	332
552b	194	2201	300
		2202	300
Negotiated Rulemaking		2679(b)(1)	395
561	194	2680(a)	392
570	253	2764	391
Alternative Dispute Resolution		29 U.S.C. - Labor	
571.	194, 218	655(b)(5)	166
572	219	31 U.S.C. - Money and Finance	
		1400.	79

42 U.S.C. - The Public Health and Welfare		Sec.	Pg.
		4333	101
Sec.	Pg.	4334	101, 174
902	132	4335	101
1983	58, 388, 395		
1997e(a)	327		
4331	101		
4332	101		
		44 U.S.C. - Public Printing and Documents	
		3501-3520	265
		3507(c)	102

EXECUTIVE ORDERS

Exec. Or.	Pg.	Exec. Or.	Pg.
12,600	282	12,875	11
12,778	219	12,988	219
12,866	102, 104, 105, 108, 110, 112, 248-250, 256, 273	13,132	11

REGULATIONS

CODE OF FEDERAL REGULATIONS

Title	Pg.	Title	Pg.
1, §305.77-3	241	48, Pts. 1-53	401

FEDERAL REGISTER

Vol.	Pg.	Vol.	Pg.
52 , p. 23,781	282	58, p. 51735	104

STATE STATUTES

Revised Model State Administrative Procedure Act

Sec.	Pg.	Sec.	Pg.
1-102(1)	147	3-201 to -204	269
1-102(2)	147	4-101(a)	270
1-102(2)(iii)	148	4-102(b)	270
3-102.	269	4-201 to -221	270
3-103(3)	269	4-301	270
3-104.	269	4-401 to -403	270
3-105	269	4-501	270
3-107	269	4-502 to -506	270
3-112	269		

TABLE OF TEXT AND PERIODICAL CITATIONS

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Keeping a Watchful Eye: The Politics of Congressional Oversight (Brookings 1990), 28
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Beyond Carolene Products, 98 Harv. L. Rev. 713 (1985), 40
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We The People (Belknap Press 1991), 16
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Clean Coal, Dirty Air (Yale 1981), 7, 92, 132, 244, 386
Beyond the New Deal: Coal and the Clean Air Act, 89 Yale L. J. 1466 (1980), 244
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Three-Branch Monte, 72 *Notre Dame L. Rev.* 157 (1996), 215

Bickel, A.

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Bittker, B. and Denning, B.

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Brennan Jr., W.J.

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Brest, P.

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Bruff, H.

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Bruff, H. and Shane, P.

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5 Administrative Law Treatise 332
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336
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Rev. 507 (1986), 191, 220
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Kagan, R.

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Foreword: We the Court, 115 *Harv. L. Rev.* 4 (2001), 38

Krent, H. Preserving Discretion without Sacrificing Deterrence: Federal Governmental Liability in Tort, 38 *U.C.L.A. L. Rev.* 871 (1991), 391, 393

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PREFACE

This book had its origin in a project under the editorship of the late Professor Aldo Piras of the University of Rome, to create a collection of essays describing the system of administrative justice in the United States and seven European democracies.¹ His hope was that exposing the governmental law of our countries to professionals trained under other legal systems would both enrich understanding in an increasingly interdependent world, and provide helpful information about alternatives to jurisdictions considering changes in their public law. Professor Piras died before the project could reach completion, but the collection has been published by the Guiffre Press. The first edition of this monograph was also published separately in the United States, by Carolina Academic Press.

The years following have confirmed the usefulness of this undertaking. In Asia, Europe and South America, this book has proved helpful to lawyers and law students seeking a basic introduction to American public law and, in particular, administrative law. It has been useful inside the United States as well, for law students and others seeking an overview of our administrative justice system or a jumping-off place into the voluminous literature on the subject. The current edition was developed with both audiences in mind, after experiences teaching with it on four continents. It reflects significant changes that have occurred in American administrative law and government, as well as substantial elements of continuity.

Thanks are owing to many in any project like this. My late mentor Walter Gellhorn, introduced me to Professor Piras, only one of many acts of kindness and support, and he comes first in place. My casebook colleagues Clark Bye, Cynthia Farina, Todd Rakoff, and Roy Schotland, along with Richard Pierce and John Manning here at Columbia, and my many friends in the American Bar Association's Section of Administrative Law and Regulatory Practice, have read and responded helpfully to my work, and added immea-

1. *Administrative Law: The Problem of Justice in the Western Democracies*, (1991). This monograph appeared in Volume I, alongside essays by William Wade (U.K.) and Hans Ragnemalm (Sweden).

surably to my knowledge of the subject and ability to see its many facets. The faculties of the University of Leiden, the University of Buenos Aires, Ludwig Maximillians University of Munich, Tokyo University, and the European University Institute have been gracious and supportive hosts for weeks of visits that deepened my appreciation of alternative approaches to both the difficult business of securing fair, effective, and efficient government relationships with citizens and their businesses, and the strangenesses that many will find in American approaches. My students, at Columbia and abroad, have through occasional research and the work of our classes together equally helped me to understand what is not so obvious about American administrative law. Belinda Smith, now a lecturer on public law at Sydney University in Australia, has been particularly helpful in this regard, and in helping me to keep my diction straightforward and clear. Casandra Perez energetically and thoughtfully prepared the table of authorities and the index. Kristie Hart, my extraordinary assistant, cheerfully saw the text through countless revisions and authorial grumbles. Keith Sipe at Carolina Academic Press has been as supportive a publisher as one could wish. And none of this, nor much else that is satisfying in my life, could have happened without the patience and love of my wife Joanna.

The demerits of this book are wholly my own. I hope only that, given the vast landscape to be sketched, the occasional splotch or want of definition can be forgiven.

Peter L. Strauss
Lenox, MA 2001