

# **Administrative Law and Policy**



# Administrative Law and Policy

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# Preface

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Administrative law is the branch of the law that governs the structure, powers, and procedures of government agencies. In this book, we take a broad view of the subject. In addition to covering essential topics such as agency rulemaking, administrative adjudication, and judicial review of agency action, our treatment encompasses the constitutional foundations of administrative law as well as the statutory framework within which administrative agencies operate. Our text also includes a short history of the administrative state, taking note of key statutes, executive actions, and legal precedents. We also cover the rights and responsibilities of public employees, the liability of government officials and agencies, and the emergency powers of the local, state, and national governments.

Generally speaking, courts and legislatures both play essential roles in the development of administrative law. In recent years, the courts, and in particular the United States Supreme Court, have assumed an even greater role in this process, both through statutory and constitutional interpretation. Accordingly, we devote considerable attention to the Supreme Court's decisions affecting administrative agencies and regulatory policies. Our treatment of these decisions runs through the Court's 2019 term, which ended on July 9, 2020.

Overall, our goal is to provide students with a solid grounding in the law as it relates to the administrative and regulatory activities of public agencies. To facilitate this objective, we depict numerous real-world examples that connect principles of administrative law to daily life in the United States. In this regard, we have included a large number of "shadow boxes" throughout the book. For example, each of the "Case in Point" boxes focuses on a particularly important judicial decision. "Agency Spotlight" boxes examine specific government agencies or programs and their connection to legal disputes or controversies. Finally, the "Sidebar" feature addresses interesting topics or events, including the government's response to the COVID-19 pandemic, the controversy over mandatory vaccinations, gun rights in the public workplace, and the rules governing service animals on airlines.

We hope that our book is interesting and useful to students and practitioners of public administration and policymaking. We must acknowledge the debt we owe to our many students over the decades. More than anything else, their questions and observations motivated us to undertake this project. We also wish to thank our colleagues at the University of Tennessee for their suggestions and criticisms during the development of this manuscript. A special word of thanks is due to Stephanie Slater, a law clerk at the Tennessee Court of Appeals, for her assistance with legal citations.

Finally, we must acknowledge the support and assistance of David Herzig, Acquisitions Editor at Carolina Academic Press, as well as the exceptional attention to detail shown by our outstanding project editors, Ryland Bowman and Susan Trimble. Naturally, we assume responsibility for any errors of commission or omission.

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