

Political Science 6205  
Administrative Law and Procedures  
Spring 2008  
Hours: MWF 11:00 – 1:00  
W 3:00 – 4:30  
Or by Appointment

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**Purpose:** This course explores a series of cases and controversies in American administrative law and is designed to give administrators useful standards for their actions and decisions. We will learn the legal rationale and, beyond that, the ethical rationale, driving current debates in this field. Both administrative practice and administrative law are in flux as we adapt to a changing global economy. This course will explore how these changes effect such issues as the statutory authority of agencies, bureaucratic discretion, personal liability of public servants, citizens' access to government information, and respect for civil rights.

**Materials:** -Lief H. Carter and Christine Harrington, (2000) *Administrative Law and Politics: Cases and Controversies*, 3<sup>rd</sup> Edition  
-Cindy Skrzycki, (2003) *The Regulators*.  
  
-Students can expect to spend up to \$10.00 in copy machine expenses.

**Learning Outcomes:** Through writing a series of case briefs, essay tests, and a term paper students will demonstrate their proficiency in administrative/legal reasoning and familiarity with issues of administrative legality such as the statutory authority for agencies, bureaucratic discretion, deregulation, the liability of public officials, and citizen access to government information.

**Relation to Mission:** This course enhances student's knowledge of American public law and administration and compares it application different historical periods. Students demonstrate the ability to carry out administrative legal research and present their findings both orally and in writing.

**Plagiarism:** Anyone found to be cheating will receive an F grade for the course.

**Requirements:** Attendance is mandatory. There will be two in-class exams plus a final exam over the cases, controversies, issues, and readings presented in the course. All students are expected to read all cases and be prepared to discuss them. However, each week one or a few students will be assigned to write briefs on that week's material and present their briefs to the class. Briefs will be used to study for the in-class tests and final. Students, therefore, can expect to be unusually busy during some weeks of the semester; those weeks will be assigned on the second class meeting. Requirements will be weighted as follows:

Briefs	25%
Two In-Class Exams (25% each)	50%
Final Exam	25%

## Assignments

### I. History of the Modern Administrative State

Jan 14 Introduction  
*Dalton v. Specter* 114 S.Ct. 1719 (1994) (Handout; Read in Class)

### II. Deregulation, Rulemaking, and Neo-liberalism in the Global Era

Jan 28 SKRZYCKI, *The Regulators*.  
  
Feb 4 *Schechter Poultry Co. V. U.S.* (1935) (handout)  
*Humphrey's Executor v. United States* 79 L.Ed. 1611 (1935) (handout)  
*Solid Waste Agency v. U.S. Corps of Engineers* (2001) (handout)  
CARTER, Ch 1 Why Administrative Law?

### III. Elements of Modern Administrative Law

Feb 11 CARTER, Ch 2 Origins and Meaning of Administrative Law  
  
Feb 18 CARTER, Ch 3 The Constitutional Authority of Agencies  
  
Feb 25 CARTER, Ch 4 The Statutory Authority of Agencies  
*Whitman v. American Trucking Associations* (2001)  
  
Mar 3 CARTER, Ch 5 Information and Administration  
  
Mar 10 **1<sup>st</sup> Test in Class**  
  
Mar 24 CARTER, Ch 6 Informality and Formality in Administrative Law  
CARTER, Ch 7 Elements of a Hearing  
  
Mar 31 CARTER, Ch 8 Ambiguities in Rule Making Procedures  
CARTER, Ch 9 Enforcement of Administrative Policy  
  
Apr 7 CARTER, Ch 10 Judicial Review  
  
Apr 14 **2<sup>nd</sup> Test in Class**  
  
IV. Practical Problems in Administrative Law  
Apr 21 CARTER, Ch 11 Liability  
*Richardson v. McKnight* (1997)  
  
CARTER, Ch 12 Licensing  
  
Apr 28 CARTER, Ch 13 The Law of Public Employment  
*Branti v. Finkel* (1980)  
  
CARTER, Ch 14

**Final Exam, Monday, May 5, in Class: 5:30 - 7:30 pm**  
Students should bring a large sized bluebook to the final exam.

**Case Brief Assignments**  
**POLS 6205 Administrative Law**  
Spring 2008

**January 28**

- #1 Skrzycki, *The Regulators*, pp. 1-132
- #2 Skrzycki, *The Regulators*, pp. 132-240

**February 4**

- #1 *Schechter Poultry Co. V. U.S.* (1935) (handout)
- #2 *Humphrey's Executor v. U.S.* 79 L.Ed. 1611 (1935) (handout)
- #3 *Solid Waste Agency v. U.S. Corps of Engineers* (2001) (handout)

**February 11**

- #1 Chapter 2 *Morgan v. U.S.* (1938)  
*Goldberg V. Kelly* (1970)
- #2 *Mathews v. Eldridge* (1976)

**February 18**

- #1 Chapter 3 *Munn v. Illinois* (1876)  
*Lockner v. N.Y.* (1905)  
*National Labor Relations Board v. Jones and Laughlin Steel Corp.* (1937)
- #2 *Dolon v. City of Tigard* (1994)  
*Mistretta v. United States* (1989)

**February 25**

- #3 Chapter 4 *Immigration and naturalization Service v. Chadha* (1983)  
*NAACP et. al. v. Federal Power Commission* (1976)  
*Industrial Union Department v. American Petroleum Institute* (1980)
- #4 *American Textile Manufacturers Institute v. Donovan* (1981)  
*Chevron v. Natural Resource Council, Inc., et al.* (1984)
- #5 *Whitman v. American Trucking Associations* (2001) (handout)

**March 3**

- #1 Chapter 5 *Wyman v. James* (1971)  
*Marshall v. Barlow's, Inc.* (1978)
- #2 *Immigration and Naturalization Service v. Lopes-Mendoza et. al.* (1984)  
*Dow Chemical Company v. U.S.* (1986)
- #3 *Department of the Air Force v. Rose* (1976)  
*United State Department of Justice v. Reporters Committee for Freedom of the Press* (1989)  
*Nuclear Regulatory Commission v. Common Cause* (1982)

**March 24**

- #1 Chapter 6 *Bi-Metallic Investment Co. v. State Board of Equalization of Colorado* (1915)  
*Board of Curators of the Univ. of Missouri et al. v Horowitz* (1978)  
*Federal Crop Insurance Corp. v. Merrill* (1947)
- #2 Chapter 7 *Marathon Oil Co. v. Environmental Protection Agency* (1977)  
*Walters v. National Association of Radiation Survivors* (1985)
- #3 *Mazza v. Cavicchia* (1954)  
*Gibson v. Berryhill* (1973)
- #4 *Cinderella Career and Finishing Schools, Inc. v. Federal Trade Commission* (1970)  
*Ventura v. Shalala* (1995)

### **March 31**

- #1 Chapter 8 *United States v. Florida East Coast Railway, Inc.* (1973)  
*Natural Resource Defense Council v. Vermont Yankee Nuclear Power Corp.* (1976)
- #2 *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc.* (1978)  
*Motor Vehicles Manufacturers Assoc. v. State Farm Mutual Auto. Ins. Co.* (1983)
- #3 Chapter 9 *Environmental Defense Fund v. Ruckelshaus* (1971)  
*Gwaltney of Smithfield v. Chesapeake Bay Foundation, Inc. and Natural Resources Defense Council* (1987)

### **April 7**

- #1 Chapter 10 *Abbott Laboratories, Inc v. Gardner* (1967)  
*Association of Data Processing Services Organizations, Inc. v. Camp* (1970)
- #2 *U.S. v. Students Challenging Regulatory Agency Procedures* (1973)  
*Bennett v. Spear* (1997)
- #3 *Citizens to Preserve Overton Park v. Volpe* (1971)  
*Heckler v. Chaney* (1985)
- #4 *Universal Camera Corp. v. National Labor Relations Board* (1951)  
*National Labor Relations Board v. Hearst Publications, Inc.* (1944)

### **April 21**

- # Chapter 11 *Indian Towing Co. v. U.S.* (1955)  
*Griffin v. U.S.* (1974)  
*Allen v. U.S.* (1987)
- #2 *DeShaney v. Winnebago County Department of Social Services* (1988)  
*County of Sacramento v. Lewis* (1998)
- #3 Chapter 12 *Hornsby v. Allen* (1964)  
*Withrow et. al. v. Larkin* (1975)  
*Schwartz v. Board of Bar Examiners* (1957)  
*Cord. v. Gibb* (1979)  
*Dixon v. Love* (1977)

### **April 28**

- #1 Chapter 13 *Perry et al. v. Sindermann* (1972)  
*Cleveland Board of Education v. Loudermill* (1985)  
*Gilbert v. Homar* (1997)  
*Kelley v. Johnson* (1976)
- #2 *National Treasury Employees Union, et al. v. Von Raab* (1989)  
*Washington v. Davis* (1976)  
*"United State District Court, Western District of Washington at Seattle"* p. 467
- #3 *Branti v. Finkel* (1980) (handout)
- #4 Chapter 14 *Professional Pilots v. Federal Aviation Administration* (1997)  
*Salameda v. INS* (1995)