

Example of this section of the essay will examine three different cases and ident...

[Business](#), [Management](#)



\n[[toc title="Table of Contents"](#)]\n

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1. [Lujan v. Defenders of Wildlife](#) \n \t
2. [Norton v. Southern Utah Wilderness Alliance-BLM](#) \n \t
3. [CIA and the Dismissal of Employees](#) \n \t
4. [Works Cited](#) \n

\n[/toc]\n \n

American Airlines, Inc. v. Department of Transportation

This is a landmark case in Administrative Law. From the facts of the case, Dallas and Fort Worth operated two separate independent airports that were competing against each other in the same locality. The agency that operated as the Department of Transport, CAB identified that the presence of two airports was harmful to the region and as such, they ordered the two airports to merge in 1964. This culminated in the Regional Airport Concurrent Bond Ordinance, 1968 which was to close off some airfields in the region to commercial activities. The Ordinance was to make Love Field, the Fort Worth Airport local whilst the Dallas airport was to become the DFW (Dallas and Fort Worth Airport) which operated an intrastate or domestic airport system. The ordinance was to provide an efficient and effective phase out all activities of the smaller airport and help them to relocate to the DFW Airport. Southwest Airlines which was operating interstate flights refused to move from Love Field. Hence, they filed a motion against CAB. In 1978, the airline industry was deregulated by Congress and smaller airlines got the power operate independently. The Regional Airport Concurrent Bond Ordinance was

therefore prone to be challenged and Southwest Airlines challenged to secure their right to remain in Love Field by invoking the Wright Amendment which allowed Love Field to operate interstate flights for less than 56 passengers for flights from the airport to New Orleans and four more states. The Shelby Act of 1997 expanded the “contiguous state exemptions” of the Wright Amendment to include three more states.

Therefore, the DFW Airport sued at the federal level to stop the small airline operators relying on these Acts from operating from Love Field. The Department of Transport had to review their administrative powers and the role of the Regional Airport Concurrent Bond Ordinance 1968 and balance between federal and state law. They ruled on four main issues:

- The cities of Fort Worth and Dallas’ rights to regulate airline services in Love Field under federal law;
- The cities’ limitations imposed by the Wright Amendment and Shelby Act;
- The ability to provide airline services from the Love Field within the Wright Amendment rules;
- The Dallas International Airport could not enforce any contractual limits that prevent any airport service at the DFW;

DFW argued that the Department of Transport’s ruling was against the Administrative Procedures’ Act by operating beyond their agency mandate and failed to rely on appropriate procedures. However, a superior court denied the DFW’s claim that Administrative procedures were disregarded and upheld the Department of Transport’s claims.

Lujan v. Defenders of Wildlife

This was a case presented by a group of environmental organizations and groups who sought to invoke the Endangered Species Act (1973) on two US-sponsored projects in Egypt and Sri Lanka. In the process, the US Secretary of Interior and Secretary of Commerce identified that the Endangered Species Act had a geographical scope within which it can be invoked. And they argued that the projects in Egypt and Sri Lanka were beyond the Administrative powers of the US authorities.

However, in the Supreme Court, the argument of the US government authorities against the environmentalists was that there was no “injury in fact” and trying to invoke the Endangered Species Act in such a broad scope was not going to work. Hence, the attempt to use the Executive legislature against the US projects failed and the environmentalists lost the case of Administrative Procedures’ Act limiting the application of the rule.

Norton v. Southern Utah Wilderness Alliance-BLM

This case was about the Bureau of Land Management (BLM) which had the federal power to manage the lands of the federal government. They sought to utilize the Federal Land Policy and Management Act (FLPMA) to manage a 2.5 million acre of federal land in the state of Utah as a kind of study project for the future conversion into a national forest. This therefore restricted activities on the land including roads, mines, and other activities that could potentially degrade it.

The President had the Executive power to define how each land was to be managed and as such, the BLM had the right to manage the land until the

President and Congress could come up with a more permanent ruling on the situation. However, BLM proceeded to allow vehicles to drive into the land including roads, railways and other vehicles. The SUWA sued to prevent the BLM to continue to allow commuting over these lands.

The SUWA identified that BLM was falling short of their FLPMA responsibilities and this was against the NEPA Act. They stated that allowing the vehicles to go through the land made it impossible for the land to be classified as a study land and as such, against the strict sense of their obligation. They stated that Section 706(1) of the APA allowed them to raise an injunction against unlawful agency actions. They therefore sought to compel a judicial review that will suspend the operations of the BLM in the area. The trial court dismissed the claim and SUWA appealed to a higher court and BLM also appealed. The case ended in the US Supreme court who reversed the decision and dismissed the suit.

The ruling indicated that that the FLPMA requires the BLM to work within the scope of the administrative procedures available under the law. However, the FLPMA does not specify the exact route and the actions that they must adhere to in the strict sense to achieve this end. This implies that the BLM had the right to use various activities and processes that they could use to carry out their activities. Hence, reviews could not be done except the actions were within the required ambit of the law like order, rule, license, sanction or a grant of a relief of some sort.

The Supreme Court found that the BLM had achieved its objectives and as such, they did not really have any direct liability for any forms of failures.

Thus, the case was dismissed and SUWA had no right to administrative review.

CIA and the Dismissal of Employees

In the case of Webster V Doe, a CIA operative who admitted he was gay was dismissed by the CIA's Director. In this case, the CIA director had the right to fire employees as per the executive authority that put him in power. The direct wording of the legal instrument stated that the government and relevant authorities " shall deem such termination necessary or advisable in the interests of the United States".

This case was sent for administrative review however, the review was stopped on the basis of the fact that the CIA director was deemed to take decisions for the best interest of the United States. Hence, he had the right to take such a decision based on his discretion. This meant that the elements of the APA 701 do not really apply to him.

However, this was a 1988 case and in modern times, it is apparent that there would have been some other limitations placed on him. This case goes to show that in some cases, some legal systems and executive instruments might integrate clauses that might make it impossible for the case of judicial review to be raised on administrative grounds.

Works Cited

Deford, Gill. 5. 1. c express causes of action, administrative procedure act. 4 March 2013. Web. 5 October 2014.