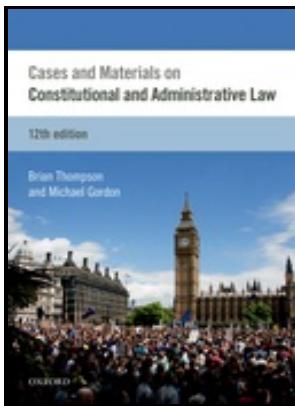


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famously broad and vague.

## NCLA Challenges Use of Unconstitutional Administrative Law Judges at the USDA

If systemic coherence is not built into the legislative process and drafting, then it falls to the institutions with responsibility for interpreting and implementing statutory law, namely administrative agencies and courts. The court held that such delegation was unlawful.

### Constitutional Law Notes

This is precisely the opposite of what the Court had sought to achieve in Maneka Gandhi. Is there an account of our administrative law that pays particular heed to the values of the rule of law? Professor Strauss has long insisted on the fundamental rule-of-law requirements of publicity for agency action 82 82 See, e. A second, finer, distinction underlay the holding in Ujjambai.

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Law presents itself as a system in which norms fit together. Fleming was sanctioned by a USDA ALJ who is not constitutionally removable. Based on that premise, this section then discusses two further implications.

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The majority chose, instead, to ignore it altogether, raising the difficult—and unanswered—task of reconciling the two holdings. Its essence is found in every branch of law, which cannot be ignored. Second, inherent vagueness in the definition of the principles of natural justice lends them flexibility which is arguably an advantage in administrative law but turns to a disadvantage under constitutional law by allowing an inconsistent and potentially unfair application of rights.

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When it is unclear whether a litigant can or cannot rely upon procedural protections afforded by the principles of natural justice in claiming enforcement of her rights, the consequence is a diminishing, rather than an expansion, of the rights. Law presents itself as a system in which norms fit together. His account thus offers a description of the shape of ultra vires review for the administrative context.

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