

T. Alexander Aleinikoff

*Non-Judicial Checks on Agency Actions*

49 Admin. L. Rev. 193 (1997)

Abstract by Sarah P. Kenney

Advocating against formal checks on administrative agencies, this article discusses the demands that such checks place on administrative agencies and their limited resources. Specifically, it explains that the possibility of a lawsuit to an agency's actions shifts policymaker's attention to the creation of litigation defenses rather than the creation of policies that will be the most effective. Among the formal checks discussed in this article are judicial review; congressional oversight; publicity; relationships with advocacy groups and constituency groups; and the executive branch.