tives exist and a question for judicial adjudication is present.[1290] But when a litigant is suing for protection of federally guaranteed civil rights, he need not exhaust any kind of state remedy.[1291]

Anti-Injunction Statute.—For reasons unknown,[1292] Congress in 1793 enacted a statute to prohibit the issuance of injunctions by federal courts to stay state court proceedings.[1293] Over time, a long list of exceptions to the statutory bar was created by judicial decision,[1294] but in *Toucey v. New York Life Ins. Co.*,[1295] the Court in a lengthy opinion by Justice Frankfurter announced a very liberal interpretation of the anti-injunction statute so as to do away with practically all the exceptions that had been created. Congress's response was to redraft the statute and to indicate that it was restoring the pre-*Toucey* interpretation.[1296] Considerable disagreement exists over the application of the statute, however, especially with regard to the exceptions it permits. The present tendency appears to be to read the law expansively and the exceptions restrictively in the interest of preventing conflict with state courts.[1297] Nonetheless, some exceptions exist, either expressly or implicitly

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[1290] City Bank Farmers' Trust Co. v. Schnader, 291 U.S. 24 (1934); Lane v. Wilson, 307 U.S. 268 (1939). *But see* Alabama Public Service Comm'n v. Southern Ry., 341 U.S. 341 (1951). Exhaustion of state court remedies is required in *habeas corpus* cases and usually in suits to restrain state court proceedings.

[1291] Patsy v. Florida Board of Regents, 457 U.S. 496 (1982). Where there are pending administrative proceedings that fall within the *Younger* rule, a litigant must exhaust. Younger v. Harris, 401 U.S. 37 (1971), as explicated in Ohio Civil Rights Comm'n v. Dayton Christian School, Inc., 477 U.S. 619, 627 n.2 (1986). Under title VII of the Civil Rights Act of 1964, barring employment discrimination on racial and other specified grounds, the EEOC may not consider a claim until a state agency having jurisdiction over employment discrimination complaints has had at least 60 days to resolve the matter. 42 U.S.C. § 2000e–5(c). *See* Love v. Pullman Co., 404 U.S. 522 (1972). The Civil Rights of Institutionalized Persons Act contains "a specific, limited exhaustion requirement for adult prisoners bringing actions pursuant to § 1983." *Patsy*, 457 U.S. at 508.

[1292] Toucey v. New York Life Ins. Co., 314 U.S. 118, 130–32 (1941).

[1293] "[N]or shall a writ of injunction be granted to stay proceedings in any court of a state . . . ." Ch. XXII, § 5, 1 Stat. 335 (1793), now, as amended, 28 U.S.C. § 2283.

[1294] Durfee & Sloss, *Federal Injunctions Against Proceedings in State Courts: The Life History of a Statute*, 30 MICH. L. REV. 1145 (1932).

[1295] 314 U.S. 118 (1941).

[1296] "A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments." 28 U.S.C. § 2283. The Reviser's Note is appended to the statute, stating intent.

[1297] Amalgamated Clothing Workers v. Richman Bros., 348 U.S. 511 (1955); Atlantic Coast Line R.R. v. Brotherhood of Locomotive Engineers, 398 U.S. 281 (1970). *See* M. REDISH, FEDERAL JURISDICTION: TENSIONS IN THE ALLOCATION OF JUDICIAL POWER ch. 10 (1980).