stance arose when the Court unexpectedly recognized a statute of limitations for certain securities actions that was shorter than what had been recognized in many jurisdictions, resulting in the dismissal of several suits, which then become final because they were not appealed. Congress subsequently enacted a statute that, though not changing the limitations period prospectively, retroactively extended the time for suits that had been dismissed and provided for the reopening of these final judgments. In *Plaut v. Spendthrift Farm, Inc.*,[143] the Court invalidated the statute, holding it impermissible for Congress to disturb a final judgment. "Having achieved finality, . . . a judicial decision becomes the last word of the judicial department with regard to a particular case or controversy, and Congress may not declare by retroactive legislation that the law applicable *to that very case* was something other than what the courts said it was."[144] In *Miller v. French*,[145] by contrast, the Court ruled that the Prison Litigation Reform Act's automatic stay of ongoing injunctions remedying violations of prisoners' rights did not amount to an unconstitutional legislative revision of a final judgment. Rather, the automatic stay merely altered "the prospective effect" of injunctions, and it is well established that such prospective relief "remains subject to alteration due to changes in the underlying law."[146]

"Shall Be Vested".—The distinction between judicial power and jurisdiction is especially pertinent to the meaning of the words "shall be vested" in § 1. Whereas all the judicial power of the United States is vested in the Supreme Court and the inferior federal courts created by Congress, neither has ever been vested with all the jurisdiction which could be granted and, Justice Story to the contrary,[147] the Constitution has not been read to require that Congress confer the entire jurisdiction it might.[148] Thus, except for the original jurisdiction of the Supreme Court, which flows directly from the Constitution, two prerequisites to jurisdiction must be present: first, the Constitution must have given the courts the capacity to receive

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composed of "inferior courts" and "one Supreme Court." "Within that hierarchy, the decision of an inferior court is not (unless the time for appeal has expired) the final word of the department as a whole." Id. at 227.

[143] 514 U.S. 211 (1995).

[144] 514 U.S. at 227 (emphasis supplied by Court).

[145] 530 U.S. 327 (2000).

[146] 530 U.S. at 344.

[147] Martin v. Hunter's Lessee, 14 U.S. (1 Wheat.) 304, 328–331 (1816). *See also* 3 J. STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES (1833) 1584–1590.

[148] *See*, *e.g.*, Turner v. Bank of North America, 4 U.S. (4 Dall.) 8, 10 (1799) (Justice Chase). A recent, sophisticated attempt to resurrect the core of Justice Story's argument appears in Amar, *A Neo-Federalist View of Article III: Separating the Two Tiers of Federal Jurisdiction*, 65 B. U. L. REV. 205 (1985); *see also* Amar, Meltzer, and Redish, *Symposium: Article III and the Judiciary Act of 1789*, 138 U. PA. L. REV. 1499 (1990). Professor Amar argues from the text of Article III, § 2, cl. 1, that