

Sec. 1—Judicial Power, Courts, Judges

Injunctions Under the Emergency Price Control Act of 1942.—*Lockerty v. Phillips*³¹⁸ justifies the same conclusion. Here the validity of the special appeals procedure of the Emergency Price Control Act of 1942 was sustained. This act provided for a special Emergency Court of Appeals, which, subject to review by the Supreme Court, was given exclusive jurisdiction to determine the validity of regulations, orders, and price schedules issued by the Office of Price Administration. The Emergency Court and the Emergency Court alone was permitted to enjoin regulations or orders of OPA, and even it could enjoin such orders only after finding that the order was not in accordance with law or was arbitrary or capricious. The Emergency Court was expressly denied power to issue temporary restraining orders or interlocutory decrees, and in addition the effectiveness of any permanent injunction it might issue was to be postponed for thirty days. If review was sought in the Supreme Court by *certiorari*, effectiveness was to be postponed until final disposition. A unanimous Court, speaking through Chief Justice Stone, declared that there “is nothing in the Constitution which requires Congress to confer equity jurisdiction on any particular inferior federal court.” All federal courts, other than the Supreme Court, it was asserted, derive their jurisdiction solely from the exercise of the authority to ordain and establish inferior courts conferred on Congress by Article III, § 1, of the Constitution. This power, which Congress is left free to exercise or not, was held to include the power “of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good.”³¹⁹ Although the Court avoided passing upon the constitutionality of the prohibition against interlocutory decrees, the language of the Court was otherwise broad enough to support it, as was the language of *Yakus v. United States*,³²⁰ which sustained a different phase of the special procedure for appeals under the Emergency Price Control Act.³²¹

³¹⁸ 319 U.S. 182 (1943).

³¹⁹ 319 U.S. at 187 (quoting *Cary v. Curtis*, 44 U.S. (3 How.) 236, 245 (1845). See *South Carolina v. Katzenbach*, 383 U.S. 301, 331–332 (1966), upholding a provision of the Voting Rights Act of 1965 that made the district court for the District of Columbia the only avenue of relief for States seeking to remove the coverage of the Act.

³²⁰ 321 U.S. 414 (1944). But compare *Adamo Wrecking Co. v. United States*, 434 U.S. 275 (1978) (construing statute in way to avoid the constitutional issue raised in *Yakus*). In *United States v. Mendoza-Lopez*, 481 U.S. 828 (1987), the Court held that, when judicial review of a deportation order had been precluded, due process required that the alien be allowed to make a collateral challenge to the use of that proceeding as an element of a subsequent criminal proceeding.

³²¹ Ch. 26, 56 Stat. 31, § 204 (1942).