

Sec. 1—Judicial Power, Courts, Judges

specialized jurisdiction. These tribunals are like other Article III courts in that they exercise “the judicial power of the United States,” and only that power, that their judges must be appointed by the President and the Senate and must hold office during good behavior subject to removal by impeachment only, and that the compensation of their judges cannot be diminished during their continuance in office. One example of such a court was the Commerce Court created by the Mann-Elkins Act of 1910,⁴² which was given exclusive jurisdiction to enforce, *inter alia*, orders of the Interstate Commerce Commission (except those involving money penalties and criminal punishment). This court actually functioned for less than three years, being abolished in 1913.

Another court of specialized jurisdiction, but created for a limited time only, was the Emergency Court of Appeals organized by the Emergency Price Control Act of January 30, 1942.⁴³ By the terms of the statute, this court consisted of three or more judges designated by the Chief Justice from the judges of the United States district courts and circuit courts of appeal. The Court was vested with jurisdiction and the powers of a district court to hear appeals filed within thirty days against denials of protests by the Price Administrator. The Court had exclusive jurisdiction to set aside regulations, orders, or price schedules, in whole or in part, or to remand the proceeding, but the court was tightly constrained in its treatment of regulations. There was interplay with the district courts, which were charged with authority to enforce orders issued under the Act, although only the Emergency Court had jurisdiction to determine the validity of such orders.⁴⁴

Other specialized courts are the Court of Appeals for the Federal Circuit, which is in many respects like the geographic circuits.

⁴² Ch. 309, 36 Stat. 539.

⁴³ 56 Stat. 23, §§ 31–33.

⁴⁴ In *Lockerty v. Phillips*, 319 U.S. 182 (1943), the limitations on the use of injunctions, except the prohibition against interlocutory decrees, was unanimously sustained.

A similar court was created to be used in the enforcement of the economic controls imposed by President Nixon in 1971. Pub. L. 92–210, 85 Stat. 743, 211(b). Although controls ended in 1974, *see* 12 U.S.C. § 1904 note, Congress continued the Temporary Emergency Court of Appeals and gave it new jurisdiction. Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, 87 Stat. 633, 15 U.S.C. § 754, incorporating judicial review provisions of the Economic Stabilization Act. The Court was abolished, effective March 29, 1993, by Pub. L. 102–572, 106 Stat. 4506.

Another similar specialized court was created by § 209 of the Regional Rail Reorganization Act, Pub. L. 93–226, 87 Stat. 999, 45 U.S.C. § 719, to review the final system plan under the Act. Regional Rail Reorganization Act Cases (*Blanchette v. Connecticut Gen. Ins. Corp.*), 419 U.S. 102 (1974).