Addy Co. v. United States, 83.

Administrative Procedure
under EPCA: relation of, to pre-statutory procedure, 60-1; pre-issuance hearings not required, 62; issuance of price orders quasi-legislative action, 62, 68, 71; alternatives given to Adm'r upon filing of protest, 63; dual functions of protest proceedings, 63-4; provision for written evidence in lieu of oral hearings, 64-6; power of Adm'r to take "official notice," 66-7; provisions for judicial review, 69-76; validity of delegations of power to Adm'r, 86-8;
as developed in WPB for civilian supply orders: described, 137-8; need for informality in, 138-9; possibilities for further regularization of, 139-40; consonance of, with due process, 140-3; provision in, for appeals, 143-4; provision in, for industry and labor committees, 144-5; judicial review of, 145-6. See Antitrust Laws, Constitutional Law, Judicial Review.

Agricultural Commodity
inflationary effect of limits on price ceilings for, 14; limits in EPCA on price ceilings for, 36-7; prices of, permitted, by 110% parity standard, 37-8; by 1919-1929 average standard, 38; limits on price ceilings of products made from, 38; meaning of term, 39-40; inclusion of Government payments in computing price of, 40-1; power of Commodity Credit Corp. to sell, at parity prices, 41-3. See Maximum Commodity Prices, Price Control.

Antitrust Laws
letters of Atty. Gen. concerning applicability of, to industry price control action, 46, 154-5, 158, to industry committees advising as to supply problems, 145, 154-5, 157, to pooling by sub-contractors, 156-7, to industry cooperation with other departments, 158; immunity from, conferred by EPCA under conditions specified, 46-7; legality of industry price control action under, irrespective of EPCA, 47-9; need for, to protect war effort against restrictions on production and independent business against great concerns, 150-2; investigations by Antitrust Division of restraints on war production, 152-3, on food distribution, 153; arrangements concerning antitrust prosecutions between Atty. Gen. and Secs. of War and Navy, 158-9.

Army and Navy Munitions Board
functions of as to priorities, 134.

"Ben Avon" Case
applicability of doctrine of Ohio Valley Water Co. v. Ben Avon Borough to judicial review of Adm'r's orders, discussed, 72.

* As used in this index "Adm'r" refers to the Price Administrator and "EPCA," to the Emergency Price Control Act of 1942.

Baruch Plan
proposal of B. M. Baruch for over-all ceiling, 17; difficulties in administering, 17-18. See Over-all Ceiling.


Borrowing
resort to, to meet war costs, 9, 20.

British Price Control
objectives of, 160; indirect controls used in, 160; various governmental agencies engaged in, 161; powers of Ministry of Supply over prices of raw materials, 161-2, its administrative structure, 162-3; powers of Ministry of Food over food prices, 163, its administrative structure, 163-5; powers of Board of Trade over non-food consumers' goods, 165, its administrative structure, 165-6; efforts in, to control price by controlling sellers' profits, 166-7, inadequacy of, 167-8, despite use of subsidies, 167-8; efforts in, to control price by controlling supplies, 168-9, by licensing distributors, 169-70, by priority, allocation, and rationing measures, 170-2; importance of consumer rationing, 171-2; provisions of Prices of Goods Act, summarized, 165; powers added by Goods and Services (Price Control) Act, 165, improved enforcement under, 169, 171; increases in living costs, despite, 171.

Canada
use of over-all ceiling in, 17.

Civilian Supply
administrative history of, 125-6, 127-8, 149-9; constitutional bases of, 126; statutory authority for, 126-30; types of orders employed in controlling, 130-3; trend from preference ratings to allocation as means of controlling, 134-71; considerations in developing programs of, 136-7; procedures developed in administering, 137-40, their validity, 140-3, appeals in, 143-4, role of industry and labor committees in, 144-5; judicial review of, 145-6; enforcement of, by criminal action, 146-7, by suspension of priorities, 147, by blacklisting, 147, by injunction, 147, by publicity, 147; pre-existing contracts as affected by, orders, 147-8. See Administrative Procedure, British Price Control, Priorities Act, Production.

Commodity Credit Corporation
power of, to sell agricultural stocks at parity, 41-3.

Confidential Information
disclosure of, by Adm'r limited, 54-55.

Conservation (M) Orders
function of, 130; statutory authority for, 130; examples of use of, 131; procedure for issuance of, 142; question whether, may be challenged, 143; appeal provisions in, 1431; enforcement of, 146-7.

Constitutional Law
questions of, under EPCA: validity of subjection of pre-existing contracts to price orders, 51-2;
INDEX—THE EMERGENCY PRICE CONTROL ACT

privilege against self-incrimination recognized, 54; validity of provision for terminating EPCA by concurrent resolution, 59; validity of omission of hearings prior to issuance of price orders, 63; requirement of fair hearing as affected by, substitution of written evidence for oral, 64-6; limitation on opportunity to cross-examine, 64, taking of "official notice," 66-7; requirements of Morgan cases, 67-9; validity of standards for judicial review of Adm'r's orders, 70-2; status of Emergency Court of Appeals as constitutional court, 73; validity of denial to Emergency Court of power to stay Adm'r's orders, 75-6; exclusive jurisdiction of, 75-6. See Courts, Judicial Review.

EMERGENCY PRICE CONTROL ACT of 1942 references (chiefly those in text) to sections of:
Section 1(a), 27, 96; §1(b), 59.
Section 2(a), 26, 28, 31, 32, 33, 38, 46, 49, 62, 95, 96; §2(b), 116, 117, 118, 121; §2(c), 32, 33, §2(d), 33, 34, 119; §2(e), 42, 44, 45; §2(f), 42; §2(g), 33, 34; §2(h), 35.
Section 3(a), 36, 38, 39, 40, 41; §3(c), 38, 39, 40; §3(e), 39; §3(f), 41, 42, 43.
Section 4(a), 50, 53, 55; §4(b), 120; §4(c), 54; §4(d), 35, 83, 120.
Section 5, 46, 49.
Section 202(a), 52; §202(b), 53; §202(d), 53; §202(e), 54; §202(h), 54.
Section 203(a), 63; §203(b), 63, 66; §203(e), 63.
Section 204(a), 67, 69; §204(b), 71; §204(c), 69, 204(d), 70.
Section 205(a), 52; §205(b), 55; §205(d), 46, 47, 49, 51; §205(e), 55, 56, 121; §205(f), 58, 121.
Section 206, 25, 62.
Section 302(i), 32.

administrative experience antedating, 22-4; consideration of, by Congress, 24; need for appropriations to enforce, 25; prior price schedules continued in effect by, 25; declared purposes of, 96; provisions of, relating to maximum commodity prices, 26-33, 95-6; provisions of, protecting against speculation, quality deterioration, and evasion, 33-5; provisions of, setting limits on ceilings for agricultural commodities, 35-8, and their products, 39, as affected by Government payments, 40-1; limitations of, on sale by Government of agricultural commodities, 41-3; provisions of, for Government purchase or sale of commodities, irrespective of maximum prices, 43-5; and for Government subsidy of high-cost producers, 45; provisions of, for industry cooperation, 46, 47, 49; provisions of, giving immunity from antitrust action, 46-9; effect of, on pre-existing contracts, 50-2; acts prohibited by, 50; powers of Adm'r under, as to investigations, records, reports, and subpoenas, 52-5; disclosure of confidential information limited by, 54-5; enforcement of, by injunction suits, 55, by criminal proceedings, 55, by triple damage suits, 55-6; by licensing, 36-9; provisions for termination of, 59; administrative procedure created by, generally, 69-1; pre-issuance hearings not required by, 61-2; provisions of, for conduct of protest proceedings, 63-5; provisions of, for judicial review of Adm'r's orders, 69-76; validity of, as exercise of federal power, 77-82, under due process clause, as price-fixing measure, 82-6, as delegation of legislative power, 86-8; provisions of, authorizing maximum rents, 116-21. See Administrative Procedure, Agricultural Commodities, Antitrust Laws,

CRIMINAL PROCEEDINGS against violators of EPCA, authorized, 55; against violators of priority orders, 146-7.

DAMAGES provision denying recovery of, for acts done in reliance on EPCA, 46, on Priorities Act, 147-8; when triple, recoverable against sellers exceeding maximum prices, 55-6.


DIVISION OF CIVILIAN SUPPLY created by executive order in OPACS, 126; transferred to OPM, 126, to WPB, 126; legal authority for functions of, 126-30; types of orders used by, 130-7; internal procedures of, 137-40, their informality, 138-9. See Civilian Supply, Priorities Act.

810 West End Avenue, Inc. v. Stern, 114.

EMERGENCY COURT OF APPEALS created by EPCA, 69; standards for judicial review by, 70-2; power of, to correct procedural errors, 73; status of, as constitutional court, 73; denied power to stay Adm'r's orders, 75-4; exclusive jurisdiction of, 75-6. See Courts, Judicial Review.
British Price Control, Constitutional Law, Maximum Commodity Prices, Price Control, Rent Control.


Gold Clause Cases, 51.

Great Britain rent control in, during World War I, 112, during World War II, 115. See British Price Control.
Hegeman Farms Corp. v. Baldwin, 84.
Hoober, Herbert quoted, on value of licenses, 57.

Industry Committees provision in EPCA for consultation and agreements with, 46, 47, 49; protection against antitrust liability, 46-9, 154-8; use by OPA of informal agreements to control price, 94; procedure developed in WPB for advisory, 145; arrangements between WPB and Attorney General as to antitrust liability, 145. See Antitrust Laws.

Inflation defined, 6; unhealthy effects of, 7, 10-11, 96; need to correlate financial and physical expansions to avoid, 9; cause of, in wartime, 9-10; various methods to control, 14-21, 91; need for both direct price control and indirect measures to control, 20-1, 91, 93, 124-5; effect of taxation on, 18-20; effect of borrowing on, 20; effect on, of 110% parity prices for agricultural commodities, 37-8; need for over-all ceilings to curb, 91-2, 93, 104; tendency toward, in rents in defense centers, 111 (table). See Price Control.

Injunctions against violations authorized, 55; may not be issued to stay Adm'r's orders, by Emergency Court of Appeals, 73-4, by any other court, 75.

Investigations power of Adm'r to conduct inspections and, 52-3.

Judicial Review of orders by Adm'r: Emergency Court of Appeals created for, 69; institution of proceeding for, 69; record in, 69-70; legal standards for, 70-1; independent judicial determinations not required in, 70, 72; correction of procedural errors in, 73; denial of power to stay Adm'r's orders in, 73-4; exclusive jurisdiction for, in Emergency Court of Appeals, 75-6; question as to, of WPB civilian supply orders, 145-146. See Administrative Procedure, Constitutional Law.

Labor Committees procedure developed in WPB civilian supply for advisory, 135, 144-5.
Edgar A. Leey Leasing Co. v. Siegel, 114.

License value of price control by, 56-7; authority of Adm'r to require, 57-8; occupations exempted from, 58; proceedings for suspension of, 58-9.

Limitation (L) Orders function of, 130, 135; statutory authority for, 130; examples of use of, 131-3, 135-6; procedure for issuance of, 142; question whether, may be challenged, 143; appeals provisions in, 143; enforcement of, 146-7.

M Orders see Conservation (M) Orders.

Margins difficulties of controlling dealers', 16; danger of "squeezing" dealers', by broad ceilings, 105.

Maximum Commodity Prices pre-statutory schedules of, continued by EPCA, 25; when Adm'r may establish, 26-7; requirement that, be "generally fair and equitable," 27-8, 99; flexibility of standard, 28; requirement that Adm'r consider Oct. 1-15 prices in setting, 28-30; requirement that Adm'r consider past costs and profits, 29-31, 100; "fair return on fair value" not a criterion for, 99-100; as fixed by temporary regulations, 31-2; flexibility of, through classifications, adjustments, etc., 32-3, 101, through definition of price, 32; protection of, against speculative or evasive practices, 33-5, 95; selection of commodities in fixing, 92; extent of, already established, 93; procedure followed by OPA in setting, 95; maintenance of needed supplies as criterion in setting, 97; importance of trends in unit costs in setting, 98; advantages of price reductions effected by, 98-9; advantages and difficulties of differential pricing, 101-3; method of setting, for unstandardized items, 104. See Agricultural Commodities, British Price Control, Emergency Price Control Act, Price Control.

Morgan v. United States, 68.

National Defense Advisory Commission (Advisory Commission to the Council of National Defense) creation of, 23, 125; Price Stabilization Division, in, 23, ceilings issued by, 23, superseded by OPACS, 24; activities of, relating to civilian supply, 125.

Office of Price Administration creation of, by executive order, 24, 126, by statute, 25; activities of, in controlling prices to date, 92-95; action of, to control rents, before EPCA, 107-110, under EPCA, 121; arrangements of, with Atty. Gen. concerning antitrust laws, 46, 154-8.

Office of Price Administration and Civilian Supply creation of, 24, 126; powers of, as to civilian supply, 126, transferred to OPM, 126.

Office of Production Management creation of, 24, 125; Priorities Board created in, 125, its limited civilian supply activities, 125-6; Division of Civilian Supply created in, 126, 127,
PRIORITIES

PRICE

Panama Refining Co. v. Ryan,

OVER-ALL CEILING

proposal for, 17; difficulties in administering, 17-8, 97, 104-6; compared with selective control, 91-2; "squeezing" retailers or their suppliers under, 105-6.

Panama Refining Co. v. Ryan, 140, 141.

PREPREFERENCE RATINGS

as used under P orders, 130-1, under L orders, 131, under M orders, 131; origin of use of, 134; inadequacies of, to assure supplies, 134-5; question whether denials of, may be challenged, 141-2; enforcement of, 146-7.

PRIORITIES ACT

importance of public support for, 3-5, 106; purposes of, as declared in EPCA, 96; effect of, on recent prices, 11; difficulties of, for consumer goods, 15-6; various methods of, 14-21; need for both direct, and indirect, 20-1, 91, 93, 124-5; need for teamwork among governmental agencies for, 21, 25; conditions setting framework for, 89-90; objectives of, to maximize productive efficiency, 90, to equalize war burden, 91, to retard inflation in purchasing power, 91, to minimize post-war maladjustments, 91; selective and over-all, compared, 91-2; criteria for application of selective, 92-3; problems of over-all, 104-6. See British Price Control, Emergency Price Control Act, Inflation, Maximum Commodity Prices, Price Control, Rent Control.

PRICE CONTROL

need for, when wartime demand exceeds supply, 16, 97, 122-5, 134-71; control as supplement to, 97, 125; inadequacy of price as a wartime means of, 124-5. See British Price Control, Civilian Supply.

RECONSTRUCTION FINANCE CORPORATION

authorized by EPCA to buy and sell through subsidiaries strategic and critical materials, 44-5.

RECORDS

power of Adm'r to require reports and, 52-3; limit on power to subpoena, of business, 53.

RENT CONTROL

types of communities in need of, 107; extent of movement to defense centers, 108-9; inadequacy of housing built for sale or by Government to meet demand, 109-10; effect of auto restrictions on housing shortage, 110; extent of rent increases as revealed by surveys, 110-1; inflationary effects of rent increases, 111-2; legislative precedents for, in Europe after World War I, 112, in District of Columbia, 113, 115-6, in Mass., N. J., and N. Y., 113-4, in New South Wales, 114, in Great Britain, 115, Canada, 115; constitutionality of, 113, 114; under EPCA: restriction of, to "defense-rental areas," 116, its legislative history, 116-71; requirement that Adm'r make recommendations stating need for regulation, 117; dates to be considered by Adm'r in setting maximum rents, 118; requirement that rents fixed be "generally fair and equitable," 118-9; provisions against evasion, 119, 120; protection of tenants against eviction, 119-20; definition of, "housing accommodations," 120, of "defense-rental areas," 121; authority to require license as condition to renting, 121; first action taken by Adm'r under EPCA, 121. See Emergency Price Control Act.

ROOSEVELT, FRANKLIN D.

quoted, on power to sell agricultural surpluses, 43, on arrangements concerning wartime antitrust prosecutions, 158.

INDEX—The Emergency Price Control Act

SECOND WAR POWERS ACT
Priorities Act clarified by, 129-30; penalties for priorities violations provided by, 146-7; amends Vinson Act provision for immunities on contract defaults, 148.

SELF-INCrimINATION
privilege against, must be claimed, 54; Compulsory Testimony Act applicable in case of claim of, 54.

SHERMAN ACT
see ANTITRUST LAWS.

STATEMENT OF CONSIDERATIONS
functions of, required by EPCA, 31; differentiated from recommendations as to rents, 117.

SUBPENAS
power of Adm'r to issue, 53; enforcement of, issued by Adm'r, 53.

SUPPLY
see CIVILIAN SUPPLY, PRODUCTION

SUPPLY PRIORITIES AND ALLOCATIONS BOARD
creation of, 126; powers of, over civilian supply, 127, 129; powers of, transferred to WPB, 129.

SUSPENSION (S) ORDERS
function of, 143; procedure for issuance of, 143.

TAXATION
effect of increased, of incomes, 18-19; effect of, by increased excise taxes, 19-20.

United States v. Macintosh, 77, 83.
United States v. Socony-Vacuum Oil Co., 47.
United States v. Wrightwood Dairy Co., 79.

VINSON ACT
see PRIORITIES ACT.

WAGES
effects of increases in, 10, 93; World War I policy as to, 11; control of, under over-all ceiling, 17-8; influence of high rents on, 111-2.

WAR PRODUCTION BOARD
creation of, 126; powers of SPAB transferred to, 129; relation of Division of Civilian Supply to, 137-40; function of Requirements Committee of, 137; appeals to, in civilian supply cases, 143-4; arrangements of, with Atty. Gen. concerning anti-trust laws, 145, 157-8.