



Equity and the Constitution: The Supreme Court, Equitable Relief, and Public Policy

Gary L. McDowell



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Since the landmark desegregation decisions in the *Brown vs. Board of Education* cases, the proper role of the federal judiciary has been hotly debated. Has the federal judiciary, in its attempt to legislate social policy, overstepped its constitutional boundaries?

In this volume, Gary McDowell considers the equity power created by Article III of the Constitution, on which the most controversial decisions of the Supreme Court have rested. He points out the equity was originally understood as an extraordinary means of offering relief to *individuals* in cases of fraud, accident, mistake, or trust and as a means of "confining the operation of unjust and partial laws." It has now been stretched to offer relief to broadly defined social *classes*. This "sociological" understanding, in McDowell's view, has undermined equity as a substantive body of law. He urges a return to the former definition as a means of restraining the reach of federal jurisdiction.



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