

C O P Y

November 6, 1934.

Major J. C. Fegan,
Headquarters, U. S. Marine Corps.
Washington, D. C.

My dear Major Fegan:

I am in receipt of your letter of October 24, 1934, in which you request information as to the inscription, "Equal Justice Under Law," which appears over the main entrance of the U. S. Supreme Court Building.

It is well recognized that while justice may be administered in exact compliance with all the requirements of established law, it is often impossible under law, due to lack of flexibility in the law itself, to render absolute or ideal justice. The recognition of this fact resulted in the establishment of courts in equity. In Webster's dictionary, the following distinction is drawn between justice and equity: "In ordinary usage, justice implies a strict and judicial rendering of what is due. Equity emphasizes rather the idea of fairness and even-handed impartiality." Equity is defined by Funk & Wagnalls' and also Bouvier's dictionary as "equal justice," and the Century Dictionary and Encyclopedia gives as a definition of equity "equal or impartial justice". The inscription may, therefore, be interpreted to mean equity (equal justice) under and by authority of law.

As further authority for the use of the term "equal justice," which at first glance may seem redundant, the first inaugural address of Thomas Jefferson at Washington makes reference to "equal and exact justice to all men," in the following passage:

"About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper you should understand what I deem the essential principles of our Government, and consequently those which ought to shape its Administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political;"

Yours very truly,

(David Lynn),
Architect of the Capitol

HDR:S