



Interviews with
**Michigan Supreme
Court Justices**

INTERVIEW WITH GEORGE EDWARDS

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Conducted by Roger F. Lane

December 3-4, 1990

Topic 1: Justice Edwards discusses his family history, his father, and his education at Southern Methodist University and Harvard

Mr. Lane:

This will be another case in the series being sponsored by the Michigan Supreme Court Historical Society, and today, which is December 3, 1990, the focus will be on Judge George C. Edwards, now a senior judge on the U.S. Court of Appeals, Sixth Circuit, who served on the Michigan Supreme Court from May, 1956 into or through 1961, during that period, and with him in his chambers in Cincinnati is Roger Lane representing the Historical Society. Judge, I would like to start off with some account of your earliest family history. I would like you, for example, if you're agreeable, to recite the time and place of your birth, the condition of your family, that is, whether you had brothers and sisters, where you lived, the kind of a house, and what your father was employed at and that sort of thing.

Justice Edwards:

Okay, we can do that.

Mr. Lane:

You were born in Dallas, weren't you?

Justice Edwards:

Yes. I was born in Dallas, Texas on August 6, 1914. My father was a lawyer in Dallas. He was

the best known liberal lawyer at a time when there were darn few such in Dallas or for that matter, anyplace in the country.

Mr. Lane:

Where did he look for employment of his services given those facts?

Justice Edwards:

Well, there were always poor folks who needed a lawyer, many of whom couldn't pay anything, but Dad took their cases, and he worked on them, and he did something for them, almost regardless of whether or not he was ever going to get paid.

Mr. Lane:

What did he rely on to feed the family?

Justice Edwards:

He had enough of a practice so that...he was a darn good lawyer, and there were some lawyers who, some clients who subsequently were asked why they went to my father for legal work, and I know that one or more of them said something like, "Well, George Clifton Edwards may be a bit of a radical, but he is a darn good lawyer, and he got a better deal for me as a result of his trying the case than anybody else would have done, I think". I'm talking now as if that's what the potential or the actual client said.

Mr. Lane:

In those days, was there much civil rights practice or was this all...?

Justice Edwards:

No, no.

Mr. Lane:

None at all?

Justice Edwards:

On, no. Civil rights practice was just non-existent. I don't mean that there weren't some cases that emerged onto the...1914 is a long way back. That's when I was born, and my father was born before that, of course. Let's see when he was born.

Mr. Lane:

When I grew up, civil rights meant Sacco and Vanzetti.

Justice Edwards:

Well, he was very interested in the Sacco and Vanzetti cases as a matter of fact. He didn't participate in it, but was certainly aware of it. I don't know that I can tell you anything more about his relationship to the Sacco and Vanzetti case than that.

Mr. Lane:

Where did your dad go to law school? Was he a Harvard graduate in law?

Justice Edwards:

Dad went to Sewanee, the College of the South.

Mr. Lane:

Had he grown up in the south?

Justice Edwards:

He grew up in Dallas, yes. I grew up in Dallas.

Mr. Lane:

Did you have brothers and sisters? Did you have a comfortable home to live in?

Justice Edwards:

Oh, yes. We had a comfortable home. We always had bread on the table, and we had...my father made a reasonable living but certainly, it was one that...there was nothing gaudy about it, that's for darn sure. We lived in...Dad lived in several different houses. He lived on Shelby Street in the first instance in Dallas, right close to Parkland Hospital, right close to where Kennedy was killed. That was not a...

Mr. Lane:

An elegant neighborhood, perhaps?

Justice Edwards:

It was not an elegant neighborhood, that's for sure. I'm trying to figure out how to characterize it. I would say it was, for Dallas which wasn't a wealthy city at that point - I think it subsequently became one, but it wasn't then, and the houses that my father lived in, and I think he lived in the one on Shelby Street for quite a while and then when he got older and ill, we took him to Lansing and he lived there with us. That was after I had gone on a different court, and he was a figure in Dallas. There was no question about the fact that people knew who George Clifton Edwards was.

Mr. Lane:

Primarily through his legal reputation?

Justice Edwards:

Well, he'd make speeches.

Mr. Lane:

Oh, I see. He was sort of an activist, was he?

Justice Edwards:

Oh, well sure. Let's see. I've got one right here, I think.

(break in taping)

Justice Edwards:
Four.

Mr. Lane:
November, 1944.

Justice Edwards:
He was talking to the Dallas Bar Association, and I think that after he got through with this speech, there was a motion to strike it from the record of the Dallas Bar Association which was defeated rather narrowly.

Mr. Lane:
This one is entitled "Negro Progress and White Justice".

Justice Edwards:
Right.

Mr. Lane:
I imagine that was a pretty warm topic in 1944.

Justice Edwards:
Well, you can appropriately say that that was true.

Mr. Lane:
Did you have brothers and sisters?

Justice Edwards:
I had a sister.

Mr. Lane:
Was she older?

Justice Edwards:
My family had four children. Two of them died in childbirth or close there to. You know, life was pretty tough back there.

Mr. Lane:
Was your mother a hardy woman or frail?

Justice Edwards:
She and Dad both had tuberculosis at one time or another which was then a killer disease. They...neither of them died of that but both were ill as a result of it.

Mr. Lane:

Did it influence your early family life, this specter of serious illness right under your roof?

Justice Edwards:

I don't remember it that way. I remember the fact that I was...you know, you remember the thing that is most vivid to you personally. I remember the fact that I was cheated, that because they had lost these two children, my sister and I were treated as very delicate plants, and my mother in particular guarded us with some vigor, and I think to some degree, my sister never broke completely away from that, but I got very restive about it after I got to be in my, oh, maybe early teens. I began to want to break out, and I went to Sam Houston School and there, I ran into various and sundry activities and got into a fight or two. I'm not sure that any of them had to do with my father's beliefs or mine, but I think maybe that was sort of background stuff, none the less.

Mr. Lane:

As you look back, do you sense you were combative beyond what is normal for a teenage kid in a vigorous environment where you...were you probably active in sports?

Justice Edwards:

I wasn't active in sports. I wasn't very successful in sports. Let's put it that way. I played baseball and when football came along, I played a little bit, but I wasn't about to boast about my physical prowess.

Mr. Lane:

Was this restiveness that you mentioned, judge, was this...did this get some...was it influenced by some of your teachers in, say, high school? Did you take a cue or two from their instructions? Sometimes, you know, there are these bonds. Sometimes there are not.

Justice Edwards:

There were a couple of teachers who had an influence on my father and mother, I think. One of them was named Osmund, I know.

Mr. Lane:

O-s-m-u-n or something like that?

Justice Edwards:

I beg your pardon?

Mr. Lane:

Would it...I'm going by the sound. Would it be like Osman, O-s-m-a-n, or?

Justice Edwards:

O-s-m-u-n-d, I believe. There was another one. I don't remember her name, but they were teachers, and they took an interest in my father, in particular, because from the very beginning, he was very bright, and sopped up information.

Mr. Lane:

And then you finished high school, did you, in...?

Justice Edwards:

North Dallas High School.

Mr. Lane:

And then did you go on and break away at that point from your family shelter or?

Justice Edwards:

I began to get a little more active after a period in my youth, early youth, of being treated as a delicate boy, and I began to participate in neighborhood activities and baseball and football and what not.

Mr. Lane:

At that time, did you start to become active in...what will I say...in an intellectual way? Did you ally yourself with causes and that sort of thing at that stage?

Justice Edwards:

Oh, well, from the very beginning, as soon as I was able to read, think, I read an awful lot in the period while I was sick. My father would bring two or three books home almost daily during the periods of my illness, and I'd soak them up.

Mr. Lane:

What was this illness, Judge, and at what stage did you...?

Justice Edwards:

Just flu.

Mr. Lane:

That sort of thing, hum?

Justice Edwards:

Yes.

Mr. Lane:

You didn't have chronic repeating occurrences of this, just from time to time you would...?

Justice Edwards:

I would say that until I started into high school, I was pretty...I was familiar with quite a lot of illness, and it impeded my acceptance into athletic affairs. I didn't really get going on that kind of business until later on.

Mr. Lane:

When your dad would bring home the books, would they be the common novel sort of material that...Tom Swift and that sort of thing, or would he bring you books that had more...?

Justice Edwards:

I'm not sure I ever read a Tom Swift book.

Mr. Lane:

You've heard of him?

Justice Edwards:

Oh, yes, sure, but I'm not sure I ever read one. I may have, probably did. He brought everything. He brought things that were serious and occasionally, he'd bring one that was just too heavy for me, and I, not being able to really follow it, would put it aside, but most of the time when he brought it, I tried to read it. My father was a hell of a man, and I had a lot of admiration for him. I tried to follow him to no small degree.

Mr. Lane:

Did he inspire in you interest in specific historical figures, Abraham Lincoln or other perhaps persons who you then became keenly interested in and wanted to emulate or any of that in this period?

Justice Edwards:

Well, I think one of the more interesting answers to that...ordeal with Roosevelt. I came home from college, I think, maybe I was already...anyhow, I remember that my father thought that Roosevelt was right in going into World War II.

Mr. Lane:

This is Franklin D. Roosevelt?

Justice Edwards:

Franklin D. Roosevelt, yes. I think that sort of surprised me because he'd been so anti-war.

Mr. Lane:

He must have had a vivid perception then of the threat of what was going on in Europe.

Justice Edwards:

Yes, I'm sure he did. He read very widely and was conscious of many aspects of life around the world, much more than most people. My mother, the very early days, my mother read to me when I was sick, and she would read lighter things, but it all, you know, gave some acquaintance with the world, even though I was maybe bedridden. I would think that I was sickly almost through grammar school and that had a good deal to do with my being saturated with a lot of acquaintance with books.

Mr. Lane:

Cultivating an intellectual aspect of your personality.

Justice Edwards:

Yes. Well, he was doing it all the time.

Mr. Lane:

When I was talking to John Voelker, he had something somewhat similar to say. He talked about the residence in Ishpeming being close to the Carnegie Library and his mother kept chasing over there, and the way he put it, she said, "Read, read, read".

Justice Edwards:

Oh, well that was certainly typical of my father. I don't know...he wouldn't have said it that way. He would have just brought the books and I was supposed to take it from there, and I did.

Mr. Lane:

What do you remember about how you started your college career? Was it a problem to, for example, raise the money to pay for it, or did you go at home to start with at Southern Methodist, or?

Justice Edwards:

Well, my father wanted me to go to Harvard, and it was one of the great disappointments of his life that he didn't have the money at the time when it was appropriate for me to go. You know, I went through...I think I went through grammar school skipping at least one grade and I know I went through high school skipping a grade.

Mr. Lane:

Were you ready for college then at about 16 or so? Would this have been in 19...?

Justice Edwards:

I think I probably was in college in my teens. I don't know that I can identify the exact date. I can, of course,...is it worthwhile to look it up?

Mr. Lane:

I can look that sort of thing up.

Justice Edwards:

Well, I think you'll find it in some of the material that I'll end up giving you.

Mr. Lane:

This would have been in 1930, 1931 or 1932, somewhere in there, which would have been deep, deep in the depression, correct?

Justice Edwards:

Yes.

Mr. Lane:

That must have had some influence on the family finances?

Justice Edwards:

Let's take a look here. I'm pretty [expletive] sure that we've got something on that.

1916...1914...born August 6, 1914. Father practiced law in Texas for 50 years. I graduated from elementary school, that's Sam Houston, attended North in 1927. You see, that means that I got into high school at 13. Attended North Dallas High school. Was Salutatorian of the graduating class in 1930, so I finished it in three years, and then I went to Southern Methodist University where I finished it in three years.

Mr. Lane:

That would have been 1933, then, when you graduated?

Justice Edwards:

Graduated in 1933.

Mr. Lane:

Now, was Southern Methodist a kind of place that was immediately adjacent to your neighborhood? Could you go there by streetcar, bus or walk there, or was there?

Justice Edwards:

My recollection is that I went by bicycle, and I had quite an adequate one for quite a while, and then one day on my birthday, I think, I had had an ambition to have a particular kind of bicycle, and there was, I think, a Columbia in that period was "the" bicycle, and I had wanted the Columbia. I had been told before Christmas. I don't know whether this was birthday or Christmas, but it was one of them that wasn't in the cards. Life was too difficult financially in the family, and then all of a sudden, on my birthday or Christmas, whichever it was, they suddenly produced a bicycle. It wasn't a Columbia, but it was better than a Columbia, and I don't think I received it with the expressions of joy that I should have, but subsequently, I became devoted to it. It was a wonderful piece of machinery.

Mr. Lane:

When did you start...we got up to your graduation from Southern Methodist. Had thoughts of the law begun to come upon you? Were you thinking then of a legal career, or how did you go from there into the law?

Justice Edwards:

I think that almost from the very beginning, I was subconsciously, anyhow, heading toward following my father's career. Early on, early on, I used to go downtown with him, and I would sit in the antechamber when he had clients in his office with him, and...antechamber is perhaps too magnificent a word for his office...he had an office on Main Street in Dallas, Texas for practically all of his life, and it was upstairs in order to save rent. I would run errands for him. Later on, I'd take papers down to the courthouse and file them. I got to be fairly well-known at the courthouse as I recall it, and that may have been later on, maybe in my late teens. I don't

remember, but there are vacations, of course, when school wasn't going on. During school, of course, I was in school.

Mr. Lane:

Wasn't there a period shortly after Southern Methodist when you went to Harvard for a while?

Justice Edwards:

Oh, yes. I got a Masters degree from Harvard.

Mr. Lane:

Oh, you did? What was that...how did that come about?

Justice Edwards:

Well, he had always wanted to send me to Harvard but he didn't have the money. He scraped together the money for it.

Mr. Lane:

What years were those, Judge, do you remember...1934?

Justice Edwards:

Well, they'd be in the 30's.

Mr. Lane:

Right after Southern Methodist?

Justice Edwards:

Oh, yes.

Mr. Lane:

The following year, 1933, 1934, 1935?

Justice Edwards:

I majored in English, received a B.A. degree in 1934, no, in 1933, and I went the next year to Harvard and I there took a Masters Degree in English in 1934 and served as Secretary of the Harvard Liberal Club.

Mr. Lane:

Did that kind of...was that your debut in political activity? Do you remember, in an organized way?

Justice Edwards:

Well, it certainly occurred at Harvard because I became an officer of the Harvard Liberal Club. I

think that was what they called it...yes, served as Secretary of the Harvard Liberal Club, and this is 1934 now, and let's see...

Mr. Lane:

Were the Liberal...

Justice Edwards:

We made quite a...the Harvard Liberal Club staged some meetings, and there was some controversy which developed, and there were very conservative students who organized against the Harvard Liberal Club, and I don't know whether there were several meetings, but I know there was controversy between these two groups. Finally, there was a meeting on the steps of the Widener Memorial Library and the "anti's" tried to break up the meeting, the Harvard Liberal Club meeting, and I had acquired enough familiarity with public speaking and with the sorts of causes that my father was active in, partly by hearing him speak in parks and other places, and when there was this opposition formed and an effort made to break up a Harvard Liberal Club meeting on the steps of Widener Memorial Library, several speakers had tried, from my side of the fence, had tried to handle the situation and had been unmercifully booed and razzed, and I guess I had picked up enough stuff from my father listening to him and watching him perform in public functions so that I...it was the Harvard Chowder and Marching Club that was formed by the reactionaries against the Harvard Liberal Club, and the Harvard Chowder and Marching Club was really going to work on us on the steps of Widener Memorial Library, and I finally was called on and I had heard enough of what my father was capable of doing so that I did a lot better. I remember that they were giving us the Bronx cheer, if you know what that is.

Mr. Lane:

Yes.

Justice Edwards:

And my greatest triumph was saying after some one person had emitted a particularly loud Bronx cheer...I came back with, "Now do that with your mouth", and it really busted up the meeting.

Mr. Lane:

Oh, did it?

Justice Edwards:

Yes. Where we were taking a licking, why, this turned around, and they marched off with some semblance of defeat, I think.

Mr. Lane:

This must have given you sort of a lift.

Justice Edwards:

Oh, yes, the biggest single event in my college career, I suppose. No, I really had quite a...this is supposed to be about my father, isn't it.

Mr. Lane:

No, no...we're gone to you now.

Justice Edwards:

All right. Well, I had found...I joined a fraternity at SMU, Kappa Sigma, and I enjoyed it. My father, strangely enough, had apparently belonged to the same outfit at Sewanee, and he did not...he thought that was all right for me to join it. Kappa Sigma was not the, not a particularly intellectual organization. They had quite a number of football players in it. A football player, I was not. A college football player, I was not. I may have played some sand lot football, but...

Mr. Lane:

By this time, had you become an active tennis player? You achieved some degree of...

Justice Edwards:

I played...Dad had taught me tennis.

Mr. Lane:

Oh, did he?

Justice Edwards:

Yes, and I have played tennis all my life until, I regret to say, right about now. I'm playing less and less, but haven't given up the idea even so. Where was I? I got through...?

Mr. Lane:

We're talking about your activity as the Secretary of the Liberal Club and this confrontation, if that's the right word...

Justice Edwards:

On the steps...

Mr. Lane:

And then you were, I think, instilled with some greater confidence as a result of that, and I suppose perhaps you were more quicker to speak, were you, on such occasions after that, or...?

Justice Edwards:

No, that was my greatest triumph at Harvard. In subsequent history when I came back to Dallas from Harvard, I did some speaking in the parks in Dallas.

Mr. Lane:

What was your central theme at that time? Would it have been economic justice or something about how to remedy unemployment? Those were the issues of the day, weren't they?

Justice Edwards:

Well, unemployment was a big, big feature of life, and my father was the best known socialist in the state of Texas for most of his life, and I, of course, picked up a great deal. I talked in parks, made speeches from time to time. I wouldn't say that I did an awful lot of that, but there was certainly some of it.

Mr. Lane:

How long were you at Harvard, Judge?

Justice Edwards:

Just a year.

Mr. Lane:

Just one year, and you came back in 1934 to Dallas?

Justice Edwards:

To Dallas, yes.

Mr. Lane:

What led to your going then, from there, to Detroit? Didn't you go to Detroit about that time?

Justice Edwards:

Yes. Let's see if I can figure out just how that went.

Mr. Lane:

Did it have anything to do with organizational ties to some group like...I know somewhere in there, you were active in the American Students Union, were you now?

Justice Edwards:

Yes, I was for a brief period of time. Really, from 1934 to 1936, two years, I lectured for the League for Industrial Democracy. This was Norman Thomas'...Norman Thomas was always the president of that or whatever they called it...I don't know...but he was the head of it.

Mr. Lane:

He was the socialist candidate for president for several years in that period, wasn't he.

Justice Edwards:

Yes, he was. He was also head of the L.I.D. Then,...let's see. You can't....it's hard to...when did World War II come along.

Mr. Lane:

Well, 1939 was the destroyers for Britain and the declaration of war, you know, was in 1941. That was a few years after that.

Justice Edwards:

Well, I worked in the automobile industry after I got out of Harvard.

Mr. Lane:

You worked for Kelsey-Hayes, didn't you?

Justice Edwards:

I worked for Kelsey-Hayes, and I worked for Timkin Detroit Axle, and in the period of 1934 - 19...let's see...1936, I guess, I was national...

(End of side 1, tape 1)

Topic 2: Justice Edwards talks about his early employment and involvement in the labor movement, serving in the military and his appointment to the Probate Court

Mr. Lane:

Now, during this period, about 1935 or so, and you're working for Kelsey-Hayes, and Timkin, dipping brakes, I recall reading. What was that?

Justice Edwards:

Yes. I...for a period of time at Kelsey-Hayes, I dipped brakes, the brake plate. That's the plate on which the brakes were subsequently going to be attached, and there were several operations, but the operation I worked on most of the time was dipping them so that the brake plate was protected from dust and dirt and grit and chips, metal chips from the grinding, and the brake plates came off a line. One man took the brake plates off the line and threw them on a metal table, and then they were racked and then they were dipped, and then they were...the holes were bored that were necessary for the affixing of the brake shoes to the brake plate, if you follow that sequence of events.

Mr. Lane:

Yes.

Justice Edwards:

Well, I worked on that operation. I probably did, at one time or another, all of those operations, but basically, I did the job of racking them, taking the brake plate off of a conveyor and putting it on a rack when somebody else would grab it, the two people took it and dipped it to have a protective surface.

Mr. Lane:

Judge, what attracted you to that kind of employment? Were jobs that tough in those days or...?

Justice Edwards:

Oh, hell, yes. They were very tough, and also, I wanted experience in the industry.

Mr. Lane:

Was this in connection with your beliefs, social beliefs, shall I call them?

Justice Edwards:

Oh, yes. I think so. I think I was...I probably by then had met the Reuthers. Walter Reuther was a very big and important figure in the early days of the labor movement, as you know, and Victor Reuther was likewise, and I got involved early on in the union. I remember an old man. He probably was 40, who was working at Kelsey-Hayes at the time I first went there, and he said to me, "You're probably one of those young fellows who want to get ahead in life so you're not going to join the union, huh?", or something like that, and I said, "No, are you a union man?", and he said, "Yes. We're organizing". I think maybe they had three or four members, and I said, "Let me see what you've got". He handed me an application card, and I signed it, and paid a dollar, and joined the union at Kelsey- Hayes.

Mr. Lane:

That was your formal entry into the labor movement?

Justice Edwards:

That was my formal entry into the labor movement.

Mr. Lane:

This would have been about 1936, would it, or 1935, somewhere in there?

Justice Edwards:

I would say 1936 would be a pretty good guess.

Mr. Lane:

Now, Judge, at that time, when you were becoming active in this struggling union movement, was the law in you part of your activity? Were you guiding your colleagues in the labor movement in how to accommodate to the legal problems or what?

Justice Edwards:

Well, I suppose I knew a little bit about law from the fact that I was around my father's office a lot, but it...

Mr. Lane:

You hadn't begun law school yet, had you?

Justice Edwards:

No, I hadn't begun law school at that point. I'm trying to...see, I became National Director of the Welfare Department of the UAW from 1937 - 1939.

Mr. Lane:

National Director...now, that was a pretty big responsibility.

Justice Edwards:

Big responsibility and I think it paid \$50.00/week or maybe \$25.00 in the beginning.

Mr. Lane:

This was your main source of bread and butter for the take.

Justice Edwards:

Oh, yes.

Mr. Lane:

This was how you lived, right?

Justice Edwards:

Yes.

Mr. Lane:

Did you operate, then, pretty much of out Detroit, or did you travel, or what sort of...?

Justice Edwards:

1934 - 1936, I was Secretary for the League for Industrial Democracy, and during that period of time, I traveled all over the country for the L.I.D. Norman Thomas was the head of it. Mary Fox was the Executive Secretary. Did you ever hear her name?

Mr. Lane:

Perhaps, but I don't really identify it.

Justice Edwards:

Don't really remember. Well, she was the gal who was really doing the running of the office. Norman did the speaking. Norman was a powerful speaker, and really attracted people to him. Mary Fox had the responsibility for setting up my schedules, and I would be scheduled all over the country. I think I went out to the west coast. I know I went to Chicago. I know I went...

Mr. Lane:

Was your mission mostly recruitment build-up.

Justice Edwards:

Yes, to get membership for the L.I.D. at this point, but it was also talking unionism. Then I became...I think I've already said this...I became National Director of the Welfare Department for the UAW from 1937 - 1939, and in the meantime, I had been active in strike activities hither, thither and yon. There was a strike at the Yale and Towne Lock Company where I and several

other people were held in contempt of court because we were engaged in a sit down strike, and it...we had been enjoined by Arthur Webster, a Circuit judge, to vacate the plant, and we declined to do so. Ultimately, Webster held my robe when I was sworn in as a Circuit judge.

Mr. Lane:

I was going to say, this was re-visited when your confirmation proceedings in 1963, was it not?

Justice Edwards:

Oh, yes.

Mr. Lane:

Was it 1963?

Justice Edwards:

Oh, yes, it surely was...with vigor.

Mr. Lane:

But, now you're up to...the Welfare Directorship went through 1939. Now, were you then ready for law school or how did you begin your formal training in the law? When did that occur?

Justice Edwards:

Well, it occurred....

Mr. Lane:

Did you go nights to the Detroit College of Law? Was that the way it was?

Justice Edwards:

Yes, I did night school, day school, every other kind of school. I was married to Margaret Medill McConnell in 1939, and I had met two people in the whole world who had known both Peg McConnell and me. Peg McConnell's father was a very successful stockbroker, and I was as welcome around the house unfortunately, as...

Mr. Lane:

Was he a stockbroker in Detroit? The Medill name, you know, is associated with Chicago in many ways.

Justice Edwards:

He wasn't in Chicago. He was in Detroit, I think. Yes, I'm sure he was.

Mr. Lane:

Did he attempt to interfere with the union of you and Peg?

Justice Edwards:

No, I don't think they ended up doing that. There were two people who knew both Peg and me. Peg had gone to Connecticut College for Women; at that time, it was for women, and she had already participated in the Electric Boat Company strike in Connecticut. She'd gone to Connecticut College, and she had been one of the people in that college who had participated in the Connecticut College activity in support of the Electric Boat workers' strike in probably...

Mr. Lane:

That was the outfit that made submarines at Groton.

Justice Edwards:

I think that's right. I had forgotten what they made, but I think that's right now that you mention it.

Mr. Lane:

But by the time that you met and married her, she had come to Detroit?

Justice Edwards:

She lived...her parents lived in Detroit, as I recall the matter, and I...Ollie Stone and Jerry Himmelhoch were...

Mr. Lane:

How do you spell that name, Himmelhoch?

Justice Edwards:

H-i-m-m-e-l-h-o-c-h. They both attempted...they both said to me sometime around the first part of the 30's that I ought to meet Peg McConnell. She was a powerhouse.

Mr. Lane:

This was years in advance of when you met her or a couple years?

Justice Edwards:

Well, it was some years in advance of...

Mr. Lane:

Your marriage...

Justice Edwards:

Of when I married her. I married her in 1939, and...

Mr. Lane:

Did she encourage you towards the law?

Justice Edwards:

No, I started taking classes at Detroit College of Law...I knew I was going in the Army. This was in the 30's.

Mr. Lane:

Your Army service was 1942 - 1944, was it not? I think I read that somewhere. Maybe I'm mixed up.

Justice Edwards:

That's probably right, but the...my father had been very much a peace advocate until the Roosevelt era, and I think that - I don't know that he would ever had said it, but I think that Roosevelt who did take us into World War II, I think, by such feeble memory as I have...I think that my father sort of influenced me to abandon my original outright pacificism and to be prepared to go into service when, at least when my time came. By then, I guess we were married. Let's see...

Mr. Lane:

You were married in 1939.

Justice Edwards:

Married in 1939.

Mr. Lane:

Military service would have been obviously some years later, 1942 or so, I would think.

Justice Edwards:

Yes, I think it was in the 40's.

Mr. Lane:

Now, you were then on the Detroit Council, were you not? When did you first run for the Detroit Council? I read somewhere that you served as Council President, I think, during your military. You held office, at any rate, during your military service.

Justice Edwards:

Yes. I was in the service when I took the Bar examination in Michigan. I took the Bar examination at Detroit College of Law, and I think I started taking a course or two...I may have taken a course or two at Wayne University Law School, but it was not, for some reason, not very convenient, and I began taking law at the Detroit College of Law which was at Woodward Avenue and right close to the Fox Theater, the old Fox Theater.

Mr. Lane:

Do you remember what crystalized your resolve to become a lawyer? Was it...

Justice Edwards:

Well, my father being a lawyer, and my being around his law office, I had fooled around with reading law in his office for the earliest days. I had "worked" in his office which was mostly running errands, but every once in a while, I'd get into a case with him. I remember...

Mr. Lane:

Well, a lawyer needs to gather facts. He needs an investigator. You must have served in that capacity.

Justice Edwards:

Yes. Well, I remember...let's see if I remember. I remember the earliest days at Detroit College of Law.

Mr. Lane:

That is your first classes there?

Justice Edwards:

Yes, I think so.

Mr. Lane:

Were you on the Council at that time, or was this prior to your...?

Justice Edwards:

I may..."National Director of the Welfare Department of the UAW 1937 - 1939. Spring of 1937 during the Yale & Towne strike in Detroit, held in contempt for violation of an injunction issued by the Circuit Judge Arthur Webster. Many years later, by mutual consent, Judge Webster (who needed to do this because he might have otherwise have been defeated for re-election) held the robe for George Edwards when he was sworn in as a Circuit Judge. In September, 1938, he enrolled in the Detroit College of Law".

Mr. Lane:

That's when you started, right?

Justice Edwards:

That's when I started formally in the Detroit College of Law. At some point, the then dean was dubious about enrolling me, and he said, "Now, you've been involved in the labor movement to some degree", and I said yes, that I had been. He said, "Well, do you think that you can be as unbiased in dealing with the cases that you handle as a lawyer as is required?" I said, "Well"...that's not right. I've got it goofed up.

Mr. Lane:

What was the name of the dean, do you remember?

Justice Edwards:

No.

Mr. Lane:

Well, that's not important, obviously.

Justice Edwards:

I should, but I don't.

Mr. Lane:

But he did endorse your admission, and you went ahead, I take it.

Justice Edwards:

There are stages in this. There are stages in this.

Mr. Lane:

When were you admitted, Judge? Was this during...did you say during your military service? Would have been in the...

Justice Edwards:

"Many years later, by mutual consent"...let's see...Arthur Webster was the judge who held me in contempt. "Many years later, by mutual consent, Webster held the robe for Judge Edwards when he was sworn in as a Circuit Judge. In September of 1940, Judge Edwards served as Director-Secretary of the Detroit Housing Commission. He was elected in 1942 to the Common Council of the City of Detroit, and he served until he was called into military service in the United States Army. He was three courses short of graduating from Detroit College of Law when he received a certificate of completion issued under state law for purposes of examination and admission to the Michigan State Bar". I took the Michigan State Bar examination before I went overseas to the Philippines.

Mr. Lane:

Is that where you served in World War II, in the Philippines?

Justice Edwards:

Yes.

Mr. Lane:

What was your outfit?

Justice Edwards:

I got over there very late. I went over as part of a replacement detachment, and the major function that I performed in military terms was in identifying a couple of people, one of whom was named Konishi, who was a Japanese warrant officer, and who had been responsible for a major amount of the terrible...

Mr. Lane:

Mistreatment, perhaps, of American...

Justice Edwards:

Murder and mistreatment.

Mr. Lane:

Do you recall that name Konishi...how is that spelled?

Justice Edwards:

K-o-n-i-s-h-i. Very phonetic. And...

Mr. Lane:

This was kind of legal duty, was it, that you were given? Do you recall?

Justice Edwards:

Yes. The war in Europe is over at this stage of the game.

Mr. Lane:

May, 1945, right?

Justice Edwards:

Yes, probably, and I am still in the Army, and I'm watching a lot of soldiers ship out for home, and they are trying to replace new enlistees or new trainees of which I was, at that stage of the game, one to fill in for duty in the Philippines, so I was shipped out to the Philippines, and I think I was landed on the island of Kyushu.

Mr. Lane:

In Japan, right?

Justice Edwards:

Yes, and it was acquaintance with the activity of Konishi on the island of Kyushu, I think, that led me eventually to being assigned as a prosecuting officer for the war trials in the Philippines, and I was in the Philippines for some time in that capacity.

Mr. Lane:

When was it that you came back from military service to Detroit and resumed your career, your civil career? That was in 1946, was it?

Justice Edwards:

Well, let's see.

Mr. Lane:

I'm really trying to focus on your entry into judicial work which I think was your appointment to the Probate Court. Was there not a vacancy in what, 1949 or thereabouts?

Justice Edwards:

Well, I think we can pick that up. In the spring of 1937, I was held in contempt for violation of an injunction issued by Arthur Webster. "Many years later, by mutual consent, Judge Webster held the robe for Judge Edwards when he was sworn in as a Circuit Judge. In September of 1938, he enrolled in the Detroit College of Law. From 1939 - 1940, he served as Director-Secretary of

the Detroit Housing Commission". All of this time, I was going to law school. I was going to law school, day school and night school at various and sundry times. I was a busy fellow.

Mr. Lane:

This is all prior to your war experience, though?

Justice Edwards:

Prior to the war experience?

Mr. Lane:

Yes.

Justice Edwards:

No.

Mr. Lane:

Oh, wasn't it?

Justice Edwards:

No, I was elected in 1942 to the Common Council of the City of Detroit, "served until called into military service in the United States Army...three courses short of graduating from the Detroit College of Law, but he received a certificate of completion under state law for the purposes of examination and admission to the Michigan State Bar in 1944".

Mr. Lane:

1944.

Justice Edwards:

"In the United States Army Infantry, Edwards saw overseas service in the Philippines. After the end of hostilities, he was assigned to the War Crimes Division of the Armed Services of the Pacific where he served as Investigating Officer, preparing evidence for war crimes trials. Discharged from the Army in 1946. Upon his return from service, he established the law firm of Edwards and Bohn, subsequently Rothe, Marston, Edwards and Bohn.

Mr. Lane:

When did your Probate judge service begin? That was in what, 1951? Do you remember how that became about?

Justice Edwards:

"Probate judge of Wayne County Juvenile Court in September, 1951".

Mr. Lane:

Do you recall the circumstances of your appointment? That was by Governor Williams. Governor Williams was then governor.

Justice Edwards:

Williams was the origin of my probate judgeship.

Mr. Lane:

You had become very interested, had you not, in juvenile activity, or did this come later? You became quite an authority on juvenile matters.

Justice Edwards:

Well, I served for.....I served from September, 1951 to June, 1956.....

Mr. Lane:

You know, I can recall while you were...after you had come to Lansing on the Supreme Court, talking to you one time about juvenile work that you had done, and you gave me a copy of a speech, as I recall, part of which said that "if you cannot straighten out the problems that frequently come to a juvenile by the time he is 14 years old, he is largely...the chances go down to the floor as to..."

Justice Edwards:

Yes, I probably said something like that?

Mr. Lane:

Do you recall...what do you recall about those years and how you became so keenly interested and such an authority on juvenile work? Do you remember much about that, Judge?

Justice Edwards:

Well, I remember a lot about those days, and I've forgotten a lot about them.

Mr. Lane:

Was this a very vital time in your...this recurred, of course, in your Supreme Court period when you encountered some of these problems again, and there was a lot of division in the Court, and I guess these problems were...

Justice Edwards:

The Supreme Court experience was tough. We had some marked divisions in the Michigan Supreme Court. A man named Dethmers was Chief Justice of the Michigan Supreme Court, and I think Johnnie Voelker, for a brief period, was on the Michigan Supreme Court. Talbot Smith, for a brief period, for a longer period. He was on for several years. I don't know how many.

Mr. Lane:

I think when you went on, the others were Black...he came maybe shortly after.

Justice Edwards:

Black was on.

Mr. Lane:

T.M. Kavanagh.

Justice Edwards:

Kavanagh, yes, Tom Kavanagh.

Mr. Lane:

Carr.

Justice Edwards:

Carr, yes.

Mr. Lane:

Dethmers, and Kelly, Harry Kelly.

Justice Edwards:

Kelly.

Mr. Lane:

You served a great deal with those men that we just enumerated there.

Justice Edwards:

Yes, I served a number of years with each of those, I would say. I don't know just exactly the dates, but...

Mr. Lane:

Would you remember starting an opinion on a custody case with a little quotation or a saying, probably a quotation from some other place, "A judge agonizes more about custody matters than any other subject" or something like that. You didn't start as you usually did with a statement of what the issue was or a factual recitation of what the circumstances were. Do you recall...it seemed to me to speak greatly to your keen emotional...

Justice Edwards:

Well, I can tell you this - that I spent five years, I think or approximately five years, as judge of the Juvenile Court of Wayne County, and I think I became quite well-known in that role.

Mr. Lane:

Yes, sir.

Justice Edwards:

And I don't think that he was the person who gave me this message, but he...I think they wanted me to run because they thought I could win, the Democratic Party did, and I had already had some experience in electoral politics. I have forgotten just what...I had already or maybe I'd developed a good deal of a reputation in the Juvenile Court. In any event, it was made clear to me by the Williams forces that if I did not move from that post to another one, maybe this was the move to the Supreme Court of Michigan. I'm not sure.

Mr. Lane:

You went from Probate to Circuit to Supreme, right? That's the way...

Justice Edwards:

Is that the way it went?

Mr. Lane:

Right.

Justice Edwards:

Okay, if I didn't move from Probate to Circuit or Supreme, at one of those points, it was made clear to me that I would stay where I was for the rest of my career in law, and I thought very seriously about that. I had valued the work. I thought I had done some good. I knew that I had made the Wayne County Juvenile Court a hell of a lot more headed towards rehabilitation and cure than had previously been the case, but I also thought, "Edwards, you can't handle this for a lifetime without becoming as hide bound..."

(interruption in tape)

Topic 3: He also discusses his work in Juvenile Court. Peg Edwards, Justice Edwards' wife, joins the interview towards the end of the recording

Mr. Lane:

This is back on now, and Mrs. Edwards is here with Judge Edwards and Roger Lane. I mentioned...

Justice Edwards:

She's got a better memory than I have.

Mr. Lane:

But she didn't write these opinions. I think of a couple of them that you might...do you remember one called Fritts vs. Krugh - 354?

Justice Edwards:

Not by name.

Mr. Lane:

Well, this was a case from the southwestern part of the state.

Justice Edwards:

Of which state?

Mr. Lane:

Michigan, and there were two small children born into a family, a young fellow and his wife, and suddenly one day, he comes home and says, "I've had it", and he takes off and he goes to Kansas. The poor woman had nothing. She didn't know what...the children were like 3 and 1, helpless. She had nobody to turn to, and she took the children over to the Probate Court or the Welfare Service, whatever it was, and gave up the children. And then, you know, it is the typical kind of case. The man comes back. They are reunited. Somebody has become attached to the little kids, and there was a struggle in the Court. This arose, I think, in a habeas corpus proceeding, and part of it was procedural, and I just wondered if you remembered the tension and the strain and the struggle within the Court over...that was one, and there was another one. In this case, you wrote.

Mrs. Edwards:

Is this a juvenile case?

Mr. Lane:

Juvenile case...well, actually, as during Judge Edwards on the Supreme Court.

Mrs. Edwards:

On the Supreme Court?

Mr. Lane:

Yes.

Mrs. Edwards:

Okay.

Mr. Lane:

But of course, the subject matter was custody, and this was a recurring theme, and there was great strife in the Court, on others subjects, too, but especially...not especially, but I'd say very particularly on this subject, and I suppose it persists to this day. You know, we still have the rule or what it is - "The best interest of the child".

Justice Edwards:

Oh, yes.

Mr. Lane:

And what are the best interests of the child.

Justice Edwards:

Hard to define from time to time.

Mr. Lane:

As you look from where you sit right today, Judge, back over this...these are decades now. Is there any salvation?

(End of side 2, tape 1)

Topic 4: Justice Edwards talks about workers compensation cases, the role of the jury in the judicial process, his writing style, and the case of Comstock vs. General Motors

Mr. Lane:

Let's just start off on this new tape what your feelings are as we sit here about this problem, this juvenile problem that has...like a cancer perhaps, or how would you describe what's happened? Peg has had some words.

Justice Edwards:

Well, I haven't changed any thoughts that I have had since I left the Juvenile Court. I left the Juvenile Court not because I didn't think it was worthwhile. I thought it was enormously worthwhile. I left it because I didn't think I could maintain the sort of...

Mr. Lane:

Emotional drain, perhaps.

Justice Edwards:

Love and affection for children in the mass as I was having to see them, and I hoped that whoever followed me would try to follow the same sort of principles that I tried to follow. I don't think they did, but I didn't know that. They appointed Nate Kaufman, didn't they?

Mr. Lane:

There was a Kaufman that served. I'm not sure just about the sequence, and then Jim Lincoln served a long time.

Justice Edwards:

Well, now, Jim Lincoln was a good Juvenile Court judge. He's the only one that I know of in the subsequent history that I would have thought tried to do the sorts of things that I tried to do. Kaufman, I didn't have any real regard for. You don't need to print that.

Mr. Lane:

No.

Justice Edwards:

It's not relevant to anything.

Mr. Lane:

Are the mechanisms that are necessary for today's problems different from what they were back then, or have you given any thought to this kind of thing?

Justice Edwards:

I think they're always different, but I don't know that they're different in principle. I am not familiar with what's going on in Juvenile Courts now. I'd just take a hell of a risk if I said that it's terrible or that it's very good, or anything. I know that Juvenile Courts still exist and I know that in at least one instance, I've thought well of one of my successors, Lincoln. I don't think I have known enough about some of the...I don't even know who the Juvenile Court judge is now.

Mr. Lane:

Well, I'm not sure that I could answer...in Detroit, you were talking about.

Justice Edwards:

Yes.

Mr. Lane:

Let me ask you - do you remember another, now this is back in the Supreme Court period about the same time, there was one called Harmsen vs. Fizzell.

Justice Edwards:

Those names are strange enough so that I recognize that there was such a case.

Mr. Lane:

Well, now here was an instance where there were small children, and the parents were not very...well, they were not very high on the economic scale, and the father - what happened to break up this combination was the father was committed to the hospital for the mentally ill in Kalamazoo, I think. So, here are a couple of children, a mother not in very good shape to deal with them. The father is gone. He is mentally ill. Lord knows what the futures holds. He comes back two years later, maybe with somebody tugging his sleeve, he is back in Court demanding recovery of those children. He has taken up with another woman. The record said he sleeps in a shed outside a shack-type of dwelling in the rural area, and he is before the Court as the natural parent demanding that the children be returned to him and this other woman who has a couple of children by some other husband. The Court had a terrific struggle with this one, too, and here again, you wrote the opinion. I just wondered if those events evoked any thoughts on the subject of...this is pretty distant, I recognize.

Justice Edwards:

I don't remember a single thing about it.

Mr. Lane:
Don't you?

Justice Edwards:
No.

Mr. Lane:
Well, you do remember, I'm sure, that these were cases that were emotionally...

Justice Edwards:
They were terrible. Many of them were very, very difficult, but I can't...you've got to remember. There was a flood of litigation in the Juvenile Court. We would have sometimes, I think sometimes, we would have a dozen cases a day. They might not be major cases bearing on placement, but for one reason or another, we had kids in for breaking a window, or...

Mrs. Edwards:
I think Roger is saying, though, that you wrote this on the Supreme Court.

Mr. Lane:
Yes, well, I was trying...I thought by specifying these two cases that struck me as good examples of the type of problem that you were encountering in this field in this subject area.

Justice Edwards:
That would have been unusual for it to have been in the Supreme Court.

Mr. Lane:
Well, here's habeas corpus...there's another state involved and that sort of thing. I don't know...were habeas corpus petitions more entertained in those days? Well, that's neither here nor there, I guess, but there was some discussion and some rather pointed debate within the Court, and the opinions that were written about the habeas corpus approach.

Justice Edwards:
The only approach that I can make to that would be to try to find the record of those trials. There might be...it's conceivable it may have been printed, and I suppose that there is even a likelihood that someplace in some dusty bin, there is a record of it.

Mr. Lane:
Let's get on to another area that was of keen interest to you during your period on the Supreme Court, and that was the evolving law of Workman's Compensation.

Justice Edwards:
That's right.

Mr. Lane:
Now, you were credited, I think at least by your colleague latterly, former Justice Souris, with being and alongside of Talbot Smith and maybe Gene Black and Voelker and Kavanagh, that

you were a leading force in bringing the state of Workman's Compensation law into a more compassionate mold or framework; that's the word, I guess. Do you recall any of those cases? There were questions of stare decisis. Do you recall? Here's the way we did it before, and some of the members of the Court would say, "We're bound by precedent". You and some of the others would say, "Not so fast here. The conditions have changed. There are different ways to look at the construction of these words". Do you remember any of that stuff? Do you remember Sheppard vs. Michigan National Bank?

Justice Edwards:

Oh, yes. Sheppard vs. Michigan National Bank. That's a case that I do recall the title of.

Mr. Lane:

Here was a case of a woman who was lifting heavy trays in an office setting, tugged and tugged. One stuck, weighing 25 pounds, and she injured her back. In this case, as I recall, there was new ground penetrated. It was decided that although she hadn't got hit by a falling object or had a leg amputated or anything, nevertheless, this was an injury within the concept of the Worker's Comp. law and that she was entitled to...

Justice Edwards:

And confident that I would have taken that position. I don't remember the case itself. It's quite possible that I'd recall a lot about it if I got it and had a chance to review it.

Mr. Lane:

Well, this was at a time when there was discussion about, within the Court, about whether there should be a test of a pre-existing injury, and there were the heart attack cases. Do you remember those where...one of them was, I remember, a logger had been chaining logs on his rig in the woods, very heavy work.

Justice Edwards:

Heavy work, yes.

Mr. Lane:

And he had a stroke. There was a question at that time whether this was a compensable injury.

Justice Edwards:

Yes.

Mr. Lane:

And the Court held, as I seem to remember ...this is my memory, that you did not, if a man in this kind of exertion caused damage to the circulation in his brain that even though this didn't necessarily have anything to do with the process of logging, nevertheless, since it arose out of and in connection with his work, that this was compensable. Now, that was new ground, as I understand it at the time.

Justice Edwards:

I suspect that's all true. I can't say that I remember the case. To say anything that might be useful would require me to get the case, to read it.

Mr. Lane:

I thought perhaps maybe you'd have a recollection that this was part of a cause that you were pioneering in a legal sense.

Justice Edwards:

Well, I think we pioneered in a legal sense in relation to Worker's Compensation in quite a few cases, and we lost quite a few of them, too. As the years have gone by, we've lost more and more of them.

Mr. Lane:

Do you recall that about this time...I get this from Souris, and he mentioned this when he spoke at the presentation of your portrait to the Michigan Supreme Court...that Roscoe Pound had publicly taken a dim view. He spoke of the bad eminence, bad eminence of the Michigan Supreme Court in this area of the law, and it occurred to me that it must have seemed like quite a dramatic event in a judicial career to, let's say, get out of the bad evidence area into something that was going to be much better received amongst the scholars of the law nationally, and that's what you were doing, as I read your role.

Justice Edwards:

Well, I'm delighted to hear that I was.

Mr. Lane:

But it all seems kind of vague, huh?

Justice Edwards:

I tried to play a role in the law that was concerned with ordinary people and I think I have consistently tried to narrow the technicalities that are so often brought up to prevent what seems like a just result from taking place, and that would certainly be the sort of case that you seem to be talking about.

Mr. Lane:

Well, this was more, I think, remarked about in a national sense, about what was going on in Michigan that any of the other subjects that I encountered. There were many others. You, as I think in line with what you just said, were very solicitous about the jury's role in the judicial process. I had something here.

Justice Edwards:

Yes, I've been an enemy of summary judgments for all of my life.

Mr. Lane:

Okay, that's what I'm getting at. You consistently, did you not, while you were on the Court in Michigan, and I suppose...

Justice Edwards:

I'm still doing it. I think that my colleagues currently on this Court, the majority of them, are much too prone to take the case away from the jury and decide if, as a matter of law on some technical point, and that's going on right today.

Mr. Lane:

I thought I brought along one of your statements on this subject. Now, I was going to put it in front of you if I could be less clumsy about it. See the yellowed portions of those pages. Now, I've forgotten which ones those are, but surely it is at the top, the case name and the reference in the reports. Was this...why don't you read that, Judge Edwards, and see if this strikes any bells.

Justice Edwards:

I'll read it to my wife. "In this case, otherwise important only to the parties to the extent of \$8,000, there is involved the right of trial by jury. Hence, we approach it with the care and reverence which the age of the common-law jury and its great historic and continuing contribution to justice both demand."

"A jury trial is a proceeding in which the jurors are the judges of the facts and the court is the judge of the law.' 31 Am Jur, Jury, Sec. 2, p. 550."

"The right to jury trial is immemorial. It was brought from England to this country by the colonists, and it has become a part of the birthright of every free man. It is a right which is justly dear to the American people, and one which is expressly guaranteed by the Federal Constitution and by the constitutions of the several States. In Magna Charta, the basic principle of the right to jury trial is more than once insisted on as the great bulwark of English liberties." 31 Am Jur, Jury, Sec. 3, p. 552, 553."

And then it goes on. This is Bishop vs. New York Central Railroad..."Smith and Black concurred with Edwards. Dethmers, Chief Judge, Sharpe and Carr, concurred in affirmance. Voelker took no part in the decision of this case".

Mr. Lane:

I think Voelker might have just come on the Court then, probably.

Justice Edwards:

Oh, okay. Well, in any event, that apparently carried.

Mr. Lane:

Well, I thought this was a ringing statement.

Mrs. Edwards:

It's beautifully written, really.

Mr. Lane:

Yes, well, your husband is a beautiful writer.

Mrs. Edwards:

We have our Michigan Supreme Court cases bound in three volumes at the house.

Mr. Lane:

Oh, do you?

Mrs. Edwards:

So, if you need it, that would be fine.

Mr. Lane:

Let me...we've touched on...

Justice Edwards:

Yes, I'm all for this case.

Mr. Lane:

You'd vote for it again.

Justice Edwards:

I'd vote for it again today. I don't think I'd get a majority today, but I might. Who knows?

Mr. Lane:

Do you recall another...

Justice Edwards:

We still win them every once in a while, we being two or three or four judges on this court.

Mr. Lane:

Read that other paragraph. There's a...well, you sort of bring it down into immediacy there with that language.

Justice Edwards:

"The jury is drawn from the community. It lives, and thinks, and decides, with the standards of conduct of the ordinarily prudent person in that community as of the time in question uppermost in its collective mind. It is a part of the genius of our system of law that a jury trial inevitably brings into each case thus decided the color of life in the county or city concerned, the habits of the people who dwell there, and the ordinary standards of conduct of those folks in relation to the problems of their day and time.

The above is not to suggest that there may not be cases where jury awards go beyond the valid evidence in the record, or where the judge or the appellate court may not properly say that reasonable minds cannot differ upon a contrary conclusion to that which a jury has found. Such cases, we believe to be a distinct exception. And certainly, on the facts previously referred to, no

such exception is presented here.

We hold further that the trial judge was correct in denying motions for a directed verdict and for a judgment non obstante veredicto." That's a great decision.

Mr. Lane:

Well, now that brings me to another thing that Peg mentioned. You, from the outset, were very attentive to the way you wrote, were you not? You should say this. I'm expressing a judgment, and I want to hear about what philosophy, what concept you brought in terms of recording your, putting into words, your judicial function. This is not accidental. You, from the start, have had a very, to me, a very easily identifiable writing style. Why don't you tell us how you got to that and whether you agree.

Justice Edwards:

Well, I don't think I'm unique in that but I am one of a diminishing breed, and to the degree that I can, I still try to do that same sort of thing. It's harder and harder to get a majority.

Mr. Lane:

You, it seemed to me, were very attentive to being spare in the use of words, and incisive, and compressing the factual predicates succinctly at the start of your writing. Was this a conscious goal, do you recall, in your judicial career to approach writing of a case in that fashion? Be as spare, as direct, as brief as you can be and yet dispose of the central issue?

Justice Edwards:

I think I've tried to approach every case individually, and I've tried, and I still do, try to...if I'm convinced that there is an element of what ordinary people would call justice involved in the case, I'll go a long way to try to write it, and I'll go a long way to try to persuade my colleagues to join me. As I have indicated, that's getting tougher and tougher.

Mr. Lane:

Well, I think you agreed that you were going to knock off at 11:45. Why don't we...

(break in taping)

Mr. Lane:

Now, I've turned the tape on again, and would you just repeat...we were talking about the Comstock case.

Justice Edwards:

Yes, the Comstock case was the first case which made an automobile company responsible for a negligent manufacturer resulting in injury to a third party.

Mr. Lane:

This was the case...do you recall any of the factual setting. First off, there was a directed verdict, and that was...

Justice Edwards:

I think it was set aside. My recollection is that Comstock bought a General Motors car and on a wintery day, undertook to drive it on the road for the first time, and he found that he had no brakes when he tried to stop. He stopped one time by, I think, curbing the car and then went on to try to get it to a garage where it could be parked. Now, he warned the parking attendant about the problem but the parking attendant either forgot it or didn't pass the information on to another man who was going to park it. But in any event, in the latter, in one of those two instances, an employee of General Motors got pinned against the back wall of the shop and had serious injuries.

Mr. Lane:

Judge, do you recall if in the origin of the law suit, did the aggrieved person, the one who was injured or whoever brought the suit, advance the theory that General Motors or the manufacturer ought to be responsible for the defective performance. Was that...?

Justice Edwards:

Oh, yes.

Mr. Lane:

That was right in the case...

Justice Edwards:

Oh, yes, that was in the case, as I recall it, from the beginning. There was, however, the fact that one of the...part of the defense of General Motors was that...part of the defense was that the ultimately injured party was not the in a proximate relationship.

Mr. Lane:

Wasn't the owner, for example.

Justice Edwards:

Wasn't the owner. The man who was injured was not the owner, that's right. The man who was injured was an employee of the garage, and that, I think, was the primary defense that General Motors offered.

Mr. Lane:

Do I understand you to say, Judge, that this was kind of like the granddaddy or the seminal case of this type?

Justice Edwards:
I think so. I think so.

Mr. Lane:
In that ultimately, this flowered into the recall process procedure that's so common now with respect to cars.

Justice Edwards:
Yes.

Mr. Lane:
The manufacturer's response would be...

Justice Edwards:
For recalling any imperfect automobile.

Mr. Lane:
Do you recall any other cases of that sort, perhaps that you wrote on the Michigan Supreme Court, perhaps dealing with some other kind of manufacturing process?

Justice Edwards:
I don't remember if this was on the Michigan Supreme Court or not.

Mr. Lane:
Yes, that was 358 Mich. Now, I've forgotten what year, but that would have been about 1958 or 1960, somewhere in there.

Justice Edwards:
But it was on the Michigan Supreme Court.

Mr. Lane:
I think that the left margin of that sheet that you have in front of you can show the year of the case, the year that it was decided. 1960, was it, or...? There's a whole... Well, it would have been around then, anyway. I noticed when Souris, Ted Souris...

Justice Edwards:
Comstock vs. General Motors...I've got it here now.

Mr. Lane:
Does it show it at the margin there?

Justice Edwards:
Where's the...

Mr. Lane:
Right over here...1959. Each one...1959, it would have been.

Justice Edwards:

Yes.

Mr. Lane:

When your former colleague, Justice Souris, spoke at the ceremony of presenting your portrait to the Michigan Supreme Court, he reviewed your career as he saw it, the significant things that you did, and one of them...he starts out, he says, "Then these members of the Court of whom I speak", and he spoke of you and Talbot Smith in particular, "turned their attention to the substantive and procedural issues of the day. Included among those substantive issues of law that they succeeded in forcing the Court to reexamine are the following:", and then one of them, number four, "liability of manufacturers to the users of negligently manufactured goods". Now, that was apparently, he had in mind that case and maybe some others, but you don't recall others that would fit in that role?

Justice Edwards:

Well, I know that there were many others that followed that, but I don't have a distinct memory of citations for them.

Mr. Lane:

In enumerating these various categories of cases, he assigns the first place to "Number one, the compensability under our workers compensation law of heart attacks and emotional injuries resulting from pressures of employment". Do you remember the Redfern case?

Justice Edwards:

I don't remember it by name, but I remember that that's been...hell, that is still being hotly contested by defendants, whether or not heart attacks are compensable.

Mr. Lane:

In this case, there was a woman employed...

Justice Edwards:

You know, heart attack is almost always an underlying condition and then an episode on top of it, and the debate is always whether the episode for which perhaps a defendant might be liable was really the causative feature of the case or whether, on the contrary, it was merely something that was going to happen at sometime anyhow, or something like that.

Mr. Lane:

In the Redfern case, and I think this was one where you, again, were out in the forefront of the developing law...a woman had been struck as she worked in a factory setting by a falling object of some sort that came off a shelf and it was 25 or 30 pounds, and it struck her on the back, high on the shoulders or some position like that. It did not do, it didn't fracture her vertebrae or do that kind of injury to her, but thereafter, she apparently, because of her emotional characteristics, lived in great apprehension that this might happen again, and I think the words used in the case

were that she suffered from "conversion hysteria", which is probably psychiatric jargon at the time. Do you remember that one? Now, this one, I think, became very...

Justice Edwards:
Did I write it?

Mr. Lane:
I think you did. I think it's in that list there, but at any rate.

Justice Edwards:
See if you can find it. Sometimes I can recognize them by the titles. Sure wrote a lot, didn't I?

Mr. Lane:
More that you would probably like to remember. It was way back here...I had a little red mark beside it. There is your Sheppard vs. Michigan National Bank. We talked about that were the woman...

Justice Edwards:
Yes, Sheppard was...Sheppard, Sheppard, Sheppard...what was she?

Mr. Lane:
That was the woman who lifted a tray of some kind in a clerical setting, and it caused...here's the one I'm referring to. In 1958, Redfern vs. Sparks-Withington Company. In my little note here, says 5:3, upheld Workman's Comp. award by "conversion hysteria", that the result of being struck on back by 20 pound steel weight. She was predisposed emotionally, but it did result in that division of the Court with you writing in a Workman's Comp. award for that kind of an event, and up until that time, there had been not much recognition of what you might call emotional or mental disability that resulted from employment. Well, let me get onto something else. When Peg was talking and we were discussing your style of writing, one of the things that she said or maybe it was you that said it, "Well, my opinions weren't written by law clerks". What is your observation about today's opinions?

Justice Edwards:
I think practically all of them are written by law clerks.

Mr. Lane:
Do you recall how many law clerks you had when you sat on the Supreme Court?

Justice Edwards:
On the Supreme Court.

Mr. Lane:
Of Michigan.

Justice Edwards:

I suppose I had two. Back in those days...you know, Dethmers prided himself on not having a law clerk.

Justice Edwards:

Did he?

Mr. Lane:

He did. He talked about it from time to time, but everybody else had at least one.

Justice Edwards:

Well, I don't remember really. You know, I've had two for a long, long time now, and I think some of my colleagues have three, present colleagues, I'm talking about.

Mr. Lane:

I think you'll find on the Supreme Court of Michigan, they all have three law clerks and probably two secretaries.

Justice Edwards:

I have one secretary and two law clerks.

Mr. Lane:

Wasn't it true that James K. Robinson, now President of the State Bar of Michigan, was one of your law clerks?

Justice Edwards:

Yes, he was.

Mr. Lane:

You remember?

Justice Edwards:

Yes, I do remember. He got into some kind of hassle recently.

Mr. Lane:

Well, he did. It was a complicated, very complicated controversy over access to the original of a document, and the document had to do with the transfer of some property in New York City by the client who ultimately, I think ultimately, hired Robinson after the fat was in the fire. He came to Robinson to assist in the problems that had developed because of this.

Justice Edwards:

There were some nasty allegations made, weren't there?

Mr. Lane:

Well, yes. The thrust of it was that if there could be access to the original document which had to do with an option to buy property or the waiver of an option...if the original could be secured.

Justice Edwards:

It was an apartment in New York, wasn't it?

Mr. Lane:

Right, on Fifth Avenue, I think. This is not your every day flat.

Justice Edwards:

Wasn't a Coldwater flat.

Mr. Lane:

A couple of million dollars.

Justice Edwards:

It wasn't a Coldwater flat, and it wasn't litigated that way, either.

Mr. Lane:

Well, this wealthy man had...the thing came to turn...the controversy came to turn on whether or not authentically he had either asked for a continuation of the option time or that type of thing or whether this was something invented after...

Justice Edwards:

After the fact.

Mr. Lane:

Yes, and it was to be the people who had been testing this said, "Give us the document, and we will get this examined by the kind of experts with modern day technology, and we will determine..."

Justice Edwards:

How old the signature and that sort of thing.

Mr. Lane:

That's about the size of it. Of course, this had happened years before, and there was a lot to be said on both sides, and the role of Jim Robinson had to do with producing or not producing the original copy of the thing, and under what terms it was entrusted to his care. That kind of thing, and that's pretty difficult territory, but it did cause enough of a stir so that the Supreme Court took notice of it and had your former fellow justice, Ted Souris, now in private practice, to examine into the facts such as existed some year or so ago.

Justice Edwards:

Had two of my law clerks on opposite sides.

Mr. Lane:

Souris did his job and he was quite...his report was quite severe, not with respect directly to Robinson's conduct but the authorities who stood in judgment of this, the Bar, let's say, disciplinarians, the grievance group or whatever the present name of that is, and the grievance administrator or the person who had the administrative responsibility. There were some things done, there were some records that were destroyed, and there was some...

Justice Edwards:

The [expletive] thing got so confused that I never did really figure out who did what to whom.

Mr. Lane:

Well, I'm not sure...

Justice Edwards:

You know, I wasn't in the case at that stage of the game, so I never had the records, but I was interested because of the relationship I had with both Robinson and Souris. I never did in my own...they got bitter about it, and I never really ended up with a clear-cut opinion in my mind as to whether Souris was wrong or whether Robinson was wrong or whether both of them were partially right or what the hell.

Mr. Lane:

I'm in no position to answer it because I don't know either. I'm not sure that anybody does, and if they do, it was lately revealed. That's about all I can tell you about it. Let's get onto another subject area that I'm sure...I know it gave you some travail at some point, and that was the matter of legislative apportionment. Do you recall how you first got into that subject area on the Court?

Justice Edwards:

No.

Topic 5: He also discusses the Robinson dispute and the case of Scholle vs. Hare

Mr. Lane:

You don't? Well, this was the case of Scholle vs. Hare.

Justice Edwards:

Oh, yes. Scholle v. Hare. Oh, God. That ended up giving me all sorts of headaches.

Mr. Lane:

You wrote an opinion and the decision of that case in 1960. You wrote, as I recall, I think it was a concurring opinion. Everybody wrote opinions on reapportionment ad nauseam, you know, for about 15 years there, and at the time, your position was, "Look, this turns on the interpretation of the 14th amendment of the United States Constitution and what that requires", and the United States Supreme Court has this issue before it, and many times before in somewhat parallel cases, the Court declined to intervene and say, "What Gus Scholle says ought to be done ought to be done", and you said, if I recall, and I hope you will correct me, "This is not for our Court at this juncture" ...

(End of side 1, tape 2)

Topic 6: Justice Edwards continues to discuss the case of Scholle vs. Hare and talks about Baker vs. Carr, the confirmation hearings of 1963, the case of West vs. Northern Tree, and leaving the Supreme Court to become the Detroit Police Commissioner. He also discusses his aspirations as a novelist and writing a book about his father

Mr. Lane:

There were...

Justice Edwards:

I think I did say essentially that, and I also caught a lot of bitter criticism from close friends of mine for saying it.

Mr. Lane:

This, when I spoke to Justice Souris in this series that we're doing right now, he recalled going over apparently after the case came down to the AFL-CIO convention, I think it was, in Grand Rapids. The two of you went together, as he recalled, and he said that you were very ill-treated by those persons who had, for whatever reason, expected you to do something other than you did. Do you recall that scene? He said that he was embarrassed, that he was greeted with warmth and that your position was not understood by those people who thought that...

Justice Edwards:

I should have gone the other way, right? Yes, I think that's essentially true. I don't remember the details, but Scholle vs. Hare was a tough case and there were...Scholle was a close, personal friend of mine, and we fished together and had cottages close to each other, and all sorts of relationships, and I thought that...I think I thought two things. In the first place, I thought that legally, Scholle was wrong and that the Supreme Court had essentially passed on the critical question and that I was bound by what the Supreme Court did, not by Scholle's argument.

Mr. Lane:

We're talking about the Supreme Court of the United States.

Justice Edwards:

Yes.

Mr. Lane:

Political thicket back in the 40's. Frankfurter said that this was not for judicial determination.

Justice Edwards:

Something like that.

Mr. Lane:

There were many other cases, many other states.

Justice Edwards:

Yes, there were.

Mr. Lane:

And of course, we all know that it came to a new chapter, not a couple years later after you had gone on and left the Michigan Supreme Court. Then the United States Supreme Court spoke in a different vein.

Justice Edwards:

It eventually went the way Scholle wanted, and that made my previously taken position much more subject to criticism from the people who were interested in making something of the matter. Well, it was a tough problem for me.

Mr. Lane:

Did Gus continue to...I'm referring to Gus Scholle now, did he, after a time, begin to take more a kinder view of the matter than he did right at first? He was quite put out in 1960 when this case was handed down, wasn't he?

Justice Edwards:

No question about that. Yes, I think so. We ended up on relatively good terms. We saw something of each other. You know, we both had cottages up on Wildfowl Bay in Michigan.

Mr. Lane:

Near Caseville, right?

Justice Edwards:

Caseville, yes, and I think that may have been the most...that case may have caused me more unhappiness than pretty nearly any other case I ever wrote in. I never did end up thinking that I was wrong in the law, but if I'd had, if I'd known the degree to which the Supreme Court was going to change the law, I would have of course gone the other way, or at least, that was the way I saw it.

Mr. Lane:

Well, there was no way in God's world, was there, that anybody could foresee what eventually happened.

Justice Edwards:

Not that I can think of.

Mr. Lane:

Well, it was a cataclysmic event politically, was it not?

Justice Edwards:

Yes.

Mr. Lane:

It changed the shape of the political landscape in the United States of America to a very significant degree.

Justice Edwards:

That may be a little over-statement, but not too much.

Mr. Lane:

Do you recall when the...I've forgotten the name of the case now...Reynolds vs. Simms.

Mr. Lane:

First there was Baker vs. Carr.

Justice Edwards:

Baker vs. Carr, yes.

Mr. Lane:

That laid the foundation, and then Reynolds vs. Simms applied the Baker vs. Carr doctrine to one and then a succession of states including Michigan, but that was four years later.

Justice Edwards:

Yes.

Mr. Lane:

And that didn't end it.

Justice Edwards:

No, I don't think it's ever going to end it.

Mr. Lane:

I'll tell you one consequence that I was close to was another fellow, Thomas Giles Kavanagh, voted wrong in 1972 when this came up again, and in 1976, even though he was the sitting Chief Justice of Michigan, the Democratic Party declined to nominate him.

Justice Edwards:

To nominate him.

Mr. Lane:

In a way that was humiliating and I would say it was kind of petty. The people in charge at that time pretended he wasn't there. It was that kind of posturing, and then of course, when he showed up, they said, "Well, get out of here. You did wrong. Get lost", and there was such...of course, conduct has caused a lot of people to say, "We can't have that. If we're going to have a judiciary with any degree of independence, you can't have people kicked out of office...".

Justice Edwards:

No, and you can't have people being told what they have to do, people on the bench, I'm talking about.

Mr. Lane:

Souris' recollection of this, for whatever value it may have in stimulating yours, was when you went to Grand Rapids that time in 1960, late after the decision, that it was election time coming up for him. He had been appointed and was going to have to run either that year or the next year or sometime quite soon, and he told me, and this is on one of the tapes, that with you either at his side or in the context of the comment, anyway, he told Gus Scholle, "Look, I know endorsements are coming up, and if you're going to expect votes in return for endorsements, you'd better be advised ahead of time that I cannot perform other than by what my good conscience tells me".

Justice Edwards:

Put the names on that so that I understand what you're saying.

Mr. Lane:

This is Ted Souris and you together had gone to Grand Rapids, and he said that almost right away, and I can't picture the thing in detail, but very soon after arrival and this rude reception to you, that he encountered Scholle, whether individually, separately in a room somewhere or in a larger group, and felt constrained to bring the matter up, that there were endorsements coming as to him, Souris, and you mustn't promise your decision on the expectation that your wishes are going to be followed in votes on the Supreme Court. "If you're going to endorse me, I'm going to do my job. I'm not going to do your bidding". Those words on the end are mine, but this, in a very brief way, was what he said that he told Gus in the light of having seen what happened as to you because you voted your mind and conscience, and he didn't want to be misrepresenting by silence, let's say, what his conduct was going to be.

Justice Edwards:

It was an unhappy period. I think probably it strained more relationships than anything else in

my judicial career. But I voted my conscience, and what the hell, I've got to live with it. I don't sleep with anything except my wife and my conscience.

Mr. Lane:

Well put. I think there was another, must have been a difficult time for you after your appointment to this Court, when you had to go through the confirmation hoops that were put in front of you by some of those who didn't approve of your appointment. Do you recall that episode?

Justice Edwards:

Well, I think there were quite a lot of people who didn't approve of my appointment. I was...the Supreme Court had already started to change by then. I don't remember now who had gone off and who had come on, but I think that it had begun to change, and it was another difficult period. That never really got to me the way this other thing did.

Mr. Lane:

The...I just pulled out news clipping, not here in its entirety, but the headline of...it doesn't have a date on it, but...Wednesday, October 2, 1963, and it was written by Jim Haswell, "Senators Quiz Edwards on his Past in Union", and it told about how Sam Ervin and Everett Dirksen and probably others quizzed you with some...

Justice Edwards:

Vigor, should you say. Yes, they did.

Mr. Lane:

But that you had some good friends that came forward, too.

Justice Edwards:

Oh, yes, and they carried the ball. There were some strange things that happened in that. Gee, I can't remember the names now, but there was one person whom I was...he was from Arkansas, McClellan.

Mr. Lane:

Oh.

Justice Edwards:

McClellan. I was sure McClellan was going to vote with me on some quite important, on my nomination because I had carried the ball on some...wasn't McClellan involved in the early on investigations of the mafia?

Mr. Lane:

I think you're probably right. You immediately think of Kefauver, but I think McClellan was in that picture, too.

Justice Edwards:

I never had any trouble with Kefauver, but I think Kefauver voted for me, but McClellan, I think, was in the same thing that Kefauver was involved in, and I think that McClellan, to my surprise and chagrin, he probably counted the votes and knew that I was going to win. That thing went through, knowing how the Senate can do it when it wants to, that thing went through at the very last day, I think, of the session, and otherwise, it would have had to go back and go all over again, and somebody came to me and said, "We've got to do it today", and they did. I can't remember who, but it was a sticky wicket.

Mr. Lane:

Did that experience give you a little extra sensitivity to the problem, say, of Justice Souter when he came along recently and was put to some pretty severe testing and maybe the fellow before him that didn't make it?

Justice Edwards:

They got answers from me to everything they wanted to ask, and I think the problem that I would see in relation to Souter is that he didn't really answer. At least, that was the way I read him. You know, I didn't have any contact with that except reading the newspaper.

Mr. Lane:

Well, that's quite an ordeal, is it not...

Justice Edwards:

Oh, yes, sure it is.

Mr. Lane:

Were you there...you weren't on the Michigan Supreme Court on the start of the commissioner system, were you? You know what I'm referring to where the case comes in the records, the application for leave...

Justice Edwards:

This is leave to appeal from the trial court?

Mr. Lane:

Right or from the Court of Appeals, and this is not seen by a member of the Court right away. It goes to a commissioner, the commissioner being a staff man presumably of some experience and reliability and competence, and he then writes a report and the matter goes to the members of the Court pretty much - now there are exceptions - pretty much, routinely in the form of a Commissioner's Report. You didn't have that kind of a thing when you were on the Court, did you?

Justice Edwards:

No, I'm not familiar with that at all.

Mr. Lane:

It's a cousin in a way to the practice of the law, expanded law clerk operation. I can remember, and you, I'm sure, can remember when you came to Lansing, on the third floor of the capitol, there were a bunch of pretty barren, side by side offices, and you maybe had a secretary in there, or maybe one for two justices, perhaps a law clerk although not necessarily a law clerk, but from there on out, it was pretty much between you and the case. Wasn't that the way it was? You got the record if it was for your determination, your recommendation, the record came to you, and you read it, and you wrote a recommendation based on your direct contact with the record, didn't you? Isn't that the way it worked?

Justice Edwards:

Well, I frequently did that, but I think I always had at least one law clerk. I think there was a time that I had three at some point, and I decided...and maybe I had three stenographers.

Mr. Lane:

Where did you do most of your work, Judge Edwards? Was it at...

Justice Edwards:

In the Michigan Court?

Mr. Lane:

Yes. Was it in Lansing or did you have...? You moved there and lived there, did you not?

Justice Edwards:

Yes, we lived in Lansing.

Mr. Lane:

So you did your work in the capitol building, did you?

Justice Edwards:

Yes, I think so. I don't recall how high up in the capitol building I was, but I'm sure I wasn't on the ground floor, and I suspect...it was possible I may have been in the dome.

Mr. Lane:

The third floor with the rotunda in the middle was the part of the building devoted to the Supreme Court.

Justice Edwards:

Yes. I think that's probably where I had offices. How long was I there?

Mr. Lane:

You came in 1956 and you left in 1961.

Justice Edwards:

That's a long time. That's six years, isn't it?

Mr. Lane:

Let me see if I've got it right. Let me see those things. I think your last opinions...1961, 365 Mich. Oh, that's a...your last...the first on this last, the last case presumably, the most one advanced, most advanced in time that you wrote was called West vs. Northern Tree Company. Does that ring any bells? The woodcutter whose hands were frozen?

Justice Edwards:

No, I don't remember that.

Mr. Lane:

Well, that was another Worker's Comp. case, and in that case.

Justice Edwards:

I'm curious as to what this thing says.

Mr. Lane:

The issue was really one of notice.

Justice Edwards:

Of notice?

Mr. Lane:

Yes, and the man had complained of the bitter cold out in the woods in February. He said, "My hands are freezing. Let's build a fire", and the fellow said, "No fire".

Justice Edwards:

Yes.

Mr. Lane:

And this was deemed by the Supreme Court in the end to have been notice that this injury was in the process of occurring and sure enough...

Justice Edwards:

So he was not entitled to compensation.

Mr. Lane:

Well, it was decided 5:2 that he was, that he, by going to the foreman and saying, "Look at these hands. They're blue".

Justice Edwards:

Well, I would hope I voted with the five.

Mr. Lane:
You wrote it.

Justice Edwards:
I wrote it.

Mr. Lane:
That was the last one you wrote.

Justice Edwards:
Okay, it certainly sounds as if I would have...yes, McNamara and Hart were in my corner all the while.

Mr. Lane:
Nate Goodnow.

Justice Edwards:
And so was Goodnow. That's a strange one because Goodnow was...he was an attorney for some of the biggest corporations in Michigan, and I had not really anticipated his coming out for me, but he did.

Mr. Lane:
At that time...

Justice Edwards:
And he was President of the Michigan Bar Association.

Mr. Lane:
Yes, I was going to say. That was...

Justice Edwards:
That was a big..."Goodnow noted that he was against Edwards in 1938 when Edwards and 126 automobile workers were arrested for violating a court order in the Yale and Towne strike.

Justice Edwards:
Goodnow was a member of a law firm representing Yale and Towne..., and thus opposed to Edwards and the other strikers. Edwards spent 30 days in jail for violating the court order". That's true. "He was 23 at the time, not in law school yet,' Goodnow said of Edwards. 'He was leading a cause. Today, I think it was a fine thing that he and others did lead that cause,' Goodnow said. 'Keith said Detroit citizens have 'confidence' in Edwards' police administration and racial tension has eased. Justice Souris defended Edwards' performance on the Michigan Supreme Court, noting that he had been involved in controversial labor management decisions and had decided cases both ways on their merits. When Senator Dirksen read the court citation that resulted in Edwards' being sent to jail for civil consent (sic), Edwards said that 'today, I agree with the judge.'"

Mr. Lane:

"Civil contempt", right?

Justice Edwards:

Yes.

Mr. Lane:

You might riffle through those others to see..there are other clippings there that I just picked out to help me. They might stimulate some thoughts. I think there's one in there upon your leaving Detroit, one upon your decision to run again for the Supreme Court following your appointment. Did you ever seriously think about running for governor or the United States Senate back in those times?

Justice Edwards:

If you really want to know the truth of the matter, I once thought of running for President. There was a period when things were moving very rapidly in very liberal political sense, and I...this may be the second or third time in my life that I've ever confessed any such concept, but I think that I did once think about it. I don't know that I ever told my wife.

Mr. Lane:

Well, at that time, there was a figure that loomed over all, I think, politically, and that was G. Mennen Williams, and a lot depended, I suppose, on which way.

Justice Edwards:

Oh, Williams was very, very important character in Michigan. There is no question about that.

"...Detroit police commissioner, was confirmed Monday by the Senate as a member of the 6th Circuit Court of Appeals after opposition by two Republican senators. Confirmation came by voice vote with only a handful of senators present on the floor. Sens. Everett Dirksen of Illinois, the Republican leader, and John Sherman Cooper, R-Ky., opposed Edwards' nomination made early in the fall by President John F. Kennedy....vigorously backed on the floor by Sens. Philip Hart and Pat McNamara, Michigan Democrats and Sen. Hubert Humphrey."

Mr. Lane:

Did Phil Hart have a big part in your nomination?

Justice Edwards:

Well, he was...yes, he was important. Pat McNamara was even more important. Pat McNamara was a guy whom it was very bad to have for an enemy, and Hart - everybody loved Hart.

Mr. Lane:

Still do, people that know him.

Justice Edwards:

Yes, everybody loved Hart, so in the way the thing ultimately came down, Hart was hitting them high and McNamara was hitting them low, and it really went through much more easily than I ever thought it was going to. I had a lot of doubt about the nomination when it was made. They didn't put up a scrap...Shep Tate of the Tennessee Bar said I wasn't qualified, but I had Bar Associations of Ohio, Kentucky as well as...Ohio, Kentucky and Michigan. I succeeded Tom McAllister. Now, Tom McAllister was a lesson to me. Tom McAllister was a fine person. Tom McAllister was a fine person.

Mr. Lane:

He was greatly beloved in Grand Rapids, I know that.

Justice Edwards:

But he stuck too long, and it got to the point where he was tottering, and I think I may have watched him, whom I admired and still did...I think I watched him and thought to myself, "Edwards, [expletive] you, don't you ever get to that point". The most astonishing thing personally I ever did was to leave the Supreme Court to take the Police Commissioner's job.

Mr. Lane:

That was an extraordinary event, wasn't it?

Justice Edwards:

Yes, well...there were some real...

Mr. Lane:

Was it your attachment to Jerry Cavanagh or what, more than anything else, led you to do that?

Justice Edwards:

Oh, it didn't have anything to do with Cavanagh.

Mr. Lane:

Oh, didn't it?

Justice Edwards:

Cavanagh was...he and I were never really close. I think we probably ended up mostly on the same side but for entirely separate reasons. I never thought of Cavanagh of being a person of strong principle. He was kind of an Irish pol, and that's not entirely a bad thing to be because most of them throughout history have been...enough of the Irish came from the working class so that there was a strong influence. Even if you weren't, even if your hands had never gotten dirty, if your name was Cavanagh, you were going to kind of be, kind of look favorably toward it.

Mr. Lane:

Well, Jerry's what?...Mike sits on the Supreme court now in Michigan. He was the younger brother, wasn't he?

Justice Edwards:
Jerry's wife?

Mr. Lane:
No, no. Mike Cavanagh, who was Jerry's younger brother, as you recall...

Justice Edwards:
Still sits on the Supreme Court?

Mr. Lane:
Yes.

Justice Edwards:
I'll be [expletive]. I didn't know that. I didn't even know he had a younger brother.

Mr. Lane:
Well, he is sure kinfolk.

Justice Edwards:
Does he do reasonably well?

Mr. Lane:
Well, I think he is esteemed somewhat in the manner that you probably indicated in talking about Jerry Cavanagh. I don't think Mike would be thought of as being an over-powering intellect, let me put it that way, but he tends to his political duties, and he knows his...his strengths and weaknesses, I guess. He does his work, turns it out every day, as far as I know. He is not...I don't know quite how to say it. You know, he beat Dorothy Riley in 1982 by I think it was 11,000 or 13,000 votes. It was very close.

Justice Edwards:
She wasn't the worst judge in the world either, was she?

Mr. Lane:
No, I think not.

Justice Edwards:
I think not.

Mr. Lane:
You have to remember that she ran pretty much solo, and on her own hook, late in the electoral framework. Mike went in with the party behind him, Democratic Party in the nomination and all that goes with it, you know, the union support, and a good name. Of course, Riley is a good name, too, in Michigan.

Justice Edwards:
I'll bet.

Mr. Lane:
But the point I was trying to make here was that Mike, even so, won in a very close...

Justice Edwards:
Very close race, yes.

Mr. Lane:
And then all the troubles came about the appointment of Dorothy Riley by Milliken to fill the Moody vacancy and then, you know, she won then in her own right two years later.

Justice Edwards:
Oh, yes. Moody was a good judge and got...died all of a sudden, right?

Mr. Lane:
Yes, he died of some kind of a heart event, and I know I attended his funeral, and Williams spoke at the funeral.

Justice Edwards:
He was a pretty decent guy as I understood it.

Mr. Lane:
Williams, in giving the funeral, the eulogy or whatever the proper term is, in passing, referred to some, at least what it meant to me, his words, of some defect that was known to Moody in his physical make-up, but that was very private. He did not...his wife didn't know that he had this risky condition, whatever it was.

Justice Edwards:
Moody did?

Mr. Lane:
That's what Williams said at the eulogy. Now, I had never heard that before, and...

Justice Edwards:
I never heard that.

Mr. Lane:
It never got in the papers, but he was only in his middle 50's, I think, when he died, and this sort of helped explain it a little bit, even though the words were very cryptic that Williams used.

Justice Edwards:
I never wrote the novel, but I think perhaps I've lived it.

Mr. Lane:

That's a reference. Why don't you explain that to the tape. You're looking at a newspaper clipping, right?

Justice Edwards:

Yes.

Mr. Lane:

Wherein it said what?

Justice Edwards:

It said that "Edwardses (Father and Son) Leave Reluctantly" "The name George Edwards, some say, burst upon the Detroit scene in the flurry of metal objects hurled at policemen trying to break up an illegal sitdown strike in the difficult early days of the trade union movement. Twenty-three-year-old George Edwards Jr., a radical labor organizer, was arrested that day in 1936, and served 30 days in jail. Just three years later, he was elected to Detroit Common Council. He was the youngest person ever elected to the council and became, in rapid order, council president, unsuccessful candidate for mayor, labor lawyer, juvenile court judge, circuit judge, state Supreme Court judge, police commissioner and since 1963, a federal appeals court judge. His son, George III, also an intense and idealistic liberal lawyer, was elected city clerk four years ago at the age of 29. He tried to take city government by the horns as his father had as a young man, but young George got gored, Two fouled-up city elections in a row were his undoing". He had become City Clerk.

Mr. Lane:

I was thinking of at the end there, it talks about your starting out to write a novel, doesn't it?

Justice Edwards:

Yes.

Mr. Lane:

How does that part of it go? Was that true that you...?

Justice Edwards:

"Leaving Detroit is something neither Edwards does gladly. George Jr. came to Detroit in 1936 with degrees from Southern Methodist and Harvard and a plan to gather material for a novel. 'I never wrote the novel, but I think perhaps I've lived it', the trim white-haired judge said last week in an interview in his Federal Building office." That Federal Office Building would be here, I guess.

Mr. Lane:

No, I bet it's the Post Office in Detroit.

Justice Edwards:
You think so?

Mr. Lane:
I don't know, but I would guess, because at that time....

Justice Edwards:
This is now 1973.

Mr. Lane:
That's 17 years ago, you see. You functioned out of Detroit to a significant degree for a long time, did you not, in an office there? Did you not?

Justice Edwards:
Once I was appointed to this Court, I moved here fairly soon. Oh, I...we commuted for a number of years from Detroit and down here, after I was on this Court, but I never had office space in Lansing after.

Mr. Lane:
Not in Detroit, either.

Justice Edwards:
Not in Detroit or Lansing.

Mr. Lane:
Like Ryan now, Judge Ryan does have office space, you did not.

Justice Edwards:
In both places?

Mr. Lane:
Well, he certainly does in Detroit, and he sits here so he must have someplace here.

Justice Edwards:
I don't know whether he does or not, but I don't think I ever had an office in both Lansing and Detroit. I can tell you what accounted for...but we did commute. We lived in Michigan, and we commuted for a number of years, and then going south on I-75 which had just, I guess, recently been developed to something approaching completion...I can't remember whether we were going north or south. It doesn't matter. The critical thing was that the roads were slick, and there was a beer truck involved in this thing. Anyhow, I think I had to...oh, I know. I wasn't involved in the wreck except witnessing it. Three young guys obviously going hunting because they had shot guns in their car, were going south or north, south probably, because they were going, it would be more likely that the weather would be open south, and they lost it trying to avoid running into the....

Mr. Lane:

Was it a bad accident.

Justice Edwards:

Yes, it was a bad accident. They lost it. I think the beer truck ran into them, and my contact with this was that I was right behind, and I managed to avoid the accident all together, but I got out and went to the car, and here was this young fellow, one of them knocked out of the car and the one closest to me was...had received the impact of this beer truck which hadn't been able to stop, and, oh, God. I looked at him, and I thought that he was not even hurt, and then I realized that he was sitting bolt upright, and he was dead. He had been killed instantly. Now, the one on the other side had been thrown out, but he wasn't killed. That was when we moved from Detroit to Cincinnati. I said to myself, "Edwards, you using up your percentages, buster".

Mr. Lane:

The reference there, though, to the novel...is it true that you aspired to write a novel back in those days?

Justice Edwards:

Yes, sure. I've always been trying to write.

Mr. Lane:

You did write a book about your father.

Justice Edwards:

I did, indeed.

Mr. Lane:

What was the title again?

Justice Edwards:

Pioneer At Law.

Mr. Lane:

Pioneer At Law?

Justice Edwards:

Yes. I ought to give you a copy of it.

Mr. Lane:

Why don't you see if you can find one. Do you think you have one in the office?

Justice Edwards:

I know I've got one.

Mr. Lane:

Let's cut it off for today, and I'll come back in the morning and see what else we can do. Is that good enough?

Justice Edwards:

Yeah, good enough.

(End of side 2, tape 2)

Topic 7: Justice Edwards talks about his hospitalization after a fall, judicial selection, partisanship, Jimmy Hoffa, and the People's Savings Bank. He also discusses Certain-Teed Products, juvenile injury and former Justice Eugene F. Black

Mr. Lane:

Now, this is the third tape, side 1, sitting with Judge George Edwards with Roger Lane. Judge, I heard a little anecdote that I thought was fit to ask you about. When I was talking to Otis Smith, he told me about the time that you were playing tennis with Sandra O'Connor. It seems that Otis was on one side of the net with Mrs. O'Connor at some judicial conference, I take it, a few years back, and you and Peg were on the other side, and he said that they got ahead, that is, Otis Smith and Justice O'Connor, and he thought that he better play a little customer's tennis here. I suppose he was a guest, and he probably didn't want to cast offense in any direction if he could avoid it, and he lost his touch. He said you wopped him. Do you remember that?

Justice Edwards:

I remember playing tennis with him, but I don't remember the triumph.

Mr. Lane:

Well, you know. I remember another...tennis is your game, isn't it?

Justice Edwards:

I played tennis from my boyhood on, and enjoyed it a lot. I regret to say that I'm playing very bad tennis now.

Mr. Lane:

Did you...do you recall a time when you were in Lansing on the Michigan Supreme Court, and you didn't show up one day, and it turned out that you had cracked a couple of vertebrae in your back?

Justice Edwards:

Oh, yes.

Mr. Lane:

You do remember that?

Justice Edwards:

Oh, yes indeed I do.

Mr. Lane:

Tell us how that happened.

Justice Edwards:

Well, it was a period when...this is a very strange story. It was a period. We weren't living in Detroit, I don't think. Maybe we were.

Mr. Lane:

I think you were in East Lansing.

Justice Edwards:

East Lansing would be right, and as I recall this situation, this was a period during WWII when things like tennis balls were rare items, and...

Mr. Lane:

Somebody knocked a ball...

Justice Edwards:

I was playing tennis with one of my sons, probably George because he was the older one, and I never really got Jim, the younger one, to play tennis very much, but George was a pretty good athlete, so we played, and in the locale that I'm talking about in East Lansing...the tennis court was very close to a fenced off area in which there was a lot of scrap machinery, and it was all sorts of junk, presumably waiting to be carted off and melted down or something. Anyhow, this fence was about ten feet high, and tennis balls were very scarce, and either I or one of my sons knocked a ball over that ten foot fence into this junk yard, and I undertook to climb the fence to get the tennis ball. I got on top of the fence, and found myself quite insecure and having to take a step or so on top of the fence to get to another place where I'd have a good hand hold, and I took the step or two which was the most hazardous part of the mission, and felt myself going, and if I had fallen forward, I would have just been cut to pieces by this junk yard, and I knew in back of me, there was a hill side that was soft ground, and I kicked back and fell doubled up on that soft ground. Well, of course, this is a long subsequent history, but I was immediately...I had to be hospitalized, and I, when they got all the x-rays, it appeared that one of the vertebra had come down on another vertebra and smashed it, and had dug a notch in it. It hadn't smashed it really, but it dug a deep notch in it, and I must have been in the hospital for two or three weeks with that injury, and know that I wore a body cast to hold my spine rigid for maybe two or three months. It was a fairly serious...it was one of the more serious things physically that ever happened to me.

Mr. Lane:

Well, it made an impression on me as a reporter. There isn't too often that a Justice of the Supreme Court breaks his back by falling off a ten foot fence.

Justice Edwards:

Where in the world did you read it?

Mr. Lane:

Oh, I remember this. I was on the scene at the time. I did not know the detail as you relate them, but I don't know how newspaper people hear about stuff. I guess it's like, in some respects, like a women's bridge club or something. Everybody is talking about it.

Justice Edwards:

Everybody talks.

Mr. Lane:

About whatever they heard about most recently. Now, you still...you play, I guess, not as much as before. You know, I've got another little story...Bill McBrearty...did you know him? He's a lawyer in Detroit. Otis Smith said that he is 89 and he has trouble every so often on the tennis court...he'll get a little dizzy spell or something and fall over and they'll call the paramedics, and he says, "Get the hell out of here. Let's get on with the game" as soon as he wakes up, so if you need a role model, here's one at 89..

Justice Edwards:

Well, he's got me beat on age. I don't know how we'd compare on tennis. Mine's gone to hell in a hand basket.

Mr. Lane:

Don't give up.

Justice Edwards:

I'll try not to.

Mr. Lane:

I've got some arthritis, and I don't let it...take my pills and... I wanted to ask you a pretty serious question about...that I put to just all the former justices, and it's about judicial selection in Michigan. Now, you have been through the process in the state framework and in the Federal, and you have been appointed and you've run. In the Federal, you had a...

Justice Edwards:

An appointment is a lot easier than running.

Mr. Lane:

Okay, you had a testy confirmation process, though. What wisdom can you give us and the people in the future about the right way to pick appellate court judges? Do you think Michigan has an acceptable system? A lot of people don't think it's very good. You know what I'm talking about, the fact that...

Justice Edwards:

Oh, yes, I know a lot about...I've been through a lot about the process of choosing or appointing justices. I guess I have...well, it's a hard thing to talk about. I've been elected to a judgeship. I have been appointed to a judgeship. I don't know which is right. I don't think there is any such thing as a final answer to that question. I think in my younger days, I got quite a kick out of running. I kind of liked the campaign feature, and I had people who believed in me who participated in the campaigns and who, oh, people who...a couple of people...one of them was Johnny Penczak and another one was Norval Mueller who just sort of gave their lives for a while to promoting my candidacy.

Mr. Lane:

Penczak...I know that name. Who is Johnny Penczak?

Justice Edwards:

Well,...

Mr. Lane:

Was he just an attorney...

Justice Edwards:

No, he wasn't an attorney. I don't think he ever was an attorney.

Mr. Lane:

Just a real enthusiastic friend, was he?

Justice Edwards:

Yes, very enthusiastic friend and campaigner, and Norval Mueller, the same thing was true. I don't think he was a lawyer.

Mr. Lane:

N-o-r-v-i-l-l-e?

Justice Edwards:

V-a-l, I believe. They just were fact totems in a campaign situation, and they did everything that needed to be done, and they did it well.

Mr. Lane:

You had amazing electoral success in one election there, it seems to me, when you ran against some judge from Jackson, and you won better than 2:1 or maybe it was 3:1. Do you remember that? Simpson, Simpson, do you remember running against Judge Simpson?

Justice Edwards:

Yes.

Mr. Lane:

That, at the time, I think was the biggest electoral plurality, at least in a ratio sense, that was ever achieved in a state-wide election in Michigan.

Justice Edwards:

I thought that I had some such record as that at some point or another, but I've now forgotten the details.

Mr. Lane:

What about the process though that is provided by statute of nominating Supreme Court Justices and Supreme Court Justices only by political party convention, and then you run as a non-partisan? Some people find that a contradiction in terms.

Justice Edwards:

It is a little strange, isn't it?

Mr. Lane:

We talked about apportionment, legislative apportionment yesterday, and you remember that the political voltage on that issue was very high, and I think if there is any defect in the system that is worth talking about, it is illustrated by what has happened.

Justice Edwards:

What does Michigan do now?

Mr. Lane:

Same thing. You go to the party convention to get your nomination. The next day, you walk out as a non-partisan and presumably under the canons, you're enjoined from endorsing anybody or exploiting any party issue or that sort of thing. You're strictly on your own.

Justice Edwards:

Non-partisan.

Mr. Lane:

That's the theory of it. It couldn't in practice quite work that way.

Justice Edwards:

Yes, it has some contradictory features beyond all doubt. I don't know...I don't think there's any perfect way of doing this. I've been appointed. I think I've run...I know I've run.

Mr. Lane:

When you faced confirmation for your present position, did you think that was a fairly handled situation? You know, you had to go up against Dirksen and others.

Justice Edwards:

Yes.

Mr. Lane:

And they looked right down your throat.

Justice Edwards:

They went over the record pretty thoroughly and there were people who....I've forgotten the count on the final...there was a committee appointed; this is now for the job that I hold now. There was a committee appointed from the Senate, I believe, and there were maybe eight or ten people on that committee, and I had testified before John McClellan about organized crime. I think I just finished a term as Police Commissioner.

Mr. Lane:

Right.

Justice Edwards:

And I had testified about organized crime, and McClellan had been very active in following and in a sense, prosecuting that issue, and then, when we got to the final days, I think we came up against something like the first of the year or Christmas or something like that, and it was going to go over to another year unless a decision was made, and as I recall it, McClellan was all in favor of our going ahead and getting the appointment confirmed but [expletive] if he didn't vote against me. I understood what he was saying. He said, "I want you but I don't want to vote for you because I come from Arkansas". Didn't he come from Arkansas?

Mr. Lane:

Yes, he did, right.

Justice Edwards:

"I come from Arkansas". I'm not saying that he said this.

Mr. Lane:

No, I understand.

Justice Edwards:

But this is what...

Mr. Lane:

...his vote said.

Justice Edwards:

This is what his vote told me.

Mr. Lane:

I guess for people that might be reviewing this tape at some time in the future, it should be

pointed out that your testimony that you referred to was very, was something of a national sensation because I think, didn't you name a good many names...

Justice Edwards:

I think I did.

Mr. Lane:

In this mafia situation, names that heretofore had not been identified in other than newspaper terms, but you, I think as Police Commissioner of the City of Detroit...

Justice Edwards:

I knew something about what they were doing.

Mr. Lane:

Yes.

Justice Edwards:

Yes, I think I did, and I think there was a period...I think by then, I was...I know there was period when I was parking my car someplace, and I don't remember...I don't suppose it was in this same locale, but I was parking my car someplace, and I kept thinking, "Boy, it's so simple to knock me off" but what the hell, you had to do it and just had to take the chance.

Mr. Lane:

Somebody would put a device in the car, a bomb, that sort of thing. Is that what you're talking about.

Justice Edwards:

Well, I thought more about they'd just shoot you, that I parked in a regular slot every day, and I don't remember now where or when. I still park in a regular slot everyday. I parked yesterday and this morning, and my car is sitting there waiting, and they could knock me off any time now. I'm not worth the effort now, but at that time, I was...

Mr. Lane:

You were hot.

Justice Edwards:

...it was a smaller court, and I was more important.

Mr. Lane:

Well, those things have happened. We were talking about some rough customers. Look what happened to Jimmy Hoffa, that's the same league. Maybe not the same people, but that's the way they deal with their problems, I guess, at times.

Justice Edwards:

Yes, I think they ground Jimmy Hoffa up in the garbage.

Mr. Lane:

Nobody has ever been able to say for sure in that case.

Justice Edwards:

What happened to him. His body was never found.

Mr. Lane:

You know that when I was working as a reporter for the Associated Press in Springfield, Illinois, we had a legislator from the west side in Chicago disappear on a trip home, while the legislature was in session, and he was never found nor any trace of him. He apparently had been keeping company with some pretty bad people, and they decided to get rid of him.

Justice Edwards:

He knew too much.

Mr. Lane:

Clem Graver, you can imagine when a thing like that happened and you were a newspaper fellow, it would make a lasting impression.

Justice Edwards:

Oh, yes, quite a story.

Mr. Lane:

Well, that's all...

Justice Edwards:

Well, the Hoffa disposition was quite a thing.

Mr. Lane:

It sure was.

Justice Edwards:

I remember being someplace where it was appropriate and almost required that I ended up introducing my wife to Jimmy Hoffa or Jimmy Hoffa to my wife, I guess would be more accurate, and afterwards, she said to me, "Well, that's the terrible Jimmy Hoffa. Why, he's not any taller than I am". I said, "Well, that may be so, darling, but he's tough".

Mr. Lane:

And he was.

Justice Edwards:

Oh, you're [expletive] right he was tough.

Mr. Lane:

George Fitzgerald was his attorney for a while. You knew George, didn't you?

Justice Edwards:

Yes, I did. I had forgotten that he would be the attorney.

Mr. Lane:

Yes, he was...Hoffa, in effect, fired him after...well, I'm not familiar enough with the details to go into that, but I know that there was a split there, and it was around the time that Hoffa was convicted of jury tampering.

Justice Edwards:

Yes.

Mr. Lane:

And I don't know...

Justice Edwards:

Well, he paid money for a couple of jurors, I think.

Mr. Lane:

This is old-fashioned hard ball.

Justice Edwards:

Oh, you bet.

Mr. Lane:

Do you remember...there is another case that I thought there were some funny little wrinkles to that you might be interested in recalling...there was a time when the United Mine Workers organized some barbers, hair cutters, people that shaved you in Detroit, and it got to be a dispute between the UMW and its little corporal's guard of barbers, and the main organization of barber is called...I forget the full name of it. The barbers' union, the old line union responded by picketing the insurgent UMW, United Mine Worker. Do you remember when John Lewis started...what was it...District 50.

Justice Edwards:

Catch-all.

Mr. Lane:

And one of the picket signs...they started to picket and one of the picket legends was "Why get shaved by a miner?", and it was that...that represented to the best of my understanding the spirit of what was going on and the UMW came in to try to stop the picketing. The Supreme Court...I think you wrote the opinion, said that this is a free speech right. There is no rough stuff going on. Let them picket. Do you remember that case?

Justice Edwards:

No. I don't remember the case.

Mr. Lane:

Well, it's a two-bit case.

Justice Edwards:

But I guess I would have taken that position then and would probably take it now.

Mr. Lane:

Let me ask you about a couple of others. Do you remember the People's Savings Bank case in Port Huron, People's Savings Bank against Stoddard, Howard Stoddard being the main man in Michigan National, kind of the godfather of the Michigan National Bank.

Justice Edwards:

He was a big republican, as I recall it.

Mr. Lane:

He was. He was a Mormon. He was a close ally politically, at least, and maybe in other ways of George Romney, but he also was the man who made Michigan National Bank a big power in the state. He was a wild-catter. He was against the banking association.

Justice Edwards:

Oh, really.

Mr. Lane:

Yes, and he built through various ingenious means, he built up a state-wide network when that was not strictly within the law to do that. In the People's case, People's Savings Bank against Stoddard in Port Huron was a result of his expansion tendencies. Do you remember that one where he went in and used a profit sharing trust, the proceeds of which came from employees of Michigan National Bank. They were pension funds put off here as against the time when they'd be paid out to employees as they retired. Well, Stoddard took...he had control of that money and so he went out and used it to buy up 2/3's of a rival bank, the main competition in Port Huron so that he wouldn't be troubled by having a competitor there, and People's Savings Bank.

Justice Edwards:

A little dubious as far as the laws were concerned, wasn't it.

Mr. Lane:

Maybe this will bring back some recollections. I remember you started out your opinion...it was a 5:0:0 opinion. Black disqualified himself, I suppose because he knew the people and maybe the attorneys in the case, and here, according to Judge...

Justice Edwards:

Didn't want to vote with me.

Mr. Lane:

And here, quoting Judge George Edwards, "We deal here with a story of high finance and less lofty subterfuge". Are you proud of that?

Justice Edwards:

Oh, yes. I like that. I could buy that again.

Mr. Lane:

Well, you would. You've got five people to go with you, four others and nobody against you, and poor Stoddard had to give back the stock that he bought up and People's Savings Bank was saved.

Justice Edwards:

Well, that was a minor accomplishment in the total history.

Mr. Lane:

That's all kind of dim in your recollection.

Justice Edwards:

Oh, that's there. That's...you know, quite a few of these things when you ask me, I have to say to you that I couldn't have come up with the memory of that at all, but when you call it back to mind, it's there.

Mr. Lane:

There was a lot of interest. You know, we're talking back over many years, and this stuff all seems like, you know, yesterday's newspaper, I suppose, but this was big stuff at the time.

Justice Edwards:

Oh, sure.

Mr. Lane:

And how it started was a master of his kind of banking and he built an institution largely through this means that was cut off here. He acquired banks and I don't know the details of this, but in Battle Creek and in Saginaw and at the time, the law said you couldn't have but one banking institution, and you could have branches within a so many mile radius, but what he was doing was very innovative in a financial sense, and on the edge of the law, I guess, as it turned out. Do you remember...you know, there were a lot of zoning cases as I looked through. Many of them of, I would say, minor consequence, but one of them that was very interesting that you may recall, was Certain-Teed Products Corporation vs. Paris Township. Now, Paris Township was just south of Grand Rapids, if you'll recall, and a very rich body of gypsum was discovered in

Paris Township a couple hundred feet down, and this company wanted to develop that to make wall board out of it or whatever they do, and there got to be a conflict between the purposes of the company which, of course, is going to...

Justice Edwards:

And the real estate people.

Mr. Lane:

Well, okay...Grand Rapids was expanding. A lot of good residential growth. By good, I mean high income property, and Paris Township, the people that ran the...the trustees, I guess, and the supervisor, were torn. They were in the middle of this thing, and one night at the climax, as I recall from reading this, 600 people showed up in the town hall and these people, like the time when you were talking about your confirmation decision, it was time to act and so they acted to say, "Nix to you, Certain-Teed Products. We're going to save this meadow land for the developers", but Certain-Teed Products, as I recall, had gone through the right steps. The zoning was such that it was permissible, you know, conceptually. This was agricultural zoning, and the railroad ran through here. Do you remember that one where you again wrote the opinion, and again, there was a lot of heated, high- voltage interest in this.

Justice Edwards:

I was a busy boy in those days, wasn't I?

Mr. Lane:

You were. You were one of the, by the standards that I'm able to understand, one of the very top producers in terms of opinions written and dissents. You were very active. Does that one ring any bells?

Justice Edwards:

No.

Mr. Lane:

Doesn't it? Well, it was an interesting controversy in terms of how government works, I thought, because these people obviously were stampeded, the township folk. It was kind of like a mob action and then when everything cooled down and they were brought into the arena of how you decided these things under our system of government, the various steps were examined for their sufficiency and did they properly give a chance for hearing on this and that and the other thing. When it was all sifted through, why, the Supreme Court of Michigan said, this company is within its rights and it is within the zoning laws, and go ahead. I guess right now, we've got a lot of wall board around Michigan that wouldn't otherwise be there maybe. The objection was, Judge, that this was going to destroy the atmosphere of our environment of our community.

Justice Edwards:

Yes, somebody wanted to have high scale residential development and this was going to benefit the sale of lots to just ordinary people.

Mr. Lane:

The other, on the other side of the question was the expectation that this new industrial development was going to provide a good deal of employment and if you'll remember, back in those times...we're talking now about...say around 1960 or thereabouts, good jobs were highly prized, and so there was a strong argument in terms of the prosperity of the community or adding to the economic vigor of it, at least. Well, I thought maybe you would...you know, there are a couple of other...I don't know whether to keep bringing these things up, but do you remember the one in Marquette where a kid crawled through a fence and got burned in a substation or something and the question was whether he was a trespasser, an eight year old kid, and in that case, the Court had sort of a struggle and decided that the laws of trespass did not control when you were dealing with an eight year old youngster. I don't know whether it is proper to say that this was an attractive nuisance or what, but a kid wants to get into there where the action is, and maybe his football went in there, I don't know.

Justice Edwards:

What had got him through the fence.

Mr. Lane:

A hole. It wasn't in good repair.

Justice Edwards:

I didn't mean that. I meant what was the attraction on the other side of the fence.

Mr. Lane:

I'm not sure, just the fact that there was some machinery, perhaps. I don't remember whether there was a...the kid had kicked a football over or that sort of thing. That was not a prominent fact, anyway.

Justice Edwards:

I wish I could say that I remembered the case, but I honestly can't.

Mr. Lane:

Well, this one brought up a similar case that the Court had had earlier where a kid got hit in the eye with a golf ball in Redford Township Golf Course, a case called Lyshak.

Justice Edwards:

I remember that name.

Mr. Lane:

All right. This kid...you know, it was somewhat the same legal principles to some degree that were involved that here was a youngster. Here's a green playing field and a nice sunny day, and he wants to get over there. He has been penned up in his backyard, and he's on the golf course, and somebody that should have known better banged a ball. It was an employee of the golf

course. I think the pro or one of his helpers hit this golf ball 100 miles/hour and hit the kid and knocked his eye out, and then the dispute was did the kid have a right to be there.

Justice Edwards:

Because he was a trespasser.

Mr. Lane:

Yes, and the Court, after sifting problems around, decided that there was some negligence that was the controlling factor here, negligence on the part of the fellow that hit the ball that knew that kids were nominally at least, not allowed, that there were supposed to be rangers to keep them off and that sort of thing.

Justice Edwards:

Was there a judgment against the golf course?

Mr. Lane:

Yes, there was, or against at least the party responsible. I think perhaps the individual. Maybe the golf course, too, but the name of the case did not have, in my recollection, that there was not a golf course defendant or even a city defendant. I think it was the people, the individuals. Oh, well...Have you got anything that is sort of pent up inside of you about your experience on the Supreme Court in Michigan? Maybe how the Court functioned, the limits on jurisdiction or anything like that that you would want to get off your chest at this time? I'm just making an open invitation if you had some thing that you think is worth committing to the future, why, here's an opportunity to do it.

Justice Edwards:

Hum.

Mr. Lane:

Anything you'd care to say about your co-workers, you colleagues on the Court? Now, Gene Black was a sort of a problem, wasn't he, at times?

Justice Edwards:

I regarded him as such, I'm sure, but there were those who were very warmly favorable to him.

Mr. Lane:

Did you ever figure out why he was so obstreperous at times, if that's the right word?

Justice Edwards:

He had, I thought, he had a desire to dominate proceedings beyond the norm of...after all, in a multi-judge court, each judge wants to have his influence registered to some degree, but I think most are willing to have it...keep it in some proportion. I think he wanted to have it out of proportion.

Mr. Lane:

He was very harsh, was he not, in his criticism of some of his colleagues.

Justice Edwards:

Yes, I think so. I can't recall that he ever particularly teed off on me, but I suspect that he may have. The reason that I suspect it is because I definitely remember that I didn't like him and that usually comes from the fact that somebody has done or said something about you that you didn't appreciate.

Mr. Lane:

Well, I know he did...

Justice Edwards:

Where did Black locate?

Mr. Lane:

He was from Port Huron, used to drive back and forth.

Justice Edwards:

Yes, I'm trying to think about...

Mr. Lane:

You remember, he had been a Republican elected Attorney General in Sigler's administration and then he broke with Sigler and somehow, G. Mennen Williams, things came to a certain point where Williams was led to appoint him a Circuit Judge in St. Clair County.

Justice Edwards:

And I think I probably thought pretty badly of that nomination.

Mr. Lane:

And then that led to his running for the Supreme Court with the Democratic Party nomination so ultimately on both sides. I talked to John Swainson some weeks ago.

Justice Edwards:

Oh, did you? How is he?

Mr. Lane:

Well, he's in good shape. He didn't think much of what we're talking about. He said that he met Black on the floor of the Senate for the first time, and Black was introduced as Democratic candidate to be for the Michigan Supreme Court

(End of side 1, tape 3)

Topic 8: Justice Edwards discusses his colleagues on the Supreme Court, including Justices Talbot Smith, Leland Carr, John Voelker, and Harry Kelly

Mr. Lane:

John, I think, could only think of this man as one of the other guys, one of the adversaries, which he had been in spades.

Justice Edwards:

Yes.

Mr. Lane:

And so, you were not alone if you did not approve of the early promotion of Gene Black by the leader of your party.

Justice Edwards:

I guess I thought that was strange.

Mr. Lane:

You're not alone.

Justice Edwards:

And inappropriate.

Mr. Lane:

What about you...did you have a particular bond that grew up with any of your fellows on the Michigan Supreme Court? They say that you all come sit at a table, each fellow like a boarding house, that you're there by some right that doesn't have anything to do with these other birds, but that after a while, you're functioning with them and sometimes you find they're pretty decent people, sometimes you don't like them, I guess.

Justice Edwards:

Yes, that's undoubtedly true.

Mr. Lane:

Were you close to Talbot Smith?

Justice Edwards:

Talbot Smith was a brilliant intellect and in my experience, a totally self-centered human being. If he wrote it, it was divinely ordained. Somebody else wrote it, he would find some way of criticizing or sometimes, not vote against it but just write sort of a snide comment which got printed. I guess he took some satisfaction in that sort of thing, and that's the kind of thing that I didn't want to have any part of. He had ability, there was no question about that.

Mr. Lane:

Had he been on academic, a professor at the University of Michigan? Is that where he came from? Do you remember?

Justice Edwards:

No. I don't remember.

Mr. Lane:

Now, he left...let's see, he left the court before you did, didn't he? He went on to...he got an appointment, did he not, to the U.S...was it the District Court? I know he left in there somewhere...

Justice Edwards:

Talbot?

Mr. Lane:

Yes.

Justice Edwards:

I can't get that back. I don't know.

Mr. Lane:

How about any of the other - you served with Judge Carr, Leland Carr and Peg had a warm remark to make about Judge Carr's spouse the other day, and Carr, I take it, was not identified philosophically with your approach to the law, but I think...

Justice Edwards:

No, but Carr and I got along. I respected him. I thought he did his work. You know, in a great many situations in the judiciary, my basic reaction to some judge or another would be likely to be whether or not a) they worked, b) whether they wrote their own opinions or at least controlled them or whether they let law clerks write whatever the hell they wanted to and Carr wrote his own. We didn't always agree, of course, but I respected him. I thought he tried to think things through for himself, and I knew that he wrote his own stuff.

Mr. Lane:

How about T.M. Kavanagh? You were on the Court for some years with Thomas Matthew Kavanagh, right? Do you remember him very well?

Justice Edwards:

I don't remember him the way, with the accolades that I've just given Carr.

Mr. Lane:

I don't think he pretended to be a big intellect, did he?

Justice Edwards:

I don't know whether he thought he was or not, but I didn't think he was.

Mr. Lane:

Well, I know there was nickname for him that I used to hear. Of course, maybe this was not appropriate to the conference room, but he was referred to sometimes around the newsroom as Carson City Fats.

Justice Edwards:

Carson City...

Mr. Lane:

Fats.

Justice Edwards:

Fats.

Mr. Lane:

Have you heard that before?

Justice Edwards:

No. If so, I've forgotten it, and it doesn't seem to me that that would have left me if I had had the privilege of having that shared with me.

Mr. Lane:

Well, this was not...maybe I'm saying things that don't belong here. It just popped into mind. I'm trying to focus on your impressions of those that you served with. Besides Carr, you had...of course, there was John Voelker. We've spoken of him. Then there was John Dethmers and...

Justice Edwards:

Voelker, I liked. He was not a great judge but he was a good human being. As I recall, he was a hell of a fisherman.

Mr. Lane:

He sure was. He achieved great fame, you know, with his books on fishing.

Justice Edwards:

Yes, sure.

Mr. Lane:

Didn't you tell me the other day that he wanted to blow up the Mackinaw Bridge?

Justice Edwards:

Yes, I think so.

Mr. Lane:

Keep some of those fisherman out of there so the rest of us can get a fair shake.

Justice Edwards:

Yes, right.

Mr. Lane:

Was he entertaining in the conference or wasn't there much room for that?

Justice Edwards:

John Voelker?

Mr. Lane:

Yes. He can be, you know.

Justice Edwards:

I doubt that he was entertaining in conference, but I think he was entertaining outside of conference.

Mr. Lane:

How about John Dethmers?

Justice Edwards:

Stolid Dutchman.

Mr. Lane:

Was he decent to get along with? I can understand that you came from different perspectives to a lot of the cases.

Justice Edwards:

Yes.

Mr. Lane:

Although, you know...excuse me...

Justice Edwards:

Dethmers...I beg your pardon?

Mr. Lane:

He came along with you on some of your cases, didn't he?

Justice Edwards:

Yes, he did on occasion. Dethmers was kind of like...I didn't have as much respect for him as I

did for Leland Carr, but Dethmers was..Dethmers did something in relation to me that makes me hesitate to say much bad about him, and I'm sure that I'm going to remember exactly what it was. There was some ceremony where my father was present, I think, and Dethmers was presiding and I think he went out of his way to...I'm not sure that my father and my mother might not have been there. I wish Peggy were here. That's the kind of thing she would remember. Anyhow, I think he went out of his way to be rather, quite friendly.

Mr. Lane:
Gracious.

Justice Edwards:
Gracious, particularly on that occasion.

Mr. Lane:
It was...well, while he was an ardent partisan, he was also a family man and you know, regular in his conduct.

Justice Edwards:
Oh, yes, he would be.

Mr. Lane:
What about Harry Kelly? Do you remember Harry Kelly?

Justice Edwards:
Oh, yes. Harry Kelly was a nice, pleasant, friendly Irishman, period.

Mr. Lane:
Well, he suffered somewhat from his disability.

Justice Edwards:
He did have a disability that was serious. Leg, wasn't it?

Mr. Lane:
Peg leg, yes. He lost a leg in the war, do you remember that? That would have been World War I, I guess, way back.

Justice Edwards:
Yes, I guess that was World War I, I guess so. Jesus, we're getting way back now, aren't we.

Mr. Lane:
Somebody recalled that he sat at the foot of the table...

Justice Edwards:
What are we at now, World War VI.

Mr. Lane:

Let's hope we're not quite there yet. I hope so. But anyway, did...I think I was told that he sat at the foot of the table because of his handicap, he sort of needed help to get up or whatever it was. Does that square with your recollection.

Topic 9: He also talks about recounts, the abuse of paper ballots, and commuting to Cincinnati

Justice Edwards:

I think I vaguely remember that he was missing a leg, but I don't remember that detail.

Mr. Lane:

Well, he gave Mennen Williams quite a run for governor there one year, didn't he?

Justice Edwards:

Yes, he did. Yes, he did. I was very much involved in several election contests, not necessarily involving my office, but I was sitting. I can't remember in what capacity, but I was sitting on the committee that had authority in relation to some policy or perhaps nomination or something. I can't figure why I would be sitting on a nomination, but maybe it was a policy question that had to be decided.

Mr. Lane:

Well, there were some...for example, in Michigan, you had, at one time, a fair election practices committee or something that would be formed in advance of the general elections. I remember it could have been something like that. There was a Rabbi, a Rabbi from the Detroit area who served, and I think there was a Roman Catholic Bishop, or no, maybe it was a Methodist or Episcopal bishop but at any rate, there was an attempt through that body to try to influence people to be decent during the campaign exchanges and stay away from the gutter, you know, that sort of thing. I don't remember much about this, probably maybe no more than you do, that it was though, occasionally if somebody would get way off base, there would be a complaint made, and these people would try to redress the grievance or whatever it was. You know, people do have some sense of civility if you can appeal to it.

Justice Edwards:

Yes, I think that's frequently the case.

Mr. Lane:

Did you...

Justice Edwards:

That's what I remember about Dethmers, that I'm not sure that both my father and mother were present at some function where he went out of his way to say nice things about me.

Mr. Lane:

Well, it could have been a swearing in, perhaps, or perhaps...at times, the court has had ceremonies for the admission of people that come on the Court by appointment, although I don't know how common that was in those days. I think when Jim Ryan came on the Court, there was a little bit of a ceremony. I'm just not...that's neither here nor there. Did you work on the Kelly recount? Do you remember when the election returns...this would have been 1950...I think it was 1950...very close election. Williams won by a few thousand votes out of a couple of million cast, and there was a recount. Were you active in that? Do you recall?

Justice Edwards:

I think so. I think so.

Mr. Lane:

I just wondered...

Justice Edwards:

It was a very narrow margin, and I think I thought...there was a smart lawyer whose name is long since gone on the side that I was not on. I don't remember which side I was on.

Mr. Lane:

Well, you probably were with Ted Sachs and with G. Mennen Williams.

Justice Edwards:

Mennen Williams I would have been with and quite possibly Sachs.

Mr. Lane:

Yes, he was very active in those recounts, I think, was he not? I think that's how he really cut his eye teeth.

Justice Edwards:

That might be.

Mr. Lane:

And then, of course...

Justice Edwards:

Well, there were several...it seems to me there were at least two or maybe more than that recounts that were highly publicized and highly contested.

Mr. Lane:

Well, there were two for governor in 1950 and 1952. I can remember when I came to Michigan in 1956, there was a recount in a congressional primary and that was where Jim O'Hara won by five votes over a fellow named Joe Mihelick who had been supported by the union, but that was handled by the State Canvassing Board, and Ted Souris was the Chairman of this thing at that time. Esther Waite of East Lansing, you may have known her...she was on the canvassing board. Two Republicans - Zoe Shaefer Burkholz and a fellow by the name of Schneider from Marquette.

Justice Edwards:

I don't remember any of those names. I don't remember that recount.

Mr. Lane:

Well, it was not...it was a primary and it was important, more in party terms than from a broad standpoint. I know Jim O'Hara, this was when the 8th District was changing. The 8th District at one time, Eighth Congressional District went up along the river to Port Huron and was predominantly rural but as Macomb County filled up, it became a Democratic oriented congressional district at one time.

Justice Edwards:

I participated in I would say at least two very strongly contested recounts, and I don't remember now how they were, how they came about, but I do remember that I...and in one of them, the original count was changed by the recount, and it was...every ballot. You know, they had things called identifying marks, and they would disqualify a ballot because of these so-called identifying marks, and some of them were patently not...the theory was that they could, the party, whichever party involved, could control the voters by requiring them to put a mark on the ballot and then they'd get paid. Well, of course, that was totally illegal if you could prove it, and I don't think we ever proved that, I don't think we ever proved the payment, but we did upset some of the results in one or two instances, I think.

Mr. Lane:

This recount, now we're talking people in the future probably won't know what we're talking about because these are paper ballot types, right?

Justice Edwards:

Oh, yes.

Mr. Lane:

And now, you people know, a lot of people have never seen a paper ballot.

Justice Edwards:

I'm sure you're right. I just voted...punch card.

Mr. Lane:

You have that here, I'm sure.

Justice Edwards:

Yes, punch card.

Mr. Lane:

Well, we have it. I live in the township outside of Lansing although you'd never know it as you drive across the line, and we have the same thing.

Justice Edwards:

Lansing was a nice place to live.

Mr. Lane:

You lived in East Lansing, right?

Justice Edwards:

Yes, I think so. I think so.

Mr. Lane:

Did your children go to school there or had they grown up by then?

Justice Edwards:

I suspect that Jim went to school in East Lansing. I'm not sure about George. George was about three years older, and he may have already gone through whatever the...

Mr. Lane:

Did Peg like it there, in East Lansing?

Justice Edwards:

My recollection is that East Lansing was a very pleasant place to live, and that she was somewhat reluctant to leave there, and I guess it was just the fact that I was getting a promotion that led us ultimately to decide to leave East Lansing.

Mr. Lane:

I take it she was then somewhat reluctant to come here to Cincinnati, for a while, was she not, or do I misread that? We were talking of this the other day, I think.

Justice Edwards:

Yes.

Mr. Lane:

You told about commuting for several years.

Justice Edwards:

Yes, we did. We commuted for quite a while. Well, that had to do with the travel problem rather

than the job, it seems to me. For quite a while after I was appointed to this Court, we drove to Cincinnati for me to attend the sittings, and generally Peg went with me. I think I told you earlier about the instance where these three young guys were going hunting. Peg was not with me on that occasion. She didn't go every time, but she was not with me on that occasion, but she went on most of them. She went on most of them.

Mr. Lane:

Well, you know, I've just about exhausted thoughts that I have that are appropriate to this occasion, Judge. I want to make one last invitation to you to say whatever you think might be appropriate on an occasion like this.

Justice Edwards:

Well, I think it's been an interesting exercise, and I'm very eager to see the script of these interviews. I would hope that if there were any material, if, when I saw the script, there were any material errors that I subsequently remembered or that my wife subsequently remembered because she will read this, and she has a better memory than I, that we can make corrections.

Mr. Lane:

Well, I'll tell you what I'll do then. I'll send you a...let's call it a draft copy before the final editing and that sort of thing is done, because obviously a typist, you know, has trouble with the names and once in a while...so what I'll do is to, instead of going through our little routine here, I'll send you a not-finally-corrected copy so that you can make these adjustments that seem appropriate.

Justice Edwards:

I don't think there will be anything gigantic. What I do remember, I think I remember rather definitely. Some things, I just have had to say that I don't recall, but I would like to have Peg read it because she's got a [expletive] good memory, better than mine.

Mr. Lane:

Well, I'll turn it off, Judge.

(End of side 2, tape 3)