

Justice, Edwin (or Edward) Judson ^[1]

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by Clara Hamlett Robertson Flannagan, 1988

10 June 1867–15 July 1917

Edwin (or Edward) Judson Justice, lawyer, Democratic party ^[2] leader, legislator, and special prosecutor, was born in Rutherfordton, one of six children and the oldest son of Margaret L. Smith and Michael Hoke Justice ^[3], a state senator and Superior Court judge. His family members were strong Baptists ^[4]—among them his grandparents, the Reverend T. B. and Harriet Bailey Justice. He was graduated from Wake Forest College ^[5] in 1887, then studied law with his father and at Colonel George N. Folk ^[6]'s Law School in Caldwell County ^[7]. Justice practiced first in Rutherfordton with his father and, beginning in 1893, with his cousin, James William Pless, in Marion where he served a term as mayor in 1902.

In 1898 Justice was elected to the North Carolina House of Representatives from the Marion District. As a member of the Judiciary Committee, he helped draft the constitutional amendment on suffrage that disfranchised ^[8] illiterate blacks; he also was chairman of the Corporation Committee and a member of the committees on Courts and Judicial Districts, Banks and Currency, Education, and Corporation Claims. During this session Justice began to criticize the Railroad Commission ^[9], citing its failure to protect the state's farmers, wholesalers, retailers, and manufacturers. At the same time, he became aware of the shortcomings of commission personnel as well as the statutory limitations of the commission itself; he urged that its powers be strengthened or that it be eliminated entirely. In the same legislative session, the Railroad Commission was replaced by the Corporation Commission ^[10], which was endowed with broader powers and jurisdiction.

A senator from McDowell County ^[11] in 1902, Justice became a member of the committees on Corporations, Appropriations, Federal Relations, the Judiciary, and the Deaf, Dumb, and Blind Asylums. He was chairman of the Railroads Committee where he became "the acknowledged authority on railroad regulation," equitable taxation on railroad properties, and the rate-making practices in force in North Carolina and neighboring states. Justice believed that the grossly unfair freight rates were mitigating against growth and prosperity for the state. His views were supported and augmented by the work of interest groups for organized political action, especially in Winston-Salem.

After the close of the 1903 session, Justice moved to Greensboro to form a law partnership with Edgar D. Broadhurst II, and to be closer to the center of the newly industrialized Piedmont. Building up a large practice, he represented some of the textile and furniture corporate structures. Because of his experience as president of the Blue Ridge Furniture Manufacturing Company in Marion and his banking interests, he was familiar with the problems facing these and other businesses. He was also active in civic affairs, drafting the charter for the city of Greensboro which incorporated the commission form of government.

In Greensboro he championed liberal causes, including attempts to rectify the unequal competition of state insurers with out-of-state firms and the high freight costs imposed on business and agriculture. Realizing that the solution to these and other problems lay in action by the legislature, he ran for a seat in the house of representatives from Guilford County ^[12] in 1906. After his election he was chosen speaker, from which vantage point he introduced much needed legislation, debated his bills on the floor, and often urged support in the senate. The house in 1907 has been described as the most progressive ^[13] body in the state during the Progressive Era.

Perhaps his greatest triumph in the 1907 session of the legislature was as the seasoned and skillful chairman of the joint legislative committee hearings at which railroad presidents and executives were summoned to testify on rate legislation and other matters. "With threats of subpoenas when necessary," Justice demanded information on rate discrimination; on money paid to newspapers, lobbyists, and executives for influence; and on the detailed earnings of the railroads. His forceful leadership and the widespread newspaper coverage of his work resulted in support for his efforts and the "perception of his goals as right and just." His achievements also "marked an end to the power of the railroad lobby in the state." Federal court injunctions and decisions forced the state to compromise on rate schedules. The onerous task of defending the state's actions before the higher courts, as well as the Interstate Commerce Commission, fell on Justice, who did so with some success.

Many other programs authorized in the 1907 session were held up by conservative forces in the government and in the state. Progressive leadership did not gain strength until about five years later under the impetus of Woodrow Wilson's candidacy for the presidency on the New Freedom platform. Justice was an early supporter of Wilson, later becoming his state campaign manager and delegate-at-large to the nominating convention.

Justice was returned to the house for the 1913 term, when stronger antitrust and antilobby legislation was enacted and further reductions in the freight rates were negotiated by his committee. But he failed in his efforts to pass needed child labor laws, electoral reforms, and the provision of initiative, referendum, and recall legislation.

Late in 1913 President Wilson appointed Justice special assistant to the U.S. attorney general for the investigation of oil and land leases in California, Oregon, and Wyoming. Some of the corruption uncovered is said to have been reflected in the Teapot Dome scandal ^[14] of the 1920s. Justice represented the U.S. Department of Justice in seeking to set aside the leases, prosecuting the Southern Pacific Railroad and allied oil companies, and recovering huge settlements in what may have been one of the biggest lawsuits in history to recover government property. He won every case brought to trial, settling other cases without the expense of a trial when defending companies offered favorable compromises after they were overwhelmed by the mass of his incriminating evidence. If he had lived to finish the investigation, his successes would have continued according to his associates in the Justice Department. Newspaper reports described him as the most able lawyer in the department.

Justice and his family moved to California and established a home in San Francisco, but he retained his partnership with Edgar Broadhurst in Greensboro. Justice died unexpectedly at the height of his national career. His death left unfinished his work in the West and unfulfilled the extension of his earlier successes in his home state.

His first wife, Lila Cutler ^[15] of Wilmington, died leaving five daughters; Justice then married her sister, Lula Louisa, by whom he had two children. He was survived by his second wife and seven children: Marianna, Lila, Pauline, Margaret, Martha, Louisa, and Edwin J., Jr. Justice was buried in Berkeley, Calif.

In many newspaper accounts, public documents, and scholarly analyses of his work, his first name is often given as Edward rather than Edwin due to some early confusion. His son was named Edwin, Jr., evidently his preference.

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LINKS

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