

**CENTER FOR FLORIDA HISTORY
ORAL HISTORY PROGRAM**

INTERVIEW WITH: NELSON BAILEY
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P1001 ET EMC P

N: Other than the maid we had at the house, no. That was the old south days. It was different. And then the Civil Rights Movement got rolling in the sixties when I was in college at Florida State University in Tallahassee. Also, the Vietnam War protests blossomed while I was in law school at Florida State University. I was in the charter class, the first class they had there when they started the law school.

L: Okay, and when you were young, who were some of the oldest people that you grew up around? Neighbors, relatives?

N: Yeah. There were two sisters that lived in a house in Tavares. The Burleigh sisters. One of them

thousand people. It's now one of the black churches in the United Church of Christ. I thought he was a bit egotistical and in some ways racist. He later proved that when he almost cost Barack Obama the national election; his name was Jeremiah Wright. The United Church of Christ has been very intimately involved in Civil Rights issues, justice issues.

L: Okay. Wow. So, who did you admire most when you were growing up?

N: My father. Simple, plain, hardworking man. A beekeeper, commercial honey producer his whole adult life. Which is very fortunate for me because as a child, I would travel with him. We didn't own land, but he had his bee yards, places where you locate your bee hives, on citrus groves, ranches, farms all over central Florida from coast to coast. He also had beehives on Cape Canaveral – which I guess they now call Cape Kennedy. I can remember one time working bees with him out there in the woods on the Cape and there was some guy working cattle some distance from us and I saw him pull up with his pickup truck with his horse standing in the back of the pickup truck, not in the trailer. Gets off, works the cows, has the horse jump back in the back of the pickup truck – he had wooden sides on it – and drive off. The same time watching a rocket go off over his face.

L: So is that why you all moved from Ohio to Florida? Was for the –

N: Was for the – When I was born, my dad was doing honey production in both Florida and Ohio, seasonal. You know, the weather kind of closes down Ohio. And my mom stayed in Ohio and I was born up there. And we were in both states until I was about six years old and then we permanently moved down here, to Tavares, Florida.

L: Alright. And can you tell me a little bit about your mother?

N: Not a whole lot. Well her last name was Kirkpatrick, which you would assume that she was Irish. But when she died – I mean her mother died – my mother got all the paperwork and she discovered that he father had died like two years before she was born, so that raised some issues.

L: Yeah

N: And she had no living [relatives] – her mother died in '46 when I was three years old. That's where we inherited the house in the German village there and lived in it for a while, until I was six. But she had no living relatives that she knew of. So that side of the family is kind of blank. But everything was pretty much oriented around my father's family, up in northeast Ohio.

L: And did you ever hear stories about how your mother and father met?

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L: Were you an only child? Or did you have any siblings?

N: I had two younger brothers. Have two younger brothers.

L: What were some of your best and worst memories growing up?

N: I don't know. I'd have to mull that one over overnight to come up with an answer, I think. I enjoyed growing up in Florida, I enjoyed – my dad's been exploring a lot of backcountry Florida, the people of backcountry Florida. That's probably what got me interested. We always wanted to have horses, my wife and I after we were married. We met at – as a matter of fact, it was at a Christmas season church conference we went to where we met. Both grew up in the Congregational Church and we've been married now forty-six years and known each other longer than that. And I started out – graduated from law school, I started out in Florida Department of Agriculture in Tallahassee for about nine months, and then there was an opening in the Florida Attorney General's office. So I went to that in Tallahassee, criminal law division. Basically, handled criminal appeals and any other matters where the state was responding in a criminal case witness in a state or federal court. I worked in the Attorney General's office about four years and having done undergraduate for four years and law school for three years and Department of Agriculture and Attorney General's office for a couple years in Tallahassee, I thought that I'd had enough of Tallahassee. And I made what probably was the mistake of my life, I decided I'd transfer out of Tallahassee. There was an opening in the branch office of the Attorney General's in West Palm Beach and in 1971 I came to West Palm Beach. In 1972, I left the Attorney General's office and went into private practice. There was a black lawyer [Randall Brown] who was in the public defender's office and we were, you know butting heads and writing briefs, literary contest and arguing in court against each other. We developed a great deal of respect for each other and he left the public defender's office about the same time I left the Attorney General's office and we decided to become 50/50 law partners. We flipped a coin for the name of the firm, would it be Brown and Bailey or Bailey and Brown? I won the coin toss and it was Bailey & Brown. And we found out when the newspaper showed up as soon as we opened the office, we found out that we were the first 50/50 black/white law partnership in the history of the state of Florida. It was a different time. Some of the big law firms were beginning to think about bringing in black associates, but they watched us like hawks, real close, before they finally broke that barrier in West Palm Beach. But we did a criminal defense practice, strictly criminal cases. And Randall and I had a lot of fun. There was a story I tell about the first case Randall has. This is the storyteller's version, it's not accurate history. Randall loved it when I told this story. In those days when you went into private practice after leaving attorney general, state attorney's office, attorney general's office, public defenders, probably anything else, if you wanted to do criminal cases, you'd go introduce yourself to all the judges in the county and let them know that you were available for court appointed cases. And all of them would send you a court appointed case right away and it would help you get started, pay your bills, you know? And so we did that, we went around, introduced ourselves to all the judges – that we were in private practice now. And so then we sat in the office and waited for that first letter to come. Eventually you'll get a letter that'll say, you know, the state of Florida versus Joe

Blow or whatever and it'll tell you that he'd been charged with burglary, robbery, or whatever and give you a court date. That's all the information you got, you didn't get what the case was about. The first letter came and it was addressed to Randall Brown, my law partner, who was black and he opened it and he looked at it and said 'Nelson, you're going to handle this case.' I said 'No I'm not, you're the one that's appointed besides, all you have is the name of the defender and what the charge is, how would you know you don't want to do the case?' He said 'Yeah, but the name of the defender is Bubba Ray Smith and the charge is stealing a horse.' I said 'No Randall, you got to handle it.' Needless to say, in those days – that would have been what? '72, '73 – Bubba Ray Smith was not at all happy about having a black lawyer but he had no choice in the matter.

N: I don't know. I'd probably end up involved in state politics. When I left, I was in the Attorney General's office and I was the – one of my assignments was the governor's extradition lawyer – or pardons lawyer. Basic to the beginning officer when they put somebody in prison were asking for a pardon, out of prison were asking for a pardon. And then I handled extradition matters for either sending people to another state or just doing the paperwork that goes to the governor's office on a warrant out of state

N: Do you remember it pretty vividly?

L: Yeah.

N: Remember when they sold the baby birds in Palm Beach? Yeah. I'll miss Patrick. He was a good friend and a great inspiration – between him and Judge Platt – those are the two people that most inspired me and my interest in Florida History. After that first cross

whatever year it was and they were in the 19-whatever year it was. And then that scout leader and I—and I'm sitting on my horse the whole time—we have a conversation trying to figure things out so we could finally figure out what was wrong because I'm looking through a herd of cattle and these guys are camping a hundred years later. And then I did my presentation to the kids from that time period so anything that was more recent history, I didn't know about it. I also didn't understand these uniforms these kids were wearing—ask them about them, thought it was some military thing or something, you know? It worked like magic and – shoot – for years since and just not long ago, a few months back, I was in the Publix grocery store and some guy who looked to me to be middle-aged walks up and he's one of the kids, you know they all remember it. And that was a special one. I've had several really

was a baby somebody said “that baby is solemn as a judge” and the name stuck for the rest of his life. But that story and I like telling the story of the beginning of Florida just as a reminder to people, you know? I mean it really irritates the hell out of me if people move here from New York, New Jersey, Michigan, Ohio, Puerto Rico, Cuba, anywhere else and then they say that Florida has no history, you know, everything’s new around here. What the hell are you talking about? I ask them if they know the oldest town in America is and most everybody knows it’s St. Augustine. And I point out to them that was established or settled 1565 and it’s been occupied as a city every day since. And Ponce de Leon brought horses and cows to Florida in 1521 and we’ve had them every day since. The Spanish descent horses and now the Florida Cracker cow and Florida Cracker horses. By gene testing—are the ways to—the descendents of that original Spanish stock in Florida. I’ve had both record cattle and record horses. But I point out to them, you realize that’s the century before the Jamestown colony was established in 1607 and the pilgrims landed in 1620. When they landed we had Pensacola, we had St. Augustine, we had men and women on horseback raising open range cattle, we had the American cowboy alive and performing right here in Florida when the pilgrims landed. Of course our American cowboys spoke Spanish because this was Spanish Florida. In my presentations, I emphasize that we were Spanish before any other state, longer than

so all of us were driving down the road with our lights out the windows, the side windows all of us flashlights shining.

L: And you said that the first year there were about a hundred people?

N: Yeah.

L: How has it expanded since then?

N: I couldn't even tell you. I'd guess they've got a couple hundred or more on it now. I don't know what they've got. It's a big crowd. I don't do the ride any more but I usually get invited to do my history presentation the first night of the ride at one of the big ranches up there on the other side of the state – Duck Smith's ranch or Carlton Ranch, I don't remember what they call it, everybody calls it the Carlton Ranch. But what was the question? How has it changed? Yeah. It's changed the same way Florida has changed. If you are here to the way of life it's not a good thing. If you're here to make money it's wonderful. But we're here for life not the money. You go to it and it looks like more than half the people have big motor homes and they don't all eat together like we used to, they have the food but they got their own kitchens, they got their own satellite dishes and they're sitting there watching television thinking that they're experiencing the real Florida. And they don't socialize as much on the ride because at night they aren't compelled to be there together

