Walter Bailey Junior is a local attorney who was a college athlete in the early 1960s during the time of the student sit-ins. His participation in these sit-ins led to repercussions from the school he attended. After graduation he attended law school and became an attorney that advocated for civil rights, taking the *Tennessee v. Gardner* case all the way to the Supreme Court. He also briefly served as Dr. Martin Luther King Jr.'s attorney in Memphis and turned over the injunctions that prevented marches from taking place during the sanitation strike.

Joshua: On behalf of the Crossroads to Freedom Project, we'd just like to thank you for taking time out of your schedule to come interview with us. And I guess we'll just start by asking you some questions about your background, so -

Tiffani: Please state your name for the record.

Walter Bailey: My name is Walter Bailey, Junior.

Tiffani: Where were you born and raised?

Walter Bailey: Here in Memphis.

Tiffani: What is your occupation?

Walter Bailey: I'm a practicing attorney and a former member of the Shelby County Commission.

Tiffani: Okay. Now I'm gonna ask you some questions about your background. Who are your parents?

Walter Bailey: My mother is Ruella Bailey, who's in her early eighties and my father, Walter Bailey Senior, is deceased.

Tiffani: What were their occupations?

Walter Bailey: Well, my father was a Pullman porter for the North Central Railroad, which is now known as Amtrak. And my mother was a nurse, a practical nurse.

Tiffani: Can you describe what they were like?

[1:00]

Walter Bailey: Oh, they were wonderful people. And very close to me and very close to my brother, to the both of us.

Tiffani: How many siblings did you have in all?

Walter Bailey: Just one brother.

Tiffani: Okay. What was your home life like?

Walter Bailey: It was, with parents who were very much motivators and concerned about the future and the maturity and development of their children. And they did a good job with us, they hung in there and kept us on the right path.

Tiffani: What kind of activities were you involved in?

Walter Bailey: I was a football player and played varsity football for my high school in the ninth grade.

[2:00] And then I went on to college on a football scholarship at Southern University and played ball at, football, at Southern University for four years on a full scholarship.

Tiffani: What college did you attend again?

Walter Bailey: Southern University in Baton Rouge, Louisiana.

Tiffani: I'm gonna backtrack, what high school?

Walter Bailey: Booker T. Washington High School here in Memphis.

Tiffani: Did religion play a huge role in your life?

Walter Bailey: I wouldn't say so, not formal religion, my parents were, of course, more religious than I, more involved with the church than I.

Tiffani: And how did that affect you as an individual?

Walter Bailey: Oh, I don't, I think they had a sense of moral righteousness about 'em and what was, a value system of conduct, proper conduct

[3:00] in terms of how they went on to conduct and behave. And that meant more to me than their, than their involvement in religion. I mean, there was a moral code that permeated in our family and they, a sense of ethics. And we were more steeped in that than we were religious beliefs.

Joshua: And what did that sense of ethics include? What type of things did your parents, I guess, tell you to do or not to do?

Walter Bailey: Fundamental fairness and how to treat your fellow man and how to be honest, how to have integrity and how to stay out of trouble, not run with the wrong crowd.

Tiffani: Who were your role models during that time period? Or someone that inspired you?

Walter Bailey: Well, being an athlete,

[4:00] I was very much persuaded, I should say impressed and looked upon mentors who were my coaches, in addition to my father, of course. But my coaches and I might also take, backtrack and say my grandfather was very influential in my life, very influential. I can't overstate that.

Joshua: How was he influential?

Walter Bailey: He was very close to my father and mother and we lived within doors of each other as I was coming up. My father and grandfather lived, I mean, in fact, my grandfather built the home that we ultimately~~all~~ were reared in. And he had, he wasn't educated, but he

[5:00] was a, he had a skill. He was a carpenter and a construction person who did repair, home repair work, home improvement work.

Joshua: Mm-hmm, okay. So what, can you just tell us what neighborhood you grew up in? I know you mentioned you went to Booker T, but what neighborhood did you grow up in?

Walter Bailey: We grew up in, around Mississippi and Walker, which is in south Memphis, around, it's, well I would say within maybe a couple of miles of the high school -

Joshua: Okay.

Walter Bailey: - And elementary school we attended.

Joshua: And how was it, growing up in south Memphis when you were coming up?

Walter Bailey: Our neighborhood was a rather rough neighborhood. We lived near the Leman Garden Projects and you had, when we were coming up, there were a migration

[6:00] of a number of blacks from Mississippi and other rural surrounding areas to come where they could get, seeking jobs in industries such as International Harvesting, Firestone, that were quite prominent then. Now, of course, they closed down.

Joshua: Okay.

Walter Bailey: And Memphis Furniture Factory, I should say, that was very close.

Video Cut 1: 00:06:29:14

Joshua: Do you have any, I guess, memories of segregation, growing up in south Memphis?

Walter Bailey: Oh, absolutely. Never will forget a comment by my mother, who lamented having to ride the bus because we were, public transportation, because we had to sit in the back of the bus and my mother remarked that she got tired of looking

[7:00] at those rednecks of white people.

And, of course, we weren't allowed to mingle with whites at public events, we had even the publicly, government sponsored facilities such as the Memphis Zoo and other public sponsored areas, government sponsored events, were segregated. And blacks could go, could only attend the zoo one day out of the week, where whites had six days.

Joshua: Mm-hmm.

Walter Bailey: We were relegated to living in a segregated neighborhood, of course. We, there were, of course, rigidly discriminatory housing patterns and the schools

[8:00] were fiercely segregated. Blacks couldn't obtain jobs that were, with dignity and based on skill level, we had to – it wasn't fashionable for blacks to be employed in, or to have opportunities to work in businesses except where we were dockhands, that is working, doing the menial work. But we couldn't do any of the white collar work in business enterprise. They just wouldn't have it because of the awful patterns and policies of racial discrimination.

And I might also add that the police brutality was fierce.

[9:00] In fact, we saw policemen in the neighborhood, it was like, "Did they move in to occupy?" Not looking upon police officers as friends or a form of security, we looked upon them more or less as people who were there to represent the interest of whites in terms of keeping us in our place.

Tiffani: Growing up in a household that was so huge on ethics and morals, how did your mother explain this to you, like, what was your understanding of what was happening around you?

Walter Bailey: Well, they, my parents were relegated to accepting segregation as a code of conduct. They had no choice. And until, quite frankly, until the student uprising in the, during the sixties, and,

[10:00] pertaining to the peaceful and non-violent discrimination efforts, there weren't any movement for change. It took the radical involvement of the student movement to trigger all of the benefits that we receive now.

And I might hasten to add that, and of course, involved in the civil rights movement were, we had ministers and, here in our own city and in other cities that found themselves involved, providing comfort and leadership to the student movement. But, and then, of course, we, coupled with that, there were

[11:00] court battles that were being waged in terms of efforts by lawyers to dismantle the segregated barriers that had been instituted to keep us in our place.

Joshua: And when did you, I guess, first become aware of the civil rights movement? You mentioned the student movements, were you personally involved? Or what was going on in your life during that time?

Walter Bailey: When I left here in 1958, going down to Baton Rouge, Louisiana, to college, I grumbled about the barriers of segregation but, there was no active movement afoot that challenged those barriers. And after being in, around 1960, when the Sstudent

[12:00] Non-violent Ceoordinating Ceommittee, and Southern Christian Leadership Conference, which was spearheaded by Dr. King and Reverend Abernathy, and John Lewis, as an example, too, from Atlanta United Congress. Until those individuals took it upon themselves to give some thrust in terms of getting out there in the streets and going into public facilities and demanding service, we weren't, there were no activities afloat. And those efforts, those efforts triggered the whole civil rights movement in the sixties. And ultimately, they spread and –

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[13:00] like wildfire, moving from places like Alabama, Mississippi, Louisiana, and even northwardly, where segregation had also took its toll on black folks.

Video Cut 2: 00:13:21:03

Joshua: Was there a marked difference between, I guess, had you experienced the climate before the 1960s in Memphis, compared to how it was in Louisiana when you went to school there?

Walter Bailey: They were about the same. They all, there was government sanctioned segregation, and consequently, throughout the south, there were – I mean, segregation in all facilities including hotels, restaurants, schools, and just lifestyle

[14:00] generally, jobs, employment, and so, I mean, if you're crossing a state's border didn't mean that you would see any change at all because they all implemented segregation in the same way. They all adhered to the rigid discriminatory policies to keep blacks, to keep us in our place until the explosion of the sixties.

Joshua: Okay, so you were in college late fifties, early sixties. Were there any students getting involved in any type of way at that time, around you?

Walter Bailey: Yeah, when the movement ignited, when students started traveling across the south in buses to integrate public facilities, their spirit became contagious. And infused other students throughout the south

[15:00] and quite frankly, the college campuses were the, I should say the setting that ignited and planted the seed to challenge racial discrimination throughout the country. One might say we didn't get the leadership from the middle class, from the black middle class professionals, except as I indicated, some of the lawyers got involved. But in terms of any direct action, it was the students, primarily.

Joshua: Okay.

Walter Bailey: And, of course, some ministers like Dr. King and Abernathy, Dr. Abernathy, and Reverend Andy Young and others.

Joshua: Were you personally involved in any of the organizations that arose during the civil rights movement?

Walter Bailey: I was

[16:00] directly involved in the protest movement down in Baton Rouge, Louisiana, where we went downtown to the lunch counters, to sit in, and demanded service.

Joshua: And what year was that?

Walter Bailey: That was in '60.

Joshua: 1960, okay.

Joshua: Okay. And can you explain a bit? How was that?

Walter Bailey: It was a, we had other confrontations with the law enforcement authorities. They, we marched all the way from campus to downtown, which was about, I would say musta been at least five miles.

Walter Bailey: And the, it didn't set well with the white authorities. You had no black cops, keep in mind, so they were all white law enforcement officers. The same here, we didn't have any black law enforcement officers until the late fifties.

[17:00] So consequently, there was friction and tension, unimaginable. You had the police who were set on keeping the code of segregation in place on behalf of the counties and cities and for whom they were employed, and you had the students who were determined to effectuate change. So there was a natural logger head in tension.

Walter Bailey: And people got hurt, students got hurt. Now, there were other people who demonstrated out by there, there were non-students, you had the student movement brought such a sense of awareness to the black population in general, until it, by very, by the very

[18:00] natural process, it infused and encouraged other blacks, such as black labor movements, as an example, to get involved, which they did.

Video Cut 3: 00:18:17:21

Joshua: Did you personally have any apprehensions about getting involved in the city?

Walter Bailey: Well, I had, I never had an apprehension, I, you, one couldn't help from wondering, "Well, I'm on scholarship and if I go down there and protest, my coach may not like it, I'm thrown out of school

and I lose the scholarship, and I get thrown out the college." Which I did.

Joshua: Really?

Walter Bailey: Yeah.

Joshua: Wow.

Walter Bailey: And my brother got expelled. I got thrown out but they brought me back because I was such an outstanding athlete.

[19:00] And the coach went to bat for me, he said, "No, I want Walter Bailey back." And, because he was thinking about trying to get a national championship team and he didn't want his players disrupted. So he was responsible for my re-entry after being thrown out. And they put me off campus because they didn't want me back on campus, so I had to live out at the private residence and the coach didn't like that either.

He said, "No, I don't want my athletes off campus." So he brought me back on campus. So their solution to having it both ways, to have me back on campus so I could play football and make outstanding plays for the coach having a national, building a national championship team, and the admin – school administration's desire, the president and the administration's desire

[20:00] to not have students exposed to agitators, as they referred to us, was to put me over in the dormitory with law students. And that's how I got inspired to go to law school, living among the law students.

Joshua: Wow.

Walter Bailey: I hadn't the faintest notion about ~~by~~ going to law school. So, I got, so they brought me back on campus and required me to live among the law students, figuring that I couldn't be of any influence on law students.

Joshua: I guess they were an influence on you.

Walter Bailey: Yeah, they were a tremendous influence on me.

Joshua: So, were you and your brother, were you expelled at the same time? So about the same –

Walter Bailey: We were expelled at the same time, in fact, they closed down the entire university, Southern University in Baton Rouge, but, and

[21:00] when they closed it down, everybody had to re-register with the process, and there were eight who weren't allowed to re-register, and my brother was one of the eight. But fortunately for him, he got a scholarship to Clark University because of his involvement, in Massachusetts, and went on from there to go to Yale Law School and become all the way through his judicial career to where he is now, as a judge.

Tiffani: Did that experience keep you from participating in others, or other involvements like sit-ins? Did that experience keep you from being more involved in other activities that were happening during that time period?

Walter Bailey: There weren't any other activities of which I was, gave any particular attention, except the students, I mean, except the demonstrations and the protests, to push for voter registration, that was big too.

Joshua: How were you involved in it?

Walter Bailey: Well,

[22:00] soon as I got out of law school, came back to Memphis, I was asked to head up an effort throughout west Tennessee, regarding voter registration, which I did. So, I did that and, not, and in addition, I also, when I became a lawyer, I was involved in, I immediately got involved in the school desegregation cases in Memphis and Shelby County. And I single-handedly, almost, well, ain't no almost to it, I did, well, it is almost 'cuz there's a couple of lawyers who were involved in, along with me, we were involved in changing the police practice

[23:00] which was discriminatory and race-based, where if, when they would shoot unarmed blacks, primarily, if they ran from crime scenes, after having been suspected of committing a felony.

And the felony didn't have to be a major felony, like murder or kidnapping or rape, it could have been anything from purse snatching to ordinary shoplifting, if the value was over $500.

And so I thought that was a grave injustice, and I personally got involved in that effort, to, I mean, that was a, not only did I get

involved, but it was a mission of mine to change the law in that regard.

Joshua: Mm-hmm.

[24:00] And I took on several cases that ended up being trailblazing cases that set the, that changed the policies for police departments all over the country, for law enforcement agencies all over the country. This, I took a case where a young kid was 15 years old, got shot in the back of the head and left draped across the cyclone fence, running from a theft. Police told him, shot, to stop and he didn't, and they shot him. Well that was the practice then.

And as I said, I mean, this was something that was widespread, where one month, I recall, nine black kids got killed, not only black youths, I'm sorry, it wasn't just black youths, but nine blacks got shot in one given month by the Memphis Police Department. So I took this case where this youngster

[25:00] had committed this attempted burglary of a house and fled when the police drove up. I took that case all the way to the United States Supreme Court. I had waged other battles and other cases similar, but this is the first time that I got all the way up to the United States Supreme Court with a case of this sort and the United States, in the landmark case of Tennessee versus Garner, rendered the decision that you gotta stop but you can't do it is unconstitutional.

Tiffani: About what time period was this?

Walter Bailey: This was in, I think it was in '71, when this appeared, the early seventies when young Garner was shot. And the United States Supreme Court rendered the decision in 1985.

Video Cut 4: 00:25:51:22

Joshua: And did you face any opposition in taking these cases, I guess, from co-workers, family –

[26:00] Oh, no, no, no, everybody's quite proud. I mean, this was, everybody, in fact, on the contrary, I got nothing but accolades and the best of wishes and encouragement.

Joshua: Okay. I guess, going back a little, did you have any role models that sort of influenced your ideology, especially during the civil rights movement, like whose ideas did you embrace?

Walter Bailey: Well, Dr. King and Thurgood Marshall, who was the first black appointed to the United States Supreme Court, and in fact, I heard Thurgood Marshall speak at the law school.

Joshua: Really?

Walter Bailey: And I was so impressed after I head him, that, turned on, I should say,

[27:00] that I was really inspired to roll up my shirt sleeves and go out and take care of business.

Joshua: What did he talk about?

Walter Bailey: It was more of an inspirational speech, but boy, he was a dynamic speaker, almost like yesterday when I saw him.

Joshua: So he influenced your current, I guess, legal –

Walter Bailey: Oh, yes, very much so. And there are some lawyers out in New Orleans who came up and helped us fight the court battles in our city and efforts in Baton Rouge. And I was very persuaded by them too, as well.

Joshua: Was there a certain organization or were these just –

Walter Bailey: No, they were individual lawyers who were committed to social change. Most black lawyers in southern towns, let me point out to you, were in few numbers.

[28:00] There weren't, and consequently, they had a sense of commitment and they volunteered their services and got involved. And helped to pave the challenge and the legal obstacles for the demonstrators and against institutional racism, and in fact, as it turns out, I ended up representing Dr. King when he was here and shot.

Joshua: Really?

Walter Bailey: Yeah. The way that happened is after Dr. King got involved in the, came here to assist the sanitation workers to, the American Federation of State, County, Municipal Employees union, in their quest to be recognized by the City

[29:00] of Memphis as a union, there were demonstrations by the sanitation workers, led by them and community people, and at the demonstration which King participated, there were episodes of

vandalism that broke out against businesses downtown, where the demonstrations occurred.

And the City of Memphis got an injunction to, for the courts, federal district court to join the march, any further marches. So that's where I came in. I got contacted, by the, by a legal group out of New York, NAACP Legal Defense Fund, to quickly weigh in and,

[30:00] as Dr. King's lawyer, and represent him in the injunction battle, to get the injunction lifted so the marches could resume. And so I, along with some other lawyers, got pulled into it as well, were the counsels for Dr. King.

Joshua: And what other lawyers did you work with?

Walter Bailey: I worked with some lawyers out of the law firm of Birchport and Johnston. One of the lawyers ended up as, out of that group, there were about five of us and, six of us, and one of the lawyers in that group ended up as the Attorney General for state of Tennessee, and when I was up in, ironically, when I was up in the United States Supreme Court, he was there with me on that Tennessee versus Garner case.

[31:00] And he came over and remarked to me, he said, Walter, I, he says, ironically, we're on the opposite side, but you know where my heart is. In other words, he didn't believe in the law but he was there to do his duty and oppose our efforts to nullify it.

Video Cut 5: 00:31:21:24

Joshua: You've done a lot with your career and it's very inspirational, but do you feel that much has changed from, you know, the, I guess the strong part of the movement during the sixties and seventies, to now?

Walter Bailey: Oh yes. I mean, the whole country has changed dramatically. When you talk about, when you talk about removing official discriminatory barriers that were imposed by government and freeing

[32:00] individuals to pursue his or her own destiny without racial barriers, being sanctioned by government, that's a very dramatic change.

Walter Bailey: It's a revolutionary change. So, and of course, as a result of all of our demonstrations and, in the streets, and the, with such activities

as, even such as the march on Washington by Dr. King, where he gave his speech regarding, "I have a dream," and his speech that he gave here in Memphis, Congress stepped in and did its job and passed national legislation outlawing segregation, all the way from

[33:00] any form of discrimination that was race-based, which was inclusive of not only public transportation, but inter-racial marriages, even, which was taboo until Congress stepped in. The right to marry is a personal choice, or to hold a job of choice.

Tiffani: Do you feel like we have a long way to go or is there something else that needs to be changed at this time period?

Walter Bailey: Well, what I see now is more, in terms of racial barriers, is, of course, unofficial efforts. And I'm not so sure that it's as much race-based now as, well, it is race-based, but it also is culture

[34:00] based in terms of discrimination, which is something that I'm not so sure you can ever eradicate in terms of one's culture beliefs. I mean, some of it changes, but that's not to say everybody's culture belief changes. It doesn't.

Tiffani: What advice would you give those today, who are growing up during these times? What would you tell them, to encourage them to keep going?

Walter Bailey: I would encourage youths of today to be committed, be aware, and obtain all of the knowledge and information and education that you can. Because let's face it, when, that's one of the things that turned the students on in the sixties, is

[35:00] their exposure to a literate environment. And being able, being educated, and understanding, we were getting educated, and being taught about political rights and that sort, constitutional privileges and rights, and then all of a sudden, students say, "Well, wait a minute now, I don't see this happening around here. We need to go out here and change it and make it happen. This isn't right." So education brings you out of the dark ages.

Walter Bailey: It enlightens the mind and it makes, an education makes people, makes students and everybody else, puts them in a position where when they see injustices, they are inspired to challenge those injustices. And that's, there's a lot to be said for that,

[36:00] getting yourself well educated, as much as you can, and becoming aware, and having that inner sense of yourself that, I wanna do what I can to make this a better place to live in, make this a better

world. And I'm gonna – I believe in man's humanity to man, and not man's inhumanity to man. I believe in justice for all and I'm gonna make myself, as a committee of one, to fight for the rights and opportunities ~~and rights~~ of everybody, not just myself, a hand picked few.

Tiffani: On behalf of the Crossroads to Freedom Project, we would like to again thank you for taking this time out of your busy schedule to interview with us.

Walter Bailey: Very well, I thoroughly enjoyed it and looked upon this as a wonderful opportunity to share my thoughts and

[37:00] ideas with others.

Joshua: Okay. Thank you.

Tiffani: Thank you.