Bryan Simpson

Remarks of Bryan Simpson, Jr.

Son of Above at the

Naming Ceremony of the

Bryan Simpson

United States Courthouse

Jacksonville, Florida

On August 11, 2008.

Judge Tjoflat, Judge Edmondson, Judge Hill, other distinguished judges, Congresswoman Brown, Congressman Crenshaw, Rev. McCarty, federal and state officials, ladies and gentlemen.

It is a great privilege and honor to be able to speak to you on this occasion, and gratefully acknowledge for the members of the family of my distinguished father, Bryan Simpson, your gracious tribute to his memory today. For each of us here and the many others who could not be here today, I thank you sincerely.

Also, may I be permitted to especially thank Congresswoman Corrine Brown, in whose District this beautiful courthouse is located, for her decision to introduce the Bill in Congress naming this building "The Bryan

Simpson United States Courthouse", pursuant to the recommendation of the Naming Committee she appointed.

I would like to thank Congressman Ander Crenshaw for shepherding the bill through the Republican side of the House of Representatives.

Thanks also to the many colleagues, attorneys and friends of my father who actively supported this naming. Many of you are here today.

Pat Watters writes in <u>The South and the Nation</u>, his 1969 book on the civil rights era, "Judge Simpson, reportedly, was no ardent integrationist; apparently, he acted out of a high regard for justice. His court order to protect the marchers was the only one of its kind ever propounded and actually carried through despite thousands of unconstitutional violations which occurred up and down the South from 1960

to 1965. …an even more important point would seem to be the rarity of Judge Simpson's vision—that not merely the maintenance of law and but the protection of constitutional rights is the duty of society."

In the late 50's and early 60's, civil rights suits were based on denial of constitutional rights and discriminatory treatment of black citizens. As a practical matter, U.S. district judges were the most immediate interpreters and enforcers of federal law. How these judges responded to the facts and law before them would go a long way to determine the pace of change across our Nation. Too often the answer was delay, ignore a ruling precedent, delay, call for a rehearing, delay, misinterpret an opinion, delay. This was not my father's way.

In the book Southern Justice, the author Leonard Friedman, after lengthy discussion of my father's reluctant brethren states, "there was one district court judge who excelled all others in his speed in enforcing the law and in his willingness to embark on new legal territory to protect Negro rights. He is Judge Bryan Simpson, Chief Judge of the United States Court for the Middle District of Florida."

He goes on…and I think my father liked this passage, "Judge Simpson is a handsome, aristocratic, white-haired southern gentleman, with a personal charm and friendliness that never interferes with his decisiveness and quick intellect in the courtroom. A descendant of an old and wealthy Florida family…." Here, in my father's copy of the book, the adjective "wealthy" was underlined with his handwritten words in the margin, "an exceedingly well-kept secret. News

to me. BS" Genteel poverty was how my father described his upbringing.

Friedman continues, "he attended Florida schools and worked as a Jacksonville lawyer. A state court judge since 1938, President Harry Truman appointed him to the U.S. District Court in 1950. The bar knew him as an experienced, competent, hard-working judge, seldom reversed by the court of appeals."

The St. Augustine civil rights cases, involving Martin Luther King, Andrew Young, Mrs. Peabody, the governor of Massachusetts' mother, and many, many others, arose from the decision by the SCLC in the spring of 1964 to integrate the oldest permanent settlement in the United States, a symbolic effort. Dr. King, Young and others led local blacks to sit-ins, and later, in protest marches each evening. Sheriff

O.B. Davis failed to protect them, in fact deputizing KKK members as "special deputies" with predictable outcome. Local and visiting white toughs attacked them with axe handles and chains, and the Sheriff arrested the marchers. Black bathers on the beach were met with police dogs and muriatic acid thrown in motel pools to drive out protesting swimmers. Among other things, my father threatened to hold Governor Bryant in contempt of court and put him in jail if the State failed to protect the marcher's in the exercise of constitutionally guaranteed rights. Gov. Bryant acquiesced and sent in the Florida Highway Patrol to protect the marchers. These cases thrust my father to the center of a national stage. While there were numerous other desegregation cases decided by him, without the St. Augustine civil rights cases, his legacy would be great but perhaps not honored by the naming of this building for him.

Let me discuss what shaped him, and what perhaps prepared him to respond so differently than most Southern judges.

As I prepared for this talk, I was staggered by the involvement and commitment of his family to this state. A sense of duty and love of our growing state was obviously impressed upon my father from birth. Too lengthy to detail, I'll share a few highlights with you.

- **Family came to Florida in early 1800's while still under Spanish control.**
- **Both of his grandfathers, after the Civil War in which they fought on opposite sides, served in the Florida House and Senate.**
- **On his grandfather John Milton Bryan's death, by order of Governor Gilchrist and Cabinet, the state flag**

was flown at half mast for 30 days, the only private citizen in the State ever so honored, giving some idea of his impact on the State.

- **Two of my father's uncles, Will and Nathan Bryan, served in the U.S. Senate, a unique distinction at the time.**
- **His Uncle Nathan, together with his 8 siblings having had to go outside the state for college and law school, led the effort to create the 3 original state universities in Florida and the Florida College of Law.**
- **Nathan served on the 5th Circuit Court of Appeals for the final 15 years of his life, the last 6 as its Chief Judge. His portrait hangs in this building named for my father.**

Discussions of issues facing Florida and the nation were regular fare at the dinner table. His people were

courageous, thoughtful citizens who discussed state problems and what they could do about them. A lesson not lost on my father.

His own father, Arthur Simpson, after a long bout with consumption, died shortly after Daddy's 6th birthday.

His mother, Elizabeth Bryan, "Bessie B" to us grandchildren, raised my father, his older sister Louise and younger brother Jack, whose beautiful 100 year old widow, Gere, is with us today, raised them on a math teacher's salary, later a postmistress's pay, and a diet of politics. When I refer to politics, I mean Democratic politics, with a capital "D". My father later was quoted as saying, "I'm a Democrat, by birth, by training and by intense conviction." He meant it.

Bessie B. was as strong as the times were hard, and managed to get her children through college and the two boys through law school. They all excelled in school. My father had a lifelong love of knowledge, literature, history and words. He was a great student of state and national issues. He had strong, well formed opinions, which he articulated clearly.

As a boy growing up in Kissimmee, my father said he had the same prejudices as any of the other kids. Like most rural Southerners, he had close black friends but that didn't cause him to then really question the established order in the South. But he said he was troubled by the night riders who thought they could control people's lives by intimidation and beatings. Six blacks once spent a night in my father's childhood home to escape inflamed vigilantes seeking

revenge after a black man had shot three night riders and fled.

A clue to his later decisions might be found in his feelings for criminal defendants. While on the trial court, he would never take more than a week's vacation at a time. He asked me how I would feel, if charged with a crime I didn't commit, to be sitting in jail for weeks, losing my job, perhaps my family, waiting on a judge to get back to the bench from North Carolina. I can't tell you how much time he spent studying pre-sentence investigation reports, trying to determine who deserved a break in sentencing and who deserved the book.

Later he would tell colleagues on the Appellate bench that he tended to favor the "little guy" against big business interest, because he identified with one, not the other. As a

boy I often heard of the panhandlers that he would help, their names and their circumstances. If I was with him, he introduced me. He treated them all with dignity, which you could tell was worth more than the dollar he gave them. He treated everyone with respect and dignity. There was not an arrogant bone in his body.

In the Andrew Young case out of St. Augustine, for the first time in the history of the United States, my father required a white lawyer, an attorney for the city, to address a young black girl testifying in court as Miss Evans instead of just plain Annie. William Kunstler, Andrew Young's attorney, said that her smile and those of others there lit up the courtroom like the sun that day.

Daddy was a brave man, fearless as far as I could tell. He was a man who married two widows, my mother Sarah

George, with 3 small boys, John, Tim and Joe and after her death, my stepmother Sally, who is here today, with two small children, Eve and Franklin. That's real, in the trenches, front line bravery.

My mother told me the story of a father and his son, both with lengthy criminal records, coming to our house at 11:30 p.m. on the night their son and brother was to be executed at midnight. My father's sentence. Having learned who was there from the upstairs window, mother, fearing for their lives, wanted to call the police. Daddy said no, put on his robe and went downstairs, invited them in where they talked until the sentence was carried out. When he came back upstairs Daddy told her that it was just a grieving father trying to do what he could to save his son.

When he got hate mail, threatening his life, which was often during the late 50's and 60's, he told me he didn't think anyone who was serious about killing him would bother writing a letter. Among many things that impressed me during those times, one stood out. My father and mother never dignified the death threats, ugly and threatening phone calls, the cold shoulder, or worse, from friends, the KKK attempting to burn a cross at our house, with any response, positive or negative. My father was never blackmailed by public opinion. He was truly his own man.

So, nearing conclusion, I would say that he was ideally prepared for his role in history. By heritage, education, temperament, respect for the judiciary and the rule of law, sense of justice and of the dignity of man, all men, and lack of concern for fear or favor, Bryan Simpson was the right man for the job. He was born to be a judge.

William Kunstler concludes his section on St. Augustine in his book, Deep In My Heart , with the following: "A southern judge, Bryan Simpson, determined to follow the law as written, had, with one stroke of his pen, ended an era that had begun centuries before."

This courthouse is well named.

I thank you from the bottom of my heart for your kind attention.